



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.08 p.m. – 6.43 p.m.

Gibraltar, Monday, 20th January 2020

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The Gibraltar Parliament

The Parliament met at 3.08 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 20th January 2020.

Order of Proceedings: (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 16th, 18th, 19th and 20th December 2019.

5

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): I beg to move Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

Order of the Day

BILLS

FIRST AND SECOND READING

European Union (Withdrawal Agreement) Bill 2020 – First Reading approved

15 **Clerk:** A Bill for an Act to implement, and make other provision in connection with, the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for Gibraltar's withdrawal from the EU, and for connected purposes.

The Hon. the Deputy Chief Minister.

20 **Mr Speaker:** Before the Hon. the Deputy Chief Minister moves the First Reading of the Bill, I wish to confirm that I have received a letter from the Hon. the Chief Minister certifying the urgency of the Bill.

25 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that a Bill for an Act to implement, and make other provision in connection with, the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for Gibraltar's withdrawal from the EU, and for connected purposes be read a first time.

30 **Mr Speaker:** I now put the question, which is that a Bill for an Act to implement, and make other provision in connection with, the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for Gibraltar's withdrawal from the EU, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

35

Clerk: The European Union (Withdrawal Agreement) Act 2020.

European Union (Withdrawal Agreement) Bill 2020 – Second Reading approved

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that the European Union (Withdrawal Agreement) Bill 2020 be read a second time.

40 The House will know and the Hon. Mr Speaker has just said that this Bill has been certified urgent by the Chief Minister. The reason for that is obvious. At midnight of next week Gibraltar will leave the European Union together with the United Kingdom. The withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement will be provisionally applied as from that moment.

45 The United Kingdom needs to ensure that it is compliant with the obligations contained in those agreements at the moment of ratification. Therefore they will only ratify or provisionally apply once they are satisfied that all the implementing legislation has been put in place in the different territories to which the agreements extend. Those territories include Gibraltar.

The Government, through the Attorney General, is expected to provide a formal written assurance to the United Kingdom that this legislation is in place in Gibraltar. The timing of that assurance is the reason why we are taking this Bill today.

In introducing the Bill, I want to formally thank the Attorney General Michael Llamas, Parliamentary Counsel Paul Peralta, and their legal team Nadia Sisarello-Parody and Michelle Garcia.

I know the House will join me also in congratulating the Attorney General for the CMG he received from Her Majesty the Queen in the New Year's Honours List. (*Banging on desks*)

The Government's legal team have excelled in their dedication, their expertise and their skills in putting this legislation together, a task that was often complicated by unrealistic deadlines, an absence of information and a lack of clarity from elsewhere. They have done a magnificent job in a truly professional manner.

Mr Speaker, as I said, at the end of the month the UK and Gibraltar will leave the European Union. We will do so under the terms that were agreed to by former Prime Minister Theresa May in November 2018 as amended by the terms agreed by the current Prime Minister, Boris Johnson, in October 2019. This means that although the Bill was published on 13th January, the text of the withdrawal agreement that it seeks to implement has largely been in the public domain for some 14 months.

It is true that in that period there has been considerable uncertainty in the UK as to the direction that Brexit would take. Members will recall that there were several failed attempts to secure the approval of the Westminster Parliament to the withdrawal agreement. At one point this made the prospect of a no-deal Brexit a realistic outcome. The Government prepared Gibraltar for this eventuality as far as possible and within those areas that are in our control: a Brexit information office opened in Main Street last year; a detailed information booklet, entitled *Preparing for a no-deal Brexit*, was distributed all over Gibraltar; a Brexit command structure has been put in place in the public service. Mr Speaker, that structure will remain in existence. Indeed, the Brexit Strategic Group and the Brexit Executive Group both met on Friday. They are both on notice to continue with no-deal planning. There are a number of outcomes as they move forward and we have to be ready for all of them. We can only continue to prepare, obviously, in the areas that are within our power and within our responsibility.

Mr Speaker, hon. Members will know that Prime Minister Johnson secured a majority of 99 in the House of Commons for his version of the withdrawal agreement. This means we are now set to leave with a deal, and that deal includes Gibraltar. It does so by virtue of Article 3 on the territorial scope of the agreement. Here the term 'United Kingdom' is understood as referring to Gibraltar to the extent that Union law was applicable before the entry into force of the agreement. It does so also through a specific Gibraltar Protocol.

The inclusion of Gibraltar was a considerable achievement. The difficult path towards this outcome and the intensity of the negotiations should not be underestimated. This positive outcome was a product of many months of negotiations, many hundreds of meetings and many thousands of hours of sheer hard work; and it is important to make the point also that the negotiations for Gibraltar were conducted by Gibraltar. The signature of the United Kingdom represents its position as a member state departing the European Union and as a state responsible for our international relations. This was made clear at the time and spelt out in the concordat between the two governments.

Mr Speaker, those Members of the House who served on the Brexit Select Committee during the last Parliament were made aware of the ups and downs of those negotiations. In over 20 briefings the Opposition were given the detail of the wider UK-EU negotiating picture. The Opposition were informed of the state of play of the negotiations as they referred specifically to Gibraltar. They were told about the strategy of the Government in relation to unfolding events and also in relation to the longer term. They were given both a flavour of the personalities involved and a chronological rundown of our meetings with the UK, with the EU, and importantly also of our contact with Spain. Indeed, the Opposition were sometimes briefed

100 before the Cabinet itself. They were shown confidential plans and designs of the Airport area in relation to Cordoba and an enhanced Cordoba proposal at the time that this was on the agenda. They were shown the confidential text of the agreements and the MoUs as soon as it became possible to do so. In relation to no-deal planning alone, Opposition Members were given a briefing, which lasted for nearly two hours, in great detail. An additional lengthy and detailed
105 briefing was also given to the then Leader of the Opposition; and the then leader of the GSD, now the Leader of the Opposition, was also himself briefed at least two times. And above all, the Opposition MPs on the Committee were always, in every meeting, asked to provide their own views and to provide any input or suggestions as the negotiations progressed, and indeed sometimes they did so.

110 It is important to bear in mind that some of the information imparted to them by the Government during this process was confidential or even secret at the time, and I am pleased to say that this confidentiality was fully respected by all concerned. I therefore want to thank both the Hon. Daniel Feetham and the Hon. Marlene Hassan Nahon, who are the only two Members here present who actually attended those meetings, for their constructive and positive
115 approach.

Our policy, Mr Speaker, is that these intergovernmental negotiations are conducted by the Government. This is what happens all over Europe. The Opposition may have a different view – they are entitled to it; however, to belittle the volume and quality of information that has been shared with the Opposition Members on the Committee is ungenerous to say the least.

120 I do not need to remind anyone here that there were those who wanted to exclude Gibraltar from the withdrawal agreement and whose mission in life it became to ensure that its transitional provisions did not apply to us. There were those who made shared sovereignty the price for a deal, those who threatened with closing the border the very moment of our EU exit, and those who made the presence of civil guards in our Airport a precondition for progress. It is
125 easy to forget that the exit process started when Mr Margallo was still the Foreign Minister of Spain and it continued with the Partido Popular in office. That was the degree of the challenge that we faced.

It would have been very dangerous for Gibraltar to have crashed out of the European Union alone on 31st March 2019 before the United Kingdom itself. That was a real danger that we
130 successfully averted, and we did so thanks to the strong working relationship between the UK and Gibraltar governments, in particular the relationship with our core Brexit team, a team ably led from the front by my hon. Friend the Chief Minister and a team which included, and indeed still includes, the Attorney General, the Financial Secretary and myself. The Government is grateful also to the dedicated officials here in Gibraltar led by the Chief Secretary and to our
135 colleagues in Gibraltar House in London and in Brussels, who have all been instrumental in their support of the different parts of this process.

Therefore the point, Mr Speaker, is that we joined the European Economic Community together with the United Kingdom on 1st January 1973 and we will leave the European Union together with the United Kingdom on 31st January 2020, and Gibraltar will enjoy an orderly
140 departure. That orderly departure was secured precisely as a result of the Gibraltar Protocol to the Withdrawal agreement and with the framework of the four Memoranda of Understanding which hang from it. The alternative would have been a disorderly, disruptive exit without the benefit of a transitional period. That outcome would not have been in the best interests of Gibraltar.

145 Mr Speaker, the transition phase is also referred to as the implementation period (IP). It expires on what is described as the IP completion day. As matters stand today, IP completion is 31st December 2020. There is provision for the extension of this period on a single occasion by either one or two years. The Prime Minister has said that he will not seek such an extension. Indeed, the UK government intends to legislate to expressly prohibit their Ministers from
150 agreeing to it. This provision is made in clause 33 of the UK Bill. We have not reproduced that

here, but I have to say that in general terms the Bill before the House follows the pattern of the Bill in the United Kingdom.

There are nonetheless some areas of difference. These can be grouped in the following way: the first is where the subject matter in the UK is not relevant to Gibraltar; the second, where the difference reflects our constitutional position; the third, where we have decided to proceed differently as a matter of policy; the fourth, that we have followed the practice set by our own European Union (Withdrawal) Act; and the fifth, and importantly, where the Government has taken the approach of maximum flexibility in the light of what may come our way coupled with the need to move quickly. In that respect it should be noted that there are some matters that may be superseded by a future relationship and there could be a need to ensure that we provide for these properly within an already tight timetable.

Members will know that the UK and the EU will seek to arrive at agreements that govern the future relationship during the implementation period. I want to make clear that any agreements that are reached during the implementation period are obviously not covered by the scope of this Bill. Indeed, there may well be no agreements. There are those who say that a future relationship cannot be negotiated in 11 months and there are those who say that it can. However, in the event that such agreements are reached, and depending on their content, consideration will be given to what further legislation would be required.

Mr Speaker, as I said, what this Bill does is to give effect in Gibraltar to the withdrawal agreement as concluded between the UK and the European Union on 17th October 2019. It also gives effect to the EEA EFTA separation agreement between the UK and Norway, Iceland and Liechtenstein; and finally, to the Swiss citizens' rights agreement between the UK and Switzerland.

I want to clarify that this Bill does not deal with the International Tax Treaty that was negotiated between Gibraltar and Spain at the same time as our exit package. The plan is for the Tax Treaty to be implemented through a separate piece of legislation that will be brought to this House in due course. It will therefore be the subject of a separate debate.

Mr Speaker, the Bill before the House today is therefore a key piece of legislation in the withdrawal process. It sits alongside a number of other measures that comprise the legislative work undertaken to date for the purposes of Brexit.

The House will recall that the first legislative item arose in the context of European parliamentary elections. We were originally looking at an exit date of 31st March 2019, with elections due in May – after we had left. As it then stood, our enabling legislation required preparatory work and consequently expenditure to be undertaken for elections that were not actually going to take place. Given that situation, in August 2018 this Parliament passed the European Parliamentary Elections (Amendment) Act. Brexit was then delayed and that delay in turn required further legislation. In effect, we had to put back what we had taken away. The European Parliamentary Elections (Amendment) Act 2019 and also the European Parliamentary Elections Act 2004 (Amendment) Regulations 2019 were adopted to deal with that change. This legal framework provided for our subsequent participation in European elections on 23rd May 2019. On that date we chose our MEPs for the last time. However, one lesson learned from all this was the importance of flexibility and speed in the legislative process when it comes to Brexit, because things change very quickly and we need to react to those changes.

Mr Speaker, a year ago this House also considered and passed the European (Withdrawal) Act 2019. This was and remains another piece of key Brexit legislation. It repealed the European Communities Act and created a new body of law known as 'retained EU law'. It has provided the vires for the making of subsidiary legislation to adjust Gibraltar's body of laws to provide for the proper functioning of the statute book after exit. These powers have been exercised already on a number of occasions. This legislation has covered areas such as data protection, transport, intellectual property, broadcasting, social security, aviation, healthcare, waste shipments and merchant shipping to name but a few. Most of that legislation was drafted to meet the

challenges posed by a no-deal Brexit. It will need to be revisited, depending on what any future agreement might bring.

In addition to this, the House has also considered and passed other Brexit-related measures. The Healthcare (International Agreements) and Social Security Co-ordination Act 2019 followed similar legislative procedures in the UK on these matters. Unique to Gibraltar are the European Union Withdrawal (Application of International Agreements) Act 2019 and the European Union Laws (Voluntary Implementation) Act 2019. The former provides for the implementation in Gibraltar of agreements that the EU entered into with third countries and for which the UK has negotiated a post-Brexit rollover. The latter Act provides a mechanism whereby Gibraltar can implement any EU laws that it considers appropriate after exit, even though we would no longer have an obligation to do so.

Mr Speaker, the Government has also worked to provide an alternative legal framework in different areas to replace our existing EU legal framework. A number of pieces of primary and secondary legislation reflect this objective and are now in the statute books. Gibraltar's participation in these international treaties will provide an alternative approach to EU mechanisms and a buffer to the effects of our departure from the European Union. By way of example, the following fall under the stream of Brexit-inspired work: the Extradition Act 2018; the Transfrontier Television (Council of Europe) Act 2019; the Swiss Carriage of Passengers and Goods by Road Act 2019; and the Imports and Exports (Amendment) Bill 2019. We will continue to do everything in our control to mitigate the effects of our departure from the European Union.

Mr Speaker, I will now focus on the actual Bill itself. The Bill follows the approach taken by the UK European Union (Withdrawal Agreement) Bill that was introduced as a new Bill following the results of the General Election which returned Boris Johnson as Prime Minister. As such, the Bill implements the agreements primarily in three ways; first, it provides for the direct application of the agreements in Gibraltar law; second, it amends the European Union (Withdrawal) Act 2019 in order to make it consistent with the various agreements; third, the Bill contains powers to allow more technical aspects of the agreements to be complied with through secondary legislation.

Mr Speaker, I will now move to a clause by clause explanation of the Bill, which I trust hon. Members will find useful. This will help to clarify any points or answer any questions that they may have. I ask the House to bear with me.

Part 1 of the Bill contains three clauses, which are of an introductory nature.

Clause 1 contains the short title.

Clause 2 sets out the provisions of the Bill that will commence on the day of publication. The remaining provisions will come into force on the day or days appointed by the Chief Minister by notice in the Gazette, and different days may be appointed for different purposes and for different provisions.

Clause 3 defines certain terms used throughout the Bill and makes further provision about the meaning of references to 'IP completion day'.

Subclauses (3) and (4) allow the Chief Minister to amend the definition of IP completion day by regulation. This power may be used in accordance with the withdrawal agreement or to take account of any changes to EU summertime arrangements.

Subclause (5) defines EU summertime arrangements.

Subclause (6) confirms that references to Gibraltar's membership of the EU are to be construed in the context of the UK's membership of the EU and Gibraltar's status as a European territory for whose external relations the UK is responsible.

Subclause (7) clarifies that references to articles of the Treaty on European Union also include references to those articles as applied by the Euratom Treaty.

Part 2 comprises clauses 4 to 6 and relates to the implementation period.

Clause 4 inserts a new section 4A into the European Union (Withdrawal) Act 2019. The new section 4A saves and amends the European Communities Act (ECA) and section 23(g) of the

Interpretation and General Clauses Act (IGCA) for the purposes of giving effect to Part 4 of the withdrawal agreement. The newly inserted subsections are as follows.

Subsection (1) makes clear that the provisions in sections (2) to (5) will have effect despite the repeal of the ECA and section 23(g) of the IGCA on exit day.

Subsection (2) provides for section 23(g) of the IGCA to continue to have effect in Gibraltar law to the extent provided in subsections (3) to (6).

Subsection (3) confirms that any reference to the Treaties in section 23(g) of the Implementation and General Clauses Act is to be read as a reference to those Treaties as defined in the ECA as it has effect under the section.

Subsection (4) provides for the ECA to continue to have effect in Gibraltar law subject to the modifications set out in subsection (5).

Subsection (5) modifies the saved ECA to ensure that it gives effect to EU law in Gibraltar for the purposes of the implementation period at Part 4 of the withdrawal agreement. These modifications are as follows.

Paragraph (a) incorporates Part 4 of the withdrawal agreement into the definition of 'the Treaties' and 'the EU Treaties' in section 2 of the ECA. A Minister is given the power to limit this definition, if necessary.

Paragraphs (b), (c) and (e) remove the provisions of the ECA that ensure EU law predating the EEA agreement is read consistently with that agreement. This is because after the repeal of the ECA these interpretive provisions are provided for by the European Union (Withdrawal) Act 2019.

Paragraph (d) amends section 4(1) of the ECA so that references in that section to the objects of the EU are references to those objects so far as they are applicable to and in Gibraltar by virtue of Part 4 of the withdrawal agreement.

Paragraph (f) removes section 5 of the ECA, which concerns the payment of amounts required to meet EU obligations.

Paragraph (g) modifies section 6 of the ECA so that references to the Treaties in those sections will be deemed to include references to the withdrawal agreement.

Paragraphs (h) and (i) modify terms used in the schedules to the ECA so that they may apply during the implementation period.

Subsection (6) will implement subsections (1) to (5) at the end of the implementation period.

Subsection (7) defines various terms used in this section, specifically 'the implementation period', 'IP completion day' and 'withdrawal agreement'.

Subsection (8) clarifies that references to the ECA are to be read as references to the ECA as saved by this section, and references to any part of an agreement that includes references to any other part of that agreement so far as it is relevant to the referred part.

Clause 5 inserts a new section 4B into the European Union (Withdrawal) Act 2019. Section 4B saves existing EU-derived Gibraltar law and ensures that EU-related references continue to operate properly during the implementation period. The newly inserted subsections are as follows.

Subsection (1) makes clear that subsections (2) to (5) have effect despite the repeal of both the ECA and section 23(g) of the IGCA on exit day.

Subsection (2) provides that EU-derived domestic legislation continues to have effect in Gibraltar law on and after exit day as it had effect immediately before exit day.

Subsection (3) sets out glosses – that is non-textual amendments – that are to be applied to EU-derived domestic legislation to ensure the proper meaning and functioning of the statute book after Brexit.

Subsection (4) applies the glosses in subsection (3) to EU-derived domestic legislation that is made or passed on or after exit day and before IP completion day. It further disapplies the glosses when legislation is made during the implementation period but is subject to the contrary intent.

305 Subsection (5) makes the saving of EU-derived domestic legislation and its modification by the glosses subject to regulations made under this Bill or the proposed section 11A and section 15 of the European Union (Withdrawal) Act 2019.

Subsection (6) repeals subsections (1) to (5) on IP completion day.

Subsection (7) defines 'EU-derived domestic legislation'.

310 Clause 6 inserts a new section 11A into the European Union (Withdrawal) Act 2019. This new section provides Ministers with a supplementary power in connection with the implementation period.

The new section 11A(1) will allow Ministers to make regulations to add, disapply or modify glosses in EU-derived domestic legislation to ensure the proper functioning of the statute book.
315 This new section also allows different provision to be made in a particular case or descriptions of case and for an enactment to be modified in consequence of the repeals in the new sections 4A and 4B. The Minister may also make such other provision as is considered appropriate in connection with Part 4 of the withdrawal agreement.

The new section 11A(2) provides a power to make regulations under new subsection (1) and includes a power to modify a provision made by or under an enactment.

Part 3 contains two clauses that relate to the general implementation of the withdrawal agreement with the EU and also agreements reached with the EEA EFTA states and Switzerland.

Clause 7 gives effect to Article 4 of the withdrawal agreement by inserting a new section 10A into the European Union (Withdrawal) Act 2019. To give effect to Article 4 the new section
325 makes rights and obligations in the withdrawal agreement available in domestic law.

The new section 10A(1) provides for the rights, powers, liabilities, obligations, restrictions, remedies or procedures that are created or arise under the withdrawal agreement to apply directly in Gibraltar law in accordance with the agreement.

The new section 10A(2) makes clear that the rights and obligations arising from the
330 withdrawal agreement and which apply directly in Gibraltar law by subsection (1) are to be recognised in Gibraltar law and enforced, allowed and followed accordingly.

The new section 10A(3) confirms that all enactments are subject to subsection (2).

The new section 10A(4) makes clear that this section will not apply in relation to Part 4 of the withdrawal agreement so far as section 3(1) of the European Communities Act applies in relation
335 to that Part.

The new section 10A(5) directs the reader to other provisions of the Bill giving effect to the withdrawal agreement.

Clause 8 inserts a new section 10B in the European Union (Withdrawal) Act 2019. The new section concerns a general implementation of the EEA EFTA separation agreement and the Swiss
340 citizens' rights agreement and follows the same approach to implementation as set out in clause 7 to ensure consistency of implementation.

Section 10B(1) provides for the rights, powers, liabilities, obligations, restrictions, remedies or procedures that are created or arise under the EEA EFTA separation agreement or the Swiss citizens' rights agreement to be given legal effect in Gibraltar without the need for further
345 enactment. This will apply to Gibraltar as if Article 4(1) of the withdrawal agreement applied to them and those agreements were part of EU law and the relevant states were member states.

Section 10B(2) makes clear that the rights, powers, liabilities etc. applied by subsection (1) are to be recognised in domestic law and enforced, allowed and followed accordingly.

Section 10B(3) confirms that all enactments except the new section 10A are subject to
350 subsection (2).

Section 10B(4) directs the reader to see specific parts of the Bill that give further legislative effect to other relevant parts of the EEA EFTA separation agreement and the Swiss citizens' rights agreement.

Section 10B(5) defines 'the relevant EEA states' as Norway, Iceland and Liechtenstein.

355 Section 10B(6) signposts definitions of 'EEA separation agreement' and 'Swiss citizens' rights agreement'.

Part 4 contains clauses 9 to 16 and provides for the recognition and monitoring of the rights that have accrued and will continue to accrue during the implementation period to citizens who are covered by the agreements. This applies to the relevant EU, EEA, EFTA and Swiss nationals in the United Kingdom and in Gibraltar. It is relevant to point out that the exit treaty also protects the United Kingdom, including Gibraltar, citizens in the European Union, EEA EFTA countries and in Switzerland. The recognition of rights is therefore reciprocal.

Clause 9 provides a Minister with a power to make regulations implementing provisions of the agreements conferring residence rights. It also enables regulations to be made that ensure that protected persons continue to enjoy residence rights in Gibraltar pending conferral of the new immigration status.

Subclause (1) allows regulations to be made in order to implement Article 18 of the withdrawal agreement, Article 17 of the EEA EFTA separation agreement and Article 16 of the Swiss citizens' rights agreement.

Subclause (2) enables regulations under subclause (1) to apply both to the persons to whom the agreements apply and to any other person prescribed in the regulations. This will enable provision to be made, for example, to protect the position of citizens who currently derive their residence rights from EU law but who are not covered by the agreements.

Subsection (3) states that regulations made under this power may modify any provision made by or under an enactment.

Clause 10 allows a Minister to make regulations to put in place protections to the rights of EU, EEA, EFTA and Swiss frontier workers in Gibraltar at the end of the implementation period. United Kingdom, including Gibraltar, frontier workers are similarly protected in a reciprocal manner in Switzerland, the EU, EEA and EFTA countries.

Subclause (1) provides a Minister with a power to make regulations for the purposes of implementing Articles 24(3) and 25(3) of the withdrawal agreement, Articles 23(3) and 24(3) of the EEA EFTA separation agreement and Article 22 of the Swiss citizens' rights agreement.

Subclause (2) allows a Minister to make regulations for the purpose of implementing Article 26 of the withdrawal agreement, Article 25 of the EEA EFTA separation agreement and Articles 21(1)(a) and 21(2) of the Swiss citizens' rights agreement.

Subclause (3) confirms that the power to make regulations in this clause may be exercised by modifying any provision made by or under primary legislation.

Clause 11 allows a Minister to make regulations to implement articles of the agreements that relate to restrictions on rights of entry and residence.

Subclause (1) provides a regulation-making power to implement Articles 21(3) and (4) of the withdrawal agreement and the corresponding Article 19(1), (3) and (4) of the EEA EFTA separation agreement and Article 17(1), (3) and (23) of the Swiss citizens' rights agreement. These Articles provide rules on the restriction to a person to a protected person's entry or residence rights on the grounds of conduct and the power to remove protected persons because of fraud or abuse of rights.

Subclause (2) provides that regulations under subclause (1) can be applied both to persons to whom the agreements apply and persons to whom they do not apply but who are prescribed under the regulations.

Subclause (3) states that the power to make regulations under this clause may be made by modifying any provision made under primary legislation.

Clause 12 provides a Minister with a power to make regulations to implement parts of the agreement as it relates to recognition of professional qualifications. The provisions of the agreement ensure that professional qualifications held by EU citizens and EEA, EFTA or Swiss nationals who are resident or frontier workers in Gibraltar by the end of the implementation period and whose professional qualifications are recognised before the end of the implementation period will continue to be so recognised. The same applies to United Kingdom and Gibraltar nationals in the European Union, in the EEA EFTA area or in Switzerland.

Subclause (1) empowers a Minister to make regulations in order to implement Chapter 3 of Title I of Part 2 of the withdrawal agreement to supplement the effect of section 10A of the European Union (Withdrawal) Act 2019 in relation to that Chapter and deal with matters arising out of or relating to that Chapter.

Subclauses (2) and (3) allow regulations to be made to implement Chapter 3 of Title II of Part 2 of the EEA EFTA separation agreement to implement the professional qualification provisions of the Swiss citizens' rights agreement, to supplement the effect of 10B in relation to the relevant provisions of those agreements and deal with matters arising out of or relating to those provisions.

Subclause (4) outlines that the professional qualification provisions of the Swiss citizens' rights agreements are Part 4 and Article 23(4) so far as it relates to the recognition of professional qualifications.

Subclause (5) confirms that, where the Minister considers appropriate, regulations made under this clause may apply not only to persons within the scope of the withdrawal agreement or EEA EFTA separation agreement, but also to other persons prescribed in the regulations.

Subclause (6) provides that powers in subclauses (1), (2) or (3) may be used to modify any provision made by or under an enactment.

Clause 13 empowers a Minister to make regulations to implement the articles of the agreement that protect the entitlement of EU, EEA, EFTA and Swiss citizens to social security benefits. I should add that United Kingdom and Gibraltar citizens are similarly protected in the EU, EEA EFTA area and in Switzerland. This entitlement is protected under Title III of Part 2 of the withdrawal agreement and the EEA EFTA separation agreement as well as Article 23(4) and Part 3 of the Swiss citizens' rights agreement.

Subclauses (1), (2) and (3) also allow the Minister to make regulations to supplement the effect of sections 10A or 10B of the European Union (Withdrawal) Act 2019 in relation to the relevant Titles or Parts. Regulations under this clause may also deal with matters arising out of those Titles or Parts.

Subclause (4) defines the 'social security coordination provisions' of the Swiss citizens' rights agreement.

Subclause (5) states that the power to make regulations may be used to modify any provision made by or under an enactment.

Clause 14 allows a Minister to make regulations to implement the provisions in the agreements as they relate to the protection of the rights to equal treatment and non-discrimination for EU, EEA, EFTA and Swiss citizens falling within the scope of the agreements.

Subclause (1) empowers a Minister to make regulations to implement Articles 12, 23, 24(1), 25(1), 24(3) and 25(3) of the withdrawal agreement.

Subclause (2) provides that regulations may be made to implement Articles 11, 22, 23(1), 24(1), 23(3) and 24(3) of the EEA EFTA separation agreement.

Subclause (3) provides that regulations may be made to implement Articles 7, 18, 19, 20(1) and 23(1) in the Swiss citizens' rights agreement.

Subclause (4) provides that regulations made under this clause may be made so as to apply both to the persons who are covered by the relevant Articles as well as other persons prescribed by the Minister under regulations.

Subclause (5) states that the power to make regulations may be used to modify any provision made by or under an enactment.

Clause 15 confirms that the Independent Monitoring Authority (IMA) is to be established by the United Kingdom's EU withdrawal agreement legislation.

Subclause (2) allows a Minister to make regulations to prescribe the functions of the IMA in Gibraltar, provide powers incidental to those functions and provide for related matters. The Minister may also make regulations in consequence of regulations made under Schedule 2 to the UK legislation.

Subclause (3) allows a power under subclause (2) to be used in respect of a body to whom the UK Secretary of State has transferred the IMA's functions.

Subclause (4) confirms that the power to make regulations may modify any provision made by or under an enactment.

Clause 16 provides interpretive provisions for Part 3 of the Bill.

Subclause (1) states that a reference to a Chapter, Title, Part or other provision of the withdrawal agreement, of the EEA EFTA separation agreement or the Swiss citizens' rights agreement in Part 3 of the Bill includes a reference to any other provision of those agreements or EU law that is applied by or referred to in that Chapter, Title, Part or other provision.

Subclause (2) provides that in clauses 9, 10, 11 and 14 a power to make provision to implement an Article or Chapter or Part of the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement includes a power to make provision to supplement the effects of sections 10A or 10B of the Act in relation to that Article, Chapter or Part.

Part 5 contains clauses 17 to 23 and provides a power in connection with other separation issues and with the Gibraltar Protocol. It also contains clauses on the relationship of the Bill to the European Union (Withdrawal) Act 2019 and on other matters.

Clause 17 inserts a new section 11B into the European Union (Withdrawal) Agreement Act 2019. This new section provides a Minister with a power to implement the separation issues which form Part 3 of the withdrawal agreement and Part 3 of the EEA EFTA separation agreement.

Section 11B(1) allows a Minister to make legislative changes considered appropriate for the purposes of implementing Part 3 of the withdrawal agreement. This includes supplementing the effect of the new section 10A of the Act or dealing with matters arising out of or related to Part 3.

Section 11B(2) gives equivalent powers to make legislative changes in relation to Part 3 of the EEA EFTA separation agreement.

Section 11B(3) provides that secondary legislation made under this power is capable of doing anything an Act of Parliament can do.

Section 11B(4) clarifies that regulations under subsection (1) may be used to restate elements of Part 3 of the withdrawal agreement and the EEA EFTA separation agreement that automatically become Gibraltar law under sections 10A and 10B of the Act.

Section 11B(5) defines references to Part 3 of the withdrawal agreement and of the EEA EFTA separation agreement.

Clause 18 inserts a new section 11C into the European Union (Withdrawal) Act 2019. This new section confers a power on a Minister to make the regulations considered appropriate for the purposes of implementing the Protocol on Gibraltar in the withdrawal agreement. This includes supplementing the effect of the new section 10A of the European Union (Withdrawal) Act 2019 in relation to the Protocol or dealing with matters arising out of or related to the Protocol.

Sections 11C(2) and (3) confirm that regulations made under the section may make any provision that could be made by an Act of Parliament and may restate anything that forms part of domestic law by virtue of the new section 10A and the Protocol.

Section 11C(4) defines 'the Protocol' for the purposes of the section.

Clause 19 amends the European Union (Withdrawal) Act 2019 so that the conversion of EU law into retained EU law and the domestication of CJEU case law does not take place until the end of the implementation period.

Subclause (1) amends section 5 so that the preservation of EU-derived domestic legislation takes effect on IP completion day rather than on exit day. It deletes a definition of 'EU-derived domestic legislation' from section 5(2). It also inserts further words into section 5(3) providing that the preservation of EU-derived legislation is subject to the new section 8A.

Subclause (2) amends section 6 so that the incorporation of direct EU legislation into domestic law takes effect on IP completion day instead of on exit day. It inserts two conditions into the definition of 'direct EU legislation'. The first condition states that to be retained, EU law or relevant parts of the EEA agreement must have been applicable to Gibraltar by virtue of Part 4 of the withdrawal agreement, which relates to the implementation period. The second condition excludes any EU law so far as it has effect or is to have effect by virtue of the new section 10A or 10B. These amendments also make clear that section 5 of the European Union (Withdrawal) Act 2019 is subject to the new section 8A as well as section 8 of the Act.

Subclause (3) amends section 7 of the European Union (Withdrawal) Act 2019 so that remaining EU rights and obligations are preserved as they had effect immediately before IP completion day rather than exit day.

A new paragraph (aa) is inserted in section 7(2) so as to make an exception to the saving of the remaining rights and obligations where they will continue to be recognised and available under sections 10A or 10B of the Act.

Section 7(2)(b) is amended so that remaining EU rights and obligations are not preserved so far as they arise under an EU directive and are not recognised by the CJEU or any court or tribunal in Gibraltar in a case decided before IP completion day. It is further made clear that section 7 is subject to the new section 8A.

Subclause (4) amends section 8 so that the exceptions to savings and incorporation operate on IP completion day rather than on exit day. A new subsection (7) is inserted to ensure that exceptions to the savings and incorporation do not apply in relation to relevant separation agreement law.

Subclause (5) inserts a new section 8A into the European Union (Withdrawal) Act 2019. This new section makes clear that where retained EU law converted on IP completion day is limited by reference to the implementation period it may continue to have effect after IP completion day as domestic law.

Subclause (6) amends Schedule 1 to the European Union (Withdrawal) Act 2019 so that the exceptions to the preservation of retained EU law take effect on IP completion day rather than on exit day. The amendment made by subclause (6)(b) further ensures that references to the principle of the supremacy of EU law, the Charter of Fundamental Rights, any general principle of EU law or the rule in *Francovich* are to be read as references to that principle, charter or rule so far as it forms part of Gibraltar law on or after IP completion day.

Clause 20 defines the term 'relevant separation agreement law' and provides for rules of interpretation to ensure that this body of law is interpreted in accordance with the withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement.

Subclause (1) amends section 9 of the European Union (Withdrawal) Act 2019. These amendments substitute references to 'exit day' to 'IP completion day', so that rules of interpretation on retained EU law come into force on IP completion day.

A new paragraph (aa) is inserted into section 9(4) confirming that a relevant court or tribunal is only bound by retained EU law to the extent that this is provided for in regulations made under the new subsection (5A).

New subsections (5A) to (5C) are inserted into section 9.

Subsection (5A) gives a Minister the power to make regulations to set out the extent to which a particular court or tribunal is not to be bound by retained EU law, to set out the test that the court or tribunal must apply when deciding to depart from retained EU case law and provide for any considerations which are relevant to the tests applied by the courts under section 9 of the European Union (Withdrawal) Act 2019.

Subsection (5B) provides a non-exhaustive list of what those regulations may include.

Subsection (5C) places an obligation on a Minister, when making regulations, to consult with the Chief Justice and any other such persons as the Minister considers appropriate.

A new subsection (6A) is also inserted into the European Union (Withdrawal) Act 2019. This new subsection provides that the rules on interpretation set out in sections 9(1) to (6) of the European Union (Withdrawal) Act 2019 are subject to relevant separation agreement law.

Subclause (2) inserts a new section 10C into the European Union (Withdrawal) Act 2019.

Section 10C(1) states that any question concerning the validity, meaning or effect of relevant separation agreement law is to be decided in accordance with the withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement. Regard should be had to the desirability of ensuring that the agreements are interpreted consistently with each other.

Section 10C(2) is a signpost to the relevant provisions of each of the agreements regarding the interpretation of relevant separation agreement law.

Section 10C(3) defines 'relevant separation agreement law'.

Clause 21 amends the power at section 11 of the European Union (Withdrawal) Act 2019 to extend it so it can operate on deficiencies that result from Part 4 of the withdrawal agreement or the end of the implementation period.

Subclause (1) establishes that this clause amends section 11 of the European Union (Withdrawal) Act 2019.

Subclause (2) amends section 11(2) of the European Union (Withdrawal) Act 2019 so that the power is available to correct deficiencies arising from withdrawal and the end of the implementation period. The powers as amended may be used to correct deficiencies that arise from arrangements dependent on Part 4 of the withdrawal agreement that no longer exist at the end of the implementation period, or where retained EU law is no longer clear, or where elements of directives have not been implemented into Gibraltar law but which should nonetheless be retained.

Subclause (3) amends section 11(4) of the European Union (Withdrawal) Act 2019 to substitute the reference 'exit day' to 'IP completion day'.

Subclause (4) provides that the meaning of 'deficiency' can cover a deficiency that arises out of withdrawal taken together with the operation of or interaction between provisions of the European Union (Withdrawal) Act 2019.

Clause 22 inserts a new section 12A into the European Union (Withdrawal) Act 2019. This new section requires that a Minister provide Parliament with a statement where a request has been made under Article 170 of the withdrawal agreement. This Article provides for international arbitration in the event that a dispute between the European Union and the United Kingdom cannot be resolved by consensus in the joint committee. The Minister must also make such a statement if the European Court has given a ruling which relates to Gibraltar. The statement must be made as soon as practicable after the Government has been informed of the request or of the ruling.

Clause 23 provides for the repeal of unnecessary enactments under the European Union (Withdrawal) Act 2019.

Paragraph (a) repeals section 12 of the European Union (Withdrawal) Act 2019, which gives Ministers a power to make secondary legislation to implement the withdrawal agreement. This power is no longer necessary in the light of this Bill. Hon. Members who were here will recall the assurances given by the Government at this time last year that these were only emergency powers. The preference of the Government, the House was told last year, was to introduce a Bill for that purpose, to give effect to the withdrawal agreement. This, Mr Speaker, is what we are doing today.

Paragraph (b) repeals section 16 of the European Union (Withdrawal) Act 2019. This section makes clear that nothing in that Act prevents Gibraltar from replicating EU law made on or after exit day or continuing to participate in or having a formal relationship with the agencies of the European Union. The Government has been advised that this section has no legal effect in practice and is therefore unnecessary.

Part 6 contains two clauses that provide regulation-making powers and for consequential and transitional provision.

Clause 24 gives effect to Schedule 1 on how powers to make regulations in the Bill are exercisable.

615 Clause 25 Subclause (1) allows a Minister to make regulations that are appropriate as a consequence of the Bill.

Subclause (2) clarifies that consequential provision might include modifying such as amending, repealing or revoking either primary or secondary legislation.

Subclause (3) gives effect to Parts 1 and 2 of Schedule 2, which contain consequential provisions.

620 Subclause (4) contains a power to provide for transitional, transitory or saving provisions by regulation.

Subclause (5) gives effect to Part 3 of Schedule 2, which contains transitional, transitory and savings provisions.

625 Schedule 1 makes general provision in respect of the scope and nature of regulation-making powers in the Bill.

Paragraph 1 clarifies the scope of the powers in the Bill by providing that all the powers in the Bill can be used to make different provisions for different cases or different descriptions of case, in different areas or for different circumstances and include the power to make supplementary provision.

630 Paragraph 2 provides that the extent of the powers in the Bill may overlap without that overlap impacting the scope of each of the powers.

Paragraph 3 provides that powers in the Bill regarding the agreement can be exercised before the agreements are ratified so that the regulations can come into force on or after ... or the day after the agreement is ratified.

635 Paragraph 4 clarifies that the power of the Chief Minister to commence certain parts of the Bill as provided for by section 2(2) includes a power to specify the time of day these parts of the Bill come into force.

Schedule 2 makes general and specific consequential and transitional provisions.

640 Paragraph 1(1) provides a gloss to the commencement dates for subsidiary legislation made before exit day under the European Union (Withdrawal) Act 2019 or any other enactment. That gloss applies to subsidiary legislation that commences by reference to exit day. The subsidiary legislation will instead come into force by reference to IP completion day.

Paragraph 1(2) allows subsidiary legislation to expressly disapply this gloss where required.

645 Paragraph 1(3) contains a power for a Minister to make exceptions to the mass deferral provided in subparagraph (1). These regulations may disapply or make different provision from the mass deferral in particular cases.

Paragraph 2(1) clarifies that the consequential power in section 15(1) of the European Union (Withdrawal) Act 2019 is capable of making consequential provision on the Act as amended by or under the Bill.

650 Subparagraph (2) clarifies that subparagraph (1) does not limit the scope of the consequential power in clause 25(1) of this Bill.

Subparagraph (3) makes clear that this paragraph applies to amendments to the European Union (Withdrawal) Act 2019 that further amend other legislation.

655 Subparagraphs (3) to (7) make specific amendments to the Interpretation and General Clauses Act.

Paragraph 3 confirms that the amendments are made to the Interpretation and General Clauses Act.

660 Paragraph 4 amends the definition of 'subsidiary legislation' and 'rules'. The European Union (Withdrawal) Act 2019 amended this definition to include instruments made under retained direct EU legislation after exit day. Given that direct EU legislation will be retained on IP completion day, the reference to 'exit day' in this definition has been changed to 'IP completion day'.

Paragraph 5 inserts definitions for ‘the EU withdrawal agreement’ and ‘IP completion day’ into section 2. It further amends the definitions for ‘EU exit day’, ‘retained EU law’, ‘retained direct minor EU legislation’, ‘retained direct principal EU legislation’, ‘retained direct EU legislation’ and ‘retained EU obligation’. It also amends the definition of ‘EU Treaties’ or of ‘the EU Treaties’ so that it refers to the Treaties which apply under the saved ECA immediately before IP completion day.

Paragraph 6 amends section 17(2), which will be inserted by the European Union (Withdrawal) Act 2019 (Consequential Modifications) (EU Exit) Regulations 2020. This action will also make interpretive provision for reference to EU instruments ‘on or after exit day’. The amendment changes this to references ‘on or after IP completion day’.

Paragraph 7 makes consequential amendments to section 23(h) and (i) in light of the saving of the European Communities Act.

Paragraphs 8 to 17 make specific amendments to the European Union (Withdrawal) Act 2019.

Paragraph 8 confirms that the amendments are made to the European Union (Withdrawal) Act 2019.

Paragraph 9(1) introduces the amendments to section 3.

Paragraph 9(2) amends definitions in section 3 to account for the application of EU law until IP completion day. This paragraph also deletes the definition of ‘withdrawal agreement’.

Paragraph 9(3) inserts a new subsection (6)(a) into section 3. This new subsection makes clear that any references to anything that continues to be law by virtue of section 4B(2) includes modifications to that legislation, including where the saved legislation may survive the repeal of the European Communities Act in any event. This subsection also provides that references in the Bill to things that continue to be domestic law include things that continue to exist regardless of the saving in new section 4B(2). This makes clear that it is not necessary to consider whether an enactment might have been subject to implied repeal or revocation on exit day.

Paragraph 9(4) amends section 3(7) so as to amend the reference to ‘exit day’ to read ‘IP completion day’. This confirms that it is not necessary to consider whether an enactment might be subject to implied repeal on IP completion day when bringing it within the ambit of the defined term ‘retained EU law’.

Paragraph 9(5) amends the index of defined terms in section 3(11) to update and incorporate pointers to various definitions used throughout the European Union (Withdrawal) Act 2019.

Paragraph 10 amends the heading above section 5 of the European Union (Withdrawal) Act 2019 from existing EU law to saved EU law at the end of the implementation period.

Paragraph 11 amends section 10 of that Act with the amendments being introduced by subparagraph (1).

Subparagraph (2) amends section 10(1)(b) of the Act so that it refers to the savings made on exit day by sections 4A(2) or 4B(2) of the amended Act.

Section 7(1) thereby clarifies that the ECA- and EU-derived domestic legislation continues as legislation of the same type as they were before exit day.

Subparagraph (3) inserts a new section 10A(1), which clarifies that EU-derived domestic legislation that is saved by section 5 of the Act will continue as legislation of the same type as it was before IP completion day.

Subparagraph (4) amends section 10(5) to reflect other amendments to the Act. This subsection signposts provisions about the status of retained EU law.

Subparagraph (5) amends references to ‘exit day’ to ‘IP completion day’ to reflect the direct retained EU legislation will be retained on IP completion day instead of on exit day.

Paragraph 12 amends section 15(4) so that the transitional, transitory and saving power can make provision in connection with the coming into force of any provision of the Act, including its operation in connection with IP completion day.

Paragraph 13 amends Schedule 2 as introduced by paragraph 13(1).

Paragraph 13(2) amends paragraph 1 of Schedule 2 so that judges may determine the meaning or effect of EU law in legal proceedings as questions of law rather than as questions of fact, and so the definition of 'interpreting retained EU law' is deleted.

Paragraph 13(3) amends paragraph 2 of Schedule 2 so that regulations providing for evidential rules may modify legislation which is passed or made before IP completion day. The amendments under paragraph 13(3) also ensure that the agreements and anything in regulations relating to the agreements are included in the definition of 'relevant matter'.

Paragraph 14 amends Schedule 3 as introduced by paragraph 14(1).

Paragraph 14(2) amends paragraph 1 so that powers to make regulations under the European Union (Withdrawal) Act 2019 can be used to modify or restate anything which continues to be domestic law by virtue of the saving of EU-derived domestic legislation under section 4B(2).

Paragraph 14(3) amends paragraph 3 to clarify how the consequential, transitional and transitory and saving powers in the European Union (Withdrawal) Act 2019 may be used in light of the amendments made in this Bill and in particular the savings in the new sections 4A and 4B.

Paragraph 14(4) inserts a new paragraph 3A into Schedule 3. This new paragraph allows for the anticipatory use of delegated powers in the Act in relation to anything which continues to be domestic law by virtue of the saving of EU-derived domestic legislation for the implementation period.

Paragraph 14(5) amends references to 'exit day' in paragraph 4 to 'IP completion day'. This means that the power to make regulations may be exercised before IP completion day to modify retained EU law.

Paragraph 14(6) inserts a new paragraph 4A into Schedule 3. This new paragraph allows for the anticipatory use of regulation-making powers in relation to the withdrawal agreement.

Paragraph 15 amends Part 1 of Schedule 4 as introduced in paragraph 15(1).

Paragraphs 15(2) and (3) substitute references to 'exit day' in paragraphs 1 and 2 of Schedule 4 to the European Union (Withdrawal) Act 2019. This ensures that existing ambulatory references continue to update until IP completion day. This will not apply to references to relevant separation agreement law.

Paragraph 15(4) replaces paragraph 5 of Schedule 4. The new paragraph 5 lifts any implied restriction to act compatibly with EU law on exit day and IP completion day so far as that restriction does not continue to apply under the withdrawal agreement. Any implied EU law restriction that continues by virtue of Part 4 of the withdrawal agreement will not be lifted until IP completion day. Any restriction that arises by virtue of parts of the withdrawal agreement will remain after IP completion day.

Paragraph 15(5) amends paragraph 6 to allow powers in Acts before the end of the implementation period to be used to modify retained EU law before IP completion day if they come into force after IP completion day.

Paragraph 15(6) amends paragraph 7 so that persons will not be required to have regard to former EU obligations implemented outside Gibraltar when reviewing subsidiary legislation after IP completion day.

Paragraph 15(7) amends paragraph 10(3) to allow anticipatory use of future powers so that they may be exercised before IP completion day to amend retained EU law if they come into force on or after IP completion day.

Paragraph 16 amends Part 3 of Schedule 4 as introduced by paragraph 16(1).

Paragraph 16(2) inserts a new paragraph 11A into Schedule 4. This new paragraph preserves anything done, in the process of being done, or in force before exit day which relates to the saving of the European Communities Act or EU-derived domestic legislation. This provision is subject to the withdrawal of Gibraltar from the EU and any savings under section 4A and 4B and any implementing or consequential regulations.

Paragraph 16(3) amends paragraph 12 so that it provides for the continuation of existing Acts in relation to retained EU law on IP completion day and incorporates other related amendments to the European Union (Withdrawal) Act 2019.

Paragraph 17 amends Part 4 of Schedule 4 as introduced by paragraph 17(1).

Paragraph 17(2) substitutes a new paragraph 12A and 13 for the existing paragraph 13 of schedule 4.

The new paragraph 12A makes clear that the automatic repeal in sections 4A and 4B on IP completion day will not prevent the glosses applied by section 4B from applying to the legislation as saved by section 5.

Subparagraph 13 as substituted confirms that rights which arise under EU directives are recognised by courts or tribunals in Gibraltar in cases begun before IP completion day but decided on after IP completion day are preserved by section 7 of the European Union (Withdrawal) Act 2019.

Paragraph 17(3) amends references to 'exit day' to 'IP completion day' in paragraph 14. Further amendments are made to confirm that transitional and savings provisions for exceptions to the preservation of EU law take effect from IP completion day.

Paragraph 17(4) deletes a reference to section 11 in paragraph 15.

Paragraphs 17(5), (6) and (7) amend paragraphs 16, 17 and 18 of the European Union (Withdrawal) Act 2019. These amendments ensure that domestic law in force prior to the entry into force of the EEA agreement in 1993 continues to be read consistently with the provisions of that agreement and in light of the implementation period.

Paragraph 18(1) provides that powers inserted into the European Union (Withdrawal) Act 2019 by this Bill do not affect the scope and powers in the other Acts.

Paragraph 18(2) makes clear that modifications made by the Bill to regulation-making powers under the European Union (Withdrawal) Act 2019 do not affect the validity of regulations made under those powers before the coming into force of those modifications.

Paragraph 18(3) makes clear that this is subject to transitional, transitory or savings provisions made under clause 25 of this Act or section 15 of the European Union (Withdrawal) Act 2019.

Paragraph 19(1) provides the power to make transitional, transitory or saving provision under section 15(4) of the European Union (Withdrawal) Act 2019 includes the power to make provision as a Minister considers appropriate in connection with the coming into force of any provision of that Act as modified by this Bill. This includes modifications to provisions of the Act which make amendments to other legislation.

Paragraph 19(2) clarifies that subparagraph (1) does not limit the power to make transitional, transitory or savings provisions under clause 25 of this Bill and that the power of the Chief Minister under section 2(2) of the European Union (Withdrawal) Act 2019 does not apply to modifications made to that Act by this Bill.

Mr Speaker, this Bill gives effect to the withdrawal agreement in Gibraltar law. It provides for our orderly, safe and secure departure from the European Union and Gibraltar will benefit from the transition until the implementation period comes to an end.

The lowering of the EU flag on 31st January will be an emotional moment for many of us, a painful moment too, and that moment draws closer now. This time it is all happening for real, the end of an era.

But we must draw a line under the past and look forward to the future. As we leave the European Union we must look to those new doors that will open, to new possibilities and new opportunities, to the wider world beyond. We must look also to our continued partnership with the United Kingdom, to developing closer links with different parts of the Commonwealth family, to trading relationships in new markets and with new countries, including our neighbour to the south. The Government will encourage and support this work.

On 1st February, formal negotiations will open to carve out the future relationship between the United Kingdom and the European Union. The United Kingdom has made it clear that it will

815 negotiate for the entire British family of nations, including Gibraltar. This was the position also
for withdrawal. But we know that there are several possible outcomes. The Chief Minister has
made it clear that no deal would be better than a bad deal; that we must be prepared to walk
away from those negotiations if we have to. But we will face those decisions with Gibraltar
safely a part of the withdrawal agreement and safely with the benefit of the period of transition.

820 Therefore, Mr Speaker, the Bill before the House today provides the architecture to give
effect to our orderly departure from the European Union. I commend the Bill to the House.
(*Banging on desks*)

Mr Speaker: Before I put the question, does any other hon. Member wish to speak on the
825 general principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, first of all, I am grateful for the hon. Member's long
explanation on the detail of the clauses. When he asked the House to bear with him he was not
joking, it was long; but we understand that in respect of this Bill there is an element of detail
830 that needs to be gone into – technical detail in many respects – so we certainly are appreciative
of his long explanation in respect of that.

When I come to the tail end of what I intend to say, there are certain issues which he did not
really answer, which are at the heart of some of our concerns and perhaps he could consider the
points that I am about to make when it comes to making his reply – and some of the points
835 might be also relevant in terms of the Committee Stage itself. I am not sure when the hon.
Member or the Government intend to take the Committee Stage. I imagine they want to do so
soon – if not today, very quickly. We are happy for that to be the case, but perhaps he can take
on board some of the points that I make when he hears them.

I say at the outset, of course, before I dive into all of this, that the Opposition – certainly the
840 Members on this side that I speak for – join him in congratulating the Attorney General on his
well-deserved CMG in the New Year's Honours list. (*Banging on desks*)

We understand on this side of the House why this Bill needs to be taken in the way that it
does, with the speed that it must be taken. It is a complex piece of legislation. Just picking it up,
it is hardly a page turner when it comes to trying to digest its contents because of the sheer
845 number of cross references it makes to Article numbers of the withdrawal agreement, or indeed
to the Withdrawal Act or indeed to the EFTA provisions or the Swiss provisions and so on and so
forth, so it is not an easy Bill to read.

I just make these procedural observations which struck me when I first read this – first of all,
and he should understand that when I make these observations I do so in the context of hoping
850 that this Parliament of ours can work better in the future; and they are not intended to be
criticisms of the way this is taken today but to be taken on board by the drafts people, because
at the end of the day the hon. Member made the point that, in his view, there has been a
magnificent effort conducted by those drafting it. I am sure that they have worked under
difficult constraints, and we understand that, but I would say that when you put our Bill side by
855 side with the English legislation, the one thing that strikes me when you go through it is that
when there are cross references in the English legislation to different Articles, actually in
brackets the English legislation tells you what those Articles say in paraphrase, and I think that
makes it easier for the reader. At the end of the day, this is not a symposium for lawyers. This
law has to be digested by the wider public and it would make it easier for the wider public to
860 understand broadly speaking, without getting into the technicalities, if future legislation, when it
comes to something similar to this, were to take on board the fact that they are dealing with a
difficult subject matter.

Secondly, we understand the timing and of course the certification of urgency of the Chief
Minister, which I was informed about on Friday. We have no issues with that, but in the context
865 of the timing issues and the need of this House to act quickly, and that very long explanation
that the hon. Member has given of a very technical nature, perhaps it could have been that

some of that could have found its way to the explanatory memorandum, which was relatively brief in the context of things.

870 I do not know whether that was because there was a rush to legislate; this Bill was published last Monday. The English Bill, I believe, was published on 19th December. I understand that there has been an intervening Christmas and New Year period, but to a very large extent a lot of the provisions in our Bill follow the format – although there are differences, as the hon. Member has said in his contribution, which I will address. There are differences but the general format is similar, so again perhaps things could have been done slightly differently.

875 I am going to speak to the general principles of this Bill, of course, and in doing so there will be one issue that the hon. Member will see does concern us on this side of the House, which is that under the guise of the category of differences that the hon. Member has pointed to, the effect and consequence of the Act in many respects is to give very huge powers to Ministers to make regulations to bypass the functions of Parliament. The fact that Ministers can make
880 regulations is not uncommon, but what is uncommon is that Ministers may make regulations to amend primary pieces of legislation. We understand that we are in different territory and I will speak to that in a bit more detail, but we are concerned about the way that is being done because it is being done in a way different to that of the English Act. I will explain a bit later why I say that that is and why I would ask the hon. Member to reflect on that when he comes to his
885 reply, and indeed as we go forward, perhaps even at Committee Stage.

I also do say that I share the hon. Member's sentiments towards the end – perhaps not shared by everyone in this House – that it will be a moment at least to reflect on when we leave the EU. For those of us who are political anoraks enough to have read the *Hansard*, not recently but some time ago, of the contributions made by Members of our predecessor Parliament in
890 1972 when they came to contemplate accession to the EU, certainly the hopes of previous generations were placed in a different direction and it strikes me that it is certainly a moment for reflection, the moment that we leave the EU.

But I do share the hon. Member's statement towards the end and I am sure other Members of the Opposition that I speak for also share it. When he says that the time has come to look
895 forward and that there is a necessity, now that we know that as a result of the UK General Election there has been a return of the Conservatives with a sizable majority, there is a need for this community, for this country of ours, to now grapple with the basic political reality that the UK is going to leave the EU; that there are, to put it in Mr Johnson's words, no ifs or buts; that there is that basic reality to work with; that there is not going to be a second referendum or any
900 type of derailment of the policy of the UK government. In those circumstances it is necessary to look forward and I agree with the hon. Member that in doing so we must look to new markets and to old friendships and to foster those in different ways.

So, certainly from this side of the House we share the understanding of the new reality, the desire that Gibraltar should reposition itself, should do so confidently and should not do so
905 looking back on what might have been but simply accept what is and make the best of our future relationship with the EU and indeed the future development of different markets and old friendships.

Having said all that, Mr Speaker, I will say also that in reflecting on the moment, the moment that we are engaged in, it seems to me ... again it takes me back to the understanding that ... The
910 hon. Member and I, I think, share the same year of birthday, which is different to that of the Chief Minister, but the hon. Member and I, and the Chief Minister, were all born in two significant years for Gibraltar: 1967, a date when we were given the right to choose – qualified self-determination as it was, but an important year when we were given the right to choose; and 1972, when not the people but certainly this Parliament was given the right to choose whether
915 to accede into the EU or not.

I reflect that yes, we participated in the Brexit referendum, but our country has not really been given the right to choose in terms of there being basic recognition of the desire of our people to remain in the EU, as indeed has been the case with Scotland and other parts of the

wider British family. But that does give rise to the concern that I have voiced before, and it is not a new concern and it is not a concern that I voice on my own but rather a concern that other people in other parts of the British family have voiced, that the voices of those peoples in Scotland or indeed in Gibraltar have not been properly taken into account in terms of the shaping of their own respective futures. But I do understand again the basic political reality of being submerged into a referendum where we could do little to influence the outcome. I regret that the outcome was what it was and that we were unable thereafter to address issues of our unique circumstances in a better way.

Mr Speaker, indeed, I have said before, certainly before re-entering this Parliament, that it was a source of regret, certainly for me and for Members on this side, that our unique arrangements have not been as protected, in our view on this side of the House, as they have been for the people of Northern Ireland. Indeed, the withdrawal agreement that was entered into with the EU contains, of the nearly 600 pages, over 150 pages are all about Northern Ireland, whereas a mere six refer to Gibraltar. I know we have got the MoUs, which I will turn to, but it has been our view that our unique features have not been as protected as they have been in the case of Northern Ireland and indeed that we have not been seen by the wider British people to be as high on the list of things to protect, as has been the issue over Northern Ireland. That is clear for everyone to see, or everyone who sees the British media, when there are constant references to the border between Northern Ireland and Ireland as being the only British border with an EU territory. It seems to us that from time to time we have been forgotten in this place of ours and that it is important to remind those who negotiate on our behalf to do so without forgetting our priorities.

But this Bill, of course, Mr Speaker, is not about the withdrawal from the EU itself, it is about the withdrawal agreement, and in setting out the position that the Opposition take in respect of these general principles I want to take a step to one side and analyse that precisely and our differences in respect of the withdrawal agreement, only very briefly, so that we all understand each other as we look forward in respect of this particular Bill.

I want to make clear, and I do so immediately, that we will support this Bill at general principles on the Second Reading and I hope to persuade the hon. Member to take into account some of the points that we intend to raise at Committee Stage – there is one very fundamental one and I hope that I will have his support in that on proper reflection.

I want to explain why we will support this Bill. In doing so, let me say that we do not resile at any moment from the disagreement with the Members opposite about the deficiencies of the MoUs that they negotiated. We do not resile from the view that we take on this side of the House that the Tax Treaty is harmful and intrusive. We do not resile from the view that we take on this side of the House that the MoUs and the package in the withdrawal agreement were a lost opportunity for Gibraltar because we could have got a better deal. We do not resile from those points. We do not resile from the observations we have made that we regret the contents of the MoUs and their constant references to fraud and smuggling which were accepted by the Members opposite. We do not resile from the fact that we have said that the MoUs have the effect of giving frontier workers enduring rights and we have not obtained anything permanent in return. We do not resile from our disagreement with the Members opposite as to what we view would have been a better way forward which could have been delivered if the Members opposite had negotiated better deals for Gibraltar.

Having said all that, Mr Speaker, I have also said on a number of occasions ... I was asked the question during the election campaign as to what we would do if we were in government, and I said that despite the deficiencies it was clear to me that if we were to have found ourselves in government after the last election it was important to accept the MoUs despite the deficiencies and then we would have a period of 11 months to negotiate a beneficial permanent arrangement with the EU because some access to a transitional period, even on the back of a defective set of MoUs, was better than no deal. That is our position and that is why we are going to support this Bill at Second Reading on the general principles.

I should say on an aside, Mr Speaker, that I was surprised to see comments from the Governor this morning in the press expressing views on the MoUs and on whether the agreement was good or bad for Gibraltar. The Governor is, of course, a representative of the Crown – he is the Queen in Gibraltar – and he has been a good Governor. He is a popular and good Governor, but he should not be immersing himself in matters of local political controversy. It would have been as strange as if Her Majesty had expressed a view at the height of the differences between the Labour Party and the Conservative Party as to whether the withdrawal agreement negotiated by Theresa May was good for the UK. It was inappropriate for His Excellency to express views on matters of local political controversy. He is the Crown in Gibraltar, he fulfils a ceremonial function, he is the Queen in Gibraltar and on the eve of his departure expressing views on issues of controversy such as the MoUs and the Tax Treaty crossed the customary line and was a matter of dismay for all of us on this side of this House I speak for, at least the GSD.

Mr Speaker, as I say, we are going to support this Bill in its general principles although we have some concerns. Before I get to those concerns, I have also said – and I note what the hon. Member says about, that they intend to negotiate this in the way that ... It is their prerogative, of course, to negotiate this on an intergovernmental basis without involving the Opposition. He expresses his views of the briefings and we take a different view as to the selective nature of those briefings and as to whether the negotiations should be handled in that way or not. It is a matter, of course, for the Government how it handles it, but it is not always the case, of course that matters are handled intergovernmentally only.

The hon. Member was on this side of the House when I was on that side of the House and we involved the Opposition in the negotiations on the Constitution. That issue, in my view at least, was not as dramatic a moment for Gibraltar as this issue, where we are negotiating a possible permanent future arrangement and relationship with the EU. We may disagree. They were both important moments for Gibraltar. We were trying to get as much as we could from the British government in constitutional negotiations, but this is also an important moment. A lot of people in Gibraltar would expect the Government and Opposition to work together in the public interest.

It is, of course, as I repeatedly say, a matter for the Members opposite and the Chief Minister in particular. It is his prerogative – he has been re-elected – to go about it as he wishes. All I can do as Leader of the Opposition is to tell the hon. Members that the offer to assist is there. It is a matter for them if they wish to accept that or not, but we are willing to participate in a joint negotiating team at least for the next 11 months if at any moment they reflect on it further and they consider that that is in the interests of Gibraltar, or if indeed they wish to follow a hybrid course, which is not the briefings that they followed but perhaps give us a better awareness of the documents and share the documents that they are considering on a private basis if they wish us to have a bit more influence or wish us to assist in any observations we may make.

Of course I accept that the Members on this side do not have a monopoly on good ideas, but I hope that the Members opposite also accept that they do not have a monopoly on good ideas either.

Mr Speaker, the next 11 months is an important moment for Gibraltar which we must use in a twofold way. We must negotiate – or try to negotiate – a beneficial permanent deal, but we must also make Gibraltar ready for the possibility that we might either not have a deal or not be included in a deal. I know the hon. Members will have that foremost in their minds when considering the next 11 months and the twin track that they must skilfully glide over while they try to prepare Gibraltar for all of that.

Mr Speaker, if I may – and not in the detail of the hon. Member, of course, but if I may just go through some of the issues on the parts of the Bill that he went through to see if there are answers which in his reply he could give us. The first point that I make in terms of general principles ... Through the Clerk hon. Members will have seen that we have given notice of a letter on amendments that I will deal with at Committee Stage. I am not going to talk to those

amendments at this stage, but I do want to just explain the context of the general principle of the last one, and it was a question that I had which turned into a possible amendment that I put before the hon. Members.

In the English Act there are numerous references to this regulation-making power. They are very wide, they are as wide as they are in the Gibraltar Bill, but the big difference between the UK Act and the Gibraltar Bill is that there are also a number of references in the UK legislation which say that regulations do not take effect unless they have first been tabled in Parliament and approved by resolution of Parliament. That allows the United Kingdom Parliament – or, as the case may be, the devolved legislatures – to have advanced sight of regulations and to comment on them.

We are, of course, cognisant of the fact that in this Parliament we have an inbuilt governmental majority, but that should not be a reason to circumvent any discussion in this House. We perfectly understand that if the hon. Members wish to introduce regulations of a particular type they are likely to do so if it is subjected to a motion or resolution of this House because they have an inbuilt majority, but it should not be the case that we should bypass that mechanism at all, in our view.

We understand the need for, as the hon. Member put it in one of his categories for differences, maximum flexibility. We understand that and we understand the need for speed, but the need for speed and maximum flexibility has not prevented the UK structure being constructed in a way that subjects regulations to approval by resolution of the various parliaments. So why is it that we in Gibraltar need to be special and have a system which circumvents the powers and scrutiny of this House, limited as they may be?

Indeed, this is new in that sense because the European Union (Withdrawal) Act which was passed last year, in section 12 actually implies the opposite. Section 12 says ‘provides for a Minister to make regulations to implement the withdrawal agreement’, but it goes on to say that ‘regulations under this section may make any provision that could be made by an Act of Parliament except that regulations may not amend primary legislation unless the Minister believes it is urgent or necessary in the public interest, and no regulations may be made under this section after exit day’. So the power to make regulations to implement the withdrawal agreement under the Withdrawal Act was specifically more limited and qualified to urgency and necessity in the public interest if you wanted to amend primary legislation.

The effect of this Bill now repeals this section; and not only repeals it, substitutes it for a system that allows the Members opposite to enact regulations to make laws bypassing this Parliament that could amend and alter Acts passed by this Parliament without further reference to this Parliament without the need to certify urgency or that it is in the public interest and without the mechanism, which is the safeguard used in the United Kingdom, that if they wanted to do it, in the UK system you have got to introduce a resolution, you have got to introduce the regulations, and have it approved by resolution of the Parliament.

It is a big concern of the Members opposite and I hope that the hon. Member can reflect further that, given that this Parliament now, as the Chief Minister has explained, is going to revert – hopefully, and not be derailed because of Government business – will revert back to meeting on a monthly basis, there is no reason why the regulations that are made under this important piece of legislation cannot be tabled in this House and there cannot be a motion or resolution of this House approving the regulations where we are given the opportunity.

Why do I say it is important? For a variety of reasons: because we are given the opportunity to see the regulations in draft, to give you our views and it just may be that we may have a point on any of the specifics of the regulations. And if we do not, we do not, but at least we have fulfilled the proper function of this Parliament and it has not been bypassed. It is important to respect our institutions if we want other people to respect our own institutions. I ask the hon. Member to reflect deeply on the explanation I have given. I am sure that the hon. Member, from a position of good faith, thinks and puts forward this Bill in this respect, but I ask him to review

and consider it in greater detail, at least in relation to the regulations, and to consider the amendment that I have raised in that respect.

Mr Speaker, I would also say to the hon. Member that there is provision in the UK legislation for regulations to be time limited, i.e. there are provisions in the specific Act in the UK that the regulation-making power cannot be exercised in some respects beyond the IP completion dates. There is no such provision that I have seen in this Act. I have not put forward an amendment in this respect, but I ask the hon. Member to consider whether there should be a time limit, because otherwise, in theory, the regulations could be made at any point. There is good reason why they should be time limited, but I am not privy to the Government's thinking so I ask the hon. Member to perhaps consider that issue and indeed respond in due course when it comes to his reply.

Mr Speaker, I will speak to the other amendments that I have tabled when I get to Committee Stage, but I do want to make some observations in respect of the Independent Monitoring Authority, if I may.

Clause 15 of the Bill recognises the interface with the Independent Monitoring Authority, which is the body corporate established under the UK's legislation, and indeed enables a Minister to make regulations to prescribe the functions of the IMA in Gibraltar. I did notice in the UK Act that under Schedule 2 of the UK Act – in particular, I think it was section 4(3) – there is a need to consult the Gibraltar Government in respect of the appointment of someone on to the IMA, of a person who 'knows about conditions in Gibraltar'. I express simply a desire that the Government – which I am sure is uppermost in their minds – will proceed cautiously in the design of the architecture of the interface between the IMA, a body created under UK legislation, and the encroachment into our affairs by the IMA because of regulations that will need to be constructed to allow the IMA to have certain functions and so on in Gibraltar. We, I am sure, will proceed cautiously. I would be concerned that we do so and I simply flag the issue for the hon. Member, which he may already have thought about in his detailed consideration of the Bill, but it is important that we are careful about how the IMA powers are exercised in relation to Gibraltar.

Mr Speaker, I have indicated to the hon. Members that they have our support on the Second Reading of this Bill. I know that I have said things that also set out issues of disagreement between us – we cannot be singing from exactly the same hymn sheet on every single issue – but I hope they see that our support for the general principles of this Bill, on the basis that I have indicated and no other, is intended also to assist us giving a clear message today that, to the extent that we can, we are united in seeking to go forward with the spirit that the hon. Member closed with, which I also wish to close on: that the next 11 months are indeed important for Gibraltar; that in, whatever role, we are happy to assist, whether it is in a consultative or more direct role; that if the Government were to choose to continue as it has we will of course, as we are not direct participants, need to scrutinise arrangements from the outside; and we will fulfil our constitutional duty.

I sincerely hope, as I said in a recent interview, that at the close of this year we can all in Gibraltar celebrate our inclusion into a permanent and beneficial agreement and new relationship for Gibraltar with the EU, and that we do not need to rely on the fact that no deal is better than a bad deal and walk away from a bad deal, but that of course if that juncture arrives we will support the Government if it walks away from a bad deal.

Mr Speaker, those are the observations that I had on the Bill, and with that I sit down with that support of the Opposition on the basis I have indicated. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I take this opportunity also, firstly, to congratulate the Attorney General, Michael Llamas, on his much deserved honour of CMG. Michael Llamas has worked diligently and he has had a never-ending task for the people of Gibraltar with the

Brexit challenges in the last few years; but not only that, from Brexit to football I believe we all owe a huge debt of gratitude to Michael Llamas and I am proud to be able to take this opportunity today to say so. *(Banging on desks)*

1130 I will not bore the House with a long address, and as I say this I also take this opportunity to thank the Deputy Chief Minister for his very expansive address and detailed explanation on what is a very technical Bill.

1135 We have finally arrived at the moment, for all of us in this Chamber, which we hoped would never happen. Fifty years ago, fascism and intolerance closed down our border, severing ties of civility and affection between two closely intertwined communities. Since then, Gibraltar has endured, overcome and improved, establishing an identity that represents the polar opposite to the fascist spirit that wished to isolate it from the world. We are an open community, profoundly proud of our diversity and rich culture, but also an open economy, always ready to embrace new markets and opportunities. Today, other forms of intolerance, more nuanced but not too dissimilar to those of yesteryear, threaten to bring us apart again.

1140 I therefore approve of the practical application of this Bill and will of course vote in favour of it, despite the fact, of course, that I profoundly disapprove of its underlying substance. I hope that we can and will all work together to achieve the best possible outcome from this calamity that has been imposed on us and that we may never let ourselves be dragged into the mire of small mindedness and isolation.

1145 I take this opportunity, lastly, Mr Speaker, to remind Government that I stand ready to support them in the next 11 months in any way I can.

Thank you. *(Banging on desks)*

Mr Speaker: The Hon. the Chief Minister.

1150

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, it is indeed with a heavy heart that I rise to address the Parliament on this Bill that has been expertly presented by the Deputy Chief Minister in great detail, setting out to all of us all of the highways and byways of what it is that this Bill achieves. I think it achieves something that none of us had wanted to see achieved, 1155 which is the effective withdrawal of Gibraltar from the European Union in supporting the European Union (Withdrawal) Bill that we have already voted, but in bringing about in that process an orderly exit from the European Union rather than allowing a disorderly Brexit from the European Union, which would have happened if all that the United Kingdom and Gibraltar did was sever the ties between us and the EU by in effect repealing the Acts that are already in place to give effect to the Union without putting anything in its place. 1160

So I want to thank the Deputy Chief Minister for the way that he is taking us all through it in that detail and I want to thank also the team behind the work that has been done. Very often when we come here to the Parliament and we look at things in detail for a couple of hours, we are unable to appreciate the amount of work that goes into being able to produce even what we 1165 might term not a short Bill but not a long Bill either. That team has been led by the Attorney General and also by the Senior Drafting Counsel, Paul Peralta, who I think have really done an incredible job of ensuring that we were able to publish as soon as last Monday, which was almost immediately after the United Kingdom had finished going through the Bill in its Committee Stage. I will come to the timetable later, but this was really working to a fixed 1170 timetable in order to ensure that we were not considering an earlier iteration of a UK Bill when we would have to have almost all of the aspects of the UK Bill in Gibraltar, and that could have changed after the process in the House of Commons.

I also want to reflect on the work that we have done in the past four years almost now since the result of the referendum on Brexit. This is the last legislative instrument that will come to 1175 this House. We started with the Bill to allow the referendum and now we are here with the Bill to give effect to the deal to leave the European Union.

In that time I have also had an opportunity not just of working with my team, with the Deputy Chief Minister, the Attorney General – whom I will say more about in a moment – and the Financial Secretary; it is also true that in the Brexit Select Committee I have had the opportunity of working with the Hon. Mr Feetham – he was the Leader of the Opposition at the time of the referendum – and with the hon. Lady – I think she had just become an independent member at that time – and, if I may say so, Mr Phillips is not here but he also was a part of that process, and Mr Hammond.

We worked well in the Brexit Select Committee, we had an opportunity of exchanging views and we listened carefully to the things that they had to say. They listened carefully and, if I may say so, diligently, also keeping the confidences that we shared with them at the time of the negotiations, and I want to thank them sincerely for their honest and diligent work with us in that time. It is also true that we shared with them texts as soon as we were able in the context of that work, a point which I think is going to be relevant to some of the things that I will say later.

Mr Speaker, there are sometimes happy events that occur during difficult and sad times, also, and one of the happy events that Gibraltar will have seen recorded in this year's New Year's Honours list, which hon. Members in this House have already had an opportunity to refer to, was the conferment on the Attorney General of the grade of CMG, Companion of the Order of St Michael and St George. I think this is one of the most richly deserved honours ever bestowed in Gibraltar's history. Because of the nature of our parliamentary debating style, he is sitting behind me and I am giving him my back whilst I say these things about him, but he knows that I hold him in the very highest regard and the whole of this community does too. I think not only was this a richly deserved recognition of the work that Michael Llamas has done and does for Gibraltar; it was also one that was almost universally warmly received by the community that appreciates the work done by Michael Llamas. A lot of that work I think has been seen by those outside of Gibraltar also in the sweep of the work that Michael Llamas has done in the past 25 years, but perhaps more so in the past three years when he has been a stalwart pivot between Gibraltar and the United Kingdom of the technical work that needed to be done to bring us unfortunately also to this sad legislative moment.

Mr Speaker, there are four of us in this Parliament who started in politics together, and the first time that we went to a General Election, three of them – not me – stood for election with a manifesto I staunchly supported, although not a candidate. The cover of that manifesto was the Union flag and we proposed a royal city status for Gibraltar within the European Union. That is the depth of feeling that I think on both sides of the House there has long been for seeing the European Union as a potential, dare I say, 'solution' to many of the issues that Gibraltar has faced historically.

The Hon. the Deputy Chief Minister and I continued down that route in politics together. We never split from the original position and ideas. We went to Europe, we made the arguments, we lobbied, and I have said before but I must say today for the purposes of the historical record that one of my proudest moments in politics was when, having won the General Election in 2011, we agreed that the portfolio responsibility for Europe should be that of the Deputy Chief Minister; but one of the saddest moments I had in politics was to agree with him that I should designate him the Minister for Leaving the European Union as well. I think in the time that he has done both of those jobs he has done them expertly, but unfortunately in this process we are both undertaking an exercise that I think the four of us who stood under that initial manifesto if not every other Member of this House does not believe it was right that we should be pursuing but for reasons that I have set out before and during the referendum campaign, and after, and indeed which the hon. Lady in quite Churchillian tones now referred us to as she set out her support for the European Union, a project which Winston Churchill kick-started after the Second World War, and I congratulate her for having so powerfully set out the case for Europe a moment ago.

Mr Speaker, what we are doing today, even though we do not want to do it for all the reasons I have set out, is to bring about that orderly withdrawal from the European Union. There is only one thing, in my view, which is worse than an orderly withdrawal from the European Union – because I would have wished us to remain – and that is a disorderly withdrawal from the European Union. That is what would have happened if the United Kingdom and the European Union had not come to terms in a withdrawal agreement fashioned as it was under Theresa May as Prime Minister and then subsequently with the changes that were agreed by the new negotiating team in London, brought to a head by Mr Johnson as Prime Minister. That would have all of the dangers that we have already set out.

But let's be very clear: we are not out of the woods yet. What would have been a disorderly exit at the end of March last year, or at the end of October last year, or indeed at the end of January this year if those terms had not been agreed, could yet be a disorderly exit at the end of December this year if there are not new terms for an agreement between the United Kingdom and the European Union. What will have happened is that we will have had almost 24 more months to prepare for that disorderly exit and we will have cushioned the moment of withdrawal with this transition period.

So, Mr Speaker, in the context of the dates that I have set out already, hon. Members cannot have been surprised – especially given that we have said repeatedly that we were going to wait for the United Kingdom to have taken the legislation through its stages so that we had as near as dammit a final UK Bill or Act – that we would have published on 13th January this year. Indeed, in the United Kingdom, the Hon. Leader of the Opposition has just reminded us that their Bill was published on 19th December. They will have known that that was the Bill almost that they would have been speaking to when it was brought to this Parliament, and they will have known not just because that is the nature of the work that we are engaged upon but because we said that we would not publish here earlier because all we would have to do would be amend the Bill by the time that it came to this Parliament if it had been amended in the United Kingdom.

And so, Mr Speaker, I want to put to the hon. Gentleman opposite, to whom I am grateful for the attitude that he has taken in saying that he will support this Bill, that actually there is nothing to be seen in the context of the certification of urgency – there is obviously a certification of urgency because the six weeks would have been up after publication beyond 31st January and therefore time had to be abridged perforce; but that he could have been, and I am sure he was, reading the UK provisions and knowing what was coming and needed the time only to see the differences between the Gibraltar provisions and the UK provisions. And so, Mr Speaker, in that context I am sure that there has been no loss to the Opposition in having the Bill certified necessarily as urgent.

Mr Speaker, I am grateful on behalf of the Government for the support which they have said they will give at Second Reading. I do not know whether, by telling us that he is going to support at Second Reading, he is setting out that he might be withholding support at Third Reading depending on the outcome of his proposed amendments at Committee Stage, but I express gratitude to him at least for support at Second Reading because not supporting this Bill at Second Reading would in effect be to vote for a disorderly Brexit, at least for Gibraltar. And indeed it would be to vote for a disorderly Brexit even if one had a technical reason why one did not like the Bill. I have made no secret of the fact that neither the Deputy Chief Minister nor I like the Bill and what it does, because we politically – indeed, as I have said before, many of us in this House, at least the four of us – would certainly not have wanted to see this Bill come at all. So, whatever technical reason one might find to vote against the Bill, my view is that this is one on which we have to hold our noses and vote for an orderly Brexit because the alternative is not a good thing to go down in history as having supported.

Mr Speaker, the Bill does allow powers to amend primary legislation by secondary legislation. That is not unusual in the context of Gibraltar. That power has existed in Gibraltar in relation to European matters since the late 1980s in the Interpretation and General Clauses Act without having to lay anything on the table in this House, and indeed hon. Members will know that

1280 because there are regulations signed by him when he was a Minister which gave effect to those sorts of provisions. This is something that unfortunately we have all grown used to in order to give business efficacy to Gibraltar's obligations under the Treaties to transpose legislation within a particular timeframe.

1285 That does not mean that we should not seek to using those powers when we can avoid using those powers, and being granted a power under an Act to do something like amend primary legislation by secondary legislation is not something that any Minister is going to do lightly if it is possible to bring primary legislation to amend primary legislation, but the power exists. It is at section 23 of the Interpretation and General Clauses Act, subsection (g), if hon. Members are looking it up. But let's be clear: we may need to use the power, as we have needed to use it in 1290 the past, because of the need to do things on particularly tight timeframes or to do very wide things very quickly because of the particularly tight timeframes.

The hon. Gentleman has given notice, just at the beginning of the session, of the amendments that he is going to move and he is going to speak to them at Committee Stage. I will not therefore labour them for now, but none of the things that he is going to propose are 1295 not things that the Government itself did not consider at the time of the publication of the Bill and things which we determined we could not pursue.

The first that he is going to move is, in effect, an amendment to protect acquired rights. The Government would not want to trample over anyone's acquired rights, but there are ways that, if we do trample over anyone's acquired rights, such individuals are able to take action without 1300 the need to make specific statutory provision for appeals, if we do.

In the context of the other proposed amendments that he is making, first of all we cannot curtail the power to make secondary legislation in a way that it is not already curtailed, and indeed he should know that we have absolutely no intention whatsoever of bringing, by regulation, changes to primary legislation that would impose or increase taxation or fees, make 1305 retrospective provision, create criminal offences, establish a public authority – indeed, we would rather not have to establish any more public authorities, Mr Speaker – or indeed affect any rights under the Gibraltar Constitution. But if we did any of those things and any of those things were wrong, there is already a provision to curtail our powers in that respect.

In particular, Mr Speaker, I want to just address, as a matter of principle at this stage, the 1310 final clause of six in his proposed amendment to section 17, which is 'not to affect any rights under provisions or effects of the Gibraltar Constitution'. I am going to put it to him, when the time comes, that if we were to be persuaded by him to include that clause now, then we should always include it because none of us should ever ministerially have a power to do by regulation anything which affects any rights under, or provisions or effect of the Gibraltar Constitution. But 1315 the fact is we do not, because the Constitution is a superior enactment even to primary legislation, let alone to secondary legislation, and there is no need to save the Constitution in any provision granting a power. We cannot give ourselves a power to do anything that derogates from the Constitution and so therefore I will put it to him when the time comes that that is an unnecessary provision.

1320 Finally, Mr Speaker, on this question of having to lay in Parliament or not, the fact is already in Gibraltar we have, under the Interpretation and General Clauses Act, the power to make amendments to primary legislation by way of secondary legislation. The provision he is referring to in the European Union (Withdrawal) Act comes to an end when we leave the EU on 31st January *de jure*. This is the power that takes over thereafter and it endures for as long as it 1325 has to. He is right that in the United Kingdom there is a time limit and we have not provided for that time limit here, but the only power that we are taking is for the purpose set out, and as the need to amend legislation by dint of our departure from the European Union becomes extinguished *de facto*, the power is therefore extinguished *de jure*. But we can come to those points in greater detail when we get to the Committee Stage.

1330 Mr Speaker, 1972 was indeed a great year, and the hon. Gentleman has referred to our accession to the European Union and the accident of birth that might have placed some of us

within it but he has failed to alight on the most important thing that happened that year, which was of course the election of Joe Bossano to this Parliament for the first time. When he talks about opening new markets and taking new opportunities, if there was something that happened in 1972 which enables us to do that now, it is the presence still in this Parliament of the man then elected, who was the person who identified those new markets when the MoD withdrew from Gibraltar etc. and who started to describe us as the 13th jurisdiction in the European Union – the 13th member state, for shorthand – for a while. So I think when he talks about us being alive to new markets etc., I have living proof to my left, of course, that we are indeed very much alive to that.

But when he says that we had a limited influence in the referendum and that our voting in it did not change how the outcome of our departure or remaining in the European Union might have been affected, much like Scotland and other parts of the United Kingdom that voted to remain but are leaving, he has to recognise that we were part of the European Union as part of the member state United Kingdom, and although our Constitution of 2006 changed our relationship with the United Kingdom, and in particular section 47 changed how EU matters were dealt with between us, it did not change our EU-facing relationship under the Treaties. And so the reality is that with the member state United Kingdom as a whole voting to leave the European Union, there was little wriggle room in that respect for us.

Mr Speaker, there is an important point here on which I need to reflect and go back to the first points I was making. If there is one thing that changed the dynamic between the United Kingdom and Gibraltar at a political level, I put it to hon. Members that it was Gibraltar's ability to vote in European parliamentary elections. British political parties from the United Kingdom suddenly took an interest in campaigning in Gibraltar because we became part of the South West region, and in doing so the argument that the Hon. the Deputy Chief Minister and I put to then Prime Minister David Cameron when the referendum franchise was being determined was an unanswerable one, because the European Court having determined that the European Parliament was a legislature for Gibraltar, there could be no question of us being excluded from the franchise of the Brexit referendum. For that, Gibraltar also has Michael Llamas to thank.

The hon. Gentleman then took a turn in his intervention which I have to take issue with, which is the idea that Northern Ireland is somehow more protected in the European withdrawal agreement than Gibraltar. First of all, Northern Ireland is larger than Gibraltar and it does things which Gibraltar does not do and which therefore would not need to be provided for. For example, it exports milk and meat and potatoes etc., and so there is a whole agricultural element and a farming element to what is provided for in the withdrawal agreement in relation to Northern Ireland that with our most optimistic hat on we could not pretend was necessary to replicate in relation to Gibraltar.

There is a list of European provisions that apply to Northern Ireland, which are replicated because of the nature of the relationship between Ireland and Northern Ireland, which are irrelevant to us. And – something which will bring me later to the apposite issues that we have been debating on Friday and Saturday and today – there is a Common Travel Area between the United Kingdom and Ireland. There is a UK IIA Schengen, so to speak. We do not have such a Common Travel Area with the European Union.

All of those things are the things that are, to take the hon. Gentleman's phrase, 'protected' for Northern Ireland in the context of the withdrawal agreement – except, of course, if you ask the people of Northern Ireland, because some of the people in Northern Ireland might take the view that this is not protection for them. Indeed – the hon. Gentleman will have followed the debate – the DUP do not feel that the withdrawal agreement is something that they should support, and indeed at Westminster they did not lend their support in the vote on the withdrawal agreement at different times in the debate. He will know that.

So it is very easy to try and get up and pretend to somehow blunt the great effectiveness of the Government strategy by saying there are more pages in the agreement in relation to Northern Ireland than there are to Gibraltar, but that argument is not an argument that holds

water in any material respect. Indeed, there is also a great difference between Northern Ireland and Gibraltar. Northern Ireland is a part of the United Kingdom. The powers that Stormont has devolved are nowhere near the powers that Gibraltar has under its Constitution of 2006, because Northern Ireland is not part of the member state United Kingdom under Article 355(3). Northern Ireland *is* the United Kingdom, Mr Speaker, and so therefore there is a great difference between one and the other. We have to understand those things, and I know the hon. Gentleman fully understands them, but when we confect an argument we have to, of course, factor those in and not try and add so much salt to the argument's ingredients that somehow we make it taste different to what it actually is.

We have not been forgotten in this place, Mr Speaker, as the hon. Gentleman suggested – hardly forgotten just because we might not have been mentioned in as many news bulletins in the United Kingdom as Northern Ireland has been mentioned in. I put it to the hon. Gentleman that that argument, as he knows, is a total fallacy. It is as if the people of Northern Ireland made the argument that they have been forgotten because they have not been mentioned on GBC's *Newswatch* as often as Gibraltar has been mentioned on GBC *Newswatch*. In the United Kingdom, the news bulletins have related to one part of the United Kingdom more often than they have to Gibraltar, but they have related to Gibraltar when they had to, Mr Speaker. Indeed, I sometimes do not know whether I am going to be accused of doing too much media or not doing enough, but when Gibraltar has needed international media attention it has had it. You do not measure the effectiveness of a negotiation based on the number of news headlines that there may or may not have been on a particular subject; you measure the effectiveness of the negotiation based on the outcome of the negotiations.

On that, although they will preserve their position in respect of what they term as deficiencies in the MoUs, I will tell them that the MoUs that underpin the Gibraltar Protocol are an *excellent* deal for Gibraltar, with none of the alleged deficiencies that the hon. Gentleman has put and with the great advantage that they include Gibraltar in the transitional period and without which we would not be a part of that transitional period.

The hon. Gentleman says, in effect, that they could have done better – because they are saying we failed to take the opportunities, we failed to negotiate, therefore, as well as he could. Well, Mr Speaker, perhaps it is because we spent so much of our time negotiating and investing in these MoUs to make sure that they had no deficiencies and to make sure that they were good for Gibraltar. But I have to put it to him that there is nothing to suggest that he is a better negotiator than me, or indeed that they are better at persuading people than we are. If we use the most recent measure of our ability to persuade, where I persuade 52 he persuades 25. It is the only measure in politics, Mr Speaker. It does not seem to me that Gibraltar does not have the best of the negotiating teams available already.

And so, Mr Speaker, when the hon. Gentleman says the MoUs give frontier workers enduring rights that our people do not have, I know that he is too able intellectually and academically to know that that statement is untrue. All of the rights that frontier workers coming into Gibraltar have obtained are mirrored exactly in favour of Gibraltarians and indeed British citizens resident in Gibraltar who exercise rights in the European Union going forward. So, for example, a British Gibraltarian who lives in Spain under the arrangements we have negotiated is able to have those rights recognised in an enduring fashion, and he knows it – or at least I have sufficient intellectual respect for him to believe that he knows it. So it is not right to say that the MoUs give frontier workers enduring rights that we do not have. The withdrawal agreement specifically provides that British Gibraltarians have those enduring rights also.

I think he has worked out that without these MoUs there would be no transition. The line of the bargain is set where it was set. I think we have achieved more than they would ever have achieved – I think we have certainly achieved more than they might even have set out to achieve – but there is where the line is now.

At least they, I think, have now appreciated that without the MoUs that underpin the Protocol there would be no withdrawal agreement applicable to Gibraltar and therefore no

Withdrawal Agreement Bill, and indeed there would be no transition, and that is what explained – I was going to say a U-turn, Mr Speaker, but it was such a pirouette that it deserves to be described in that way – the pirouette that they did 48 hours before the last General Election when they realised that – it obviously dawned on them, like a new dawn, Mr Speaker –
1440 that if they took Gibraltar into a General Election argument where there was one party saying we are for the MoUs and then saying they are against the MoUs, people would go into the voting booths with the clear choice of GSLP-Liberals – and Ms Hassan Nahon I think also made the point with us – supporting the MoUs and therefore in the transition, and GSD hard Brexit, for Gibraltar only, even if there is a Brexit deal for the UK. That is why they changed their position,
1445 something which he presents in a much more flowery and buttered up way today, but that was the reality. They were heading for a brick-wall crash and at the last minute they realised that they needed to avert it. And I was pleased that they did, Mr Speaker; I was pleased that at the last minute they saw the error of their ways and they agreed with us on these issues.

I have been surprised twice by his approach to the comments by His Excellency the Governor.
1450 I say twice, Mr Speaker, because he seems to have developed such a thin skin these days that he believes that a Governor having his picture taken in a school and saying ‘This is a fantastic investment for our future’ is something that he needs to remark on outside of this place, as if it were an interference in politics; and a goodbye interview by a Governor saying ‘I think these things are good and I think they work for Gibraltar; these are my personal views’ – because he is
1455 not talking for the Foreign Office – somehow is something that he needs to remark upon also as a gross interference in our party political fray, as if anybody in Gibraltar were going to make up their minds based on what a Governor says.

But I will tell him something, Mr Speaker. For a Governor to say what his impressions are when he is leaving is, in my view, unremarkable. What is, in my view, entirely wrong is for a
1460 Governor to take a partisan position on his arrival, and that is what happened at the time of the arrival of another Royal Marine as Governor when they were in government and when views were expressed as to trilaterals and as to Cordoba Agreements, views which would not have chimed with him and they certainly did not chime with me or those of us who were Members of the Opposition then. But very different to say something on the way out in a personal capacity
1465 and say something on the way in, in the same rank as representative of Her Majesty the Queen, which represents the position of the then Government of the day.

So, Mr Speaker, I think those things have to be set in their proper context, and I am surprised that he has wanted to raise those issues in the context of this Bill, but given that he has raised them I think it is absolutely right and proper that I should respond. And I want to just reflect on
1470 the fact – and I think we will have a chance to say more on this – that Edward Davis has been a *magnificent* Governor, but he has been a better friend and supporter of Gibraltar than even he has been a Governor.

Then the hon. Gentleman wanted to talk about the joint negotiating team. Well, Mr Speaker, there is not going to be a joint negotiating team, because negotiating a constitution on behalf of
1475 a Parliament with a colonising power, or administering power, is different to negotiating business. In the context of the Constitution there was a Select Committee that made a determination – over five years, I think – of what the Parliament wanted negotiated, and then that Select Committee went on to become the negotiating team, with others included who were not in the Select Committee for reasons that were politically transparent at the time. And that is
1480 how you negotiate a constitution, okay. That is not how you negotiate a trade deal, and that is what we are talking about. We are talking about negotiating a trade deal. There is a difference between negotiating a trade deal and negotiating a constitution.

I know that as a device the hon. Gentleman wants to talk about unity, wants to talk about maturity and wants to talk about doing things together as much as he can, but when he does it is
1485 important that people look at what he says versus what he does.

He says, ‘We need to work together, I am not a tribal politician, let’s do as much as we can together.’ Okay. We take him at his word. I issue a New Year’s message where I attack no one,

except people beyond our shores – certainly no one on that side of the House. And what do I get back from those who are not tribal, who want to work together, who want to ensure that unity prevails? A blistering, reportedly, attack on all issues unrelated to the many that I had mentioned. Mr Speaker, he says one thing and he does another. Fair enough.

He says that they were given superficial access and superficial briefings. Perhaps they were superficial because he was not there. The others, who were – in my view, and I do not want to pit them against each other, perish the thought – did not consider for one moment that the briefings that they were getting from us were in any way superficial.

He says that we showed them documents just before they were published, but he seems to forget that I offered him the opportunity to meet a week before and he told me he was not available.

Mr Speaker, the Hon. the Deputy Chief Minister is absolutely right. In some instances, because of timings and Ministers being elsewhere and not being able to get to No. 6 at particular times, the Opposition were briefed on matters before Ministers were briefed on matters, and in most instances I have to tell them they received the same briefings that Ministers received. Ministers did not feel that they were being treated superficially. This was a negotiation that was moving apace. We were out of Gibraltar for most weekends. The Deputy Chief Minister was going to London and I was going to London and then to Brussels, and then he was joining us in Brussels. This was happening. Things happen. Decisions have to be made when the time comes and you cannot just simply put it off.

For that reason, Mr Speaker, I think it is important that we understand the differences between negotiating a constitution and negotiating a trade deal. Indeed, these things are going to start moving very quickly. I just remind them: the most important thing happening on 31st January is not the closure of nominations in a particular local race; it is our departure from the European Union. I wonder whether they gave any thought to the fact that there were other things happening that day. Anyway ...

Mr Speaker, I hope I have dealt with all of the issues the hon. Gentleman raised which are my area of responsibility. I know the Deputy Chief Minister will now deal with a lot of the others.

There is one issue that I think it is important that we reflect on, in an area where I think there is a measure of agreement. As he was telling one of the local newspapers on Friday, I was telling the international press something almost identical and both of us were reported on Saturday. He was talking about freedom of movement and I was talking about border fluidity and the opportunities for a common travel area with Schengen. I was repeating something I have been saying since 2014, but of course these things were put off as future issues were not to be dealt with in the context of negotiations etc. until now. I think this is an area where there is a large measure of agreement between us.

I just want to say that it is important that we distinguish between joining Schengen and a common travel area agreement with Schengen, or an agreement with Schengen for access to Schengen. Those two are different. I also think it is important because the term ‘freedom of movement’ has taken on a meaning under the European Treaties that we understand, and that although the terminology of ‘freedom of movement’ flows off the tongue, ‘freedom of movement’ means something under the Treaty. In effect now it means freedom of establishment, whilst I think that we are all talking about border fluidity – so the ability to, yes, move fluidly between Gibraltar and the Schengen Area but not necessarily implying the technical definition of ‘freedom of movement’ as now provided for in the Treaties. I am grateful, Mr Speaker, that I think there is a measure of agreement between us in that respect.

Today, the BBC has suggested that a line issued by No. 10, on which we were consulted and we were joint authors of, somehow contradicted the position that we had set out since 2014 with the support of the then Minister for Europe who became Deputy Prime Minister, Sir David Lidington, about differentiated relationships between Gibraltar and Schengen. The phrase that No. 10 put out to the BBC said this:

After we leave, the UK will be negotiating the future relationship with the EU on behalf of the whole UK family, including Gibraltar. Working closely together, the UK and Gibraltar Governments have always supported arrangements at the border with Spain which promote fluidity and shared prosperity in the region. The UK, including Gibraltar, is not [presently] part of the borderless Schengen zone.

That was somehow interpreted by the BBC as suggesting that we could not have a different arrangement with Schengen. In fact, I am very pleased to tell the House that the BBC headline, which at 12.30 today was 'UK rules out Gibraltar EU travel deal', has now changed to 'UK to decide on Gibraltar EU travel deal' and the first line of that report, which was also, in our view, wrong, has also I think been changed on reflection, having seen that the No. 10 statement did not do any of the ruling out that their original headline had suggested – an area which I am sure hon. Members will welcome, because on this I think we are *ad idem*.

Mr Speaker, finally, a week on Friday, on 31st January at midnight we will be lowering the European flag. One second after midnight we will raise the Commonwealth flag. We will not be celebrating Brexit on this side of the House, but we will be accelerating through Brexit. We will open new markets, we will take new opportunities and we will ensure that everything we do is designed to make the people of Gibraltar prosper in the future as much as we have in the past. But make no mistake: the United Kingdom is not leaving Europe. The United Kingdom will always be in Europe because a part of Europe will forever be British: this Rock on which we stand.

Thank you very much. (*Banging on desks*)

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, thank you very much. If I drift towards the hon. Lady, it is not because I am going to be defecting politically but because she has a fire under the table and it is terribly cold in the Chamber today. (*Interjection*) Well, I do not know – but she is performing a public service, I can tell the hon. Gentleman that.

Mr Speaker, I am going to be very brief. One of the functions of the Bill, amongst other things, is to maintain regulatory and legal equivalence with the EU, certainly for a period of time and certainly for this transitional period for the next year. My contribution today is going to be limited to that.

What I want to talk about is regulatory legal equivalence, our approach to regulatory legal equivalence in the future and why in the context of that I think it is very important that the hon. Gentlemen opposite accept the offer that has been made by the Hon. the Leader of the Opposition and why it is important we work very closely together in the future.

Mr Speaker, it has been clear to me certainly, for a considerable period of time, that we were going to be out of Europe, Gibraltar. The reason for that was this. It did not matter whether the UK reached an agreement, a permanent agreement with the European Union or a permanent relationship; I think the price – and I think I have said this before in this Chamber – the price that the Spanish government, of whatever persuasion, would have placed before Gibraltar and the United Kingdom for Gibraltar's inclusion within that permanent deal would have been so high politically that Gibraltar would have said no and would have walked away from it.

In saying that, I do not detract, despite all the criticisms that we have made on this side of the House of the MoUs, from the importance of the Government, which has been recognised by the Leader of the Opposition, reaching an agreement including Gibraltar within the transitional arrangement, because of course the reality would have been – and that is the position that we were faced with during the General Election – that if we had not agreed it, we would have effectively been falling off a cliff when the United Kingdom would have had an extra year, and that would have been a disaster for Gibraltar.

So, certainly from this side of the House we have taken the view that there are areas of the MoUs that we do not like, we think we could have done a better job, but the reality of the situation is that what we are not going to do is walk away from a withdrawal agreement that

would have meant that we would have fallen off a cliff whilst the UK would have had the benefit of the transitional period for the next year. That would have been a disaster.

1590 But the reality, in my respectful view, is that the price for a permanent deal that would have been waved in front of Gibraltar would have been so high – because the temptation would have been too great for the Spanish government – that Gibraltar would not have paid that price and we would have walked away. In fact, I believe that what has happened in the UK, in terms of the political situation and the win for the Conservative Government in the United Kingdom, has meant that we are odds on coming out of the European Union anyway without a permanent deal simply because the price for a permanent deal from a UK point of view – leaving aside
1595 Gibraltar, from a UK point of view – is some regulatory or legal equivalence in key areas, which is the price that the EU is going to demand of the United Kingdom if the United Kingdom wants a permanent relationship with the European Union.

Of course that goes against what, in my respectful view, Boris Johnson and the Conservative Party want to achieve for the United Kingdom, which is regulatory ‘disequivalence’, because it
1600 appears to me that what the United Kingdom are going to be attempting to do over the next few years is deregulate in the United Kingdom and move away from Key EU rules in key areas that will deregulate the United Kingdom, allowing outside investment to then flow into the United Kingdom, and that is how they propose to get the economy motoring in the United Kingdom.

If that is right, and I believe that that analysis is correct, then it is likely there is not going to
1605 be an agreement between the EU and the United Kingdom, and in those circumstances of course Gibraltar is also out because if the UK is out, Gibraltar is also out.

In that context, what we have is an economic situation in Gibraltar where key economic sectors like gaming and financial services are almost wholly dependent on access to the UK markets.

1610 I was very surprised, I have to say, when, having argued at the referendum that coming out of Europe was an existential threat to our economic model, we then had the statistics – I do not doubt them – emerging from the Government, that said that in terms of financial services, for example, I think it was 94% of our business was done with the UK, so it is almost entirely UK facing.

1615 In terms of the gaming industry, which accounts for a huge bulk of employment here in Gibraltar and economic activity here in Gibraltar, that is almost exclusively UK facing. Those that will depend on the EU for their markets may in fact opt to leave and go to other jurisdictions where they can continue to offer their services in a much easier way into the European Union.

What are the implications of that? Well, the implications of that are that if we are dependent
1620 on markets in the UK and the UK is moving towards or may move towards a situation of deregulation and ‘disequivalence’ with the EU, it may well be in our interest – indeed, I can see that there are cogent arguments for saying that it is in our interest that we too ought to look at this issue of regulatory equivalence and legal equivalence and there may be no point in shadowing the European Union in the future. Indeed, it could well work against us to do so.

1625 Therefore, there has to be an element of profound reflection from the Gibraltar side as to where we want to go and where we want to be in the future, bearing in mind where our markets are likely to be. We all have a desire in Gibraltar to open new markets and I know that the Government is not sitting on its hands in terms of looking for new markets. I can see the Father of the House nodding and I know and I acknowledge the work that the Father of the House has
1630 done in the Far East, but the reality is that certainly in the short to medium term our main markets are going to be in the United Kingdom. We have got to watch very carefully what happens in the United Kingdom and there has got to be a debate here in Gibraltar as to whether that is where we want to go, as well as whether we ought to go as well.

Indeed, in that context I also make this observation. The Government is talking about
1635 Schengen and perhaps how we might maintain some form of free movement in Schengen, that we might be able to negotiate some special deal in that respect in relation to Gibraltar, but of course if that, or anything else that may be attainable – and I foresee all sorts of difficulties with

the European side, which has to be read mainly ‘the Spanish side’ – will come at a price of maintaining regulatory and legal equivalence here in Gibraltar and thereby essentially not being in lockstep with the United Kingdom, then that is something that we have got to think about very carefully.

I can see that the Hon. the Chief Minister is being impatient with me. Look, I am making –

Hon. Chief Minister: You are making arguments for the Spanish. You are helping them to join up the dots. It does not make any sense.

Hon. D A Feetham: I am not helping anybody to join up the dots. I am making an observation in the context of this Bill as to what are the likely issues facing this community in the future and what are the issues that I feel are important that we ought to focus on.

Therefore, in that context, Mr Speaker, I do think it is very important that the Government and the Opposition work very closely together on these issues, together with other stakeholders in business, in the union sectors and elsewhere, to effectively set out a roadmap as to where we want to be and indeed where it is most beneficial for us to be. Everybody in this House has always, as far as I can see, been of the view that we have valued our membership of the EU, that we prided ourselves in complying with EU regulations, with EU standards, with EU laws, all that sort of thing. But I think that in the future there needs to be a profound debate about where we want to go and where it is most beneficial for us to go, and where the UK is going to be going in the next four years. Bearing in mind where our markets lie, that is going to be absolutely critical to Gibraltar’s economic future.

Mr Speaker, that is my contribution. Thank you very much. *(Banging on desk)*

Mr Speaker: Does anybody on the Government side wish to make a contribution?
Does the mover of the Bill wish to reply?

Hon. Deputy Chief Minister: Mr Speaker, I want to thank all the hon. Members who have contributed to the debate on the Bill today.

I will just go through the different points which I think require an answer or clarification, bearing in mind my hon. Friend the Chief Minister has already clarified and given a view on those points.

The first one was the timing for the Bill, which was mentioned by the Leader the Opposition. My hon. Friend the Chief Minister has already explained that the UK Bill was liable to amendment and we needed to wait for that process to finish before we introduced our own. I mentioned also, separately, in my introduction to the Bill when presenting it to the House, that there was this additional request from the United Kingdom, that they needed to ensure that all the different territories that had to legislate to give effect to the withdrawal agreement in different parts and in different ways, that all those are in place before they ratify and they can tell the European Union we have now done our part. So, in a sense, that is the timetable that has driven our own timing.

In terms of the point of no recognition of our desire to remain, I think the hon. Member understands that obviously the 96% vote for Remain made a considerable impact in the United Kingdom and also in the European Union. But the situation in the UK kept on evolving to such a degree that we found it was far more prudent to have friends on both sides of the argument. We ended up going to the Conservative party conference, the Labour, the Liberal Democrat the DUP and the SNP party conferences, and in all of them seeking support from people who were on the Remain side of the argument and also on the Leave side of the argument, which explains why we received standing ovations from the SNP and from the DUP within two weeks of each other, parties which are diametrically opposed on other issues.

The other point I think that needs to be made is that we voted in this referendum in 2016. The previous one took place on 5th June 1975. Within two years of joining the European Union

1690 they held a referendum on possibly leaving the European Union, and Gibraltar did not participate or vote or was involved in that in any particular way. I think my hon. Friend was instrumental in getting David Cameron to agree to include Gibraltar in the franchise this time round and I think that gave the people of Gibraltar a democratic say in the outcome, even though it was an outcome that we did not share and an outcome that we did not like.

1695 In terms of Northern Ireland also my hon. Friend has addressed this, but I think there is one more point to be made. First of all, I do not think you measure it in the number of pages. In the Irish one, as has already been indicated to the hon. Member, most of it is a list of EU measures which will continue to apply in different ways. Also, the Anglo-Irish Agreement is an international treaty, the Agreement of 1985, registered in the United Nations, so the processes and procedures to change that international treaty are obviously very different. Cordoba was, for example, a political agreement which gave Spain and the Partido Popular when they came in, in 2011, the opportunity to change it unilaterally. The Anglo-Irish Agreement is an international treaty registered in the United Nations and the processes and procedures are obviously very different.

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1705 In terms of the MoU and the enduring rights to frontier workers, I think the point which I made in my introduction is that the MoU does not give any enduring rights to frontier workers, as those are in the withdrawal treaty itself. And also I should add the rights given in the withdrawal treaty are reciprocal. They are given by the European Union, the EEA EFTA countries and Switzerland to United Kingdom nationals, including Gibraltarians, in the same way as they are given by the United Kingdom and Gibraltar to European Union EEA EFTA nationals and also Swiss citizens. So they are reciprocal, but they are in the withdrawal agreement, not in the MoU. The only new thing that the MoU does is set up the Committee for Co-operation. The actual rights are enduring because they are in the agreement, not because they are in the MoU, and they apply to Europeans and they apply to British citizens in the same way.

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1715 In terms of intergovernmental negotiations, again I think I referred to that in my address, as did the Hon. Chief Minister in his. The hon. Member mentioned we were involved in the constitutional negotiations; that is true. As my hon. Friend has said, that emerged from a Select Committee of Parliament. Where there was no involvement with the Opposition whatsoever was, for example, in the shared sovereignty discussions, where – the hon. Member was in government at the time – there was a statement made by the then Chief Minister that a joint commission would be set up with the Opposition to work on lobbying in the United Kingdom and elsewhere. That never happened and we were never involved.

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1725 Indeed, there was also no involvement whatsoever in Cordoba – not that he would have wanted to be involved, but there was no involvement at all. The Opposition was not involved or consulted or informed. And indeed in the 16-odd years that I served in the House I do not think I was consulted or involved by the then Chief Minister and the Government in absolutely anything – or even briefed, I should add – (**Hon. Chief Minister:** However brief.) but we have indicated there will be an opportunity for the Opposition to provide an input in the process in the same way as they have had an opportunity to provide an input in the exit process.

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1735 The hon. Member referred to the regulation-making powers. My hon. Friend has answered that very well and also given me the time to look up the Interpretation and General Clauses Act, and it is very clear that the power to make regulations which may even amend primary legislation relating to international treaties, particularly relating to Europe and to the European Community, is in the Interpretation and General Clauses Act. That is there already. For example, I will just quote briefly, as it is referred to in that subparagraph:

- (ii) ... that Act may be amended, varied or added to by regulation made by the Government for the purpose of–
 - (aa) implementing such obligation or of enabling any rights enjoyed or to be enjoyed by Gibraltar under or by virtue of the Treaties to be exercised; or
 - (bb) dealing with any matter arising out of or related to any such obligation or rights or the coming into force or the operation from time to time of matters falling within the Treaties, and such amendment or variation may include such repeal of the provisions of that Act as is necessary to give such effect.

So this is something which, in EU terms and in Treaty terms, has already existed, Mr Speaker.

The other point was the IMA. We are conscious of his advice to the Government to be cautious about it. We have been. That is why the way it is drafted ... and the powers which will be bestowed on the IMA will be powers which the Government of Gibraltar will do.

1740 There is also this reference which the hon. Member made, which is in the UK legislation that will appoint people who need to know about the conditions on Gibraltar. Similarly, there is also the same phrase used in relation to Scotland, to Wales and Northern Ireland, to the devolved administrations which will also be affected by the IMA.

1745 Those are, I think, the only questions or points of clarification which were asked, Mr Speaker, so I once again commend the Bill to the House. *(Banging on desks)*

Mr Speaker: I now put the question, which is that a Bill for an Act to implement, and make other provision in connection with, the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for Gibraltar's withdrawal from the EU, and for connected purposes be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The European Union (Withdrawal Agreement) Act 2020.

COMMITTEE STAGE AND THIRD READING

European Union (Withdrawal Agreement) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

1755 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken later today? **(Members: Aye.)**

In Committee of the whole Parliament

European Union (Withdrawal Agreement) Bill 2020 – Clauses considered and approved

1760 **Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the European Union (Withdrawal Agreement) Bill 2020.

1765 **Clerk:** A Bill for an Act to implement, and make other provision in connection with, the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for Gibraltar's withdrawal from the EU, and for connected purposes.

1770 Part 1, clauses 1 to 3.

Mr Chairman: Part 1, clauses 1 to 3, stand part of the Bill.

Clerk: Part 2, clauses 4 to 6.

1775 **Mr Chairman:** Part 2, clauses 4 to 6, stand part of the Bill.

Clerk: Part 3, clauses 7 and 8.

1780 **Mr Chairman:** Part 3, clauses 7 and 8, stand part of the Bill.

Clerk: Part 4, clauses 9 and 10.

Mr Chairman: Part 4, clauses 9 and 10, stand part of the Bill.

1785 **Clerk:** Clause 11.

Hon. K Azopardi: I gave notice, Mr Chairman, that I was moving an amendment by introducing a new subclause (4), in the letter that I circulated earlier today. I will just read it, for the record:

To the extent that any power to make regulations under this section may be exercised in a manner to allow the making of decisions which would deprive or limit any person's rights such as these existed prior to the commencement of those regulations, the said regulations shall contain provisions for or in connection with appeals against or reviews of decisions of the kind described in the regulations.

1790 Mr Chairman, I just explain that this clause can impact on the accrued rights of people in terms of their status of entry and residence into Gibraltar and there is a comparable provision in the UK legislation, not exactly the same but that implies that regulations will be made that provide for rights of appeal of people, and this is an attempt to ensure that there is an element of due process and people have rights that they can trigger if indeed their rights are affected.

1795 **Hon. Chief Minister:** Well, Mr Speaker, the Government has already indicated on a number of occasions, indeed since the first moment that the results of the referendum came in, that we have absolutely no intention of affecting individuals' accrued rights. Indeed, even when this was a live issue in debate in the United Kingdom, the Government of Gibraltar was saying in Gibraltar we will not affect the accrued rights of individuals.

1800 The position broadly is there are those who have already acquired rights before the departure of the United Kingdom from the European Union and those, under the withdrawal agreement, now have those rights recognised going forward under the agreement.

1805 Our view was – and I think hon. Gentlemen would agree with us – that even absent the withdrawal agreement there were rights which individuals had acquired, those which we call the accrued rights, which could not be then stripped from them by one government or another. And our attitude is going to be that – namely that we are not going to do anything to strip people, who will have acquired these rights before our legal departure from the European Union, of those rights.

1810 If we were to do so even inadvertently, because it is not our intention to do so or to use any such power in that respect, then our view is that there are already mechanisms which provide for appeals both under the provisions of the agreement itself – remember that there are committees and there are appeals through committees which eventually get through dispute resolution procedures under the committees – and indeed even in our courts people could challenge the Government if we were to affect their accrued rights, without our having to create new specific avenues of appeal.

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Therefore, although we are not with the hon. Gentleman on his amendment, we are not with him because we believe that these avenues already exist, not because we think that there is a need to save the Government from challenge in respect of denial of accrued rights, because it is the Government's stated intention inside and outside of this House that we should not affect the rights of those who have accrued or acquired such rights before our departure from the European Union.

Broadly, Mr Speaker, those are what are known as the stock of individuals, those who have acquired those rights before, and, for all the reasons that we have set out our desire that we were not leaving the European Union, we think those individuals should not have their rights affected and therefore we agree with the sentiment but not with the mechanism that the hon. Gentleman is proposing.

Mr Chairman: The Hon. the Leader of the Opposition?

Then the House should vote on the amendment. Those in favour?

Hon. Chief Minister: If it helps the hon. Gentleman, Mr Chairman, what we are saying is, apart from our good intentions, they are protected by the Treaty. The withdrawal agreement is a Treaty, it is a new Treaty, and it provides for the preservation of these accrued rights.

The hon. Gentleman knows I made the point earlier ... He said that some things had been achieved for frontier workers which had not been achieved for British Gibraltarians. Well, those things have been achieved for Gibraltarians. The withdrawal agreement is entirely reciprocal; whether he accepts that or not, the mechanisms for enforcement of those protections are provided for in the Treaty. There is the international right in treaty; there are the existing rights under our laws if somebody wanted to take a national legal measure.

So I think we are all agreed as to the sentiment of not wishing to deprive anyone of their accrued or acquired rights; we are just not agreeing that this mechanism is required for that purpose because there is a higher protection in treaty law and there is already existing protection in national law.

Hon. K Azopardi: Mr Chairman, I am not withdrawing the amendment.

I hear what the Hon. the Chief Minister says as to their sentiments and their good intentions, but I reiterate there is a similar, although not same, provision in the UK Act and we think it would be better practice not just to rely on good intentions but simply to record in legislation what it should say. That is the reason we are putting it, and obviously we understand his stance.

Hon. Chief Minister: Mr Speaker, we are not saying that people should rely on good intentions. We are saying that our good intentions are an indication of what our actions are going to be, that there is treaty law protection and that there is existing national law protection and that this is simply not necessary. For that reason, we will not be supporting the amendment if it moves.

Mr Chairman: The House will vote on the proposed amendment. Those in favour? (**Several Members:** Aye.) (*Interjections and laughter*) Those against? (**Several Members:** No.) Is the hon Lady voting in favour or against? (Hon. M Hassan Nahon: Against.) Against.

Clerk: Original clause 11.

Mr Chairman: Clause 11 stands part of the Bill.

Clerk: Clauses 12 to 16.

Mr Chairman: Clauses 12 to 16 stand part of the Bill.

Clerk: Part 5, clause 17.

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Hon. K Azopardi: Mr Chairman, I have put forward an amendment here to introduce a new subclause (6), as follows, to add to this clause:

but regulations under this section may not impose or increase taxation or fees, make retrospective provision, create a relevant criminal offence establish a public authority or affect any rights under or provisions or effect of the Gibraltar Constitution.

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Mr Chairman, in putting this forward I repeat, as I did in my original contribution, that some of this exercise is because we have on this side also analysed the differences with the UK legislation, and when you get to the English equivalent of this legislation, which is at section 18 of the UK Act, it is very clear that there is a comparable provision.

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I heard the Chief Minister's contribution to the main Second Reading, where he said they have no intention of introducing regulations – I think that is what I heard, that they have no intention to introduce legislation – to increase taxation or fees or make retrospective provision or create a relevant criminal offence or establish a public authority. Well, let me say that clauses draft amendment 6(a) to (d), which precisely does all that, is word for word the terms of the English legislation.

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Just to explain because he addressed specifically subclause draft 6(e) about affecting the rights and provisions or the effect of the Gibraltar Constitution, let me say that as a constitutionalist I would tend to agree with him that of course this is possibly an unnecessary provision, but the reason I drafted it that way is that the English equivalent of this provision at (e) then makes reference to the Human Rights Act. That is the reason, although I appreciate that the Human Rights Act does not have the same standing as the Constitution. But I would say that in terms of (a) to (d) it is carbon copy what is provided by the UK legislation, and given that the Government has stated that they do not intend to do that, we would commend the amendments on the basis that the statutory protections should be there, at least insofar as (a) to (d) are concerned.

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Hon. Chief Minister: Mr Chairman, for the reasons that have already been set out by me at Second Reading, we are not going to accept this amendment. We have absolutely no intention of doing these things, but the Gibraltar context is different to the United Kingdom context and we are advised that we should have this power. In other words ...

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The hon. Gentleman should know this is not a ministerial desire not to have our power curtailed in this way; this is the advice that we have received in the context of potential that there may be a need to move quickly to deal with issues, for example, that relate to state aid and which might be interpreted as having those effects. But there is absolutely no intention whatsoever. We will resist doing any of these things by regulation, and if we have to do them we will seek to do them by primary legislation. The House has my undertaking in that respect because I would be very uncomfortable unless it were absolutely necessary to do any of these things by way of primary legislation.

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Mr Chairman, if moving his amendment has achieved anything, it has achieved that we have given the House that undertaking that we will be very careful to act in a way that is contrary to that undertaking.

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I cannot see us creating a public authority or indeed a criminal offence by regulation. None of our Ministers would see that and think we need retrospective actions as something that should happen by way of regulation. Taxation and fees are issues which are often dealt with by way of regulation, but if they are related to the EU they tend to be issues relating to state aid, so we would want, probably, if at all possible, to do them by way of primary legislation. The House has my undertaking in that respect.

1915 He is right, Mr Speaker, that he is wrong in his 6(e), because it is possible, if you take a power to amend a primary Act by secondary legislation, to amend something like the Human Rights Act, but it is not possible by secondary legislation to amend or affect a Constitutional right. Therefore, 6(e), in my view, does not make any sense in the context of a constitution, although it does make sense in the context of an Act.

1920 And so, Mr Speaker, for those reasons I think the House now, thanks to his amendment, understands the intention of the Government very clearly and has the benefit of the undertaking I have given, but also should know that we will not be supporting the amendment if he moves it.

Hon. K Azopardi: Mr Chairman, I am going to move the amendment.

1925 In terms of (a) to (d), could the Chief Minister enlighten the House as to who gave the advice that we should not have the protections in relation to (a) to (d), which would be a different statutory position than they do have in the United Kingdom?

Hon. Chief Minister: Mr Chairman, the advice, which therefore becomes a policy decision, comes from those drafting the legislation, on the basis that, for example, the Interpretation and General Clauses Act power that we have today – which we have had to use and hon. Members opposite have used when they are in government – has not been curtailed in this way.

The United Kingdom does not have that power, and so when they have created the power, because of the debate on the Henry VIII powers that they have had, they have curtailed it in this way. We have not had to be curtailed in the past in the exercise of the power and successive Governments have not fallen into these traps, although I do recall, I think, on one occasion there was a regulation to introduce a tax, which I spoke against from the Opposition, and all of the arguments about why I was wrong and the GSD were right are set out, Mr Chairman, in a speech by the then Chief Minister, Sir Peter Caruana.

1940 But I can repeat again, Mr Chairman, that it is not our intention to do any of this, but the power that we have taken forward is the power that has been exercised scrupulously and carefully by successive administrations in Gibraltar since the late 1980s and which the United Kingdom did not have.

1945 **Mr Chairman:** The House will now vote on the proposed amendment by the Leader of the Opposition. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Clause 17 stands part of the Bill.

Clerk: Clauses 18 to 23.

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Mr Chairman: Clauses 18 to 23 stand part of the Bill.

Clerk: Part 6, clauses 24 and 25.

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Mr Chairman: Part 6, clauses 24 and 25, stand part of the Bill.

Clerk: Schedule 1.

Mr Chairman: Schedule 1.

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Hon. K Azopardi: Mr Chairman, I have given notice that in Schedule 1, which is headed 'Regulations under this Act, we seek the insertion of a new clause to 2(a) as follows:

The regulations made under this Act shall not be brought into effect unless they have first been laid in draft in Parliament and been approved by resolution or motion of Parliament before their coming into effect.

Mr Chairman, I explained in my original contribution to the Bill why we say this is important. I do not intend to repeat that ground in any length.

1965 The only answer that has been attempted to be given by Government is this reference to the provision existing in the Interpretation and General Clauses Act at section 23, which provides for that. I would say, though, that of course that historic power does exist of a very wide nature, but in drafting this legislation – which the Government has itself remarked on – based on the UK legislation, it remains the case that in not having a provision that subjects the regulations to be submitted in draft to this Parliament for approval, that we are out of step with a more modern practice, which is to recognise the parliamentary importance of the institutions, as they do in the UK, where the House of Commons must first receive regulations and approve them, and so must the devolved parliaments in Scotland and Wales and indeed now Northern Ireland.

1970 We would suggest when we put forward this amendment that, despite the provision in section 23 of the Interpretation and General Clause Act, it is important in the context of the very wide powers that are being given to Ministers – because they are very wide indeed – that this more modern version adopted in the UK, which will not make the institution of government grind to a halt but merely respect a separation of powers between the legislature and the executive – is adopted in Gibraltar as part of the statute as well.

1980 **Hon. Chief Minister:** Well, Mr Chairman, for the reasons that we have given – not that we have attempted to give, but the ones that we have given – we are not going to support the amendment.

1985 The reason is that this power is much less wide than the power that they exercised for 16 years under the Interpretation and General Clauses Act and indeed that has been there since the late 1980s. That was a power in effect at large because we were becoming members of the European Union. Anything could come from the European Union and the decision as to whether to make the change by primary legislation or by secondary legislation was a matter for a policy decision of the Government at the time.

1990 This is a much narrower power. This is a power only to do things necessary and exigent on departure, and so therefore it is narrow as to timescale because as we leave, there will be fewer and fewer things which are relevant, whilst the other power was much wider. All of the matters that were coming to Gibraltar from the EU were dependent on whether or not they might be implemented by regulation.

1995 Mr Chairman, I am a little surprised to hear the hon. Gentleman refer to the ‘much more modern’ practice that is being adopted in the United Kingdom. In the United Kingdom, as I told him before and he will know, these powers have been referred to as Henry VIII powers. In other words, they are not being referred to as modern – they are being referred to as medieval by those who are having the debates. So I put it to him that he is wrong in seeing these powers as modern. They are actually not modern, but in modern times they have been exercised carefully and with care generally by all administrations that have had the benefit of them in Gibraltar under the Interpretation and General Clauses Act there is no reason to think that this administration, reluctant as it is to leave the European Union, will therefore implement the necessary instruments for departure in any way which offends any of the other legal provisions that hon. Members might spot, or other sensitivities they might spot if we let them have these regulations in draft – something that they never let us have when they were in government or indeed we never let them have when we were in government, exercising the Interpretation and General Clauses Act power.

2000 But there is also an important logistical difference. The United Kingdom Parliament is in permanent session, so you can lay something overnight in the Parliament and you can then take 72 hours for people to comment and you can then proceed to make it a statutory instrument, which is the equivalent in the United Kingdom which takes effect. We are not in permanent session, so something has to be done in the three weeks, for example, in any month, and we

tend not to be in session. Then this power would mean that we would not be able to do things for another 21 days, for example.

So there are very good logistical reasons as well as legal reasons why we should not agree to the proposal that the hon. Gentleman is making, although I insist that we have no intention of using the powers provided for to do anything other than is absolutely, unfortunately, necessary to give effect to those parts of our obligations as require legislation to ensure that we leave the European Union in an orderly manner.

Hon. K Azopardi: Mr Chairman, what I meant by modern, by the way, is not that... I understand that they are referring to the debates on Henry VIII powers, but sometimes old things do not go out of fashion, they become retro and once again in fashion, and it just responds to.... What I meant by 'modern' was that it responds to the more modern grappling of the need to ensure the proper separation of institutions and that the institutions function in a good way.

We are going to, in a different place and at a different time, have a debate on that in Gibraltar – at some point soon, hopefully – in respect of how we improve and modernise this Parliament. In the context of that, it struck me and strikes Members on this side that it is important for there to be a curtailment of the wide powers of regulations so that this House can fulfil a better role of scrutiny by contributing any concerns it may have on draft regulations before they are brought into effect.

I hear what the Chief Minister says about the Parliament not being in permanent session, which is something that maybe at some point we also change, but that aside, there are mechanisms in the UK legislation that went through, as part of the Withdrawal Agreement Act, in respect of the regulations, of two types. So there are provisions in respect of the regulations that say that regulation should not take effect unless it is approved by Parliament, and that is generally the provision that is preferred in the UK legislation. There are also provisions, more rare ones, in the same Act which say that there can be regulations that are brought into effect but then they cease to have effect if they have not subsequently been tabled and approved by a resolution. That would meet the Chief Minister's concern if that was his preference. It is not our preference. Our preference is that we adopt a more liberal view of the curtailment of powers of the executive and that is the reason that we put it forward, because we think that it would be better practice for it to be introduced.

Hon. Chief Minister: Mr Chairman, unfortunately a lot of the things that the hon. Gentleman is talking about with which I agree are not for this debate; they are for the debate on parliamentary reform, a debate that, as he says, I hope we will be having soon. But we cannot make legislation assuming that we will agree that the Parliament will be in permanent session and that that will happen at any time soon. So we cannot hypothecate this Bill to what we might agree in future and how we might then implement it, and as for a different permutation of a clause, Mr Chairman. I think it is too late in the day for us now to consider that.

I think that the important thing they need to do is to exercise their role to scrutinise legislation and regulations as they emerge, and if they feel that there is a reason to move a motion to amend a piece of regulation they should move those motions whether or not they talk to us about whether they are going to have support for those motions – as is their wont, although they know that if they do not we will not support their motions.

So, Mr Chairman, we will not be supporting this amendment. We do not think that, having explained how we intend to exercise the power, there is any reason to be concerned about how the Government will be regulating to amend primary legislation for the purposes of our departure from the European Union. There is nothing to be concerned about there.

Mr Chairman: The House will now vote on the proposed amendment. Those in favour? **(Several Members: Aye.)** Those against? **(Several Members: No.)** Carried.

Schedule 1 stands part of the Bill.

Clerk: Schedule 2.

Mr Chairman: Schedule 2 stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**European Union (Withdrawal Agreement) Bill 2020 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the European Union (Withdrawal Agreement) Bill 2020 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, that the European Union (Withdrawal Agreement) Bill 2020 be read a third time and passed. Those in favour of the European Union (Withdrawal Agreement) Bill 2020? (**Members:** Aye.) Those against? Carried.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I note the hour and I would now invite the House to adjourn to Wednesday the 22nd at 3 p.m., when we shall continue with Government questions.

I would simply say that we should all, I think, now be in time to make our next appointment before ‘*La Lola se vaya pa Londres*’, which is where I think we are all going. So I move that the House should now adjourn until Wednesday at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 22nd January at 3 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 22nd January at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn until Wednesday, 22nd January at 3 p.m.

The House adjourned at 6.43 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.08 p.m. – 6.51 p.m.

Gibraltar, Wednesday, 22nd January 2020

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The Gibraltar Parliament

The Parliament met at 3.08 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Questions

Clerk: Meeting of Parliament, Wednesday, 22nd January 2020.
Suspension of Standing Orders, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Questions.

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

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q1/2020

Newly built sports facilities – Update on outstanding remedial works and completion

10 **Clerk:** We now proceed to (viii) Answers to Oral Questions.
We commence with Question 1 of 2020. The questioner is the Hon. E J Reyes.

15 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question No. 150 of 2019, can the Minister for Sport update this House in respect of the facilities which still require completion or remedial works at any of the newly built sports facilities?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

20 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, as per the answer to Question No. 150 of 2019, works are progressing.

Practical completion of the Europa Sports Complex is imminent. As far as the Lathbury Sports Complex is concerned, the works for the athletics track and the football pitch will start in the next few weeks.

25 **Hon. E J Reyes:** Mr Speaker, in his reply to Question 150, the Minister said that for Europa Point, minor works needed to be completed to the cricket oval. He added that the floodlights were ready and so on. Things were being prepared for the commissioning of the football facilities. Could he elaborate a bit more on what these minor works are, because January is nearly over and we were told that they would be completed early in the New Year?

30 **Hon. S E Linares:** Well, Mr Speaker, we are still early in the year, I think, and therefore the hon. Member can rest assured that it will be early in the year.

The fact is that when I say works will be ready imminently – I said that it would be ready probably the end of January – we are very close to the end of January and I would say now that I do not think it will be ready for the end of January, because there are a few things that need to be finished; the snagging and other issues that have cropped up.

35 One of them is, and I can tell the hon. Member, that the flooring of the outside is a bit slippery and therefore it is going to be changed at the cost of the supplier of the paint that they gave us. Things like that are what might delay the ... and it will be imminent and therefore that might delay slightly the completion.

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

Just to make sure I got it right: when the Minister mentions that the flooring is slippery, and I understand we want to remedy that, is he referring to the flooring by the spectator stands at Europa or what is the flooring we are referring to?

45 **Hon. S E Linares:** Yes, Mr Speaker, it is just that we have realised that once it was the material that they used ... and these are things that are to do with the contractor, not us – and therefore I am just explaining to the hon. Member things that have cropped up which we were not satisfied with and therefore you go back to the contractor and you say to the contractor, 'Look, we do not think that this material is suitable.'

50 They have admitted to it and they are going to change it, so they are going to do it in phases. That might delay by a couple of weeks, not more than that.

55 **Hon. E J Reyes:** Grateful for that, Mr Speaker.

If I can go to the second part of his previous answer, the one in respect of the Lathbury Sports complex: last time we were told that the athletics track and football field would also be completed soon. I am grateful that today he has indicated that although he wanted to have Europa ready by the end of January, there may be a few weeks' delay. Does he have at least from the contractor an estimated completion date? 'Soon' was said in December but he may be in a better position now.

60 **Hon. S E Linares:** Well, Mr Speaker, the situation in Lathbury is that we need to co-ordinate with the company that actually does the finishes to the running track and the AstroTurf. So therefore it is a question of trying to get the right time for them to be able to put the actual finish of the quarter. If the hon. Member remembers during the time of the Island Games, we completed the whole of the area and then part of the area was then dug up, because we had to go underneath. So therefore that part is the part that needs to be done.

65 Obviously it will take a couple of weeks because it will not be able to be done, for example, this week because of the rains, or the weather. So therefore we need to just work with the people who are doing it to make sure that they come over and they have – it will not be difficult to have – just a couple of days of good weather in order to lay what is left.

70 **Hon. E J Reyes:** Again, I am grateful for that, Mr Speaker.

75 I think on the final supplementary, we were told in December that the swimming pool is ready and all that is left are the final touches to the plant room. Have we made any progress in respect to that?

80 **Hon. S E Linares:** Yes, Mr Speaker, again these are issues that have to be completed. The pump room is nearly ready. If the hon. Member remembers, during the Island Games we did not cover the pool. We took the decision that the pool was not going to be covered for the Island Games and therefore the roof just needs a few finishing touches – and I reiterate, it is just a few finishing touches – before ... and like I said, the pump room as well, in order to be able to complete.

85 Remember also that during the Island Games, we brought in porta cabins to do for the changing rooms and the changing rooms are near completion as well. So therefore in relation to the swimming pool, I can tell the hon. Member that there is the pump room, just finishing a few touches in the roof, and basically the changing rooms are near completion as well.

90 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister a question, because I pass by the area very often and he mentions the pump room. I could not help but notice a rather large trench towards one side of the swimming pool building, which seem to have huge diameter wastage pipes. Can the Minister enlighten the House as to what that is for? Is that for sewage drainage of the swimming pool or some other related facility? These are very large diameter
95 pipes that are going into the ground.

Hon. S E Linares: No, Mr Speaker. Those pipes have nothing to do with the swimming pool. In fact, it is to do with the drainage of the whole of the complex.

100 Remember that when you have a running track and an AstroTurf on top, when it rains, imagine the amount of or quantity of water that will collect. So it is to do with the whole of the drainage of the whole area. So those big pipes have nothing to do with specifically the swimming pool.

Q2/2020

Gibraltar Sports and Leisure Authority facilities – Cancellations

Clerk: Question 2, the Hon. E J Reyes.

105 **Hon. E J Reyes:** Can the Government inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority's facilities since the answer provided to Question No. 152 of 2019; indicating the location, date and reason for the cancellation?

110 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the only cancellations experienced by users at any of the GSLA's facilities since the answer to Question No. 152 of 2019 have been at the GSLA Pool Complex as reported in the local press.

115 I am glad to report that the pool was in fact re-opened on Friday, 17th January.

Hon. E J Reyes: Mr Speaker, just so that I am clear, my question said 'at any of the facilities of the Gibraltar Sports and Leisure Authority': am I correct in assuming that those pertaining to Lathbury Barracks and Europa Sports Complex fall under the category of the Sports and Leisure

120 Authority facilities or are they referred to differently? I do not quite know if they are already under the control of GSLA or otherwise.

Hon. S E Linares: No, Mr Speaker, they are not under control of the GSLA, because as I have just answered the previous questions, they are still under the contractor. The contractor is still there. So therefore the GSLA, there would not be any cancellation or anything, because allocations are not being given. It is not under the control of the GSLA because the contractor is still there.

Hon. E J Reyes: I am grateful for that clarification, Mr Speaker.
130 I understand the Minister's explanation about the pool and that it reopened on 17th January to which we are all glad.

I know, Mr Speaker, that the deadline for the notice of the question was Monday of last week, but since that period and today's answers, I believe in the last few days there was a need to make some cancellations at the Victoria Stadium. I do not know whether it was at the Tercentenary Sports Hall or the old sports hall, as such. Hearsay has it that it may have been as a result of some electrical failure, whether it was to do the power cuts or not. I do not know if the Minister has been provided with the updated details by his staff, but certainly cancellations did take place.

Hon. S E Linares: Well, Mr Speaker, first of all, I am not aware of what the hon. Member is stating and therefore, if it is hearsay and people rumouring or whatever, I have not got any information of the ones that he is getting via whatever source he is getting it from.

All I can say is that when the question was asked, this is the answer, and if there has been anything prior or after the question has been asked, I would not know until either he poses another question in the House or the hon. Member can write to me and we can see which one he is saying or hearsay or whoever is saying, and we can verify it.

Hon. E J Reyes: I am sorry, Mr Speaker, I may not have explained myself properly. It is not hearsay. I am told that it is factual that there were cancellations last week in respect of facilities at the Bayside Sports Centre Complex. What is hearsay is that it could have been as a result of power failure. That is the part that is hearsay. But that there were cancellations last week is vertical.

I do not know if the Minister perhaps could say, 'Look, I only have answers for you as at such a date,' but as of today, 22nd January, I do not think that answer is fully correct – not because the Minister is trying to mislead me, but because the Minister, I suppose, may not have been given updated information. That is what I am trying to say, Mr Speaker.

Hon. S E Linares: Mr Speaker, first of all, the hon. Member is now saying that it is not hearsay, that he is speculating whether it is happening or not happening. All I can say is that the hon. Member poses the question, I go back to the officials, I get the answer and this is the answer that I have got.

Now, if things happen in between, I can tell the hon. Member if he wants to either pose a question next month, or whenever it is Question Time, I will answer the question. If not, I am asking the hon. Member just to write to me or to phone me or email, and I will verify that from the day that the question was answered to this precise moment, I can give him whatever information there is, if there is any.

Mr Speaker: Are you happy with that?

Hon. E J Reyes: Mr Speaker, I know the Minister has given me alternatives of being able to contact him and if need be, I will pursue it down that avenue.

Q3-6/2020

**Gibraltar Sports and Leisure Authority facilities –
Fees paid in 2018-19 for community use, advertising, sporting and non-sporting events**

Clerk: Question 3, the Hon. E J Reyes.

175 **Hon. E J Reyes:** Further to the answer provided to Question No. 153 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £6,565 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for community use during the financial year 2018-19, together with details of any payments still pending to be received?

180 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 4 to 6.

185 **Clerk:** Question 4, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question No. 153 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £15,000 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for Advertising during the financial year 2018-19, together with details of any payments still pending to be received?

Clerk: Question 5, the Hon. E J Reyes.

195 **Hon. E J Reyes:** Further to the answer provided to Question No. 153 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £17,911 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for sporting events during the financial year 2018-19, together with details of any payments still pending to be received?

200 **Clerk:** Question 6, the Hon. E J Reyes.

205 **Hon. E J Reyes:** Further to the answer provided to Question No. 153 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £14,572.34 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for non-sporting events during the financial year 2018-19, together with details of any payments still pending to be received?

210 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite a breakdown of the information requested.

Answers to Questions 3 to 6

During the financial year 2018-19, the GSLA received the following amounts from Users.

The breakdown is as follows:

Fitness Users	£6,285.00
Hire of lecture room	£280.00

During the financial year 2018-19, the GSLA received the following amounts from Advertising Revenue.

The breakdown is as follows:

RBSI (NatWest)	£15,000.00

During the financial year 2018-19, the GSLA received the following amounts from Sporting Events.

The breakdown is as follows:

Straits Games	£1,260.00

Darts	£15,856.00

Misallocation of funds	£795.00

During the financial year 2018-19, the GSLA received the following amounts from Non-Sporting Events.

The breakdown is as follows:

Dazed and Confused	£1,800.00

Fresh Entertainment	£4,631.11

Project X	£5,341.23

Redefine	£800.00

Misallocation of funds	£2,000.00

Q7-10/2020

Gibraltar Sports and Leisure Authority facilities–

Fees paid in 2017-18 for sporting and non-sporting events, advertising and community use

Clerk: Question 7, the Hon. E J Reyes.

215 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question No. 154 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £107,523.50 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for sporting events during the financial year 2017-18, together with details of any payments still pending to be received?

220 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 8 to 10.

225 **Clerk:** Question 8, the Hon. E J Reyes.

230 **Hon. E J Reyes:** Further to the answer provided to Question No. 154 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £11,954.41 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for non-sporting events during the financial year 2017-18, together with details of any payments still pending to be received?

235 **Clerk:** Question 9, Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question No. 154 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £15,000 fees paid by users

of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for advertising during the financial year 2017-18, together with details of any payments still pending to be received?

Clerk: Question 10, Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question No. 154 of 2019, can the Minister for Sports provide a breakdown with details of users in respect of the £10,994 fees paid by users of facilities falling under the auspices of the Gibraltar Sports and Leisure Authority for community use during the financial year 2017-18, together with details of any payments still pending to be received?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite a breakdown of the information requested.

Answer to Questions 7 to 10

During the financial year 2017-18 the GSLA received the following amounts from fees for the hire of facilities under the Commercial Community Use scheme.

The breakdown is as follows:

Fitness users	£9,475.00
Hire of lecture room	£1,519.00

During the financial year 2017-18, the GSLA received the following amounts from Advertising Revenue.

The breakdown is as follows:

RBSI (NatWest)	£15,000.00

During the financial year 2017-18, the GSLA received the following amounts from Non-Sporting Events.

The breakdown is as follows:

Colour Festival	£500.00
Fresh Entertainment	£4,002.97
Project X	£5,690.00
Santos Productions	£1,761.44

During the financial year 2017-18, the GSLA received the following amounts from Sporting Events.

The breakdown is as follows:

Snooker Event	£64,002.50
Darts Events	£41,400.00
Straits Games	£ 1,221.00
FI BA (Advertising)	£900.00

Q3-6/2020

**Gibraltar Sports and Leisure Authority facilities –
Fees paid in 2018-19 for community use, advertising, sporting and non-sporting events –
Supplementary questions**

Hon. K Azopardi: Mr Speaker, while that travels across the floor, as it were, can I ask the Hon. Minister to turn back to the schedule he handed to us in respect of questions 3 to 6, and if I may, can I just ask a couple of supplementaries in relation to that?

In respect of the non-sporting events, there is a breakdown there of a number of entities that paid fees. Can the Minister perhaps illuminate us a bit about the nature of those events?

I know what Dazed and Confused is because I think my daughters attended that kind of thing. But in respect of the others, what kind of events were they?

Minister for Housing, Youth and Sport (Hon. S E Linares): Well, Mr Speaker, I do not know specifically which events exactly they were, but I can tell him that Fresh Entertainment tend to do quite a lot of events around Gibraltar and could have been the electric festival, electronic festival, one of those festivals; Project X, similar; and Redefined, the same.

These are events that take place within the Victoria Stadium either in the MUGA area outside, or they take place in the Tercentenary, or have taken place not for very long anymore but in the Sports Hall. So it is within the Victoria Stadium and these are smaller events, bigger events, and these are the companies that actually do the events, and they have to pay a fee for that.

Hon. K Azopardi: Thank you for that.

Can the Minister perhaps help us a bit as to the basis on which these things are calculated? Why are there differences?

So if you organise an event for example on a particular day, why is there not a flat fee? What is the difference between the fees?

Hon. S E Linares: No, Mr Speaker, it cannot be a flat fee because it depends on how big the event is and therefore it depends on how many days they need, for example, the Tercentenary Hall. If they are doing the darts for example, they take two or three days to set up, and it is calculated to do with ... There are set fees, for example, on deposits but there are not set fees on the overtime that some of our workers in the GSLA have to work for. Some finish late, for example: they do not finish at 11 o'clock, which is the time that the workers at the Victoria Stadium or within the complex work and they have to stay until two to three o'clock in the morning. So it is all calculated depending on how much it costs us and then we pass the charge to the company that is actually doing the event.

Hon. K Azopardi: So when the hon. Member says how much it costs 'us' – i.e. GSLA – you mean that inbuilt into that fee, you are passing on staffing costs and things like that?

Hon. S E Linares: Absolutely and we have introduced that, because what was happening previously was that you would get a company come into the Victoria Stadium, doing an event; us, as in the GSLA, paying for damages, overtime, electricity, water, wear and tear of equipment, and we were paying for all that. And the event organiser used to get their profits and off they went.

So what we have done is we have introduced a fee which includes all these things, and it depends on how long they take in the event that they are charged. That is why there are differences of fees.

300 **Hon. K Azopardi:** Can the Minister then confirm: apart from these running costs that you are passing on, over and above that there is also a fee, or is it just the running costs that you are passing on?

And then finally on that schedule, the RBSI advertising: is that a cost, a sort of receipt in respect of the Island Games? Or is it something else?

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Hon. S E Linares: Sorry, could you repeat the question?

Hon. K Azopardi: The RBSI advertising revenue – what is that in relation to? That is really what I am asking. Is it the Island Games or is it something else?

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But my hon. colleague, Mr Bossino points out that there is a similar amount in 2017-18 so it presumably it is not a sort of Island Games amount then.

Hon. S E Linares: No, Mr Speaker, as the Hon. Chief Minister has reminded me, it is to do with the summer sports development – the summer programme that we run, which is also sponsored by NatWest. So that is –

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Hon. Chief Minister: A photograph of them handing over the cheque is in the *Chronicle* every year, so –

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Hon. S E Linares: Yes, they do fantastic work for us, as in giving us a sponsorship by NatWest.

Hon. Chief Minister: One of the big cheques!

Hon. R M Clinton: Sorry, Mr Speaker, if I may ask the Minister: I cannot help but notice in the schedule he provided in answer to Questions 3 to 6 for 2018-19, there are two particular items that have ‘misallocation of funds’, which between them total £2,795 exactly. Can the Minister give the House an explanation as to how revenue receipts can be described as ‘misallocation’?

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Hon. S E Linares: Well, Mr Speaker, the note that the GSLA has given me as a supplementary – because I knew that question was coming, obviously! – is that the misallocation of funds was as the result of a payment credited to an erroneous subhead. So it was directed somewhere else, and then obviously it was not supposed to have gone there and they have redirected it. That is the answer that I have got.

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Hon. R M Clinton: I am very grateful for the Minister’s answer. Was he actually told what they were meant to be in respect of originally?

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Hon. S E Linares: No, Mr Speaker.

Hon. E J Reyes: Mr Speaker, just to clarify for me: the GSLA in both schedules gives the £15,000 revenue from advertising – which, I concur with the Chief Minister, I think is the adverts that are put round all the facilities at the Bayside Complex during the Summer Sports Programme and so on. Yet in respect to the financial year 2017-18, at the very bottom of the page, FI BA, which I think relates to basketball, has advertising in brackets. If it was for advertising, should the Treasury Department not want that better to come under an advertising heading rather than amounts received from sporting events? I do not quite know why an advertising item is not under ‘advertising’.

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Hon. S E Linares: Mr Speaker, I think this was the tournaments that were done by FI BA and they had their own advertising – they came with their own advertising. But obviously if they come with their own advertising, they should pay the GSLA a fee or at least a sum, because it

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seems like a very round figure. That is what I think it is: it is just that when associations do and they get their own sponsorship, they are supposed to be paying the Victoria Stadium some of that sponsorship.

355 But I will try and find out *exactly*, because I do not want to mislead Parliament. I will try and find out exactly what this FI BA means. But if I recollect, I think it was a tournament that FI BA did themselves.

360 **Hon. E J Reyes:** I am grateful and content, Mr Speaker, that the Minister will try to find out and then if need be he can report it. If he does report to his House, it means it goes in *Hansard* for whenever someone has to do future references.

Thank you.

Q11/2020

Gibraltar Sports and Leisure Authority staff – Maintenance done for GFA-owned facilities at Victoria Stadium

Clerk: Question 11, the Hon. E J Reyes.

365 **Hon. E J Reyes:** Can the Minister for Sport provide details of any financial arrangements currently in place whereby Gibraltar Sports and Leisure Authority Staff carry out maintenance and other works for the now Gibraltar Football Association-owned facilities at Victoria Stadium?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

370 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, at present there are no financial arrangements in place whereby the GSLA carry out maintenance for the Gibraltar Football Association within the development area at Victoria Stadium. Staff continue to work as normal, carrying out day-to-day tasks including maintenance in the development area, as well as
375 all other areas.

Hon. E J Reyes: So Mr Speaker, if the GSLA staff carry out duties in facilities that are now owned by the Gibraltar Football Association, does that mean that that staff has been seconded to the Football Association and is answerable to their managerial team or how quite does it
380 work? And it raises a further question: why does this association receive actual staff support, whereas other associations – as the Minister was saying before – may have to cater for it in respect of costs?

Hon. S E Linares: Mr Speaker, I do not see which other association actually is charged any
385 cost.

Anyway going back to his original question, what we are doing is working very closely with the GFA. The GSLA employees are under the GSLA management. They manage the Victoria Stadium as they have always done, and that is why I have put here ‘carrying out day-to-day tasks involving maintenance in the development area as well as in other areas.’

390 We are continuing as if it was the property of the Government because we are working with the GFA in order for them, once the area is started to develop – because up to now, there is no development, really, there is nothing happening – and until they start, that is when we are working with the GFA to see what regime we will put in place, because the GSLA will probably have Lathbury to run. So that is when it becomes a little bit of a problem.

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

Perhaps I had better wait till the Lathbury deal ...

Just one thing arises here. In previous questions, if you allow me, Mr Speaker, the Minister made reference that there is an MoU that the GSLA has entered into with the GFA. When we
400 ask, could we have access to the contents of that, he said he would need to talk to the GFA first to see whether that could be handed over or not.

Has the Minister had an opportunity perhaps to see if we can have sight of those MoUs?

Hon. S E Linares: No, not yet; the reason being that some of the parts of the MoU are being
405 amended by both sides. So although we do not quite have it actually have it signed, sealed and delivered, we are still on a work in progress.

But I can tell the hon. Member that for us on our side there is no issue as to showing you the final MoU that we will work on with the GFA. I am sure there are many things that we need to work with the GFA on, especially when they take over what is part of their land in relation to
410 what is the Government's land. Things like access and roads, getting in and out and these are the sorts of things we are working at.

Hon. K Azopardi: Can the Minister also confirm whether the MoU spans the interim arrangements that he has been discussing now in respect of maintenance, in answer to my hon.
415 colleague's question? And future arrangements? Or is the MoU narrower than that?

Hon. S E Linares: Mr Speaker, I could say that the MoU is basically the transition period, because ultimately what will happen is that the GFA will have its stadium where they will have to run it themselves, and we will have our part to do maintenance and all that.
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So it is basically the transition period. It is a question of the GFA trying to get everything organised, employ their own people to run obviously the National Stadium, which they will be running. So basically this MoU is whilst all the construction work and all the moving about, for want of a better word, is happening.

Hon. K Azopardi: And so if that is the case, is the Government in some kind of parallel discussions with the GFA in respect of the terms of the transfer, for example?
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I will just put a specific question, so I explain myself. Is the Government introducing any terms in respect of the transfer of that stadium to allow use of the facilities from time to time by other entities or is it going to be up to the GFA to determine use on request?
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Hon. S E Linares: No, Mr Speaker, I think it would be where we could come into agreement with the GFA to see how we can use their facilities. Remember that they are going to use *our* facilities. So there has to be a *quid pro quo* as to who uses what when. Obviously the stadium will become a football stadium, but I am sure within that remit there can be ... because the
435 complex is not only a football stadium; there are other amenities around it, and the general public will probably use it.

So we are working at that because it is how we get the final separation or final ... although it is separate, we can both share all our amenities.

Hon. K Azopardi: So would I be right to conclude from that answer that those decisions are
440 still live and under discussion between the Government and the GFA?

Hon. S E Linares: Yes, Mr Speaker.

Hon. E J Reyes: One final thing if I may, Mr Speaker. We were previously talking about the facilities at Lathbury and Europa, for which the Minister said we were hopeful for quite soon completion of football-related facilities. Would those remain exclusive to GSLA and therefore form perhaps part of the of the MoU, so that the GFA can use the facilities or are those facilities
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going to be handed over to the Football Association and therefore form part of an agreement via an MoU?

Hon. S E Linares: No, Mr Speaker, Lathbury, as I said, would be like the old Victoria Stadium. It will not be ... The GSLA will run it as if it was the old Victoria Stadium – that is it. And athletics will be played there, the children in schools can use it, the whole of the community can use it.

Mr Speaker: Next question.

Q12/2020

**Children's play park, Laguna Estate –
Initial opening; daily opening times and maintenance**

Clerk: Question 12, the Hon. E. J. Reyes.

Hon. E J Reyes: Can Government provide the date by which the children's play park in between St Anne's and Notre Dame Schools at Laguna Estate will be open for public use, together with details of opening times and indicating under whose responsibility will the day-to-day maintenance of these facilities come under?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the new Adventure Playground and ball-playing area will be ready for the contractor to hand over within the next six weeks, after which there will be a very brief snagging period. The facility will be added to the list of playgrounds currently under the GSLA's remit with opening times in line with other similar playgrounds

Q13/2020

**Albert Risso House –
Update on senior citizen warden facilities**

Clerk: Question 13, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question No. 156 of 2019, can the Minister for Housing update this House with details of new arrangements made with the idea of implementing the same warden facilities at Albert Risso House as already enjoyed by the tenants of the other rental homes provided by the Government exclusively for senior citizens?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer remains the same as my answer to Question No 156 of 2019.

Hon. E J Reyes: Mr Speaker, the Minister sounded keen to enter into some sort of arrangements: is the Minister aiming for a particular date by when we hope to have come to a satisfactory arrangement with the residents of Albert Risso House and new facilities?

Hon. S E Linares: Mr Speaker, I know the hon. Member was not present at the debate last month, but we did bring up all these issues and yes, as soon as it is ready, it will be implemented. It is not ready yet, but it will be.

Q14-15/2020

**Government rental homes –
Investigations into unlawful occupation**

490 **Clerk:** Question 14, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answers provided to Question Nos. 161 and 162 of 2019 can the Minister for Housing provide details of the final outcome of the case of unlawful occupation which the Housing Department was dealing with?

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Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this together with Question 15.

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Clerk: Question 15, the Hon. E J Reyes.

Hon. E J Reyes: Can Government inform this House how many cases of unlawful occupation of Government rental homes are currently being investigated by the relevant authorities?

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Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer remains the same as my answer provided in respect of Question 162 of 2019.

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Hon. E J Reyes: Mr Speaker, I hope I understood: what remains the same in answer to Question 162 was that there was still no final outcome; they were still looking into working in respect of an unlawful occupation.

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But my Question 15 now says how many are currently being dealt with? Can the Minister please clarify there has been no new one and it is just the same one that is pending? I am not entirely clear when I refer back to answers next month or whatever next session, I am confused and then I pose erroneous questions, Mr Speaker.

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Hon. S E Linares: Mr Speaker, the answer was last time that there is one case of unlawful occupation which the Housing Department is dealing with. We are still dealing with that one and the rest of the answer is exactly the same.

Q16/2020

**Joshua Hassan Centenary Terraces –
Update on affordable housing project**

Clerk: Question 16, the Hon. E J Reyes.

525 **Hon. E J Reyes:** Can Government provide an update in respect of its affordable housing project 'Joshua Hassan Centenary Terraces', indicating the number of homes sold, number of homes still to be sold and its estimated construction dates?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

530 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, it is very difficult to provide an exact figure as to how many flats have been allocated at Hassan Centenary Terraces as sales are taking place daily. Well over 500 flats have now been allocated.

The contractor has taken possession of the site and construction will begin shortly. A contract programme needs to be finalised but it is anticipated that the project will take 39 months to complete

540 **Hon. K Azopardi:** Mr Speaker, can the Minister ... I appreciate he cannot give us a scientific commencement date but does he have a bit more than 'shortly'? Does he have an anticipated commencement date of the construction? I am not going to hold him to it but just loosely.

545 **Hon. S E Linares:** Mr Speaker, as I understand it the site is already ready; contractors are already moving in, as we speak. Therefore, when I say 'soon', I could easily have said 'now'. It is going on now. I do not know whether ... It is public knowledge that there are two phases and phase 1 is already on the way.

550 **Hon. E J Reyes:** Mr Speaker, my question was the number of homes that had already been sold and the Minister has answered saying that over 500 have been allocated. I do not want to go into legal technical terms of what the difference is – 500 homes have a name to it and are perhaps at particular different legal stages, whether one calls them homes or allocated. I even take it perhaps that initial deposits have been made and certain instalments are forthcoming.

555 But I carried on my question by saying the number of homes still to be sold. I know the Minister was careful in saying that the numbers are changing daily, but he was able to round off a figure which I accept, around 500. So is he able to round off a figure of how many homes are still available for 'grabs', if one wants to use that word?

560 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I do hate to labour the point, but one does feel as if we have been here for an hour having what might be termed almost a 'fireside chat' with each other, which I will be delighted to do with hon. Gentlemen, but there are 665 homes available at Joshua Hassan Centenary Terraces; the hon. Gentleman has told him they have sold 500. It is a simple matter of mathematics: 165.

565 **Hon. R M Clinton:** Sorry Mr Speaker, if I may ask the Minister he mentioned two phases, phase 1 and phase 2. Could he elaborate as to what phase 1 is? Is this to do with clearance of the mound on the site? No? Or if it is not, is it that the site is actually level and ready for construction? I am sorry to disappoint the Chief Minister.

570 **Hon. S E Linares:** Well yes, Mr Speaker, it is because the hon. Member has not taken time to read our press releases and has not done his homework – I will tell him as a teacher. It is out in the public domain. Everybody knows about the Hassan Centenary Terraces, how it is going to be built, how many houses there are.

But to come to this House and ask me that question!

Hon. Chief Minister: The answer to that question is already public knowledge.

575 **Hon. S E Linares:** It is public knowledge. (*Interjection by Hon. R M Clinton*)

Mr Speaker, I am not here to do the hon. Member's work! (*Interjections*) I am here to answer questions of things that he wants to ascertain from Government that the public do not know. What the hon. Member cannot do is come here ask me, 'What is the press release number that you brought this out?'

580 Mr Speaker, it is getting beyond the ridiculous!

Q17/2020

**Joshua Hassan Centenary Terraces –
Update on unsold units**

Clerk: Question 17, the Hon. Ms M D Hassan Nahon.

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

585 **Hon. Ms M D Hassan Nahon:** Thank you – what a welcome, Mr Speaker! I wish it was like that every time I rose. (*Interjections*)

Following on from last week's revelation in the press that 150 units are still available/unsold in Hassan Centenary Terraces, what reasons does the Government attribute to such a glut in this development?

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Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, there is no glut as the hon. Member is repeating from statements in the press. The allocation process is still ongoing; there are a total of 665 flats to be allocated in the development, for which Gibraltar Residential Properties Limited has received over 2,400 applications.

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Of these applications, nearly 900 have been seen at least once. There are many more applicants yet to be seen than there are remaining flats. Government is confident that all of the flats will be allocated and that there will still be even more people wanting to buy flats at Bob Peliza Mews and Chatham Views.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I really did not mean to draw a defensive response from the hon. Member. (**Several Members:** Hear, hear!) Oh, very popular today, Mr Speaker! I am feeling very popular today, Mr Speaker, from all sides of the House. It is nice.

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I recently understood that the Government or the Housing Department offered an upgrade in size to people who technically only had a need for smaller units and I was wondering whether perhaps this had anything to do with or this was following on from the possibility that the Government was not filling up the demand for houses.

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Could it be that the purchase terms are causing obstacles to potential purchasers and that is why it has not been filled? Yes, the hon. Member says that there is more left to sell but by now there had been a lot of talk about so much over-subscription and yet we understand that at this point not all of them had been sold. So I am wondering whether perhaps bridging loan issues have been an issue or anything of the sort that has contributed to this 150-odd that have not been sold.

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Hon. S E Linares: Mr Speaker, the hon. Lady must understand that I was not even thinking of being on the defensive at all – that is for the starters.

But just to put the hon. Lady right, there are 665 houses to be sold. People show an interest, of which there were 2,400 people interested in buying. Therefore, if there are 665 houses and 2,400 interested people, of course there are going to be people who have to wait, and of course

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there are going to be people who will not be able to buy because there is a higher demand than there is the supply.

Therefore what we did was we actually did upgrades and that is why the movement ... and I said it was alive; I said it at the very beginning, it is flexible. If somebody has a house now and it is upgraded, then that house has to be sold. What you do is you go over the list. Nine hundred people have been seen at least once in order to call them in to see which house they prefer. So we are working through the whole list and it will take time, but I can guarantee the hon. Lady that what happens is that other people also are waiting for the other two estates. So this is the issue. The issue is that – *(Interjection by Hon. Chief Minister)* Yes, exactly – just for the mathematics.

So that is what I say that there is more demand than there is a supply for *this* estate. But there are two more estates coming through. So these are the issues that come on a daily basis and that is why I would not even dare to say how many houses *exactly* we have sold. I cannot. *Now* they are probably selling a few, so I would be misleading the Parliament if I gave exact figures.

Hon. Ms M D Hassan Nahon: Thank you for that answer.

Mr Speaker, if the hon. Gentleman might be able to indulge me: why would he think that the press would pick up on the fact that there are 150 houses or units yet to sell, if it is a perfectly normal path of the way that these projects seem to develop? Why was it flagged up?

Hon. Chief Minister: Mr Speaker, because we issued a press release. For that simple reason – because we wanted to update the community what was happening, because we receive daily requests for information of people who want to buy and want to know why they have not yet been called.

The numbers that the hon. Member was giving are important ones, because look, if you have got 2,400 applicants for 665 properties, the problem that you have is not that you have a glut of properties; it is that you have a glut of applicants. And so, Mr Speaker, the important number for her to go away with is that the 165 left will have to be all that is available for the 1,500 that have not yet been called.

Of the 900 that were called, 500 have bought these particular properties. So I think we are in a very good position. This estate has seen remarkable acceptance. It is one that people are really wanting to buy into, because of the price, because of the terms and conditions which are extraordinarily generous, and indeed because of the location, which is a very favourable one. I remind all hon. Members that that was seen as an area only for luxury development. What others suggested should be for the luxury market, we have made available for Gibraltarians on the housing waiting lists who are eligible to buy. That, Mr Speaker, is the approach that we are taking and that is the sort of reality that underlies the Housing Policy which determines how we are going to continue. Great sites like the Eastside development, like the area on Queensway, where we are going to develop Chatham Views, like the area of the port we are going to develop, Bob Peliza Terraces or Mews, or whatever it is that it is called.

Mr Speaker, all of these are *excellent* opportunities for young Gibraltarians eligible to buy to get their foot on the housing ladder. These properties have had *huge* acceptance and we are very proud of the way the sales are going.

I would like to thank the people at GRPL who are responsible for this work, because the diligence with which they do this work – if they realise that somebody has been missed out, they call them back in; if they think somebody has not had the opportunity of having the best choice put to them, because they have had somebody else considering a home, they will call them back in and say, 'Look, you considered three homes but somebody else has gone for another one; you should consider this one also' – that level of *diligence* is something which the Government finds absolutely commendable, and I thank the men and women of GRPL for the work that they are doing.

HEALTH AND CARE

Q18/2020

Hearing aids –
Patients waiting over 12 weeks

Clerk: Question 18, the Hon. Keith Azopardi on behalf of the Hon. E J Phillips.

675 **Hon. K Azopardi:** Mr Speaker, with your indulgence because Mr Phillips is flying back, but because of the bad weather may suffer a bit of a delay, so I will take his questions while he arrives.

Mr Speaker, Further to Q171/2019 how many patients have been waiting over 12 weeks for hearing aids?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, currently, 39 patients have been waiting over 12 weeks for hearing aids.

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Hon. E J Reyes: Mr Speaker, in respect of these patients is there any sort of obvious explanation of why this number of patients have had to wait? My understanding is that the 39 patients, at least most of them, who have been waiting over 12 weeks are still at the stage where the hearing aid has to be ordered, and then of course that will incur the delay of whatever delivery date the supplier is able to offer.

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Does the Minister have any further information as to why there seems to be this backlog of 39, as opposed to his ideal average waiting time of 12 weeks?

Hon. P J Balban: Mr Speaker, the question that the hon. Gentleman is asking was in fact replied to quite comprehensively last month and what I explained last month is that there is a process which culminates in a person receiving a hearing aid, and as part of that process there are several appointments whereby patients are asked, to see what best fits them, whether they are internal fitting devices or external fitting devices. Some are relatively straightforward, simple and in fact can be given off the shelf and that reduces the waiting time considerably. But there are other patients who request a hearing aid which is an internal device and that needs to be produced specifically, taking into consideration the contours of the inner ear.

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So there are a number of reasons why people have to wait more time than others, and I said last month we did explain this, and if you look at *Hansard* you can recap on what was said then.

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

In fact I did look at it following that, but it is the number of patients who have been waiting over 12 weeks to yet to be called in to see what hearing aid is the one they are going to choose, to see if it is one available off the shelf, to see if it is one that has to be ordered. But the 12 weeks have elapsed and they are still waiting and have not even had indication of a date or when they are due. They already had all the hearing tests needed, already had more than one appointment to follow up. They are now, from what they tell me, in a state of limbo, waiting to see what is going to happen. They were surprised at the answer that was given of 12 weeks. The 12 weeks had elapsed for them and they had heard nothing further.

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That is what I was trying to ask the Minister: why that delay? This has nothing to do with the time the unit may need to come from UK, if one off the shelf is not suitable for that individual.

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Hon. P J Balban: Mr Speaker, the delay is perceived in certain patients ... in fact some patients are even fast-tracked, especially those with severe hearing loss and elderly, so there is a

prioritisation involved. But the delays are something which obviously was raised last month and I am taking an interest to see whether things can be done to make this even further, because it is in our best interests, always, to make people wait less for things, and that is what our aim is.

We are looking into it but there is a process whereby a patient is referred to ... A patient goes to his GP, sees his GP, and then is referred. A letter of referral is sent to the audiologist and the patient is then seen in the clinic a few weeks later and then there is a process that there is some waiting time. The average waiting level is, as we said, for 12 weeks because of not only the amount of new requests coming through and referrals coming through but also there are numerous hearing aid devices which are lost – they fall, they are trodden on and they are damaged – and this adds to the requirements.

Once the audiologist sees the patient, then as I said, it can be a very quick process – in fact it is instantaneous. By that time the hearing test is carried out, they know what is necessary and they can just hand them a hearing aid off the shelf. If not, then there can be a wait of three to four weeks after that to receive the device. So it is the time that it takes.

Mr Speaker: Next question.

Q19/2020

Gibraltar Health Authority Health Card – Application criteria

Clerk: Question 19, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the criteria for the application of a Gibraltar Health Authority Health Card?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the criteria in respect of applications for Gibraltar Health Authority registration are provided for under the Social Security (Employment Injuries Insurance Act), the Social Security (Insurance) Act, the Group Practice Medical Scheme Act and the Group Practice Medical Scheme Regulations.

Other than these, registration is possible under the United Kingdom Reciprocal Agreement Pensioner list, or those in possession of an E121 from another EU country.

Q20/2020

GHA consultants – Number engaged since 2019 General Election

Clerk: Question 20, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government confirm how many consultants have been engaged by the GHA since the 2019 General Election?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, since the 2019 General Election, the GHA has employed three Medical Consultants.

Hon. K Azopardi: Mr Speaker, apart from medical consultants, are there any other consultants that have been engaged, i.e. have people been providing services on a consultancy basis to the GHA?

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Hon. P J Balban: Mr Speaker, the question that was asked was specifically to do with medical consultants, and I think – (*Interjections*)

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Chief Minister (Hon. F R Picardo): Mr Speaker, I think in answering this question, the people compiling the information have interpreted the question as being about medical consultants, because of the GHA and the word ‘consultant’ in the context of the GHA meaning one thing.

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So I do not want to see the Minister or myself venture an answer that might be incorrect. The hon. Gentleman is right, his question is not limited to medical consultants. It says ‘consultants’ but I think it has, in good faith, been interpreted because of the context as being medical consultants. If he wants to know whether anybody has been asked to consult in the GHA in relation to something else – for example, I don’t know, computers – we would not be able to give him the answer today, but if they ask again or they write to us, I am sure that we can provide the information.

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Hon. K Azopardi: Mr Speaker, I accept that in good faith it can be misinterpreted, but given that the question has already been put, rather than put us to the added burden of asking the question again, the Minister has our question and perhaps he can send my colleague a list of information. If indeed there have been people engaged as consultants or providing consultancy services to the GHA since the last election, he can send my colleague Mr Phillips that information.

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Hon. P J Balban: Happy to, Mr Speaker.

Q21-25/2020
Mental health care –
Waiting times for various treatments

Clerk: Question 21, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm average waiting time for consultant psychiatrists?

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

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 22 to 25.

Clerk: Question 22, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm the number of people in 2019 who have been prescribed with antidepressant/antipsychotic medication for the purposes of a mental health complaint?

Clerk: Question 23, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm how many patients are currently sectioned under current mental health legislation?

Clerk: Question 24, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government confirm how many patients receiving treatment for a mental health condition have a history of drugs misuse, either prescribed or use of illegal drugs?

Clerk: Question 25, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government confirm the number of acute and non-acute admissions to the Ocean Views facility since it opened its doors?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the average waiting time for a new referral appointment to see a Consultant Psychiatrist is currently three weeks for a routine referral. However, patients are triaged by the mental health team, and those that present with a more acute problem are seen sooner.

According to the GHA's prescribing data, the number of patients prescribed antidepressant and/or antipsychotic medication in 2019 was 3,974.

There are currently 25 patients sectioned under mental health legislation.

GHA records show that 244 patients present as having a history of drug misuse and a documented mental health issue.

All admissions into Ocean Views hospital are considered as acute. There have been 715 admissions into Ocean Views since it first opened.

Hon. K Azopardi: Can the Minister just help me, because I cannot recall when it opened, but does the Minister?

Chief Minister (Hon. F R Picardo): Mr Speaker, honestly I cannot tell him the date, but I am sure it was in our first term, and I think it was in the last year of our first term. So I believe it might have been between September 2014 and October 2015. I cannot be more precise than that and I may be completely wrong, but that is from memory what I recall.

Hon. K Azopardi: Yes. In relation to the answer on patients receiving treatment for a mental health condition with a history of drugs misuse, does the Minister have a bit more information about that? He has given us the statistic of 244. Are those current patients being treated, or is it a broad range over a span of years?

Hon. P J Balban: Mr Speaker, if this helps, a total of 421 patients are currently recorded in EMIS as having a history of drug misuse. Of these 421, 244 have a documented mental health problem.

Hon. K Azopardi: Thank you, that is helpful.

In relation to the answer that the Minister gives on the number of people in 2019 prescribed with antidepressant or antipsychotic medication, I think I took the number correctly as 3,974. I think that is the number, and obviously, that is a range of different conditions – some will be very mild and transitory; others will not be.

Does the Minister agree with me that that is a rather concerning statistic over a period of a year? And if the Minister had not seen that statistic till now, because we have posed the

question, or if the Minister was aware of that statistic, what steps is he taking to understand that situation a bit more clearly, because of the size of the issue?

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Hon. P J Balban: Mr Speaker, I would not like to hazard a guess as to whether ... This may well be pretty normal for a population of a given size. I could ask the professionals who have provided us with information, but I would not like to say either it is worrying or whether it is pretty conservative for the population in size. It is something which I am not qualified to ascertain.

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There is also one thing we have to take into account: there are people who take antidepressants; there are people who take antipsychotics; and there are people who take both. These have all been included, so it could be the same amount of patients taking both medication, as opposed to just one or the other. So we would really need to see what the views are of the medical profession, to see whether it is above what is expected or otherwise.

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Hon. K Azopardi: So is the Minister saying that he knows for sure or that he is speculating as to whether there is double counting in these figures?

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Hon. P J Balban: In that case I am sure because I have information here which, for example ... We have in one given year, for example, there are 3,600-odd patients on antidepressants, 775 on antipsychotics and 439 taking both. So I know that there is a mixture of patients here.

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Hon. K Azopardi: But then there are only 400 that are ... He has got a statistic, he has just given me figures, 3,600; 400 taking both. But you have given me a total of 3,974. So that does not suggest double counting.

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Hon. P J Balban: No, the way this was explained to me, Mr Speaker, is they add this 300 ... Let's hope the maths here stands up because I had this conversation with my staff and again, I need to take their advice. If we look at antidepressants and add antipsychotics to them, and then take away both, that is how they have contrived the figure – if that is at all useful.

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Hon. K Azopardi: Whether there is an element of double counting or not, and the Minister said he was not sure whether this is a sort of normal figure – even with some element of double counting, the number of people or prescriptions of antidepressants and antipsychotics is quite significant as a proportion of the population. At the very least, perhaps the Minister would speak to the specialists in the field, understand whether it is the norm and, whether it is the norm or not, have a conversation – I would urge him – perhaps in respect of what steps can be taken in any way to assist the causes of these issues.

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Hon. P J Balban: Mr Speaker, yes, absolutely.

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One thing I would like to mention is that mental health is something which affects most of us to very different levels and degrees. When it comes to depression and anxiety and very mild depression, it is something which patients will be prescribed something to help them on the way – it does not necessarily mean, I am not saying that it is something normal, but it is something which ... When look at antipsychotics, obviously the medication is much more powerful and it is something which is more restricted to certain categories and types of patients. But very mild antidepressants are something which are prescribed depending on the GP or the mental health professional, and so this is why there appears to be a huge number of people on ... I hate to say 'slightly milder' because I cannot say that and I am not in a position to say that, but there is a massive spectrum, from people who are slightly anxious, there is even the reported case of students who while they are studying they feel that they are anxious, and it is something which is transient because mental health ... I know few people who can say hand on heart that they have never been low, depressed or anxious. This reflects, I think, that.

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Hon. K Azopardi: Mr Speaker, will the Minister take steps to clarify this double-counting issue in this sense, because the question that my hon. colleague, Mr Phillips posed was: can the Government confirm the number of people. I appreciate that in obtaining the information, as the Minister has explained, there may be an element of people taking both and double counting, but because we asked precisely the number of people, and because it would be helpful for the Government to know precisely how many people, are taking one or the other or double and they are not double counted, so that you know the number of cases that there are in Gibraltar, will the Minister take steps to drill down on the statistics in a clearer way?

Hon. Chief Minister: Mr Speaker, in case it is helpful, certainly we will do that exercise because I think it is worth having clarity in that respect.

But we have to be careful that we do not fall into traps in this respect. First of all, when we are looking at the population, the hon. Gentleman needs to remember that those who are entitled to prescriptions under the Group Practice Medical Scheme do not just make up the 32,000 people who are resident in Gibraltar; they also make up those who are working in Gibraltar, etc. He has been given the answer a moment ago about registrations. We talk about 15,000 people working in Gibraltar, so if we were doing a rough calculation, we would be talking about approximately 47,000 people being entitled to prescriptions under the Group Practice Medical Scheme. So the base is not 32,000 from which 3,900 would be over 10%; the base is potentially 47,000-plus. So that is the first point.

The second point, Mr Speaker, is that in respect of mental health, I think the key issue is that people should not consider that having a mental health problem is a stigma in any way. Therefore he will find that a lot of the thinking in this respect is that more prescriptions in respect of antidepressants should not be seen as necessarily a bad thing, when we are trying to encourage people who have mental health issues to speak up and take advice and go to a GP. So the first blush reaction might be as the hon. Member has suggested, that we should all be concerned – and indeed we must all be concerned about those who have issues of mental health to ensure that they are getting the best possible service from our GHA. But we must not say anything in this House, and I am sure the hon. Gentleman will agree with me, and he will not want any of what he said to be interpreted in this way, as suggesting that people have a mental health issue should not manifest with it, they should not go to their GP and indeed that they should not have a drug prescribed.

I hope that is helpful, Mr Speaker, and I do agree with him that we need a little more clarity in respect of the statistic provided, so that we do know not just those taking one or the other, but we know exactly how many are taking one or the other, whether they are taking both or not.

Hon. K Azopardi: I certainly was not suggesting, and I do not think the hon. Member was saying I was, but because of the way he put it, I just make clear: I certainly was not suggesting that I adopt or accept any kind of stigma of people who have mental health issues. They certainly need addressing and it is a good thing that people should come forward and we need to break down barriers of acceptance to people with mental health issues.

What I am rather concerned about, though – and this is, I believe, a cross-party issue – is that as a society in Gibraltar we properly grapple with the issues that are causes of mental health problems, to the extent that they are not physical causes. If there are causes or exacerbations created by factors outside the individual – for example, it might be social media bullying or any kind of issue like that – that we drill down in a better way the statistics so that we understand them, so that not only the Government has that source of information, but as a society we understand it a bit better. The Government will not be able to address those issues unless it understands precisely the size of the number of people that are taking these medications in different categories and then drill down on the statistics in a better way, so that it understands for example, is it predominantly younger people, more than older people? And if it is younger people, more than older people, without specifying or breaking down barriers, respecting the

privacy and confidentiality of individuals, in discussions with specialists and interested groups and NGOs in this field, it would be important to try to come up with plans and steps to see if we can, with a better statistical analysis, address the issues that are coming up commonly that are being spoken to, to specialists, that specialists and nurse practitioners are understanding.

So I am giving a long intro to that question, so that the Hon. Minister has the opportunity to agree with me that it must be in the interests of the Government and society at large for the Government to have a better statistical recourse.

Hon. Chief Minister: Mr Speaker, the answer to that would appear to be yes; except of course, the issue is not whether the Government – or indeed the GHA, better described – has the statistical resource. The only issue is whether or not the information provided in answer to the question is the answer sought, because the Government, aka the GHA, does have that information. Indeed, I will allow the Hon. Minister to say something else now.

But what was concerning me, Mr Speaker, was that the hon. Gentleman was taking us down a road, and he has clarified I think inadvertently, of saying too many people seem to be in receipt of these drugs – that must be a cause of concern. Well, Mr Speaker, that is the *opposite* of the approach that I think he has clarified we are both keen to ensure that everyone takes, which is that if you do have a mental health issue, we do not consider you a problem: we want you to come forward and if you need medication, you should have that medication. I think what he is saying and what I agree with and is certainly the policy of the Government – and indeed, it is only the policy of the Government because we are advised by the professionals that it should be – it's that people should be encouraged to come forward as much as possible and not be regarded as a problem or indeed a statistic.

Now, Mr Speaker, the Hon. the Minister will say something now about how the numbers are compiled. He should not think that the Government does not have, aka the GHA, that information, that breakdown by age groups, that breakdown by sex. It is quite another thing to see whether they have sought it, which I do not think they have, or indeed if they have sought it, whether we have given it in this House. I think the important thing is not so much that we should have it – if hon. Members want it and it is available, we should; and we should, I put it to him, perhaps potentially debate it in the context of a different part of the process of this House, because the professionals in the GHA certainly do have it – I did not like his use of the words 'grapple with', but look, that is a matter of personal style – are certainly working with it, to understand how best to deal with the issues that manifest.

Mr Speaker, I will forever be sad that I had a very close personal friend who did not manifest, who did not take an antidepressant, and therefore is not with us now.

Hon. K Azopardi: Mr Speaker, I am sorry that certainly, that was a matter of regret on that last comment that he made, and I share that with him. And I am sorry that he did not like my use of the word 'grappling' (*Interjection by Hon. Chief Minister*) despite his love of man-to-man contact.

Given his comment that the Government is in possession of a breakdown of age groups, can the Minister illuminate us in respect of that?

Hon. P J Balban: Mr Speaker, I would have to ... that question would need to be asked independently. I do not have that information with me.

What I do stand up to explain: you mentioned whether I could discuss whether there was double counting and if we look at the statistics which were required, the answer to Question 22, there was a number of 3,974 patients. If I give you the breakdown: people on antidepressants, 3,638; people on antipsychotics, 775; on both, 439. So if you add 3,638 to 775 and deduct 439, you get 3,974, which is the answer given to the question. So there is double counting.

Hon. K Azopardi: Yes, Mr Speaker, but precisely for that reason then there must be no double counting. Can the Minister not agree? He has just told me there is no double counting.

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Hon. P J Balban: Mr Speaker, what I have said is that there are people who have been double counted – we are talking about the total amount of patients – so if a patient is taking antidepressants but he is also taking an antipsychotic, then obviously there is a deduction that needs to take place. There is a total of 3,974 patients, of which 3,638 are on antidepressants and of which 775 antipsychotics: if we add those together, you get a number greater than 3,974. So then we deduct those which are double, and this is the figure that has been provided.

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Hon. K Azopardi: Yes, precisely, Mr Speaker – precisely.

So what he has done is he has added the 3,600 to the ones that are the 775 and then deducted. You come up to roughly speaking 4,400-plus and you have deducted it to remove the double counted ones.

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Hon. P J Balban: To get the exact number of patients – you asked me how many patients are on – (*Interjections*)

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Hon. K Azopardi: Correct. And therefore, the figure ... In a second; I will just make the point, and then I may ...

So in effect, you have removed the 439 that are taking both to remove the double counting, so the 3,974 excluded the double counting. Is that not correct?

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Hon. Chief Minister: Mr Speaker, can I just advise, if possible, so that we might make some progress, that hon. Members at the end of this particular part of the Question Time take this algebraic part of the debate to the antechamber whilst we have coffee and then perhaps agree the number. I do not think we need to have a debate about the number; we just look at the number and tell him why it is we think it says one thing, and then we can make a decision together as to what the number represents.

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I do not think Question Time is about doing mathematics together.

Hon. K Azopardi: No, Mr Speaker. Question Time is not about doing mathematics; but Question Time is about extracting information and what I was trying to extract is the correct explanation because before, I was given the explanation that there was an element of double counting and what we now know is that 3,974 is the correct number without the double counting. But if we need to discuss it again, we will.

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Can I move on to another supplementary on the number of questions that we asked? In relation to Question 25, if I may, the Hon. Minister says there are 715 admissions through Ocean Views. Does he have a statistic on the length of the average stays of those admissions or not? I appreciate that we have not asked that question, so if he does not have it we will ask it again.

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Hon. P J Balban: Mr Speaker, I would not be able ... Let me just scan through the information given to me, but that is not something which I think would have been interpreted as a legitimate part of the Question.

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No, Mr Speaker.

Mr Speaker: We will have one last question on this subject.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I was trying to interject for a while because I think there is something that has escaped all of us and maybe I will be assisting the Leader of the Opposition here, who will be forgiven perhaps for not being aware of this, seeing as he was not a Member of the House last year when I asked the Government questions.

1060 A very large pharmaceutical company had actually made the GHA aware of its concerns – and I believe it may have been Pfizer – warning us that with the levels of antidepressants, and benzodiazepines, which are made the main ingredient of these antidepressants that are used today, that for a population of 30,000, *too many* people were using and procuring the pharmaceuticals from them – and that is only one company showing its concerns.

1065 And now when it transpires that we see that about 10% of the population is on antidepressants and antipsychotics after such a warning, which should have set alarm bells ringing throughout the entire GHA, I find it really shocking and alarming, even though I could understand that the new Health Minister has not been aware, but I believe in this case a really strong brief should have been given to him in handover to come up with a strategy based on this advice and warning, and the fact that the Minister has no awareness of this concern or of these numbers until now, it seemed, and how we are going to curb things, is extremely worrying.

1070 I want to know what Government has done actively since Pfizer – I believe it was Pfizer in these big pharmaceuticals – issued these warnings to Gibraltar, given that it appears that nobody has any idea of the levels of over-subscription. Do not forget, Mr Speaker, we are talking about the numbers of people only in GHA. We have to assume that there is also another portion of the community that is getting them privately. So it is probably much more than 10% of our community and that is a very concerning figure.

1075 So I would like to know what the Government has done about this since the pharmaceuticals' warning.

1080 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Lady is confusing – with the very greatest of respect – apples with pears. The Pfizer warning was about opioids and the opioid crisis, Mr Speaker. That led to a press release from the Government and a whole programme to reduce, not the subscription but the prescription of opioids in the GHA, which is a current and ongoing programme.

1085 But the hon. Lady needs to realise that she is falling into the same trap that the Leader of the Opposition was falling into. I say a trap, because I do not think either of them mean to do this.

1090 If there are people with mental health issues in our community and if that is 15%, 20% or 28%, which appears to be the average in other countries, then we have got a problem if we have not got 28% of those people somehow being prescribed the drug that they need, if they need a drug. So we should not be concerned, Mr Speaker, that it appears that 10% of our population is taking these drugs. We should be concerned if there is one person in our community who needs these drugs, who is not taking them, as much as we should be concerned about one person in our community who does not need these drugs or who does not need them any longer continuing to take them or be prescribed them. Those are the key issues.

1095 And the Pfizer issue is unrelated to *this* issue. It is related to a completely different crisis, which is equally important but which does not relate to mental health. It relates to a different issue, which is the opioid crisis, which affects many Western nations and is affecting Gibraltar as well. And hon. Members can look at the press release issued by the Government at the time that this issue arose.

1100 **Hon. K Azopardi:** Mr Speaker, does the Chief Minister not agree with me that rather than just that – because I do agree with a lot of what he said, but – it does not end there. Surely the Government is concerned not just about that but also about understanding better and tackling the causes of mental health, and also understanding and tackling better the adequacy of the medication-taking. We also are exposed to a number of programmes – I saw one last year on the BBC – about the adequacy and effectiveness of young people taking certain antipsychotic or antidepressant medication and how it does not work and how people are being prescribed these things automatically. That is a matter for not just clinicians but for governments and for societies at large to grapple with – yes, I will use it again, *grapple with* – the idea of whether we are giving

our young people antidepressants and antipsychotics when there are better ways of tackling these things. Does the Government not agree with that?

Hon. Chief Minister: Mr Speaker, we are in *violent* agreement with that and this is not an issue to grapple with; it is an issue to resolve, but we are not going to resolve it by having an argument across the floor of this House. We are going to resolve it by giving the resources to the professionals, who are going to advise us, who are trained as advocates but not as psychologists or psychiatrists, to be able to determine in which instances there may be an over-prescription or an under-prescription because both are equally dangerous. If somebody takes more of a drug than they need, they are put in danger; and if somebody does not take a drug that they need or takes less of a drug than they need, they are also potentially in danger.

This is the key point to put across. We should not be concerned about the amount of drugs being prescribed if they are the right amount of drugs being prescribed. We should certainly be concerned about drugs being prescribed if they do not need to be prescribed.

Mr Speaker, this is an issue where we have managed to show the community that even where we agree, we are able to find a way of having an argument about it. I think I would commend to the hon. Members that they use either other mechanisms in this House or seek to speak to the Minister not in this House, in order to see what we can do together and constructively to do more about mental health issues, whether they are affecting young people or the elderly.

Look, it is easy to just talk about young people; but what about the mental health affecting the elderly – Alzheimer's; dementia? These are equally concerning things which cannot just be treated with chemicals. And chemicals should be a last resort. Mr Speaker, I have my views, but my views are the views of an observer, a politician and an advocate. They are not the views of a professional. I put it to him that so are his and that we rightly take an interest in these things as Members of this Parliament who are here to shape the future of our community; but we must be led by the clinicians on these issues.

So I do not think, Mr Speaker, that there is anything further that we can bat to and fro from each other on this issue in the House, but it is an issue of concern for all of us.

Mr Speaker: Next question – I am sorry, it is the next question.

Q26/2020
Mental health audit –
Not yet published

Clerk: Question 26, the Hon. K Azopardi on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state why the mental health audit has not been published?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, this document is still under review.

Hon. K Azopardi: Mr Speaker, how long has it been under review? And when does the Government expect it to be published?

1155 **Hon. P J Balban:** Mr Speaker, this document has been under review for a couple of months. In fact, it would have been June 2019.

Hon. K Azopardi: So that is seven months, not a couple.
And when do they expect to publish it?

1160

Hon. P J Balban: Mr Speaker, this document, I will say, was actually produced by Public Health England, it was produced both for the then Minister for Health and also Minister for Public Health, because it is something which is dealt with primarily in Public Health.

1165 We need to take stock of what the document says. That does not mean to say that certain recommendations of the document have not been put into effect; in fact quite a few of the recommendations of said document have already been put into effect. Just because the document has not been made public yet does not mean that it is just sitting on a shelf and nothing has happened. Many things have happened as a result of that.

1170 I still would like to take full... to get to grips with the document in its entirety and I will be meeting with Minister Cortes, who is the Minister responsible for Public Health, and then we will take a joint decision on this matter.

Hon. K Azopardi: Mr Speaker, that last answer suggests that what was received is not a draft document but a final document, you are reviewing it and implementing certain recommendations and so on. Why does it take seven months to publish the mental health audit? Even if the Government were implementing certain things, not implementing others, implementing certain in a different plan, why does it take seven months to publish it, when the Chief Minister has just indicated he agrees that mental health is so important?

1180 **Hon. P J Balban:** Ms Speaker, the reason why it is taking so long to make public is because we are seeking advice from the health care professionals on this. As I said, just because the report has not been made public does not mean that things are not moving. In fact on the contrary, things are moving and we are taking heed – the Government has taken heed and my predecessor took heed of the results of this programme. Many things already have happened and that will become evident in due course.

Hon. K Azopardi: Mr Speaker, I am not sure that the hon. Member did answer when he expects to publish it, firstly.

1190 Secondly, can he at least tell us the scope of this audit? What is it that it addresses? We have not seen it, so it is difficult to have a conversation.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Hon. Minister has indicated that the report will be published as soon as he is able to go through the course of action he has determined he should go through before it is published.

1195 What is the audit about? It is an audit into mental health in Gibraltar. What is the hon. Gentleman doing? Well, Mr Speaker, what the hon. Gentleman is doing with his line of questioning is demonstrating that he agrees entirely with the position that we have taken in Government to publish reports.

1200 Or is it that he has forgotten – perhaps he wants to forget – that when he was the leader of the PDP and I was the leader of the GSLP/Liberals, there was a whole *swathe* of reports that the former Government, of the party that he now leads, would not publish? It was their policy, the GSD's policy, not to publish reports when they were in office.

1205 Now, Mr Speaker, our policy is to publish, but sometimes there are things that we have to do before we publish. So the answer he has got is we are going to publish and the audit is about mental health in Gibraltar. As soon as it is published, he will be able to see in detail exactly what was investigated, exactly by who and exactly what their conclusions were, because it is not as if

the Hon. Minister is saying, 'Well, look, I have got to look at what parts of this I redact.' He is saying, 'I have just got to make sure that with the new Minister for Public Health, I have dealt with any necessary issues that may be required before publication.'

1210 So Mr Speaker, I think what he will be left with is wanting to salute the approach of the current and past Minister of Health of first of all commissioning this report, and second, being committed to publishing it as soon as possible.

1215 **Hon. K Azopardi:** Mr Speaker, rather than smokescreens and ballast, let's concentrate on the issues, because what I do remember, as Minister for Health when I sat on that side, is how quickly we published the reports shortly after 1997 that we got into the Health Service.

Mr Speaker, the Government has had this report for seven months. Can the Minister not at least indicate to me – or the Chief Minister indicate to me – having read these reports, which presumably they already have, what these reports broadly contain? What is the scope of these reports?

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1225 **Hon. Chief Minister:** Mr Speaker, the scope of the report is audit into mental health in Gibraltar. The recommendations contained are what members who have carried out that report suggest we should do in order to improve mental health in Gibraltar. And the date of the report publication will be as soon as the current Minister for Health and the current Minister for Public Health are able to confirm its publication is possible without causing any difficulties or problems, because we need to ensure that there is nothing in there that will cause a problem, a breach of data protection, etc.

1230 The hon. Gentleman might also like to reflect that there has been a small matter of a general election in between the period of the ending of the work of that report and today, and therefore Mr Speaker, if there has been an element of greater delay than this Government might have wished to see in the publication, well, we of course wish that there had not been the case. But given that we are committed to publication, Mr Speaker, he will be pleased to see that our attitude is not the attitude of at least what I might describe as the 'latter days' of the GSD in government, given that he reminds us that he was responsible for publication of a report in 1997 when he was Minister of Health – I assume then saying how badly things had been going until 1996, Mr Speaker. *(Laughter)*

1235

1240 **Hon. E J Phillips:** Mr Speaker, I am grateful for the Chief Minister's intervention in relation to that question. I was listening to him in a taxi on the way here and one question I had in relation to the reason why this question was generated in the first place is that a number of charities approached me in respect of the mental health audit. They had been approached and consulted quite widely, it is said, by the Government in respect of the audit.

1245 Now, my question relates to the purpose of the audit, which I know that the Leader of the Opposition talked about scope. However the purpose of this audit, as far as I understand – and I would like the Government to confirm this – is to develop a strategy moving forward for Gibraltar. You can't understand, in my respectful view, the extent of the problem unless you can deal with the audit.

1250 I understand from the Minister's response to the question previously was that by piecemeal incorporation of certain ideas that were being thrown around the room in relation to the audit, they are now incorporating them. Isn't the *right* approach with this to publish the report at some point in the future that identifies the existence of the problem and how we intend to deal with it, so that the mental health charities in our community can understand what *they* need to do to support the Government, Mr Speaker?

1255

Hon. Chief Minister: Mr Speaker, I have never been happier to welcome the hon. Gentleman to this House *(Laughter)* and to thank him for agreeing wholeheartedly with the policy of the Government.

Mr Speaker: Next question.

Q27/2020
Cannabinoid derivatives for medicinal purposes –
Use by GHA

1260 **Clerk:** Question 27, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, Can the Government confirm what steps it is taking for the use by the GHA of cannabinoid derivatives for medicinal purposes?

1265 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the GHA has established a panel of medicinal cannabis practitioners. The next step will be to provide training to these practitioners to then be able to authorise medicinal cannabis for patient use.

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Hon. E J Phillips: Just so that we can be clear insofar as the cannabis practitioners are concerned, where do they derive their qualifications from?

1275 **Hon. P J Balban:** Mr Speaker, these are a group of practitioners who have shown an interest in the subject and the actual education will come from a company called DrugScience UK, which is an independent government advisory body for the use of medicinal cannabis in the UK. So they will be providing the relevant training for them to be able to work in this field.

Mr Speaker: Next question.

Q28/2020
Dementia diagnosis –
Management

1280 **Clerk:** Question 28, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how it intends to manage the 3-5 weekly dementia diagnosis rate?

1285 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, over the six-month period between July to December 2019, 45 new diagnoses of dementia were made. This equates to 1.7 new diagnoses a week, and not 3 to 5 as the hon. Member's question refers to.

1290 However, the Government is fully committed to supporting these patients by consolidating the services provided by the Dementia Day Centre, and providing support for relatives and carers.

The Care Agency today provides domiciliary care to approximately 90 persons living with dementia or Alzheimer's.

1295 These services provide support in activities of daily living to promote independence and delay admission into hospital or residential care.

Hon. E J Phillips: Mr Speaker, just one supplementary in relation to that point.

The information I have not just plucked from thin air; in fact we know by public statements by Dr Beguelin that he takes the view that there are between three and five weekly dementia ...
1300 Clearly, Dr Beguelin is involved at the grassroots level and ground level in relation to dementia. Obviously, he has been honoured by Her Majesty the Queen recently in relation to his work within our community, so there seems to be maybe at odds Dr Beguelin's view in relation to the weekly diagnosis and the Government's actual statistic. Can the Government be a bit helpful, why there is this disparity in figures?

1305 **Hon. Chief Minister:** Mr Speaker, Dr Beguelin will have the congratulations of everyone in this House for the way in which Her Majesty has recognised his magnificent work for this community. It was not for the diagnosis of dementia. It was for the cumulative work that he has done for this community, in particular in the field of medicine but not just in the field of
1310 medicine; also in the field of charity. The data that we are dealing with is the data of the Gibraltar Health Authority.

When Dr Beguelin has said the thing that he has said, he has given an estimate of what he thinks the rate of diagnosis is. This is the actual rate of diagnosis.

Look, if it is one it is worrying. We have an issue, to ... I am not going to say 'grapple', I will
1315 just say 'deal with', Mr Speaker. But those are the things that hon. Members need to realise: that it is quite something to deal with what is *said* and quite another to deal with what is *actually statistically happening*. Now, scientifically we have to work on the numbers that we have, not on what we *think* might be happening.

I also say to them, Mr Speaker, they love to criticise how much we spend and how much we
1320 have increased spending, but one of the ways that we have principally increased spending is spending on these issues. We opened these facilities to look after those with dementia and Alzheimer's. We opened the day centres to look after them and we increased, *massively*, the domiciliary care. That has added many millions of pounds of expenditure to our bottom line. It is exactly the right sort of thing to be spending on.

1325 **Hon. E J Phillips:** Mr Speaker, just to correct the record, I think it was said in the context, of course, in an interview on GBC, where the correlation between pollution in our community and the increased incidence of dementia within our community.

That is what I am driving at. What do we have in place to cater for that? Clearly the health
1330 budget of the future will need to take into account not only mental health but also dementia, and the huge pressures on our community from these ailments that are being suffered by members of our community. That is the reason why I asked the question so that I can have a bit more information as to how the Government intends to deal with it.

I appreciate the point made by Chief Minister that money is being ploughed into it. But I just
1335 want to know how it is going to be dealt with in the future, looking at the very large budget, quite necessary budget that we have for the health service, and how we can manage those moving into the future.

Hon. Chief Minister: Mr Speaker, there is another question on the Order Paper that deals
1340 with the issue of budget and dementia. So I am surprised that the hon. Gentleman has brought it up in this context.

Everything in relation to dementia and Alzheimer's is changing – why we get it, how to deal
1345 with it, how to keep it at bay, how to treat it if treating it is possible; how to treat those with it and how to approach them. All of those things, Mr Speaker, form the basis of the approach that the Government is taking and the Dementia Strategy which the Government has worked on with GADS and others. All of these things together are how the Government is dealing with it, but all of these things involve expense. Then when they get up and criticise how much we spend, they

do not say, 'Look, actually, I am only complaining about this £1 million, but all the other £5 million, those are fine because we agree that we have to deal with issues like dementia.'

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Hon. E J Phillips: Mr Speaker, we have never complained about that point. What we say is there should be priority in Government spending, Mr Speaker: mental health, obesity, dementia care – it is an ever-increasing amount of money that is being spent on our health service and in many circumstances quite rightly. What we ask, Mr Speaker, and we will go on to another question in relation to expenditure more generally, is how we control that budget and can we afford it, Mr Speaker?

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Hon. Chief Minister: Ah, Mr Speaker, so the issue is *not* that we should have a strategy of how to deal with things and that we should ensure that we provide the best possible care; it is that we should control how much we spend. I did not realise that austerity was once again at the heart of the questioning.

1360

Q29-30/2020
Mental health provision –
Percentage of annual health budget

Clerk: Question 29, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what percentage of the annual health budget is dedicated to mental health provision?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 30.

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Clerk: Question 30, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what percentage of the annual health budget is dedicated to dementia provision?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, it is impossible to provide a meaningful reply to either of these questions because mental health conditions, including dementia, will impact on all areas of the GHA including the Primary Care Centre, St Bernard's Hospital and Ocean Views. There will also be an impact on Elderly Care Services as well as Domiciliary Care.

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As such, funding for mental health care and dementia are intrinsic parts of all health and elderly care provision and therefore cannot be separated in any meaningful way.

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Hon. K Azopardi: Mr Speaker, has the mental health audit that the Minister guards so carefully made any recommendations in respect of a separate mental health budget for Gibraltar?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman will be able to read exactly all the recommendations contained in that audit when it is published.

Hon. K Azopardi: Mr Speaker, the Chief Minister must have the advantage over us of having read it, and so does the Minister – I am asking him, despite guarding the secrecy of this report for the moment and going to publish it in due course – does it contain any recommendations in respect of a mental health budget?

Hon. Chief Minister: Mr Speaker, something that is going to be published is not secret. It is just not yet published.

Hon. K Azopardi: Mr Speaker, are we going to prolong these exchanges any more with the Chief Minister failing to answer a question that the people of Gibraltar will want answered as to whether this report contains recommendations in respect of a mental health budget?

Hon. Chief Minister: No, Mr Speaker, the Government of Gibraltar is going to ensure that the people of Gibraltar have a full and complete disclosure of an audit into mental health services in Gibraltar, which only this Government has sought, which goes into all issues of mental health and which should not be seeing us look in isolation at any one particular part, simply because it might tick the box or tickle the fancy of Members of the Opposition.

Hon. K Azopardi: Mr Speaker, has the Minister received recommendations or has it been discussed in the Department as to whether the mental health services should be provided for in a separate way within the budget? (*Interjection*) Whether it should be split in some kind of subhead or accounted for in a different way?

Hon. Chief Minister: Mr Speaker, hon. Members will know – I know that it is some time since the hon. Member has looked at a Budget Book in this House, but he will know – that there is a very clear line by line, almost, in the pages that relate to the GHA of how much is spent on Ocean Views, how much is spent, etc. so the hon. Gentleman is able to see that.

The question is if you ask about a particular mental health ailment – and this is the point, Mr Speaker: their question is not about what is the cost of the mental health services, etc.; they are asking about one ailment and asking what the budget is across the GHA in that respect – *that* is what cannot be extrapolated.

Hon. E J Phillips: Mr Speaker, the question was geared towards mental health provision in our community but also it drilled down on dementia provision. Now, the Minister for Health is unable to answer that question, because as he says it is part of all of our services insofar as health is concerned, but the Budget Book itself talks about the dementia day care centre, the dementia residential facility, about £4 million. All I am asking for is a global percentage for the provision of mental health in our community, which I am sure he is able to do, if he gets his calculator out, adds up those items that are contained in the Budget to give a percentage so this community understands to what extent the Government is dedicating resources to mental health in our community.

Every country in the world can do that. Why can't we, Mr Speaker?

Hon. Chief Minister: Mr Speaker, bravado does not avail the hon. Gentleman of greater logic. (*Laughter*) He does not even understand the question that he has asked, I am sorry to say.

Of course in the Budget Book there is provision for the mental health service, for Ocean Views, etc. But if that is the question that he is asking, Mr Speaker, then he gives himself away because it is public information and all he is asking us to do is to calculate as a percentage of the figure at the bottom of that part of the book the £4 million that he has referred to or whatever else it is.

He is asking what percentage of the annual budget is dedicated to mental health provision. Mr Speaker, we have not interpreted that as being something really as contrary to the rules on

1445 questions in this House as, 'Can you please do the division for me of which bits relate to those parts of the Health Authority that are exclusively about mental health from the whole of the budget?' If that were what he was asking, Mr Speaker, then the question would have been out of order.

1450 **Hon. E J Phillips:** Mr Speaker, we have asked a very simple question as to whether the Government can give a percentage to the provision of mental health in the community. Clearly, the Government is unable to satisfy those members of our community who would like to know how much the Government is spending on mental health more generally.

So clearly, the answer to the question is they are unable to do so. That is right, isn't it?

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Hon. Chief Minister: No, Mr Speaker. I am going to now do it a little more slowly for him. The Budget Book sets out specifically in relation to the GHA what GHA spending is on. In respect of those parts of GHA spending which are specifically on mental health, he cannot surely have been asking us to work out what a percentage that is of the total of spending on the GHA, because not only are we able to do so in this community, as he says every community or nation is able to do, but if that is the question he was asking, *he* would be able to do it from the publicly available information that is already published. And if that is the case, Mr Speaker, then his question is, by reason of his explanation, *out of order*.

1460 But Mr Speaker, because we believed him to be asking a more sophisticated question, which perhaps we should not have ascribed to his questioning – despite the fact that this community has spent a small fortune in training him as an advocate and cross-examiner, Mr Speaker – it is not possible to do that further analysis.

I hope I have said it slowly enough.

1470 **Mr Speaker:** Next question.

Hon. R M Clinton: Sorry, Mr Speaker, may I?

1475 Just to elucidate the House, I really cannot find in the Budget Book the cost of Ocean Views. (A Member: Shame!) And I would be grateful if the Chief Minister will take that on board when he replies to my hon. colleague. He asked a perfectly reasonable question.

Certainly the cost of the dementia residential facility is in the book, as is the long-term care dementia facility, but certainly – and we have made this point in the past – the costs of mental health, direct costs which are easily attributable, for example Ocean Views, are not in the book. So would the Chief Minister accept that my hon. colleague's question is entirely reasonable?

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Hon. Chief Minister: Of course not, Mr Speaker, because just because the hon. Gentleman says he cannot find it in the book today does not mean that it is not there.

1485 Indeed, Mr Speaker, hon. Members have fallen into the trap of voting against the Budget, since the Hon. Mr Clinton arrived on the scene. And by the way Mr Speaker, I should welcome him back. I am so pleased he decided to re-join the debate and the parleying, and has decided not to walk out today, as he did last time that he did not like the answers he was getting, Mr Speaker.

So I do not accept any of what he has said. I do not believe that either he or I are the arbiters of whether a question is reasonable or proper. I think that is you, Mr Speaker.

1490

Mr Speaker: Next question.

Hon. Chief Minister: Mr Speaker, can I propose, given that we have been at it for two hours and only have managed to get through 30 of the questions that we have, that we should take a short break and return at 5.25 p.m.?

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Mr Speaker: The House will recess until 5.25 p.m.

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

Q31-36/2020
St Bernard's Hospital –
Staffing for A&E and paediatric emergencies

Clerk: Question 31, the Hon. Ms M D Hassan Nahon.

1500 **Hon. Ms M D Hassan Nahon:** What is the short staffing deficit of nursing hours at A&E in St Bernard's Hospital for the month of December?

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

1505 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 32 to 36.

Clerk: Question 32, the Hon. Ms M D Hassan Nahon.

1510 **Hon. Ms M D Hassan Nahon:** What is the minimum speciality grade level requirements to work in A&E in Gibraltar?

Clerk: Question 33, the Hon. Ms M D Hassan Nahon.

1515 **Hon. Ms M D Hassan Nahon:** How many A&E doctors are employed by the GHA and how many of those are on the specialist register?

Clerk: Question 34, the Hon. Ms M D Hassan Nahon.

1520 **Hon. Ms M D Hassan Nahon:** How many A&E doctors work at the St Bernard's Hospital night shift?

Clerk: Question 35, the Hon. Ms M D Hassan Nahon.

1525 **Hon. Ms M D Hassan Nahon:** What is the St Bernard's A&E consultants' ratio of clinic/non-clinical hours per week?

Clerk: Question 36, the Hon. Ms M D Hassan Nahon.

1530 **Hon. Ms M D Hassan Nahon:** Who covers paediatric emergencies out-of-hours on site?

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

1535 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the total number of nursing deficit hours for the month of December at Accident and Emergency was 476 hours.

All doctors working within the Accident and Emergency Department will possess a basic medical qualification, previous experience of having worked within a similar department and be registered with the General Medical Council.

The GHA currently employs a total of seven Non-Consultant Hospital Doctors (NCHDs) in the Accident and Emergency Department, one Associate Specialist and one Consultant.

The Consultant is listed on the specialist register of the General Medical Council.

The Accident and Emergency Department at St Bernard's Hospital is staffed by two Doctors until midnight. Between the hours of midnight and 9am, the department is staffed by one A&E Doctor.

The formal job plan for the A&E Consultant stipulates a ratio of 70% clinical and 30% non-clinical work. However, this is just a guide as the demands of the department vary widely on a daily basis and clinical need always takes priority.

The GHA's team of Paediatric Consultants provides an out-of-hours on-call rota. Any paediatric emergencies presenting at the Accident and Emergency Department will be attended to by the resident A&E team in the first instance. Any hospital-based paediatric emergency occurring outside of the A&E Department will be attended to by the resident Intensivist/Anaesthetist Registrar team.

In either case, interim on-site cover is provided until the arrival of the on-call duty Paediatric Consultant.

Hon. Ms M D Hassan Nahon: Mr Speaker, I just want to point out that the line of my questioning is mainly to highlight the fact that I understand that there seems to be a situation where many doctors who are not seniors or known as registrars or consultants are having to take the load for directing and making decisions, causing a lot of pressure on the doctors. From what I understand and what the Minister has just explained, having one doctor only on the night-shift after midnight leaves little room for when doctors call in sick or when there is understaffing, especially when we hear that they have been in one month 476 hours of short staffing.

So my question is: does it not concern the Government that there is a massive load on doctors who are not specialists in their field and something that could pose a high liability on their shoulders, if things go wrong? It could lead to the GMC investigating safe practices in Gibraltar, for example. Are these short staffing numbers adequate, considering the figures that we have just heard?

Hon. P J Balban: Mr Speaker, the fact that there is one doctor overnight is the ... Remember that Accident and Emergency can be extremely busy or there will be lulls when there is no one to be seen. If for example there was a need to call in extra doctors in case there is something unexpected, then they can be called in separately, but to have top consultants in A&E constantly, even at times when there is no need, when the doctors can adequately look after most of the cases that come through, will be a lack of usefulness of the resources available.

Hon. Ms M D Hassan Nahon: Mr Speaker, I do not know about when the Minister talks about 'top doctors'. I think it is regular practice to have an overall registrar consultant on top of the work of the A&E doctors.

From what I understand there was a staffing or a system failure on the night of 2nd January, where there was no A&E specialty. Is there anything that the Minister could tell me about what failure may have led to this? Because of course this could have had a massive impact on patients.

Hon. P J Balban: Mr Speaker, the hon. Lady is talking about a specific date in question which I have no information for, so if you want to ask regarding that specific case, I am happy to seek information.

One thing which the hon. Lady, I think, may be mixing together is when she asked, in Question 31, about the short staffing deficit, it was in terms of nursing hours, but then she has mixed it up with the doctors. Since then, there has been a recruitment drive to fill in nursing

vacancies in the Accident and Emergency, because a lot of the work that is carried out in Accident and Emergency is of a nursing nature. In fact the triage nurses will have a very good record of seeing patients within the first 10 to 15 minutes, or so I am told, and are very quickly able to recommend the course of action: if it is urgent, they will obviously be brought in quicker and if it is something which is not so urgent or something which can wait, then other patients are given the priority.

So that is the difference between the questions that have been asked, in terms of 31 which is talking about nursing hours, and doctors, which was the second part of the group of questions.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I were to tell the Minister that many of the doctors feel burnt out because they feel that the pressure should be on the senior doctor, which there are not enough of per shift, and that this is what is contributing to the low morale, this low staffing level – something which is actually dangerous for the community and detrimental to the staff – would this be something that the Minister would concur with and something that perhaps Government is looking to increase in terms of their A&E senior doctors complement?

Hon. P J Balban: Mr Speaker, what I would be quite upset about is because since I took office, after the elections, I have made it a point to start to get to know all the practitioners and the consultants. It is a very big process but I am meeting them, sometimes one to one, sometimes in groups. So if such a department had issues that they wanted to raise, my door, my office is open to them.

I have spoken to many consultants and surgeons, and we have had candid discussions as to what their aims are, what they want to achieve, and we have discussed what the Government's policies are in that respect. So if there is such an issue, then I would love to know. As I said, I will be calling on this group of doctors and consultants in due course, and if it is deemed necessary, they just need to request and I will make it a point to see them soon, and we can discuss the issues, and if they have low morale, see how we can address that.

But it is a bit surprising that they would seek to tell you in that respect or this official reached you, when I do not think I would like to be considered someone who is unapproachable in that respect, since I took office as Minister for Health and Care.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would just like to clarify that the information that reaches me of course is of a sensitive and anonymous nature and I am not saying that any doctor has spoken to me; I am gathering reports from good sources, not 'rumourology', but I am not at liberty to confirm or deny whether I have had a meeting with a group of any doctors. I am just fulfilling my role as an Opposition spokesperson, as they would when they were in opposition, which is exactly what the people of Gibraltar pay me for. (*Interjections*)

One more question, Mr Speaker. The Hon. Minister says that when there are paediatric emergencies, those trained with basic medical skills and knowledge attend and they wait for a consultant in paediatric specialty to come. Would the Minister not concur that in most A&E centres in the NHS in the UK, for example, there is always a paediatric specialist on site in A&E? This is my understanding and this is what we do not have here.

Hon. P J Balban: Mr Speaker, as to that part of the question, I genuinely can say I do not know – I will ask.

But coming back to the first thing, I mean unless... if people are feeling demoralised, demotivated, unhappy – I am not saying that you saw a group of doctors, it does not really matter who you saw, but whoever raises concerns – and if you have had these concerns for a while, there is nothing stopping you from contacting me and bringing it to my attention, so I could maybe act quicker. I am hoping that that happened just a short time ago, because otherwise we have wasted a lot of time in that respect.

But I cannot help, unless they see that because they seek an appointment with me or whether because it is my time to see them and I have called them in, or whether the hon. Lady, or indeed someone across the floor decides to let me know.

1645 Coming back to the question of the paediatrician, I will need to find out whether it is common practice in in other places. Most of the ailments that are received in A&E, thankfully, are minor things. A lot of things are ... sometimes it is children with febrile illnesses, who use A&E more as if it was a clinic. But if there is a need to be visiting in an emergency, an acute case, and it cannot be addressed sufficiently or quickly enough, they will call a paediatrician in.

1650 There is always a paediatrician on call, not necessarily there. They are not living there. They are not waiting for something, but they are on call and they can be summoned. I believe they have a 30 minutes waiting time. So within 30 minutes ... Remember, most of what the general doctors and practitioners will do, doctors and A&E staff will stabilise ... First of all, there is a triage. The nurse will make sure, will see what the issues are, and if it is something then the
1655 doctors will do their best, and obviously successfully, to stabilise the patients if there is a need to. And then within 30 minutes tops, you will have the on-call paediatrician on site.

So I think for a small place like Gibraltar where visitors are small, that is quite reasonable. Again, I cannot compare to what happens in the UK and when I do see this group of practitioners, I will do my best to see what their views are.

1660

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Gentleman for his genuinely good-will answer and I appreciate that, as I am sure anybody working in the field would.

The main concerns that I have flagged up have been of the reality that regular doctors not on the specialist register are acting as senior decision-makers, putting their own GMC at risk, where
1665 they cannot say anything beyond their level of competency. This is what I believe is causing the burnout, so I would ask the Minister, in the spirit of goodwill which he has shown, whether he would commit here to holding talks in the coming weeks, as soon as possible, with those in the A&E department, in order to really understand – I understand that he has just taken on this portfolio – and work towards ensuring that levels of staffing are acceptable, in place and
1670 appropriate for the type of traffic and demographic that goes in and out of A&E.

Hon. P J Balban: Mr Speaker, in my limited experience of my training in the UK, I do not think it is uncommon – and again, I will need to talk to the consultants when I do see them – to have this grade of doctor as frontline defence within an accident and emergency department. As I
1675 said, there is always help at hand, and even when it comes to cases of someone who needs to give birth or who has complications, there are always people ...

But I do not think it is uncommon to have doctors at this level. They are trained, they have had experience and we do not take people or doctors on that have not shown adequate experience in this field of medicine, so we do not have a GP, for example, sitting at Accident and
1680 Emergency; it is a person who has had at least five years of medical education plus the years of training to get them to that level. As I said, even if there was a need to, if there is an emergency, in theory everyone can be called in if necessary.

If you look at your reports, the NHS is considered to be a health service well known for providing good care. Yes, we have had times when people wait within A&E for what are
1685 perceived as unreasonable times, but if you compare that to what is normal in my experience in UK hospitals, I do not think we have ... especially because of the triage system is so good that within 15 minutes they have already assessed you, and if it is not something which is urgent then you are asked to wait.

What we also do not have sight of as patients in Accident and Emergency is what is coming
1690 back out through the rear door. So ambulances can be coming in and what seems like a waiting room which does not move, apart from the triage, it generally is because there are more serious patients – patients with perhaps MIs or coming through via the ambulance route from the back.

So I think we need to understand the way they work and I commend them for the work that they do. I think it is an extremely important part of the hospital.

1695

Hon. D A Feetham: Mr Speaker, just in support of the hon. Lady because I have heard some of the things that she has relayed across the floor of the House: one of the problems in Accident and Emergency, so the information that has come to me, is that the senior consultant of the accident emergency does not actually work night shifts. So over a period of time, what that does is it causes an undue disproportionate burden to be placed on the shoulders of more junior doctors. Of course, that may well be contributing to a sense of loss of morale, perhaps even burnout, in relation to those doctors.

1700

Does he know whether that senior consultant does night shifts? And does he have any information as to many how many nights a week, for example, he works? Or is his information exactly the same as ours – or mine, I should say – that the senior consultant does not actually work at nights in Accident and Emergency?

1705

Hon. P J Balban: Mr Speaker, as far as the information that I have received, and it is part of the answer to Question 34 which I have already mentioned, between the hours of midnight and 9 a.m., the department is staffed by one Accident and Emergency Doctor, which is what I presume is deemed sufficient for the need that there is at that time – but obviously with the caveat that should there be a need for extra support, it can be dialled in.

1710

Now, what really gets me is that ... I have been a very short period of time, but a lot of the doctors, surgeons and consultants have already asked to come and see me for whatever reason, we have shared ideas and they have come with their ambitions for the service or whatever. And I said my door is open, so that if there is such discontent, although I have been there only a relatively short period of time, my doors have been open. A lot of people have come of their own accord. As I said, I have not felt that pressure or that discontent.

1715

Obviously I will meet them in due course, because I have a schedule of meetings arranged, unless for them they deem it sufficiently important for them to wish to see me sooner and I will.

1720

I will find out what the ... But as far as I am aware, because the triage system works so well, because most of the patients are uncomplicated cases, as I have mentioned earlier, then it is something which is dealt with adequately by the service provided at the moment.

Hon. D A Feetham: I should also like to also offer a health warning as well, of the nature of the hon. Lady's, that the hon. Gentleman must not assume that it is doctors that have actually come to me. I make no comment about sources in any way, shape or form, for obvious reasons.

1725

But he ought to look at – and would he undertake to look at – what doctors are working night shifts, for him to ascertain whether in fact there is a disproportionate burden on some doctors, in particular junior doctors at Accident and Emergency, that can then potentially have an impact on morale of those junior doctors?

1730

Look, I am not a doctor and I know very little about these sorts of issues – just what is reported to me from those that may come to see me. But it does seem unfair that if we have a situation where it is always junior doctors that are effectively there at Accident and Emergency, and that the senior guy does not work nights. I leave that with the Hon. Minister.

1735

I will also say that in fact exactly the same report came to me about 2nd January, when there were no doctors at Accident and Emergency and it had to be covered from outside the department. So that again perhaps is something that the hon. gentleman ... will he undertake to look into that as well?

1740

Hon. P J Balban: Mr Speaker, I cannot speak specifically of this case in question, but in my general briefing, it is something which can happen, whereby there is an issue and someone could fail to come to work, someone could fall sick; but obviously there is a system in place whereby adequate cover would come in.

1745 So again, I would need ... If that question is asked specifically about that specific day on 2nd January, I will endeavour to find out what actually happened on that date and report back.

I will continue to look at that department and see what can be done or what is happening at the moment. But clearly if ... I am not saying that doctors are approaching you, but it may be that patients are perceiving waiting times as being inadequate and then saying, 'I have waited two hours to be seen', or whatever. They will not say that, because of the triage nurses, because the feedback I get is that you will be seen very quickly. They take your blood pressure, your pulse, the vital signs, they are professionals at what they do and they know exactly when someone can wait and someone cannot wait. So that is not the case.

1755 What can take longer, and this is where I assume that people that you represent will come and talk to you, your constituents will talk to you about, and it is probably coming from feedback from patients and what they perceive when they speak to doctors, saying 'Why is it taking so long?' or whatever. But that is an inevitable part of any institution like Accident and Emergency.

Hon. E J Phillips: Mr Speaker, just one question in relation to the low morale point that was raised by both the hon. Gentleman and the hon. Lady – and I know that the Minister has spoken to doctors, I think the Chief Minister said from a sedentary position that of course the doctors have gone to see him as well.

1765 Mr Speaker, my question is whether the Government has given any thought to looking at career progression within this particular area – i.e. looking at whether you can move from a system of NCHD doctors, as we have had for many years, to a junior house officer/senior house officer position and registrar position, so that we can improve career opportunities within the service, so that doctors feel that they are moving along a career path within the service.

1770 I think this is particularly affected in A&E – again, with the concerns that have been raised by both the hon. Gentleman and the hon. Lady in relation to doctors specifically. I just wondered whether he has, in his consultations with doctors, explored this possibility.

Hon. P J Balban: As I said earlier, I have not had an opportunity to speak to this group of doctors, which are a specific part of the hospital organisation. I think you are mixing, using the same nomenclature that I would use when I was a student in the UK, where you have house officers (HOs), senior house officers (SHOs), registrars, senior registrars and consultants. That has now become the non-consultant doctors, I think they are grouped in that broader spectrum, in nomenclature.

1780 Again this is my experience, without having had this information from the professionals that work in the hospital. I think that a job in Accident and Emergency is one which generally is short lived. I think that obviously all doctors progress; I do not think it is something, unless ... you must really love the adrenaline rush of that acute type of medicine to want to remain there. I am sure that in other big hospitals, there may be chances of promotion, and for some reason they become consultants in A&E – I mean, there are – but I do think that they are there for a short period of time.

1785 I do not really want to ... I am just sharing my experience, but I would not like the hon. Gentleman to take that as something certain. But as I said, as I delve deeper into the GHA, which is my intention, I will endeavour to learn more about Accident and Emergency, and I will thoroughly enjoy these medical meetings, which brings back all my previous life!

1790 **Hon. E J Phillips:** Just one question, Mr Speaker, with your leave.

Insofar as the 476 hours are concerned, does the hon. Gentleman know what that represents as a percentage of the total amount of hours available for work?

1795 **Hon. P J Balban:** No, Mr Speaker – I am running through my notes – I would not be able to give you a percentage. The reply was limited to the amount that is of nursing; but I have

mentioned that there has been a recruitment drive since then – in fact, it was sometime in November – to try to reduce these figures.

1800 **Hon. E J Phillips:** So just to follow up on that, you have clearly identified the problem in terms of shortage and therefore the recruitment drive within this particular area is to avoid having these shortages within nursing at this level. Is that right?

1805 **Hon. P J Balban:** Mr Speaker, the recruitment drive was actually to try to fill in the nursing vacancies within Accident and Emergency, and in fact I sought the information: interviews were conducted back in November 2019 and the normal recruitment process is now being followed.

A lot of that as well ... The sickness absence has been mitigated substantially by two bank nurses, which were staff nurses, who have been actually covering for these posts.

1810 I really would need to meet with this department – I have briefly gone down to see them, but I have not had the time to look at their *modus operandi* and see how they work and what their needs are, as a department.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just ask one last supplementary.

1815 As much as I really am grateful for the answers that I have had from the Hon. Minister, one thing is not clear: it seems that in Gibraltar the policy is at the moment to have junior doctors, who are known as SHOs in the UK, from what I understand, in A&E without a consultant side by side – meaning that all the responsibility is lying on the A&E doctors, without any GMC protection, if anything goes wrong. Yes, of course they are extremely efficient, but the point is: is that sustainable and for how long, because of the burnout factor and the fact that they are not supposed to be taking on all this senior decision-making on their shoulders? And is this the policy going forward of the Government as it stands?

1820

Hon. P J Balban: Mr Speaker, I think that these doctors do as far as their remit allows – as far as their professionalism allows. I cannot see... What they are trained in is to stabilise the patients if it is a very acute case, so that then a patient can be ... the course of action, the course of treatment can be established.

1825

The hon. Lady said, ‘working there without GMC registration’. (*Interjection by Hon. Ms M D Hassan Nahon*) I would have assumed that all doctors are GMC-registered regardless of their level.

1830 **Hon. Ms M D Hassan Nahon:** I did not say registration; I said protection, which is a very different thing – meaning that if they take decisions beyond their remit, when they are not senior doctors and they are taking a direction that they are not licensed to take, effectively, because they are not on the specialism scale and on the seniority scale, they would lose their GMC protection. It is not about registration, I know they are all registered. That is a whole risk.

1835

Hon. P J Balban: Mr Speaker, what the hon. Lady is alluding to is that we have people working there who are not qualified to work in that position and although ... I heard the hon. Lady say that they are not qualified to take decisions. *Of course* they are qualified to take decisions – and for *most* decisions, because Accident and Emergency is an acute medical system. So they know exactly how to ... The most important thing in Accident and Emergency work is to stabilise a patient, if a patient comes in who has suffered shock in a road traffic accident or whatever, that is their job: to stabilise until then they can move on to ITU, ICU or wherever they need to take the patient, whether they could be referred outside Gibraltar or wherever. But they are the first line of defence to stabilise the patient.

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1845 So that the hon. Lady should suggest in any way that we have people there fighting on the frontline who do not know how to hold the rifle, I think it is not really... They are perfectly qualified to deal with the aspects of their profession that they deal with there, and if they feel

that they are not happy to take certain decisions, there are mechanisms by which they can call doctors, who will be able to come to Accident and Emergency if necessary.

1850

Mr Speaker: Next question, please.

Q37/2020

**Care workers' contractual progression –
Collaboration between GHA and care agencies**

Clerk: Question 37, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does Meddoc and/or other care agencies collaborate with the GHA to synergise contractual progression for care workers after their initial 12-week contract?

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

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, I am not aware of any such collaboration.

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Hon. Ms M D Hassan Nahon: Mr Speaker, the reason I ask this is because I have had several constituents come to me feeling very discouraged that they have given a 12-week programme through Meddoc or a care agency with much confirmation that after the 12 weeks, many promises that they will be taken on with the GHA.

So really genuinely I would like to ask the Minister, what would I say to constituents who have been told that after 12 weeks, they are going to be given a contract with the GHA and then they sort of fall off a cliff and do not know where to go?

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Hon. P J Balban: Mr Speaker, again I would like to know where this information is coming from. Who has told the hon, Lady this information? I am not aware ... I am pretty sure the GHA is not promising people who have had a 12-week stint in Meddoc, which is a private company, that then they have their doors open to come and join us at the GHA.

1875

I do not know where the information is coming from and if the hon. Lady would like to enlighten me, I will endeavour to find out, but that is not ... I cannot see that that is... It does not make sense to me.

Mr Speaker: Next question.

DIGITAL AND FINANCIAL SERVICES

Q38/2020

**Entry into new tax treaties –
Progress**

1880

Clerk: Question 38, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services advise of progress with regards to the entry into new tax treaties?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I congratulate the hon. Member on his avid reading of our manifesto. *(Laughter)*

Mr Speaker, the Government with the full support of the private sector is keen to enter into new tax treaties with other countries following the agreement with Spain on fiscal matters and the DTA with the United Kingdom.

We are engaging with the Finance Centre Council who have set up a specific subcommittee to support our preparatory work and we have also engaged with professionals experienced in this field to assist us. However, I do not intend to name the countries we are considering publicly so as to avoid any unintended consequences that unnecessary publicity at an early stage could cause. I will be happy to discuss these with the hon. Member behind the Speaker's Chair

Hon. D J Bossino: Mr Speaker, I am grateful for the answer. He is absolutely right. I have carried out a bit of an audit of the manifesto promises and commitments.

In relation to the last point, is he aware that ... He talks about a subcommittee, and I think the subcommittee is called the double taxation treaty ...

Sorry, excuse me. No, that is not the ...

It is a subcommittee. Yes, the Double Taxation Treaty Committee and it is chaired by Mr Nick Cruz. Is he aware of an e-mail that has been sent out to the various professional bodies in order to obtain that consultation? And if he is, can he at least, without going into the detail of it, because he has mentioned the sensitivities in relation to this issue, whether the way that it is being put to the members of the profession and the various stakeholders represents the Government's views on that?

If he could at least say that across the floor of the House. If not, I fully understand what the hon. Member has said.

Hon. A J Isola: Mr Speaker, we have discussed this for some time with the Finance Centre Council and after the election we engaged formally with them and ask them that we wanted to extend the consultation to their membership to get a full picture as to what it is that the private sector believe we should be doing in looking at DTAs. There is no point in the Government executing DTAs with countries which are of no use to the private sector, if business is what we are trying to attract, and consequently we invited the Finance Centre Council to engage fully with us. They offered to set up a subcommittee to look specifically at this work, which they did immediately.

We discussed it at last week's Finance Centre Council meeting, after which the email that the hon Member refers to was sent out. I am aware of the contents of that email and we do anticipate having a full and detailed engagement with the private sector on the jurisdictions that we should be thinking about and why.

Hon. D J Bossino: Grateful, Mr Speaker.

If the hon. Member could assist me: if the hon. Member is telling the House, as he is indeed, that he is aware of the contents of the email, can he at least confirm that it accords with the Government's thinking in relation to its approach in relation to the entry into new double taxation treaties?

Hon. A J Isola: Mr Speaker, from memory, because I glanced through it when I was sent it, I believe it does. But I would not expect to be held by an email sent out by a subcommittee of the Finance Centre Council to the private sector as reflecting Government policy. Before saying it did or did not, I would like to go through it again in some more detail.

1935 **Hon. D J Bossino:** Finally, Mr Speaker, does he have an expectation as to when a further double taxation treaty will be entered into, or is it impossible for him at this stage to give an indication?

1940 **Hon. A J Isola:** Mr Speaker, the work will commence with a strategy yet to be agreed which will then entail some serious work in engaging with different countries that may be identified. So it would be absolutely impossible for me to give any degree of a timeline.

What I can say is that I fully expect our own strategy to be formulated within the next two months.

1945 **Hon. D J Bossino:** Sorry, I did say it was a final question but this is *really* a final question, Mr Speaker.

My hon. Friend, Mr Feetham suggests that I ask whether he can give an indication as to when the UK-Gibraltar Double Taxation Treaty is going to be made effective.

1950 **Hon. A J Isola:** Mr Speaker, the Hon. the Chief Minister has advised that he expects this to be effective at the end of Q2 2021 – effective.

Q39/2020

Image Presentation –

Publication of Bill to amend the Bills of Exchange Act

Clerk: Question 39, the Hon. D J Bossino.

1955 **Hon. D J Bossino:** Can the Minister for Financial Services state when the Bill to amend the Bills of Exchange Act in connection with Image Presentation will be published?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

1960 **Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, I anticipate that this Bill will be published in the coming months. My wish had been that it would have been published prior to the Christmas break, but other priorities such as the significant Legislative Reform Programme (LRP) and the Brexit work have caused a slight delay.

1965 Meanwhile, the banks in Gibraltar have been participating in the cheque imaging process with no adverse impact and we are in contact with them to ensure they are not negatively impacted by the delay.

Hon. D J Bossino: Mr Speaker, the Hon. the Minister says that banks have already been participating in the cheque imaging process, I think he said. Is that possible without the legislative backup, would be my first question?

1970 Is there anything, given the audit that I have carried out in relation to his manifesto, where he says that the GSLP and now Governments promise that ‘we will publish the Bill within a month of the date of the election’ – there is a very specific commitment in that regard and he has explained why that has not been able to come to fruition in that time period. But was there any anything in that, why the intention originally was to do it within that specific timeframe?

1975 **Hon. A J Isola:** Mr Speaker, the timeframe was because we were ready to go in September and we then decided to give full priority to the LRP and the introduction of the Financial Services Act. Then of course Brexit dates continue to change and our readiness for that was deemed to be more critical than this.

1980 That is why there is been a slight lag and now the draft legislation is being written up to be consistent with the new Financial Services Act, which of course it will be.

My understanding is that the banks can continue with the cheque imaging process and they continue to do so, and there is no unnecessary impact.

Q40/2020

**Attracting further banks to Gibraltar –
Progress**

Clerk: Question 40, the Hon. D J Bossino.

1985

Hon. D J Bossino: Can the Minister for Financial Services advise whether there has been any progress in attracting further banks to Gibraltar?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

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Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I and officials in Gibraltar Finance continue to target new banking entrants and you will be aware that most potential progress is in the area of digital banking or Fintech, rather than the traditional banking model which continues to consolidate and is generally averse to expansion into smaller jurisdictions. Hence, Fintech banks are the sector that we are successfully targeting, and the hon. Member may be aware that we currently have two such firms having been approved in principle by the regulator and going through the final stages of the licensing process.

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There is also of course, Mr Speaker, the pending completion of the Jyske bank sale.

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Hon. D J Bossino: By way of clarification, Mr Speaker, when he says he has two parties which are now close to being licensed, are those in relation to the Fintech bank area, specifically?

Hon. A J Isola: Yes, Mr Speaker. As I said in the answer, fintech banks are the sector that we are successfully targeting. The hon. Member may be aware that we currently have two such firms having been approved in principle.

2005

Mr Speaker: Next question.

Q41-42/2020

**Government website and IT security –
Independent audit**

Clerk: Question 41, the Hon. Ms M D Hassan Nahon.

2010

Hon. Ms M D Hassan Nahon: An IT flaw within the Government law website was discovered in January, and this was reported by Gibraltar's media agencies as well as in a few international publications. Has an independent security audit been carried out since this vulnerability was discovered to determine if other vulnerabilities exist?

2015

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 42.

2020 **Clerk:** Question 42, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When was the last independent IT security audit of the Gibraltar Government undertaken and how regularly are these audits carried out?

2025 **Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the last independent IT Security Audit requested by ITLD was carried out in 2019. An IT Security Audit is usually performed when any significant change or upgrade to the Government network and/or a software application is undertaken.

2030 The security flaw reported in the media in January of this year was a vulnerability in the Gibraltar Laws website, which has since been upgraded to a new version. The old Gibraltar Laws website was running on an outdated Content Management System (CMS), framework which was exposed to a series of vulnerabilities. The new website is running on a new framework, which is kept up to date and continuously patched to ensure that the site is safe from known vulnerabilities.

Hon. Ms M D Hassan Nahon: Mr Speaker, most IT security organisations recommend audits twice a year, not just as the Minister described when there are new software packages or versions. So they recommend as a minimum twice a year. Some governmental organisations do it monthly or quarterly.

2040 So is the Government going to commit to audit within frequency or are they going to continue to simply do them when a new package of software or hardware even hits their systems, and if it did, does it have the resources to make such a commitment if they were interested in hosting biannual audits?

Hon. A J Isola: Mr Speaker, nobody suggested that the audits are carried out annually. Audits are carried out as and when required, which could be very much more than twice a year. So it is not that we are saying that they are annual or that it is right that they are annual.

2050 What we are saying is that these audits are carried out when a significant change or upgrade to the Government network and/or software application is undertaken, which could be more frequent than that. In terms of whenever an audit is requested, this is on the advice of ITLD. Consequently, I would expect, if they do not feel they have the resources, that they would tell us when they sought that work to be undertaken.

2055 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was trying to explain – I do not know if I explained myself well – that it was more about, from my understanding, that as a *minimum*, whether or not there were upgrades or not, they were usually carried out as a minimum of twice a year; and whether Government would impose this. Or am I right in understanding that the hon. Gentleman says that they take their lead from ITLD, which is also perfectly understandable and appropriate?

2060 **Hon. A J Isola:** Yes, Mr Speaker, I understand the hon. Lady, what she meant, but I think she understood from my answer that we do it once a year. That is not the case. What I am saying is that these are done whenever ITLD believe them to be necessary, which are the professionals that I rely on – it is certainly not my decision; it is theirs.

Mr Speaker: Next question.

BUSINESS, TOURISM AND TRANSPORT

Q50/2020

**Hotel Occupancy Survey –
Details for 2019**

Clerk: We move now to Question 50 and the questioner is the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism provide the same details as set out in Table 1.01 of the Hotel Occupancy Survey for the year 2019?

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

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Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the information requested by the hon. Member will be published in the annual Hotel Occupancy Survey, which will be tabled at Parliament once the survey is complete.

This information is published only on an annual basis in the survey.

2080

Hon. D J Bossino: Mr Speaker, I asked similar questions in the last meeting of the House in December. I asked for updates to questions arising from the various tourism reports and I think the hon. Member and indeed the Minister for the Port also obliged and provided me with the updated figures.

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The reason why I ask is because as he will know, the Table 1.01 from last year's Hotel Occupancy Survey takes us to 2018. Given that now, 2019 is completed, I thought the hon. Member would be helpful enough to be able to provide me with that information in advance of the publication of the survey.

2090

Is there any particular reason as to why he is reticent to provide this information now? I would have thought he would have had the figures available to him. And if he does not have the figures available to him now, whether he may reconsider, and provide me with the information before the Hotel Occupancy Survey is in fact published.

2095

Hon. V Daryanani: Mr Speaker, this survey is normally tabled at Parliament around Budget time. So the hon. Member has to appreciate that we are only 22 days into the new year and this information is provided by the hotels. I do not know whether the hotels have actually provided the complete information for the whole of 2019.

I do not really have any problem in providing the hon. Member with the statistics once I have them.

Q51/2020

**Online procurement of business licences –
Resumption of system**

2100

Clerk: Question 51, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: The online procurement of business licences has not been functional for around a year. Can Government explain the reason for this and when the online procurement of licences will resume?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker,

2110 There was a break in communication between the World Pay application and the OFT database. Government is currently working on a solution with a higher level of automation which should deliver increased efficiency when it is rolled out.

2115 **Hon. Ms M D Hassan Nahon:** Mr Speaker, just for the record, my question or my query applies also to renewals. The fact of the matter is, as businesses report, that if you multiply an hour, which is what it takes to renew licences by the amount of businesses that there are, the annual cost of not having an online service actually costs hundreds of thousands of pounds, at least. Obviously companies report that the reduction of red tape is the key to run businesses efficiently, so considering that the Government has been promising a one stop shop from three elections ago, can the Government just tell us genuinely when exactly they expect to roll this out, realistically?

2125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady loves to conflate issues and dramatise the position. I suppose that if every business in Gibraltar that has got to do a renewal were to quantify what it costs to go and do a renewal as they always have in the past versus doing it online as we have been trying to ensure that they are able to do, and we are the first Government to seek to ensure that they are able to do, I suppose if you added all that up together it might be hundreds of thousand pounds. Or it may not. But for each business it might just be a few pounds, Mr Speaker – a few pounds which we are trying to avoid them having to pay by trying to bring about not just in relation to business licensing, the new system that the hon. Gentleman has said we are about to roll out, but indeed across the Government all of the mechanisms that we are trying to roll out.

2130 So Mr Speaker, we are in the process of trying to do this. Hon. Members including her love to accuse us of spending money. Part of the money that they accuse us of spending is in trying to achieve that which we have promised to do and are keen to do and are in the process of doing and as soon as we are able to we shall be announcing that we have achieved that particular rolling manifesto commitment.

2140 And of course, Mr Speaker, we want to do it as soon as it is possible to do. But these things also lead to vulnerabilities. If we set something up and there is a security vulnerability, she will come here and ask us why it is that we could be hacked, and if we do not do it because we are trying to ensure that we do it in the way that we are not hacked, she will come here and ask us why it is that it is taking so long.

I fully appreciate that is the role of a lonely opposition Member of Parliament, Mr Speaker.

2145 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not that lonely. Almost 6,000 people voted for me and gave us a good mandate to show that there is a need for something different to what already exists today, so I do not feel very lonely at all.

2150 I think that despite the Chief Minister's very eloquent and sophisticated answer and spin, he still has not answered us how, after almost 10 years we still have not seen these shiny promises of one-stop shops. As time goes by, yes we can always hark back to yesteryear that things were not done but we all know that things have moved on. People work online. The world is moving faster. Technology is key and we need it on tap. The Chief Minister knows that very well because when he announces things that need to come into shape, then he always reminds us how important these priorities are. So in the same way, we also want to understand why this priority has not actually materialised, after almost 10 years. Talking about the past and how we used to do things in those days, I do not think will alleviate any business of today wanting to move on with their business. And we still do not have an answer, Mr Speaker. Can the Chief Minister provide us with an answer?

Hon. Chief Minister: Well, Mr Speaker, I am grateful to the hon. Lady for evidencing her style of exaggeration.

The great New Dawn was in December 2011. We are now in January 2020. That is exactly eight years and one month later; not 10. There is a big difference between a decade and eight years. That is the sort of exaggeration which denudes her questions of accuracy, Mr Speaker, which then of course leads me to have to challenge her on it.

For example, she might say that she is not lonely because she has got 6,000 votes. Well, she had 4,000 votes last time but she is still on her own in this place and that is the reality of the result of the last election whether she and I like it or not, Mr Speaker, because the fact is that I thought at one stage she was almost about to wipe them out! But never mind! *(Laughter and interjections)* I know, Mr Speaker, that during the course of the night, *they* thought they might have been wiped out but never mind! Never mind. Anyway, they are doing a good enough job of wiping themselves out. I do not think she needs to worry too much about that.

But Mr Speaker, let's be very clear. What we promised eight years and one month ago was a one-stop-shop Government counter. So eight years ago. Mr Speaker, we were talking about the counter where you could go and do everything and we talked about bringing about electronic Government. Things are moving on. They are always constantly moving.

Can I tell her when we are going to deliver electronic Government 100% as a one-stop-shop in the virtual situation? She knows I cannot; and she knows that the question she is asking is seeking information which is not possible to give with any degree of accuracy.

Is it true that we are the Government that has most invested in seeking to make that virtual reality something that people can rely on, that virtual opportunity to engage with Government? Yes. Are there many challenges in doing so? Yes. Would they be doing any better if they were here? Well, I put it to them, Mr Speaker, that if they invested as much as we have they would have achieved what we have. If they invested more, they would have achieved as much as we have because you cannot go any further by putting more money into it. It is very likely that they would have invested less, unless of course this is another one of the areas where they criticise us for spending but would have spent the same amount.

So, Mr Speaker, all of which makes me simply say to her: watch this space, it is coming faster under us than anybody else.

Q91/2020

The Mount refurbishment project – Expected cost and completion date

Clerk: We now move to Question 91 and the questioner is the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, there is formally no Question 91. I think that the interim Notice of Questions that we received end at Question 90, which is the hon. Lady's question.

But I have got a copy of it here, so I am happy to proceed. Okay. *(Interjections)* No, no. There is a question which I filed, but it is not formally in the ...

Two Members: How do you know?

Hon. D J Bossino: Because I have just ... I do not know by way of notification in this document, but I have just been told by the Clerk that it is Question 91. *(Interjections)*

Yes. I deduced that, Mr Speaker, because I see that the Hon. the Deputy Chief Minister is present, and I think my remaining questions are exclusively ... See, the Hon. the Minister for the Port is not present, so on that basis I assumed that Dr Garcia would be answering the question.

Mr Speaker: Would you proceed to ask the Question?

2205

Hon. E J Reyes: If it helps, Mr Speaker, I think none of us on this side of the House have anything beyond Question 90. So we would not be able to partake in it any further.

Perhaps if the Clerk ... I think that the Hon. Minister for Sport was seeking some information that he may now have available to be sent by you, Mr Speaker. So perhaps we can fill in the next couple of minutes as are needed by ... If you give way to the Minister for Sport, he can finish answering my question, that way it remains on record.

2210

Chief Minister (Hon. F R Picardo): He knows what question it is, he is ready to ask it ...

2215

Mr Speaker: Mr Clerk, can I ... ?

We are just going to check. Just a second please. We are going to check whether it is not simply just 91 that is missing.

Mr Speaker consulted the Clerk.

Mr Speaker: I understand that the questions which follow 91 will not be asked this evening. So we can do, if you wish, Question 91.

2220

Hon. D J Bossino: Mr Speaker, I am happy to oblige.

Can the Deputy Chief Minister provide details of the expected cost of the project to refurbish The Mount and how long it is expected to take to complete?

2225

Clerk: Answer, the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government is not in a position to forward details on costs and programme in relation to The Mount project as this is still at a very early stage. Once the relevant investigations are completed and designs and permits awarded, we will be in a position to provide such details.

2230

Hon. D J Bossino: Mr Speaker, what are the investigations which the Hon. the Deputy Chief Minister has described as relevant?

2235

Hon. Dr J J Garcia: Yes, Mr Speaker, the initial phase of the project involves the clearing of vegetation. That would allow the people who are doing this to determine the condition of the different terraces, the paths, the walls, etc. and that would allow a further investigation to take place.

2240

At the moment we cannot investigate any further because things are covered by overgrown vegetation. That is what is happening at the moment: the vegetation is being cleared. That is the first step of the project.

The hon. Member may also be aware, in terms of the finances, which is the question, that there is £200,000 in the revenue of estimates and expenditure, which is simply set aside for this kind of work.

2245

Hon. D J Bossino: Mr Speaker, can the Hon. the Deputy Minister assure the House that stringent heritage considerations will apply in relation to this particular project?

2250

And I would just widen the question to include obviously not only buildings but also the environment and the plants and the trees which are of certain environmental heritage value as well.

2255 **Hon. Dr J J Garcia:** Mr Speaker, yes, in fact before the work started, the Heritage Trust, the Environmental Safety Group and GONHS were all taken on site to get a better understanding of what it was that was going to happen. They have also been on site again since the work has commenced and obviously whatever is done there will also go, as it has to under the Town Planning Act to the Development and Planning Commission eventually, where there will be a wider discussion and debate on the proposals.

2260 **Hon. D J Bossino:** Mr Speaker, does the hon. Member have an idea as to when the whole project is going to be completed?

The hon. Member will obviously know that his party during the election, in their manifesto, had very ambitious plans in relation to that area. Can he give us any indication as to when he thinks it is going to be completed? Will it be during the course of this term of office or is the hon. Member looking at a longer period than that?

2265 **Hon. Dr J J Garcia:** Mr Speaker, it is not possible to give an indication at this stage, simply because of what I said in the answer to the original question, which is that once we are able to investigate in detail and determine the work that remains to be done, we will then be able to draw up the phases with timescales for each particular phase.

2270 But at the moment, this is preparatory work to allow investigations to take place on the site.

Hon. D J Bossino: And in relation, Mr Speaker, to that initial preparatory work stage, does he have an indication as to when that is likely to be completed?

2275 **Hon. Dr J J Garcia:** I cannot say at this stage. At the moment, they are clearing vegetation – a selective tender was issued for that, and the contractor is on site. The work only started after the New Year break.

Procedural

Clerk: We come back now to Question 85 and the questioner is the Hon. R M Clinton.

2280 **Hon. K Azopardi:** Can I just ask on a point of order, Mr Speaker. Clearly the Government presumably knows the order it is going to take certain questions and indeed the Clerk knows because he is directing the orchestra of the jumping up and down.

2285 It would be helpful to pass that information to the Members Opposite because purely for our own organisation of business. We are all here, and of course we are going to be here, but it would be helpful to have that. We are all trying to make the House work better, and I hope that is shared. But if this information is available – and it may be available only recently to the staff – but it should be passed on to the Members opposite.

2290 **Mr Speaker:** The hon. Member should be made aware that there has been an admin error. That is the reason. There was no other intent or anything.

2295 **Hon. K Azopardi:** Mr Speaker, I was not talking about an admin error in relation to, for example what just happened on Question 91, but certainly – and I have not been here long since my reincarnation! – last time as well, in December, there was an element of backwards and forwards. And that is okay; but it would be helpful for us to know that that is what is going to happen at different points.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can be of assistance – that *is* what is going to happen, in the sense that the reason that we backward and forward is that in order to try and assist hon. Members, as soon as batches of questions are ready for answer, they are sent to the House, usually in groups relating to Ministries. We try and do that so that the House can organise the Order Paper. That does not mean that the Order Paper, which gives a number is the order that is going to be followed.

So for example, the Hon. Minister Licudi is not here today, but his questions were completed, they were sent to the House, they were put on the Order Paper. But he is simply not here and we could simply have taken the attitude of saying he is not here, therefore you can have a written copy of his answer or you can choose to ask at the next Question Time, under the existing Rules. Instead, because we expect that he will be able to be here and answer orally, we skip in order to enable hon. Members to do the oral asking of questions and therefore also supplementaries.

So Mr Speaker, where we are able we follow the Order Paper because it is in everybody's interest. Where we are not able to, we do not. That has always been the way in which I have seen questions handled in this House. If hon. Members tell us that they may not be available one day but they may be available another in time, then we will try to make arrangements to assist them so that they can be here. If they tell us on the day, then it is sometimes very difficult to do that because other Ministers have other responsibilities.

Hon. K Azopardi: Mr Speaker, I am not sure if the Hon. Chief Minister has understood me. I am not objecting, by any means, to the jumping around because of availability. All I am saying is that if hon. Members have organised and know in advance that that is going to happen, then they should pass that information on.

If the hon. Members Opposite are only just told that one of the Ministers is unavailable 10 minutes earlier, well then we understand of course. But if they know a couple of days before and that information is being passed on to the staff, it should also be passed on to the Opposition so that we know. We are all Members of the same House and we should know what the actual business is going to be in what order. That is all I am saying.

Hon. Chief Minister: Mr Speaker, that would require a level of detail that I think would start to interfere with Government's ability to plan.

The hon. Gentleman said it is normal. Look, it is normal since we were elected and we changed the way that the House dealt with business, because hon. Members will know that before, there was no indication of anything. Hon. Members will know that we were not even told the date of the Budget! And once the period for a Bill to be taken was up, we had to be ready to take a Budget.

We are trying wherever possible to give hon. Members as much information as possible so that they can be here when their Questions are going to be dealt with and they can be off doing their private business and pursuing their moneymaking activities, which they are perfectly entitled to do, when they do not have to be here. But I assume that they do want to be here when the House is in session, unless they cannot be – unless the hon. Gentleman is telling us that he wants to know if there are those who are going to be here to answer questions only to some Ministers and if those Ministers are not going to be here, they are not going to bother turning up.

They know that I endeavour – and I have told him that I am going to try and stick to it – to answer my questions on Thursday at 3 p.m.. They know that traditionally the House deals with questions on the basis of the manner in which people have been elected etc.. That is the way in which questions are answered and they now know also that we are trying to help everyone – them and the House – by allowing the questions to reach the House as soon as they are completed, so that the numbers can be put on the Order Paper as soon as possible.

I do not think I can tell them more than that, but perhaps in the Select Committee we will be able to work together to avoid what both sides might see as the ways that Question Time is not working as we might all wish. For example, today – two hours for 26 questions, I think was hardly edifying for either side.

Hon. K Azopardi: Mr Speaker, the hon. Member does not have to tell me about how badly things were done in the past because he may find that he and I agree – if it is true that he believes in parliamentary reform in a serious way, well he will find in me and the Members on this side of the House, people who are committed to engage in that process.

So we can talk about how things did not work in the past under governments of different political ideologies, and that there should be improvements and we will both share that view. All I am making – and we are at risk of the Chief Minister pulling a very minor procedural point that I was making to try to assist all of the Members of this House and creating a mountain out of a molehill. I do not believe that it can be possible that Government business is going to be interfered with by simply telling the Members on this side of the House in what order questions are going to be taken because the Government is organising its business, so it has already organised its business in a particular way. All we are doing is then taking questions in the order that the Government is dictating in accordance with the Government business it has organised.

So I do not think it is too much to ask for to simply ask for information. I am not asking to negotiate the agenda with the hon. Member; I am asking that once he decides, as Leader of the House what the agenda is going to be, he should pass on the information.

Hon. Chief Minister: Mr Speaker, it seems to me that there is nothing which is a minor procedural issue with the hon. Gentleman, because he gets up to make a point during Question Time. I do not know whether this is a matter of a point of order and I am very grateful that you are allowing us the latitude to deal with this in this way, but he does it on the basis as if he were the great reformer and he is asking for something which is eminently reasonable, and that is why he knows that I am going to get up to make the political points that I am making, because I am not going to let him get away with making political points as if he were not, Mr Speaker.

This is the political equivalent of throwing the stone and hiding the hand, Mr Speaker! I know that he agrees with how badly things were done in the past and not just by the GSD administration. I know in particular how badly he thinks things were done in the past by the GSD administration because he led a party in two general elections *against* them, saying that he would do things completely differently to the way that they were doing them, and he and I think will be able to agree in the Select Committee when we do negotiate how questions should be taken, a different way of doing things, Mr Speaker, which will give everybody the certainty of knowing when they have to be here, rather than when they simply might have to endure the process of questions in order to be around to ask their questions when they come up.

But, Mr Speaker, he knows that with the best will in the world, unfortunately we suffer differences of timetable and I do not want ever to inform the House that we are going to do something and then not be able to do it, because then we are going to be accused of playing with the House timetable.

But I think together we will be able to agree a better way of doing this in the Select Committee. So as usual, Mr Speaker, I think he and I will find that we are *violently* agreeing that things need to change and we are probably going to be very violently agreeing about what they should change to. But look, I guess that is just the nature of the Punch and Judy politics that he is falling into.

Mr Speaker: Next question, please.

JUSTICE, MULTICULTURALISM, EQUALITY AND COMMUNITY AFFAIRS

Q85/2020

Office of Criminal Prosecutions & Litigation –
Relocation to NatWest House

Clerk: Question 85, the Hon. R M Clinton.

2400 **Hon. R M Clinton:** Mr Speaker, further to Question 230/2019 can the Government advise who the landlord is (and beneficial owners if a corporate entity) of the premises to which HMGoG's Office of Criminal Prosecutions & Litigation will be relocated to at NatWest House, Suite 6, 6th Floor, 57/63 Line Wall Road, Gibraltar?

2405 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 86.

2410 **Clerk:** Question 86, the Hon. R M Clinton.

2415 **Hon. R M Clinton:** Mr Speaker, can the Government advise the length of lease, size of floor space and annual rent subsequent to the first year, when was the lease signed and by whom on behalf of the Gibraltar Government, of the premises to which HMGoG's Office of Criminal Prosecutions & Litigation will be relocated to at NatWest House, Suite 6, 6th Floor, 57/63 Line Wall Road, Gibraltar?

2420 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the landlord is Gibcorp Ltd. The beneficial owners are the Peralta family, the Hassan family, the Levy family and the Provasoli family through their respective holding companies.

2425 The lease is for a period of 12 years. The total area of floor space is 3,932 sq ft.

The annual rent is £123,858 for the first three years. Rent increases are dealt with under clause 1(d).

The Chief Secretary signed the lease on 19th December 2019.

2430 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for her answer. Can I ask, are there any break clauses in the 12-year lease?

2435 **Hon. Miss S J Sacramento:** Mr Speaker, I have not been advised and it is not a question that I can answer immediately. I can inform the hon. Member later.

Hon. R M Clinton: Mr Speaker, just for clarification, 3,000 square feet is solely in relation obviously to Suite 6, yes?

2440 **Hon. Miss S J Sacramento:** Yes, it is Mr Speaker.

Hon. K Azopardi: Can I ask, how did the possibility of the rental of these premises arise? In other words, who approached who?

Chief Minister (Hon. F R Picardo): Mr Speaker, this issue was raised with me by the Attorney General.

2445

Hon. K Azopardi: Sorry, the issue of the possibility of the rental was raised by the Attorney General – is that correct? Is that what he said?

Hon. Chief Minister: Yes, Mr Speaker.

2450

Hon. K Azopardi: Can we know when the Attorney General raised this issue the Chief Minister?

Hon. Chief Minister: No, Mr Speaker, if he wants any certainty. I remember him raising it with me, but I cannot remember exactly when it was. It is not as if I made a diary note of the fact that he might have raised it with me.

2455

Hon. K Azopardi: And following that conversation with the Chief Minister, what happened next?

2460

Hon. Chief Minister: Mr Speaker, I told him I was not averse to what he was telling me and that he should go off and seek rates and understand the space and whether it would fit all the people from the Office of Public Prosecutions, which is what he was very concerned about. And with the Director of Public Prosecutions, that is what they went off to do.

2465

Hon. K Azopardi: Does the Chief Minister know who the Attorney General and DPP negotiated with?

Hon. Chief Minister: No, Mr Speaker, because I was not there.

2470

Hon. R M Clinton: Mr Speaker, if I may ask the Minister, does the Government have no other available space for the Attorney General? If not, could his existing Chambers not be refurbished? What is the business case for hiring extra office space from the private sector?

2475

Hon. Chief Minister: Mr Speaker, I answered this question already at the time of the last meeting of the House. Six months have not passed. I do not know whether the hon. Gentleman wants me to repeat what I said then or whether he would rather just read *Hansard*.

Hon. R M Clinton: Mr Speaker, may I ask the Minister, was there a business case presented to her in order for the AG to hire premises outside the existing Government rental stock? And if so, by whom?

2480

Hon. Miss S J Sacramento: Mr Speaker, as the hon. Gentleman knows, I was not the Minister with responsibility for Justice at the time that this lease was negotiated. In fact, I have had absolutely no involvement in the negotiation of the lease. Given that this has been negotiated by the Attorney General and by the Director of Public Prosecutions, I have absolute trust that they have exercised due diligence and negotiated this in good faith.

2485

As further information, Mr Speaker, when this question was last asked, last month, I did an exercise with Land Property Services Ltd and they immediately gave me at least 30 other commercial rents where the rent price per square foot was much more expensive than this one. So I hope that that sets the commercial angle of this lease into context.

2490

Q87/2020
International Women's Day 2020–
Celebration plans

Clerk: Question 87, the Hon. Ms M D Hassan Nahon.

2495 **Hon. Ms M D Hassan Nahon:** What are the Government's plans to celebrate International Women's Day 2020?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2500 **Minister for Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, International Women's Day was first celebrated by this Government in March 2012 and this year will be no exception.

2505 We have identified how we would like to celebrate it in 2020 and we are already making plans with our stakeholders. We will make a detailed announcement about the celebration once our plans have been confirmed. I would be happy to discuss this with the hon. Lady so she can be aware of our plans and participate in them. As she knows, she always receives an invitation to my events.

Q88/2020
Gender Pay Gap survey 2018 –
Publication of results

Clerk: Question 88, the Hon. Ms M D Hassan Nahon.

2510 **Hon. Ms M D Hassan Nahon:** When will the results of the Gender Pay Gap survey of 2018 be made public?

2515 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the data is being analysed and will be published when finalised.

Q88/2020
Pride March –
Plans for 2020

Clerk: Question 89, the Hon. Ms M D Hassan Nahon.

2520 **Hon. Ms M D Hassan Nahon:** When will the Pride March take place this year, and is an organisation plan for the event under way?

2525 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, June is regarded as Pride month and the Department of Equality is planning how this will once again be marked. Organisation is already well underway.

2530 I have no doubt that it will be as much of a success as with everything that the Department of Equality embarks upon.

A Member: Hear, hear.

2535 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have had a few representations from interested parties asking whether a contract for an organised event would be going out to tender or would it just simply be taken on by the Ministry itself. Would the hon. Member be able to clarify because I have been asked various times about this one?

2540 **Hon. Miss S J Sacramento:** Mr Speaker, when the Department of equality mark any event, we always do it ourselves and I would like to take this opportunity to thank the Department of Equality for their dedication to these events, the meticulous planning and the very successful execution of them.

Q90/2020

Equal Opportunities Act amendments – Sexual orientation as protected category

Clerk: Question 90, the Hon. Ms M D Hassan Nahon.

2545 **Hon. Ms M D Hassan Nahon:** According to the GSLP manifesto of 2019, 'In Gibraltar under the Equal Opportunities Act "sexual orientation" is still not a protected category with regard to the provision of goods and services. It cannot be acceptable for a business to refuse service due to the sexual orientation of the customer, but currently no law prevents this.'

2550 When will this be corrected and the Equal Opportunities Act amended?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2555 **Minister for Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, the process to eliminate this discrimination has already commenced immediately upon our re-election and we in the GSLP Liberals were the only ones to pledge to do so.

2560 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Lady for her answer, but I do not think I heard an answer as to when this will be corrected. Any idea of when this Act will be amended?

2565 **Hon. Miss S J Sacramento:** Mr Speaker, the instruction has already been given. I am aware that the legal drafting team are working on it. They certainly have an instruction from me to complete it as soon as possible.

HOUSING, YOUTH AND SPORT

Q2/2020

Gibraltar Sports and Leisure Authority facilities –
Cancellations: further information

Mr Speaker: I believe that the Hon. Minister Linares has a response or reply to the hon. Member.

2570 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Yes, Mr Speaker, I have the reply that the hon. Member wanted via WhatsApp, which I am just getting, and it is to do with the cancellations that he was asking for, that I said that I did not know what had happened since I answered the question to today.

2575 The answer is that cancellations were initiated due to safety protocols as a result of some power failure. The removal of all users from inside the playing area: when the power came back, they were restarted. So it was not actually a cancellation of an allocation, but a precaution for the safety of users. So they were told to come out and then they were told to come in, and this happened on Saturday.

ADJOURNMENT

2580 **Chief Minister (Hon. F R Picardo):** Right, Mr Speaker, I am now going to move that the House should adjourn until tomorrow at 3p.m. – Thursday at 3 p.m. – on the third Thursday of the month, which is when I intend to take Chief Minister's Question Time; something I have been able to do very successfully for six and a bit of the eight years we have been in Government, when Brexit has not interfered. I will of course advise any Members of the Opposition who wish to take on the mantle of leading the Opposition in asking questions of the current Leader of the House to be here tomorrow at 3 p.m. That might help us to work out what might happen on 31st January, Mr Speaker.

2585 I move that the House should now adjourn to three o'clock tomorrow.

2590 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Thursday, 23rd January at 3 p.m.

I now put the question which is that this House do now adjourn to Thursday, 23rd January at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 23rd January at 3 p.m.

The House adjourned at 6.51 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.15 p.m. – 6.45 p.m.

Gibraltar, Thursday, 23rd January 2020

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The Gibraltar Parliament

The Parliament met at 3.15 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

ECONOMIC DEVELOPMENT, ENTERPRISE, TELECOMMUNICATIONS AND THE GSB

Q92-96/2020

Public finances –

GSB legal right of set off;

Consolidated Fund and Improvement & Development Fund outturn;

Credit Finance debentures; RBSI credit facility agreement

Clerk: Meeting of Parliament, Thursday, 23rd January 2020.

We continue with Answers to Oral Questions. We start at Question 92. The questioner is the Hon. R M Clinton.

5

Hon. R M Clinton: I think that must be me, Mr Speaker.

Mr Speaker, can the Government confirm that there is no legal right of set off as regards deposits placed by the Gibraltar Savings Bank with NatWest or Barclays and any loans granted by these banks to the Government of Gibraltar?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 93 to 96.

15

Clerk: Question 93, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the six-month outturn of income and expenditure to 30th September 2019 for the Consolidated Fund and Improvement and Development Fund?

20

Clerk: Question 94, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the terms, i.e. maturity date and interest rate, of the debentures issued by Credit Finance Company Ltd as at 31st October 2019?

25

Clerk: Question 95, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the total monetary value of debentures issued by Credit Finance Company Ltd as at 31st October 2019?

30 **Clerk:** Question 96, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the amount of the arrangement fee agreed as per clause 11.2 of the £75 million credit facility agreement entered into with the Royal Bank of Scotland International (RBSI) on 10th October 2019?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, there is no legal right to set off Gibraltar Savings Bank deposits against loans by any bank.

The six-month outturn of income and expenditure is not yet available. The only information that I have which I am prepared to share with the hon. Member is the estimated totals for the period, which are: Consolidated Fund – revenue £312.6 million, expenditure £305.2 million, balance £6.2 million; Improvement and Development Fund – expenditure £33.8 million, revenue £6 million, balance minus £26.4 million.

The monetary value of the debentures issued by Credit Finance Company Ltd as at 31st October 2019 is £400 million and the maturity dates and interest rates are as follows: 1st April 2022, 3% per annum, £10 million; 1st April 2024, 4% per annum, £65 million; 1st April 2024, 5% per annum, £40.75 million; 1st April 2024, 6% per annum, £275 million; and 1st January 2029, 6% per annum, £9.25 million.

The arrangement fee agreed with the Royal Bank of Scotland International was £637,500.

Hon. R M Clinton: I am grateful to the Minister for his answer, and if you will just indulge me, Mr Speaker, while I go through the other various questions, turning first to Question 95, I was asking about the monetary value of debentures issued by Credit Finance and he mentioned £400 million, but is there perhaps some confusion, in that he is giving a number for the preference shares but not the debentures – or is he saying that there is £400 million in debentures in addition to the £400 million of preference shares?

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Hon. Sir J J Bossano: There is £400 million in debentures in substitution for the redeemable shares, so the £400 million redeemable shares have now been replaced by £400 million debentures.

65 **Hon. R M Clinton:** Mr Speaker, I am grateful for that answer.

As at 30th September, I see a position where there is £400 million of preference shares and then an additional amount of £9.2 million of debentures in respect of Credit Finance. At what point did this swap occur? Or has this process occurred over a number of months? And can perhaps the Minister explain why it was felt that it was necessary to swap from preference shares into debentures?

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Hon. Sir J J Bossano: Well, in effect the figures that he has got have been switched around. What was there before as debentures is now the preference shares and what was the preference shares is now the debentures. The debentures have in fact been structured so that they reflect the redemption date and the interest that the Savings Bank is paying to depositors. So, the fact that we have got, for example '2022, 3% per annum, £10 million', is that in £10 million we are going to repay something that is at 2%. So, Credit finance pays the Savings Bank 1% over what the Savings Bank pays the public. That is how it has been structured and it

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80 makes the position of Credit Finance, from our perspective, better and more in consonance with... There is a requirement not to match as precisely as this but to match in overall terms, but it makes more sense to us to do it this way, something we had not thought of doing before but the decision has been taken that it is better to do it this way.

85 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister and of course I understand the concepts of the maturity ladder and the need to match your assets and liabilities.

Just to confirm, so I am crystal clear, the total, to use the banking term, 'exposure' of the Savings Bank to Credit Finance then remains overall at £400 million? Just to confirm, if he could.

90 **Hon. Sir J J Bossano:** The position is no different from the one that he referred to in his previous question. It is just that in fact there is less equity and more debt in the relationship between the two, but the debt is tied up to a maturity date of the Savings Bank to the public.

Hon. R M Clinton: Mr Speaker, coming to his answer to Question 92, he confirms there is no legal right to set off. Can I just ask the Minister: has he obtained a legal opinion to that effect?

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Hon. Sir J J Bossano: Well, I have not obtained a legal opinion – although we have got a lot of lawyers – because nobody has thought there is a need for one. It is self-evident from the documents and the relationship we have with the Bank that there is no question of them being able to set off what we owe them against what they owe us.

100 I think, in fact, when the GSD was in government their argument was the converse of that: that they put the money in the banks so that if a bank could not pay them back then they would be able to deduct it from what they owed the bank. So, in effect, they were saying that the logic of having, for example, £200 million say with Barclays and borrowing £200 million from Barclays at the same time – which was effectively borrowing back your own money, as I saw it from that
105 side – was that if Barclays got into trouble, clearly under Community law the Government of Gibraltar would only be protected in respect of €100,000, which is the only liability they have. But because we had money that they had lent us, the Government would then be able to say, 'Well, I am not paying you'. So, in effect what they were saying was that the set off would happen in the opposite direction. But I do not think there was a legal document stating that,
110 even at that time, in that direction, any more than there is anything today. There is not even an understanding that they may set it off, and certainly it would be very strange if they were not able to pay back the loans. That has never happened and is never going to happen.

Hon. R M Clinton: I am grateful to the Minister for his answer.

115 As regards the six-month outturn of income and expenditure, it has become practice in previous years to get the detailed breakdown by Department and head of revenue. Is there any reason why we cannot get that level of breakdown, apart from these sort of global figures that he has given us?

120 **Hon. Sir J J Bossano:** As has happened so many times with computerisation in the history of Gibraltar, in the Government, the replacement of the Treasury accounting system (TAS) started at the beginning of the financial year, it has had teething problems as we have gone along and by the time we got around to October or November the position was that the removal of payment vouchers and replacement of electronic means was not delivering the information as
125 up to date as was the case with the paper systems. So, a policy decision was taken, which I strongly supported, that rather than risk a situation where we might finish up the financial year without being able to give accurate information to the Parliament, it was better to stop the process and then restart it in April for the next financial year and go back to closing this year with the previously existent TAS system. That is what is happening now, but they are catching up
130 with information that needs to be put into the thing.

We are confident that we will be able to produce reliable figures at the close of the financial year, because in effect it will be done as it has been done every year since I came here in 1972, rather than in the more efficient future system which we have to catch up with.

135 **Hon. R M Clinton:** I am grateful to the Minister for his answer and explanation. Would he say, therefore, that the implementation of the new system to replace TAS has in effect prevented the Government receiving the normal at least half-yearly position that he usually gets? Would that be an accurate description?

140 **Hon. Sir J J Bossano:** Well, I think 'receiving' is not accurate, because it suggests that something has not entered into the account of the Government. It is the information that is missing, not the actual cash. So, because the information is missing, it means that we have less confidence in the accuracy of the figure. In effect, the estimated figure is more likely to be correct than a breakdown would be, because if you are making a guesstimate of the total you are more likely to get it right, but if you have 40 different entries, some may be mistaken in one direction and others mistaken in the opposite direction and there tends to be a probability that the mistakes, in terms of where we are, would cancel out and that the total would be closer to the accurate figure.

145 If I gave him figures which we cannot be confident about in different heads, it would not be any use to him, or to me, because it would be no indicator of anything. That is why I have not got the information. If I had it, he would have it – and he will have it as soon I do.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for that answer.

150 He gave the number £6 million in the Improvement & Development Fund, resulting in a deficit of £26.4 million, but if I recall correctly – and he may be able to correct me – the Deputy Chief Minister mentioned there was something in the order of £30 million of revenue from MoD house sales that had not been passed over to the Improvement & Development Fund, and therefore perhaps the deficit that he has got there would not necessarily be a deficit.

160 **Hon. Sir J J Bossano:** There may be £30 million worth of property transactions that have been carried out, but the recording of that in the Treasury books has not yet happened, because one of the things that we had to do was to go back to ... We could not produce figures on the basis that half of the information was electronic and half of the information was paper. So, in effect, the electronic information was stopped. We went back to replicating the paper as we would have done had we not introduced the electronic information. That means that the recording of the information is somewhat delayed, but of course that delay is getting shorter and shorter because they are doing two things: they are inputting the stuff that comes in and inputting the stuff that has to be reinstated. What this shows is that at the time they prepared the answer, that is what the books showed. It does not mean that there is not more in the bank account than this shows.

170 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister again.

Just turning to Question 96, if I understood the Minister correctly, the arrangement fee was £637,000. I do not have the previous loan agreements with me today, but that does seem to be higher than was paid for previous loan agreements. Would the Minister agree this is a substantially higher number than has been paid in the past?

175 **Hon. Sir J J Bossano:** I cannot agree because it is not something that I have looked at in the past. I can tell the hon. Member that the interest rate is very competitive, so one thing may compensate for the other. It is less than 1% over the base rate – 0.8-something, I think.

Hon. R M Clinton: Mr Speaker, I am grateful again. Can the Minister advise, if he is aware, whether this facility in fact has been syndicated by the Royal Bank of Scotland International?

185 **Hon. Sir J J Bossano:** As I recall from the agreement, the provision for syndicating exists, but to my knowledge it has not been. And I am surprised, in fact, that it should be there because £75 million is a very big amount of money for the kind of money that banks normally syndicate.

190 **Hon. D A Feetham:** Mr Speaker, just returning to the question of set off, and given that the hon. Gentleman has also mentioned the views of the previous Government, of which I was part, has he received any kind of advice as to whether under general insolvency law there is a mutual set off? So, in other words, the Government would be entitled to set off as against what it owes the bank in the scenario that he raised, which is where a bank basically effectively goes bust what he was saying was the bank goes bust and under European law all we would be entitled to would be the €100,000?

195 I am asking the question because, as somebody who practises in that area, it just seems to me that there would probably be an insolvency right of set off and it is something that perhaps the hon. Gentleman would want to consider, rather than concede that no set off is available to the Government in those circumstances.

200 **Hon. Sir J J Bossano:** Well, when I find myself with spare time I will take the time to consider speculative possibilities that I think are extremely remote. I cannot see NatWest going bust any time soon.

205 **Hon. D A Feetham:** No, Mr Speaker, neither do I, but the point that the hon. Gentleman made and I thought perhaps ought not be conceded in this Parliament is that in the situation that he postulated – we did not postulate it, he postulated it – which was if the bank were to go bust there would only be €100,000 under European law that the Government would be entitled to ... I am just saying that is not a concession that the hon. Gentleman perhaps ought to make, because in fact there would be a set off under insolvency law, and I am pretty sure of my ground
210 in relation to that.

Hon. Sir J J Bossano: Well, if he is giving me free legal advice ... I am always quite happy to have lawyers giving advice without charging, Mr Speaker, *(Interjections and laughter)* but he is in fact misquoting me, because I did not say that that was my view. I said that was the view of the
215 Government, and the view of the Government apparently is not the one he has, because they made the case here that the reason why they were putting the money in the bank was so that if a bank did not pay them they would then not pay back the loans to the bank.

Perhaps he should give the former leader of the party and former Chief Minister the benefit of his legal advice, because he was the one who was postulating it. I was quoting what he had
220 said to me in answer to my questions. It is not something that I am suggesting is right or wrong. I assume that the great leader was always right, so I just took it for granted!

Mr Speaker: Next question.

Q97-98/2020
Employment for disabled individuals –
Numbers in various schemes

Clerk: Question 97, the Hon. D A Feetham.

225 **Hon. D A Feetham:** Mr Speaker, following on from supplementary questions to Questions 270-272/2019, is the Minister now in a position to state how many disabled individuals have the benefit of being employed in (a) sheltered employment schemes, (b) private sector training schemes and (c) public sector training schemes?

230 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, there are no sheltered employment schemes. There are 42 Supported Employment Company employees currently placed in the private sector and 26 in the public sector.

I do not have any information as to whether there are any individuals with disabilities employed in private sector training schemes.

240 As regards public sector training schemes, individuals who are participating in these are not requested to reveal whether they have any disability unless such a disability makes it impossible or dangerous for them to undertake the requirements of the training, in which case of course they would not be engaged for that particular training.

245 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman, I have to say, has this quality of being able to conflate, confuse and mix up – an ability that I have never seen outside opponent lawyers in a court case; that is the kind of ability that the hon. Gentleman has, I have to say.

Mr Speaker, does the Government not wish to know, in order to be able to better the lives of disabled people, how many disabled people there are working within or being trained in private sector training schemes, for example, in order to then be able to incentivise private sector companies to offer training schemes to disabled people? This is one example that I can think of off my feet; there are many others.

255 **Hon. Sir J J Bossano:** Well, first of all, I am sorry to hear that my answers conflate and confabulate him, or whatever it is that he says they do to him. It is not something that I want to do to him; I am sorry to hear that that is what happens. What I do is I address the logic of the language of the question and provide logical answers, Mr Speaker.

The hon. Member asked me if there are people in private sector schemes. I do not know whether the private sector is running training schemes. I know the training schemes that I run for the Government. As far as I know, if there are private firms that run training schemes they do not inform the Government that they are doing it and they do not publicise it, so I have no idea if there are such things, and, if there are such things, whether there are people with disabilities participating in them.

260 I have to remind the hon. Member that the people in SEC are employees. They are not being trained in order to be put in a private sector job. They are already in a job, a job with an indefinite contract for life, which he congratulated me for in July 2012. He said it was a very good thing that I had done in creating a company which gave them a job for life. So, those people are not trainees, they are in permanent employment, and those are the ones that I am giving in the figures. There are slightly more in the private than in the public sector, the first two numbers that I have given him. Those people are people with disabilities who would not be in that company if they did not have disabilities.

265 The people who are training are training to acquire a skill. They get paid out of public funds during the process of training. By doing that, we are helping the private sector where we have a private sector that is predominantly composed of firms that employ less than five people. It is very difficult for a small employer with five people to take on trainees, because it becomes an overhead, which means that the output of the person is not available to the firm until the person has been trained. So we provide, sometimes with EU money – which regrettably will

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soon end – and sometimes with our funding. If the criteria of the EU are not available in the case of an individual, we still give the individual that opportunity.

280 In those areas, because people have disabilities they are not prevented from doing that. Somebody may have a disability which is not sufficient to require him to be in SEC because there is a chance that he can obtain skills and work. In the questionnaire, when people have to put down their CV, we do not have a question that says ‘Do you have any disability?’ – I am not sure that it would be the right thing to do – but if a person volunteers information that suggests that particular training would put him at risk, then he is not taken on for that training programme
285 and we find another area of training where he will not be at risk.

It does not follow that because there are people with disabilities they cannot work in the private sector or the public sector as employees on the basis that they are competing. There are people who have been in the Supported Employment Company who have been able to apply for vacancies in Government in competition with other people from the private sector and they
290 have been successful in the interviews because they have the necessary qualifications and they have moved into a job in the Government where they are required to meet all the requirements that any other person is. Even though they may have some disability, it is not a disability that interferes with their ability to deliver the job.

So the answer is, within SEC if tomorrow somebody comes along and says ‘There are some
295 things that I could be doing’, he is not prevented from moving into training – but SEC is not intended to be a training company; it is intended to be a company that gives people a secure job for life. Therefore the criteria of his question is what I have dealt with in the order that he has put it. He has put three possibilities. Sheltered employment schemes, as I understand it, are schemes which are done in the United Kingdom, where the private sector provides a sheltered
300 job for somebody, but it is not paid for by the government in the UK or anywhere else. What we have here we have never called sheltered employment. We have called it, from the beginning, the Supported Employment Company because it has a 100% backing from the taxpayer.

Hon. D A Feetham: Mr Speaker, unfortunately – and I am used to it now because I have been
305 in this Parliament long enough – the answers from the Hon. Minister are always very long and it eats into the ability of this side of the House to then ask supplementaries on an important issue.

But I will just ask this supplementary, and in asking it I will make several assumptions that I hope are not controversial, one of which is that the Government, as indeed any responsible politician entrusted with the affairs of this community, would wish to be able to ensure that
310 disabled people get training opportunities, and indeed that their needs and their opportunities in the future to make a life for themselves, is adequately met because they have challenges that people without disabilities do not have. Also, I make the assumption that the Government is aware and that the Hon. Minister is aware that ‘disability’ is a defined term in the very Act that they introduced, in the Disability Act 2017, so it would not be very difficult to maintain, for
315 example, a register of disabled people who meet that definition.

Therefore, in the light of those two things, what I would like to know is what is the Government doing in order to ensure that people who meet the definition of disability ... And I agree that there may be other people who are disabled who may not meet ‘disabled’ in how people would understand the term ‘disability’. For example, they may have some problem with
320 their eyesight but do not meet the definition of disability within the Act – and those are severe; they have got to be a severe disability, as we will see during the course of the debate when we come to that. But what is the Government doing in order to ensure that those people have adequate training opportunities in Gibraltar?

Hon. Sir J J Bossano: Mr Speaker, the Member opposite criticises me when I give him a yes and a no, and he criticises me when I give him a long explanation, so I suppose he just likes to criticise me whatever I do. *(Laughter)*
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I am astonished that he says that no responsible politician and no responsible government would fail to provide specific training for people with disabilities, since they did not provide it in 15 years – and I have never considered that they were totally irresponsible in those 15 years. What he is suggesting now was something that he never proposed when he was a Minister and the party that he ... When he made the mistake of abandoning the correct party and he joined the wrong party, he –

Hon. D A Feetham: *No me lo perdona.* That is behind the answers! That is the *real* reason behind the answers!

Hon. Sir J J Bossano: He made that mistake. We make mistakes in life and we pay for them, and there you are. (*Laughter*) When he made that mistake he never actually succeeded, if he thinks as he does now, in influencing them.

Nobody deprives people with a disability from being included in all the training programmes. If somebody tomorrow comes with a disability and says 'I would like to train as a carpenter', he is not deprived from being a carpenter and training as a carpenter. There is no category, as if they were a separate class of citizen, that says there is training for people who have disabilities and there is training for people who are without disabilities. That is not the case. If that is what he is proposing, then I question whether that is desirable.

So, all the training that is available to people in Gibraltar is available to people in Gibraltar irrespective of whether they have disabilities or they have not. I have already told him that in my original answer because I have said if somebody comes along and says 'I want to be a carpenter', if it is obvious that he has a particular disability or if he volunteers information about the disability and we think that the things he has to do in training as a carpenter – which he may not be fully aware of – would put him in danger, then we would say, 'Well, look, maybe you should not be training to be a carpenter, maybe you would do better if you were training to be a painter.' Or, for example, if he wanted to be a welder; a welder is a more risky business.

I have told him already that it is not that people with disability are denied opportunities that are available to other people; it is that we have a duty of care for the trainees, as we have a duty of care for employees, and in any event the trainees are employees. Unlike what used to happen before, they are not people with an allowance; they are people with a contract of employment. When we take them into a contract of employment, we do not want to put people in a dangerous situation. I do not see what it is that he finds offensive about that when he says no reasonable politician would do it. I would hope reasonable politicians would be concerned about the welfare of their employees.

Hon. D A Feetham: Mr Speaker, this really is the last one, and I am very grateful for your indulgence because I think that the answer the hon. Gentleman has given ... Really, therein lies where I think that the hon. Gentleman is not appreciating where I am coming from nor the significance of it.

Does he not agree with me that you cannot treat disabled people the same way as an able-bodied person in terms of the training opportunities, because there are many disabled people with disabilities that would not allow them to do those training schemes that he has very ably put in place in relation to others? That is what I am asking. I am asking the Government to please focus on looking at the needs of disabled people and perhaps devising training opportunities for those disabled people, because there may well be people who are disabled and cannot do those training schemes that able-bodied people will do. That is one of the main planks and reasons why I was asking this question.

Thank you, Mr Speaker.

Hon. Sir J J Bossano: Mr Speaker, I think there is not a category of disabled and not disabled. There are many different things that constitute disabilities and some of those things might be an

380 impediment to doing a course that is being run and a provision of returning, but integrating people with disabilities so that they are part of a class of youngsters who are no different is something that is already happening in schools. There is a school of thought that there should be inclusion so that you do not have a situation where you are given an apprenticeship for disabled people and that is your label. No, you do the same apprenticeship as everybody else.

385 If there was a situation where somebody came along and was interested in training and there was a training programme that we would do for him, nobody is going to deny it to him because the fundamental issue with problems that we have with running training programmes is that all the training programmes nowadays that mirror what is happening in the UK are predominantly employer based. We actually go further than they go in the UK. In the UK, employers pay a levy.
390 We say to somebody, 'If you will take on the trainee, I give him to you free – you only have to commit to giving him a job when he is trained.'

I have no knowledge of somebody being given unequal treatment because the people who interview and select candidates have turned them down because they have a disability. I would be very surprised if it happened, because I think in all walks of life in Gibraltar our people tend to be conscious of the need to be receptive to the needs of people with disability. It happens at work. If there are people who have got a problem with keeping up with the rest, Gibraltar is not a place where other people do not care; they care enough to make sure that they help him to be up with the rest. That is my experience of how people behave.

400 Certainly if he is got some suggestions that he wants to put to me or some training programmes that he thinks could be suitable for some people he knows exist and currently are being, as it were, shut out of the market, I am happy to look at it.

Q98-99/2020

NVQ Levels 1 to 4 –

Numbers qualified by trade and year

Clerk: Question 98, the Hon. D A Feetham.

405 **Hon. D A Feetham:** Mr Speaker, in relation to the previous question as to how many people have qualified ... This must be because there is a previous question that has not been added here and that has been allocated to a different Minister, but in relation the previous question as to how many people have qualified for ... No, because it is Question 99 first and then Question 98, Mr Speaker. Shall I ask Question 99 first?

410 **Mr Speaker:** It would help, yes.

Hon. D A Feetham: It would help, wouldn't it?

Mr Speaker: It would help the listener.

415 **Hon D A Feetham:** Since 1st January 2016, how many people have qualified for NVQ Levels 1, 2, 3 and 4, setting out the trade in which those qualifications were obtained broken down by NVQ level?

420 In relation to the previous question as to how many people have qualified for NVQ Levels 1, 2, 3 and 4 since 1st January 2016, please also break those figures up by individual year from 2016 to 2019.

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

425 **Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I fear the Clerk failed to give me the opportunity to say that I would answer Question 99 with Question 98 – so now I am answering Question 99 with Question 98.

The number of qualifications attained by apprentices since 2016 has been as follows – and I am giving him the year and then the rest, so it covers both questions.

430 For 2016: Carpentry Level 3, one – that is one individual; Bricklaying Level 2, one; Plastering Level 2, one; Welding Level 2, two; Electrical Level 2, six; Mechanical Level 2, four.

For 2017: Tiling Level 2, one; Multi-skilled Level 1, 23; Mechanical Level 3, four.

For 2018: Multi-skilled Level 1, 21; Welding Level 2, one; Mechanical Level 2, three; Electrical Level 3, five; Mechanical Level 3, four; Internal Assessor Level 3, one.

435 For 2019: Multi-skilled Level 1, 34; Multi-skilled Level 2, nine; Plumbing Level 2, eight; Welding Level 2, three; Electrical Level 2, six; Mechanical Level 2, two; Electrical Level 3, five; Mechanical Level 3, nine.

There were no Level 4.

440 **Hon D A Feetham:** Mr Speaker, is there a reason why there are no Level 4s from 2016 to 2019?

Hon. Sir J J Bossano: Yes, Mr Speaker, because there has never been Level 4 in the history of Gibraltar – because Level 4 is degree Level.

445 **Hon D A Feetham:** Is the Hon. Minister saying that there is no demand for Level 4 because it is too high in terms of the ...? Is it available, that NVQ Level 4, and there is no demand for people to do Level 4?

450 **Hon. Sir J J Bossano:** To my knowledge Level 4 has never been provided for and I do not know whether the instructors that have been in Gibdock and in the Construction Training Centre would need, themselves, to do some more studying and get some more qualifications, because the comparison that is done in the UK between the NVQs and the GCSEs, O-levels and A-levels is that Level 4 is the equivalent of a basic degree.

455 I do not think there is a demand. I do not think anybody would get a job with a Level 4 that they would not get with a Level 3. A Level 3 in the construction industry already involves supervision of workforce as part of the level that is reached, and Level 2 is the craft grade, so people come out with craft ... We are doing craft training. We are producing tradesmen. They are Level 2 in the construction industry and they are Level 3 in the electromechanical sector. The difference is that it is Levels 1 and 2 in construction and Levels 2 and 3 ... There is no Level 1 in electro-mechanical, it is 2 and 3. We have never done 4 in Gibraltar's history. I do not know whether the people would be required to do additional training to do Level 4. If there were one or two people it would be an expensive business, probably. If they wanted to do Level 4 it would be cheaper to send them to do it somewhere in the UK, but it is not something that I consider
460 the local construction industry requiring – a Level 4 in carpentry, for example – because people who are above the general foreman, which is the Level 3, would probably be people who got a degree in construction in the construction sector, that we send normally to study in the United Kingdom, people who would be doing quantity surveying, that kind of level. It is supposed to be the equivalent of that.

470 I do not know whether a Level 4 would exist in painting or in carpentry, but I can tell him that it has never been done and it has never been on offer.

Hon. D A Feetham: in terms of demand, and I know that the majority of the demand is obviously at Levels 1 and 2, but does he have figures for the demand for Level 3? In other words,
475 people who have sought to do Level 3 and have been rejected and not been allowed to do

Level 3. They have got to Level 2 and they have tried to get to do Level 3 but have not been allowed to do Level 3. Are those statistics that the Hon. Minister has available to him?

Hon. Sir J J Bossano: Well, no. I know of nobody who has wanted to do Level 3 and has not been allowed, because otherwise there would not be any Level 3s.

Is he suggesting, Mr Speaker, that there is somehow a filter that decides which individual is permitted to go to Level 3 and which individual is not? I have given him all the people who have done Level 3 in this answer and I have been doing that since 2012. There were people before that who went to Level 3. They do not *need* to go to Level 3; there are people who may *want* to go to Level 3. The Level 3 is much more demanding than the Level 2, not because it requires better manual skills but because it requires different kinds of skills in addition to the manual skills. So the Level 3 in a craft trade in the construction industry would be somebody who would be a site foreman, who would be responsible for overseeing carpenters and plumbers. Some people may want to do that. Nobody prevents them from doing it if they request it, but we do not assume that everybody who is coming out of the Training Centre will be a foreman, because otherwise there would be nobody to supervise. Clearly there are going to be less openings for foremen than for people in the trade.

It may give somebody an advantage to have a Level 3, but I do not think it is an advantage that would immediately result in a better job, because, in my experience, in most construction firms people get promoted to charge hand or foreman from within the ranks of the craft people who are working there already. Therefore, I think if somebody went into a construction company with a Level 3 as a carpenter, it might give him a better chance of being selected as a foreman several years down the road but he is unlikely to come in and be put as a foreman when he is in his early 20s, when there will be people who will have much more experience in terms of having been in the industry.

When people come out of training they are qualified and they have to be paid the craft rate for the job, but everybody knows, in this field as in many others, that ... I suppose when you arrive as a lawyer you do not expect to be treated as if you know as much as somebody who has been practising for 10 years. When you come out as a carpenter, you probably are not as effective a carpenter as a carpenter who has been working for 10 years; so, even if you come out with a Level 3 as a foreman it is likely to be something that could give you an advantage sometime in the future but not immediately. Therefore, in effect it means that the people who say they want to do the Level 3 probably have that 'looking into the future' approach, because the immediate effect will not be that they will actually be any more with a Level 3 than they would with a Level 2. Therefore, most people when they come out do not say 'I want to stay on.'

If he knows anybody who he says has wanted to do Level 3 and has been turned down, I would be happy to look into it if he gives me the details.

Hon. D A Feetham: Yes, in fact I had two people last year who came to my surgeries to tell me that they had received substantial impediments to doing Level 3. That was last year. I will attempt to get in contact with them and then put them in contact with the Hon. Minister.

So, essentially I gather from that answer that what he is telling me is that the Government will not put any kind of impediment on any individual who wants to go from Level 2 to Level 3? That is one question.

And then the second question, so that I can just sit down and not ask any further on this, is: why is it that, since 2016, there have been no carpenters, for example, that have gone into the Construction Training Centre, or people who wish to do carpentry?

Hon. Sir J J Bossano: As regards the first question, Mr Speaker, I have not said that there will be no impediment. I do not know whether there may be an impediment that has nothing to do with not wanting to provide Level 3. You could have a situation where there are other reasons

why the people in the Training Centre may be ... from the experience of having a particular individual there previously until Level 2.

The hon. Member must understand that there are many occasions when we give people lots of chances to come back when they drop out and when they fail to keep attendance, because we want them to succeed. I am sure that it was like that before, because it is an initiative of the people who run the training centres, who want the trainees to come out with qualifications. It is no credit to them if people come out without qualifications. They have got an interest in making sure that people succeed and therefore they bend over backwards to accommodate people.

It may well be; I am not saying that it is but I am saying that I have not said that there is nothing that can impede it. There is no policy that says there is a limit on how many people can do Level 3. Nobody has told the Training Centre 'If there are two people who want to do it, you can only do it for one.' That is not the case. There may be something that I do not know about and he may not know about which explains why somebody has been turned down, if they have been turned down. I am not aware of it.

As regards the carpenters, what we are doing now is concentrating, and have been for some time, on multi-trade teaching. The construction industry consists of two sectors. One sector is the new-build; the other sector is the maintenance. In the new-build, the numbers fluctuate between 1,500 and 500. So, at any one time a thousand people get sacked because the construction industry slows down and a thousand people will get taken on. Where there is permanence of work is in maintenance of buildings. That is why we have more Gibraltarians in maintenance than we have Gibraltarians in new-build.

In new build, the industry is moving increasingly towards prefabrication. This is considered to be the modern method of construction, which the UK is adopting and investing something like £3 billion or £4 billion to move in that direction, which means that in effect there are no carpenters that make doors anymore. The doors come from a factory and people just use screwdrivers and put the screws in the frame. So you can spend money teaching a carpenter to make a door but nobody will employ him to make a door. Therefore, in the construction industry, the important thing is that they can repair doors but not that they can repair doors only. When we do maintenance of houses in the housing estates we do not want to have to say to a guy, 'You go in and take off the tiles from the walls and then go away' – somebody comes in and takes the cement and the plaster and re-plasters, because he is a plasterer, and then somebody else comes and puts in the tiling because he is a tiler.'

So we are producing multi-skilled crafts that are able to do maintenance jobs, and the maintenance jobs are going to be there in increasing numbers and for life because the more buildings we have the more maintenance workers we need. That is the assessment and the analysis that we have done of where the industry is and where permanent jobs can be found, and therefore why it is in our interest to ... A person who has been trained to have several skills is a more valuable employee than one who can only do one thing, because the valuable person with one thing is if there is enough work to keep him fully occupied doing that and nothing else for 38 hours a week. That is not the kind of industry that we are in.

Already we have got a situation where every time a block of flats goes up there are different subcontractors who come in with a specialist workforce who do one thing only. There are people who only put on doors and people who only put in bathrooms and people who only put in windows. If a guy is not a carpenter in the full sense of the skills of the trade, but a door hanger, then he gets paid so much per door. That is how the industry works. It used to be like that for many years with bricklayers, where people did not get paid by the hour but were paid by the number of bricks they put. Brickies in the United Kingdom used to earn £800 a week putting bricks, and they worked like machines. Well, we did not used to have that in Gibraltar. We used to have all-rounders. We called them masons, but they did everything – plastering, bricklaying, tiling – and that is what I am convinced is the best thing in giving security of employment to the people we are training in Gibraltar, and that is where the industry is going.

I am sorry if I have been too long. *(Laughter)*

**Standing Order 7(1) suspended
to proceed with Government Statement**

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister

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Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

**Rise in Import Duty on cigarettes –
Statement by the Chief Minister**

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Chief Minister (Hon. F R Picardo): Mr Speaker, in support of this Government's continuing efforts to discourage smoking generally among our community, hon. Members will have noted that Import Duty on cigarettes has been raised by a total of 153% of the level of duty when I took office. Most recently, duty was raised by £1 in the Budget of 2018, from £13 to £14 per carton. It was further raised by 50p, from £14 to £14.50, in the Budget session of the House for this financial year. Today, the duty will increase again.

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Mr Speaker, as part of my Government's continuing efforts to curb the health problems arising from smoking, as well as our commitment to tackle all illicit tobacco activity, and after close consultation with the Collector of Customs, the following further increase of Import Duty has been introduced as from midnight last night.

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Import Duty per carton of 200 cigarettes will be increased, from £14.50 per carton, by 50p, to £15 per carton. This will now amount to an increase of 159% on the level of duty since the time I took office.

Today's edition of the Gibraltar Gazette, which will issue shortly, will reflect this increase.

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Mr Speaker: Does the Leader of the Opposition wish to make a statement?

Hon. K Azopardi: Well, I was just going to ask the Chief Minister for some clarification, if I may, on the Statement.

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We note the Statement, clearly. Is there any thinking behind the Statement that affects the timing of it? For example, why not have made that increase at Budget time? Or why not wait until the next Budget to make the Statement? I would be grateful to understand a bit more what is behind that, whether it is domestic thinking or whether it is thinking beyond these shores. Again, if the Chief Minister were to indicate it was the latter, he would not need to indicate to me the detail and we can perhaps have a private discussion about it, but we would welcome a bit more as to the motivation behind it, because it strikes us that it is, in some ways, odd to see a measure like this at this moment, in January, when normally the Chief Minister would have made those announcements at Budget time.

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Hon. Chief Minister: Mr Speaker, there is absolutely nothing from beyond our shores in respect of the thinking that goes into duty in Gibraltar; it is more about what happens *on* our shores that might motivate us to increase duty – if he can understand what I mean by that.

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Mr Speaker, this is not unusual. I have raised duty not at Budget time on a number of occasions since I have been Chief Minister. I have done it in November, I have done it in December and I have done it now in January.

620

This is about market forces and it is about price and where price is in the context of prices in other jurisdictions, which is what determines what the price here is and where successive Chief

Ministers have advised that the Collector believes there is market share to be had for the taxpayer, for the exchequer, rather than leaving it on the table, so to speak, for those who are in these businesses to take as profit.

625 That is the thinking behind this. It has absolutely nothing to do with anything else. Indeed, he has a question on the Order Paper about retail prices and Gazettes. This is completely divorced from that. This is duty, Mr Speaker, and in the time since I have been Chief Minister I have achieved a growth of 159% of the price that was there when I arrived into the role by taking the opportunities when I am advised to take them to raise the duty because the market opportunity
630 is there. There may be an opportunity to raise Tobacco Duty again before the next Budget or at the next Budget, or not at the next Budget. These are issues on which I take advice from the Collector.

We want to ensure that the price of tobacco is not as keen as it used to be. That is why we have made these increases. There are issues about not allowing illicit activity to become
635 attractive and therefore see more of it, and there are principally also issues of health and wanting to ensure that we put more on the cost of the carton so it is less attractive, in particular to young people.

Standing Order 7(1) suspended to proceed with questions

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister

640 **Chief Minister (Mr F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with questions.

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

CHIEF MINISTER

Q100-01/2020

**Civil Service sick leave –
Rate by Department; mental health issues**

645 **Clerk:** We continue now with answers to Oral Questions. We commence with Question 100, and the questioner is the Hon. E J Phillips

Hon. E J Phillips: Mr Speaker, can the Government state the Civil Service sick leave rate for 2018 and 2019 by reference to each Department, including Authorities?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 101.

655 **Clerk:** Question 101, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the Civil Service sick leave rate for 2018 and 2019 and confirm what percentage of the rate relates to mental health issues?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested is too voluminous to obtain in the timeframe available.

665 **Hon. E J Phillips:** Mr Speaker, can the Government commit to answering this question at the next session of the House?

Hon. Chief Minister: Mr Speaker, I cannot commit to that, but I do think that the information being requested is relevant, and what I can commit to is to ask that the information be compiled
670 from now on.

Therefore, if this information is maintained in each Department and then centrally provided in a way that enables us to answer this question, it would be possible for all Members of this House, upon the hon. Gentlemen asking us, to have this information. Indeed, I am almost minded to ask the Chief Secretary to put this information out with the data that we provide –
675 which relates, as he knows, to the questions we used to ask – so that it is available for analysis, both in respect of sick leave generally and in respect of mental health issues relating to certificates which may be granted for sick leave.

I cannot commit to going back to compiling the data, because that, I am told, is very difficult, but I see no reason why it cannot be kept henceforth and that therefore we should then see the
680 body of data build up in a way that enables us each to do the analysis that we consider appropriate.

Hon. E J Phillips: Would the Chief Minister also give thought to preparing it on a quarterly basis? I understand from other countries ... For example, Ireland has a rate of 4.6% and the
685 United Kingdom has 6.9% in relation to the Civil Service more generally. What they do in the United Kingdom, I think, is quantify what impact that has on the health budget. In the UK I think the total loss of hours amounts to about £12 million a year in relation to mental health issues, for example.

Although he cannot commit to going back, there may be a possibility of looking at the last
690 quarter perhaps to shorten the period – I have asked for two years, but insofar as trying to accommodate that, maybe looking at the last quarter moving forward.

Hon. Chief Minister: Mr Speaker, we are still dealing with Brexit. The Civil Service is busy supporting the Government on these issues. I will do him a deal, if he will accept it: starting this
695 month, by the end of March we will have a quarter, and if we put this information out there in a way that does not even require him to ask it – literally put it on the website – we will then be able to do calculations on a quarterly, half-yearly and yearly basis.

This is not information that the Government thinks is not pertinent; I think it is pertinent. It is not possible to provide it in the time frame available for a House. Going back to compile it is
700 going to be difficult. Let's start the process of at least getting it organised in a way which enables us to have the information going forward, because I think we are more interested in what is happening today than we might be in what was happening 24 months ago, although I do accept that he is trying to see whether there is a trend – I am interested to see it also. But let's get it going and then let's see what we see.

Q102-103/2020

**Chief Minister's New Year message –
Dealing with abuses; strengthening public finances**

705 **Clerk:** Question 102, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what steps it intends to take 'ensuring that abuses by some are properly dealt with', as stated by the Chief Minister in his New Year's message?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, hon. Members can rest assured I am not dealing with abuses of the privileges of this House.

715

I will answer with Question 103.

Clerk: Question 103, the Hon. R M Clinton.

720 **Hon. R M Clinton:** Mr Speaker, can the Government advise what steps it intends to take 'to further strengthen our public finances', as stated by the Chief Minister in his New Year's message?

Clerk: Answer, the Hon. the Chief Minister.

725 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir, and the hon. Gentleman will see all relevant announcements at Budget time.

730 **Hon. R M Clinton:** Mr Speaker, can he advise, in relation to Question 102, what he meant by 'abuses'? And how would he intend to properly deal with them? It is not necessarily a measure that would be relevant to the Budget, so I am just interested to hear what it is that the Chief Minister means by 'abuses'.

735 **Hon. Chief Minister:** Well, Mr Speaker, I mean many things, some of which will be relevant to Budget time, but I include there of course, for example, people who do not pay arrears. Indeed, he will know, for example, that we are very keen that people should pay arrears. People should pay their dues. There is absolutely no reason, if you owe rent, if you owe a utility, if you owe rates, if you owe service charges, if you owe PAYE or social insurance, why you should not be paying that.

740 As he will know, under the first years of the administration a Central Arrears Unit was set up to chase those arrears, to stop that abuse. They were elected and they disbanded the Central Arrears Unit – I guess because it is not popular. We were re-elected, we reinstated the Central Arrears Unit, and that is one of the ways that we are dealing with those abuses, and we are ensuring that everybody who owes money to the Government is followed up in respect of those costs. If a business pays its dues, then it is not fair that another business next door should not pay its dues; if a tenant pays his dues, it is not fair that the tenant next door should not pay his dues; and if there are good, genuine reasons why somebody cannot pay their dues, that they are helped through that process by the Government. Those are the sorts of abuses that I was thinking of. There are others, but those in particular I think we have an excellent track record of dealing with.

750 And, if I may say so, when the hon. Lady was Minister for Housing she pursued people who owed arrears of housing rent for the first time in the history of this community from the Ministry, without fear or favour that it might affect her when the time came to count the votes.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer.

755 In relation to Question 103, when he talks about strengthening our public finances, I know he says it will all become apparent at Budget time, but I have heard that before and I have never had the answers I have asked for.

760 So, can he perhaps give some indication, in his mind, when he gave this message to the public in the New Year, what it is that he thinks, by that message, he meant by strengthening public finances? Is his view that strengthening is more borrowing? What is it that he means by 'strengthen'?

Hon. Chief Minister: Well, Mr Speaker, as you can imagine, I do not agree with the preface that the hon. Gentleman has spoken.

765 I have set out in my Budget speeches a lot of the answers to the questions that he has asked during the course of the year, in particular when I have told him that I am going to be able to say more at Budget time. I do of course acknowledge that he does not very often like what I have to say in Budget time, but not liking an answer does not mean that you are not getting an answer.

770 I think it is abundantly clear that if I say that we are going to deal with measures that will further strengthen the public finances, I consider that the public finances are strengthened – because 'furthering' means taking to a next step.

775 When I say I am going to deal with those issues at Budget time, that is what I am going to do. In that way, I will let the hon. Gentleman and the rest of the community have my mind, at the time that I consider it would be appropriate for them to have it, on the issues that I referred to, which he has now asked me about in the context of my New Year message.

780 **Hon. K Azopardi:** Can I just ask, on Question 102, is the action that the Government intends to take in respect of abuses, or is the intended action going to extend to abuses in respect of public service contracts? What I mean by that is in relation to contracts adjudicated by the public sector in respect of anything – for example, construction.

785 **Hon. Chief Minister:** Mr Speaker, if we felt that there had been abuse in respect of contracts we had adjudicated whilst we were in office, we would have dealt with it as we did the contracts that we felt they had adjudicated which were abusive and which we inherited, which led to us terminating those contracts and making very clear to those who held those contracts that if they wished to sue the Government we would make very clear, in the context of those claims, how we thought that those abuses had prejudiced the taxpayer.

790 We, of course, do not believe that the contracts we have adjudicated have prejudiced the taxpayer, and if we did, or indeed if a contract we had adjudicated in the belief that it did not prejudice the taxpayer led to the taxpayer being prejudiced, we would pursue that immediately.

Hon. K Azopardi: So I take it, from that, that the Chief Minister does not consider that there are any financial abuses in respect of construction contracts awarded by the Government.

795 **Hon. Chief Minister:** Mr Speaker, if the Chief Minister has brought to his attention by those who control the expense of any contract which the Government has awarded, whether in construction or otherwise ... and if what is brought to my attention is an abuse of the terms of the contract and therefore of the obligations that the contractor has to the taxpayer, I will deal with it immediately. That is not a measure for the Budget. That is a contractual issue which we would deal with immediately because the exchequer would therefore have been deprived of funds by the abuse in the contract.

800 Hon. Members love to raise issues of rumour etc., but they have never brought anything concrete to this House. If they do, of course I would expect that they would bring it to this House after having told the Government, unless they just want to grandstand on a particular issue, because if it comes to the attention of any taxpayer in Gibraltar that the taxpayer is being taken

805 for a ride and that taxpayer is keen to stop that ride, then of course they get in touch with the Government and the Government will immediately act.

But this is not about an issue of perception, this is about actual abuse; this is not about political argument, this is about actual abuse.

810 **Hon. K Azopardi:** In formulating his policy list of measures to address abuses, has the Chief Minister asked those supervising those contracts whether they have a view on whether steps should be taken to better control those contracts?

Hon. Chief Minister: I do not need to, Mr Speaker, because those who supervise those
815 contracts are daily in contact with the Chief Minister on any issue which they consider is pertinent in respect of those contracts. It is their job not to wait to be asked if there is abuse in respect of Government construction contracts, but to immediately flag up anything that may be going wrong. They flag up to the Government things that may be going wrong with a contract, which is the perfectly normal running of any contractual situation – you need to know when
820 things are going exactly on time, when they are not going on time, when things are on budget, when they are not on budget, why they are not on budget, why you may have changed specs which may have increased budget, why things may have been used on site which were not in keeping with the budget.

As he knows, because he has been a Minister, these are issues which are constantly in play in
825 the context of the delivery of Government contracts, so I do not need to ask those who are responsible for these things. They are daily in contact with me, bringing to my attention all matters relating to contracts, and if they have ever brought an issue of abuse to me then it has been dealt with immediately.

830 **Hon. K Azopardi:** Is it the function of those people who are daily in contact with him to also consider how the subcontracts are administered and the pricing of the subcontracts? Or is it only their role to oversee the principal contract?

Hon. Chief Minister: Mr Speaker, I really do not see how these questions arise from the main
835 question as supplementaries, but we can have a tutorial on contracts and subcontracts.

Of course there is only contractual privity between the Government and its contractor, not between the contractor and the subcontractors.

Hon. K Azopardi: Mr Speaker, these questions arise because I am trying to ascertain how
840 they formulated their list of abuses, and as I understand it from what the Chief Minister has said, they are only looking, therefore, to the principal contract and not the subcontracts. Is that not the case?

Hon. Chief Minister: No, Mr Speaker. What I have told him is that there was only contractual
845 privity between the Government and the contractor.

He is stabbing at what the abuses I am referring to may be and he has tried to go down one particular avenue, which is the issue of construction contracts, and we are now having a discussion about where the reach of the Government is: whether it is to the contractor or to the subcontractor. He knows, Mr Speaker, that the Government's reach is to the contractor in
850 contract because it is where privity lies.

Hon. K Azopardi: Does the Government –

Mr Speaker: With respect, I think we are deviating from the principal question and answer. I
855 will allow one further question.

Hon. K Azopardi: I am grateful, Mr Speaker.

Given that the principal question was about trying to elicit from the Government what steps it wanted to take to ensure that abuses are dealt with, does the Chief Minister not consider that in future there should be controls that extend beyond the principal contracts?

Hon. Chief Minister: Mr Speaker, there are controls that extend between the principal contractor and the Government, but they are not contractual controls.

Mr Speaker: Next question.

Q104/2020

NatWest House –

Plans to relocate further Government Offices or Departments

Clerk: Question 104, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it intends to relocate any other Government Offices or Departments to NatWest House; and, if so, which?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, we are currently looking at various locations and assessing their suitability for these to be used as HM Government of Gibraltar offices, as well as assessing opportunities to develop new or redevelop existing office space to provide civil servants and public sector officers an improved working environment.

Hon. R M Clinton: Mr Speaker, can the Chief Minister perhaps clarify in his answer whether, in respect to those options, that includes NatWest House?

Hon. Chief Minister: And many others, Mr Speaker.

Hon. R M Clinton: Mr Speaker, in looking towards hiring additional space from the private sector, does the Government not look to see how it can maximise use of its existing office space or stock before going to the private sector?

I vaguely recall one of the GSLP-Liberal manifesto commitments to centralise Civil Service functions in certain offices, but without giving any details. How does moving Government offices piecemeal into the private sector – for example, the World Trade Center, NatWest House and Leanse Place – achieve that objective?

Hon. Chief Minister: Mr Speaker, I have given him an answer. He seems to be obsessed with NatWest House – I do not know why – and not so obsessed with Leanse Place and not so obsessed with the World Trade Center; he is only obsessed with NatWest House. But I have given him an answer that talks about assessing opportunities to develop new or redevelop existing office space of the Government. So I think the supplementary he was asking had been answered in the context of the first answer I had provided, and that could be a central location for all of the Civil Service or for parts of the Civil Service, Mr Speaker.

Hon. K Azopardi: Mr Speaker, can the Chief Minister say: are there no other public buildings that can be used to relocate staff so that the Government does not need to spend money in the private sector?

Hon. Chief Minister: Mr Speaker, that is exactly the answer I have given, if I may say so with respect: we are looking at assessing opportunities to develop new or redevelop existing Government office space.

Q105-106/2020

**GIC Ltd and Eruca Investments Ltd –
Basis for cash transfer; fees paid or payable to advisors**

905 **Clerk:** Question 105, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise on what basis will the cash be transferred from GIC Ltd to Eruca Investments Ltd?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 106.

915 **Clerk:** Question 106, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide details of fees paid or payable to the legal and/or other advisers to GIC Ltd and Eruca Investments Ltd, other than incorporation costs, from incorporation to 31st October 2019?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the transfer of cash between GIC Ltd and Eruca Investments Ltd is a matter for each of their independent boards to consider and determine depending on the circumstances.

925 As to fees paid to the legal and other advisers to GIC Ltd, other than for incorporation, these are set out in the schedule I am providing to the hon. Gentleman. The Government does not own or control Eruca Investments Ltd and I am therefore unable to provide the information for that company.

Answer to Question 106/2020

- i. Fees of £22,745 were paid to Hassans for legislation drafting and advice and attending meetings with opposition members;
- ii. Fees of £7,250 plus disbursements of £145 paid to PwC for financial assistance advice; and
- iii. Financial Advisers, £2,500 p.c.m.

930 **Hon. R M Clinton:** Mr Speaker, while I await the schedule for Question 106, if I can turn to Question 105 – the reason I ask this question is really quite simple. I believe the Chief Minister indicated – and I am happy to be corrected by him – that the purchase of the Government’s 50-50 interest was done at face value, which we understand was for £88.5 million, and GIC Ltd has issued preference shares to Eruca. But if the Government’s 50-50 affordable housing was transferred at book value, I assume the cashflows will then reflect that book value. I am at a loss
935 to see how GIC Ltd would then make a profit on those repurchases of the 50-50 interests and therefore how GIC would be in a position to, for example, pay dividends out of profits if it has no profits. So I was wondering if the Chief Minister could shed any light on that, other than a stock answer ‘I am not responsible for it’?

Hon. Chief Minister: Well, Mr Speaker, I am only answerable in this House for the things that I am responsible for. That is the reality.

The hon. Gentleman had a full briefing, from those advising on the establishment of this structure and the Financial Secretary, in my office. I think they explained all of these things to him.

The question he is now asking in supplementary is not the question that was put. The question that was put really can only be answered in the way that I have answered it because it is a question about on what basis cash will be transferred from one company to another. On that simple issue the answer can only be that it is really down to the board of those two companies when the transfer of cash is to be considered. But he is asking now a question about structure and profit. That is a different question to the question that was asked, which is a simple question about transfer of cash.

Hon. R M Clinton: Mr Speaker, I have just had the schedule in answer to Question 106. Can he can advise if, under item iii, 'Financial Advisers, £2,500', it is in relation to James Stocks & Co? In that briefing we were advised that James Stocks & Co is involved. I do not see any payments of fees listed here in answer to Question 106.

Hon. Chief Minister: Mr Speaker, I do not think he asked for who the fees were payable for, he asked for fees paid, but he has been given, in i. and ii., who has been paid the fees, so I do not know, in respect of iii., whether it is James Stocks & Co or whether it is an entity called Financial Advisers.

If he wishes to have that information, he may wish to write to me. In the information I have been given ... He knows James Stocks were involved, as he said, but I do not know whether they are the financial adviser retained on that monthly stipend.

Hon. R M Clinton: Can he perhaps advise, Mr Speaker, how long that monthly stipend is due to go out for?

Hon. Chief Minister: Well, Mr Speaker, I would have thought whilst the structure is in place, but that is an assumption on my part and therefore *Hansard* should reflect that I am not giving that as an answer that can be relied upon, because he has not asked us that in the context of the question.

In fact, if I may say so, Mr Speaker, the question is very specific as to timing. It is a question that asks about fees paid to 31st October 2019; it is not about prospective fees. But in being open in the answer given, the £2,500 has been indicated to be per calendar month, which has led to the supplementary, but it is not information that I have with me for that reason.

Q107-108/2020

Budget re new schools and sporting facilities – Preparation and authorisation; original versus actual expenditure

Clerk: Question 107, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise who prepared and who authorised the budget for the new schools and sporting facilities whose expenditure was channelled through Government or GDC-owned corporate vehicles?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (F R Picardo): Mr Speaker, I will answer with Question 108.

Clerk: Question 108, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the original budget versus actual expenditure for the following schools and sports facilities channelled through Government or GDC-owned corporate vehicles, namely: St Anne's, Notre Dame, Westside/Bayside Comprehensives, Lathbury Sports and Swimming Complex, University accommodation block and the rifle shooting range?

Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister: Mr Speaker, the original construction and fitting out budgets approved by the Government and the relevant boards of the companies involved in the development of these magnificent facilities, and the actual construction and fitting out expenditure to date for the various projects listed, are as follows.

St Anne's School original budget, construction and fitting out, £12,838,800; actual expenditure on construction and fitting out costs, £12,603,716. Notre Dame School, £8,493,000 versus £9,116,862. Westside and Bayside Comprehensives, £58,208,375 versus £65,903,678. Lathbury Sports and Swimming Complex, £24,297,891 versus £25,497,528. Rifle shooting range, £10,625,000 versus £8,792,312. University accommodation block, £8,371,893 versus £8,830,463.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer, but if he can clarify who prepared the budget in respect of these facilities – and when he says 'approved by the Government', was that the Government sitting in Cabinet or was that him as Finance Minister?

Hon. Chief Minister: Mr Speaker, when I sit in Cabinet, I sit as Finance Minister, and this is a collective decision of the Government with collective responsibility in Cabinet. The budgets are prepared in the context of seeking the tenders usually, in fact in most cases, by the Chief Technical Officer, who then prepares the tender, and then the tender price is the one that I have given him.

Hon. R M Clinton: Mr Speaker, in terms of monitoring actual versus budget – and certainly in terms of the comprehensives there seems to be a significant overspend – who is responsible for monitoring actual expenditure versus budget? Is it the Cabinet or is it the Chief Minister himself, personally?

Hon. Chief Minister: There is not a significant overspend, Mr Speaker.

A significant overspend is when you say you are going to build an airport for £24 million (*Laughter*) and it costs £84 million. I am not going to talk about the courts. Let's just talk about things which people no longer here are responsible for. (*Interjection*) Let's talk about things which are the responsibility of those no longer here.

Indeed, the cost of the Airport may ascend to £100 million when the full account comes in, so if you say something is going to cost £24 million and it costs £100 million, that is a significant overspend.

The Hon. Mr Azopardi, when he was helping me to win the 2011 General Election, going round the estates, will recall ... And I have the *Chronicle* where the former Chief Minister had said it was going to cost £24 million and he and I used to have a go at him because it then went on to cost, we then thought, £84 million.

That is a significant overspend; there is not a significant overspend here, Mr Speaker.

1035 He has asked about original budget versus actual expenditure and he has asked who
monitors these things. Well, these things are monitored by the relevant Department, so in this
context, Education, the relevant Minister – in this context the then Minister for Education; the
Chief Technical Officer of the Government of Gibraltar; the Financial Secretary of the
Government of Gibraltar; the Minister for Public Finance – that is the Chief Minister, at least
1040 whilst we are in office; and the whole of the Cabinet.

What there is is additional works done, which during the course of the build have been
brought to our attention and we have decided to pursue; or indeed, principally in the context of
Bayside and Westside, it is not the build, it is the fitting out. In other words, we have decided,
having considered these issues and requests coming through from the Department, to provide
1045 better or improved fitting out for the schools when the requests have come through. That is
what is reflected here – not an overspend but a further investment in the education of our
children.

Hon. Gentlemen love to go to these openings and say that everything is magnificent and
shake people's hands and say how lovely it is, and then they like to come here and pretend to
1050 whip us for making these investments and say that we spent too much.

I come fresh from the opening of the magnificent new Clubhouse facilities. Clubhouse do an
excellent job. We have invested money in them being able to do an excellent job. Hon. Members
clap and cheer at Clubhouse, at the excellent job that they do, and marvel at their new
facilities – and then come here and criticise the fact that we spend money.

1055 This is not an overspend, Mr Speaker – this is the right investment for the future of this
community, an investment in our children. (*Banging on desks*)

Hon. R M Clinton: But, Mr Speaker, given that he is openly admitting to spending well over
£100 million, would it not be appropriate that this should be reflected in the Budget book,
1060 because if he is making decisions about what should and should not be expended and
Parliament has not voted on it, what authority does he have to spend hundreds of millions of
pounds?

Hon. Chief Minister: Mr Speaker, I hope he does not get up and walk out this time when I
1065 remind him that he is completely wrong about what he is saying, because he says that
Government does not vote this expenditure.

The companies through which the expenditure flows have, in some instances, their own
income and they have income derived from the Government. They get that income from a
contribution that this House votes since we are in office. In other words, since we are in office,
1070 this House votes a contribution to the companies, so there is no question of the House not
controlling expenditure.

But the hon. Gentleman gets up as if he has just got the opportunity to suggest that he has
caught the Chief Minister – 'admitting' was the word that he used – openly admitting that I
spent £100 million. Did he miss the fact that I spent most of the last General Election campaign
1075 boasting that we had spent this £100 million and more, boasting that we were making these
investments in the future of our community? Indeed, one minute they are accusing us of trying
to make the most of the spending during the course of a General Election campaign, and then
they come here to suggest that we have been hiding the spending and they have just caught us
and we have 'admitted' that we have spent this amount of money.

1080 No, Mr Speaker, we are not admitting this; we are proudly *boasting* of the investment we
have made in our community. We are happy to have done so through the company structure,
which we think is the most agile way of making this sort of investment – because they taught us
how to do it, because they introduced capital spending through companies. And when we do
these things, not only do we invest more when it is right that we should do so – in Hillside, in
1085 other new facilities like the new primary care facility, the paediatric care facility, in the new

schools, in the new sporting facilities – when we do so, we ensure that we do so on budget, or, if it goes above the budget, that it is for a good reason, as I have indicated.

The hon. Gentleman has not wanted to alight on the ones where we spent less than the original budget. But what we do not do is pile £10 million into a hole in the ground, like they did on the Theatre Royal.

Hon. R M Clinton: Mr Speaker, perhaps the Chief Minister would care to consider in the forthcoming Budget session to provide a detailed analysis of where that £25 million goes to the corporate vehicles, because I would be willing to bet it certainly did not go to building the schools.

Hon. Chief Minister: Mr Speaker, I am not a betting man, I do not do bets, I am not here to risk things for the community, but he has made a suggestion and I will take it under advisement. I will ask those in the Treasury whether they think it is a good idea or not. His ideas tend not to be good ideas, but he has made a proposal and of course I will consider it.

Q109/2020
Brexit bailout fund –
Steps to create

Clerk: Question 109, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has taken any steps in creating a bailout fund as suggested by the Gibraltar Chamber of Commerce in its 2019 election wish list?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, not yet.

Hon. R M Clinton: So, Mr Speaker, can we adduce anything by the Chief Minister's response – that it is something that the Government might consider favourably; or is it that the jury is still out on the concept?

Hon. Chief Minister: Mr Speaker, it is less than a hundred days since we fought the General Election. We were not coy in the way that we approached the election. The Chamber of Commerce sent us a letter, which they published – indeed, a wish list which they published. We sent them a reply, which we published, and our reply says, in the context of the request that they made for a Brexit fund, 'We will consider with you how to provide some safety net for businesses that might find themselves in difficulty arising from Brexit without putting taxpayers' money at risk.'

There has not yet been a hard Brexit, and in the context of a transitional period there is no suggestion that there is any company in Gibraltar facing an eventuality which might engage in the context of the issue that the Chamber raised with us.

Q110/2020

**Agency workers in public service –
Numbers since May 2019**

1125 **Clerk:** Question 110, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many agency workers were placed or employed within the public service, including the Civil Service and Government-owned companies, as at the end of every month since May 2019?

1130

Clerk: Answer, the Hon. the Chief Minister

Chief Minister (Hon. F R Picardo): Ah, the old adversary.

1135 Mr Speaker, no agency workers were placed or employed in the Civil Service or the public sector as at the end of every month since May 2019, other than as set out in the schedule I am now handing him in respect of the GHA, which is the only area where they might find them.

Answer to Question 110/2020

	Medical	AHPs	Ambulance	Nursing	Admin	Industrial
31st May 2019	4	0	0		3	8
30th June 2019	4	0	0		3	8
31st July 2019	6	0	0		3	8
31st August 2019	5	0	0		2	0
30th September 2019	4	0	0		2	0
31st October 2019	6	0	0		2	0
30th November 2019	5	0	0		2	4
31st December 2019	5	1	0		2	5

NURSING INFO

As at	No. of Nursing Agency Workers employed
31st May 2019	14
30th June 2019	19
31st July 2019	23
31st August 2019	31
30th September 2019	28
31st October 2019	25
30th November 2019	36
31st December 2019	25

This includes all agency nurses from Meddoc, Grand Home Care and We Care.

Q111/2020

**Minimum retail prices for tobacco –
Relationship to MoU with Spain**

Clerk: Question 111, the Hon. K Azopardi.

1140 **Hon. K Azopardi:** Mr Speaker, are the minimum retail prices for tobacco introduced under the Tobacco (Minimum Retail Price) Notice 1/2020 on 9th January 2020 related in any way to the MoU agreed with Spain on tobacco?

Clerk: Answer, the Hon. the Chief Minister.

1145 **Chief Minister (Hon. F R Picardo):** Ah, Mr Speaker, the current adversary.
Mr Speaker, yes Sir, I refer the Hon. the Leader of the Opposition to Press Release 230/2019.

1150 **Hon. K Azopardi:** Mr Speaker, the MoU envisaged a particular plan – if I can put it that way – by I think it was the end of June 2020. Does the Chief Minister anticipate more of these price changes being introduced?

1155 **Hon. Chief Minister:** Well, Mr Speaker, the MoUs are not yet in effect, but if he looks at the press release that I referred him to, I said that in relation to the tobacco MoU the Government of Gibraltar was voluntarily and unilaterally taking steps from that moment, even though the MoUs were not going to kick into effect unless there was a Withdrawal Agreement etc.

1160 I am surprised he has had to ask me about it, because he has asked me about something which is public information. He was already Leader of the Opposition when this happened, and there was a debate in this House as to those issues. What I said then was that we were going to start the process of giving effect to these price increases for the reason I set out in the context of that press release – and he will have seen the Gazette notices that emerged since then.

1165 He has referred to Notice 1/2020 which was issued on 9th January, but there is Legal Notice 66/2019, Legal Notice 127/2019 and Legal Notice 190/2019. This is the fourth of the legal notices in the Gazette giving effect to the position set out in the tobacco MoU, so there are two left to get to the stage that was envisaged in the MoU, and all of those things were said, so I am surprised that he has had to ask me about these things, because he was already Leader of the Opposition when these things were said publicly and I would have thought he was following the debate.

1170 He has said that our MoUs create great deficiencies. He does not seem to be following what we are saying about the MoUs.

Hon. K Azopardi: Mr Speaker, the hon. Member can rest assured I am following avidly what he says, although he ducks and dives around issues on a constant basis and sometimes it is difficult to follow precisely where he is going.

1175 The legal notice that was issued was not accompanied by a press release, so the question was intended to draw clarification and confirmation, which the Chief Minister has gladly given.

I have a question on the Order Paper on the meetings being held, but is the issue of tobacco on future meetings for discussion with Spain?

1180 **Hon. Chief Minister:** Mr Speaker, I am surprised he says that he follows what I say avidly, because he has asked a question which has its answer in something that I have already said which I referred him to.

I can imagine he is a little embarrassed and therefore has tried to suggest that it is all my fault that he has not been able to piece together what it was that was happening with this notice, but

if he looks at the press release that I referred him to, it says that we have today issued a legal notice to implement minimum prices for retail of cigarettes.

1185

Mr Speaker, the debate we had here was on a piece of legislation which was required to allow the Government to do this. We could not impose a retail price on cigarettes in Gibraltar without a change in the law. We brought a law to the House, we had a debate about that law and we said we are going to start implementing retail prices from now on, as provided for in the tobacco MoU.

1190

Our press release says:

These measures are reflected in the Memorandum of Understanding on Tobacco entered into in respect of the Withdrawal Agreement.

So, Mr Speaker, how is it that he says that he needs to ask me to clarify something which has been said explicitly in the context of a debate in this House when he was already leader of the party – although he was not, of course, Leader of the Opposition – and which has a consequence, which is the legal notices that I have set out already culminating in the current legal notice with more to come?

1195

I really do think it is ungenerous of him to say it is all my fault and that that is why he has had to ask the question.

Will tobacco be spoken about in the context of future meetings with Spain? Well, look, this is an issue of diplomacy. Most states neighbouring each other talk about the prices in consumables like tobacco, petrol and alcohol, because if it is too low in one and too high in the other there is an arbitrage, and they tend to discuss these things.

1200

Will this issue be raised with us in respect of the future negotiation? Well, the future negotiation has not begun and so I am not going to suggest to those who might be on the other side of the table what it is that they should load the agenda with on their side.

1205

I can tell him that the tobacco MoU is a freestanding MoU that sets out what the Government of Gibraltar will do, and the Government of Gibraltar is doing it and it is doing it unilaterally. If he looks at the tobacco MoU, he will see that is the way it is framed.

Hon. K Azopardi: Mr Speaker, the Chief Minister should not feign so much innocence – and not be as dismissive in this House – that you are going to have a nice, cosy, fireside chat with Spain on tobacco because it is simply a discussion between neighbouring territories about price differentials and so on. We all know what Spain is saying about tobacco. It is not a cosy fireside chat to reinvent or modernise fairy tales between our respective countries.

1210

Does the Chief Minister consider that the MoU on tobacco therefore closed the issue – insofar as Gibraltar is concerned on the issue of tobacco?

1215

Hon. Chief Minister: Mr Speaker, I do not know whether the hon. Gentleman is trying to mock the excellent work done by the hon. Lady on *Fireside Chats* the other day, for which I also congratulate her.

1220

We are about to go into negotiation about our future relationship with the European Union. Our closest neighbour in the European Union is Spain. I have not feigned for one moment any innocence or dismissed any aspect of what that negotiation may be, but he is trying to draw me into one of the issues potentially in that negotiation. If he wants to do that, why doesn't he go and ask the Palacio de Santa Cruz to instruct him, if he wants to start negotiating for them?

1225

I would suggest that, given that I have told him that he is not going to be in any joint negotiating team, he allows us to do the negotiating for Gibraltar and he allows the Spanish to do the negotiating for Spain, and then he can either criticise or praise what it is that we bring back. I have no doubt that even if we bring back 'the Bible made out of marzipan', as the Spanish saying goes, he will criticise us for it.

1230

Hon. K Azopardi: Mr Speaker, the Minister for Justice can rest assured that I was not mocking her work on fairy tales. I was seeking to mock the Chief Minister. I thought it was quite a direct attempt to mock the Chief Minister.

1235 So the Chief Minister, therefore, cannot say ...? I am not asking what the Spaniards are going to do in relation to tobacco, nor am I volunteering my services. He can rest assured that despite our differences and despite the fact that he rejects our offer of participation in the joint negotiating team – that would be in the public interest of Gibraltar, but because he is arrogant enough to think that he has a monopoly on good ideas ... Despite his rejection, he can rest
1240 assured that we on this side are fully behind the Government in its attempt to secure the best deal possible and best way forward for Gibraltar, but what we will also do is criticise it if it gets it wrong.

On that issue, Mr Speaker, and precisely on the question that I am asking ... What I am asking simply is not for him to open it up on the basis of what Spain might do – what I am asking is does
1245 he consider that the issue of tobacco is now closed?

Hon. Chief Minister: Mr Speaker, if he was mocking me I do not think he made too good a job of it, although –

1250 **Hon. K Azopardi:** I will try harder.

Hon. Chief Minister: – mocking each other I suppose is part of that Punch and Judy show that we all profess we do not want to fall into the trap of making this Parliament, but never mind.

Mr Speaker, I do not think it is in the public interest for him to form part of a joint negotiating
1255 team. If I thought it was in the public interest then I would invite him to come into the negotiating team, which would then be a joint negotiating team. But he has to understand that he came 14th in the poll. It really is quite something when somebody who has been rejected by 75% of the electorate says that the negotiating team is only going to be in the best interests of the public in Gibraltar if it includes him and not if it includes the two people who came at the top
1260 of the poll, who therefore have more of the confidence of the people of Gibraltar.

But look, I really do not know why we are discussing these things. There is a negotiation to be had and we have to concentrate on doing it.

The hon. Gentleman has been charged with an important responsibility, which is leading the Opposition. I recognise that that means that they have to pick out the potential for us to have
1265 made a mistake and magnify it and then try and explain that to the public. So be it. Well, he may or may not be after the end of this month. That is why, he knows, I called him 'current', only because he has bravely put his position at the disposal of his party – if there is anyone in his party ready to take the plunge, now that there is a vacancy, to try and fill the vacancy.

These are not issues for us to be debating across the floor of this House. He knows what he is
1270 doing in baiting me to take a position on this issue. It is transparent – touché, if he likes; I know what he is doing. I am not going to fall into the trap of taking a position, one way or the other, so that then when I come back from a negotiation with an answer or another answer he can say, 'Ah, your answer demonstrates that the answer you gave me on 22nd January is a position from which you have moved' etc. – a little too long in the tooth for that on this side of the House,
1275 Mr Speaker, and I wish him all the best for 31st January.

Q112/2020

5G –

Assessment of public health risk

Clerk: Question 112, the Hon. K Azopardi.

Hon. K Azopardi: By the way, there is no vacancy. I have not resigned. *(Laughter)* I have asked the party to start the process.

1280 Mr Speaker, what steps, if any, is Government taking to assess any public health risk from the roll-out of 5G across Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

1285 **Chief Minister (Hon. F R Picardo):** I see the nuance, Mr Speaker, although others might want to create the vacancy.

A Member: [Inaudible]

1290 **Hon. Chief Minister:** Well, yes. Now he has been a Member for more than two years
Mr Speaker, the Government does not consider that there are any credible reasons to think that there may be any public health risk arising from the proposed roll-out of 5G services across Gibraltar. If there were, the Government would not consider allowing the rollout of 5G services in any part of Gibraltar.

1295 The GRA is responsible for the management of the electromagnetic spectrum in Gibraltar and this includes licensing and ensuring compliance by licensees with the recommendations issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), a non-governmental organisation which is formally recognised by the World Health Organisation (WHO).

1300 As part of the licensing process, the GRA conducts audits of new installations, as well as when licensees change equipment or operating parameters on currently licensed installations, to ensure compliance with these standards. The GRA also performs random audits throughout the year.

1305 Furthermore, the GRA is in the final stages of procuring a scalable continuous monitoring solution to monitor the electromagnetic fields in Gibraltar. The initial system will comprise of three deployable monitoring stations which will continuously monitor and publish online the current EMF levels in the approximate frequency range of 20 MHz -40 GHz. This frequency range includes the bands considered for 5G services and other mobile technologies, as well as Wi-Fi and TV and radio broadcasting.

1310 Collectively, the above lends towards ensuring that operators of 5G networks and other types of wireless networks operate these within safe parameters insofar as radiation levels are concerned, and then by adhering to acceptable levels as specified by the ICNIRP, which I will remind myself and the House means the International Commission on Non-Ionizing Radiation Protection.

1315 **Hon. K Azopardi:** Mr Speaker, is the Government therefore supportive of the roll-out of 5G technology in Gibraltar?

1320 **Hon. Chief Minister:** Mr Speaker, is he asking me as Chief Minister or as the Chairman of Gibtelecom, which is doing the roll-out? The hon. Gentleman knows that I am the Chairman of Gibtelecom, knows that Gibtelecom is doing the rollout and he knows that I am the Chief Minister and therefore, whilst there is a GSLP-Liberal Government, the Minister for Public Finance. Therefore, my position, I think, is a clear one: we are of the view that there is absolutely no reason to be concerned; otherwise we would be concerned and we would not be rolling out.

1325 **Hon. K Azopardi:** Mr Speaker, the Chief Minister I assume is aware of the concerns of some NGOs, publicly expressed, about the health risks of 5G and indeed a desire that there should be a public debate – which is going to happen; I believe there is a public debate on it tomorrow – in

respect of 5G. Is the Chief Minister aware of local concerns in relation to the public health effects of 5G?

1330

Hon. Chief Minister: Mr Speaker, not only am I aware of those NGOs' views, I have debated with them and I have given them my contrary views.

1335

There is going to be a debate, because the Government thought that these things should be debated. If people want a debate, there is no reason why people should not have a debate, but the Government considers those concerns to be absolutely groundless. They are the same concerns that we have seen on mobile telephony generally – on 2G, on 3G, on 4G, on Wi-Fi – and there is nothing to suggest that there is a good reason to consider that 5G will be any different, or indeed that there will be any sound basis for those concerns.

1340

The Government believes Gibraltar needs to be at the forefront of safe technologies that create no risk, and we believe that there is no reason to consider that 5G brings any such risk or that there is anything here which any internationally accredited body has considered should be on the agenda to prevent the roll-out of these technologies.

1345

These technologies are being rolled out in many cities in the world and we are very confident that there is no reason to delay Gibraltar's progress into the 5G world. Indeed, I would put it to hon. Gentlemen that if they were in our position and they had considered the evidence, they would take the same view, and that Gibraltar would be greatly handicapped in its progress as an economy if we were to take a contrary view not based on solid evidence.

1350

Hon. K Azopardi: Mr Speaker, the Chief Minister, in saying that he is aware of these concerns, says that he is not only aware but he has met them to give them 'my contrary view' – I think I quoted him correctly. Based on what?

1355

The Chief Minister is a layman, of course – unless he has turned scientific expert. There is conflicting scientific evidence out there. What is the evidence, or what advice has the Government received in respect of 5G, or has it accessed specialist public health advice on this issue?

1360

Hon. Chief Minister: Well, Mr Speaker, I just reminded him that I am the Chairman of Gibtelecom and Gibtelecom has experts in this field that advise the Government. I have just read him the answer from the GRA about where in the spectrum these waves will be and how they are in keeping and will be monitored to be in keeping with the position of the International Commission on Non-Ionizing Radiation Protection.

1365

He said that there are conflicting scientific views. Well, yes, there are some scientists who have said things about 5G which are not suggestive that there is not a problem, but those same scientists have said things about 4G, 3G, 2G, microwaves, Wi-Fi and mobile phones generally. So the question is: is there an internationally accredited body that is saying stop 5G? And the answer is no.

1370

When people talk about the World Health Organisation and they point to the World Health Organisation standards, it is the same standard and the same concern that is expressed literally about microwaves, the thing that all of us have in our kitchens, where we put our baked beans when we do not want to eat them cold.

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The Government therefore is not going to act on the basis of suggestions from NGOs that we should stop rolling out 5G whilst the rest of the world rolls it out except perhaps one or two random cities, simply because they have found one or two scientists who they say give a better view than those who are the accredited scientists in the organisations that we would be concerned about adhering to.

Hon. K Azopardi: Mr Speaker, there is, as I say, conflicting scientific evidence. I hear what the Chief Minister says. The World Health Organisation has classified radio frequency radiation as possibly carcinogenic, but has also said that the evidence falls short of being conclusive that

1380 exposure may cause cancer in humans. So I understand where he is coming from, but what I am asking is ... When he bats away my question on the basis that Gibtelecom has experts, Gibtelecom is deeply conflicted in this issue because it has a commercial imperative to want to roll out 5G technology. Is it not the appropriate thing to do, in view of conflicting scientific evidence, to ask an independent public health expert to express a view to the Government, not just to Gibtelecom?

Hon. Chief Minister: I really do not think that the hon. Gentleman has thought that through. The hon. Gentleman has just said that the 110 people who work for Gibtelecom would rather make a buck on 5G than ... somehow give all of us in Gibraltar cancer. The hon. Gentleman needs to think things through; he needs to think things through.

1390 There is not a conflict in Gibtelecom. Everyone in Gibtelecom would be very concerned not to do something which would cause a health risk in Gibraltar, even if it meant that they could not roll out 5G. The Chairman of Gibtelecom would not want Gibtelecom to make a penny from 5G if there was anything credible to suggest that 5G was a problem. The classification of the World Health Organisation that he is talking about is literally the classification the WHO applies also to 4G, to 3G, to mobile phones, to microwaves – the ones we have in our homes.

On that basis, it would be us taking Gibraltar back to before the 1970s and ruling that until there is evidence that microwaves are safe we are not going to allow the importation of microwaves; we are not going to allow his phone and my phone, which are running on 4G at present, to scale up to the next level – indeed, we would confiscate his phone because it is a danger to him and his family, and mine. Well, mine certainly is a danger to my health – through stress, if not through anything else. Mr Speaker, it does not make sense.

1400 We can all, when we are in Opposition, play an issue up, of course we can, and we can in that way ingratiate ourselves with the NGOs. Of course we can, fully acknowledged – I see where he is going, see what he is doing and see why he is doing it – but next September, when the new iPhone is out on 5G, and every other Android phone is out on 5G, and everybody wants their phone on 5G, are we going to say to people in our economy that Gibraltar is the only place in Europe that is not going to have 5G and that is really good for us in terms of progress?

1410 If it were just an economics issue, perhaps we should say that if it were bad for our health, but there is nothing credible to suggest it: the same level of concern as in respect of the microwave in the kitchen, as in respect of the 4G signal and the 4G phones. Mr Speaker, think these things through. Nobody in Gibtelecom wants to make one penny if it is going to put the health and safety of the people of Gibraltar at risk. Just like the debate we had in 2015, nobody on this side of the House was going to take a moment's risk with Gibraltar if LNG was going to cause an explosion that might do away with one third of our landmass.

1415 It is just not that this side of this House does not care and they do, and that we care about economics and they care about people. We care about people, of course we care about people, and we care about economics; and they say they care about economics as much as they say they care about people. But this is not about a real health risk. You can find scientific opinions in every direction on anything, but you have to guide yourself by the established bodies.

1420 Therefore, Mr Speaker, we do not believe that there is any issue on 5G. I have given my views to the NGOs. They are perfectly welcome to have a public debate and put those issues out for the public, but let's be clear about what we are dealing with and let's not throw hares out there in the Parliament that tomorrow people will be talking about in offices and will be worried about in relation to 5G, when it is not the case.

Hon. K Azopardi: And I know the game that he is playing, Mr Speaker – this idea that we have somehow suggested that people in Gibtelecom would put 'making a buck' – to use his phrase – above the protection of this community. That is not what we are saying. I know the game that he plays – he plays it constantly. Every time he gets up to congratulate sectors of the public service, or this or that, he plays the game more shamelessly than anyone of extending out into the

community to congratulate every single person, even though it may be contradictory to positions he has taken. It is the most incredible, shameless attempt at political populism.

1435 That is not what we are suggesting. What I am asking the Chief Minister is – because he did not answer the question ... He is talking again about the Government's view on 5G risks. This is a matter of public concern and public debate, it is not just a public debate in Gibraltar; so we are not scaring anyone, nor are we seeking to be popular. We do not think – let me make it very clear – that we have a monopoly on public concerns, nor do we think that, as they sit on those chairs, they do not care about the public concerns. I do not believe that. What I am saying is that
1440 surely it is responsible to take these concerns seriously and to seek independent opinion. That is all we are saying, and people would expect a Government to do so.

When there is a Government that represents a number of sectors, it is right that perhaps it should be driven by the Minister with responsibility for public health and not the Minister who sits on the board of Gibtelecom. It is just a question of management of issues and seeking advice
1445 in a responsible way, so that you take a rounded view – and when you take a rounded view, it then becomes much more justifiable to do so.

So I ask again: is the Government not intending to seek independent advice on this issue?

Hon. Chief Minister: Mr Speaker, it was not the Minister for Public Finance, Chief Minister
1450 and Chairman of Gibtelecom who was alone in the meeting with the NGOs and who is the only person who has been considering these issues in Government. I was at the meeting with the NGOs with the Minister for Public Health, who happens to be also the Minister for the Environment – who is not known for his concerns about making a buck, who has no conflict about Gibtelecom. So, Mr Speaker, we have taken a position completely in the round.

1455 Neither do I accept that anybody in Gibtelecom has a conflict, because I do not believe that there can be a conflict between the right to life and wanting to continue to live a healthy life and setting up a 5G system. That is not a conflict in a place like Gibraltar. You might have a conflict like that if you run a company in a large country and what you are going to do is in one end of the country where it is not going to affect you or your family, including your little ones. Here, the
1460 men and women of Gibtelecom – who, when he has realised what he has said about them, he has ridden hard and fast away from – live under the antennas that they are going to set up, and so do their children. So they have not got a conflict, because nobody can have that sort of conflict. They would immediately decide in favour of not doing it, to protect themselves and their families.

1465 It is really quite remarkable to hear him say that we have not taken these issues seriously. I was talking about these things with the NGOs in May or June last year. He is raising it nine or 10 months later. He comes late to the party because he has just heard that there is going to be a public debate.

But do you think that the Government should have waited until the time of a public debate to take a view about these things, when they are so serious? Of course we looked at this issue, of course John Cortes independently looked at this issue – and he is a scientist, Mr Speaker. His advice was that there was absolutely nothing reliable against 5G, and the advice of the scientists at Gibtelecom is that there is nothing reliable against 5G.
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Or is it that he wants me to just go to whoever *he* considers to be independent on this issue, who might already have expressed a view which is contrary to 5G, and somehow in that way get me to hamstring Gibraltar? Well, Mr Speaker, I am not going to do so. I believe that we are well served by the professionals in Gibtelecom – whom I praise not out of any desire to curry favour with them; I do not think I need to curry favour with them.
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The hon. Gentleman has done enough already, I think, just in the past 15 minutes, to demonstrate to them what little regard he has for their concern for this community, that he is going to have to get up and now spin and spin and spin as if he were an old devil in order to try and get himself out of it. I can imagine he is going to get up and say that of course they are the best and the most magnificent professionals there are, but how can he marry that with them
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also at the same time trying to persuade us to do something that is going to hurt and damage all our children and ourselves? This is utter nonsense, Mr Speaker. It is beneath him. He can do better.

Hon. K Azopardi: Mr Speaker, let me just ask this. Surely the Chief Minister is not suggesting that he is taking independent public health advice from Dr Cortes? However much I am fond of him – (**Hon. Chief Minister:** Professor.) Prof. Cortes, sorry – whatever the skills of the Minister for Health, presumably he is not out there giving, as a matter of course, scientific advice. Presumably he seeks recourse to scientific advice.

What independent scientific advice has the Government taken from anyone other than Gibtelecom?

Hon. Chief Minister: Mr Speaker, let me just remind him of what it is like in Government, because it is so long since he was here that he seems to have forgotten. I do realise, of course, that he left voluntarily in 2003 and missed it so much that he was doing everything possible to come back four years later by 2007, and indeed without his help in 2011 we would not have won the election then. But let me just remind him of what Government is about.

Government is made up of an executive, which involves Ministers. Those Ministers have executive responsibility. The Ministers sometimes are very well qualified – and John Cortes is very well qualified as a professor in relation to matters of the environment – but we head Departments. Those Departments are made up of professionals, some of them scientists, and in the GHA we have an individual with responsibility for public health who answers to the Minister for Public Health, who is John Cortes, and in the Ministry of the Environment we have people who have scientific understanding of these issues, in Gibtelecom we have people who have scientific understanding of these issues and in the GRA we have people who have scientific understanding of these issues. And if any of them have a concern or do not feel they have the expertise, they go to scientists and they buy in the expertise. Having gone through all of those processes, we are told that there is absolutely no reason to have any concerns about 5G, but he, because he has seen that an NGO has expressed a concern, thinks that that concern trumps all of the other concerns.

Well, we do not share the view. We think that there is absolutely no ground whatsoever to have any reasonable concern about 5G. We are relying on the information we have received from the scientists who work for the Government and in the Government, the scientists they may have sought the opinion of, and the views that they express to the Government we consider to be devoid of conflict which might be a threat to health or a risk to life. And I believe that about the great professionals in the GRA, Gibtelecom, Public Health in Gibraltar, the Environmental Health Agency and the Department of the Environment in Gibraltar.

To suggest that there is a risk with 5G that we are racing into ignoring their advice, or that they are allowing us to race into not having properly researched this – based on opinions which appear on the internet and in papers, but which are not verified as requiring serious regard to be had to them by the international bodies that regulate these issues – is really to think that the Government is reckless with the health of the nation.

Hon. K Azopardi: Mr Speaker, first of all, I have no problem being reminded of the time I had the guts and conviction to form a third party and say what I believed. Better to do that than machinate to form a third party and then not have the guts to do so – which is what he did – and move from one coalition partner to another for political expediency. That is exactly what he did. He did not have the guts. I have been in politics for 30 years and I believe I get things right and wrong. Sometimes I am not on the right side of issues, I do not always win debates, but at least people know that I have the guts to do things.

Now we are getting to the heart of it, because only now is he talking about the processes that there have been, the internal processes that the Government has run through – the Ministry of Environment and so on and so forth. (*Interjection*) He did not indicate it before.

So let me ask again: in that process, are those Ministries satisfied that it is not necessary to take independent advice?

Hon. Chief Minister: Mr Speaker, we have been in politics for 30 years; some part of that time together, some part of that time not together, some part of that time not together but allied in removing the GSD from Government. It has been a long haul.

In terms of having guts, it is very easy to have guts to do the wrong thing. It is very easy to have guts to make a mistake. There is no question of each of us having the guts to do something without thinking it through and wasting our time, but given that we have been in politics for 30 years, and he is reminding us of that and the guts he has had, I have been in politics for 30 years and I have got the job he wants. So, not bad, I suppose! But I will take it that all of that talk of guts was not meant for me, Mr Speaker; it was meant for someone else. Let's be clear what he was doing.

He says only now we seem to be getting to what happened. No, Mr Speaker, only now have I been so aghast at his lapse of memory about how Government works that I have explained to him exactly how the Departments reach conclusions which lead politicians to take positions. Or is it that he thinks that I see something about 5G and I make up my mind for myself? I have explained to him that I take advice, that there was another Minister involved and that he takes advice and that he also brings his own position to the table.

We do not believe that there is a need for an independent expert to advise us on that on which there is no international controversy other than that which you might be able to make up on any subject if you go on Google for long enough.

Q113/2020

Mound between Eastern Beach and Catalan Bay – Removal of rubble

Clerk: Question 113, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when will there be a start to the removal of rubble from the mound between Eastern Beach and Catalan Bay?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the removal of rubble from the mound between Eastern Beach and Catalan Bay commenced in November 2019.

Hon. K Azopardi: Mr Speaker, can I assume that that rubble is directed to reclamation projects in different parts of Gibraltar?

Hon. Chief Minister: Yes, Mr Speaker, as is specifically set out in our manifesto in different places.

Hon. K Azopardi: And there have been no changes of plan to that, I assume. How long is the plan to remove the rubble for?

Hon. Chief Minister: Mr Speaker, removing the rubble takes approximately 24 to 36 months depending on how quickly the fill is created.

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Hon. K Azopardi: Mr Speaker, the answer the Chief Minister has just given, the 24 to 36 months, is to remove what precisely? Not the whole rubble, presumably, or is it? Am I understanding that they will remove the rubble completely within 36 months. Is that what he is saying?

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Hon. Chief Minister: Mr Speaker, you cannot be exactly precise about how much is going to fill the Victoria Keys reclamation, in whatever final shape the EIA may approve etc., and what will go elsewhere, but in 24 to 36 months we anticipate that the reclamations will have happened – or at least one of them will have happened; I do not know whether the other will be complete or will be in process. There are permitting issues. In fact, there is a question on the Order Paper we will come to now, but in the context of the movement, given the volume, you could move that volume in that period of time.

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Hon. K Azopardi: And in the context of all that movement of 24 to 36 months, are special measures being taken to protect the environmental impact on Catalan Bay?

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Hon. Chief Minister: That is why it takes 24 to 36 months, because you have got to do it in keeping with environmental plans etc. But look, you have got to understand that when you move a rubble mountain that was created – 85% of which was there when we were elected – you are going to find yourself obviously creating dust etc. If you leave it where it is, you create dust because it is there; if you move it, you create dust when you are moving it. What can you do?

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Before they were elected in 1996 they said that the reclamation there – which was then not a rubble mountain – was a rat-infested pit. No sooner were they elected it became Sovereign Bay and it looked almost like an imitation of the Rock of Gibraltar. We have had to add to it in the context of the spoil from the tunnel, and moving it of course is going to create a disturbance. Not moving it creates another disturbance, but we do think it is in everybody's interest to move it and to move it in the context, as we have set out in our manifesto, of those two reclamations.

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Hon. K Azopardi: I am grateful, Mr Speaker, for that, because I am sure that as years go by the rat-infested mountain will have rats the size of tigers; and so it will be welcome news, certainly to the residents of Catalan Bay, for that to be the case.

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Does the Chief Minister know whether the rubble is going to be moved just by truck, or is it also going to be moved by barge?

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Hon. Chief Minister: Mr Speaker, if there were tigers there, we would be holding safaris.

The hon. Gentleman is making a habit of asking me things that are already in the public domain – which makes my life easier. We have already said in public statements – indeed, I think I had a row with the hon. Lady about it – that it will go by barge and by truck.

Q114/2020

New land reclamation project – Commencement date

Clerk: Question 114, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, when does the Government expect that the new land reclamation project of approximately 150,000 m² will commence?

1625 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, preparatory works continue. The commencement of the reclamation works will also be subject to the grant of the necessary permits.

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Hon. K Azopardi: Mr Speaker, that is not really an answer to the question that I asked: when they expect it to commence. When is it going to commence – the reclamation itself, not the preparatory study?

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Hon. Chief Minister: Well, sorry, Mr Speaker, I will express this in different terms: when the preparatory works are finished and the permits have been granted.

Hon. K Azopardi: Mr Speaker, we can play this game of chicken all afternoon, but it is really not that hard: how long is the preparatory work going to take?

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Hon. Chief Minister: Well, you see, Mr Speaker, the problem is that if I were to say ‘in three weeks’ time’, then he would say, ‘Ah, so you are going to twist the arm of those who have to grant the environmental permit, you are not going to allow the independent scientists to come in and you are going to risk the health of everyone by creating the reclamation in a way that is not in keeping with environmental rules.’ If I say, ‘Well, look, there is a process to go through, there are EIAs to be had and there are permits to be granted and I therefore cannot put a time limit to it,’ then he tells me I am not answering his question. This is really a demonstration that hon. Members are just going to criticise anything that we say.

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We have a manifesto commitment to do something and therefore we have to explain to the general public in Gibraltar if we have not done it by the time of the next general election. I am not going to create a new hostage to fortune by telling the hon. Gentleman I intend to do it by 5th March, so that on 6th March, if I have not done it, he is going to say, ‘You failed to start the reclamation when you said that you would.’

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The former Chief Minister, who he and I criticised on just about everything, said one thing which we had to accept when we were on that side of the House. He said, ‘Hon. Members opposite have not been elected to be timekeepers for the GSD Government’s delivery of its projects.’ We have set out time limits in our manifesto where we considered it appropriate; otherwise, we have the lifetime of this Parliament to deliver against our promises to the people of Gibraltar. He, to be fair, then also went on to say that as far as he was concerned the manifesto was just a wish list and not a set of promises. We take a different view. We think that we have to do what we set out in our manifesto. We have said what we are going to do in the lifetime of this Parliament. If we do not, we have to explain ourselves to a higher power – namely, the voters.

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Hon. K Azopardi: I am not sure if the hon. Member takes a different view, given the litany of broken promises in his manifestos.

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Mr Speaker, I am not expecting a scientific yardstick and I am not going to stand up in March to say that he told me that it would be on 3rd March at 5 a.m. We are elected to seek information. The Chief Minister, and the Government, has gone to an election based on a number of promises. They promised to commence a reclamation of 150,000 m², and I am just asking him loosely when is it going to be commenced? Is it going to be commenced this year, next year, 2023, or one month before the election so he can tick it off his list?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman can say what he likes, but really I do not think it is reasonable to say that we have a litany of broken promises. And the majority of the public in Gibraltar have not agreed with him. Indeed, 75% of the general public in Gibraltar did not agree with him when the time came to try and persuade the general public to determine who should sit here and who should sit there.

The hon. Gentleman and I have a good relationship, but if there is one thing he and I have learnt over the past 30 years it is that when it comes to politics we do not trust each other not to take advantage when the time comes. That is a good thing in a multi-party democracy where there is an adversarial system and he leads one party and I lead the other. I do not know whether I can describe them as the principal party of opposition or not – we will see what happens when the next election comes.

He has to remember that when he was last in government the DPC was something that sat behind closed doors, where Ministers signed permits for themselves; now the DPC is a public body which debates issues in public, and the Government has subjected itself to the DPC. I am not going to put pressure on the DPC to make a decision one way or the other by giving the date by which I expect to do or not do something. So he will forgive me for not replying loosely to what he has described as a question loosely put.

Hon. K Azopardi: Mr Speaker, let me try one final time ... And the Chief Minister should not trouble himself about describing us as the principal party in opposition. As he says, let's wait until next time: I hope to describe the Members opposite as the principal party in opposition next time. Is it likely that the new land reclamation project will commence within the calendar year if the DPC grants permits?

Hon. Chief Minister: Mr Speaker, how we refer to each other after the next general election, if we refer to each other at all, is not a matter for us; it is a matter for the general public.

I am not going to fall into the trap of giving any indication in respect of this project other than that which we have given to the general public in Gibraltar – namely, that we have taken an obligation to do the things set out in our manifesto during the lifetime of this Parliament and we are not going to set ourselves up with hostages to fortune on timings which we may not, for very good reason, be able to comply with.

For all I know, I could be facing another Leader of the Opposition within the next month, who might, by March, be saying to me, 'But you told the FLOP' – former Leader of the Opposition, the other FLOP – 'that you would have started by March, and he might have said that he was not going to chase you on it, but I am,' and I do not want to risk another future Leader of the Opposition – also potentially a FLOP – not sticking to his word on the subject.

Q115/2020

Gibraltar Consultative Council – Number and dates of meetings

Clerk: Question 115, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many meetings of the Gibraltar Consultative Council have been held since it was established, and what have been the dates of those meetings?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no meetings of the Council have been held, because of the GSD's position – at least until the last election – that they would not participate in those meetings.

1720 **Hon. K Azopardi:** Mr Speaker, on 21st July 2017 the Government issued a press release which is headed 'First Meeting of the Gibraltar Consultative Council' – which actually happened on 24th July and which I attended, by the way, before I became leader of the GSD. Is the Chief Minister saying that no other meetings have been held since that time at all?

1725 **Hon. Chief Minister:** Well, Mr Speaker, he will know that the full Gibraltar Consultative Council provides for individuals to be appointed as ad hoc Members. No such appointments have been made.

The position of the Government was that we wanted to create a Council akin to the Privy Council, which enabled us to meet not just with those who were office holder Members. He will recall a better way of describing those who were there already by dint of the offices that they had held, as he was, and those who were otherwise appointed, including those that currently held the office of Leader of the Opposition, and we have not held other meetings, Mr Speaker, for those reasons.

1730 Given that he is a member of the Council under the statute as drafted, he would have known if there had been. I would not have sought to exclude him. Indeed, I would have sought to persuade him to attend in his new position as leader of the GSD, although his membership of the Council was not as leader of the GSD because then he was not Leader of the Opposition. There was somebody else who was Leader of the Opposition, designated *a dedo* by him. But I am very keen to know if he will attend now, because then I will be very much minded to convene those meetings. He knows I was very keen when I created the Council.

1735 **Hon. K Azopardi:** Mr Speaker, I was just trying to correct his initial answer, because his initial answer was there were no meetings, and actually there was a meeting.

1745 **Hon. Chief Minister:** Not of the full Council.

Hon. K Azopardi: Well, there was a meeting. The Chief Minister cannot stand in this House and say there was no meeting if he issued a press release saying there was the first meeting of the Gibraltar Consultative Council – and he is quoted as saying 'I am very pleased that the Consultative Council will meet for the first time on Monday' in his press release, so obviously it met. So his answer to the Parliament was incorrect. It may have been a failure of recollection.

1750 Or is it that actually what happened was that a couple of days later there was a bit of a furore because there were no women on the Gibraltar Consultative Council. If I refresh his memory, he was quoted in the press as saying that of course there were going to be ad hoc members and that it would not be the best brains in Gibraltar if it did not include certain women – I think, something like that; I paraphrase what the Chief Minister was intending to say.

1755 Mr Speaker, does the Chief Minister not accept that it cannot have been because of the position that the GSD took prior to the first meeting on 24th July 2017 that the Council has not met again, because he has not yet, since then, or since I became the leader, suggested or called me to say 'I would like to convene a Gibraltar Consultative Council meeting – now that you are the leader, would you like to come?'

1760 **Hon. Chief Minister:** Mr Speaker, the answer is not misleading and I did not forget that meeting of the Council without its ad hoc members, but the Council is not whole unless it has its ad hoc members. And indeed, those who made the criticism that the Council had no women in it did not understand that the structure of the statute provided that the Council is made up of

people who have held specific offices in Gibraltar, and until now no woman has held those specific offices yet, and ad hoc members – and no ad hoc members have yet been appointed.

1770 So there is no question of no women having been appointed. Women *will* be appointed as ad hoc members. It is also not true that we have not spoken. He and I do not disclose the content of our private conversations, but we have, I think it is fair to say – and I will remind him – had a conversation about this. I am not going to disclose what it is, but we have had a conversation about this, a very positive conversation. I am not complaining about that conversation.

1775 **Hon. K Azopardi:** Mr Speaker, what I am trying to ask him is ... because he gave an impression as well – and I do not disclose my conversations with him either but he gave an impression that the reason the Consultative Council, in his direct, first, original answer, has not met is because of the GSD's position. What I am saying to him is that it has been over two and a half years since
1780 the Consultative Council first met, and yes it was a first meeting of the Consultative Council, and it counted. It was not because it did not have ad hoc members that it did not count, because in your press release of 21st July 2017 the Government specifically says 'The first meeting of the Council will include only post holder members and life members of the Council', looking forward to, in due course, appointing ad hoc members, no doubt. But if there had been a serious attempt at convening the Consultative Council, surely the Chief Minister in the last couple of years would
1785 have said to me 'I would like there to be a meeting of the Consultative Council.'

The reason I ask these questions is because in a recent *Viewpoint* programme the Chief Minister suggested that the reason that the GSD had not been involved more closely in the negotiations on Brexit was because we had not accepted to treat some of the aspects that we could have had access to confidentially because we had not decided to come into the Council.

1790 Does the Chief Minister not accept that that was a completely red herring, because if that had been a serious position he would have reached out to me in the last two years after my election and said to me 'You can have this information as long as you come to the Council', and he would have understood that I had stood specifically in the leadership election of the GSD on the basis that I would attend the Consultative Council on an issue-by-issue basis if I thought it
1795 was appropriate and in the public interest to do so?

Hon. Chief Minister: Mr Speaker, it is nonsense to ask somebody who said something whether he agrees that that something is a red herring, because obviously the person who has said it will not consider it to have been a red herring; otherwise, he would not have said it. But
1800 let's be clear. The hon. Gentleman I think has forgotten earlier conversations that we had about this subject, because I remember them, and indeed he seems to have forgotten other information that we have provided him.

Can I suggest that actually we are both of the view –and I am not going to disclose what we have discussed but I seem to discern from him that we are both of the view that the Council is a
1805 good thing. I disclosed previously that he was involved in drafting the legislation for us and I think that is not something from which he will resile. It is an abject fact and something which I was very pleased to instruct him to do, and he did a very good job in doing so, Mr Speaker. We both think that the Council is a good thing. We both think that the Council should meet. We both, I think, can agree parameters in respect of the presence of GSD current officeholder
1810 members on the Council which will not give rise to the concerns that previously had been the case, and the Council can then meet with regularity as a full, whole Council with its ad hoc members, which will include women because some of the best brains in Gibraltar are undoubtedly women.

I invite him, although he is not here to answer my questions, to consider whether he might
1815 want to reflect on that in a positive way

Hon. K Azopardi: Mr Speaker, I have done nothing but reflect on it in a positive way, as he knows. What I am seeking to correct is the impression he has given that this has somehow been

1820 a bar created over the last couple of years, where we have tried to adopt a position where we have unreasonably been unwilling to accept the confidentiality of certain information. That is not the case, because we have not had any discussion on the basis that when I was elected the Consultative Council was going to be reconvened for the purposes of this Brexit ... Certainly there has not been a serious attempt to reconvene it, let me put it that way.

Can I ask the Chief Minister: has he identified the ad hoc members now?

1825 **Hon. Chief Minister:** Mr Speaker, our recollections are different, but he and I are very careful in the respect we have for each other – however hard we might go at each other adversarially here, as we are required to – not to disclose the content of our conversations, so we can have a discussion about that later. And he and I may have different recollections about conversations
1830 now going back almost two years, but in short the answer to the question that he has put is yes, and I would be quite happy, perhaps over a cup of coffee somewhere else, to have a conversation with him on whom I propose to appoint.

It was, in my view anyway, something that he and I should consider together, given that we are currently in post, on the basis that although the law does not require me, I seem to recall –
1835 he wrote it on my instructions – to seek the views of the Leader of the Opposition, I think it is good practice that they should seek the views of the Leader of the Opposition. And especially in the context of the relationship that he and I have, I will seek his views on that.

Mr Speaker: The Hon. Marlene Hassan Nahon.

1840 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

If I can just interject, I understand from what the Chief Minister has just said that he has identified people for the ad hoc participants in the Consultative Council. Can I ask, as a woman with a brain, what would be the criteria that the Chief Minister is seeking to use for these
1845 members in order to achieve balance and value?

Hon. Chief Minister: Mr Speaker, it is not about balance or value; it is about the best brains in Gibraltar. It is not about having a brain or indeed about being representative or having votes; it is about the best brains in Gibraltar, and many of those are women.

1850 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the Chief Minister has not answered my question.

Of course he is going to choose people with brains and I have no doubt that he is going to choose women, and he himself, by default, by saying that he is going to choose women is already seeking to bring about a sense of balance because of the conversation we have been
1855 having about needing women. That indicates a sense of balance already. But the question remains: what is the criteria by which Mr Picardo and whoever is around him, in good company I am sure, will be deciding that these are the best brains? What are we talking about, an IQ test? How do you decipher who these best brains are?

1860 **Hon. Chief Minister:** Well, Mr Speaker, this is not about Mr Picardo. Mr Picardo is not entitled to do anything. It is about the Chief Minister, and the Chief Minister, under the legislation, is able to appoint those people based on his view – or her view, depending on who the Chief Minister of any day may be – subjectively of who the best brains in Gibraltar are.

I have just given an indication to the House that I think that that should be moderated by
1865 discussion with the Leader of the Opposition. There are many appointments that are done on the basis of selection in that way and they do not require IQ tests. But look, I fully accept that those are subjective issues. The only objective test of who should be appointed to anything is called the general election. It happens every four years and it has put us all where it has put us.

Q116/2020

**Select Committees on Parliamentary Reform, Constitutional Reform and the Environment –
Date of first meetings**

Clerk: Question 116, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, when will the first meetings of the Select Committees on Parliamentary Reform, Constitutional Reform and the Environment take place?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government intends to convene the first meetings of the said committees for the third week of February this year.

Hon. K Azopardi: Mr Speaker, all of them in the same week, I assume from his answer?

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Hon. Chief Minister: Mr Speaker, yes.

I think I have given the indication to the hon. Gentleman privately, which I am happy to share with the House, that I intend that the mornings of Tuesdays in the third week, which is the parliamentary week, should be given up to the work of Select Committees.

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Some Select Committees may require more time. We may spend longer in respect of the work of Select Committees on the Environment and on the Constitution than just an hour during the course of the morning. But I want to get into the rhythm of having the meetings the mornings of the third Tuesday of each month and then adding further time for the work of each of those Committees as may be necessary. Initially the Committees I think need a first meeting to kick off and then we can determine extra time being provided for each as may be necessary.

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Q117/2020

**Ministerial Code –
Introduction**

Clerk: Question 117, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, is it still the Government's intention to introduce a Ministerial Code and if so when will this be introduced?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

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As we have previously informed the House in his absence from it, the Government already adheres to the Draft Code which we will be proposing that the Select Committee on Parliamentary Reform should adopt, alongside a code for MPs and public servants.

Hon. K Azopardi: Mr Speaker, that last reference, 'alongside the code for public servants', that is also the Draft Code that was published some time ago. Is that the one?

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Hon. Chief Minister: Speaking from memory, I think the answer is yes, Mr Speaker, and I think there may already have been an iteration of the code for MPs. But I cannot from memory say that that is the case. I am not 100% sure.

1910 **Hon. K Azopardi:** And when he says that it is going to be proposed to the Committee on Parliamentary Reform for adoption, is it simple adoption or for discussion and amendment as well?

1915 **Hon. Chief Minister:** Well, Mr Speaker, the Government has prepared it. So the Government brings it for adoption.

If hon. Members want to propose changes to it, of course it is a Select Committee so we will consider what they have to say and the Committee then – he will recall that the way that the Committees work – make a recommendation to the House and the House then adopts the Code. But if the Select Committee takes a different view or considers more work is required then it will not come to the House for formal adoption, or indeed the Select Committee may divide on the basis of a majority recommending and the minority report coming to the rest of the House.

1920 **Hon. K Azopardi:** Mr Speaker, there was no trap in the question. All I was saying is I am aware these drafts exist, they were prepared some time ago and it may just be convenient to simply run through in case anyone has any suggestions, but it may be that they can be adopted.

1925 **Hon. Chief Minister:** And that, Mr Speaker, is the position that I am proposing.

Q118/2020

**Letters of Entrustment from UK –
Number received since 2011; policy area**

Clerk: Question 118, the Hon. K Azopardi.

1930 **Hon. K Azopardi:** Mr Speaker, can the Government set out a list of Letters of Entrustment it has received from or signed with the UK since 2011 and specify what field of policy area they relate to?

1935 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, two Letters of Entrustment have been received from the United Kingdom since 2011: the first on 21st December 2016 in relation to entering into agreements with other State parties under the Multilateral Convention on Mutual Administrative Assistance in Tax Matters; and the other on 1st July 2019 in relation to Tax Information Exchange Agreements and Double Taxation Agreements.

Hon. K Azopardi: Mr Speaker, are any other Letters of Entrustment under negotiation?

Hon. Chief Minister: Mr Speaker, not at present, I think is the answer.

Q119/2020

**Electronic Travel Authorisation for UK entry –
Discussions with UK government**

1945 **Clerk:** Question 119, the Hon. K Azopardi.

1950 **Hon. K Azopardi:** Mr Speaker, has the Government had discussions with the UK government or will it have such discussions in respect of the proposal to introduce an Electronic Travel Authorisation for entry and visits to the UK and how such a proposal will impact on Gibraltarians?

Clerk: Answer, the Hon. the Chief Minister.

1955 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

Hon. K Azopardi: Mr Speaker, I appreciate that there are two questions in one, but that then produces certain ambiguity, if I may.

Is it 'no', you have not had discussions or 'no', that you will not have discussions, or no to both?
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Hon. Chief Minister: No to both, Mr Speaker.

Hon. K Azopardi: Mr Speaker, why is it that the Chief Minister will not have discussions with the UK? Is it because he has information that the proposal to introduce Electronic Travel Authorisations will have no impact on Gibraltarians?
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Hon. Chief Minister: Yes, sir.

Hon. K Azopardi: And where is that information derived from?
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Hon. Chief Minister: The nature of the Electronic Travel Authorisation.

Hon. K Azopardi: From a draft document, is it? Without involving any human discussion on the concept? That is what he is suggesting, is it? It is an extrapolation and his analysis, having seen a document, a draft of the Travel Authorisation – is that what he is saying?
1975

Hon. Chief Minister: Mr Speaker, this is something that will only apply to those who are not British citizens who require a visa to enter the United Kingdom. That is not something that afflicts Gibraltarians.
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Hon. K Azopardi: Mr Speaker, I am grateful and the reason for the question was to seek clarification, because when I first read about it, it certainly was not clear whether it would impact on anyone who might come from an Overseas Territory, for example. So if that is clear, if it does not impact on BOTCs, that is fine. Is that the position; it has no impact on BOTCs?
1985

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has asked a question about how such a proposal will impact Gibraltarians. I do not think there are any Gibraltarians left who are BOTCs, is the first part of my answer in respect of what he said. (*Interjection*) No, none – zero.

Second, the measure is in relation to those who will require visas. This is the equivalent of this visa that will be required. That will not impact British citizens. Gibraltarians are now all British citizens.
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Q120/2020

**Brexit technical meeting with UK and Spain –
Details**

Clerk: Question 120, the Hon. K Azopardi.

1995 **Hon. K Azopardi:** Mr Speaker, when is the next technical meeting – well, now we know –
(**A Member:** Yes.) between UK, Spanish and Gibraltar officials in relation to Brexit scheduled to
take place, where will it take place, who will attend for Gibraltar and is it a trilateral meeting?

Clerk: Answer, the Hon. the Chief Minister.

2000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the meeting was this morning in Madrid. It
was attended by a number of officials from Gibraltar as set out in our press release of Monday,
which was in Tuesday's press.

It was a meeting between three administrations and therefore trilateral.

2005 **Hon. K Azopardi:** Mr Speaker, does the Chief Minister not think that it perhaps should have
been appropriate to advise the Brexit Select Committee of this development, so that Gibraltar
did not have to learn of this meeting from the Spanish press?

2010 **Hon. Chief Minister:** Well, Mr Speaker, I am surprised that he asks that, because you see, the
fact of this meeting was widely known before it was adjourned some weeks ago, it was back on
this week and our press release was issued I think at the same time as press releases elsewhere
were issued, almost simultaneously, but ours were reported in print the following day and on
the television the night before, because ours are embargoed for 8.30. Others might not have
been embargoed and might have been read earlier by some.

2015 But there is no question of people having to read it from the Spanish press, other than the
Spanish press published it before the Gibraltar press. But the administrations put it out there at
almost the same time.

2020 **Hon. K Azopardi:** Mr Speaker, of course I am aware that this technical meeting had been
adjourned, but the very first time, a few weeks ago, that it was said that this meeting would take
place, there had been a leak to the Spanish press. That is how we found out. The way that we
found out as to the date of the new meeting was also by the Spanish press, because I have got a
copy of a press release issued by *La Mancomunidad* that was dated the day before the press
release issued by the Government here.

2025 What I am saying is that I am suggesting to the Chief Minister that perhaps it should have
been appropriate for the Brexit Select Committee to be advised of these developments.

Secondly, Mr Speaker, can I just ask, so that we do not have to find out through the Spanish
press, what was discussed? What was the agenda of this meeting?

2030 **Hon. Chief Minister:** Well, Mr Speaker, I do not accept that the press release that
hon. Members have in respect of this week could be any earlier than ours. What happened
before was that despite the relevant administrations all agreeing when they were going to issue
a press statement, one part of the Spanish state leaked the fact that the meetings were going to
happen before we had all agreed that we were going to say what was going to happen.

2035 So hon. Members know from the time that they have been in office that you are trying to do
things together in the context of meetings and then very often unfortunately the Spanish side
are not faithful to what is being agreed – not because the interlocutors that you are with are not
faithful to it, but because someone in another part of a very large administration that has many

levels decides to go off and tell a friend and that friend tells another friend and that friend puts it in a newspaper.

Now, does that mean that you no longer try and agree how you are going to make public statements about things? I think that would be the wrong position.

But the Government has already I think issued a lengthy press release whilst I have been here, or is about to, which sets out what was discussed at those meetings. I am literally just checking, and in fact, Mr Speaker, it has: Press Release 42/2020.

As for the Brexit Select Committee, Mr Speaker, I was very disappointed that the hon. Gentleman did not propose that he should be on it. Brexit is unfortunately one of the things we have to deal with and I would have thought therefore that he would want to be on it. But he has not proposed himself for it.

Hon. K Azopardi: Mr Speaker, whether I am on the Brexit Committee or not is neither here nor there. As he knows, when I wrote to him on the composition of Select Committees, I gave him the composition of the Select Committees and I also said to him that beyond the Brexit Select Committee I thought that as Leader of the Opposition he should brief me from time to time when there was an important juncture in the Brexit discussions. We do not think that the right way to proceed ...

Look, if the hon. Members have taken the view that there should not be a joint negotiating team, that is okay. It is a matter for them. But what they should not do is pretend that they believe in unity and the flow of information and so on, but they do not advise the Brexit Select Committee. We hear about meetings from the Spanish press and when I ask him about what is being discussed he refers me to a press release he has issued while we are in this House without having told the Members opposite, who have an important constitutional function to fulfil.

Mr Speaker, is the Chief Minister going to behave like that as we go forward in this process, because if that is the way, he is in effect making a mockery of the Brexit Select Committee?

Hon. Chief Minister: Mr Speaker, I really do not think that he has reflected on the things that he has been saying until now and the way that he has wanted to approach unity.

Now, of course, we all were roundly critical of Sir Peter Caruana – indeed, as I have reminded him today on a number of occasions, he helped us to defeat him in 2011 – not least because of the way that he insisted always that if there was to be unity on a subject it was unity around the Government's position, because the Government had been elected to govern, and when the Government called for unity, unity means that hon. Members opposite are expected, if not required, to join the Government in its position.

Now, that is not the position that I am taking. I am saying that they will be briefed and I am saying that the Select Committee will be the place where we do the briefing. He has chosen not to be in the Select Committee and he has asked that over and above all of those Brexit Select Committee briefings, which we think have been very full, very frank and a great opportunity to work together, he has described less than 72 hours ago as being superficial.

So I frankly think that sometimes he tries to run with the hare and hunt with the hounds, when he pretends that he wants unity whilst at the same time eschewing any opportunity there may be for us to work together by misdescribing the work that we have already done together.

Indeed, the Hon. the Deputy Chief Minister was very generous in the praise that he lavished on the hon. Lady and Mr Feetham about the work that we had done in that Select Committee; the ideas they had shared with us on occasion. I reflected on the way that we have kept each other's confidences in respect of the work that we had done in that Select Committee. We intend to continue in that way.

The hon. Gentleman will also know from what has been in the Spanish and Gibraltar press and what has been said already that this was not a meeting of any substance. This was a meeting about meetings. In other words, this was a pre-meeting about how the meetings of the

2090 MoUs will be carried out when they come to be carried out once the MoUs kick in, which can only be after 31st January.

Now, the MoUs are not what the Brexit Select Committee needs to be looking at. The MoUs are what was agreed already being put into effect. In respect of the issues that are in play, they really relate to how, in the context of Gibraltar, we all ensure that the transitional period is being
2095 adhered to.

Let's be very clear: there is no reason to call it the implementation period because that was a terminology born from Mrs May's original view when she was Prime Minister that there would be a negotiation not just about departure but also about the future relationship which would be implemented during the period of transition. The European Union took the view that there
2100 would be nothing to implement because nothing new was going to be agreed and all that could be debated was transition from membership to non-membership.

So what the Brexit Select Committee needs to be is a place where we can work together in fashioning proposals as we go into the negotiation about the future. That is what we want to talk about to hon. Members in the context of that Select Committee and that is why I am surprised he is not going to be on it. That is where we are going to share our ideas and hope to hear their ideas about how the negotiations should be conducted; what should be the subject matter of negotiation; what would be an optimal outcome; what will not be an optimal outcome. That is where they can give us their views in that respect and he has chosen not to be on it. That will lead to a negotiating team and the negotiating team will not involve them,
2105 Mr Speaker. We have been very clear about that and we have been clear about why we do not think that there should be a joint negotiating team and he has been clear about the consequences.

He has made very clear, and it was obvious, that if he were in the negotiating team and we came back with a result, he would in effect be fixed with the result of that and supportive of it. Or, if he were not in the negotiating team, he would be free to criticise what we come back with. Well, look, no expletive, Sherlock – obviously, Mr Speaker! But we have taken this view simply because we think it is the best and most agile way to conduct the negotiations and it is the democratic way of doing so.
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In the United Kingdom, nobody forms part of the United Kingdom negotiating team from the opposition. The opposition are there to criticise. They do not have a Brexit Select Committee to fulfil the role that we are suggesting. They have a Brexit Select Committee which just does scrutiny in the usual Westminster parliamentary way. We are proposing a Brexit Select Committee where we can work together to fashion what it is that we go to negotiate.
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So, Mr Speaker, that is the position of the Government and I think it is the right position. I think it is the position in the public interest of Gibraltar and as the depository of the majority of the support at the last General Election, with over half of the votes cast, we are entitled to take that view. I think he recognises that and he has said so in the way that he is dealt with our views contrary to his in the way that this whole negotiation should be carried out.
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Hon. K Azopardi: Mr Speaker, that was a lot of ducking and diving – (**Hon. Chief Minister:** Was it?) Yes. There was a lot of ducking and diving because I started asking about why the Brexit Select Committee had been bypassed, and it is ducking and diving because ...
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The Chief Minister expresses surprise that there can possibly have been a Spanish press release that predates his, but I am holding it and it is one day before his: the *Gabinete de Prensa* of the *Mancomunidad* issues a press release on 21st January and he issues one on 22nd January. So we find out from the Spanish press *twice* that this meeting is going to take place.
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Secondly, yes the Brexit Select Committee is being bypassed. It matters not, surely, whether I am on it or not. The Brexit Select Committee has been bypassed because it has not been told of this meeting nor has it been invited to ... no information has been shared with it. I have full confidence in the colleagues that I nominated onto the Brexit Select Committee and as I told him at the time, and he knows because I have communicated with him in writing when I suggested
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the nominees for the various Committees, that I said that beyond the Brexit Select Committee he should brief me at any time he wishes on issues of Brexit. He knows he can do that.

2145 So it really is a bit of a red herring to say it is a big thing that I did not nominate myself for the Brexit Select Committee. I have offered him unity and a desire to work together on the issue of Brexit in different ways. So he knows he really does not need to make a thing about the fact that I am on the Brexit Select Committee or not, because he knows that if he picks up the phone and asks to speak to me about Brexit in the public interest, I am going to do so and help as much as I can.

2150 So that is not the issue and nor is it really, surely, the issue now, because in the *Viewpoint* programme two weeks ago, he said that that the proper forum that he wanted us to come onto was the Consultative Council so that he could then acquire all this information and help in Brexit. So he has got to decide what it is that is the hurdle for us to assist.

2155 The real hurdle is the last comment that he made: that he does not want us to really assist and be aware or have all the information. That is okay. I have also said during my interventions that it is his prerogative because I recognise that they are re-elected and they can decide how to handle these things and that is okay. But be clear with the people of Gibraltar that that is the real issue. All I am saying is, if there is going to be a Brexit Select Committee do not denude it of its effect and make it work.

2160 Insofar as the original answer he gave, that this is a trilateral meeting, can the Chief Minister perhaps explain to me, is the analysis that this is a trilateral meeting accepted by all the delegations or is this just his view of life?

Hon. Chief Minister: Mr Speaker, nobody has bypassed anything, in particular not the Brexit
2165 Select Committee. You see, the stage at which we are, is about to commence the future negotiation. The former Brexit Select Committee of the former Parliament dealt with the Withdrawal Agreement and these MoUs are consequent on the protocol under the Withdrawal Agreement. The Brexit Select Committee that the Hon. Mr Feetham and the hon. Lady were on had the benefit – and Mr Phillips – of the briefings, which I do not accept for one moment would
2170 have been in any way superficial, for all of the reasons the Deputy Chief Minister indicated.

The meetings in Madrid today were about the Withdrawal Agreement MoUs. The Withdrawal Agreement MoUs are about ensuring that in the transition things stay as they must be in the transition. The Brexit Select Committee is going to be looking now at issues relating to the future. So nobody has been bypassed. He gets up, Mr Speaker, to try and ensure that
2175 tomorrow's headlines reflect his view of life by using terminology like 'bypassed'. Look, nobody has been bypassed – far from it.

We are looking forward to the work that we are going to do with the Brexit Select Committee for the reasons I have indicated, and with the Gibraltar Consultative Council, which it appears, given the discussion we had earlier, will include him and of course will be considering Brexit also.
2180 But I am surprised that he has not proposed himself for the Brexit Select Committee. But look, it may be that by February the Leader of the Opposition is on the Brexit Select Committee. We do not know.

Now, Mr Speaker, what the meetings in Madrid have been about are the MoUs. Now, they say that they hate the MoUs and that they are greatly deficient. So I do not expect that they are
2185 going to be very pleased to hear that there are going to be meetings in respect of those MoUs, because all they are going to do is consider these greatly deficient MoUs that they are referring to.

I really do think that he is the one throwing red herrings into the mix, simply in an attempt to try and make himself relevant in respect of this process. On a debate with the Chief Minister at
2190 Question Time on this subject, today, congratulations – he has achieved it. He has said something about it and I have no doubt it will be reported and, given where he is in the context of the internal political debate in his party, that is what he needed to achieve. I recognise that I am the punch bag that allows him to try and seek that relevance in the context of the debate.

Now, finally, Mr Speaker, coming to the issue that he asked about, and just one final point on unity. The issue of unity is the one that I referred to – I think he is criticising – in my New Year message where I talked about the need for unity this year in Gibraltar. Well, my call for unity was responded to in a New Year message by the hon. Gentleman that called me everything except handsome, as the Spanish saying goes, where he went back to the arguments that they deployed ill-fatedly at the General Election, indeed, at more than one General Election, on public finances etc. and criticised the MoUs that these meetings were about seeking to implement as from February. So he talks the talk on unity and he gets my attention when he talks about being prepared to work with us and then he grabs the microphone and does something else, which is use every opportunity he can to criticise us.

Also, like him, I respect the fact that as Leader of the Opposition that is his role. I am not going to suggest that he should not criticise the Government. In a healthy democracy based on adversarial politics that is what the Leader of the Opposition does. Indeed, it would probably be very strange if we locked ourselves into a room, agreed everything, told no one anything about it and believed that that was in the extreme public interest. So unity does not mean that there is no politics in Gibraltar on this subject. I fully accept that. Indeed, I welcome the fact that there is scrutiny of what the Government is doing.

Finally, Mr Speaker, the hon. Gentleman will know that since the arrival of *Partido Popular* in office in 2011, the Spanish Foreign Office has not pursued the objectives of the Trilateral Forum for Dialogue which were agreed in 2005, I believe, 2004, with the Córdoba Agreements in 2006. So they do not refer to meetings as trilateral. Indeed, they seek to refer to meetings as bilateral.

But indeed, the Withdrawal Agreement and any part of it and the implementation of it is the implementation of an agreement between the United Kingdom – the member state United Kingdom – which at the end of that process of transition and on 31st January becomes no longer a member state, and the European Union, not Spain. And so, if anybody was going to describe what is happening as bilateral and they looked at this dispassionately they would see that it is bilateral between the United Kingdom and the European Union.

There are different parts of the United Kingdom administration and within the constitutional structure of the United Kingdom that engage with different parts of the European Union: sometimes member states and sometimes constituent parts of member states, or constituent parts of the institutions of the European Union. But there were three administrations with constitutional responsibilities present at those meetings: Gibraltar, Spain and the United Kingdom.

Hon. K Azopardi: Mr Speaker, the Chief Minister should not confuse the messages that I give, because he gives the example – and it is not the first time he has given the example – of the New Year's message I gave. But the New Year's message that I gave was composed of different aspects. And yes, in the economic argument we have a very different economic view of life of the Members opposite. But that is not to be confused with the offer to work together on the issue of Brexit.

First of all, I did not name-call in my New Year's message. When he paraphrases the Spanish saying, he is incorrect. I may have criticised in a robust manner the economic handling of the affairs of this community, but I did not personalise it like he did in a subsequent press release – a matter for him. But what he should do precisely is the exercise that he says he does, which is to recognise the role that we have and ring fence the reality that we may have different domestic differences – he says it often enough that he respects that we have domestic differences and it is a good thing – but then also recognise the issues where we can work together.

Mr Speaker, I asked about the trilateral aspect of it: recognition and whether it was an analysis that was respected and recognised. And I think from his answer – a rather long answer but – I know where he wants to go and I know why he wants to present it that way. But it sounded to me that, because it is not accepted by Spain, that it is trilateral according to him only and the UK. But that is not a universal recognition of all the parties in the room.

What I suggest to the hon. Member is to be cautious in that process. I know that in this process there have to be discussions, but the hon. Member needs to be cautious about the structure of those talks because Gibraltar gained a lot in terms of recognition when it established the trilateral structure and we should be cautious about giving it away.

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Hon. Chief Minister: Mr Speaker, we do have different economic views of life. We have a view of life which is that we did not criticise them when they borrowed through companies and they criticise us when we borrow through companies like they did when they were in Government.

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Why is that relevant? Well, because I am struck by the fact – and this may simply be the human condition at play, Mr Speaker, is not necessarily a criticism of the hon. Gentleman – that he says, ‘I did not call you names, I just criticised you’. Well, I do not think I called him names, I think I just criticised him. So I think that the criticism versus name-calling debate is really in the mouth of the speaker and at least it appears that we both think we have not called each other names and we think we have just criticised.

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But I suppose, like any footballer that is called up on a foul, that we will all argue that we were playing the ball and never intended to kick the other. It is good that we are both saying that we do not intend to name-call each other, even though the other might regard himself as name-called, and that our view is that we should just properly criticise each other’s policies. I think it is healthy that we should take that view.

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Well look, Mr Speaker, I recall the fact that in 2006 there was something that struck me then, not as Leader of the Opposition, just as a Member of this House. It was that I felt almost as if the Hon. Mr Azopardi was *more* critical, *more* quickly of the Córdoba arrangements than we were, and indeed I recall that Joe Bossano, in the way that characterises him, did not react in a kneejerk fashion. Indeed, he was criticised for spending time considering what emerged from Córdoba and then doing a detailed analysis which led us to accept some parts of it and roundly reject others. Those were the fruits of the trilateral process that he now seeks to talk up and protect.

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We were clear that we thought that the Trilateral Forum for Dialogue was acceptable in everything except the birth of it, because the birth of it was a meeting, the last meeting, of the Brussels Process. There was a meeting of the Brussels Process from which the Trilateral emerged. He will recall that, Mr Speaker, and he will want to go back and look at that I am sure because he and I, I think, take exactly the same view of bilateralism and the Brussels Process. So let us not be too forgetful of all aspects of the trilateral process. But a trilateral process which is defined by Gibraltar being a separate entity to the United Kingdom in any negotiations, with a full veto over anything that may be agreed which relates to Gibraltar, is something that we all I think regard as essential.

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Now, in the context that we are dealing with, remember that Brussels and the Trilateral etc. were all about that which others want to talk about: the future of Gibraltar. The position that we take, and I think this is an issue across the floor of the House, is that the future of Gibraltar is a matter entirely for the people of Gibraltar, principally, and the United Kingdom, not to be discussed with anybody else.

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He will have seen that in some parts of the Spanish press they are saying that these talks in Madrid today are about the future of Gibraltar. *Not one word* would have been talked about today about the future of Gibraltar or indeed the future relationship between Gibraltar and the European Union. Today is *just* about the Withdrawal Agreement and the MoUs under the Withdrawal Agreement.

2290

What do the MoUs under the Withdrawal Agreement do? They do, for the period of transition, the work of ensuring that we hold the ring the same as when we were members of the European Union on those issues. So what there are at this moment are the two parties to an agreement: the United Kingdom and the European Union. There is a protocol on Gibraltar under that Agreement between the United Kingdom and the European Union. That protocol on

2295

Gibraltar creates MoUs which create committees. Those are the meetings that we are dealing with. Meetings of committees of technical officials who have constitutional responsibilities in respect of the things that are set out in the bilateral agreement between the United Kingdom and the European Union, which is the Withdrawal Agreement.

So I know he will agree with me that these are not issues on which he and I would ever, looking back, have expressed a different view. We would not accept that there should be *any* discussion on *any* matter in relation to Gibraltar where the people of Gibraltar were not independently represented and recognised as being independently represented and where we had a full veto in respect of those issues. And any matter which relates to the future of Gibraltar, which is very dangerous shorthand for anyone to use, I want to be explicit in this House, is exclusively for the people of Gibraltar and for the United Kingdom.

Q121/2020

Abortion referendum –

Neutral education for secondary school students

Clerk: Question 121, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the Education Department have any intentions of providing a neutral educational platform to inform secondary school students on both sides of the argument for the upcoming abortion referendum, given the reality that 16-year-old students will be enfranchised to vote?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (F R Picardo): Mr Speaker, the hon. Lady has another question on a similar subject which because it related to Education specifically would be answered by the Department of Education. I am answering the hon. Lady's question on this subject because it is related directly to the referendum and therefore I consider it appropriate that I should be answering on this subject.

Mr Speaker, the Government does not consider that there should be any campaigning in schools. If members of the relevant teaching body, however, want to invite a representative of each side in the referendum, it would be a matter for them and the Government would not interfere in whatever decision they might make in that respect. But of course, then I am sure they would want to see balance in that respect.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Chief Minister hopefully will forgive me for seeming pedantic, but in relation to the other question, which, from what I understand, he believes that the other hon. Gentleman will deal with, because of the other question and because the Hon. Chief Minister knows that I have written to him about my concerns – because I had received reports that children were being fed propaganda in religion classes – I would ask the Chief Minister if, on what he has just answered me, if his Department of Education will ensure that if, in a separate way as he has just described, people do come and speak to students, to ensure that there is a balance. That is really what I would like to ascertain.

Hon. Chief Minister: Well, Mr Speaker, that is why I refer the hon. Lady to the other question, because I know that they are related, but I thought it was appropriate ... when the Minister and I saw the questions, one is about existing education, one is about the referendum and it is my responsibility to deal with issues relating to the referendum.

2345 It is of course true that given the subject matter of the referendum and the ages of those who might be taught those subject matters, what is taught in the school must be neutral and if it is not already neutral, we must ensure it is neutral going forward. That is the subject of the other question, but it is related to this one I acknowledge and the hon. Lady is right to highlight it because there should not, either directly or indirectly, be messages put before people who are going to be making decisions in a plebiscite that might be interpreted by one side or the other as tending to take the position of one side or the other.

Adjournment

2350 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should therefore now adjourn to tomorrow at 4 p.m.

2355 Mr Speaker, the hon. Members opposite will know that one Minister is not well and if possible he will be well tomorrow and we will be able to do Questions. Alternatively, we will have to ask hon. Members to choose whether they wish to have their answers in writing this month or whether they simply want to have the questions answered orally in the following month as they are entitled to do under standing orders. I should hope by tomorrow morning to be able to inform the Clerk of what we will be able to do.

It is also true, Mr Speaker, that there is a Bill that we will have to deal with and so we will be able to come back then also to deal with those issues.

2360 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Friday, 24th January at 4 p.m.

I now put the question, which is that this House do now adjourn to Friday, 24th January at 4 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 24th January at 4 p.m.

The House adjourned at 6.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 4.29 p.m.

Gibraltar, Friday, 24th January 2020

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The Gibraltar Parliament

The Parliament met at 3.09 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

Procedural – Answers to Oral Questions in absence of Ministers

Clerk: Meeting of Parliament, Friday, 24th January.
We continue with answers to Oral Questions.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I indicated to hon. Members during the course of yesterday, I am sorry to say that one of our Ministers, Minister Cortes, has been unwell for the second half of this week and is still not able to come to Parliament – I am sure I join all Members of the House in wishing him well, and no doubt he has been following our proceedings audio and visually; and another Minister, Minister Licudi, has been traveling and is unable to return in time to the House to continue with answers to oral questions.

10 Therefore, under Standing Order 16 I understand there is a provision where hon. Members now have the opportunity to choose, in the next 72 working hours, whether they wish that the questions they have put to those Ministers be kept and rolled over to the next meeting so that Ministers can answer orally then, or whether they simply wish to have at least the first answer
15 now – or not now, once they have made their election – in writing and then pursue the questions further next time. Of course, Mr Speaker, the Government would not consider it appropriate to ask you to enforce any rule as to the six-month provision for not repeating a question in the context of these two Ministers in relation to the questions that they have had this time.

Questions for Written Answer

20 **Clerk:** We now proceed to answers to Written Questions.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W1/2020 to W10/2020 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Referendum (Amendment) Bill 2019 – First Reading approved

Clerk: Bills – First and Second Reading.

25 A Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for proxy voting and connected purposes.
The Hon. the Deputy Chief Minister.

30 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for proxy voting and connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for proxy voting and connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Referendum (Amendment) Act 2019.

Referendum (Amendment) Bill 2019 – Second Reading approved

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that the Bill now be read a second time, Mr Speaker.

40 The purpose of the Bill is straightforward. First, it makes provision for proxy voting in any referenda to be held in Gibraltar under the Referendum Act 2015. The House will recall that last year voters in elections to the Gibraltar Parliament were able to vote by proxy for the first time. This had long been the practice in European parliamentary elections. This Bill provides consistency between parliamentary elections and referenda in Gibraltar by allowing those
45 eligible to vote by proxy, if they so wish. Second, the Bill provides for the use of tactile voting by the visually impaired through a modified ballot paper.

Mr Speaker, clause 1 sets out the short title to the Act.

Clause 2 states that it will commence on the date of publication.

50 Clause 3 amends the Parliament Act with the following new provisos: (a) all eligible voters will have the power to appoint a proxy to vote on their behalf if the eligible voter is unable or unlikely to be able to cast their vote on the date of the referendum, including in the case of medical disability or employment-related events; (b) the Minister, by notice in the Gazette, will be able to lower the age of a person who is eligible to be a proxy voter for a particular referendum; (c) the provision of the forms to be used with regard to proxy voting, i.e.
55 application form, form of proxy paper, poll card and emergency application form; (d) the procedures to be followed with regard to proxy voting; (e) consequential amendments to existing provisions of the Acts in order to provide for proxy voting; and (f) it modifies Form G, the ballot paper, to provide for the use of tactile voting devices.

Mr Speaker, my hon. Friend the Chief Minister gave notice on 13th December of an amendment to the Bill. I give notice also that in Committee Stage the year 2019 in clause 1 will need to be changed to 2020.

Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. K Azopardi: Mr Speaker, we will support the Bill, as, as far as we can see, these are similar provisions as were made in the Parliament Act already.

One of the list of measures that the Hon. the Deputy Chief Minister was setting out was the adjustment in the age of the proxy voter, which we assume on this side of the House will be aligned with a qualifying period, so that at least you have to be of eligible age for the purposes of the referendum so as to be a proxy voter as well.

For the reason that it seems to us to be aligned with the Parliament Act, we will of course support it. I would just make two general observations, if I may. One of them does not necessarily arise from this particular Bill but I just make it as a general point.

We were pleased on this side of the House to be consulted on the terms of the motion and indeed on the question. The Referendum Act, of course, does provide, as indeed is clear from the suggested ballot paper, that the question can be reached in two ways. One is by motion of the House, or indeed it can be inserted subsequent to a motion by virtue of the Government issuing an Order under the Act. We would certainly on this side of the House commend and prefer the practice that we followed for the purposes of this referendum. It is rare indeed in this place that we have had referenda and we think it is good practice for there to be consultation as far as possible on the question.

The other issue I raise, which is perhaps more pertinent to the forthcoming referendum itself, is that Members opposite will recall that when we debated the motion on the referendum itself, there was an exchange between the Chief Minister and I on the issue of whether, as a result of the cap on expenditure, whether the Returning Officer, in this case the Referendum Administrator, would require some kind of statutory back-up to then enforce the mechanics, and we had a bit of an exchange as to whether he needed that. There have been no amendments put forward, so I am not sure whether we should assume on this side of the House that it is because the Referendum Administrator to be does not require the statutory back-up or whether it may come at a different point in the next few weeks. Really it is a question more than anything else.

Mr Speaker: Does any other hon. Member wish to ...?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has made two points. I will deal with one, which is the issue relating to the Order that he referred to in the context of the referendum, and my hon. Friend the Deputy Chief Minister will deal with the question he has raised about rules etc., which is more about the administration of the referendum.

The reason I rise to deal with the first, Mr Speaker, is because the law provides that such an Order will be signed by the Chief Minister. The position that we have taken is that, as he has indicated, it is absolutely right that we should, in our view, and therefore we instigated it, consult on the issue of the question. We may have different views as to what the answer to the question should be, but we should not have fallen into the trap of having such different views as to what the question should be that we could not agree it, and I think we demonstrated that we were able to work together on issues like that. Nonetheless, we believe – in fact it is required under a proper reading of the Act that there now be an Order for a referendum which contains the question, and hon. Members will see that, given the time limits provided for in the Act, we will be publishing the Orders consequent on the agreements we have reached, signed under my

hand on 7th February, if I remember correctly, which will give more than the time required under the Act. That, I think, will contain the question and other of the technical aspects in different Orders as required by the Act.

115 So yes, it is absolutely right that we should consult, whatever the circumstances, so that when we are asking a question of the public it should be a question that all of us agree should be the question to be answered insofar as it is possible. The law does not say that we have to, but we must always, if this ever happens again, continue the practice we have established of trying to have a question that is agreed. Nonetheless, there will still be Orders.

120 I cannot recall, Mr Speaker, and the Father of the House also cannot recall, whether we were consulted on the question in 2002 on that referendum. I literally cannot remember, but it is very likely, knowing the characters at the time, that we were consulted in the sense that the phone was picked up and the question was read to us. I much commend, as I think the hon. Gentleman does, the procedure we have followed here, which is that we had a truly meaningful discussion which I think led us to a better conclusion and is now a question agreed by both sides.

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Mr Speaker: I now call on the mover of the Bill to reply.

Hon. Deputy Chief Minister: Mr Speaker, in terms of the mechanics of the cap – the hon. Member asked how the Referendum Administrator was going to enforce that – we are working on rules at the moment which will set out the mechanics in terms of the enforcement.

130

Other than that, I simply thank the hon. Member for the support of the Opposition and for their constructive comments.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for proxy voting and connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

135

Clerk: The Referendum (Amendment) Act 2019.

COMMITTEE STAGE AND THIRD READING

Referendum (Amendment) Bill 2019 – Committee Stage and Third Reading to be taken at this sitting

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken now? (**Members:** Aye.)

In Committee of the whole Parliament

Referendum (Amendment) Bill 2019 – Clauses considered and approved

Clerk: Committee Stage and Third Reading.

145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Referendum (Amendment) Bill clause by clause.

Clerk: A Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for proxy voting and connected purposes.
150 Clause 1.

Mr Chairman: Is the House content with replacing the figure 2019 with 2020? Yes?
(**Members:** Yes.)
155 Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.
160

Clerk: Clause 3.

Hon. Chief Minister: Mr Speaker, I have given notice that in clause 3(5) we should remove the clause as it is and insert the clause as proposed.
165

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, I move the amendment to clause 3, inserting the new clause after clause 3(24), which is the amendment in relation to the ballot paper.

170 **Mr Chairman:** Is the House content with both amendments?

Clerk: Clause 3 as amended.

Mr Chairman: Clause 3 as amended stands part of the Bill.
175

Clerk: The long title.

Hon. E J Reyes: Mr Chairman, I have a small, pedantic query and I thought it was not part of clause 3, which is why I waited until now. Where it says 'Form L', if I refer to page 182 of the
180 green paper, which I think is the application to vote a proxy, on the right hand side of the fourth little bullet point down, towards the end of that paragraph, just above where the words 'eligible proxy' are, it says in the last sentence in brackets:

Your application must be supported by your employer or your spouse's employer. If you are self-employed, then the support must be 18 or over ...

I know it is pedantic, but I think '18' refers to years of age, not to 18kg in weight or something. Right after that, it says 'a person who has or will have attained the age of 18 years'.
185 So, is it understood that '18' refers to a person's age and not to any other factor that a numerical figure would apply to? It is a bit pedantic, but it is worth raising at this stage, Mr Chairman.

Hon. Deputy Chief Minister: Mr Chairman, yes, the form the hon. Member has referred to is a cut and paste from the Parliament Act and also from UK legislation, but there is provision in the Referendum Act itself, in section 8(1), for the minimum age at which a person is eligible to
190 vote for Parliament, for the Government or a Minister to set it by notice, and wherever there is a

reference to 18 it means 16 if, in this particular case, the voting age is going to be 16. I do not know whether that answers the hon. Member's query.

195 **Hon. E J Reyes:** Yes, Mr Chairman, if those who are legally minded are content with that and I think, above all, reference to the exchange that was had in Parliament, that should clarify any queries that any other equally pedantic retired school teacher like myself may wish to bring up in the future.

200 **Clerk:** Clause 3 as amended.

Mr Chairman: Clause 3 as amended stands part of the Bill.

205 **Clerk:** The long title.

Mr Chairman: The long title stands part of the Bill.

**Referendum (Amendment) Bill 2019 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Referendum Bill has been considered in Committee and approved without amendments. I move it should now be read a third time and passed.

210 **Mr Speaker:** I now put the question, which is that the Referendum (Amendment) Bill 2019, with amendments, be read a third time and passed. Those in favour of the Referendum (Amendment) Bill 2019? (**Members:** Aye.) Those against? Carried.

Adjournment

215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, on that basis, the House has now finished the work it needed to deal with for this session and I move that we should now adjourn *sine die*.

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

220 This House will now adjourn *sine die*.

The House adjourned at 4.29 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.03 p.m. – 4.58 p.m.

Gibraltar, Friday, 14th February 2020

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The Gibraltar Parliament

The Parliament met at 4.03 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 14th February 2020.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 22nd, 23rd and 24th January 2020.

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Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to Mr Lucio Randall

10

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, we had the sad news last week of the passing of a former Member of this House, Mr Lucio Randall, with whom I had the pleasure and honour of serving on the Opposition benches. I think some of the Members here were also Members of this House at that time. He was a Member between 2003 and 2007.

20

I think the whole community has felt the passing of Lucio Randall because he was a gentle and kind man, the sort of person for whom the word ‘gentleman’ was designed. I considered him a close friend and colleague, who was afflicted by illness in recent years and I did not see enough of him but nonetheless a close personal friend and a political colleague. I know he was also a neighbour to some others here as well, apart from being a colleague to others on this side of the House.

25

Because he was a former Member of this House, I would ask the House to join me in showing respect for Lucio’s memory here, and for his family, by joining in a minute’s silence.

Hon. K Azopardi: Mr Speaker, if the Chief Minister would give way before we do that, I also would like to join him in acknowledging indeed our sadness at the passing of Lucio; and our condolences to the family – I think we have done so already on social media.

30 Lucio was someone who, as the Chief Minister says, was indeed a gentleman. When he entered the political arena, he was someone whom I dealt with in Government when I held the ministerial portfolio for telecommunications. He joined the political arena when I left it in 2003, but in that relay I saw him out and about in that political election.

I think we were all touched by the loss: our condolences to his family and indeed to the GSLP family.

35

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I unfortunately never had the privilege of meeting this great man whom everyone describes as a gentleman, but I have also been hearing in the last week of the great conviction and drive that he had and of his key role within the GSLP and within our political trajectory within the last few decades. Personally, this is something that I find inspirational myself and I thank him for it as a relative newcomer to the political scene.

40 I take this opportunity to pass my condolences and those of my party to his family and wish them strength and faith at this difficult time, but to also take comfort and to celebrate the legacy that Mr Randall leaves, one that is to be proud of, Mr Speaker.

45 Thank you.

Mr Speaker: I too wish to associate myself with the sentiments expressed by all hon. Members.

Members observed a minute's silence.

Departure from European Union – Statement by the Chief Minister

50 **Clerk:** Statement from the Chief Minister.

Chief Minister (Hon. F R Picardo): I have no doubt that all hon. Members will agree that we should start today's session by formally recording, for *Hansard* and therefore for posterity in the documentary archive of this House, that this is the first time that the Parliament meets since our legal departure from membership of the European Union.

55 We are still, of course, in what is being termed the transition period as defined under the withdrawal agreement. Practical arrangements therefore remain, under the withdrawal agreement and the Gibraltar Protocol, as they were before our legal departure from the European Union.

60 Mr Speaker, there will be a need, no doubt, for me to address the House again in coming months on the many aspects of the negotiation of our future relationship with the EU. I shall be seeking to come here and inform hon. Members and the public as often as possible in order to ensure the greatest possible level of transparency in respect of such negotiations as we may embark on. For today, however, I want to do no more than simply record for *Hansard* that the debates in this House from today relate to our position outside legal membership of the European Union.

65

Hon. K Azopardi: Mr Speaker, may I just respond on behalf of the Opposition to say that we certainly do agree with the Chief Minister that we should note that this is the first session of Parliament when we are outside the European Union and it is right to record it.

Normally, if there is a degree of consensus between that side and this side I would express it in terms that we would be happy to agree, but I am not going to use the word 'happy' because in the context of our departure from the European Union I believe that is not an emotional sentiment that forms part of our exit.

But I think it is important, as I have said also before, that now that we have passed that gate of exit, while we note that perhaps we did not want to get there, we are now realistic, constructive and positive towards the future. There is no point now in looking back, because that moment has passed. We look forward to engaging in this next process, albeit we note that these sessions of Parliament are now going to be held past the point of our exit. We certainly look forward, to use the Chief Minister's words, to the greatest possible level of transparency in respect of the negotiations as we go forward, and as I have said to him privately and indeed publicly, he will have our assistance if he wants it, our co-operation.

He mentions in his Statement that he looks forward to updating this House in a spirit of openness. We also understand that there may be things that are not for this House and that there is also a need for confidentiality, and that is for a different kind of process, but we will also, from this side of the House, perform our duty to scrutinise the arrangements that emerge both in terms of the updating of this House and in terms of whatever emerges in the context of our constitutional role as the Opposition for Gibraltar.

Hon. Chief Minister: If I may deal with the issues the hon. Gentleman raises, and then no doubt the other issues the hon. Lady will raise.

May I just take, first of all, a formulistic point which I think is important. The hon. Gentleman has risen, he said, to respond. It was a Government Statement, which admits of requests for clarification and question but not response, but I will take the points he has made as being points that seek that clarification.

I will start by agreeing with him that this is not a happy moment; I have been careful not to use that word or anything which might communicate such a sentiment in the Statement I have made this afternoon. But there is an intractable reality, which is that we have left the European Union, and on that we are agreeing not because we think it is a good thing but because it is a fact. It is, as we have said in the past, an unfortunate fact, but we have now crossed the Rubicon, we have lowered the flag – that has been pictured for the international community and we are now at a different stage. But there is no use crying over spilt treaties. That is the reality, and we now have to work to make the best of this new reality. I think that is what the people of Gibraltar have been good at, generation after generation. I have said before that I think that there is an opportunity in this moment also, even if it is not opportunity that we have sought, but that is the reality with which we are dealing.

Mr Speaker, the Deputy Chief Minister will be convening members of the Brexit Select Committee for a briefing of the type that he had been holding so many of before the election, for Thursday of next week, so I hope hon. Members will be available. The Deputy Chief Minister will be in touch with their offices, as has been the case in the past. It is during the course of those briefings that we seek to convey to hon. Members the information that we are unable to convey more openly to the community at this stage – although if such information as is imparted to hon. Members in the context of those confidential briefings becomes information that can be shared more openly and more widely, you will be assured, Mr Speaker, that I will seek your leave to make a further Statement to share that information from here if the House is in session; or it will otherwise be shared publicly, if the House is not in session, with the wider community.

Of course, hon. Members are elected to a role in opposition which requires them to scrutinise arrangements and all of the rest of it. We are delighted to be held accountable. I am, first and foremost, a parliamentarian and that is the role of parliamentarians – depending on

120 where they are sitting in this House, in some instances to execute and do, and in some instances to ask and check, and that is of course absolutely appropriate.

But the one thing I would say to hon. Members in this House – and it is a little the message I have tried to ensure that the whole of the community appreciates – is that there will be a lot of dissembling and positioning in the media beyond Gibraltar, in some instances for the purposes of positioning others in respect of Gibraltar, and in some instances for the purposes of positioning others not in respect of Gibraltar but in respect of bigger negotiations and bigger tectonic plates that are moving.

Hon. Members should feel free to pick up the phone and communicate to us – or in more modern forms, such as texting us – if they see something that genuinely concerns them. They should not think that the only way of getting to the bottom of an issue is to raise it publicly across the floor of the House. I have seen a lot of things which I know not to be true emerging as fact, only to see later facts demonstrate that they are unsustainable and untrue. There is a lot of politics being played out, not just the politics that we are used to, which is the politics of Spain and Gibraltar; there is a lot of politics *in* Spain and there is a lot of politics between Brussels and London.

Mr Speaker, my view and my position is that Gibraltar is best served where Gibraltar holds its nerve, knows what it wants and goes and gets it, and I have no doubt that we will achieve a good negotiated outcome for this community at the end of this process, unless others are not interested in a genuine negotiation and are going to pursue objectives that no one in this House would want.

Mr Speaker: Hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his Statement recording the regrettable reality of where we find ourselves at this present time.

However, on a point of clarification, I feel duty bound to ask the Chief Minister whether he will genuinely embark, in the next few weeks and months, on a programme that will provide opposition with more of an insight, into the role that his administration is playing in the Brexit conundrum that we are seeing unfold, than we have experienced of late.

At the moment I think it is true to say that I and the Leader of the Opposition, whose parties both represent close to half of the Gibraltarian electorate, are learning what is going on behind the scenes primarily from the Spanish and European press. The Chief Minister has just alluded to the press emergence, but things get very difficult for us when we find that our primary source of development and information is the press itself.

So, on behalf, over here, of at least 20%% of the electorate, I ask Government for this clarification: will Government genuinely commit to sharing with opposition in the coming weeks and months its plans, its red lines and its guidelines, so that opposition, with Government, can truly navigate this crucial moment in our history, which affects us all, in the most unified way, which is what we need at this time?

Hon. Chief Minister: Mr Speaker, the hon. Lady has, I think, put her point as a point of clarification and I am going to ensure that I clarify what I have said and not enter into a debate with her, which I feel almost baited to do but I am going to try and avoid that.

Mr Speaker, of course the Government is genuine in offering the information that we have proffered – and the hon. Lady knows that that is the case because the hon. Lady and other hon. Gentlemen on that side of the House have been the beneficiaries of those briefings of the sort that we are offering during the course of the negotiations that they saw play out in respect of the withdrawal agreement.

I understand that we all have to do politics, but they will know ... and in some instances have said so, that they were very fully briefed about what was going on in respect of the withdrawal agreements. In some instances, if they felt that they saw things at the last minute it is because

things happen in negotiations, in particular in international diplomacy, much as they happen in everyday life, and in any negotiation things sometimes give at the last minute – and they were therefore briefed at the last minute before things emerged publicly.

175 But I want to be very clear in ensuring that the hon. Lady understands that they are not hearing, she is not hearing and the community is not hearing what is going on behind the scenes from press reports. They are hearing waffle, nonsense and piffle from press reports. None of what is going on behind the scenes has been contained in any newspaper in Spain, in the United Kingdom, in Brussels or in Gibraltar. There is speculation upon speculation because we are at
180 that stage, that phoney period in the negotiation, where the United Kingdom is putting together what it wants, the Europeans have more or less finished putting together what they want – and journalists need to write about something and they are speculating about what may or may not happen, they are talking to diplomats and politicians who are whispering in their ears and the others are conjecting things. We are nowhere near the stage where Hon. Members are reading
185 in Spanish newspapers what is happening behind the scenes. They are reading nonsense that is being printed in Spanish newspapers. They are reading also direct interviews that are being carried out with politicians, where those politicians are properly quoted and they have been interviewed and they have given their views.

When hon. Members read that in newspapers they are reading it at the same time as we are,
190 although I do pride myself in being the first to read anything that mentions Gibraltar, if not more. But that is not something where hon. Members have any delay, other than their own assiduousness in pursuit of news, in knowing what is happening.

Please, hon. Members should not for one minute believe and should not convey to this community that there is something happening behind the scenes which is not being
195 communicated to this community in any way and which is coming out in newspapers. That is not happening. I want the hon. Lady to have that assurance because it is important that we do not go away thinking the opposite, and it is important that everyone be disabused of the contrary – although I do accept that printing an 85-page newspaper requires a lot of speculation, especially when the Premier League is on its winter break and La Liga is not at the top of its game and you have got to fill a lot of pages. I understand that, but there is none of that going on.
200

These are, to a very great extent, for other governments, the planning stages. The Government of Gibraltar is much more advanced, I dare say, than most others.

In this respect, Mr Speaker, I would remind the hon. Lady of what I said in the course of an interview I gave to *Newswatch* a week and a half ago. No doubt that is news that she does
205 follow assiduously. I said something I would never expect to have said in respect of one particular individual. I said people should listen more to Adolfo Canepa and Joe Bossano than they should to the Spanish newspapers, but I did not expect to say that people should listen more to Peter Caruana than to some other sources of news. The Hon. Leader of the Opposition was with us when we were watching the interviews given by those three former incumbents of
210 the post that I hold and they covet, and I was particularly keen to hear the things that Sir Peter, Sir Joe and Adolfo Canepa, the former Speaker said because they were a very clear indication of how perhaps members of the public should view this.

They should not think and hon. Members in particular should not fall into the trap of thinking that there is somehow a party to this potential negotiation that holds the whip hand, and we
215 should not whip ourselves up into thinking that they do, because that would be the worst possible situation to put this community in, especially given that it is not true.

I hope that is helpful to the hon. Lady and I hope during the course of our continued Brexit briefings she will continue to be as engaged and positive as she was during the course of the withdrawal negotiations, which we all on this side of the House took a lot from, as we did from
220 the contributions by Mr Feetham. But I do of course appreciate that afterwards, when the lights are on and the cameras are rolling, she sometimes wants to put a different sort of spin on it.

Hon. R M Clinton: Mr Speaker, I wonder if the Chief Minister can clarify one point for me in his response to the hon. Lady when he talks about ‘waffle’ and other such news items coming out of various press reports. I would be interested to know his views on the Spanish Foreign Minister’s interview given to the *Financial Times* very recently, I think two days ago, in which they are quoted as saying:

We are living in the 21st century; what we have done with the fiscal treaty is probably much more important than we realise for our sovereignty. You do not want a zone of unfair competition next to your border.

Mr Speaker, in the Chief Minister’s view, is this waffle?

Hon. Chief Minister: Mr Speaker, there are people who are elected to this House who take it seriously and consider that what they should do here is help the community to advance, and there are people who obviously are more interested in trying to perniciously seek to pursue their own agendas. I will make no comment on who falls into what category; no doubt we each have different views as to who falls into what category.

But in the context of what I have said, I am here to be questioned or asked for clarification on my Statement, not in respect of my answers to the supplementary issues or clarifications that have been sought.

I saw an interview with the Spanish Foreign Minister in the *Financial Times*, I saw an interview with the Spanish Foreign Minister in *El País* and I heard an interview with the Spanish Foreign Minister in *Radio Nacional de España*. I thought that in parts what she said is very constructive and positive, and in parts what she said are things that I would not agree with.

I do not think it is sensible for me to go through every word that the Hon. Mrs Gonzalez Laya went through in an interview with Spanish newspapers, and in my view the hon. Member knows that the view of the Government, and indeed of the former Chief Minister, of the Tax Treaty is that it makes absolutely no concessions whatsoever in respect of sovereignty – although he, it appears, and a few others who have never garnered the support of this community in any meaningful measure, take a different view.

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q123/2020

Gibraltar Football Association – Memorandum of understanding

Clerk: (vi) Papers to be laid; (vii) Reports of Committees.

(viii) We now move to Answers to Oral Questions. We commence with Question 123. The questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, is the Minister for Sport now in a position to provide this House with a copy of the memorandum of understanding it signed with the Gibraltar Football Association and which was referred to by the Minister in his reply to a previous question?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, prior to the last session of Parliament I had been informed that the document was all ready to be signed, which I misinterpreted as notification that it had been signed, and as such I informed the House that the MoU had been signed when in fact it was still in the final negotiating stages. I am happy to amend the record of *Hansard* to reflect this.

Subsequent to my answer, several minor pending items have been further raised and discussed, leading the GSLA to the signing of the final draft of the MoU as soon as possible.

I must stress at this point that this MoU will be signed between the Gibraltar Sports and Leisure Authority and the GFA, not the Government and the GFA.

260 **Hon. E J Reyes:** Mr Speaker, I thank the Minister for the clarification and I accept that it is almost signed but not quite – the ink has not quite got to the dotted line yet.

265 In the final part of his answer, I always understood that it was going to be signed, obviously, by the GSLA – probably by himself as Chairman or the Chief Executive – but rather than have this item come up, would the Minister be in a position, once it is signed and so on, to simply forward me a copy and therefore, Mr Speaker, we do not have to bother you with this answer? I accept that he is trying to get the best deal possible on behalf of the GSLA as its Chairman, and therefore I would accept it if he simply, as and when it is signed, forwards us a copy and then if I need clarification I can always communicate with him thereafter.

270 **Hon. S E Linares:** Mr Speaker, the answer would be exactly like I did in the last session of Parliament: for my part, I have no objection, but there are two parties to this MoU and therefore if the GFA is happy to share it I am happy to do so as well.

Q124/2020
Europa Sports Park –
Staffing, duties and costs

Clerk: Question 124, the Hon. E J Reyes.

275 **Hon. E J Reyes:** Can the Minister for Sport provide details of staffing levels at the Europa sports facilities, indicating who provides the services, along with a list of duties contracted to be carried out and costs?

280 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, staffing levels at the Europa Sports Park are still to be determined, as are the exact lists of duties and costs.

285 **Hon. E J Reyes:** I understand, Mr Speaker, from that answer, that it is not yet settled – but in the interim period, since the facilities are being used, what is happening right now? Who is providing the staffing service and, generally speaking, what is their range of duties?

290 **Hon. S E Linares:** Mr Speaker, the staffing funds will be determined by the management company, which will run the complex once this has been set up and registered. At this present time, we envisage that the contractor would give us the property, the assets, but the contractor is still partly running ... because of the snagging and all that, like I said last time.

295 **Hon. E J Reyes:** Am I correct, Mr Speaker, then, in assuming that although the facilities have still not been fully handed over, due to snagging and so on, and in the process of setting up the

management company, due to its being operational as a sport facility ...? If someone needs to address something with members of staff up there, who should they approach at this moment? Is it the construction company or is it someone in the meantime, so that if one has a need to enquire about something, or something connected with the facilities, at least one has an indication as to which channel that person should head? Should it be to the CEO at the Sports and Leisure Authority, or is there already a separate body not accountable to the GSLA running the facility?

Hon. S E Linares: Mr Speaker, I would appreciate from the hon. Member if he states who are the ones who are affected or want the information, because at present, as I said, only the pitch is being used by rugby and they are the only ones training on the pitch itself, so there should not be any issues.

We are in the process now of, hopefully, allocating. And once we get the assets and some of the places and positions are in place, then we will allocate to all the other associations. At the moment, it is one of those things that people want to use it, and basically the contractor is still there and it is an interim period. Where people still want to use it, we discourage them from using it because of insurance issues and all that. At the moment it is not supposed to be in use, although cricket ... like I said, rugby are training on the pitch.

Hon. E J Reyes: Mr Speaker, my understanding from that is that, other than these arrangements with cricket, it is still not open for booking. (**Hon. S E Linares:** Rugby.) For rugby, okay. But one keeps on seeing, from different sports associations, their usual venues ... I know darts have been using the venues. Cricket has very recently been putting out announcements that their training facilities – although there may be just simply indoor nets, but it shows that ...

But for all these events, whether they are a formal rugby match, such as an international – we had the first international game of 2020 actually held at Europa ... But families, sports lovers, spectators attend and so on, and sometimes one wants to know where to address to ask for something, be it a concern on a health and safety issue, for example.

Hon. S E Linares: The Clerk of Works of GJBS was in the spot there. He is the one who is, for want of a better word, managing the place.

Q125/2020
Europa Sports Park –
Subsidence on rugby pitch

Clerk: Question 125, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide information in respect of what has caused the southern end of the rugby pitch at Europa sports complex to subside, together with details of when this will be repaired, along with expected costs?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the dip at the southern end of the rugby pitch is caused by differential settlement at the end of the concrete basement that protrudes under the dead ball area. This will be rectified during the first week in March 2020 when the specialist contractor is due to return to complete their works.

Please note this repair is making good a defect and will not be a cost to the HMGoG.

340 I would like to, off script, also say to the hon. Member that this has been why the key was not handed to us, like I said in the previous question, and why this type is snagging and why this was realised and now is being put right.

Hon. E J Reyes: I am grateful for that, Mr Speaker.

345 First of all, the good news is that yes, the repairs to the defects will not cost the taxpayer anything; it is part of the settlement.

Just one thing: I noticed the Minister said that it is an area, and I agree with him, where the dead ball area – that is the term used in rugby ... But I am led to believe that – I know it has been many years since I wore whites to play cricket – that was probably part of the cricket pitch and would be near the boundary line and it could make a huge difference to the fielders trying to stop a ball.

350 I wish him the best in the future and if he wants a pedantic person to go round with him to help look at all these little nooks and crannies, we can go and share sports views again and take our magnifying glasses with us to look out for these things.

355 **Hon. S E Linares:** Mr Speaker, in fact, it does not even go to the boundary because it is an oval and it is just the corner, which does not affect the actual cricket. But yes, I understand what the hon. Member is saying, so I invite him to come one day and we will both go there and see it.

360 **Hon. K Azopardi:** Mr Speaker, can the Hon. Minister confirm or perhaps provide information: is the snagging process now complete? And have any other defects been noticed?

Hon. S E Linares: Mr Speaker, in the last Parliament I did highlight one of them as well, which was the flooring outside, which was slippery – so that is another part that is being done again not at the cost of Government.

365 At the moment I would say that there are a few bits and pieces that might need fixing once they go through the whole of the area, like toilets, piping and electricity. This is a snagging period. That is why I envisage ... The key should have been given to us, but if these things have cropped up we would rather not get the key and get a final product which is a final, totally finished product.

Q126/2020

Albert Risso House – Warden facilities

Clerk: Question 126, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 13/2020, can the Minister for Housing provide an estimated date by when residents of Albert Risso House will benefit from the same warden facilities as already exist in other rental homes provided by the Government exclusively for senior citizens?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

380 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, residents of Albert Risso House will, as from 1st March 2020, benefit from security services during extra hours within their facilities. Representatives of the estate have already been informed.

Hon. E J Reyes: Mr Speaker, I thank the Minister for that extremely good news for those residents.

Without going into the difficulties that one encounters when dealing with committees and so on, the Minister was careful in using words to say that the residents have been informed. Can I safely deduce from there that they have been informed and they have agreed and accepted? Typical human nature – sometimes you give an inch and they still want to have the whole mile, so are we saying ‘subject to minor tweaking of facilities’ because they keep on comparing with other places and the grass always seems to be greener on the other side for many residents?

Hon. S E Linares: Mr Speaker, I had the honour of meeting one of the groups of pensioners yesterday – and it was not the Albert Risso ones – and they were really over the moon again about the way in which we are, I am at least, dealing with it in the sense that we try to go through everything that they ask for. Sometimes what they ask for is not possible and we have to tell them that it is not possible.

In this case, I had the honour of meeting representatives of Albert Risso House today and they are over the moon again because this has been pending for a long time and what is promised should be given. I am glad to say that the committee was really happy, over the moon to know that as from 1st March they will get what they have wanted for a long time. So, I am also happy, Mr Speaker. *(Interjections)*

Q127/2020

**Varyl Begg Estate –
Maintenance of roof guttering**

Clerk: Question 127, the Hon. E J Reyes.

Hon. E J Reyes: Is the Minister for Housing aware that weeds are growing in roof gutters at Varyl Begg Estate, and can the Minister further indicate what remedial works will be undertaken to clear this potential drainage blockage?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, we are aware of this issue and it is being tackled. The matter was brought to the attention of the Chief Minister and the former Minister for Housing when they visited the estate.

The remedial works will include the erection of several access scaffoldings in order to enable the safe removal of the weeds. This is currently ongoing.

Additionally, and as set out by us at the General Election, we will also shortly be commencing a phased full refurbishment of Varyl Begg.

Q128/2020

**Laguna Estate –
Refurbishment works**

Clerk: Question 128, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of when the refurbishment works at Laguna Estate are expected to be completed?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

425 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the refurbishment works at Laguna Estate are already practically complete.

Hon. E J Reyes: I appreciate, Mr Speaker, that they are practically completed, but I have asked for updated details of when – an indication of dates. In the past, other Ministers for Housing have indicated a date for when different phases should be completed, or ready for snagging. Can we have some approximate dates?
430

Hon. S E Linares: Mr Speaker, ‘practically’ means very near, and I am sure that all that is needed is the cleaning up, so I would say sometime next week when they clean up the whole place. That means cleaning up when the scaffoldings are coming ... there is dust and things like that, which is complete. That is the stage we are at. So I would say next week.
435

Hon. E J Reyes: And if the Minister wishes to indicate – or I can pose a question at the next session – for those phases that one can deem to be completed, I know the snagging has really dragged on ... Sometimes it is due to the availability of labour force and doing other phases.
440

Does the Minister prefer that I ask him a more specific question next month? Or does he have any other information at hand that he wishes to issue now and not wait, to bring a bit more peace of mind to Laguna Estate residents?

Hon. S E Linares: Is the hon. Member ...? Just specifically Laguna Estate? *(Interjection by Hon. E J Reyes)* Yes, I have no problem with him asking next month, and maybe it is complete.
445

Hon. K Azopardi: Mr Speaker, is the Hon. Minister over the moon that the refurbishment works have been completed now, after nine years?

450 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the whole Government, and indeed all of the Ministers in it, are delighted, over the moon, ecstatic and indeed entirely overjoyed that the work that had been required in these forgotten estates, which was undertaken by successive Ministers for Housing in the Government that I lead, has been completed.

But we, of course, did not entirely follow the advice of hon. Members opposite, which was not to do the refurbishment, to slow down the refurbishment, to have less spending on the refurbishments – because if we did, Mr Speaker, the moon would be very far away, we would never have got over it and we would be as under-joyed as the electorate was underwhelmed by their performance at the last General Election. *(Interjections)*
455

460 **Mr Speaker:** Next question.

Q129/2020

Scaffolding on Government homes – Removal following refurbishment works

Clerk: Question 129, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government inform this House what action it is taking to ensure the prompt removal of scaffolds once refurbishment works are completed – for example, such as at 61 Prince Edward’s Road?
465

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

470 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the responsibility for the prompt removal of scaffolding once refurbishment works are completed is down to the main contractor. However, at times there is a need for further works, inspections and snagging, which may delay the removal of access scaffolding.

475 **Hon. E J Reyes:** Mr Speaker, in a previous answer to questions, such as for example the ones in December, we were told that the works at 61 Prince Edward's Road were complete, and yet only in the last week has the scaffolding finally been removed.

I think what I understand the Minister is saying is that the work to be carried out in removing the scaffolds certainly pertains to the contractor, but the blockage of natural light to the flats there ...

480 And then if we use 61 Prince Edward's Road – which, by the way, has been cleared completely this week, but at the time that I posed the question the scaffolds had been taken down from against the wall and simply placed, taking up three, four or maybe even five parking spaces, on the other side of the road, much to the annoyance of not only the residents of 61 Prince Edward's Road but now to the annoyance of all the residents who have paid for their annual Zone 2 permit and have lost these parking spaces due to the contractor not moving them.

Rumour has it that the contractor leaves them there as free storage, waiting for the next contract to be issued, and therefore he just simply moves it from one place to another.

490 So my question was: whose responsibility is it, meaning within an official and competent authority? It is someone's responsibility to ensure that the public highway is not blocked.

Hon. S E Linares: Mr Speaker, I go back to my original answer, where it is the contractor who is liable and is responsible for taking away the scaffolding. Remember, the hon. Member did not even know that it was 61 Prince Edward's Road. He came here saying it was 63 in one of the questions and he even got the house wrong. Yes, again.

I do not see the political issue of this. And like the Chief Minister said – and he is right – does the hon. Member think that the Technical Services or Infrastructure will have to employ one or two people extra to go and inspect that the contractors actually move all of the things when they should be moved?

500 I think the hon. Member should be happy at the fact that all the scaffolding is now removed. The people have had the refurbishment done, they are happy living where they are, and that is where we are at this moment in time – so crying about the parking is, I think, rather irrelevant.

505 **Hon. E J Reyes:** Mr Speaker, first I would like to clarify that the question I posed in December, which referred to the particular building as number 63, was based on (1) information given by residents of the area who honestly believed they were living at number 63, and (2) my visit to the site.

If one knows that house numbers work from the north towards the south and the further south you go the higher the number is, knowing where number 59 is and knowing that there is a building between what is now referred to as number 61 ... One would safely assume, from at least having GCSE Mathematics level, that after 59 in odd numbers comes 61 and then comes 63. But anyway, I accept being corrected. Although I may have been a member of the cloth, I am certainly not infallible, so I am corrected on that.

515 But the gist of my question, Mr Speaker, is that someone has to be the competent authority to ensure that scaffolding that is no longer required because the works have been completed in sections that have been done is simply not left there much to the annoyance and disturbance of neighbours, and above all for the benefit of those who pay for the Zone 2 parking. (*Banging on desks*)

Chief Minister (Hon. F R Picardo): Mr Speaker, we are honestly genuinely grateful for the mathematics lesson and we will, of course, consider, at the instigation of hon. Members, the creation or designation of a competent authority for the clearing of scaffolding.

Hon. K Azopardi: Mr Speaker, the Minister, in his intervention and in his exchange with the hon. Member my colleague, asked – rhetorically, I think, at the time ... He wondered why my hon. colleague was raising these issues, saying that he wonders what the political issues are. Does he not agree that the political issues are financial, there are cost issues, there are issues of beautification, aesthetic issues and issues of access to the highway, potentially? All those issues are matters of public interest and should concern the Government, does he not agree?

Hon. Chief Minister: Mr Speaker, we do not agree that those issues arise, because we do not agree that there is an issue of access to the highway. The hon. Members opposite have not demonstrated that it is the case here, and they surely cannot be asking about a hypothetical because the rules do not allow them to ask about hypotheticals.

We do not agree that it is an issue of beautification, because scaffolding is used in order to beautify and therefore the absence of scaffolding may not enable us to beautify and may do the opposite.

We do not think that there is necessarily an issue of cost because, as the hon. Gentleman knows, his colleague started his question about cost by saying ‘the rumour’ is that there is a cost to the public purse when the scaffolding is there, and the hon. Member I think last time, or this time, clarified that there was in fact no cost to the public purse.

So, Mr Speaker, on all of the assumptions that the hon. Gentleman has made he is demonstrably wrong and we do not agree.

One thing, however, that is clear and is proved beyond doubt is that hon. Members wish to have the Government here this evening to enjoy themselves in order to rib us about questions relating to scaffolding, when indeed there is a lot more to do. This community will look at us and say, ‘Given where we are, what on earth are they doing spending 15 minutes on scaffolding that has already come down?’ Mr Speaker, it seems to me that scaffolding is not the only edifice at risk of collapse.

Mr Speaker: Next question. (**Hon. K Azopardi:** Mr Speaker –) Next question. I think we should move on.

Q130/2020

Unlawful occupation of Government rental homes – Investigations

Clerk: Question 130, the Hon. E J Reyes.

Hon. E J Reyes: Can Government inform this House how many cases of unlawful occupation of Government rental homes are currently being investigated by the relevant authorities?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer remains the same as my answer provided during the last session of Parliament.

Hon. E J Reyes: Mr Speaker, in the last session of Parliament, in reply to Question 14, which was a reply further to a question I had posed as Question 162/2019, it said that they were

dealing with a particular case. This is why I am asking. If it has not been concluded, what sort of progress has been made, Mr Speaker?

Hon. S E Linares: Mr Speaker, the answer I have got here is that there is currently one case of unlawful occupation, which the Housing Department is still dealing with.

Hon. E J Phillips: Mr Speaker, I think the answer to the December questions was that there were 24 suspected of unlawful occupation, 16 of which were asked to leave and they left, and the other five remaining were declared as lawful tenants and therefore zero was the balance, if my mathematics is correct. We are learning another lesson today. So I am not too sure where this one is and whether it reflects the position as of December 2019. Clearly it does not.

Hon. S E Linares: Mr Speaker, I refer the hon. Member to read the answer to Question 162 before any other comment.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn – not least to allow Ministers to deal with more edifying and important matters – to Wednesday, 19th February at 4 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 19th February at 4 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 19th February at 4 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Wednesday, 19th February at 4 p.m.

The House adjourned at 4.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.07 p.m. – 7.25 p.m.

Gibraltar, Wednesday, 19th February 2020

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<i>The House adjourned at 7.25 p.m.</i>	56

The Gibraltar Parliament

The Parliament met at 4.07 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

DIGITAL AND FINANCIAL SERVICES

Q141/2020

Treasury Accounting System – Effect of disruption on Departments' compliance with budgets

Clerk: Meeting of Parliament, Wednesday, 19th February 2020.

We carry on with answers to Oral Questions. We commence with Question 141. The questioner is the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, can the Government please advise how accounting officers have been able to monitor compliance with their budgets, given the disruption in the operation of TAS accounting system.

10

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, Cloud Suite Financials (CSF) went live on 5th August 2019, replacing the Treasury Accounting System (TAS). CSF allows all Departments direct access to financial data on a live basis, thereby removing the need to manage reconciled departmental information against information held centrally, which is the case when using TAS.

Departments were able to maintain their manual vote books, and were instructed to do so on 28th November 2019 when HM Government decided to delay the implementation of CSF until 31st March 2020, in order to facilitate the preparation of forecast outturn for 2019-20 and estimates for 2020-21.

Once it was decided to continue using TAS for the preparation of the estimates, the Treasury engaged with receivers of revenue and controlling officers to provide details of receipts and payments made using CSF.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, but can he just clarify whether I heard him correctly in terms that accounting officers were asked to keep manual records of their expenditure? (*Interjection*)

Is there a method, or some sort of mitigation system in place, whereby vote holders will get a report from Treasury showing where they are, or will they have to do some sort of internal book-keeping themselves?

What is it that they are relying on as a backstop, as a contingency measure?

Hon. A J Isola: Mr Speaker, the instruction to continue to use TAS was issued on 28th November when we paused 'go live', and those Departments have continued to use their vote books and have the information manually, as they did have before and during. Many did. For those that did not, there is an exercise ongoing between those Departments and Treasury to reconcile in detail, because obviously all the information is on CSF for the intervening period, which is visible to Treasury.

Hon. R M Clinton: Mr Speaker, I appreciate this is a fairly technical question, but is there a difference between what vote holders would have had in the past under TAS, say for the last financial year as opposed to this financial year, in terms of speed of access to information?

Is there a delay in which vote holders will get the information they will need to see whether they are over or under budget?

Is the Minister satisfied that vote holders have the information they need on a timely basis to be able to monitor against their budgets?

Hon. A J Isola: Mr Speaker, I answer the question by guessing, which is that I am aware that there has been some disruption. So, is it as smooth as we would like it to be? The answer is no. But am I confident that we will get to where we need to get to? Yes.

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Q142/2020

Brexit –

Comments by Chairman of GFIA

Clerk: Question 142, the Hon. D J Bossino.

Hon. D J Bossino: Is the Minister for Financial Services aware of the article published in issue 115 of the Gibraltar Olive Press reporting on the views expressed by the Chairman of the Gibraltar Funds and Investment Association (GFIA) in the context of Brexit?

20

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, yes, I can confirm that I am aware of the article published in the Gibraltar Olive Press.

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Hon. D J Bossino: It gives me the opportunity, Mr Speaker, to raise in this Parliament the article. It is entitled 'Exodus begins'. Whilst it does say some positive things about the Government's actions in this regard, and it says "the Government of Gibraltar is doing an extraordinary job in a difficult situation", (*Banging on desk*) it also highlights certain aspects which are of concern. I would be grateful for the Minister's comments in relation to this, and I would quote the following:

30

Brexit has been difficult on the finance industry in Gibraltar. Some companies, particularly asset management firms, have indeed left Gibraltar and some have restructured, thus minimising their Gibraltar footprint.

I would be grateful for the Minister's comments in relation to this and what plans he has in relation to trying to address these issues as best he can.

35 **Hon. A J Isola:** Mr Speaker, I think the work that the Deputy Chief Minister had done in
securing the extraordinary and unique facility that our financial services firms will have into the
UK is quite incredible when you come and meet people from other countries around the world
who would kill to have that sort of access. It has only been done because at early doors,
immediately after having done the heat map work over the first three months in 2016, we
40 determined that 92% of our financial services business was with the UK, and as a consequence
the target for delivering what was best for Gibraltar was that access to the United Kingdom
government.

Did we know then, as we do now, that there were going to be firms that would lose access to
the European Union? The answer is of course we did and of course we do. Therefore, what has
45 happened between 2016 and today is that those firms that are impacted upon by Brexit and will
lose access to the single market, like they would in the United Kingdom, had to make adequate
alternative arrangements, which of course they have, as they have done indeed in the UK. It
would have been irresponsible in the extreme if they had not. Consequently, those firms that
wished to seek to have access to European Union countries have made alternative
50 arrangements. Some of them are referred to by Mr Lasry in the article, some are not. There are
other sectors too.

So, I think, to answer the question fully, I would agree with what Mr Lasry says, in terms of
the extraordinary job that has been done by the Chief Minister and the Deputy Chief Minister in
securing this passporting in, and I also recognise that, because we are going to lose single market
55 access – it is a consequence of Brexit, which we do not like – firms have had to make the
arrangements they have had to, to ensure that if they want to continue that market access ...
That is what they had to do.

60 **Hon. D J Bossino:** Mr Speaker, I am grateful for the response. Does he have any concerns as
to the possible dwindling presence of these companies in Gibraltar as a result of Brexit? Whilst
we may have secured that very important access to the UK market – because the single market
access is so important to these companies, and there are various examples which he and I have
discussed before the session, where they are readjusting their operations but nevertheless still
having a presence in Gibraltar – does he have a concern that that may not necessarily be the
65 case in the medium- to long-term future?

70 **Hon. A J Isola:** Mr Speaker, the word ‘dwindling’ suggests some sort of crumbling. There is no
dwindling and there is no crumbling, but there have been consequences of Brexit. Of course
there have. Let’s not hide from the reality that it has impacted some of our businesses. We had
8% of our financial services market that was accessing the European Union. They cannot, so is
75 there going to be less than there was before? Absolutely. Are we going to have firms, in January
of next year, accessing the European Union? Today, it looks very unlikely, so will there be a loss
of that business? Yes.

Therefore, what do we have to do? We have to work twice as hard to ensure that we get
75 more business from the UK, our natural market, to more than make up for that 8%. Hence why I
have told my friend, and they will read public statements to the effect, that Gibraltar Finance
will be going to London once a month, every month, targeting law firms, accounting firms, fund
managers, insurance firms, all the different businesses, to think Gibraltar, think business in
terms of what we can do for the UK market. We had the first such week last week, which went
80 extremely well, and we will be doing the next one in March and will be carrying on all year
round, because that is the way that we will ensure that we retain that quantum of business that
we wish to see here in Gibraltar.

85 **Hon. K Azopardi:** Mr Speaker, just one for clarification, just so I understand where the hon.
Member is coming from. He said that 92% of our financial services work was coming from the
UK, loosely, and then he says 8% is business into the EU. Am I right to assume that he is actually

speaking loosely? Ninety-two and eight is a hundred, but presumably there is financial services business that is being derived from other places in the world, like Switzerland and perhaps the United States and so on. Are these actual figures, or is he speaking loosely?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman seems to not bring into his consideration the information that we put into the public domain at the time, immediately after the Brexit referendum, which my hon. and learned Friend referred to, which was the heat mapping work, and that work was about work done in the European Union. The United Kingdom, in that context, was a member state of the European Union. In the context of the survey that we did, we did not ask people what work they did in Australia or in the United States. That would be unaffected by the referendum or the consequences of the referendum. We asked what work they did in the European Union: where in the European Union is your business, if it is in the European Union? And that 92 versus eight is in that context, therefore entirely about business which originated in the single market, the single market therefore then including the United Kingdom. As he will often have heard me say, we enjoyed rights of access to the United Kingdom as a market because we were a part of the single market, rights that other Overseas Territories and indeed Crown Dependencies did not enjoy because they did not go on to form part of the single market because of the choices they made in 1972 and the subsequent effects thereof.

That is the reason why the number reaches completeness at 100%, because it was all about the whole of the European Union market as it was at that time, and will be until the end of this year because of the application of the transitional arrangements in the transition period.

Hon. E J Phillips: Mr Speaker, can the Minister clarify: insofar as the monthly roadshow to the United Kingdom in order to market our jurisdiction and invite further work and generate further activity for our economy, is the Government intending on inviting the private sector to go along with the Government, in partnership with the Government insofar as those trips to London? And if the Government is so intending, which industries are they particularly targeting? Grateful.

Hon. A J Isola: Mr Speaker, no, we are not. At these sessions, if we were to take the private sector with us, at each firm we go and see there could be 20 or 30 of us. It is impossible to manage. So, what we have done is use the local firms, in the first stretch that we did last week, to arrange these meetings for us with firms in London. So, PwC in Gibraltar with PwC in London, KPMG EY That is the nature of the co-ordination we get from here. If PwC wanted to come with us to see PwC in London we would have no objection, but we are not opening it up to the rest of the sector. We will be organising events which will engage the rest of the sector throughout the year, not just once a year as we have done in the past.

Q143/2020

Blockchain for Europe Summit 2020 and other events – Anticipated benefits of attending

Clerk: Question 143, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Digital and Financial Services advise the House what he intends to achieve by attending events such as the Blockchain for Europe Summit 2020?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

130 **Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, we aim to promote Gibraltar's position as a leading centre for blockchain business by interaction with attendees, media and other relevant representative individuals, and the organisation that arranged the conference. The speakers included private, public and political entities.

135 **Hon. D J Bossino:** Mr Speaker, there is a full report of the hon. Member's visit in the *Gibraltar Chronicle*.

I think this question in some respects arises from the answers that he gave us in response to our supplementaries. Given that, as he rightly points out, most of our business, if not pretty much all of the business, is UK based and the effect that Brexit is having on that, it begs the question: what is the point of going to the centre of Europe in order to try and drum up business there if we do not have single market access? It is that point that I would be grateful if the Hon. Minister could address in his reply.

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Hon. A J Isola: Mr Speaker, the development of our thinking in the DLT framework that we introduced in 2017 ... We engage with the European Parliament. We have a lot of friends there in the blockchain space specifically and they have been very useful to us in how our thinking has evolved and where we have got to, and we continue to engage with them. The Co-Chair of the Blockchain Unit for the European Parliament is somebody we know well and whom we bounce ideas off, and we continue that engagement.

145

But the European Parliament, when it does this work in these conferences ... It is not simply EU firms that are there. The whole world is there. There are firms there from the US, from Asia, because everyone is engaging. Sat next to me on the panel was the MD of IBM Blockchain. These are international organisations who engage with the EU. The EU actually is quite far behind in terms of its blockchain thinking. The amount that they quantify blockchain business to be within the European Union is 5% – with 60% in Asia, 20% in the US and 5% in the EU – and the bulk of that is in London, but a lot of the thinking ... Actually, it is very useful to be involved in the process, so the ideas that we have coming next ... we are engaging with the experts in the European Union and some friends we have there to gather more thinking, more intelligence, more information on the direction that we want to go through. So, it is a very useful interaction with all sorts and we have had some very good follow-ups as a result of it.

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Hon. D J Bossino: Mr Speaker, can I ask the Minister to confirm ... Can I take it from his reply that the intention is to continue with these meetings, despite the onset of Brexit?

And if I may also ask a further supplementary attached to that, because I am sure he will be able to answer the first one quite quickly: would the possible trade deal that the UK is negotiating on behalf of the entire UK family – which includes Gibraltar – with the EU have an impact on the details he has given in his reply?

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Hon. A J Isola: Mr Speaker, the meetings, whenever of benefit to Gibraltar, will continue – of course they will – so, if we believe that there is something of positive return for our private sector or our economy, then of course we will.

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In respect of the trade deal, anything that we can do to enhance and strengthen the current suite of resources available to Gibraltar firms, the better – so, hopefully, yes.

Q144-46/2020

**Moneyval –
Update**

Clerk: Question 144, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide an update following the on-site visit by the Moneyval committee of experts to Gibraltar last year?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I will answer this question together with Questions 145 and 146.

Clerk: Question 145, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Do the initial drafts of the Moneyval report show Gibraltar demonstrating systemic failures as a jurisdiction, or is Government satisfied with the findings of this report?

Clerk: Question 146, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government explain the reason for the delay in publishing the Moneyval report?

Mr Speaker, if I may – I am sure the hon. Gentleman understands that I think that I can speak for the hon. Gentleman on my right as well – I think these questions were published and put through before the report came out, so they might look a little dated now.

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the timing of the report obviously has got absolutely nothing to do with the Government. The Government received the final report at the same time as everybody else, on the website, so I hope that the hon. Lady has not drawn an inference that we published it after the questions had arrived. It is totally out of our control.

In connection to the update following the visit by the Moneyval committee, as well as whether Government is satisfied with the findings of the report, I refer the hon. Member to Government Press Release 80/2020 dated Wednesday, 12th February 2020.

The Moneyval report was published on Wednesday, 12th February 2020. The timing of publication rested entirely with the Moneyval Secretariat and its own procedures.

Hon. D J Bossino: Mr Speaker, just for the sake of the record, the public will understand that we filed these questions within a certain time period before the meeting of Parliament and then we were clearly overtaken by events, and it so happened that the report was in fact published. So, in many respects some of our questions have become irrelevant, but with Mr Speaker's permission I would be grateful if we could ask some supplementaries in relation to the report.

He mentions having seen the report – the final report I think he talks about – when it was published. Can he advise this House if he received a draft of the report in advance of the publication of the final report? Is that something that the Government gets to see before? In other words, the Government, as I understand it, does not actually see a final report at the same time as the rest of us. Is that something which he can share with the House?

Hon. A J Isola: Mr Speaker, the Government, and indeed the entire working group, receives draft reports at various stages and is actually able to comment on them, which of course we have over a quite lengthy procedure. What happens is that the report is highly confidential and therefore not to go outside of that working group under any circumstances at all. There have been other jurisdictions that have been scorned by an early publication and we took the view that we would comply with their request and maintain it confidential in the manner that they requested, so that is exactly what we did.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may ask a supplementary or two. We knew that Moneyval were conducting their assessment a while back and we had plenty of time to fix our anti-money laundering problems. Would the Government concede that more could have been done to avoid the result that transpired?

Hon. D J Bossino: Mr Speaker, simply on a point of order, and I do not want to spoil my hon. Friend's flow here but it was my question and presumably I get to complete my supplementaries and then it goes on to the hon. Member. I had not quite finished my supplementaries, but I am willing to ...

Hon. Ms M D Hassan Nahon: I thought you had finished.

Hon. D J Bossino: No, that is fine.

Mr Speaker, I have had an opportunity ... not to read the entire report, I must confess. It is 250 pages long and I have not had an opportunity yet to read it. I have read the key findings and it was based on the key findings and the Government's press release that I was able to react on behalf of the Opposition within hours after receiving notice that this document had been published.

Can I ask the Minister: what is, in effect, in the Government's gift that it can do to improve our ratings for when ... I think the next updating report is going to happen in 2021? It seems that, as far as direct state action is concerned, we have passed with flying colours in the sense that it speaks very highly of the legislative framework and work that has been done in relation to that, and for that I think we need to congratulate the Government – and I would say ourselves as a Parliament for having passed with good grades, so to speak. But is there anything else which the Government can do, presumably by provision of resources to GFIU and entities like that, which would improve our ratings; or indeed, I would have thought, by educating and fostering education and training in relation to the various pockets where the experts who looked at us felt that we were lacking and lagging behind in?

Hon. A J Isola: Mr Speaker, I think the question is a good one, in the sense of that there more that Government could do. A part of the effectiveness test is have we made enough arrests. To prove a negative is difficult at the best of times. And if you do not have sufficient, is it because you have not put in sufficient resources, or is it because the people who are doing it are not good enough? So, it is not an easy thing to go through, but what we have done ...

Do not forget, as the press release states, our entry into Moneyval was at our request. This is not a process of catching people out or scolding people; this is a process of ensuring that more and more countries raise their standards to fight terrorist financing and money laundering.

They have a huge amount to say about how well we have done in the limited period of time that we have been working on this, which is two and a half years, to put ourselves in the shape that we have put ourselves in. But of course the evaluation is over a period of four years when for the first two years some of the data that we would have liked to have had we did not have available to us. So, I have absolutely no doubt that, moving forward, we will get better and better and score better and better, but we have to recognise that, as such a small jurisdiction, some of the effective mechanisms that we are asked to meet are difficult because they require

international co-operation, international arrests and international confiscation orders, which are not necessarily easy for small jurisdictions like ours.

We have put in place a remediation programme, which in some instances does include some more resources. We have already been congratulated for the resources we have put in, but we need to go a little bit further in certain limited instances. And in terms of the technical assessment, in which we did very well, there are a couple of minor details that we are working on with the drafters to ensure that we bring those fully up to speed too.

If you read the report you would gather from it that actually we have done very well, but if you look at the scoring on the effectiveness it does not quite paint the same picture, which is unfortunate; but as I said, this is about improving the standards that we have available to us to ensure that we meet the international standards that countries now require and expect, and we will do our part to ensure that we do.

Hon. D J Bossino: Mr Speaker, I have got a specific question, but just simply to make the comment by way of preamble that from the very brief research I have done on their website it seems that the bar is very high and there are other jurisdictions who have done not particularly well out of this, jurisdictions which you would expect would have done a lot better, so I think we need to acknowledge that the bar is very high.

He talks about certain limited circumstances where he says perhaps further resources can be applied and further assistance can be provided by the Government. Can he expand on that at all across the floor of the House, or is it something he would rather not do at this stage?

Hon. A J Isola: Mr Speaker, I would rather not go into the detailed remediation programme across the floor of Parliament, but I am very happy to have a session with the hon. Member, and indeed the hon. Lady, and talk them through the different aspects of what we are doing and why we are doing it.

I think it is appropriate at this stage to say a huge thank you to all the public sector authorities, agencies and Departments that have worked very closely with us. A lot of private sector engagement also had to be done – they were also assessed – and so my thanks to them. I have written to all of them thanking them, but I think it is important now to recognise the work that they have done. We may not have had the result that we wanted, but I think we have done extremely well and will continue to improve with the support of all the different parties involved.

Chief Minister (Hon. F R Picardo): Mr Speaker, before the hon. Lady rises, if I might just, in a rash of conviviality which seems to have broken out, also add the Government's thanks to the hon. Gentleman for the attitude that he took in response to the Government press release and this publication, because we thought on this side of the House that it was responsible and it was measured. We do not often react to each other in that way, but I think it was clear that the Government here had led in submitting Gibraltar to this assessment because it was right that we should understand, warts and all, where we were doing well and where we had to improve, and that we should be open about that when the time came. Indeed, the hon. Gentleman knows we were congratulated for our legislation. Others who might crow at the fact that there was some criticism of us were later criticised for not even having their legislation in place.

This is something that should not be an area of partisan dispute between us and the hon. Gentleman approached his response to our press release and the publication in a way that I thought commendable – and as I would have risen to tell him if I thought it was not, I thought it was right that I should rise and tell him that I did.

Mr Speaker: The hon. Lady.

325 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as I think most of us are still trawling through the 250 pages and trying to extrapolate some clarity over it, one of the things that I seem to see repeatedly is that the report shows many discrepancies between technical competencies and their execution, and it is a question I would put to Government: why are there so many discrepancies?

330 Why are we considering that the report has come out in flying colours, as many Members of Parliament are saying across the floor, when at the same time there are many concerns that come out of this report in general?

335 **Hon. A J Isola:** Mr Speaker, I think the hon. Lady is being a little bit harsh and unfair on the sterling work that has been put into this by so many different people from all our Police, Customs, GFIU and indeed the private sector.

I do not understand what she means by 'discrepancies'. I think that there is no question, and it is recognised in our press release, that there is more work to be done; we accept that. But I do not understand what the hon. Lady means by 'technical discrepancies'. There are issues that we need to do more with – we accept that, we say so in our press release – and the intention and desire of this work is to get better, so I do not believe it is appropriate to criticise where we have room for improvement, because we acknowledge that we do.

345 **Mr Speaker:** Can I ask whether the hon. Lady wishes to ...?

Hon. Ms M D Hassan Nahon: Mr Speaker, I would appreciate, actually, to have some time with the Minister and in due course to propose some questions in a constructive spirit before forming a public opinion on this.

Thank you.

350 **Hon. E J Phillips:** Mr Speaker, just one question insofar as a response to the Hon. Mr Bossino's question relating to resources. I would specifically ask the Minister in relation to what the Government intends on doing to resource the prosecuting authorities in respect of the criticism that we were faced with in Moneyval. Is there any intention to improve that resourcing specifically, given the criticism contained in the report?

360 **Hon. A J Isola:** Mr Speaker, that is part of the remediation that we are discussing with the Police, with the Gibraltar Law Offices and with Customs in terms that we have now identified what each of the Departments believes it requires to do within the time period to remediate, and those are the discussions we will be having with the Chief Minister very shortly to conclude.

365 **Hon. R M Clinton:** Mr Speaker, just a very short supplementary. When we applied to join Moneyval we required the resolution of the Council of Europe. How will this work post Brexit? Forgive me if I do not know the answer to this as I stand. Is Moneyval a standalone organisation, or does it come under the European umbrella – in which case, what happens post Brexit?

370 **Hon. A J Isola:** Mr Speaker, my understanding is that Moneyval has members from across the world, not just the European Union, obviously, and although it is a unit which is managed from the Council of Europe, it also implements FATF standards, which is where the evaluation really comes from. So, it is not solely a European Union institution. There are other ... OECD, FATF ... These are all ... I was going to call them quangos, but that may be rude ... that work together to deliver some of these issues.

HEALTH AND CARE

Q131/2020

Advocacy Council for Health Services Users –
Frequency of meetings

Clerk: We now move back to Question 131 and the questioner is the Hon. E J Phillips.

375 **Hon. E J Phillips:** Mr Speaker, can the Government state how many meetings of the Advocacy Council for Health Services Users have been conducted since it was established, and what was the date of the last meeting?

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

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, the Advocacy Council for Health Services Users has held seven meetings. The last meeting was held on 3rd April 2019.

385 **Hon. E J Phillips:** Mr Speaker, is there a reason why a significant period of time, in my view, has passed since the April date in 2019 where the Council has not met?

I preface that, of course, that this is an important organisation which combines many health organisations in our community and I am just wondering why it has been so long since they have sat down to meet. Is it just diary commitments, or is there something else that we do not know about? I am grateful.

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Hon. P J Balban: Mr Speaker, I need to say that this Council is not a statutory body or committee; this is something which was set up with the previous Minister for Health in an attempt to try to consolidate all the different requests for meetings from the different associations, charities and organisations who requested meetings to try to discuss or contribute as to where we can find improvements in the service. In the meantime, my doors have been open to all those same organisations to see me on a one-to-one basis, which is how it was begun with the previous Minister. As yet, very few of these organisations have actually requested a meeting.

400 It is something that I was not entirely aware of because it was not something which was constituted; it was something which was between the Minister at the time and the different associations. It was chaired by either himself on a few occasions and also by the lead in the Primary Care Centre.

405 My intention is to hold one of these meetings to see exactly the benefits. I have heard that it can be beneficial. It gives them all a platform to be able to discuss their common issues. It does not give them necessarily a good platform for them to discuss their separate issues, because each organisation may have their own things that they want to mention. The intention is that I will be arranging one of these meetings to see the perceived relevance of it and then take a decision from then on.

Q132/2020

Dispensary stores –
Staffing

410 **Clerk:** Question 132, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have enough staff to man the dispensary stores during regular opening hours in the case of staff being off sick?

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

415 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, yes, the dispensary stores are adequately staffed. As with any department, if staff are absent for any reason, then all efforts are made to provide cover by deploying other staff members in order to continue with operational services.

420 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the reason why I asked this question – I have to declare an interest – was because I actually went to the stores on 29th January and there was a poster that said ‘Pharmacy stores closed today due to staff sickness. Sorry for any inconvenience this may cause.’

425 My concern is what is the impact on the patient when there is a member of staff who is sick and the stores close – and I think they only open a couple of days a week anyway. How does this affect the quality of care on the patient and what recourse is there for a patient who would need medication or equipment and finds himself or herself with a closed door?

430 **Hon. P J Balban:** Mr Speaker, sod’s law dictates that the hon. Lady was there on that particular day. Yes, she is absolutely right, there was an issue on that particular day but that issue has not happened, as far as I am aware, in the past or ever since. But there was an issue in that there were people off sick and they needed to close the stores.

435 I will mention that the dispensary stores deal with the general public only for a few items, for example for the giving of stoma bags and leg bags, but generally they supply the wards and the clinics; so, if there is a need for medication or items, they have access to the store should it be required.

440 But the reality is that other than in unforeseen circumstances ... and there has been, as far as I am aware, just one single occasion and that was the one that the hon. Lady mentions. Other than that, nothing has been reported to me that affects the care of patients in any of these situations.

445 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I really do not want to get pedantic, but unfortunately I am always the one who comes up with sod’s law issues, because a few months ago I brought up the issue of and how there were not staff in and I was told that they must have gone on a toilet break, and now it seems to be the only day that they were off.

450 It seems like a recurring issue that I am always bringing up the one-offs, (*Interjection*) and I would put it respectfully to the hon. Gentleman that there seems to be an issue of lack of staff and perhaps the Government should just face it and ensure to plug the holes for the benefit of the patient and the user.

Hon. P J Balban: Mr Speaker, on the contrary, I think there has been a huge increase in the number of staff generally within the GHA.

455 There are times, unfortunately, when we have issues. We cannot for one moment expect that people will not go off sick or that people will not be on toilet breaks. I cannot say it does not happen; I just cannot say ... I would say this, she is really unlucky – or very lucky in that respect because she can bring it to my attention in Parliament.

Q133-34/2020
Cardiac care –
Provision of facilities

Clerk: Question 133, the Hon. Ms M D Hassan Nahon.

460 **Hon. Ms M D Hassan Nahon:** Does the Government have plans to fund and provide a cardiac cath lab at the GHA?

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

465 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 134.

Clerk: Question 134, the Hon. Ms M D Hassan Nahon.

470 **Hon. Ms M D Hassan Nahon:** Does the Government have plans to increase funding to provide a specialist cardiac centre for the GHA?

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

475 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the Government is committed to providing a specialist cardiac centre incorporating a cardiac catheter laboratory, to perform emergency angiograms and cardiac stenting for patients having suffered heart attacks and/or angina. This will be led by our newly appointed interventional cardiologist.

480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, that sounds like great news. Does the Hon. Minister have a planned delivery date for this project?

Hon. P J Balban: Mr Speaker, I would be loath to give a date which I am then held to.

485 We are firmly committed to this. We have employed this interventional cardiologist for this very reason. He is a gentleman who has experience in setting up cath labs in his jurisdiction and we have employed him specifically to do the same for us in Gibraltar.

490 We set a date in our manifesto, on which there will be slippage because we are actually looking at the different equipment and we are doing thorough research, which the interventional cardiologist is leading on, but we hope ... Again, I do not really want to give a date, but it is a firm commitment from this Government.

495 **Hon. K Azopardi:** Mr Speaker, just on that, obviously we welcome any degree of repatriation of services that can be rolled out here locally but if there is going to be an interventional cardiologist, presumably that person might be undertaking things that would hitherto have been done somewhere else – like, for example, St Mary's and so on, angiograms and stents etc. – and presumably that person would require specialist surgical nursing team backup. What is the Government planning in that regard, in terms of ensuring that that interventional cardiologist has the appropriate backup team to provide those services?

500 **Hon. P J Balban:** Mr Speaker, the interventional cardiologist will not be a one-man band. He will be provided with exactly the right expertise to be able to carry out his duties. He is an expert in his field, he is a person who has a lot of experience in setting up these cath labs abroad, and I can assure the hon. Gentleman that this will not be a one-man band. It will be very well researched. He is leading in that research and seeing what is the best equipment to make sure,

and obviously the best staffing requirements we shall require and whether we need to train people to be able to assist him. He can rest assured in that respect.

Hon. K Azopardi: Really, what I was asking the hon Member, and I am grateful for the response, but I appreciate that he is not doing this single handedly and he needs a specialist backup team.

My question really was: in the initial phases, is the specialist backup team coming with him, or is it that you are training local staff up to a certain level before the rollout of these services?

Hon. P J Balban: Mr Speaker, I have not specifically asked that question but the reality is that, as far as I am aware, we will try to train our local team, our local nursing staff, to be able to assist this gentleman. There will be training required. Whether this training can be done locally in Gibraltar or whether they need to be trained elsewhere I would need to find out to give him a specific reply to that question.

Q135/2020
MRI scanning –
Provision of facilities

Clerk: Question 135, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the Government have plans to fund and provide an MRI machine for the GHA?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the Government at present is exploring all possible options for the provision of MRI services in Gibraltar.

Hon. Ms M D Hassan Nahon: Mr Speaker, when the hon. Gentleman says that they are exploring possibilities, is it something that they want to get done or is it a possible acquisition, because of course I think it makes the difference to patients' effectively time-sensitive crucial issues, the drive to Malaga meaning life or death. I totally acknowledge the good intentions of Government and that we have not had it before, because we simply have not, and we are trying to improve, but obviously, because it is such a life or death thing, I would like to know how much of a priority this is going to be for Government and for the Government budget.

Hon. P J Balban: Mr Speaker, just to correct the hon. Lady, patients requiring an MRI scan actually go to Algeciras and not Malaga.

This is actually a manifesto commitment, where we said that we would bring MRI home to Gibraltar. We are looking at which is the best way, the most effective way, to bring MRI to Gibraltar. Obviously MRI diagnostic equipment is extremely expensive and there are a lot of different types of MRI machines, different brands, so we are exploring all options as to whether it is best suited and where the machine equipment is best placed.

That is why I am saying MRI is coming home but at the moment we are not sure as to where and what form it will take.

Q136-40/2020

Urology services –

**Number of consultants; vacant posts; on-call services;
primary location of referrals outside Gibraltar; cost of referrals to Spain**

545 **Clerk:** Question 136, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many consultants have we had working in Urology within the GHA since last April, 2019?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 137 to 140.

555 **Clerk:** Question 137, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many urology consultant posts exist within the GHA and how many are vacant?

560 **Clerk:** Question 138, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many nights a week is there no local on-call urology consultant cover in the GHA?

565 **Clerk:** Question 139, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Which hospital outside of Gibraltar is the main benefactor of our referrals for urology-related services in the last two years?

570 **Clerk:** Question 140, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How much has the Gibraltar taxpayer spent in the last 12 months on urology referrals/services to Spain?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the GHA has had eight consultants working in urology since April 2019.

580 Two consultant urologist posts exist within the GHA, both of which are currently vacant. However, this service is covered by locum consultants.

There has never been a dedicated on-call urology service at the GHA. All patients requiring urgent treatment after hours are seen by the surgical consultants, who offer on-call services. The consultant urologist forms part of this team and is on call on a one-in-three-week basis.

The main centre for external urology-related services has been Genesiscare.

585 The total cost of urology services in Spain for 2019 was £352,524.17.

Hon. Ms M D Hassan Nahon: Mr Speaker, the reason why I have asked these questions is because I wonder whether the Minister is aware of localised issues. From what I have been told, things like testicular torsion, for example, are often being left to be treated by general consultants, who do not have the speciality and do not feel comfortable trying to resolve such a specialised medical issue, which is of course a urological one. And from what I understand, when

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a general consultant does not want to treat it, for fear of not getting it right, the patient has to be rushed to Spain and the delay in time can very well result in testicular loss. This is just one example of the danger of not having a specialist urologist at hand, which is my understanding.

595 In light of this reality, would the Government agree that we are in need of a round-the-clock urology cover consultant, and would it be minded to have plans to provide this cover?

I have to help you guys – and I don't have an interest! (*Interjections and laughter*)

600 **Hon. P J Balban:** Mr Speaker, I am not an expert in testicular torsion to be able to know whether it is treated by urologists or not, but there is a urologist available. It might not be at that very moment in time. If you appear at A&E with your testicles – (*Laughter*) with testicular torsion, at a certain time, you will have to wait until (*Interjections*) the next day to be seen. It is not that we do not have urologists. We have urologists and at the moment they are being covered by locum urologists. That is how the service is being provided at the moment, but as a
605 temporary measure.

Whether there could have been issues of leave and there was an unfortunate case of testicular torsion that needed to be referred to Spain, that again can happen. I have no evidence of that, but the service is being covered at present.

610 **Hon. Ms M D Hassan Nahon:** Mr Speaker, why have the two posts that exist not been filled in the last however many months?

Hon. P J Balban: Mr Speaker, there are a few reasons why. It is not that they have not been filled; the process is on its way. We have already engaged and agreed to employ a new consultant. When you employ a new consultant urologist, they cannot just jump on a plane and come over to Gibraltar; they need to give a certain amount of time and inform their employer. We have one consultant who will be starting, I think, in May. In the interim period in March there will be more interviews for the second urologist.

615 We had a urologist in Gibraltar who was apparently revered and very well liked. Unfortunately, that person had to leave Gibraltar for family issues. We found ourselves in a situation where we did not want to lose his services and we tried – I tried, personally – to see whether he would be prepared to stay on a bit longer until we could bridge that gap, but unfortunately his specific circumstances meant that he had to leave. In the interim I think we have covered it adequately and the process has continued to ensure that in months to come we
620 will have our full complement of two urologists in the GHA.
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Hon. Ms M D Hassan Nahon: Mr Speaker, there have been eight urologists since April 2019, according to the Minister. Is the Minister aware that this turns out to be a critical issue for both patients and doctors, in the sense that doctors have felt burnt out, many having to take over patients who were not theirs? I understand the continuity of care has been weak because of the turnover, and there is a big impact on the patient, as well as on the doctors who have had to take these cases and are feeling burnt out and uncomfortable with the cases that they have had to take over.

630 Is the Minister aware and concerned by this lack of continuity by this burnout? And is he therefore making sure that this turns out to be a priority, in terms of appointing new urologists who will have comfortable enough conditions that they will stay and not leave as often as we have seen?
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Hon. P J Balban: Mr Speaker, 'burnt out' is a term that the hon. Lady is using. I have not heard anything at all that would seem to suggest that the urologists are burnt out. In fact, the urologist who was so well liked in Gibraltar did not want to leave; he was extremely happy. He left for personal reasons, family reasons.
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There have been other issues with the urologists, and the moment that you have one of the two posts missing, you have a sequential changeover of locums to try to cover those two posts. They have been covered short term because the intention was that we would employ someone substantive, so that is why there has been a changeover. And not only that: when you have one urologist, he is also entitled to annual leave, even perhaps extended sick leave – I am speculating about the sick leave, but definitely annual leave – and then it is important that the GHA has some sort of cover, and this is what has been done and on occasion the cover has come from the hospitals that we work with as part of the GHA.

ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

Q147/2020

**Miss Gibraltar 2020 pageant–
Engagement of organiser**

Clerk: We now move to Question 147. The questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government inform this House who has been engaged to organise the 2020 Miss Gibraltar pageant and if such contract awarded is as a result of a tender process?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, Gibraltar Cultural Services, whose immediate precursor was the Cultural Agency, which was contracted by the GSD Government to run cultural services in Gibraltar, will not be tendering for the organisation of the 2020 Miss Gibraltar pageant. GCS will organise the event itself.

Hon. E J Reyes: Mr Speaker, is GCS then subcontracting others to take part in actually producing this show, such as the Minister has said has now become their responsibility?

Hon. Prof. J E Cortes: Mr Speaker, GCS has a large amount of expertise available. Some will be subcontracted to different local entities, but the main organisation and so on will be done by GCS itself.

Clerk: Question 148, the Hon. –

Hon. R M Clinton: Sorry, Mr Speaker. Can I ask the Minister: is the organisation of this pageant included within their normal contractual terms, or will GCS receive additional payment for organising Miss Gibraltar?

Hon. Prof. J E Cortes: No, Mr Speaker, that is included.

Q148/2020

**Electric vehicle charging points –
Consultation with stakeholders**

Clerk: Question 148, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government confirm that it has commenced consultation with stakeholders in respect of electric vehicle charging points and when it is expected to report to the House on the outcome of that consultation?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):

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Mr Speaker, Government put out a call for expressions of interest, following which a number of suppliers were identified. Potential sites have also been identified and discussions are being held with the suppliers with a view to rolling these out.

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Hon. E J Phillips: Mr Speaker, I am grateful for the answer and I think it answers the question in relation to the expressions of interest, but I believe that the GSLP's manifesto presented to the electorate at the election promised consultation with stakeholders and I was specifically asking about that, rather than the expressions of interest from people who wanted the job per se. I was wondering what steps the Government have taken to go out to the public in relation to electrical charging points.

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Hon. Prof. J E Cortes: Mr Speaker, at the moment, other than being always available to hear comments, and having had discussions recently with environmental NGOs in which only last week I met, as I often do, with ESG, and we discussed that as well as a range of other items, we have also held discussions with some of the suppliers of vehicles so we know what the industry thinks about this.

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So, yes, there have been discussions on this and they will be ongoing as we roll out the programme. Obviously, internal discussions with my friend and colleague and his Ministry for Traffic and Transport will also continue.

Q149/2020

**Contracted Services Culture–
Breakdown of cost in approved Estimates**

Clerk: Question 149, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, what were the 'Contracted Services Culture' in head 44(5)(a) of the approved Estimates which were expected to cost £2.65 million in financial year 2019-20, breaking down the contracts by contractor and cost, if more than one?

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

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Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, these are the services which, as a result of arrangements entered into with its precursor the Cultural Agency created by the party the hon. Member now leads, are provided by Gibraltar Cultural Services.

715 **Hon. K Azopardi:** So that is one entity with one contractual situation – is that how I have understood the hon. Member? And if so, what are the services provided? Can he just illuminate us?

720 **Hon. Prof. J E Cortes:** Mr Speaker, Gibraltar Cultural Services oversees the organisation and co-ordination of cultural events for Gibraltar. I have a long list of items for example: New Year celebrations and fireworks; Young Artists Art Competition and Exhibition; Drama Festival; logo competition for the Spring Festival; Short Story Competition; Spring Art Competition; Miss Gibraltar pageant; Spring Festival; Four Zarzuelas or up to Four Zarzuelas; Book Crossing Days; Calentita nights; Summer Nights; Gibraltar Fair rides, pavilions and stalls; National Week
725 celebrations; National Week Classical Concert; Eve of National Day Rock Concert; National Day celebrations; International Art Competition and Exhibition; Poetry Competition; Autumn Cultural Programme; other exhibitions; Literary Festival, in conjunction with the Tourist Board; Cultural Events website; World Book Day; Cultural Arts Exchange; Workers' Memorial Day; May Day celebration; Christmas Festival of Lights; Christmas attractions; New Year Classical Concert;
730 Youth Arts Jamboree; Three Kings Cavalcade; art residency; Cultural Development Programme; cultural awards; Magic Festival; and World Music Festival etc.

A Member: And many more to come!

735 **Hon. Prof. J E Cortes:** And many more to come!

Chief Minister (Hon. F R Picardo): All in one breath!

Hon. K Azopardi: I am glad that was a predictable supplementary!

740 **Hon. Prof. J E Cortes:** Yes, it was!

Hon. K Azopardi: Does the Minister also have on his yellow piece of paper when the contract will come to an end?

745 **Hon. Prof. J E Cortes:** No, Mr Speaker, I do not have it on the yellow piece of paper, but I will clearly give him the information. If he writes to me, I will write back and give him that information without any problem.

Q45/2020

Collection and treatment of waste/recycling – Replacement of refuse lorries

Clerk: We go back to Question 45. The Hon. K Azopardi.

750 **Hon. K Azopardi:** Mr Speaker, has the Government considered replacing the refuse lorries with trucks that will make recycling and separate treatment of waste more possible?

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

755 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, this is currently not an option for Gibraltar.

760 **Hon. K Azopardi:** Perhaps the Minister could explain – yes, as he waves his yellow piece of paper with lots of writing on it – why that is not an option for Gibraltar.

Hon. Prof. J E Cortes: Yes, Mr Speaker, there are a number of reasons and there are two main reasons for this. This is the way that we deal with the urban, normally known as ‘household’ waste and recycling. They are done by two different entities and they go to different locations. So, having one vehicle that would do both would not make sense unless we completely restructured the way we do this. It is not impossible to do, but at the moment we do not think it is something that we should be doing at this point in time.

770 The other reason is that these vehicles tend to be larger. We already have problems in finding vehicles to deal with refuse that will fit through our streets, particularly our narrower streets, and we do not think there is anything in the market in any case that would serve Gibraltar from the point of view of size. Those are the two main reasons, Mr Speaker.

Hon. K Azopardi: Mr Speaker, I am grateful for the answer.

775 In terms of the second aspect, if I may, the reason I put the question was because in a recent visit to England I saw a refuse lorry – which was about the same size as the refuse lorries here – which had separate side containers for different articles, be it plastic or glass or cardboard and so on, and they seemed to be collecting for treatment holistically in one vehicle, which I thought might be an interesting option for the Government. But I certainly take on board what the hon. Member says in respect of the first aspect.

780 Is this something that the Hon. Minister discards or does he think that, as a foreseeable objective, it might be convenient for Gibraltar?

Hon. Prof. J E Cortes: Mr Speaker, I always like to keep looking at options for improving the service we provide in relation to both recyclable waste and non- ... less-recyclable waste. I do not dare say ‘non-recyclable’ waste.

785 It is something that could be looked at. It would mean major changes, for example, in the domestic refuse cubicles, because people do not normally segregate there. We encourage people to take their recyclables to the recycling point, but it is certainly something that could be looked at. But it also would mean that we have to restructure, as I said earlier, where we take the different types of waste.

790 Also, from the point of view of size, it can be deceiving because even the vehicles that we have here I believe have had to have some alterations made in order to allow them to be useful in Gibraltar. If he sees any vehicle which he thinks would work and he wants to share the information, certainly it is something that we would look into.

Q150/2020

Dogs –

Number registered in Gibraltar; provision of dedicated area

795 **Clerk:** We return to Question 150. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many registered dogs were there in Gibraltar in the year ending 2019?

800 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 151.

Clerk: Question 151, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when does Government intend to establish areas for people to take their dogs?

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

Hon. Prof. J E Cortes: Mr Speaker, there were 4,039 dogs registered in Gibraltar in 2019.

There are areas where people can take their dogs – and, if I may depart from the prepared answer, you can walk down most streets, for example. But there are areas in various parts of Gibraltar, including areas at Europa Point – including some of the new areas that we have recently refurbished – the area of Alameda Gardens east of Grand Parade and, provided they are on a lead, the Upper Rock. Additional areas specifically set out for dogs will include an area at Little Bay and one of the new Queensway parks.

Hon. K Azopardi: Mr Speaker, I am grateful. When he says one of the Queensway parks, does he mean –?

Hon. Prof. J E Cortes: One of the new ones.

Hon. K Azopardi: One of the new ones in the area where the old generating –?

Hon. Prof. J E Cortes: One of the new ones which featured in our manifesto in the area of Romney car park, just off Wellington Front.

Hon. Ms M D Hassan Nahon: Can I ask a supplementary, if I may, Mr Speaker?

Does the hon. Gentleman agree that the dog park that they made with all the little white stones is actually not really fit for purpose because the dogs cannot even walk across them?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is due for some work in order to improve it. But people are of the wrong impression. People believe that they can only walk their dogs along that narrow path at the top, but dogs are allowed throughout the area, including the wide path which is just above Grand Parade. When dog owners realise that, they are often down there rather than at the top.

Hon. Ms M D Hassan Nahon: Maybe the Hon. Minister would put some signs to that effect, to alert people – or doesn't he want to encourage too many dogs?

Hon. Prof. J E Cortes: No, no problem with encouraging dogs there. I was under the impression that signs had been put up initially. This is a couple of years ago. It may be that they were and they have been removed, or maybe they were not. But certainly I would be very happy to look into that, to reassure dog owners that they can use that area.

Hon. R M Clinton: Mr Speaker, if I may enquire of the Minister: when he refers to the Little Bay site, does he envisage it being set up as a dog park where dogs can be let off the leash, as well as the informal facility that was enjoyed up near Lathbury Barracks?

Hon. Prof. J E Cortes: This is being designed as a dog park proper.

Hon. R M Clinton: And does the Minister have a timeframe in which it might become available?

Hon. Prof. J E Cortes: The works at Little Bay promenade are progressing. I need to be updated. We are hoping that it will be ready before the summer. That is the plan.

EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

**Q152/2020
Scholarship debts –
Legal proceedings**

Clerk: Question 152, the Hon. E J Reyes.

860 **Hon. E J Reyes:** Further to the answers provided to QW23/2019 and QW11/2020, can Government provide details of any legal proceedings it is currently processing in respect of debtors who are failing to make repayments?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

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Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, there are no legal proceedings currently taking place in respect of scholarship debts.

870 **Hon. E J Reyes:** Mr Speaker, I note that in the answer provided to QW23, some debtors are quite new accruing the debt within the academic year 2019-20, with no repayment plans in place. One, for example is over the £20,000 mark. There is another student also in the same year with £15,000 and another one from the year before with £15,000. So there are some who owe substantial sums of money, and some unfortunately even go back – although the figure may not be as big as that – to financial or academic year 1989-90.

875 Does it not seem unfair to the Minister that those who have entered into repayment agreements and are faithfully paying according to what they agreed upon should end up meeting their contractual obligation to reimburse the Government money, while others are not being chased up, or at least no legal proceedings are being taken? The system does not seem to be fair or equally applied to all.

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Hon. G H Licudi: Mr Speaker, it is certainly not the case that these people are not being chased up, which is a totally different thing to whether legal proceedings are afoot or not.

885 If the hon. Member has a list which goes back to some historical debts, I am sure the hon. Member will understand there will be some difficulty in recovering the truly historical debts, but in respect of the more recent debts going back 10 or 12 years, from the list that the hon. Member has the vast majority of those have repayment agreements and are actually paying. I have counted roughly, going back 10 to 12 years, about 130 debtors, of whom just over a hundred seem to have agreements and are paying regularly.

890 The hon. Member refers to recent debts from the year 2019-20 and some of the amounts and asks whether it is unfair that they should not pay when others do pay. It is certainly our intention that everybody who is a debtor should pay and should be chased, but there is a process. The process, as the hon. Member will know from his time at the Department of Education, starts at the Department of Education with contact and chasing the individual, seeking a repayment plan and an agreement from that person to pay. If that does not happen, 895 for whatever reason, because the person is not co-operative or cannot be contacted, the matter will eventually be referred to the Central Arrears Unit of the Government, which deals with not just these debts but other debts owed to the Government, and there is a mechanism in place whereby emails or letters will be sent and repayment plans will be sought to be put in place.

Eventually, there will come a time when consideration may have to be given to the possibility of legal proceedings, and I am told that what happens – and what Members will expect to happen – is that pre-action letters will be sent giving people a certain amount of time in order to come up either with the payment or an agreement to pay.

I can reassure the hon. Member that it is certainly our intention that everybody should pay or have an agreement to pay. It is certainly wrong and I agree entirely with the sentiments expressed by the hon. Member that if somebody owes £15,000 or £20,000 and somebody else owes £10,000 or £12,000 and is repaying faithfully, somebody else who owes a similar amount or a greater amount should get away with not paying.

So, every effort will certainly be made, but the ones in particular that the hon. Member refers to are the most recent debts. I do not have specific details on each and every debt, but I can assure the Hon. Member that every effort will be made so that debts are repaid.

Hon. E J Reyes: I am grateful for the reassurance of the Minister that we are chasing this up. He can certainly count on my support for that, not just as an ex-Member of the Department of Education but certainly as a Member of this Parliament and someone who would like to see fairness being introduced.

I can give the Minister some food for thought. In the same way that the Ministry for Housing has to take certain actions in respect of all those who owe rent arrears and so on, that is something for Government to consider in its wider view.

At this particular stage I think I am not going to enter into the minor details of that. I will leave that for a future occasion, if need be. The answer the Minister gave me was quite comprehensive and referred to all those. Rightly so, he does not identify the students and just puts a number. Because of the different figures involved, as an educator one can guess the type of course. Some have small debts and some – medicine, for example – tend to be quite a high cost. I think the Minister is nodding yes. If need be, we can meet one day behind the Speaker's Chair and take that.

I therefore sit down, Mr Speaker. I think one of my colleagues would like to ask a further supplementary.

Hon. E J Phillips: Mr Speaker, just one question, if I may.

In relation to the Minister's answer, hasn't it long been the Government's policy that, insofar as students who are unable to meet those payments because of either mental health or physical health issues that have led to them leaving higher education studies in the United Kingdom or elsewhere, the Government has taken the view that those amounts should be waived in the interests of those particular students, given that they have demonstrated a physical or mental health complaint, but obviously after a rigorous process by the Government to establish that that is in fact the case?

Hon. G H Licudi: Mr Speaker, it is not the case that those debts are waived. The case is that those amounts simply do not become debts. They are not considered debts. The amounts in the list that I have previously provided to the hon. Member do not include the circumstances which the hon. Member describes, and those are specific categories of reasons.

The contract between the Government and the student, which is backed up by a guarantor usually, will have certain provisions as to repayment in the event that the student does not complete the course. Certainly in the case where there are medical reasons, mental health or physical health problems, provided that that is supported by medical evidence then the view will be taken that if it is medically justified for the student to have withdrawn from the course and not proceeded with the course and not completed the course, then those payments which have been made to the student are not considered amounts which ought to be repaid to the Department of Education. They are therefore not considered to be debts, we do not seek to enter into any kind of agreement and certainly we would not refer those to the Central Arrears

Unit. The ones that I have been discussing with the Hon. Mr Reyes do not fall into that category. That is a totally different area and they do not arise as a debt in the first place.

Q153/2020

**Pupils excluded/suspended from schools –
Numbers, reasons and provision of work**

Clerk: Question number 153, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Can the Minister for Education state how many pupils have been excluded
and/or suspended from schools since the answer provided to QW12/2020, indicating the
number of separate incidents involved which resulted in these pupils being suspended and/or
excluded, together with details of any education provided during the period of non-attendance
at school?

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Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker,
15 children, involving eight incidents, have been excluded from school since the answer to
965 QW12/2020. All of these exclusions are for a short term, during which the pupils are allocated
homework so that they can keep up to date with their work – and when I say ‘short term’ we are
talking of days, sometimes two or three days. The maximum exclusion in this category is 10 days,
so we are talking of literally a very short period.

970 **Hon. E J Reyes:** I am grateful for that, Mr Speaker.

I think I understood right – he said the maximum suspension or exclusion has been for
10 days.

Hon. G H Licudi: For these cases.

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Hon. E J Reyes: For these cases. Does the Minister have a general guideline or threshold of
what would be the length of time of exclusion for a student whereby then the education
authorities would have to kick in and provide alternative education?

Ten days is basically two weeks, and although it is not desirable for a pupil to miss school for
980 10 days, the Minister has clarified that they are given certain home books and so on, and I know
most teachers will then take it up afterwards to make sure they understand. But does he have a
general guideline issued to schools saying for anyone excluded over a particular period of time
let’s kick off some other type of educational programme?

985 **Hon. G H Licudi:** Mr Speaker, there is not any particular amount of time which is a definite
amount of time whereby a different protocol kicks in. What happens when these incidents occur
and a head teacher decides to exclude a pupil pursuant to the behaviour policy that the school
has, the matter is then referred to the Director of Education. In fact, there is an obligation to
report the incident or the matter to the Director of Education within three days. The Director
990 will then consider, probably with the assistance of education advisers, the length of time, the
circumstances and what need there is for educational provision, and that will be arranged by the
Department of Education itself rather than the school. As I have indicated, I do not have any
specific length of time when that would kick in, but those would be decided on an individual,
case by case basis by the Director of Education.

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Q154/2020
Dyslexia –
Digital screening in schools

Clerk: Question 154, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education inform this House what digital screeners are currently in place in schools to check if pupils are dyslexic and what improvements are envisaged as a consequence of Government's recently signed pledge with the Gibraltar Dyslexia Support Group?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, special educational needs co-ordinators in schools assess children who may demonstrate dyslexic tendencies. This is done using an assessment tool known as the dyslexia portfolio. If this assessment identifies any areas of concern, the children are then referred on to the Education Psychology team for further action.

The Department of Education has also acquired a licence to Lucid Rapid. This is a digital screener designed to screen children for dyslexic tendencies before they undergo the more in-depth assessment provided by the dyslexia portfolio. This screener has an assured status issued by the British Dyslexia Association. The team at the Department of Education are now planning for its implementation into our local schools, in line with the commitments made by Her Majesty's Government of Gibraltar when signing the Made by Dyslexia pledge.

Additionally, all teachers and learning support assistants (LSAs) will be embarking on Dyslexia Awareness Training as part of the Made by Dyslexia pledge. This training will be rolled out to schools shortly and we envisage that it will be completed before the end of this academic year.

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

I am glad to hear that last part of the answer on the additional training provided to teachers, but the Minister also refers to LSAs undergoing that. Is it not the case sometimes that because it is more of a question of demand led many LSAs, rather than in substantive employment full time, tend to be on short-term or one-year contracts and so on, and would this necessarily not mean that they are excluded from these training programmes as LSAs, because if someone is engaged maybe on short-term programmes they end up doing x number of years at the end of the day and they are not always privy, for example, to in-service days and so on that the schools offer, because they are paid on a day basis?

I just want to make sure that the LSAs on supply contracts are not excluded from this, because not only would they benefit as LSAs but, above all, the pupils are the ones who are going to benefit from their improved qualification.

Hon. G H Licudi: Mr Speaker, it is certainly the case that special needs learning support assistants (SNLSAs) are part of the complement of the Department of Education as much as teachers are part of the complement. Where there are additional needs which are identified, a supply SNLSA is brought in, in the same way as supply teachers are used whenever there are needs. In some cases, whether it is teacher or supply SNLSAs, they are given a contract for a certain period, sometimes up to a year, the whole academic year.

I do envisage that everybody who is engaged in teaching as learning support assistants this year, whether as part of the complement or on supply work, will be part of the training that will be rolled out. It is something that we would want to see for everybody involved in children's education.

I am glad that the hon. Member has mentioned specifically the case of learning support assistants, and I have mentioned specifically that they are going to be part of the rollout of this training. They will be the ones who will be dealing with children mostly on a one-to-one basis and sometimes they may be the first to notice that there is an issue which needs to be referred to teachers and then possibly for further assessment, which is currently done. There are assessments, as I have explained, which are done using the dyslexia portfolio whenever a child demonstrates any kind of dyslexic tendency. So that happens and certainly special needs learning support assistants are very much at the forefront of all of this and are an important cog in this whole wheel.

Q155/2020

**Gibraltar College of Further Education –
Plans for site**

Clerk: Question 155, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what its plans are for the old Bishop Fitzgerald School at South Bastion once the technical college has vacated the site?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Government is currently considering all options in respect of the site currently occupied by the Gibraltar College.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister. Can the Minister advise the House whether any consideration has been given to moving St Mary's School to that site rather than moving it to a new site?

Hon. G H Licudi: No, Mr Speaker, the decision that was made in respect of St Mary's is something which I believe I explained to the House previously and we have discussed in this Parliament: St Mary's will be moving to the new site in Town Range itself.

Hon. R M Clinton: Mr Speaker, can the Minister advise whether it is the Government's intention to retain the building as a school? Is it no longer suitable for use as a school? Can the Minister advise that?

Hon. G H Licudi: Government is currently considering all options in respect of that site.

Hon. R M Clinton: Mr Speaker, if it is currently used as an educational facility – and as far as I am aware, unless the Minister can advise otherwise, there is no structural problem with the building – surely it could still be used as a school and therefore St Mary's could be relocated there, but the Minister is telling the House that they have not even considered that option.

Hon. G H Licudi: Mr Speaker, I have not said that we have not considered that option. I have said that we have made a decision in respect of St Mary's. For my part, I do not consider that particular building to be suitable for St Mary's because we are talking of smaller children than those who have previously occupied that building and those who currently occupy that building.

What the use of the building will be and whether it will have an educational function is a matter for the Government to consider and decide on in the future.

Hon. K Azopardi: Mr Speaker, can the Hon. Minister just clarify the last answer? I went to school in that building when I was eight years old. That is about the same age as some of the pupils at St Mary's, surely. So why isn't that building suitable for a school? It has been a school for many years, for decades.

Hon. G H Licudi: Mr Speaker, I imagine that the hon. Member went to that school as Bishop Fitzgerald, and that was an upper primary school, or what we used to call a middle school. St Mary's is a lower primary, having children as young as four or five, including the nurseries.

As I have said, the Government is still considering all options in respect of that particular site, but a decision has been taken in respect of St Mary's and that is that St Mary's will move to the new site in Town Range. Those are the plans that we are working to.

Hon. K Azopardi: But wouldn't it have made logical financial sense to consider the possible relocation of St Mary's to this site, which is barely 150m away from the intended new site, rather than spending taxpayers' money on a new St Mary's School?

Hon. G H Licudi: Mr Speaker, these are matters that we considered before the last election. We set out our plans in the election, we set out where St Mary's was going to be, and we have been elected on that ticket.

Hon. R M Clinton: Mr Speaker, if the Minister could perhaps ... I do not know whether he can answer this question or not, but in his view what is it that is primarily the problem with the old Bishop Fitzgerald site for primary school children? Is it because it is on many levels – in which case, is he then saying that the design for the new St Mary's is only going to be on one level, i.e. on a bungalow level, and not have floors to go up? Is it stairs that are the issue? What is the issue?

Hon. G H Licudi: Mr Speaker, it is a decision that the Government has taken. The Government considers that there are other options in relation to that site which make better financial sense.

Mr Speaker: Next question.

Clerk: Question number –

Hon. K Azopardi: Mr Speaker –

Mr Speaker: You have just one final question.

Hon. K Azopardi: Yes, Mr Speaker.

If I just pull the threat of that, as I understood what he has just said, better options for the site that made more financial sense, meaning he is talking about the Bishop Fitzgerald site, presumably – the Gibraltar College site, what we call the Bishop Fitzgerald site, those of us who went to Bishop Fitzgerald many years ago. Is the Government presently considering plans which are non-educational for that site? And, if so, what are they and what are its contemplated ideas for that site?

Chief Minister (Hon. F R Picardo): Mr Speaker, I refer the hon. Gentleman to the first answer that was given by the Minister, which includes what he has said. We have said that we are considering all options for that site. That means that we are considering options well beyond education, options which, as the hon. Gentleman has just been told, include better financial opportunities for the Government.

1140 But this is not just about the Government; this is about the choice that the people made at
the General Election. They were presented with different options, and one of the options they
were presented with was a new St Mary's School at Town Range, and as the hon. Gentleman
knows, this was the option that the people of Gibraltar chose. They have seen the plans and they
have made their choice. The Government is considering different options for what he calls the
1145 Bishop Fitzgerald site, which we call the current site of the College of Further Education, with
different proposals for where the College of Further Education will go.

We have been elected, by people who have seen these options and selected them, to give
effect to those options which we think are the best, financially viable options for taxpayers and
the best options for our children.

1150 **Hon. K Azopardi:** Mr Speaker, with respect, that is not the answer to the question I asked. I
asked the question of what are those plans that they are contemplating, not are they
contemplating plans.

So, I ask again: what are those plans? With all due respect to the Chief Minister – and he can
convert it, as he does often into a 'who won the election' answer – none of the contemplated
1155 plans for the Bishop Fitzgerald site were in anybody's manifesto. So, perhaps he can share with
me the answer to the question I asked, which is: what are the plans that are being contemplated
for the Bishop Fitzgerald site?

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has understood the
1160 answer that I have already given, and indeed that the Minister has given on a number of
occasions.

It is not about converting the answer into a 'who won the election' answer. Who won the
election is obvious because they are sitting there and we are sitting here. It is about the election,
the selection that people made at the election.

1165 The line of questioning was about why St Mary's would not go to what he likes to refer to as
the old Bishop Fitzgerald site. If he now wants to take us to what is going to happen to this site,
well that takes us back to the first answer: St Mary's is not going to Bishop Fitzgerald because
the public at the General Election selected that St Mary's should go where they selected it
should go. And as to the old Bishop Fitzgerald site, as he likes to call it, we are considering a
1170 number of different options.

Why am I not telling him which of the many options we are considering? For a simple reason,
Mr Speaker: because we are the ones in government considering them. When we are ready to
make an announcement about the ones that we have selected or the options we want to
pursue, we shall make an announcement. There is only one piece of advice I am going to take
1175 from the Hon. Mr Clinton, which is not to make an announcement until the ink is dry on the
paper, which is something he said when I forget which of the FLOPS was in charge – it might
even have been Mr Clinton himself.

Hon. K Azopardi: Mr Speaker, of course we know who won the election, but when the
1180 electorate make choices faced with his very long manifesto and our very long manifesto, they
take a decision in the round – and fine, they made the decision and we respect that democratic
choice, clearly. But surely the hon. Member opposite is not suggesting that when the electorate
came to decide the question of who to vote for at the election they were voting on the issue of
St Mary's.

1185 What I am putting to the hon. Member is does he not agree that faced with the possible
relocation of St Mary's to the site that we call the Bishop Fitzgerald site, to site it as they insist in
this proposed new site in Town Range is simply questionable economics? (*Interjection*)

Hon. Chief Minister: Mr Speaker, I do hesitate to go back into history to provide the answer that the hon. Gentleman requires, but I think it is important that I give him the fullest possible answer, and I am sure he will not want to have a shorter and less complete answer.

I hark back to 2011 when the three of us who were party leaders were questioned on radio – I think he for the PDP and I for the then GSLP-Liberals. I was fighting my first election as leader, the one that I went on to win, and he was fighting his second of the three that he has gone on to lose as leader. We all said that our manifestos were commitments that we were entering into, which for us were not wish lists. The other party leader, Sir Peter Caruana, who was leading the party he now leads, said as far as he was concerned a manifesto was a wish list of aspirations that he might put before the people.

I am surprised to see that it is he who has Caruana virus this time round, because he is now saying that we should regard our manifesto as if it were a wish list, and although people have voted for the St Mary's that they see in our manifesto we should simply disregard that and move on to different options that we might consider because *he* thinks that they make better financial sense.

Well, Mr Speaker, the reasons we have already given in meetings of this House since the election reflect that what makes most sense for the taxpayer is to put St Mary's in the building in Town Range. That is a decision in the round about catchment area, about distances etc. and about cost, and when he sees one of the many options that we will decide to proceed on in respect of what he likes to call the old Bishop Fitzgerald School he will see we have made the best financial options for the taxpayer.

They like to say that our financial decisions are questionable. Well, they have been questioning our financial decisions in different guises, often in the same one, for the past nine years and the results of General Elections suggest that the public disagree with them on what the new location for St Mary's should be and on who makes questionable financial decisions.

I do recommend to him that she he should find some quick and early inoculation to the infection of the idea that manifestos are just wish lists. We do not consider them to be so, but I will of course remind him in future, if we ever have a reason to depart from a particular manifesto commitment, that he will not be able to tell me, according to his logic, that I am letting people down, because I will tell him that we appear to have long enough manifestos that people may not have voted for that and they may simply have voted in the round.

Hon. K Azopardi: Mr Speaker –

Mr Speaker: Excuse me, hon. Member, this will be the last supplementary, please. Thank you.

Hon. K Azopardi: Mr Speaker, I was not suggesting that manifestos are wish lists. What I was suggesting is that people make a decision in the round. There may have been some people who said, 'I am going to vote in this election only because of the issue of St Mary's – the St Mary's issue is so important to me that the St Mary's issue is the one I am going to vote for.' I am saying that, generally speaking, that probably would not have manifested itself in the thinking of people.

What I am saying to the hon. Member is in his longwinded way he does not really answer the question, that the issue of the decision on St Mary's has been driven by questionable economics and special interests rather than the interests of the people of Gibraltar. *(Banging on desks)*

Hon. Chief Minister: Ah, Mr Speaker, I thought that was what he wanted to say. He is, of course, entirely wrong. He is a fool, who wants to suggest that there are questionable interests simply because he thinks in that way he might be able to garner some support for what is obviously a flagging political career.

I am very sorry that he thinks that he has to question the integrity of people who come to work every day to do their best for this community, in order to try and achieve some advantage. In that respect, the virus that he is getting seems to come to him not from his former leader, then his political opponent; it seems to come from along his benches, where there is one who thinks that the only way that he is able to garner support for himself is by casting aspersions on others. Mr Speaker, he might be wise to look at what the electorate have done in that respect, because one of the people who lost most loyal support in the past General Election has been exactly that person, the person who thinks that the politics of casting aspersions is the constructive politics that this community needs.

I know him well enough to know that he was not like that when he first sat on those benches opposite me some months ago, but I have very little hope for him if in this short period of time he has already become that which he said he was not – in other words, a caster of aspersions, for absolutely no reason whatsoever.

Whether it is for the people who voted specifically for the St Mary's project, whether it is for the people who voted in the round for us, or whether it is for those who chose us for any other reason, we are going to pursue the Programme for Government that we have already persuaded people is by far the best Programme for Government for the next four years. We are going to pursue it honestly and we are going to pursue it diligently.

If he has the ability to prove anything financially questionable has gone on, he should say so. I know he does not, because nothing financially questionable has gone on. We are making the right decisions for this community, for education, for the public finances of this community, and we are doing so entirely properly every time. And every time he has suggested the opposite in the short time that he has been the leader of the GSD, he has ended up with an ostrich egg on his face. I am not surprised.

Hon. D J Bossino: Mr Speaker, just on a point of order, could I invite the Hon. the Chief Minister to withdraw – I think I heard him correctly – the use of the adjective 'fool' made in relation to my learned and hon. Friend? I would invite him, just for the sake of the record. I did not stand at the time, as I wanted him to finish; I could have stood, but I did not. I invite him to withdraw the use of that particular adjective.

Hon. Chief Minister: Mr Speaker, I am afraid that the hon. Gentleman has made an allegation which is a foolish one, and a person who makes an allegation which is a foolish one can only be described as a fool.

The hon. Gentleman will know that I am not taken to using that sort of description, but when somebody says something which is foolish – and it is foolish to simply get up and make that sort of allegation, especially when it is untrue – I am afraid there is only one description that applies; for example, in the same way as somebody who decides not to enter a contest because he fears he might lose might be best described as a chicken.

Clerk: Question number –

Mr Speaker: If I could remind hon. Members that certain words, irrespective of the context, should not be used – it is unparliamentary and I would ask hon. Members to respect this. Thank you.

Q156/2020

Airport –

MoU with Gibraltar Air Terminal Ltd; Principal Auditor's report

1285 **Clerk:** Question 156, the Hon. D J Bossino.

Hon. D J Bossino: Further to the reply to QW28/2020, can the Minister with responsibility for the Airport state when he expects that the memorandum of understanding with Gibraltar Air Terminal Ltd will be concluded and what terms it will be expected to include?

1290 Mr Speaker, just on a point of order, if I may, this is further to an answer which the hon. Gentleman passed on to me by way of written reply because he was not here at the last meeting of the House, but for the sake of the record, and certainly for those people watching or listening, I am not sure how that works. Do I give the hon. Member the opportunity to read out the reply to my question and then we go on to supplementaries, or does it stay on the record as it is?

1295 **Mr Speaker:** The written questions form part of *Hansard*.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, perhaps I can clarify. The question I have, that he is referring to, is W28. W28 is a written question; it is not an oral question which was then handed over in written form. I have the question here and it actually says 'written', unless the hon. Member might disagree, but the one I have got is W28, which is written, unless it is one of the ones that I was not here to answer. If it is, then it became a written question.

1305 **Hon. D J Bossino:** Yes, exactly. Just to assist the hon gentleman and to confirm the position, it was an oral question. I do not think I have ever filed a written question during my previous incarnation two Parliaments ago, or indeed in this one, so it was an oral question which was converted into a written question as a result of the hon. Member's absence at the last meeting.

1310 **Mr Speaker:** That is correct.

Hon. G H Licudi: Yes, Mr Speaker, it is just that I saw 'written' on the Order Paper and I assumed that this was presented as a written question, but in any event, as Mr Speaker has indicated, it is part of the record as much as one of the oral questions.

1315 Mr Speaker, I will answer together with Question 157/2020.

Clerk: Question 157, the Hon. D J Bossino.

1320 **Hon. D J Bossino:** Further to the reply to QW28/2020, can the Minister with responsibility for the Airport state precisely how the recommendations of the Principal Auditor, as set out in 3.13.1 and 3.13.3 to 3.13.6, have been taken into account and are being implemented?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1325 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the recommendations of the Principal Auditor, as set out in paragraphs 3.13.1 and 3.13.3 to 3.13.6, have been taken into account and implemented as follows – and this also includes 3.13.2, which is the previous question.

1330 Paragraph 3.13.1 of the Principal Auditor's report is an introductory paragraph to the section on civil aviation and it has no recommendation as such.

Paragraph 3.13.2: the Government's position in connection with the memorandum of understanding with Gibraltar Air Terminal Ltd (GATL) remains the same as stated in answer to QW28/2020. The matter is still at discussion stage.

1335 Paragraph 3.13.3: the recommendations have been implemented, as now the statements issued by the ground handler are reconciled monthly against copies of the Ground Handling Agreement charge notes. This recommendation has been given effect as from 1st April 2018.

1340 Paragraph 3.13.4 relates to the level of detail of the reconciliation statements prepared by the contractor and the fact that these did not provide the necessary detail to allow an effective monthly check against revenue received as well as arrears of revenue. The ground handler now provides a statement which is broken down into the different headings that GATL requires. Additionally, this is reconciled monthly.

1345 Paragraph 3.13.5 relates to invoicing and, more specifically, to Gibair's arrears of revenue and the fact that they did not provide GATL with an aged debtor analysis so that the Government was informed of outstanding revenue and could therefore include the amounts due in Government's arrears of revenue figures. This has been remedied, as all of Gibair's arrears of revenue are now incorporated into GATL's arrears of revenue figures and submissions.

1350 Paragraph 3.13.6 relates to the monitoring of controls over the receipt of aviation revenue in that measures should be implemented in order to ensure that revenue received was complete and accurate. The recommendation that all Ground Handling Agreement charge notes issued by the ground handler are now cross-referenced with the GATL receipts issued at the information desk has, in fact, been implemented.

1355 **Hon. D J Bossino:** Mr Speaker, it may not be an answer that the hon. Member will have readily available to him, but in relation to those paragraphs he is absolutely right that 3.13.1 is an introductory paragraph that does not contain any recommendations.

1360 I would hasten to add that some of the recommendations seem to have been addressed if one reads the body of the Auditor's report, but I felt it was important to raise this issue publicly because I thought it was quite alarming, given that it affected a lot of the revenue streams of the Government, that it be important that the public understand that these issues have been addressed.

But the question is this: can he state when these recommendations were given effect to and were implemented?

1365 **Hon. G H Licudi:** Mr Speaker, just to clarify, this does not affect the Government's revenue streams. This is an accounting process. It is just clarity that was required and has nothing to do with the actual money, as I understand the section on civil aviation, in terms of reconciliation and the clarity and the detail that had to be provided by the ground handler to GATL and GATL, in turn, to Government. So, it did not affect actual revenue stream but it affected reconciliation and being able to have the necessary detail to be able to carry out that reconciliation.

1370 In terms of the specific supplementary as to when they have been given effect, the information I have in relation to paragraph 3.13.3 is that this was done and was given not retrospective effect but was given effect as from April 2018. In other words, the reconciliation that was required and was recommended was done backwards until 1st April 2018.

1375 I am afraid I do not have the specific dates for each of the other paragraphs, but I am happy to obtain that information for the hon. Member if he needs it. The only specific date I have is in relation to that particular paragraph, which is 3.

1380 **Hon. D J Bossino:** Mr Speaker, in relation to the first question in relation to this issue – this is the memorandum of understanding, which he says is still in the process of being discussed and the terms thereof – can he give an indication of when he expects that the agreements will be ready and able to be signed on the dotted line? And can he also confirm whether the terms of

that agreement will include the specific recommendation contained in 3.13.2 of the Auditor's report?

1385 **Hon. G H Licudi:** Mr Speaker, the recommendation is that there should be a memorandum of understanding between GATL ... outlining Airport terminal fees and concessions revenue stream recipients. I am told that that is a matter that the Chief Secretary is handling directly with GATL and there are ongoing discussions as to the putting together of a memorandum of understanding dealing with this issue. I do not have specific information about the state of those
1390 discussions, except that the discussions are ongoing following from the original question, which is the answer that I gave the hon. Member originally, and the position continues to be that this is in the hands of the Chief Secretary.

Q158/2020

**Port accommodation for crew –
Provision of low-cost hotel rooms**

Clerk: Question 158, the Hon. D J Bossino.

1395 **Hon. D J Bossino:** Further to the reply to QW27/2020, can the Minister for the Port provide further details regarding the one proposal it is considering in connection with the provision of low-cost hotel rooms for crew?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1400 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the Government is not in a position to provide further details at this juncture. As with all discussions in relation to proposals made to Government, an announcement is made once the discussions are concluded.

1405 **Hon. D J Bossino:** Can he give any indication as to whether the Government's intention is to use the current building stock in negotiations with owners who operate current hotels? Or is it the intention to build a purpose-built hotel in relation to this?

1410 **Hon. G H Licudi:** Neither, Mr Speaker.

Hon. D J Bossino: Mr Speaker, that is a negative. The hon. Member is very confident that the two propositions that I have put to him are not being considered. On that basis, can he provide me with some information as to what it is that he is looking at positively?

1415 **Hon. G H Licudi:** No, Mr Speaker, it is not that what he has said is not being considered. The proposal that we are dealing with does not involve the issues that the hon. Member has stated, but it is not my intention to give a running commentary as to where we are on this.

1420 The Government has received a specific proposal which the Government is not just considering but has engaged with the party giving the proposal. It is a commercial proposal and until those discussions are concluded, as we have often and repeatedly stated, no further details can be given.

Q159/2020

**University of Gibraltar –
Annual contribution from public funds**

Clerk: Question 159, the Hon. K Azopardi.

1425 **Hon. K Azopardi:** Mr Speaker, does the Government expect to continue to make an annual contribution of £1.5 million to the Gibraltar University, or are there expectations this might go up, or be reduced?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1430

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, Government's contribution to the University for the financial year 2020-21 is being considered in the context of the preparation of Government's overall budget for the next financial year. The amount of the contribution will be announced at this year's Budget.

1435

Hon. K Azopardi: Mr Speaker, is the Minister in touch with the University in relation to the contribution issues and the degree of finance assistance that they require? And are there plans that the University should be more self-funding so that it would have an impact on this contribution?

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Hon. G H Licudi: Mr Speaker, not only are there plans that the University should be more self-funding; it is in fact a statutory obligation. It is in the University of Gibraltar Act. It is a specific provision of the Act that the University should move towards that. Having said that, the University has been ongoing for several years, it is a relatively new University, it is one that has the full support of the Government and the Government will continue to provide the funding that is required for the University to succeed and prosper, as we have always intended.

1445

As regards the question of am I in touch with the University, of course I am in touch with the University on a constant basis. Just by way of information – and the hon. Member has been a member of Government, so he knows how these things work – in terms of budgets and bids, each area of responsibility for which a Minister is responsible puts in a bid, which is then collated and passed on to the Financial Secretary and Chief Minister's Office and then considered in the round in the context of the overall bids that are made to the Government from the different Departments, and then a final decision is taken. We are at that stage.

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Hon. K Azopardi: I appreciate the funding and budgetary process, I appreciate that, but in the discussions ... As the Hon. Minister acknowledges, the University has an obligation to at some point get to a self-funding state, and while there may be an annual budgetary process, the University itself may not work that way in itself, in the sense that the University will, as an institution, I assume, have some kind of three- or five-year projection of where it wants to go in the context of that. Has it shared with the Minister some kind of timescale ambition of when it will get to a stage where it will be self-funding, or where the contribution might reduce? Really, that is what I am asking.

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Hon. G H Licudi: Mr Speaker, the University clearly has a strategic plan, a five-year plan, but that is different from the preparation of a bid on a yearly basis where you look at the budget for that particular year and what the University will need for that particular year. If the University makes a bid which the Government has to consider in the context of this year's Budget and what it will provide the University this year, the fact that the University may have plans for four or five years with a view to reaching a particular level will not necessarily assist in the assessment of what the University needs this year.

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The specific question is about the contribution that the Government makes in respect of the University, and the specific amount that is referred to is one that was contributed to last year. The amount that will be contributed to, and I can definitely say there will be a contribution from public funds to the University this year, but the specific amount is what is currently under consideration.

Hon. K Azopardi: Perhaps the hon. Member has misunderstood my question, but I was not asking about the contribution for this forthcoming financial year. My question is: does the Government expect to continue to make an annual contribution? It is more generic really. That is why I am asking and probing in relation to the possible objectives that the University might have on a three- or five-year basis, and trying to understand if the Minister is in a place today to be able to share the expectations that there might be of the timescale of getting to a point where the University might be more self-funding, if not self-funding completely.

Hon. G H Licudi: Mr Speaker, the hope, of course, is that the University will succeed and there will be more students, there will be more fees paid to the University and Government contribution from public funds will reduce. That is not just an aspiration, or even a hope; it is, as I have already indicated, an obligation on the University to move in that direction.

I have also indicated that the University is a relatively new institution, and certainly for the next year or two, or perhaps three, I see that a public contribution will be required to the University. Government is committed to continue to fund the University because it is an institution that we are proud of and is serving a magnificent purpose.

Mr Speaker: May I just remind hon. Members in relation to Standing Orders and its rules governing right to ask questions – I refer specifically to Standing Order 17(1)(iv):

a question shall not contain any argument, inference, imputation, epithet, or ironical expression;

I direct this to all hon. Members so that they are aware of Standing Orders.

Thank you.

Q160/2020
Equality legislation –
Teaching in schools

Clerk: Question 160, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What steps is the Minister for Education taking to ensure all schools teach every part of the Equality Act so that children leave with a proper understanding of the importance of equality and respecting difference?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Government does not understand which legislation the hon. Member is referring to. The Act which the hon. Member cites is not part of Gibraltar law.

Having said that, I can inform hon. Members that the first pillar of the Department of Education's overarching vision focuses on educational equality. Every learner should have the opportunity to realise their potential through education, and no individual should get left

behind. Equal access to learning as well as ensuring the establishment and promotion of a fair and equitable environment play key parts of this pillar of the vision.

We recognise that young people need to understand equality and know their rights, to understand how they should be treated and how they should treat others. Teaching these topics creates a safe place for students to explore, discuss, challenge and form their own opinions and values. The knowledge and respect of rights that students gain from this, combined with understanding, respect and tolerance for difference, can empower them to tackle prejudice, improve relationships and make the most of their lives. In our evermore diverse and challenging society, it becomes more important to instil young people with these positive and open-minded attitudes.

Teachers use inclusive language and are aware of potential bias within the learning environment. The acceptance of every person from every background is naturally important. Teachers strive to teach children to be open minded. By being aware of signs of discrimination, teachers can work to create a learning environment that ensures a classroom of equality.

In order to establish these aims, all schools have mission statements and policies that establish and promote an ethos which emphasises the importance of equality and of respecting difference.

All schools have a detailed PSHE curriculum and are currently using the programmes of study from the UK's PSHE Association to update and renew the content and approach. The PSHE Association is at the forefront of research and development for personal and social education. Equality and respect are promoted throughout the programmes of study.

PSHE themes include, at primary level: how behaviour affects others; being polite and respectful; caring for others' needs; what makes us unique; recognising hurtful behaviour; playing and working co-operatively; sharing opinions; what makes a family — looking at diversity; recognising respectful behaviour; the importance of self-respect; rights, freedoms and responsibilities; positive friendships; respecting differences and similarities; responding respectfully to a wide range of people; recognising prejudice and discrimination; compassion towards others; workplace stereotypes; recognising individuality and different qualities; relationships, civil partnerships and marriage; expressing opinions and respecting others' points of view; valuing diversity; challenging discrimination and stereotypes.

At secondary level: diversity, prejudice and bullying; race, religion and gender; self-worth; equality of opportunities in careers and life choices; discrimination in all forms; gender identity and sexual orientation; healthy relationships; teamwork; mental health and ill health stigma; communities, belonging and challenging extremism; different families and parental responsibilities; personal values and communication; conflict resolution; and relationship changes.

This learning is reinforced in other areas of the curriculum through the choice of resources, displays, assemblies and awareness-raising days.

More recently, teachers have taken opportunities to update their knowledge and skills in this area. Over 40 teachers, for example, attended Mermaid Gender Awareness Training in November. Training has been attended by all teachers to raise awareness and reduce the stigma around mental health. Head teachers and teachers have also attended seminars and training: managing diversity and inclusion; on the Disability Act; disability, language and etiquette; and numerous autism training sessions.

The Ministry of Equality also works with schools to deliver issues around equality and respect. These include gender stereotypes, International Men's Day, respect and healthy relationships, and elimination of violence against women.

Mr Speaker, just as an aside and as an example of what goes on in school, there was a press release issued last week, headed 'Governor's Meadow Lower Primary celebrates International Day of Women and Girls in Science'. This is a project where pupils at Governor's Meadow researched, studied and celebrated the significant work carried out by various female scientists

in the past and present and is just a recent example of the way equality and diversity are promoted in our schools. (*Banging on desks*)

1565

Hon. Ms M D Hassan Nahon: Mr Speaker, for clarity's sake, the Equality Act that I was referring to was actually the Equal Opportunities Act, I believe of 2006, but I was specifically referring to matters relating to LGBTQ+ issues, which have been addressed in PSHE but I understand they have not been fully addressed and that it will be a requirement in the UK law from 2020.

1570

Students have brought this up with me as something that needs addressing more substantively, and also with regard to bullying in that area. There are currently safe spaces provided by volunteer teachers in both Bayside and Westside who take time off from their lunch, from what I understand, to reassure on the gender variant issues in the school, but no formal training or support is being provided.

1575

So, I appreciate the intention that the Minister has expressed, but my question is: will there be formal frameworks in order for teachers to receive equality and diversity training to address these equality issues in a formal way, which is not being done at the moment within the curriculum, also to ensure a safer, equal environment? It is not happening at the moment and this is why I am asking the question if and when it will be.

1580

Hon. G H Licudi: Mr Speaker, it is quite extraordinary that the hon. Member should say this is not happening. Has she not heard the answer that I have given? I have specifically referred to 40 teachers attending the Mermaid gender awareness training, also to secondary education including lessons on diversity, prejudice, gender identity and sexual orientation.

1585

The hon. Member says that what she meant in her question was LGBT+. Well, she did not say that in the question. She referred to 'the Equality Act', which I assumed meant how do we deal with equality and respect in our curriculum, and that is what I addressed in the long list.

To say that this is not happening is not correct. If the hon. Member is saying it is not happening enough, that is something that we might have to look at, but certainly the hon. Member will know that the Ministry of Equality makes great strides and does work in co-operation with the Ministry for Education. We also work with Youth as well in relation to these matters, and this is entirely promoted and taught with a view to children expressing their own views and having discussions, and promoting awareness and respect for equality. That is the ethos behind every single school in Gibraltar.

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Hon. Ms M D Hassan Nahon: Mr Speaker, LGBTQ issues come within the remit of what I have been asking, which is about children leaving with a proper understanding of the importance of equality and respecting difference. Mermaid training is supposed to support gender dysphoria, not sexuality, and there is a big difference there.

1600

I would urge the Minister to ask many of the teachers who entertain these safe spaces if they feel like they have had the adequate training, and perhaps understand what exactly they need, because at the end of the day what we want to do is make sure that we equip them with the right skills in order to do that.

1605

Guidelines is another question and I would ask the Minister if he would be willing to set them and ensure they exist in the school, because there are no clear guidelines for supporting trans and gender diverse children also, and young people in our schools.

These are things that are missing, Mr Speaker. I am not making it up. I am bringing to the table questions in good faith in order for the Minister to be aware and perhaps set such guidelines and such training in a way that will reflect on the students, who are also calling out for it so that they can have a better understanding.

1610

Hon. G H Licudi: Mr Speaker, I have no doubt that the hon. Members is raising these matters in good faith and I have not questioned that at all.

1615 It seems that she is suggesting that teachers are coming to her with those concerns. If teachers believe that there is something missing or that more should be done in a particular area, those concerns should be raised not with the Opposition but with head teachers and with the Department of Education. None of this has certainly come to me, but if the hon. Member says that we should be looking at how we should further promote this area, well this is something that is constantly looked at, in particular in discussions with the Ministry of Equality, who are very well versed in this area.

1620 The hon. Member will know the strides that this Government has made, throughout the eight years that we have been in office, to promote gender awareness, to promote equality and to promote lack of prejudice in relation to sexuality. I do not believe that any Government has done more than we have done in this area, so our record is unquestionable in this area – and yes, we will continue to improve, we will continue to strive to make this more part of the agenda, but it is already very much a part of the agenda in schools.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask one more question of the Minister, and I am grateful for his answer. Will the training go as far as to train parents of children in the schools in order for them to help children with their own issues and to teach their own children to behave and express themselves in a way which then spills out on to the rest of the students in order to create a better synergy and understanding among all the students? I believe that parents should be enfranchised in this training and I am asking the Minister if it is something that he would consider.

Hon. G H Licudi: Mr Speaker, generally in the Department of Education we are not in the habit of training parents on these matters. We train the children, and certainly training is provided to the teachers so that the teachers can impart this to the children.

1640 I understand what the hon. Member is talking about is greater awareness of these issues and how to deal with these issues at a community level rather than just in relation to the schools.

A lot of this education, a lot of this training, starts in schools. Once children become aware of these issues, they themselves will take those issues home and they will impart that lack of prejudice, that lack of bias and that respect for equality wherever they are in their social environment, including at home.

1645 It happens on environmental matters, where a great number of strides are made in relation to environmental awareness and lack of use of plastics, and we have the children then educating their parents and educating the wider community. That is part of what we are doing in schools. So yes, it does spill out to the wider community.

1650 We do not give particular sessions to parents to come along to the schools, but certainly to children to then impart on their parents and on their peers, and the wider community, these values which are certainly at the heart of all of us, and which – I am sure I speak for all of us in this Parliament – we want to make sure that we continue to promote.

1655 **Hon. S E Linares:** Mr Speaker, if I can be of any assistance to the hon. Lady, just to say that the Youth Service does a lot of work with the LGBTQ+ people because they also have asked me, through the voice of young people, if they could have spaces in the youth clubs. I was just quite surprised, in a way, to see that they were asking a Minister for space for people with gender issues or whatever. I said to them they are free to have any space, and I looked at the Youth Service and they said it is brilliant, excellent, the fact that they can now go to the youth clubs – they have their own space, they have their own time, they are discussing with parents and grown-ups about these issues. There is a lot of discussion within the Youth Service about LGBTQ+.

1660 So yes, it is happening and it is co-ordinated together with the Education Department and together with the Ministry of Equality, so there is a lot going on. People need to understand that it is happening but it takes time and it takes society to get it into their heads about the issues

that they do encounter. I think it is important that young people are coming out and they are getting the space that they need.

Mr Speaker: Next question.

1670

Q161/2020
School leaving age –
Plans to raise

Clerk: Question 161, the Hon. Ms M D Hassan Nahon.

1675 **Hon. Ms M D Hassan Nahon:** The compulsory school age in the UK changed from 15 to 16 in 1972. Thereafter, rules on work-based learning, part-time learning mixed with voluntary or part-time work, or full-time education apply until a child reaches the age of 18. Are there plans for the Government of Gibraltar to legislate to bring up the compulsory school age in line with the UK compulsory school age?

1680 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1685 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, in addition to the work on key stage alignment and the many other very positive changes the hon. Lady will agree we have already introduced, I can confirm that there are also plans to raise the school leaving age from 15 to 16.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. Can he give us an indication of by when, more or less, they think it might be implemented?

1690 **Hon. G H Licudi:** Mr Speaker, I would expect by the start of the next academic year.

1695 **Hon. E J Reyes:** May I, Mr Speaker? The hon. Lady, in her question, adds that in the UK the school leaving age has been set at 16 from 1972 onwards, but she adds in her sentence, 'Thereafter, rules on work-based learning ...' and so on. Does the Minister have in mind perhaps considering an introduction of that specification, or is Gibraltar going to be simply, as hereto, that a child reaches the age where you are legally in school and with parental consent he simply walks out of the school building and is left to his own devices thereafter?

1700 **Hon. G H Licudi:** Mr Speaker, it is obviously our intention that our children should be as well-equipped as possible when they leave the school environment, at whatever age that may be, whether it is 15, 16 or 18.

1705 The hon. Member will know the effort ... and I have mentioned briefly in my answer the various changes that we have made this year and the ongoing changes, the positive changes that we have introduced to education in the last few years. One of the areas that we have introduced, which my colleague introduced last year when he was Minister for Education, was the vocational pathway in school. That is not exactly the same as what happens in the UK, but it is a way of supporting children who reach a school age where they might be thinking of their options for the future and might be not as academically inclined as others may be.

1710 This is a pathway which starts in conjunction with a normal academic route in the schools and can then lead, once they finish that – which they would finish at the age of 16, at the same time that they would finish their GCSE options if they have chosen this vocational pathway, which would include NVQ levels 1 and 2 – they can then proceed, if necessary, to carry on with NVQ level 3 in the same vocational pathway that they have chosen.

1715 We have already announced, and it is in fact in our manifesto, our plans for expansion of the areas that we will introduce as part of these vocational pathways, and we now have the facilities in the schools in order to be able to do this, particularly with the new facilities at the comprehensive. So, this year, additional pathways will be rolled out and we are in discussions with unions and with stakeholders, with the Chamber of Commerce, and we are going to have a meeting of all relevant stakeholders to see how everyone – both from the point of view of the Education Department, the unions, who look at worker issues, and the business organisations – can all support in a way which keeps children active and following a pathway which will lead to a productive life.

1720 So we are moving in that direction and we are having discussions with all the relevant people, but we have already implemented some of this in the schools and there is more to come this year.

1725

BUSINESS, TOURISM AND TRANSPORT

Q162/2020

**Parking tickets –
Numbers issued and paid**

Clerk: Question 162, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, I suspect that this question is going to be slightly redundant, given that GBC beat me to it so far as this question is concerned, or thereabouts, but I will ask it in any event because it leads on to other interesting questions.

1730

How many parking tickets have been issued over the last 12 months and how many have been paid?

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

1735

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, over the last 12 months there have been 18,882 fixed penalty notices issued and 11,924 paid.

Hon. E J Phillips: Given the answer to the question, does the Minister have any information on his note that has been prepared in relation to the answer to this question, as to whether they are in relation to locally registered vehicles or those across the way in Spain?

Hon. V Daryanani: These are figures on the total amount of parking tickets. I do not have information as to whether they are local or Spanish, but I am sure we can find out if you wish to ask me next time, or I can write to you.

Q163-64/2020

**Derelict vehicles –
Number of notices issued; vehicles issued with multiple notices**

1740 **Clerk:** Question 163, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many tickets have been issued on the basis that the vehicle is derelict?

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

1745

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 164.

Clerk: Question 164, the Hon. E J Phillips.

1750

Hon. E J Phillips: Mr Speaker, can the Government state of those tickets issued on the basis that the vehicle is derelict how many have been issued with derelict issued parking tickets previously?

1755

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

Hon. V Daryanani: Mr Speaker, in both these questions the hon. Member has failed to provide a time frame for his request. I am happy to try and furnish him with the figures at the next meeting, if he is more specific. I would also ask that he confirm the tickets he is referring to, although we have assumed he meant parking tickets for the purposes of the answer provided.

1760

Hon. E J Phillips: I am not assuming anything. I am assuming that a ticket that has been issued for a derelict vehicle ... There is only one type of ticket that can actually be reasonably issued by the relevant authority for the purposes of parking.

1765

The basis of my question was in relation to a number of vehicles that have been brought to my attention whereby multiple tickets have been issued against the vehicle in order for the occupant himself to retain a spot within the parking bay. These individuals, it is known, extend the time of their MoT certificates, or at least the MoT investigations that need to be conducted on these types of vehicles, and just constantly replace them, in other words maintaining a spot within the parking bay, which I am sure the Hon. Minister is familiar with, a practice we should all discourage actively in this House.

1770

That was the nature of the type of question I was getting at. I am quite happy to ask a further question about that and give the hon. Gentleman a timeframe, but surely the Minister would have some useful information that would identify those offenders who have had derelict notices issued on a multiple basis or on a singular basis.

1775

Hon. V Daryanani: Mr Speaker, I must say that I am not really aware of so many cases of this happening. I am not really aware of exactly how often this happens, but I have heard of certain cases. I have also seen this on social media, but I will tell you one thing: when I go back, tomorrow, to the office I am going to find out if anybody has complained about this or brought this forward to the Ministry.

1780

Hon. E J Phillips: It arises directly, of course, by the strategic plan implemented by the Government insofar as freeing up parking spaces so people can actually park their cars. If there are people in our community who do not respect that and use mechanisms within the law to curve around it so that they can continue to use these parking spaces constantly and not allow other members of our community to enjoy these parking spaces, that should be something that we should all condemn, so that people can use parking spaces freely without knowing that they are being obstructed consistently.

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Hon. V Daryanani: Yes, Mr Speaker, I will be launching a project very soon that will help with the moving of these derelict vehicles, so that, as you rightly say, these are for parking for our people and not for people who just want to take advantage of the situation.

Q165/2020

**Derelict vehicles –
Number removed in last 12 months**

Clerk: Question 165, the Hon. E J Phillips.

1795

Hon. E J Phillips: Mr Speaker, can the Government state how many derelict vehicles have been removed in the last 12 months?

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

1800

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, 149 vehicles have been removed from the road in the last 12 months.

Hon. E J Phillips: Mr Speaker, this is clearly evidence of a problem that we have in our community in relation to derelict vehicles and the use and misuse of parking spaces within our community.

1805

Insofar as the derelict vehicles are concerned, what is the process that follows? I appreciate it is not on the Order Paper, but does the Minister know what we actually do and what the relevant authorities do with these derelict vehicles once they have removed them from those spaces?

1810

Hon. V. Daryanani: Mr Speaker, that is one thing I have not found out yet, but I will.

Q166/2020

**Emissions tests –
Number of vehicles tested in last 12 months**

Clerk: Question 166, the Hon. E J Phillips.

1815

Hon. E J Phillips: Mr Speaker, can the Government state how many vehicles have been subjected to emissions tests in the last 12 months?

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

1820

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, 11,545 vehicles were subjected to emissions tests in the last 12 months as part of the roadworthiness tests.

Q167/2020

**Creation of cycle lanes/corridors –
Government position**

Clerk: Question 167, the Hon. E J Phillips.

1825

Hon. E J Phillips: Mr Speaker, can the Government confirm its position on the creation of segregated cycle lanes/cycle corridors?

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

1830 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, as per the Government's manifesto commitments, we are continuing our work to create segregated cycling lanes where physically possible. Segregated cycling lanes need to be truly meaningful and safe, planned carefully so as to connect areas of importance to cyclists, which would create cycling corridors. Gibraltar currently lacks ample space to hurriedly and impulsively implement these.

1835 Implementing short distances of lanes may be of little use and may often be more dangerous than not having these lanes at all. The Government is therefore working to develop a credible and comprehensive plan that will secure the safety of cyclists, reduce pollution and improve quality of life as a key plank of our Green Gibraltar strategy and our desire to create a truly child-friendly city in Gibraltar.

1840

Hon. E J Phillips: I am grateful to the Minister for his response and I agree, in fact, that short-distance lanes are clearly dangerous to members of the community. I would also agree that you have to create something that is truly meaningful insofar as your transport policy is concerned.

1845 Having said all of that, and the conclusions that he has drawn in respect of that response, would he now agree with me that the demarcation in areas where there have been short-distance lanes for cycles has been unsuccessful in our community; and given the fact that, as he alludes, they may well be dangerous to our community, that they would revoke that policy in relation to the current cycle lanes that have been introduced in Gibraltar?

1850 **Hon. V Daryanani:** Mr Speaker, I do not think that the cycle lanes have been unsuccessful. If I am not mistaken, there is only one cycle lane, so it is not that there are many cycle lanes that have been unsuccessful. There has only been – Sorry? (*Interjection Hon. P J Balban*) It is not demarcated, so it is not a ... I am told by my hon. Friend and colleague, my predecessor as Minister for Transport, that ... I thought there was only one demarcated cycle lane, which is the one to Main Street, but he tells me there is another one on the runway.

1855

I think the one on the runway is frequently used and is extremely successful. The one on Main Street is different because it is only in certain hours and I think, because it is on a pedestrianised street, perhaps it is something that has not been successful. It was a pilot project and pilot projects are there for that, at the end of the day, to see how successful ... I think it is a start.

1860

Insofar as what is coming, I am looking at three new areas for cycle lanes, but these are three long areas and, as I said, they have to be carefully devised. Gibraltar is small. We are not a major city where we have huge thoroughfares, so we need to be very careful in how we plan this, but the Government is committed to cycle lanes, it is in our manifesto and we will definitely deliver on this because I am keen on doing so. Like I said, I am looking at three specific areas and you will hear about them in the near future.

1865

Hon. E J Phillips: I am grateful for that response.

1870 I am not trying to make a political point out of it. What I am suggesting, given the natural conclusions that the Hon. Minister has made in relation to these points, that the pilot example that he has given insofar as Main Street is concerned ... Although we may differ in opinions as to the success of that pilot project, it is clear by a number of observations that we have received in our community – not just via social media, of course, but it is clearly, in my respectful view, dangerous, and therefore will the Government commit to withdrawing that pilot project to enable it to really focus, as he has now announced, on three specific areas which will improve the ability of our community and those visiting our community to cycle in Gibraltar in an appropriate way?

1875

I commend him insofar as the initiative that he will bring to introduce three cycle lanes, but insofar as that pilot project, as far as I know it is still in operation. If it is still in operation, I would

1880 ask him whether the Government will abandon it at this stage and focus on better transport policies in relation to cycling.

Hon. V Daryanani: Mr Speaker, the Government will commit itself to looking into that, but we have no specific commitment to abandoning it at this moment in time.

1885

Minister for Health and Care (Hon. P J Balban): Mr Speaker, may I? Just as a matter of information, Main Street is not a cycle lane. It started off being a cycle lane, but after that it became a shared use space. The problem with having a bicycle lane per se is that it gives a cyclist the idea of 'This is my space, and anyone who crosses my space I will tell them off.'

1890

The fact is that that is a pedestrianised area and the pedestrian always comes first, so the idea was ... This is why the lane markings are disappearing. That is because it has become a shared space only during certain hours of the day, which means after seven o'clock at night and before 9.30 in the morning, at which times delivery vehicles are passing through there anyway and obviously while deliveries are happening cyclists can go in a certain direction and keep up with the flow of traffic. But it is only on predetermined times. If people are cycling the wrong way at other times of the day, whether you have an allowance for cyclists or not, that is what happens regardless – it happened before and it will always happen unless policing is in place.

1895

Main Street is not a cycle lane; it is an area that cyclists can use, always respecting that pedestrians come first, in the given direction and only during certain hours of the day.

1900

Hon. E J Phillips: Given what the current Minister for Transport has said in relation to short distances – and Main Street is a relatively short distance, in my view – as this was a pilot project and as I am sure both Ministers during their respective times have received information from the general public as to the efficacy of this particular lane, given that the markings are poorly worn away over time as well and given Main Street is a thoroughfare, effectively, for the public to move up and down, would it not make sense for that now to be scrapped at this stage insofar as public health and safety is concerned, with a view to taking a more holistic approach as to how we use bicycles in our community? I would encourage him to assist me in the answer to this question because I think it is an important one.

1905

I agree with him in terms of cycling generally in Gibraltar; I think we need to improve the quality of it. But what I would say is that that pilot study itself has not been a success and we should now look at ways ... I am not criticising him, because it is fine, he tried it and it did not work, and that is great, but insofar as the public health and safety of our community we should now look at ways of abandoning that and moving to a more consistent and sustainable cycling policy.

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Hon. V Daryanani: Mr Speaker, first of all, I do not agree that it has not been a success. That is your view and you are entitled to it, but I do not think it has been tested. I think people are still using that cycle lane – so, if people are using it, it means it is a success. Whether it is as successful as we would have wanted it to be, we do not know yet. Maybe when we actually have other cycle lanes we might take stock of the situation and decide whether we want to keep it or not, but at this moment in time we have no plans of abandoning it.

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Hon. E J Phillips: Mr Speaker, is it therefore the Government's view, taking all of that into consideration, that the current arrangement so far as cycling in Main Street is safe for the public?

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Hon. V Daryanani: Mr Speaker, it is as safe as everything else is safe. It is not unsafe. It is as safe as it is to drive or anything else. We are not going to start getting technical here.

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Hon. P J Balban: Mr Speaker, if I may, just to correct the hon. Gentleman, he said 'short bicycle lanes'. If Main Street had been a cycle lane per se, that is not a short lane. When we look at short lanes, what is meant is very short stretches where there is a cycle lane placed, whereby every time a cyclist needs to come back on to the main road he has to look back for oncoming vehicles. Those cycling lanes are perceived as dangerous. What you want is extended lanes, and if you look at Main Street it extends all the way up Main Street and down Irish Town. For the size of Gibraltar, there is probably close to a kilometre of cycle lane, which far exceeds what we have at the Airport. If you look at the Airport, what happens is once you get to the end of the Airport you have to come back on to the main road. So that is what you have to judge, whether small stretches are ... But that is something that the new Minister would have to look at and he will need to see for himself after researching and then come to his own conclusions in that respect.

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

I wanted to thank the former Minister for Transport for his clarification that in the shared space – I think he was referring to Main Street and Irish Town – the priority should lie with the pedestrians. Can I encourage the Government to ask its press office to remind cyclists and pedestrians alike that the priority does lie with pedestrians?

If the Government wants to gather evidence on the success or not, I and many members of my family can personally testify that we have been victims to ill use by cyclists of both Main Street and Irish Town during unauthorised hours, and if it is during authorised hours they certainly think that they are the king of the road and the pedestrians do not have priority. I say that for the Government's benefit.

Q168-69/2020

E-scooters –

Results of review; complaints

Clerk: Question 168, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that they have completed their review of the use of e-scooters and state the conclusions reached?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 169.

Clerk: Question 169, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many complaints have been received by the relevant authorities insofar as the use of e-scooters is concerned?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, in answer to Question 168, Government have now reviewed the feedback received throughout the consultation exercise, and based on our assessment of that feedback is aiming to publish legal instruments shortly to control and regulate personal light electric transporters (PLEVs).

In answer to Question 169, with respect to complaints, the Ministry have not, to my knowledge, received any direct complaints with particular regard to the use of e-scooters.

People sometimes are more forthcoming on social media than they are in the process of filing direct complaints.

1980 **Hon. E J Phillips:** To clarify, he said that the Government had not received complaints. I did ask for the relevant authorities – so that would have been the enforcement, Police, Customs, Borders, any relevant authority that would receive them, rather than particularly the Government – but I assume the answer to the question is zero, no official complaints have been received.

1985 **Hon. V Daryanani:** Yes, Mr Speaker, my Ministry has not received any sort of specific complaints that have then been brought to my attention.

1990 **Hon. E J Phillips:** Just one further question: when does the Government propose to promote regulations in relation to the regulation of e-scooters?

Hon. V Daryanani: Mr Speaker, it is something that is there. It will come to me in the next couple of weeks and hopefully I will be able to bring the Bill to Parliament by June at the very latest. *(Interjection by Hon. E J Phillips)* I am giving you a commitment.

1995 **Hon. E J Phillips:** With respect, Mr Speaker – you are publishing regulations rather than bringing primary legislation to this House?

2000 **Hon. V Daryanani:** Like I say, it has been prepared and a final draft will be sent to me in the next week or so, so I will be able to give you more information then.

Hon. E J Phillips: No, Mr Speaker, what I was getting at was will the Government be legislating by way of regulation, or will the Minister be bringing a Bill to the House for the regulation of e-scooters?

2005 **Hon. V Daryanani:** I will be bringing a Bill to the House.

Q170-71/2020

Number of vehicles registered in Gibraltar – Four-wheel vehicles and motorcycles; hybrid or electric vehicles

Clerk: Question 170, the Hon. E J Phillips.

2010 **Hon. E J Phillips:** Can the Government state how many four-wheeled vehicles and motorcycles were registered in Gibraltar as of Friday, 7th February 2020?

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

2015 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 171.

Clerk: Question 171, the Hon. E J Phillips.

2020 **Hon. E J Phillips:** Mr Speaker, can the Government state, of all the registered vehicles how many are hybrid or electricity run?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, in answer to Question 170, the total number of registered vehicles in Gibraltar as at Friday, 7th February 2020 for four-wheel active vehicles and motorcycles is 43,929.

Of these vehicles, in answer to Question 171, the total number of registered hybrid or electric is 497.

Hon. E J Phillips: Mr Speaker, does the Hon. Minister have a breakdown between the number of four-wheel vehicles and motorcycles? It is just that the Minister has given me the total amount, but does he have the breakdown on his script?

Hon. V Daryanani: No, Mr Speaker, the hon. Member asked for how many four-wheel vehicles and motorcycles are registered; he did not ask for a breakdown.

Clerk: Question 172, the Hon. E J Phillips.

Hon. E J Phillips: Just one supplementary question. Given the commitment of the Government in the last Parliament to be ambitious – and I think it is the correct one – to promote the use of hybrid- and electric-run vehicles, is the Government disappointed by the numbers of registered vehicles that are hybrid- and electricity-run at the moment? It would appear that we may well be long off that target, which is an ambitious target but one which I agree with.

What is the Government going to be doing about improving communication with the general public as to the purchasing of these types of vehicles going forward? We do not really have that much time left. I think it is 2035 the Hon. Chief Minister said in relation to hybrid, and 2040, if I am not mistaken, in relation to full-electric vehicles. The Minister will obviously be aware that the United Kingdom has also brought back their scheduling of this to match ours – I believe that is correct.

Hon. V Daryanani: Mr Speaker, the Government is committed to promoting the use of hybrid or electric vehicles.

I think that at the moment we are at an early stage of the development of this product and as time goes by I think people will realise, when there are new products on the market, that going electric is the right way. It is a question of time, and perhaps a little bit of patience, before people start realising that driving an electric vehicle is much better than driving a petrol or a diesel one. So I think it is early days, and as time goes by and the product is developed I think we will see more electric vehicles on the road.

The Government will keep on promoting that and I am looking at perhaps some kind of promotion drive in getting people acquainted to the idea.

Q172/2020

Sustainable Traffic, Transport and Parking Plan – Implementation of recommendations

Clerk: Question 172, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, since the publication of the Sustainable Traffic, Transport and Parking Plan, what has the Government done to introduce the recommendations made therein?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, our Government has been diligent in the implementation of the recommendations of the Sustainable Traffic, Transport and Parking Plan (STTPP).

As far back as 2017 we were pleased to announce one of the first initiatives following the launch of the Sustainable Traffic, Transport and Parking Plan: the highly anticipated speed cameras. The speed cameras followed previous speed management measures by way of introduction of solar-powered electronic speed display signs.

In April 2017 the final night bus route N8 was launched, completing the Gibraltar Bus Tracker web app platform. This was, as the hon. Member will appreciate, the first ever service offering bus users real-time bus information.

Then, in May, a traffic light controlled crossing by Ocean Views was implemented along with a number of speed calming measures in the area.

Also in May, and following consultation with the RGP, legislative changes were introduced to the Traffic Act 2005 to include new traffic offences.

The Redibike Bicycle Hire Sharing Scheme was also introduced in May as a means of offering alternative sustainable modes of transport to commuters.

The same month, the first pilot residential parking zone, zone 1, was launched, a first of its kind, following the extensive and thorough research that took into account the valuable stakeholder feedback received during the preparation of the STTPP – unlike the North District residential parking zones that were launched by the hon. Member's Government, which did not properly take into account the proper needs of residents of these areas.

To finish the month of May 2017, the completion of improvements to Governor's Street was announced as part of the STTPP's vision statement to promote sustainable modes of travel, such as walking, by enhancing pedestrian routes, which to some extent minimise adverse effects on our environment.

Another recommendation was the implementation of pay and display areas to provide short-term parking and vehicular turnaround at locations known to be heavily frequented.

The new hours for commercial vehicle access into Main Street and neighbouring pedestrianised areas was another measure introduced under the umbrella of the STTPP. This initiative was done in conjunction with the introduction of commercial loading and unloading hubs to enable 24/7 access.

To enhance the public bus route service and in keeping with the recommendations of the STTPP, request bus stops were also introduced. This initiative moved away from the previous practice whereby buses stopped at all bus stops irrespective of whether there were passengers wishing to alight, thus often resulting in unnecessary delays.

Again, and as part of the continued workings and implementation of recommendations in the plan, a speed limit review of Europa Road was announced with changes to speed limits carried out.

Some more traffic and pedestrian improvements were announced in September 2017 by way of two new zebra crossings at different locations, Europa Road and Rosia Road – more promotion of sustainable modes of travel such as walking, by enhancing and providing safer passage for pedestrians.

Pedestrian signage improvements were further implemented during November 2017 with signage improvements along the area of Waterport Road, improvements to continue to promote and encourage walking.

As part of the continued monitoring phases of the STTPP, short-stay parking bays were implemented in zone 1 at the start of 2018.

In continuing with the rollout of residential parking schemes, January 2018 saw another STTPP scheme with the implementation of zone 2, a residential parking zone that, as the hon.

Member will appreciate, entailed thorough consideration and challenges due to the limited on-street parking spaces available by contrast to the number of unique addresses in the area.

2120 The first official electric vehicle charging points were introduced at Midtown car park in keeping with the STTPP, an HM Government of Gibraltar initiative that was also consistent with the Department of the Environment's Thinking Green environmental awareness campaign, an example of Ministries working in unison towards a common goal.

2125 At the start of the summer season, Residential Parking Scheme Zone 3 was rolled out, yet another step in the parking zoning of residential districts in Gibraltar, providing residents of that area with an improved chance of parking whilst still supporting the needs of visitors and commercial activity in the area. In parallel with the launching of this zone, the Government was also listening to feedback from stakeholders and announced changes to zones 1 and 2 to continue to improve the system and increase the effectiveness and success of the scheme.

2130 Following the successful launch of the first phase of the speed cameras, Her Majesty's Government of Gibraltar was pleased to announce the second phase of this project in June of 2018. This included the introduction of two further fixed speed camera sites along Queensway and Waterport Wharf Road.

2135 With the new school year in 2018 came the eagerly anticipated new school bus service. This bus departed from the south to the schools, exclusively for the use of school children in the hope that it would result in fewer car trips, leading to less congestion and contributing to reducing the carbon emissions.

2140 Two thousand and eighteen came to an end with the revision of the Gibraltar Blue Badge Scheme to include a number of initiatives to enhance the system for users. This came as a result of the perceived abuse and inconsiderate use of the bays. The pilot scheme would also see the introduction of new restricted disabled parking bays throughout Gibraltar to allow improved parking opportunities for users.

2145 We started 2019 with a series of improvements to pedestrian safety and options in the area of Market Place, Corral Road and Glacis Road. These included a new crossing under Smith Dorrien Bridge, more motorcycle parking and the relocation of a loading bay to a more suitable and safer location.

2150 Later in the month, attention turned to bus stop enhancements, when the launch of new bus stop flagpole signage began in phases. These signs are designed to be more user friendly and add to a new branding that was taking shape at the Gibraltar Bus Company, following on from the new logo representing public transport in Gibraltar. Other improvements also included a new bus network map which is easier to read for visitors and locals alike.

2155 Further recommendations focused on major resurfacing works of Queensway and the promotion of cycling in Gibraltar, an excellent and healthy activity as a mode of transport, and enhancements such as more bicycle racks in key areas like Europort, Harbour Views, Little Bay, Cornwall's Parade and the new comprehensive schools at Waterport.

2160 Indeed, even in the last two months that have passed this year we have taken additional action in the introduction of a new school bus service, route S2, which was announced in Press Release 1/2020. This service has been widely welcomed and well received, like much of the rest of the implementation of the groundbreaking STTPP.

2160 Mr Speaker, I should add that a lot of what I have said, if not all of it, is publicly available information – information one would expect the hon. Member to be acquainted with in his capacity as shadow Minister.

2165 **Hon. E J Phillips:** Mr Speaker, as much as I would like to rise to the bait in relation to the North District parking schemes and effectively the insult that he laid at our feet in the last sentence of his very full answer to the question, of course what we will be doing now is analysing everything he has said and coming back with further questions in relation to the Government's transport policy.

2170 But what I would ask him to confirm is that his policy is a living document, i.e. it can change given representations made, and he has alluded to that in relation to the South District parking schemes. He has also conceded, I think, in some small measure that the cycle lane issue that we have had this afternoon ... I do not want to bring that up again, but this is a living document, the STTPP, in that he will receive constructive comment from the Opposition and indeed members of the public as to how it works in practice. I would ask him to clarify that it is such a document rather than a fixed piece of work that the Government commissioned.

2175

Hon. V Daryanani: I am sorry, Mr Speaker, I do not get the hon. Member's question.

Hon. E J Phillips: I thought it was plainly clear, but anyway I will repeat it for the benefit of the Minister himself. I am asking him whether he considers this to be a living document, or rather a fixed document insofar as the Government's policy in relation to transport is concerned. I hope that is easier for him to understand.

2180

Hon. V Daryanani: It is a living document; we are working with it all the time. As you can see, we have done a lot over the last three years and we will continue improving on a lot of the stuff that is in that document.

2185

Q173/2020
Travel trade roadshows –
Cost and participant details

Clerk: Question 173, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of the travel roadshows announced by his Department recently to London, Manchester and Bristol, to include the cost to the Government and entities which participated?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, as outlined in Press Release 69/2020, the Gibraltar Tourist Board (GTB) hosted three travel trade roadshows in the UK on 4th, 5th and 6th February in the London area, Manchester and Bristol.

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These events are aimed at the travel trade in the UK. Agents were invited to engage with representatives of the tourism industry from Gibraltar and UK operators featuring the Rock, along with British Airways and easyJet.

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There was a series of business-to-business opportunities and destination presentations, where UK travel agents were updated on all that Gibraltar has to offer our visitors. The Chief Executive of the GTB delivered destination presentations at all three venues.

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Co-exhibiting with the GTB were Kirker Holidays, Blands Travel, M H Bland, Sunborn Gibraltar, Dive Charters, British Airways, easyJet, Fred Holidays and Enable Holidays. There was no cost for these exhibitors except for their own travel and accommodation costs to attend these events.

I, as Minister for Tourism, attended the first of the roadshows in the London area.

A hundred and eight travel agents in total attend the roadshows. These are people who directly sell holidays to consumers in their outlets on a daily basis.

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The information requested by the hon. gentleman in respect of costs is provided in the schedule I now hand over. There should be no doubt, looking at the costs involved, that the value for money being achieved by these events is excellent and shows that the Government is listening to the industry and delivering.

If I were to divide the total cost of the events per agent, bearing in mind that the costs also cover the expenses of the GTB, hospitality and exhibition charges for the co-exhibitors, the Government has spent just over £190 per agent in these events. Imagine if just a fraction of these sold one holiday to Gibraltar the next day, how this would multiply into the economy and the value we have delivered.

Answer to Question 173

FLIGHTS	£1,464.00
SUBSISTENCE	£196.00
EVENT COSTS	£16,740.00
MISC EXPENSES	£59.00
HOTEL ACCOMMODATION	£1,913.00
TRAVEL EXPENSES	£476.00

Hon. D J Bossino: Given that the Minister is so bold and excited about this project, can he advise whether he intends to do more of these? And does he have a structure and a plan in place going forward in the medium to long term?

Hon. V Daryanani: I am bold and excited about every project that I undertake. (*Banging on desk*) (**A Member:** Hear, hear.)

Mr Speaker, of course I have a plan on how we are going to carry out ... First of all, I think it is excellent value for money. If you see the total amount that was spent, which is just under £21,000 for three roadshows, it is approximately £7,000 each.

I was present at the London show, and the amount of interest that Gibraltar has is quite amazing. The agents who are there are keen supporters of Gibraltar and very keen supporters of Gibraltar's tourism industry, so I think the idea of having these roadshows is, in my view, an excellent one and one that the Government will continue to pursue.

Hon. D J Bossino: Mr Speaker, he does not need to be concerned about my question about costs. In fact, on the face of it, it does not look like that much, to be honest, given that we are talking about three roadshows, in effect, so I am not targeting him in relation to that point and he can rest assured and be calm about that. It is really that he has expressed a desire to continue with these roadshows, but does he have, at this stage, a proper ... let's not call it 'proper', a *specific* structure in place? In other words, what I am getting at is: is he planning to go to other cities maybe next year or at the end of this year? And which cities? If he does not have that information, I would be grateful if he could provide us with that information. Or is it the same cities because he has seen that they have been a success? It is that type of structure that I am quizzing him about.

Hon. V Daryanani: The Government will be holding a roadshow in Edinburgh on 3rd March. Of course, that is in conjunction with the launch of the new air route. That is what we have planned at the moment.

The way the Tourist Board works is that they tend to have annual roadshows in London, Bristol and Manchester, obviously because of the direct links that we have with these three cities, and the reason why we are having this first ever roadshow in Edinburgh is because easyJet is launching the new route.

Hon. D J Bossino: Just one final question. Presumably this has been taken from his press release which he referred to in his initial reply, but it is reported in the *Gibraltar Chronicle* as well and I am quoting from that particular news outlet. He is quoted, I think, as saying:

Our new UK-wide campaign entitled 'Time to be Enlightened' developed by our media buyers and their design team ...

2255 **Can he provide details of who these media buyers and design team are?**

Hon. V Daryanani: Mr Speaker, a lot of this work is done through our London office, so I will have to find out who the exact company that was involved in this is.

2260 **Hon. D J Bossino:** And, Mr Speaker, is the cost in relation to that specific item set out here? Presumably the answer is no, but I just would like the hon. Member to confirm that position.

Hon. V Daryanani: That is correct – it is not included in that, Mr Speaker.

Q174-75/2020

Business Improvement District Scheme – Government participation and financial contribution

Clerk: Question 174, the Hon. D J Bossino.

2265

Hon. D J Bossino: Can the Minister for Small Businesses provide further details regarding the Government's participation in the Business Improvement District Scheme (BID) task force, to include the agencies involved?

2270 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 175.

2275 **Clerk:** Question 175, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Small Businesses state what the expected financial contribution of the Government to the BID scheme will be?

2280 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

2285 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, in answer to Question 174, as the hon. Member may be aware, a press release was published on 30th January 2020 setting out that work continues on the Main Street Business Improvement District. At present, my Ministry continues in discussions with the GFSB and the Mosaic Partnership, and is working on preparing the necessary legislative framework.

2290 In answer to Question 175, as the hon. Member will appreciate, the Government is committed to supporting the bid proposal on a pound-for-pound basis, a commitment, as I am sure he will be aware. The expected final contribution will be ascertained once the size of the district is determined and the levies payable have been calculated. Once again Mr Speaker, the Mosaic Partnership is currently actively working with the task group on the BID proposal.

Hon. D J Bossino: Mr Speaker, some specific questions arise from that. I will be as brief as I possibly can.

2295 The press release – again, I do not have it in front of me, but I do have it as a *Chronicle* press report, which presumably has gleaned information from the press release that the hon. Gentleman or his Department issued. It says 18 local businesses and Government agencies will form part of the BID task group. Can he be more specific as to which Government agencies these are?

2300 **Hon. V Daryanani:** Mr Speaker, this task group is not formed by the Government, or is not formed by me. This is a task group that is formed by the company carrying out this project, the Mosaic Partnership, and the GFSB. They have asked the Government for assistance in matters to do with legislation, and my Ministry are present in trying to assist them in trying to sort themselves out.

Hon. D J Bossino: Mr Speaker, maybe if I can assist the hon. Gentleman – is he then saying the participation from the Government side is limited to his Department? Is that correct?

2310 **Hon. V Daryanani:** Well, at the moment, what the BID needs to do, first of all, is the legislation. I actually had a meeting with them today and one of the first things that I wanted to know from them was how we could move with the legislation, because until the legislation is in place there is not much that can be done. They also need to vote this in, because if the traders do not want it, that is where the matter ends. So it is a bit of a catch-22 situation.

2315 We, as the Government, were happy to proceed with putting the legislation in place in the way that they wanted to, but their own members might vote this down; so, until they decide what they want to do, we cannot really proceed. What I am doing is trying to assist them in moving this forward because I am keen on seeing improvements on Main Street. That is my participation and the participation of the Government.

2320 **Hon. D J Bossino:** Mr Speaker, it may be a minor point, but I just want to understand, on the Government side, what their level of participation is. The press report – I am assuming gleaned from, as I said earlier, the Government's own press release, but I do not have it in front of me – talks about involvement from Government agencies in the pool. What I am asking the hon. Member is to elucidate upon that.

2325 I see that the Hon. the Minister for the Environment wants to butt in and participate in answering the questions, so maybe he can elucidate and provide that answer in a clear and succinct way.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have no intention of butting in, merely to assist, in the sense that one of the activities of the BID – if, as my hon. Friend says, it is voted in and it is successful – will be the holding of events in the BID, and I am responsible for cultural events and therefore we are involved in supporting in that way. It is not butting in at all; it is assisting in providing information.

2330 **Hon. D J Bossino:** Mr Speaker, I meant butting in in the reply, not necessarily in the process.

2335 The hon. Member talks about the legislation – can he be a bit more specific in relation to that? What is it that is specifically being considered? He referred to a meeting which I think he said he has had today with the various stakeholders and I would be interested to learn what it is that the Government, presumably by the Mosaic Group, is being asked to do on that account.

Hon. V Daryanani: Mr Speaker, the main part of the legislation is how the moneys will be collected, because at the end of the day we are going to be paying half of that and the rest of the traders will be paying their share, so we have to ascertain how those moneys will be collected. That is one of the most important things that we have to look at. The idea at this stage is for it to be collected as part of the rates, so that is one of the things that is being considered.

Like I say, we are open to suggestions, as in from the Mosaic Partnership and the GFSB. This is not our idea or plan or anything; it is something that they have wanted to do. They have come to us and Government is willing to support it, in the same way that Government is supportive of anything else that might be brought to us.

Hon. D J Bossino: Mr Speaker, I sense that the hon. Member is slightly tetchy and defensive about this. I am just trying to elicit some information – No, Mr Speaker, I have not finished. Let me ask the supplementary.

He talks about the main point which is being considered and he talks about the suggestions which are being put to him, quite rightly, by the Mosaic Group. If he does not have the information in front of him, that is fine and I can ask him next month or he can provide it to me on another occasion. All I am asking him is whether he can advise the House, by way of reply to my question, what areas of legislation they are looking at. He talks about the main point: dealing with the collection of moneys. Are they looking, if I can assist him, to some reform of the Fair Trading Act, for example, or the licensing legislation and matters like that?

It is a very simple question and he does not need to be defensive about the answers. I just want an answer.

Hon. V Daryanani: Mr Speaker, I think the Member opposite does not know what he is talking about. The only thing he knows about Main Street is when he walks down it. That is all I can think of, because he has not got a clue about Main Street.

And I am not being tetchy. *(Laughter and interjection)* I will tell the hon. Member –

Chief Minister (Hon. F R Picardo): They have the same effect on us as they have on the electorate!

Hon. V Daryanani: That's right.

Mr Speaker, the Fair Trading Act is something that is totally separate. It has nothing to do with this legislation on the BID. Being a lawyer, he should know that that is a separate Act. It has nothing to do with this new legislation. This is going to be a new legislation; it is not something that we are putting together with the Fair Trading Act. The Fair Trading Act has nothing to do with Main Street on its own, so really you are not assisting me in any way. *(Laughter and banging on desks)*

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, to ensure that none of us get any more tetchy than it appears some think that we are and others have suggested that they are, I would propose that we come back tomorrow, tetchy or otherwise, at 3 p.m. to continue with questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 20th February at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 20th February at 3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

2385 The House will now adjourn to Thursday, 20th February at 3 p.m.

The House adjourned at 7.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 5.16 p.m.

Gibraltar, Thursday, 20th February 2020

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The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q196/2020

**Civil Service sick leave –
Mental health related absence**

Clerk: Meeting of Parliament, Thursday, 20th February 2020.

We continue with answers to oral questions. We commence at Question 196 and the questioner is the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, further to Questions 100 and 101/2020, can the Chief Minister confirm the sick leave rates for the Civil Service from 1st November 2019 to 1st February 2020 and indicate the number of absent days arising from reporting (1) anxiety, (2) depression, (3) work-related stress, and (4) any other mental health condition?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, as already stated in answer to supplementary questions to Questions 100 and 101/2020, the information is being compiled. It is expected that we will be publishing the information on a quarterly basis on the statistics section of the Government website.

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Hon. E J Phillips: I am grateful to the Chief Minister, and in no way was that question intended to refocus the Chief Minister's mind on what he may wish to bring before this House. It was just to try to shorten the time gap, to make it easier for civil servants to compile that information, to be as useful as possible to this House and to the question I am asking. I do appreciate very much the efforts that are being made to produce this material on a quarterly basis.

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Is the Chief Minister, given he has the detail at his fingertips, prepared to answer this question in relation to the breakdown in relation to those specific conditions that I have mentioned in this question? It would be helpful, rather than have a general response to the quarterly information, to have 'this is the answer' to that type of question on inquiry. Would it be broken down into further issues concerning physical and mental health? I am grateful.

30 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman has asked his question twice about the same issues, and therefore what I said we would compile would be the information in respect of these conditions and that we would publish it.

The hon. Gentleman in his question asks me once again to go back and obtain this information, and what I thought I had made clear during the course of my earlier answer last month was that it was difficult to go back because that was an exercise of having to recompile across Departments. I do appreciate it is a shorter period that he is asking us to go back, but still it is an exercise. What I thought made sense, because the hon. Gentleman has alighted upon a request for information that is not nonsensical and I think there is a value to having this information ... We are compiling it now as we go, and therefore we will have the information at our fingertips once it is compiled on this basis.

If other sorts of breakdowns are available – in other words, if instead of just giving anxiety, depression, work-related stress and any other mental health condition it is also appreciable that there is a possibility of recording other conditions that give rise to absence in any meaningful way, for example work-related injury, then it will be compiled in that way also. But I am awaiting information from the Office of the Chief Secretary and indeed he will likely be consulting with the Statistics Office on how best to compile this information apart from on the basis of the breakdown that the hon. Gentleman has requested.

I can imagine that there may be a difficulty. For example, I have seen a lot of certificates, and he will have seen them as well in the course of his practice: ‘anxiety and depression’ – is that tab 1 or tab 2? We may end up with more employees than we have medical certificates recorded if we are not careful to show that there is also a head of ‘anxiety *and* depression’, and therefore I think how this all plays out is something we will have more information on at the end of the first quarter.

I would invite the hon. Gentleman to ask us after the end of the first quarter, in the first meeting after April, so that we can then have a better view of how this information is being compiled, maintained and published.

Q197/2020
Non-medical consultants –
Engagements since General Election

Clerk: Question 197, the Hon. E J Phillips.

60 **Hon. E J Phillips:** Further to Q20/2020, can the Government state the name(s) of the non-medical consultant(s) it or the GHA have engaged since the last General Election?

Clerk: Answer, the Hon. the Chief Minister.

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, other than as already provided for on the Government website, the answer is set out in the schedule that I am now handing over. The names on the schedule had not yet been added to the website and that is why they are on the schedule.

Answer to Q197/2020

Mr J Montovio — Accountancy services to IRO the Digital Transformation project;
Brian Syms Consultancy Ltd — Services required ICW the Sewer rehabilitation programme;
Wood Environment & Infrastructure Solutions — Services required ICW General Surface Water Model;
Golder Associates - Professional services in connection with Little Bay Cliff stabilisation works

Q198/2020
Runway tunnel –
Expected completion date

Clerk: Question 198, the Hon. E J Phillips.

70 **Hon. E J Phillips:** Mr Speaker, can the Government update this House on the completion date for the runway tunnel project?

Clerk: Answer, the Hon. the Chief Minister.

75 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is not possible to provide a definitive date for the completion of the tunnel. Progress on the runway tunnel project has, however, been steady, with the civil works being well advanced and nearing completion. The next stage involves mechanical and electrical installations and is expected to commence within the next few months, once the design packages are completed.

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Hon. E J Phillips: I just ask this question just for information: is there a period within the next 24 months that the Chief Minister can enlighten to, insofar as any potential possibility of a completion date? I very much appreciate what he is saying insofar as the technical aspects of this project, but it is obviously one that causes a number of question marks all over the place.
85 Members and constituents of our community are very keen for this project to take place, and so are all of us in this House, no doubt for all sorts of reasons, but if the Chief Minister can be helpful in providing a period of time that it may need to take – and I am sure the contractors will be on board and the contractors will be able to provide that information too.

90 **Hon. Chief Minister:** Well, Mr Speaker, I do not necessarily agree that everyone in this House is looking forward to the runway tunnel opening. There are some who are concerned about the consequences of the runway tunnel opening. Certainly the Government believes that this is a project that we now need. We need to see it reach conclusion so that the tunnel is open and this will help traffic flow in Gibraltar; that is why we have pursued it.

95 I can tell the hon. Gentlemen that I have said, during the course of my New Year's address in the second week of January, that I expect the runway to be open during the course of this calendar year. I also remind the House that I said that in an earlier New Year's address and I said it this year with the confidence that I had been given that it was very likely that this project would be completed.

100 Hon. Members will no doubt realise that this is not a delay of any making of the Government in any way. The Government has been in litigation, since we were elected, with this particular contractor. We are pursuing, through the Government's advisers and professional consultants, that the work done on the tunnel is done to the required standard. That has required that the Government require that work be redone, and although there may be a period within which
105 work should be done and you can therefore calculate when a project should be finished, if work done in that foreseeable timeframe is then not of the standard and quality required, the issue is do you accept it just because you want to hurry up, or do you take the advice of the professional advisers that the taxpayer is not getting the return for the amounts being paid and therefore it has to be redone, and therefore what was expected to take six weeks will take 12?

110 Mr Speaker, for that reason, although I remain confident that what I said at the beginning of the year, some six weeks ago, will still be something that we can expect to see materialise – namely that during the course of the calendar year the tunnel will be open – it is not possible to say with any more certainty that we will see the project come to fruition in that period if we are to pursue what I am sure we all agree is the right approach, which is that the taxpayer should
115 have a project completed to the standard and quality that the professional advisers of the

Government consider meets the standard and quality that British standards in our law require for a particular project as technically challenging and important as this one.

Q199/2020

Leanse Place –

Landlord and beneficial owner of premises rented by Government

Clerk: Question 199, the Hon. R M Clinton.

120 **Hon. R M Clinton:** Mr Speaker, can the Government advise who the landlord is for premises rented by it at Lease Place, and who are the beneficial owners of the landlord if it is a corporate vehicle?

Clerk: Answer, the Hon. the Chief Minister.

125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the landlord for the premises rented by us at Lease Place is Ryhall Ltd. The Government understands that the ultimate beneficial owners of the company are the Peralta family, the Hassan family, the Levy family and the Provasoli family.

130 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Would he have the names of the individual members of the families he mentioned as being the beneficial owners?

Hon. Chief Minister: I really do not see why I should, Mr Speaker.

135 **Hon. R M Clinton:** Mr Speaker, I have asked about the beneficial owners and those beneficial owners have to be, I imagine, named as people, or rather as groupings. Therefore, I think my question is entirely reasonable of the Chief Minister – unless, Mr Speaker, you rule it inadmissible. I think the simple question ‘Who is the beneficial owner?’ is pretty clear, and again I ask the Chief Minister: can he please supply the names?

Hon. Chief Minister: He is wrong, Mr Speaker, about beneficial ownership. Beneficial ownership can be held through trusts for classes of people, which do not have to be identified as individuals.

145 Mr Speaker, if we are going to be asked who are the beneficial owners, who are the Peralta family and who are the Hassan family, is the hon. Gentleman going to require me to give him a family tree? It is not information for which the Government is responsible.

I take the view that a Government cannot deal with a corporate entity that is not a publicly listed entity without knowing who is behind it, because the Government could inadvertently fall into the trap of assisting in the laundering of funds. If you are dealing with a company that is owned ultimately by somebody who is not fit and proper and/or who is not in legitimate business, then it would be wrong for the Government to be doing that. Therefore, the Government knows who it is dealing with, but whether we know that a great grandchild or grandchild, a daughter or a son, or any other has a particular share or not share in the ultimate beneficial ownership is really something quite difficult to require a Government to come to this House to give.

155 We know who we are dealing with and we know that these are the entities that hold the interests of those families. The interests of these families are held in absolute the proper structures, which do not give you names of individuals, and therefore the hon. Gentleman is wrong about the premise of his question, that ultimate beneficial ownership is held in names of

individuals that governments know. We know the class of individuals we are dealing with and the families they represent. It is an answer that I have given him. I have been very forthright in giving him the answer when he has asked me, but I am not a maintainer of family trees, Mr Speaker.

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Hon. R M Clinton: Mr Speaker, just to be absolutely clear for the record, can the Chief Minister therefore confirm that he does not have the names of the ultimate beneficial owners of this landlord?

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Hon. Chief Minister: Mr Speaker, I can confirm that the hon. Gentleman seems to misunderstand the concept of ultimate beneficial ownership.

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Hon. K Azopardi: Mr Speaker, can I ask, the Chief Minister says, quite rightly, that when the Government does business it needs to know who it is doing business with – and he is satisfied as to the people who are behind the structure, presumably. That being the case, I think my hon. colleague is just simply asking ‘Who are those people?’

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Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman has been told, and I have said, the Peralta family, the Hassan family the Levy family and the Provasoli family.

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If the hon. Gentleman knows who I am talking about, these are families that are well known to him and well known to me. He knows, because he was a Minister, as was Mr Feetham, that successive Governments have held leases in that building through entities that have contractual arrangements with the Government, or the Government has shareholdings – for example, AquaGib – and he would therefore, presumably, having welcomed the attitude I have taken to ownership and the dealing, have known who his Government was in a contractual relationship with in that building. That has not changed.

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The issue is that there may be other children and children of children, and if I am being asked to say *exactly* who the beneficial owners are, that is to expect me to know the distribution there may have been *inter vivos* of beneficial ownership in those families. If I give an answer that is not absolutely precise, then I will be misleading the House. It is not possible for the Government to give an answer which is absolutely precise as to beneficial ownership because hon. Gentlemen will know that beneficial ownership moves without the register having to be updated, and so therefore I may give an answer which may change in a moment – indeed in the moment I am giving the answer – because individuals may say, ‘By the way, the quarter share that I have in this 25% of the business I am no longer going to divide 10% for you and 10% for your sister; it is now going to be 15% for you and 5% for your sister.’ So, beneficial ownership changes in that way, and indeed people may be excluded from beneficial ownership or may be added to beneficial ownership, but he knows who he is dealing with because these are the families of these individuals. They are well known in Gibraltar. They own two particular immovable hereditaments that the hon. Gentleman will be fully aware of, both of which are the subject of scrutiny in this House, although one of them in particular has been in the employ of Governments as an area where we have taken leases through three different administrations, one of which included him and his hon. and learned colleague across the way without the ultimate beneficial ownership of those buildings changing as to families, although the breakup of ultimate beneficial ownership and split between those families may have been different at every time.

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Hon. K Azopardi: Mr Speaker, first of all, certainly in the portfolios that I held when I was opposite, on those benches, I certainly cannot recall ever having to deal with tenants of Leanse Place, so I am not in a position to say that I ever held any dealings with these tenants or indeed the structures behind them.

I certainly understand the Chief Minister's explanation, but I sense a degree of defensiveness in the answer and I do not understand why. He says he knows who he is dealing with, and we have simply asked who it is that he is dealing with.

215 It can be one of two things, if I can put it to the Hon. Chief Minister: it can either be because he loosely knows that he is dealing with those families but cannot specifically tell us who the beneficial owners are ultimately; or he does know who the ultimate beneficial owners are and somehow is reluctant to give it. I understood his first answer to be more reluctant than his second. His second seems to be saying, if I can paraphrase it, 'I loosely know who the people are
220 in the families but I cannot specifically tell you what specific shares they are holding.' That is how I understand his answer to be. Is it that my understanding is correct?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman seeks to impute to me an emotion that I do not feel, and I am surprised that he thinks it necessary to do so. I am not feeling particularly
225 defensive, because I do not think there is anything to be defensive about. For us to have continued arrangements which were already in place when we were elected in 2011 should give rise to absolutely no need to feel defensive. To have added to those arrangements in respect of other arms of Government should give absolutely no reason for defensiveness. What he might sense is exasperation at having to have the same debate, House after House, because frankly
230 there is a lot, much better, to be getting on with, not just in this light but in the context of the things that the community requires us to be doing. But look, one is here to answer their questions.

When dealing with ultimate beneficial ownership, there is no register at the moment. There will be a register in the future. The hon. Gentleman knows that the Fifth Anti-Money Laundering
235 Directive requires that there should be a register of ultimate beneficial owners but it does not require, because the Fifth Anti-Money Laundering Directive does not require it, that trusts should be reflected.

With these families that the hon. Gentleman should be aware of – and I am surprised that he was so siloed in respect of his responsibilities when he was elected that he did not know any of
240 what else was happening with his Government, that he did not know or ask or seek to enquire about the fact that AquaGib held a lease at Leanse Place ... Wasn't he aware of that? Didn't he at least pay for his utilities in the old days with chequebooks before we could do it all by direct debit? And didn't he know that the Government owns a one-third share in AquaGib? Has he forgotten that? Or that the Government has a contractual relationship with Land Property
245 Services Ltd and that they are tenants of this same building, and that there are arrangements in respect of the costs of the business?

Mr Speaker, defensiveness is as nothing in the context of the emotion that I feel at the moment, but I do feel, of course, that continued frustration at not being asked to address some of the key issues that confront this community and instead being asked to descend to intimate
250 particulars as to the family structures that people may have established to own their properties.

Mr Speaker, despite that, if they wanted the information, I have told them the Government feels it must know who it is dealing with and the Government does know who it is dealing with. It is dealing with the Peralta family, the Hassan family, the Levy family and the Provasoli family. We do not know with any level of precision – because it is not possible to know with any level of
255 accuracy, because beneficial ownership can change at any time – who the exact beneficial owners in those families are, but what I know of these families, with all of whom I have had longstanding personal relationships ... I can tell him who the controlling mind of the Peralta family has been, I can tell him who the controlling mind of the Hassan family has been, I can tell him who the controlling mind of the Levy family interest is, of course, and of the Provasoli
260 family, but that does not mean that that is the ultimate beneficial owner, because they have set up structures to establish their family holdings for their families in different ways, which are private. And I cannot give him that level of family tree detail. Neither do I think the Government is answerable for how a family has set up its beneficial ownership of a structure.

265 But, Mr Speaker, I am in your hands if you wish me to explore further the family trees of these established and important trading families in Gibraltar.

Hon. K Azopardi: Mr Speaker, if that last answer does not redefine and take to new levels the meaning of the word 'defensiveness', I do not know what does.

270 The hon. Member has said he thinks that Government should know who it is dealing with and that in fact he does know. I would have thought that it would be an intrinsic part of that exercise simply to ask the people you are dealing with who the ultimate beneficial owners are. I do not think that is an unreasonable request. And is it right for then the Government to answer questions put by Opposition Members on the basis of who it is dealing with – that it says it knows who they are? Well, I think it is entirely reasonable.

275 It is not that the Government is answerable as to how families are structuring their business; they can structure their business however they want. The point is that if the Government enters into contracts in this House, that House or another House, with whoever it is, it should know who it is dealing with – point one, which the Chief Minister accepts – and not only should it know who it is dealing with, it should then make that information public if it is asked in this House. It is not an unreasonable request.

The Chief Minister can jibe all day as to what I knew when I was on that side of the House, but as Minister responsible for Health or for the Environment did I ask every single colleague Minister what individual dealings they were handling for the Government? I obviously had some visibility, but did I have visibility of every single contract? No.

285 That is not the point. Let's not sidestep the issue. What we are asking about is today and it is a perfectly reasonable question that my hon. colleague has put, which I re-put to the Chief Minister. If he knows who the ultimate beneficial owners are, then we are asking him who those people are. If he does not know, because he knows loosely what the families are but he cannot tell us the ultimate beneficial owners because the Government has not asked, that is the other answer.

Hon. Chief Minister: Well, Mr Speaker, I suppose that given that hon. Members have got themselves up the creek, they are going to continue to seek to paddle their way out of it. So I am going to try and be explicit in the way that even they should be able to understand.

295 The Government that I lead has taken the view that if we deal with a corporate entity we are not satisfied simply, if there is on the register not an individual, to have a relationship with a corporate entity owned by a corporate entity; we want to know who is really behind it. We know who is really behind the entities that are the owners of the floors at Leanse Place – which is what this property is – and who we are dealing with. We have known not just in relation to Ryhall Ltd, but also in relation to the leases that AquaGib have acquired, where the Government owns one third of the interest, and the leases that have been acquired by LPS, who are the Government's property agents. Those relationships go back for some time.

The point I am making to the hon. Gentleman is not to jibe, it is just to remind him, but he is so defensive that he takes every reminder as a jibe.

305 What has not changed are the families who own the building that give rise to the leases. Those families are the families I have referred him to. The ultimate beneficial ownership down to individuals is not something the Government requires to know to know who we are dealing with beneficially. We know that we are dealing with those families. We do not know the shareholding between those families and we do not know whether anybody has been excluded in the context of those families or included in the context of those families. For that reason, short of standing here and reading him out the family trees of each of those families, it is not possible to give him information, and in any event the Government is not answerable for how the beneficial ownership is distributed at any time in those family interests, and indeed it could change at any time because at the moment that ultimate beneficial ownership is not registrable.

315 I hope I have explained it slowly enough that the hon. Gentleman has understood, and that even in his attempts to make mischief he will not be able to pretend that they have avoided explaining who we are dealing with.

If he would actually quite like me to go through the family trees of those families, or at least those that I am aware of, I am quite happy at the next meeting of the House – despite having
320 many other, better things to do – to ask one of the established family tree providers in Gibraltar, in conjunction with these families, to provide me with the data so I can read the names out here, if that, Mr Speaker, as we say colloquially, floats his boat.

Hon. R M Clinton: One last question, Mr Speaker.

325 I think on behalf of my colleague we will take you up on that offer, so please do.

Mr Speaker, one simple question which I am sure the Chief Minister is in a position to answer. He refers to the Peralta family, the Hassan family, the Levy family and the Provasoli family as being the beneficial owners. Can he confirm to this House that these are the same families given in answer to Question 85 as being the beneficial owners of Gibcorp Ltd, which
330 held the lease on the previous Hassan offices which the Government Law Officers have recently moved into? Can the Chief Minister confirm that we are indeed talking about the same families?

Hon. Chief Minister: Well, Mr Speaker, yes, of course I can. I can confirm that these are the same families, but I cannot confirm on my feet that the families that own the interest in all the
335 other hereditaments in Gibraltar where the Government may hold leases, which do not appear to hold any interest for hon. Gentlemen on the opposite benches ... They seem to have – well, *he* seems to have, Mr Speaker – an unhealthy obsession with these four families, which does not afflict his requirement for information in respect of any other families that might have business dealings with the Government. But that is a matter entirely for him, I suppose.

Q200/2020

NatWest House – Lease arrangement with Gibcorp Ltd

340 **Clerk:** Question 200, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has entered or is contemplating entering into a lease agreement with Gibcorp Ltd for the fourth and fifth floors of NatWest House?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is not presently considering any lease or other arrangements in respect of the fourth or fifth floors of NatWest House, but
350 does not discard doing so in the future, and the same is true of other buildings in and around Gibraltar.

Q201/2020
NatWest House –
Ministerial conflict of interest

Clerk: Question 201, the Hon. R M Clinton.

355 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the Chief Secretary was made aware of the obvious conflict of interest by Mr Picardo and Mr Licudi as Ministers, and Mr Mena in his capacity as Financial Secretary, in the Government taking a new lease of offices in NatWest House and thus releasing them and all other individual partners of Hassans from personal liability for rental payments on the unexpired portion of the Hassans' lease of the sixth floor?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, the Chief Secretary was so advised, although, as I have already informed the House, none of Mr Licudi, Mr Mena or myself – or indeed, Mr Feetham, as far as I know – have had anything to do with the idea, negotiation or agreement of the lease at NatWest House for the Office of the Director of Public Prosecutions.

365 Despite that, and although the idea, negotiation and agreement did not in any way arise from any conflict of interest, the Chief Secretary was made aware that it was not impossible that some foolish and utterly twisted mind might seek to pervert the honest and objective reality of utter propriety for potentially self-serving political mischief.

370 The Chief Secretary was therefore fully aware of the issue when he assessed the arrangements and signed the lease.

Hon. R M Clinton: Mr Speaker, what directions did the Chief Secretary give in respect of such a pernicious transaction?

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Hon. Chief Minister: Mr Speaker, the word 'pernicious' suggests that something has been done which is improper, and if the hon. Gentleman is going to make that allegation I would ask him to do so by motion and to particularise why he says there is such a pernicious relevant motive.

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Hon. R M Clinton: Overjoyed.

Mr Speaker: Is the hon. Member prepared to put forward his views in writing as to why he has suggested that what has now taken place is pernicious? (*Interjection*)

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Hon. R M Clinton: I will consider the matter, Mr Speaker.

Clerk: Question 202 –

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Hon. K Azopardi: Can the Chief Minister help us with why his name was on the lease, when the lease is dated 2016?

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Hon. Chief Minister: Mr Speaker, because the hon. Gentleman knows – and as declared in my Register of Member's Interests – that I hold interest in respect of the firm of which I am on sabbatical, and therefore when the firm enters into obligations it requires all of its partners, even those who are on sabbatical, to enter into those obligations. It was not just my name that was on the lease; the name of the founder of the GSD was on the lease, the name of Mr Licudi and Mr Feetham were on the lease. Signing leases has never been considered to be pernicious.

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Hon. K Azopardi: Mr Speaker, I was just trying to clarify that because this is a lease, as I understand it, was a 2016 lease. It has been then taken over and had a sort of term. The term did not expire – in fact was not due to expire until sometime next year, it was my understanding of the lease that has been brought to my attention. I certainly was not aware, because I have not
405 been checking his declaration of interest ... let me put it that way.

But the Chief Minister did indicate, I think, the last time a similar question was on the Order Paper ... and I note that today he said quite pointedly, I think, that none of them, meaning himself, Mr Licudi or Mr Mena – I think I took the note accurately – had anything to do with the idea, negotiation or agreement. In fact, I think last time there was some supplementary that I
410 put on this issue, the Chief Minister explained that the idea did not come from him, but that the idea came from the Attorney General one day, who met him and said, 'Wouldn't it be a good idea?' and there was some kind of exchange by which the Attorney General then thereafter went off to negotiate the terms with the DPP on the building.

My question is this, though: given that the Chief Minister did advise the Chief Secretary and therefore thought that it might be that someone might form a view of that situation, when the
415 Attorney General came to him with the idea, rather than say to him, 'Well, okay, go off with the DPP and negotiate a deal,' why didn't the Chief Minister rather say, 'Well, you know what, Michael, actually we should not be interested in negotiating something like that because the name of the Financial Secretary, my name and another Minister's are on the lease and it just
420 simply won't look good.' Why wasn't that the reaction of the Chief Minister?

Hon. Chief Minister: Mr Speaker, whether something stands the test of electricity, whether something is in substance right or wrong, whether there is a conflict of interest or not, is not about perception; it is about substance and indeed looking objectively at what happened in this
425 case and not simply taking the characterisations that the hon. Member opposite might like to put on it. Standing aside from something that involves you and allowing others to consider whether it should happen or not is what is required when there is a conflict of interest, and in particular in a situation where the decision is not led or indeed initiated by the person who may be said to have a conflict of interest.

Mr Speaker, it is not as if I did not imagine that these exchanges would arise. There is nothing that has been done here in secret. Everything has been done in the open. We are talking about things which are entirely registrable. In other words, notice is given to the world of these
430 arrangements.

The view of the Director of Public Prosecutions and the Attorney General was that there was
435 nowhere else within walking distance of the courts which they considered apt for the needs that they had. And so the conflict that they have is that they tell us on the one hand that they want us to find offices for civil servants which are fit and proper for them to do their work, and then, when those offices are found, they try and drill down to some reason they may find to suggest that something does not look right.

Mr Speaker, conflicts of interest arise in every community in the world. They would, of course, in particular arise in the context of a community of our size. It is not that where there is a conflict of interest there cannot be dealing; it is that where there is a conflict of interest, it is important, or indeed a potential conflict of interest, it is important to highlight that and ensure
440 it is dealt with properly.

I am satisfied that this was dealt with entirely properly because I immediately alerted the
445 Chief Secretary to this possibility through the Attorney General, distanced myself and the Financial Secretary from the negotiations and the possibility that it may happen, indicated that I thought that there might be a debate of this sort later in the House and ensured that all decisions were made at arm's length.

Therefore, hon. Gentlemen can cry from the rooftops about what they would *like* people to
450 think about the transaction, but the reality and substance of the transaction – and as counsel

they will know that it is substance that matters – was absolutely and entirely proper and I am delighted to have it subject to the scrutiny of this community.

455 Mr Speaker, frankly, I think that the deal that was done was one that was in the interests of the Director of Public Prosecutions because he sought it and pursued it, one which he had the support of the Attorney General on and on which those who it is alleged have the conflict of interest had absolutely no influence whatsoever, thereby denuding the potential conflict of any negative effect.

460 **Hon. K Azopardi:** Mr Speaker, doesn't the Chief Minister agree that it is not just substance; it is substance and perception because the conflict of interest issue is not just an issue of substance? Of course the substance is important, and in substance there may not be a conflict of interest; but it is also perception, and perception matters, especially in a small community where it may not look right.

465 Mr Speaker, I am staring at the Draft Ministerial Code which hon. Members opposite produced, which emphasises the point that it is not just about substance, that it is about substance or perception:

Ministers must ensure that no conflict arises or could reasonably be perceived to arise. Ministers must scrupulously avoid any danger of an actual or perceived conflict of interest between their ministerial position and their private financial interests.

Actual substance perceived because perception matters.

Where it is decided that a Minister can retain an interest, the Minister's Department must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest.

Discussions too. (**Hon. Chief Minister:** Exactly.)

470 And so perception matters, so I repeat the question, because there was a lease dated 26th ... 2016, that expired in, midway in -2021. The fact that the Attorney General's Chambers was moving to that building made the tenants of that building surrender their lease early and therefore get out of a liability of 18 months' rent. There is an obvious interest there. We can make a distinction between substance and perception, and I am saying to the hon. Member:
475 would it not, on reflection, have been the right thing to do to avoid this whole debate and rather say to the Attorney General, 'You have raised this issue, it has come from you and not from me, but I have to tell you that there will be a perceived conflict of interest and it is not in the interests of anyone for this to go further'?

480 **Hon. Chief Minister:** Well, Mr Speaker, he knows the answer to his question. Of course I do not agree with him, because I told the Attorney General the opposite of what he says. I told the Attorney General that despite the fact that I knew that it was likely that there would be such a debate in the future, if it was the right thing to do he should pursue it without my involvement and without the involvement of Mr Mena. Mr Licudi I do not think had any awareness
485 whatsoever.

And so what he has not understood is that it is exactly for that reason that I made clear that we would not be involved in the negotiation or discussion of the lease, because there would otherwise have been a perceived conflict of interest; but because we were not, it is only in the context of attempting to twist and pervert reality that a perception may so arise.

490 Is it that the hon. Gentleman is saying that it is fine for other partners of Hassans to have the benefit of being released from the 18 month obligation, but not for others? Mr Speaker, as long as you are not in executive control of the decision making, you are not in control of the driving seat of the negotiation, there can be no conflict of interest which arises actually or in substance after that point. In other words, once you take yourself out of the executive decision making and

495 you alert those who will be involved in the executive decision making of what your potential interests would be, that is it.

Of course you can spin it, which is what the hon. Gentleman is doing. He is just trying to spin it to try to cast an aspersion. But you could spin many things. You could spin somebody being a consultant or on a sabbatical from a law firm 15 years ago, on issues relating to the island at Queensway Quay that then materialised in a way that others have said was not entirely proper and did not stand the test of electricity. You could spin conceding liability on a claim on a right to light which appears to have been done in a way that is not at arm's length because of interests and relationships between people, even if it were done in exactly the right way, because perception can be spun, which is what the hon. Gentleman is trying to do.

505 The hon. Gentleman is just trying to suggest that we have done something to get for ourselves a benefit, when in fact, despite the fact that we knew that it would cause us political grief, because those who were suggesting it should be done thought it was proper, we put ourselves apart from it and allowed the political grief to happen because it was the right thing to do for the community and for those who it was the view of the DPP and the Attorney General would be better housed in that place than any other.

Mr Speaker, we can keep going round the houses on this as much as he likes. I know he wants to continue to go round the houses, I know that he wants to find a reason to ask me another question because he wants to keep talking about this – because talking about this is what he thinks is going to garner him some element of support that he cannot otherwise garner for himself. That is fine. To an extent I understand that that is politics the way that they do it, but it does not change the fact that we were very careful to ensure that there could not even be the perception of that conflict by setting ourselves apart the moment that we were told about it. That is the proper way to deal with things, it is the way that we have dealt with it and I am frankly not surprised that they are trying to spin it in another way.

520 **Hon. K Azopardi:** Mr Speaker, I am not twisting the perception of reality. Nothing that I have said, I believe, is a twist or unreality.

I have asked him questions about a lease which in fact is dated 2016 on which he is on. I have asked him questions because that lease was due to expire midway in 2021. That is also a fact. It is also a fact that by the Attorney General's Chambers getting into that property, it made the tenants of that property give it up early, therefore saving 18 months' rent – and he is on that document, therefore there is a perceived and actual conflict of interest.

530 He has talked about what processes he put in place, but I ask him ... He is the Finance Minister as well. When it came to the crunch and the negotiations of the DPP and Attorney General were at an end, someone had to sanction the deal – because the Attorney General is not the Finance Minister and the DPP is not the Finance Minister, someone had to sanction the deal, and he is compromised. The Financial Secretary is compromised because his name is on the deed as well. Who then takes the decision at arm's length to make sure that there is no perceived conflict of interest? That is the point, Mr Speaker. So, who in fact did take the final decision?

Hon. Chief Minister: I see, Mr Speaker: in an attempt to say that he is not doing what I suggested he was doing, which was to repeat things just for the sake of spinning them, he has got up, said he is not doing it, and gone on to repeat everything just for the sake of repeating it.

540 So, let us just be clear about this. I have absolutely no compunction in the hon. Gentleman repeating what he has said as many times as he likes, because I believe that the transaction that he is trying to impugn is one which is absolutely and perfectly proper and that it was dealt with absolutely and perfectly properly, not just in keeping with the existing rules but in keeping with the rules as we would have them be, which are the ones that we apply to ourselves in respect of conflicts of interest.

He says, 'Who made the final decision, therefore? If you set yourself apart and the Financial Secretary set himself apart, and you are the Finance Minister, who made the final decision?' Well, Mr Speaker, we delegated that power to make that final decision – as I have already explained to him, but I shall spell out once again – to three people, the probity of which is very much in question, given the things that he has said obviously: to the Attorney General, to the Director of Public Prosecutions and to the Chief Secretary.

He will recall from the time that he was a Minister that agreements are entered into not by politicians but by members of the administration, principally the Chief Secretary. If I were to say in respect of any other transaction – forget this one – that I have made the decision, then that might vitiate the signature on the document by the Chief Secretary because the Chief Secretary is the person who signs, is the person who has to make the final decision, because if the person who signs and binds has not made the decision, you impugn the decision in that way.

So, Mr Speaker, he has his answer. They have had this answer for some time. They are not interested in the answer that the Attorney General, who, as he will know, in law is considered to be the fountain of justice, the Director of Public Prosecutions, who, as he will know, is the person who has been delegated to the Attorney General as a person to make decisions about prosecutions, and the Chief Secretary are the people who made that decision. How can they not have known? I have given him the answer before as to the Attorney General and the Director of Public Prosecutions and the Chief Secretary as the person who signed the document.

He can pretend as much as he likes. What is going on is obvious: he is trying to cast aspersions. His sidekick was not able to do it as effectively as he thinks he can. He has got up to try and spell it out. Every time I sit down, he is going to get up again to spell it out again in the hope that it is going to somehow cast more mud that will in some way deprive me of personal support in this community and somehow drive that support to him. We can play this game as long as he likes; and, if he likes, we can play it going all the way back to when he was a Minister and the things that happened at Queensway Quay and the Island – it is up to him – or other things that happened when he was a Minister.

Mr Speaker: Can I ask you just to make this the final supplementary, please? Thank you.

Hon. K Azopardi: Certainly.

The hon. Member, if he does not want to prolong the issue, should not go round the houses himself. He not only goes round the houses; he will need a map to get out of the maze he gets into sometimes.

Mr Speaker, I certainly cannot recall that he has spelt out who took the financial decision. I know that he has said before who negotiated once he had that meeting with the Attorney General and he sent him off. I know he has said that before, but I cannot recall that he has expressed in detail this delegation to this triumvirate of officials – whom we are not casting aspersions about, by the way; we are simply trying to understand how they dealt with the actual and perceived conflict of interest which clearly arose in this case.

Can I ask the Chief Minister: given that they put in place this delegation, was this delegation orally communicated, or was there a delegation in writing explaining the purpose of it?

Hon. Chief Minister: Mr Speaker, it is remarkable that the minute somebody puts it to hon. Members on the other side that they are casting aspersions, despite the fact that they may have spent the past 20 minutes casting aspersions they immediately recoil from that. If they want to cast aspersions, they should have the gumption to cast aspersions and say that they are casting aspersions, because that is what they are doing.

Again it is a little the distinction between form and substance, because if they get up and they say, in effect, this is all – this is what they are saying – a transaction born from conflict and designed to relieve the liabilities of those who were signatories to the 2016 lease, they should

get up and say it. They know they cannot because that is not what happened, but they try to seek to create the suggestion that that is what was happening.

600 I am reminded of the debates that there were had in this House, Mr Speaker, which did great damage to the reputation of people in 1995. When the perception of corruption was raised and people did not have the gumption to talk about corruption they talked about the perception of corruption, and in that way they ruined the reputations of many people. If hon. Members want to cast aspersions, they should have the gumption to tell us that we have acted improperly and then defend why they say that we have acted improperly.

605 We have acted entirely properly in the interests of the civil servants who required to be moved from where they were and in the interests of the taxpayer. We have divorced ourselves from decision making. We have ensured that we have delegated the negotiation and conclusion of these matters to others. We have done that orally, not in writing. I cannot confirm to him whether there may have been an email on this or whether there was just a conversation. If there
610 was a conversation, I cannot confirm to him whether there was or there was not a note, but it was all done entirely properly. But I wonder whether other Governments can say that they did things entirely properly in the past. I wonder whether, if we look into files in the past, we might not find all sorts of things which I am not even going to venture to mention at this stage.

615 Actually, it would be better for them to simply withdraw any suggestion of impropriety if that is what they are intending to do, not to cast any further aspersions, advertently or inadvertently, and not dig this community into a hole of mudslinging when we least need to do that. We need to be looking out to the challenges that we face and accept that people go to work, in particular in this Government – as, I am sure, in others, from his point of view – to do their best for the community every day and not to look out for their pocket or to look out for their liabilities in a
620 lease that might have been entered into in respect of other responsibilities that one may hold. But if they want to see the world in a different way, it does not do anything other than belittle them.

Q202/2020

**James Stocks & Co –
Fees paid or payable from Government**

Mr Speaker: Question 202, the Hon. R M Clinton.

625 **Hon. R M Clinton:** Mr Speaker, can the Government provide details of fees paid or payable to James Stocks & Co in respect of the Eruca transaction?

Clerk: Answer, the Hon. the Chief Minister.

630 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 203.

Clerk: Question 203, the Hon. R M Clinton.

635 **Hon. R M Clinton:** Mr Speaker, further to Question 106/2020, can the Government identify the financial advisers who are receiving fees of £2,500 per calendar month, and what services are they providing to whom?

Clerk: Answer, the Hon. the Chief Minister.

640 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Eruca transaction involved a number of entities not owned, controlled or managed by Government and as such the Government is not

able to provide details of the transaction as a whole in respect of James Stocks & Co, or any other entity.

645 I can tell him that an annual retainer fee to act as a financial adviser for GIC Ltd is payable to James Stocks and is £2,500 per month.

650 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he advise, given that the Eruca transaction is closed, what further services James Stocks & Co is providing that require this monthly retainer?

Hon. Chief Minister: Mr Speaker, if I am interpreting the note I have been given correctly, as a process service agent.

655 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister again for his answer. My recollection of the functions of a process service agent may be a bit dusty, but is the Chief Minister able to confirm that the process service agent merely acts as a post box in respect of any legal agreements in respect of any potential disputes under the various agreements, and they are served on James Stocks & Co – presumably they have an address in London – and for that they are charging £2,500 a month, which, to be honest, I think seems a bit excessive?

660 **Hon. Chief Minister:** I do not know whether it is excessive or not, because I do not know what process service agents charge in London, but I told him in the course of the first answer that it was also as financial advisers, and then I have added as process service agent.

665 **Hon. R M Clinton:** Mr Speaker, my very last supplementary on this. He says as financial advisers, but as I said earlier, the transaction, as far as I am aware, is closed – unless what the Chief Minister is saying is there could be more transactions in the future on the structure, in which case they are being retained. Does the Chief Minister have any knowledge of this, or is it that this is information that is privy to the companies within the structure?

670 **Hon. Chief Minister:** No, Mr Speaker, it does not mean any of that. It means that they provide some advisory service and they provide process agent services. That does not mean that there can be other transactions in respect of the structure, although we have already alerted the whole of the community that there can be further transactions of the sort to fund future affordable housing.

675 I do not know what it is that they do as financial advisers to GIC and as process service agent, Mr Speaker. We can try and conjecture as much as we like about that, but without looking at the documents themselves and seeing what their duties are we would not be able to reach a final conclusion.

Q204/2020

GIC Ltd –

Repurchase of affordable housing interest

680 **Clerk:** Question 204, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it is envisaged that GIC Ltd will make a profit on the repurchase of Government affordable housing interests if these were bought for £88.5 million from GRP at book value?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the interest purchased by GIC Ltd grows every year at 7%. This will create a profit for GIC Ltd rising at that rate per annum.

690 **Hon. R M Clinton:** Sorry, Mr Speaker, can the Chief Minister explain what he means by the housing interest? Is that the rate at which homeowners have to buy their interest, in that it is increasing at 7% per annum according to the original purchase agreement – is that correct? – at which point, in future, GIC would be making a profit compared to the book value it bought it at? Is that what the Chief Minister is saying, that there is a contractual agreement with the home
695 purchasers that the 50% that the Government owns goes up by 7% each year indefinitely?

Hon. Chief Minister: Mr Speaker, I have not said the words ‘housing interest’. The hon. Gentleman said ‘housing interest’; I said ‘interest’.

700 There are no home purchasers here. The home purchasers are people who buy these properties as their homes, not those who invest in the equity at 50/50.

But yes, the agreement is that the growth rate is 7% per annum, and there is a reason for that. Since affordable housing was introduced in this community in the late 1980s, the leases provide for growth at 7% per annum, reaching market value at the time that the individual may wish to buy the residual 50% interest, or such other interest as he may not have bought at the
705 time of original purchase. But subsequently the Land Management Committee of successive administrations has simply applied a 7% uplift to the price to reach the sale price, rather than have an assessment of market value. The reason for that is just because you could have many competing interests in determining what market value might be at any particular time, and so this is the way it has been done since the first equity purchases – in 1990, I think. And when
710 purchasers then came back to Government to purchase their interests, even after the period that was prescribed for in lease as the 7% growth – I think it was 7% growth for seven years that was provided for in the leases – that continue to be applied by successive Governments going forward.

Q205-06/2002

Government-owned companies – Allocation of contribution to recurrent expenditure

715 **Clerk:** Question 205, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a schedule with an analysis showing how the £25 million contribution to the recurrent expenditure of Government-owned companies has been allocated by company name for each of the following financial years ended 31st March, being 2015, 2016, 2017, 2018 and 2019?
720

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 206.

725 **Clerk:** Question 206, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a schedule with an analysis showing how the £30 million contribution to the recurrent expenditure of Government-owned companies is anticipated to be allocated by company name for the financial year ended
730 31st March 2020?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, the contribution has been as follows:
735 for the year ended March 2015, £25 million to Gibraltar Investment (Holdings) Ltd; for the year ended March 2016, £25 million to Gibraltar Investment (Holdings) Ltd; for the year ended March 2017, £25 million to Gibraltar Investment (Holdings) Ltd; for the year ended March 2018, £25 million to Gibraltar Investment (Holdings) Ltd; for the year ended March 2019, £25 million to Gibraltar Investment (Holdings) Ltd.

740 Mr Speaker, the Government is not able to provide a schedule of the allocation of the £30 million contribution to the recurrent expenditure of Government-owned companies for the financial year ended 31st March 2020, simply because the financial year ended 31st March 2020 has simply not yet ended, as 31st March 2020 has simply not yet passed.

Q207/2020

Insolvency Fund –

Law re redundancy payments to directors of insolvent companies

Clerk: Question 207, the Hon. D A Feetham.

745 **Hon. D A Feetham:** Mr Speaker, does the Government intend to review the law relating to the liability of the state to make redundancy payments to directors of insolvent companies out of the Insolvency Fund?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very pleased to see the hon. Gentleman back among us; I know he has not been well this week.

755 There is no liability of the state to make redundancy payments to directors of insolvent companies out of the Insolvency Fund and there is therefore nothing to review in this respect.

Hon. D A Feetham: Mr Speaker, I had somebody look at this before I asked it and I looked at it myself, and the interpretation was that a director can be an employee of a company, and therefore, as an employee – *qua* employee – of a company, they can then make a claim on the
760 Insolvency Fund.

I know that this happened in relation to I think it was Haymills some time ago when that company went into insolvent liquidation, and I recall that there were questions actually that were raised by the Hon. the Father of the House in relation to this at the time. So, unless this has been reformed and I am not aware of it, the law continues to be what it has been, but no doubt
765 the hon. Gentleman will put me right in relation to that.

Hon. Chief Minister: Well, Mr Speaker, as to what he says that the Hon. the Father of the House may have said, he knows that, with the very greatest affection, I do not take anything that he says at face value and would have to check what it was that was actually said at the time, but
770 the advice that I have, which has been set out very clearly and I am happy to share with him, relates to regulation 2 of the Gibraltar Development Corporation (Employer's Insolvency) Regulations 1991, which reads as follows. I am not able to tell him if this was amended at any particular time; this is the regulation as it stands. Regulation 2 defines 'worker' as being:

an individual engaged by an employer under a contract to which the Employment Regulations, 1994 apply whether that contract is –

(a) written or oral;

- (b) expressed or implied; and the
 - (c) articles of apprenticeship or any other training scheme are included, and that contract, whether written or oral, including the Articles of Apprenticeship was;
 - (d) entered into –
 - (i) in Gibraltar for employment either wholly or in part in Gibraltar or elsewhere in the European Union; or
 - (ii) outside Gibraltar for employment in Gibraltar:
- Provided that these Regulations shall not apply–
- (a) where the employer is a company, to an individual who is a director of that company;

775 Mr Speaker, for that reason, I think it is pretty clear that there is no application of the sort the hon. Gentleman believes there is.

Q208-11/2020

Brexit –

Tax treaty; MoUs; common travel area with Schengen Area

Clerk: Question 208, the Hon. K Azopardi.

780 **Hon. K Azopardi:** Mr Speaker, when will legislation in respect of the tax treaty with Spain be introduced to Parliament?

Clerk: Answer, the Hon. the Chief Minister.

785 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 209 to 211.

Clerk: Question 209, the Hon. K Azopardi.

790 **Hon. K Azopardi:** Mr Speaker, how can the Chief Minister reconcile what he says about his tax treaty with Spain with what the Spanish government says it does and the actual effects it has?

Clerk: Question 210, the Hon. K Azopardi.

795 **Hon. K Azopardi:** Mr Speaker, has the Chief Minister seen the press release by the Spanish Foreign Affairs Ministry on the meeting held in Madrid on 23rd January 2020 in respect of the MoUs signed affecting Gibraltar?

Clerk: Question 211, the Hon. K Azopardi.

800 **Hon. K Azopardi:** Mr Speaker, does the Government think we should seek future arrangements by which Gibraltar would form part of a common travel area with the Schengen zone, and has this been formally or informally tabled in inter-governmental discussions or with the UK?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Bill to give effect to the tax treaties which we may enter into with any particular nation has been published today in the Gibraltar Gazette.

I am only answerable in this House for what the Government of Gibraltar says or does. I am surprised the Hon. Leader of the Opposition thinks that the Chief Minister of Gibraltar should be answerable here for what the Spanish government says or does, or their interpretation of things.

I have seen, of course, the press release of the Spanish Foreign Affairs Ministry on the meeting in Madrid on 23rd January 2020 in respect of the MoUs. I do not know if the hon. Member has seen the press release from Her Majesty's Government of Gibraltar of the same date. I have no doubt he will regard our Government's statement as a more reliable source of information.

As I have said publicly, the Government is examining various options for the establishment of a regime that will ensure frontier fluidity at the end of the transitional period set out in the withdrawal agreement. As I have also said publicly, such options include the establishment of a travel area with the Schengen Area.

Hon. K Azopardi: Mr Speaker, those four rolled-up questions spanned quite a lot, so I have a number of supplementaries, if I may, and I will take it in stages.

Yes, a few minutes before arriving at the House we noted that the legislation had just been published, so we will take our points in respect of that legislation in due course.

I am not suggesting to the hon. Member, in respect of the tax treaty, that I think he is answerable for what the Spanish government says; I am not suggesting that at all. He is, of course, answerable for what he says and does, and that is really what we are probing today.

It seems to us quite markedly different, and poignant indeed, that the Spanish Foreign Secretary recently – who has made some comments that I think Members opposite and indeed the Deputy Chief Minister has said are constructive, but Members opposite have also made the distinction that they do not agree with some things that she has said – the Foreign Secretary of Spain made it clear in an article in the *Financial Times*, which was then reported locally, that she thought that the tax treaty was important for sovereignty.

Does the Chief Minister agree with the Spanish Foreign Secretary that that is the effect of the tax treaty?

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman from having clarified what it is that he is asking me about. He is now saying he is not asking me to interpret or to become answerable for what it is that the Spanish government has said; he is asking me only to reflect on the things that we have said and the interplay between that and what it is that the Spanish government has said. Okay, well, that I do appreciate, but which of the things that the Spanish government has said is it that he is trying to get me to address? Is it the things that he might agree with us are constructive? Or is it their perception of why they have done a particular arrangement? If that is the case, he might want to juxtapose the position of one Minister with the position of another, one Foreign Minister with the position of a former Foreign Minister.

I do not know whether he has seen the exchanges that the current Spanish Foreign Minister has had today with the former Spanish Foreign Minister, Sr Margallo, about the statements that she made, because Sr Margallo has taken issue with what Sra Gonzalez Laya has said, telling her that she must not give up sovereignty in the way that they are saying that she has. So, although he might like me to comment only and dryly on what Sra Gonzalez Laya said in the *Financial Times* and the interpretation that some have given to it, I would ask him to look at the very negative perception that has been put in Spain on what Sra Gonzalez Laya has said by her second immediate predecessor Sr Margallo.

We are very clear: the tax treaty has not ceded one iota of sovereignty. I say 'we' because I am the leader of Government business as Chief Minister, but the Hon. the former Chief Minister, Joe Bossano, long known as the hawk of hawks on the issue of sovereignty, has said the same thing, and my immediate predecessor, who won four elections on the trot for the GSD, has said that from a legal point of view he has seen no reason to believe there is a concession of sovereignty and that, from a political view, if he had perceived the slightest concession of

sovereignty he would have spoken up immediately. So, I would comment on what my predecessors have said and suggest that they are in keeping with and of the same view that I have taken, that my Government has taken and that my Cabinet has taken.

865 But if we were going to do the exercise of seeking to reconcile what is said by a Spanish Minister with what is said by a Gibraltar Minister, can he reconcile what the Spanish Foreign Minister at the time said about the Cordoba arrangements and about the trilateral process with what his former leader said about the Cordoba arrangements and the trilateral arrangements? In the same room, people seemed to be speaking the same language. The minute they went outside and spoke to different newspapers, they seemed to have been in different rooms
870 speaking different language. Perhaps that is the nature of diplomacy, but as far as I am concerned, everything that we have said in Gibraltar about the tax treaty, on which I am backed by the former Chief Minister and by the former, former Chief Minister, both of whom have expressed their views about sovereignty ...

I think it is very clear that there is absolutely no question of the international tax treaty
875 between Gibraltar and Spain being anything that could be characterised as a session on sovereignty, but you could say that these days, for some, it is more important to reach arrangements that are practical than to simply pursue ephemeral concepts, and if that is what Sra Gonzalez Laya was saying then I would add that to the list of what I consider to be positive and constructive. If she was saying something else, then I might not consider that to be part of
880 what I consider to be positive and constructive, but as what matters here is the substance of the treaty – which, as he knows, we take a completely different view on to him, and it is not just us, it is the former, successful, leader of his current party that takes the same view as us and at a political level he has now clarified at the legal level; and the former leader of my party, the founder of the GSLP, the hawk of hawks, Sir Joe Bossano takes that view – do you know what,
885 Mr Speaker, I am entirely comfortable in the view that I have taken.

Hon. K Azopardi: Well, I am sure that we will probe that in greater detail another day.

Mr Speaker, I think the hon. Member talks about Cordoba, but at Cordoba of course there was probably less scope for disagreement because there was a joint communique between the
890 Foreign Secretary of Spain and the Chief Minister then, because indeed it was a trilateral process – but anyway, that is an important distinction.

Can I ask, on the question on the press release by the Spanish Foreign Ministry on 23rd January – and yes, I indeed did see his, but if he has seen the press release of the Spanish Foreign Ministry, he will have been struck like I was struck, presumably, by the tone of
895 bilateralism that press release had, with which I expect he does not agree. Can I ask him whether he was similarly struck by that? And can he assure the House that in proceeding to engage with the governments of Spain and indeed the United Kingdom as we go forward, he will be careful to ensure that the arrangements are preserved so that we have a separate and distinct role in those negotiations?

900

Hon. Chief Minister: Mr Speaker, I am surprised that he prays in aid of the Cordoba agreements. I was, of course, going to mention them, as I did in my earlier intervention, because it was clear that they were relevant in the context of this debate, but the Cordoba arrangements were not agreements, as we found the moment that a different government was elected in
905 Spain. What had been sold here as agreements turned out to be political statements, we were told, which did not bear signatures and which were therefore not enforceable. And so he is wrong to say that those were in any way comparable to the arrangements today, because the arrangements today are agreements.

There are two agreements, Mr Speaker, and it is important that he bear this in mind both
910 when he goes back to read the very disparaging things that he said about the trilateral process and the Cordoba agreements when he was not in the party that he is in now and he was leading another party that he failed to lead to success, and when he analyses these agreements.

He is absolutely right, the Spanish statement – it is just a statement – reads in the way that the Spanish would draft it, to allege a bilateralism that is not there. Why is there no bilateralism there of the sort that they allege? For a simple reason: these are not agreements between the United Kingdom and Spain that can be characterised bilaterally in the way the Spanish have attempted to do.

The withdrawal agreement is indeed a bilateral agreement, a bilateral agreement between the United Kingdom and the European Union; and the United Kingdom, for the purposes of that withdrawal agreement, includes Gibraltar as part of the withdrawing member state United Kingdom. On that, Mr Speaker, the legal position is clear. It is also true, and he will be aware, that there is a concordat, signed after I agreed it with the former Prime Minister, Theresa May, at Downing Street, between me and the then Deputy Prime Minister, the Chancellor of the Duchy of Lancaster, Mr – Sir, now – David Lidington, which sets out how the responsibilities under the MoUs use are to be attributed given the constitutional rights and obligations of the different parties, namely the United Kingdom and Gibraltar.

And so, Mr Speaker, he can have the assurance he seeks from me that Gibraltar will always insist that anybody who properly characterises what is happening, understands it in keeping with the United Kingdom law and Gibraltar law, the withdrawal agreement and the agreements entered into between the United Kingdom and Gibraltar, and therefore cannot characterise anything that is going on as being bilateral between the United Kingdom and Spain.

Hon. K Azopardi: Mr Speaker, the Chief Minister talks about the withdrawal agreement. Of course the withdrawal agreement was bilateral in one sense, at least initially: bilateral between the Union and the UK. The protocol annexed to the withdrawal agreement is part and parcel of an agreement which is bilateral between the European Union and the UK.

The Chief Minister makes reference to the Cordoba agreements not being agreements and so on, but in some way seeking to suggest what precisely – that we should take comfort in the fact that they were not agreements? I think a lot of Members in this House, probably all of us, share the view that other political agreements that were not legal agreements that were not legally enforceable – the Lisbon Agreement, the Brussels Agreement – had, presumably, the same status but were objectionable to the people of Gibraltar. They were still objectionable and the Chief Minister knows that.

So yes, I get the distinction between political and legally enforceable, but there are agreements, that can still be of a different status, that are objectionable, and indeed I suggest to the hon. Member that he needs to be careful where in the same way that he says ‘Caution,’ to Members of the House and people out there generally, ‘do not assume that there is bilateralism just because people say that it is bilateral or give the tone of bilateralism,’ hon. Members should not assume there is trilateralism just because someone may mention that it is trilateral. I have come across press articles in Spain where they refer to ‘*tres partes*’ even though they are talks under the Lisbon Agreement, which plainly was not trilateral in nature.

So, what I am seeking to urge the hon. Member is that he be mindful of substance and form and that he protects Gibraltar in the negotiations in relation to all the facets. I have no doubt that he goes into those negotiations with good faith seeking to protect Gibraltar. When we were on the other side, when I was a Minister on the other side, it took us a long time to sit down with Spain at talks, and the reason for that was because structure and form were so important to us when we were on the other side of this House, and I ask him to be mindful and to seek to give assurances on that issue.

Hon. Chief Minister: Mr Speaker, I give those assurances; of course I give those assurances. Indeed, if the hon. Gentleman has followed the debate, he will know that even in the context of the presentation to the Spanish media of the decision of the Spanish Cabinet three weeks ago – the tax treaty was going to the Cortes for approval – the spokesperson Minister of the Spanish government said clearly ‘the arrangements with Gibraltar’, because that is what they are. In her

interview with Radio Nacional de España on Brexit day, on 31st January, the new Spanish Foreign Minister said, 'We are going to sit down at the negotiating table with the authorities in Gibraltar.' So, I think it is very clear that everybody understands that Gibraltar is not going to accept anything which is in any way going to affect our ability to have a separate voice and to have a veto over anything that applies to Gibraltar being agreed – that, and, if my mind is slipping, any of the other ingredients of the trilateral forum.

But I must correct him when he says that when he was in government they did not sit down with the Spaniards to talk and that it took them some time. Unless they were talking to the Spaniards before joint sovereignty and they have not told us, the trilateral forum did not happen until he was leading, or about to lead, another party and had left the executive of the GSD. I do not know of a period, between 1996 and 2003 when he was in government, of them talking to the Spanish in the context of formal talks – but if he does know, I am sure the House would be delighted to have that historical fact set out.

Mr Speaker, everyone can be confident that the Government that I lead is not going to compromise one iota when it comes either to Gibraltar being able to represent itself and being recognised to represent itself, or on the substance of the issues of sovereignty or anything else which is either commercially important or important in respect of jurisdiction or control. Everybody has that assurance. People understand that the Government that I lead is not up for any discussion that might compromise any of those issues, let alone the substance of any agreement compromising any of those issues.

Hon. K Azopardi: Mr Speaker, I certainly was not suggesting we were talking to Spain at any time before joint sovereignty or when I was a Minister. What I said was that it took us a long time. It did. It took us – us in the GSD – a long time (*Interjection*) to sit down with Spain in talks. And I was still a member of the executive (*Interjection*) because the trilaterals commenced in 2004. The trilateral process of the Cordoba Agreement may have culminated in 2006 – that was another matter.

The hon. Member can be as rude as he wants about the fact that I left the party and then came back – because he left the party of the Member who sits on his right, even though he is not here today, and joined the party of the Member who sits on his left, the 'hawk of hawks', because it was convenient, politically expedient, for him to do so because he did not have the guts to go and run with another political party. I have told him that before. Every time he is rude, I can be rude back. We can play this game all day long.

Mr Speaker, on the last question, which is the issue on the Schengen zone, the common travel area, we note what he says and are grateful for his explanations. In some quarters it was considered to be somewhat of a surprise. I am only just staring at the headline of a popular Gibraltar daily that called it 'Picardo's Schengen bombshell' and bemoaned the fact that people in Gibraltar seem to find out about these things after the Spanish or foreign press.

Will the Chief Minister give assurances that even though he does not give us the detail of it, he will keep the people of Gibraltar a bit better informed than the foreign press?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not stop to surprise me and other Members of this House. He now considers rude a reminder of the facts of history. I do not consider it rude for him to say that I moved from the Liberal Party – of which I was a member with him, and with the hon. Gentleman sitting to his right – to the GSLP. I do not consider it rude at all. The characterisation that I did it because I do not have guts might be considered by some with thinner skin as being rude, but I obviously did it because I am a much shrewder politician than him and I got to the chair that he wants sooner than he has been able to (*Interjections and laughter*) and at the first shot, Mr Speaker. (*Interjections*) At least I did not have to compromise my principles when I did that, because by then the leader of the party to my left had done an agreement with the leader of the party to my right some years before and they were already defending a joint manifesto. So, I do not see why I should be, for one moment, concerned about

that, for defending a joint manifesto, which means you are defending the same principles, which means you do not have to compromise your principles to make the move.

But of course I understand that this hurts him, Mr Speaker, because having moved four times from political stable – from the National Party to the GSD, from the GSD to the PDP and from the PDP back to the GSD – he has a thinner skin than most when it comes to these issues, and of course in that context, when those parties were fighting elections against each other, you have got to have a strange definition of ‘principle’ to try and suggest that it is others who are bending. But never mind. I do not regard it as rude at all. He must not for one moment think that, Mr Speaker. I regard it as quite entertaining to see him twist in the wind. He will not have a problem with me if what he wants to have is a debate about the history of our respective political leanings. I have always leant in one direction. He has leant left, he has leant right, he has left, he has leant right. He reminds me of the hon. Gentleman whom I have always regarded as a stalwart soldier of Gibraltar politics, because I see Mr Feetham sometimes marching politically left, right, left, right – we just do not know which side he is on at any particular time.

But despite that, I am surprised that he is trying to gain some kudos for having been involved in the trilateral etc. Well, Mr Speaker, the things that he said about the trilateral process and the Cordoba agreements which I have had cause to read recently can best be regarded as rude about the people he now shares a bench with and the way that they defended those arrangements. Indeed, there is a very entertaining exchange in one of the local dailies between the former member of the GSLP, then member of the Labour Party and leader of the Labour Party, then member of the GSD, who was deemed by some not to be of GSD stock and therefore led to some leaving the GSD, having left previously the National Party to form the PDP, which was progressive, to come back to the Christian Democratic ... GSD, which is very entertaining indeed. One was defending the Airport agreement, saying it was fantastic, and the other one was saying it was the greatest treachery since treachery was invented. So, history, as he knows, is always going to treat us better than him because it is going to be written by the Deputy Chief Minister, who is the only historian in this House. (*Interjection Hon. Ms M D Hassan Nahon*) But when it comes ... I thought you were a journalist.

Hon. Ms M D Hassan Nahon: I am an art historian.

Hon. Chief Minister: Oh, I see, okay. Well, as one tries to paint the picture of what is happening in Gibraltar as artistically as possible, I hope the hon. Lady will also treat us well.

Mr Speaker, the hon. Gentleman, in relying on another newspaper to say that somehow people have been surprised by what he characterised, or he said the newspaper characterised as ‘the Schengen bombshell’, he would be failing to bring his own forensic skills to the analysis of the Schengen debate. If he is relying on that publication for that particular article, he would be forgetting to analyse the statements we have made repeatedly on this subject, starting with the visit to Gibraltar by Danny Alexander when Mr Alexander, as a member of the Liberal-Conservative Government in the United Kingdom – I think he was Exchequer Secretary to the Treasury – came to Gibraltar. I had cause to say then that Gibraltar should consider the possibility of accessing Schengen and indeed consider our position in the common customs union, and that was supported, as he will have heard me say before – but he appears to have forgotten, preferring the publication he is referring to – that Celia Malmström, who was then responsible for immigration in the European Union, had supported the fact that Gibraltar should explore this possibility and that subsequently the Minister for Europe, then David Lidington, now Sir David Lidington, had also supported the possibility of the exploration of Gibraltar’s inclusion in Schengen. That is some five or six years ago. So much for the bombshell, Mr Speaker.

So, the hon. Gentleman will allow me to say that I think he needs to brush up a little on his history, and that when he does and he brings the facts to this House I will not regard any of what he says as rude, as long as he does not refer to my entrails.

Q212/2020

Public contracts –

Non-contractual controls re fairness and abuses

Clerk: Question 212, the Hon. K Azopardi.

1070

Hon. K Azopardi: Mr Speaker, what non-contractual controls are in place to supervise, monitor, assess the performance of and ensure that public contracts are fairly priced and that the risk of abuses is minimised and dealt with when identified?

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Clerk: Answer, the Hon. the Chief Minister.

1080

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government introduced a purchasing and procurement policy on 28th March last year. This is a Government-wide policy which lays out policies, procedures and an ethical code when dealing with suppliers, to be adopted by Government organisations when sourcing goods, services and/or works.

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In this respect, the digital transformation programme introduces sourcing, ordering and payment platforms which also affect procurement. These platforms, together with robust reporting tools and audit trails, simplify and provide a greater level of supervision and monitoring of Government spending on procurement. The rollout of these platforms is currently under way.

Any spend below Government's tender threshold must be in accordance with the purchasing and procurement policy. Below tender threshold sourcing is limited to suppliers who have achieved the status of preferred supplier on Government's supplier network portal and determined using a price-only criteria.

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The purchasing and procurement Policy, and in particular the new procedure for below tender sourcing, is increasing competition and transparency of Government spend and allowing the market to price itself.

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Hon. K Azopardi: Mr Speaker, does the purchasing and procurement policy also impact on subcontracts entered into by public contractors?

Hon. Chief Minister: Mr Speaker, I do not think that there are any public contractors other than the ones that I have referred to.

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Hon. K Azopardi: What I mean – the hon. Member has perhaps not understood my question – is these controls as policy are non-contractual controls on the pricing of public contracts. Once there is a contract in place, if there is any degree of subcontracting does it impact on ...? Are there rules that also affect that, the pass on.

1105

Hon. Chief Minister: Mr Speaker, this system ensures that the price that we obtain is checked against every other price on the market and in that way must be affecting the pricing of subcontracts because the Government is getting the best price for the taxpayer.

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Are there controls through into the pricing through to the subcontractor? I do not think there ever have been and I think it would be very difficult to reliably have any such mechanism in place.

Hon. K Azopardi: Mr Speaker, is this purchasing procurement policy contained in some kind of document or rules that the Members opposite could give us a copy of, firstly?

1115

And secondly, who precisely has the duty to supervise this policy? He may have said it in his principal answer, but he was giving quite a lot of information.

1120 **Hon. Chief Minister:** Mr Speaker, these matters are run by the Government's Procurement department, but they are run electronically now, and this is the point – that they are run on the basis of having to have the information inputted into the portal, and therefore what comes out of the portal is assessed as being – and that is why I have said the price-only basis – the best price for 500 HB pencils, for example.

1125 **Hon. K Azopardi:** And in respect of my question as to whether there is a written document, does he know that?

Hon. Chief Minister: Mr Speaker, I do not know that. I do not want to assume anything. I believe that there will be something that can be extracted in writing, but I do not know that it has been circulated as a memorandum.

1130 **Hon. K Azopardi:** Can I ask the hon. Member perhaps to inquire whether there is such a document; and, if so, perhaps he could give us notice of it. If he wants us to ask the question specifically again, we can, just to remind him perhaps.

1135 **Hon. Chief Minister:** Mr Speaker, I am happy for the hon. Gentleman to either write to me or to ask the question again.

This is the successor in title, so to speak, of the policy that we have shared with the House before, which sets out the criteria for procurement and how it had to be done, but because it is now been done electronically it is done through this portal. That is why I am telling him I do not know whether this has been circulated as a document, as it used to be before, which is what he has asked me about.

1140 If he asks me next time or if he writes to me, I will extract the substance of it and either read it to the House or let him have a copy of it.

1145 **Hon. K Azopardi:** And just finally, if I understand it correctly, the pricing is done on filling in this form and through the electronic portal on a sort of self-referral basis, I suppose – I am not sure how best to short-circuit the description of it. But what happens next? There may be an adjudication of a contract, but in terms of actual performance, does the Government Procurement Unit then go out on the ground and have discussions with contractors as necessary?

1150 **Hon. Chief Minister:** Mr Speaker, the way the system works – which I think I have explained – is if you want to be on the portal you have to be licensed with your trade licence as you go into the portal and you need to maintain that up to date, otherwise the portal rejects you; you need to be up to date with your tax and social insurance contributions, and if you do not the portal rejects you and rejects your contribution; you have to be registered with the Department of Employment in Gibraltar, and if your registration lapses the portal rejects you. This is all done now ... I hesitate to call it AI, but it is done electronically. If your registrations fail, you are not able to provide the quotes – you are unable to go into the platform to provide your quotes. And then the quotes are assessed on the basis of the price to market – in other words, which is the cheapest of what we are being offered – to ensure that people are not able to favour one or another on the basis of knowing who might be making a particular offer and then making the best choice.

1160 I hope that explains the way the system works and why I think the question he has asked does not go to the way that this system ensures that we are getting the best value for the taxpayer in respect of the procurement that we are doing.

1165 **Hon. K Azopardi:** Mr Speaker, I am grateful for that, but those mechanics ... As I understand it, what he has indicated is there are a number of hurdles at which, to put it loosely, computer

1170 can say no and reject you from your application. But if you are then adjudicated the contract for
baked beans to the Government, for example, what I was really asking is who then assures not
just that the price of the baked beans is the best possible but that actually the backed beans are
of good quality? I am talking about quality assurance. Does the Procurement Unit then,
subsequently, after adjudication, is there any kind of monitoring of quality and performance in
that way?

1175 **Hon. Chief Minister:** Well, Mr Speaker, the Procurement Unit will be the place where those
who enjoy the benefit of the procurement would go to complain if the quality were not what
they were expecting. We do not expect those in Procurement to try the beans, but those who
have the beans would come to Procurement to tell them that they are not of the required
1180 quality. I do not know whether that helps them to understand the price of eggs.

Hon. K Azopardi: Well, baked beans in this case. From that, I take it that the hon. Member is
saying to this House ... Am I right that in fact there is no quality assurance mechanism other than
informal reporting to those who adjudicated the price of the putrid baked beans?

1185 **Hon. Chief Minister:** Quite the opposite, Mr Speaker. I do not know whether he has
understood what I have explained, because it would be quite something to have somebody who
is not an expert in the thing procured be the filter of quality.

1190 If the person at Procurement is asked to procure a thing like, for example, food to be used in
our hospitals or elderly residential services and he is required to taste it, then he or she might be
the wrong filter, whilst the best filter ... The most appropriate way to ensure that we are getting
the quality is to have direct contact through to those who take the benefit of the procurement,
so that they do not do anything informally, they actually consume, and if the consumption of the
commodity which has been procured is not to the standard required, it can be stopped
1195 immediately by formally advising Procurement to stop the procurement of that commodity from
that entity, person or company because it is not up to the required standard. I would have
thought that is the best possible filter – in other words, giving those of our citizens or civil
servants who have to use the thing procured the ability to determine that what is being
procured for them has or does not have the quality that is required. Otherwise, Mr Speaker, we
1200 would be putting in place a system that would not be producing what the citizens or the civil
servants who have to use the things that are procured would have any feedback on, and I would
regard that as not being satisfactory.

Q213-17/2020

Abortion law referendum –

Consultation with Opposition re rules and subsidiary legislation

1205 **Clerk:** Question 213, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when will the Opposition be consulted on the draft neutral
information document to be sent by the Referendum Administrator to persons eligible to vote in
the forthcoming referendum on 19th March 2020?

1210 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 214 to 217.

Clerk: Question 214, the Hon. K Azopardi.

1215 **Hon. K Azopardi:** Mr Speaker, when will the motion proposing the draft neutral information document to be sent by the Referendum Administrator to persons eligible to vote in the forthcoming referendum on 19th March 2020 be presented?

Clerk: Question 215, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, why were the Opposition not consulted on the draft of the Crimes (Amendment) Act Referendum Regulations 2020 introduced on 7th February 2020 for the purposes of the forthcoming abortion law referendum on 19th March 2020?

1225

Clerk: Question 216, the Hon. K Azopardi.

Hon. K Azopardi: Are any other rules or subsidiary legislation envisaged for introduction under the Referendum Act or any other Act for the purposes of the forthcoming abortion law referendum on 19th March 2020?

1230

Clerk: Question 217, the Hon. K Azopardi.

Hon. K Azopardi: Will the Opposition be consulted on any other rules or subsidiary legislation that may need to be introduced under the Referendum Act for the purposes of the forthcoming abortion law referendum on 19th March 2020?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Member opposite has already been sent a draft of the document by the Referendum Administrator for his comments, I understand.

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Additionally, he will note that the motion proposing the approval of the said neutral information document is on the Order Paper for consideration at this meeting of Parliament.

Given the time constraints, it was not possible to consult hon. Members on rules for the referendum and neither did the rules go beyond what was debated during the discussion of the earlier motion on this subject in this House.

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It is not envisaged that any other legislation will be necessary, and thus there will be no need to consult any further.

As far as I am concerned, Mr Speaker, the important thing now is for people to register to vote, if they have not done so already, to go out to vote on the day and to vote yes to protect the rights of women.

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Hon. K Azopardi: Mr Speaker, yes, we have been consulted on the draft neutral information document, and I wonder whether the tabling of our question prompted that, on the Saturday indeed, after the Friday I received the neutral draft information document in draft. But be that as it may, yes, we have received the document and indeed we note that the motion will be taken in this session of Parliament.

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We note also what the Chief Minister says about consultation on the rules. It was our understanding, I have to say, that there would be some consultation on the rules. The motion had been presented by consensus. There had been a degree of conviviality – to use the Chief Minister's word that he has used from time to time in the better moments in this House – at that time. I certainly will not be drawn when we are discussing these questions – or indeed hopefully when we are adopting a more neutral and fair tone, which is I think the purpose of the neutral information document – as to how people should vote. We will no doubt express our views on this side of the House in due course, but it was our understanding that there would be consultation.

1265

Does the hon. Member agree with me that it would have been better for there to have been a bit of consultation on those rules and that indeed, as a matter of practice, when there are rules that are contemplated in respect of elections or referenda, there should be such consultation of Members opposite? Indeed, there was consultation before the last election when there were rules that were contemplated for the introduction of proxy voting, for example. So, does the hon. Member agree that, as a matter of principle, really we should avoid, that there should be rules introduced by regulation in respect of referenda and indeed elections?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is absolutely right that it was his question that prompted that he should be sent the information document on a Saturday. I had, of course, in mind that the House should have the neutral information document in order to be able to debate the motion, but given that he asked on the Friday and I knew the House was meeting this week I saw no reason why I should not ask that he should have it that day so that he had the benefit of the weekend to consult it, rather than during the course of the week, as I would have been happy to spend time consulting with him on the issue of the rules.

But the rules unfortunately took time to draft, I was unable to look at them before and we were running out of the time set out in the legislation to publish them – and they did only the things that we had debated during the course of the first, convivial, motion on the subject. The things that should be in rules, that we had agreed should be in rules, were put in rules, and they are indeed a carbon copy almost of the rules that he reminds us there was consultation on before the General Election on those issues.

So, Mr Speaker, yes, I wish we had had more time to consult with him on these dry legal issues; but no, I do not think that anything has turned on it.

Mr Speaker, the hon. Gentleman refers to the better times in this House being convivial. Well, I do not think there have been any bad times in this House since he has been elected. If he wants to see what a bad time in this House looks like, he needs to go back to the day when some of us were called unfit to govern and transcripts of Facebook videos were referred to as grubby publications, etc. – none of that on my own rather lighter watch than the sorts of things that he might have seen before in this House. Indeed, Mr Speaker, I have not heard the *Imperial March* for ages, even on the hon. Member's phone. (*Interjection*)

Mr Speaker, as to neutrality, the Government, of course, during the course of the debate on the motion that I brought to determine the neutral information document, will seek to ensure that the House is satisfied that the neutral information document is neutral. But in my position as Chief Minister I have expressed repeatedly and I will continue to express, and I will express it during the course of these debates, or not, as may be appropriate, because the debate does not have to be neutral – it is the conclusion that we reach as information that we send to all voters that has to be neutral.

Q218-20/2020

GJBS subcontractors –

Monitoring of contracts; termination of workers' contracts

Clerk: Question 218, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government have any say on which subcontractors are engaged by GJBS and on the monitoring of such subcontracts?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 219 and 220.

Clerk: Question 219, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Why is GJBS, a Government-owned company, terminating the employment contracts for workers in subcontracting firms?

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Clerk: Question 220, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm how many workers have lost their jobs as a result of GJBS terminating contracts with subcontractors?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, GJBS has acted commercially, at arm's length and independently since its inception and has not had any political involvement since its commencement of operations, at least whilst we have been in office.

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The Government is not able to provide any information on workers who have lost their jobs with subcontractors, or been told that they have lost their jobs with subcontractors as a result of GJBS work streams coming to an end, with any degree of accuracy.

The hon. Lady should, however, note that no one has alleged that GJBS have terminated any contracts with subcontractors. What has been referred to is that contracts have come to an end, not that they have been terminated – in other words, there has been no termination of a contract that is on foot.

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Hon. K Azopardi: Can I just ask, on the question that I put ...? The Hon. Member, I think, when he used the phrase that there has not been any political involvement, must have been addressing the question that I put. I was not suggesting there was political involvement; all I am saying is ... What I was asking about is: is there some kind of rules to which that perhaps have been put in place? GJBS is a wholly owned Government company. Does it have to adhere to certain rules in the adjudication of subcontracts by it? That is really what I was probing. And if so, what are the rules that it adheres to? Or is it free to the operatives of GJBS to subcontract without reference to Governmental control – I was not talking about political control – some kind of procurement office kind of influence? That is really what I was asking.

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Hon. Chief Minister: I see, Mr Speaker. What led me to think he was asking about political interference was the words 'does the Government have any say on?' but if what he is asking is actually now more clearly set out, given his supplementary, then I can tell him that we ensure that all Government entities, even if they are independent, are subject to the same Government rules, and so therefore the rules on procurement that would apply to us apply to them. They have to follow in the context of these sorts of services: the three quotes system; those they contract with have to be approved Government contractors registered with the ETB, registered with PAYE and Social Insurance and up to date in respect of all of those, etc.

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Hon. K Azopardi: And then, just pulling that thread, therefore also subject to review and supervision by the same people? Is that right?

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Hon. Chief Minister: No, Mr Speaker, the supervision is done by the management team of GJBS.

Hon. K Azopardi: So, in terms of adjudication of the subcontracts, they have got to comply with the same rules as the Government has for itself, but in terms of the supervision – the tail end, as it were – that is left to them? There is no value-for-money supervision by the Government itself?

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Hon. Chief Minister: That is not what I have said, Mr Speaker. This is something he needs to, I think, better understand. If GJBS or indeed another contracting entity contracts with the Government to build something for the Government and they want to subcontract, then our rules say, 'You must subcontract only those whom the Government would be prepared to contract with and you must do so in the way the Government would contract with them to ensure value for money. That is to say you must obtain three quotes and you must show, unless it is under a particular threshold,' as the hon. Gentleman has just been told ... if it is above that threshold, it has got to be the best of those three quotes.' And then what there is, in terms of a control, is a control on the price being charged to the Government by GJBS or by any other entity, and that control is exercised by the Chief Technical Officer and those who work with the Chief Technical Officer who have supervision of all those contracts for the Government, almost on a QS basis and the QSs that may be there also for either GJBS or any other company that we have contracted with. They will have to QS their subcontractors also in order to bring in the contract to the price agreed with the Government.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Chief Minister for his answers. I appreciate the substance of what he has said and that perhaps my wording should have been more about non re-engagement rather than termination. If he will allow me to go with that, I could still ask him: given that that GJBS is a Government-owned company, even though there has been no re-engagement for these subcontracted firms, what type of responsibility anyway would the Government take, considering we are going to have redundancies or job losses? I know that the Government is often very proud of the low rate of unemployment in Gibraltar, so obviously this is going to cause a surge in unemployment. How does the Government deal with that?

Also, what does it actually imply on the whole, in general, that a Government-owned company is not re-engaging subcontractors? What does it mean? Does it mean that construction is shrinking, there is no need?

Also, there is a lot of talk that ... I have had subcontractors coming to me, telling me that there has been a delay in getting paid, in payments. Is the company in financial difficulty, which may be leading to such a lack of re-engagement?

Can the Chief Minister give us some light on all these factors which appear to be shrinking in terms of the company?

Hon. Chief Minister: Mr Speaker, I want to be careful in the way that I answer the hon. Lady. There is no financial issue afflicting the ability of GJBS to pay.

There are always issues between companies when it comes to payments, in particular at the end of construction contracts. If this is now my third term as Chief Minister ... I do not say that just for the sake of gloating, as the hon. Gentleman will suggest I am, but simply because I have lived through this process now on a number of occasions.

I have answered a very similar question from members of the Spanish media recently, who have thought that Brexit somehow is affecting the number of people who are contracted in our market as cross-frontier workers. There is no such effect, Mr Speaker.

What is happening, much as we saw in 2011 and we saw in 2015 and we are now seeing again, is that you come to the end of an electoral cycle; you therefore come to the end of those of us who do not have Caruana virus thinking that we have an obligation to deliver what we have said in our manifestos we are going to deliver. When we have done that, or got as close to that as possible before a General Election, the contracts are completed. There is a new manifesto. Those of us who do not regard it as a wish list then have to start the process of delivering against that manifesto. That manifesto is, when you win the election, if you have done it properly ... In some instances in 2011 we found Government plans were in the GSD manifesto, so you could have gone from the John Mackintosh Hall to the Chief Technical Officer the next morning and said carry on. For us it is different. The plans in our manifesto are the plans of the

1415 political party. They become the plans of the Government the morning that we are sworn in. Those plans then have to be given to the civil servants and say, 'This is the mandate of the people.' You have a hiatus in that process, where projects are finishing or finished, the subcontractors tend to go on to do other work, and then, when the Government companies are ready to develop the new projects, there is a re-engagement or new contracts which lead to the uptake again.

1420 We saw it in 2011-12, then we saw it in 2015-16, and now we are simply seeing it again. It is the up and down of the construction industry. So, as the new Government projects start to take off, you will see many companies in Gibraltar – GJBS is one, because the Government owns the shares in it, that tends to have a lot of the Government work – starting these projects and you will start to see people engage once again as subcontractors, and in some instances those subcontractors will have more work and will engage other workers.

1425 This is a pendulum that we have seen moving in the context of completion of Government contracts and restarts of Government projects on a Parliament to Parliament basis now, I think, for generations in Gibraltar, so there is absolutely no need to have those concerns.

1430 The hon. Lady will know – she has had the information from the Hon. Minister for Housing – that we are now almost complete on the sales of Hassan Centenary Terraces. I told the House that we had commenced the work down at the East Side reclamation in respect of Hassan Centenary Terraces. That, the House knows, was adjudicated to Casais, so they have started work. There is the adjudication of two other housing projects, Bob Peliza Mews and Chatham Mews, to come as well, which will give rise to more people having to be employed. There are schools to be built. There is a magnificent manifesto to deliver before the next General Election and so there should be absolutely no difficulty whatsoever.

1435 But because you come to the end of a contract, there is an adjustment then for payments in respect of things which may be disputed or not disputed, and there is also something called a 'retention'. At the end of any construction period the principal contractor will suffer something from the contracting party – usually, in the context of these Government projects, the Government – which is known as a retention, and the principal contractor will also inflict that retention against its subcontractors. That retention is to ensure quality of work etc. It is usually about 10% at the end of a contract and it is not paid for a period of 12 to 24 months, depending on the contractual arrangements that have been done. I do not know whether that is the issue that has been perhaps misinterpreted by some to be some issue with the financial health of GJBS.

1440 I can tell something to the hon. Lady which might be helpful, if she likes, and everyone can hear it. I have said it before and other Chief Ministers have said it before that the Government of Gibraltar will always stand behind a Government of Gibraltar company, so there is no question, even if a Government of Gibraltar company did not have money, that the Government of Gibraltar would allow it to fall, because it would affect the credibility and credit worthiness of the Government of Gibraltar. So that is not in any way an issue, full stop.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q193-95/2020

Government borrowing –

Barclays Bank Plc and Royal Bank of Scotland International Ltd

Clerk: We now return to Question 193. The questioner is the Hon. R M Clinton.

1455

Hon. R M Clinton: Mr Speaker, can the Government advise the individual level of gross borrowing from Barclays Bank Plc and Royal Bank of Scotland International Ltd (trading as NatWest International) respectively as at 31st October 2019?

1460 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer the question together with Questions 194 and 195.

1465

Clerk: Question 194, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it intends to refinance the £50 million Barclays facility that matures on 29th June 2020 by causing the Savings Bank to purchase new Government debentures?

1470

Clerk: Question 195, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain why Royal Bank of Scotland International Ltd made it a condition precedent that all existing borrowing had to be repaid (as per schedule, 1 clause 3.1) in respect of the entering into force of the £75 million credit facility dated 10th October 2019?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

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Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, the gross borrowing as at 31st October 2019 was £50 million from Barclays Bank and £75 million from NatWest International.

1485 It is intended to refinance the £50 million facility in June 2020. A decision on the source of refinance will be taken nearer the date.

The answer to the question on the decisions taken by the Royal Bank of Scotland International Ltd is no.

1490 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his Answer.

Given that the maturing Barclays facility of £100 million was not renewed with Barclays and they have £50 million coming up, and that NatWest made it a condition precedent that existing borrowing either as an existing £50 million facility be repaid before lending £75 million, would the Minister agree with me that NatWest's total appetite for Gibraltar is £75 million and Barclays is unlikely to renew their £50 million? Would the Minister agree with me, with that analysis?

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Hon. Sir J J Bossano: Well, my understanding is, in fact, that the terms on which Barclays Bank was willing to renew the £50 million were not acceptable to the Government because we could get better terms than the ones they were offering. So it is not the case that they had no appetite; their appetite came at a price that we were not prepared to pay. That is my understanding of the situation as far as Barclays is concerned.

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As far as NatWest, it was the view in the Treasury that it was preferable to have one loan agreement with £75 million than allow the existing one to continue and make a new one for £25 million.

1505

Hon. R M Clinton: I am grateful to the Minister for his Answer.

1510 If he could just answer one last question in relation to Question 194 – and I can guess the answer, but if he could confirm to the House that from his point of view he would have no problem with the Savings Bank taking on the £50 million Government debt if Barclays were not willing to renew or there was no other source to renew it or to replace it.

Hon. Sir J J Bossano: I think I have said before, Mr Speaker, that if it was my decision it would be done by the Savings Bank.

Adjournment

1515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to tomorrow at 3.30 p.m.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 21st February at 3.30 p.m.

1520 I now put the question, which is that this House do now adjourn to Friday, 21st February at 3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday, 21st February at 3.30 p.m.

The House adjourned at 5.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.27 p.m. – 6.19 p.m.

Gibraltar, Friday, 21st February 2020

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The Gibraltar Parliament

The Parliament met at 3.27 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Question for Oral Answer

DEPUTY CHIEF MINISTER

Q176/2020

**Spanish aircraft incursions –
Further details**

Clerk: Friday, 21st February, Meeting of Parliament.

We continue with Answers to Oral Questions. We go to Question 176 and the questioner is the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Aviation provide further details regarding the aircraft incursions perpetrated by Spanish aircraft in January?

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

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I assume the hon. Member refers to the incursions of 28th January. Two incursions occurred in Gibraltar airspace on 28th January. The first was by a Guardia Civil helicopter resulting in the inbound BA flight having to be put in a holding pattern. The second was by a fixed-wing Spanish military aircraft which delayed the departure of the return BA flight, which had to be held on the ground after it had started taxiing.

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On neither occasion did the Spanish aircraft contact Gibraltar Air Traffic Control. As the intentions of the Spanish aircraft were unclear, Gibraltar Air Traffic Control took precautionary action. As a result of these appropriate and timely actions undertaken by Gibraltar Air Traffic Control personnel, there were no flight safety implications during either incursion.

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Aircraft incursions are dealt with by the Ministry of Defence, because they have the radar which records the activity.

As with incursions in British Gibraltar Territorial Waters, the Foreign and Commonwealth Office protests all incursions by Spanish state aircraft to the Spanish authorities.

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Hon. D J Bossino: Mr Speaker, since I filed the question I think there have been further incursions certainly reported by GBC. One, I think, was another aircraft which was seen flying in the southern part of Gibraltar, and also there was an incursion in British Gibraltar Territorial Waters. Can the hon. Member provide further details in relation to those, if he does have them?

30 **Hon. Deputy Chief Minister:** Mr Speaker, I am afraid I do not have details. I am aware that they happened, but I do not have the details of the incursions the hon. Member refers to. I would be happy to provide the details to him at a future date.

35 **Hon. D J Bossino:** Mr Speaker, as quite properly it is an issue of defence that issues are processed – and indeed it was reported in the press that that had happened – is there anything that the Gibraltar Government locally can do in relation this? And can the hon. Member provide any details, in relation to that, as to the actions his Government is taking in relation to these unacceptable incursions?

40 **Hon. Deputy Chief Minister:** Mr Speaker, as the hon. Member knows, this is a responsibility of the United Kingdom under the Constitution of Gibraltar, and whereas the Government has maritime assets which are often deployed at sea, we have no air assets or any other way of countering that.

45 What we do is raise the matter with the United Kingdom straight away and get the UK to make a relevant protest to Spain. We also let others know of these incursions and this activity when we need to do so.

Hon. D J Bossino: Mr Speaker, the hon. Member may not be able to expand on that last remark in his answer, but when he refers to ‘others’, can he explain who those others may be?

50 **Hon. Deputy Chief Minister:** Mr Speaker, I would be happy to tell the hon. Member in the anteroom and to brief him privately on that. I have no problem in letting him have the information, but on a private basis.

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

55 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the reason we are moving to answers to Written Questions is because the Minister with responsibility for Justice and Equality is representing Gibraltar at a Commonwealth Parliamentary Association event in the Falkland Islands, and so hon. Members will have the choice of having the questions they have put to her orally at the next session or in writing, if they wish to have those answers ahead of the next session, in keeping with the Rules.

60 I therefore now have the honour to table Written Questions W51/2020 to W60/2020.

Mr Speaker: Ordered to lie.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 19 suspended to proceed with Government motions

Clerk: We now move to Government motions. The Hon. the Chief Minister.

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

I beg to move, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with Government motions.

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

GOVERNMENT MOTIONS

Abortion referendum neutral information document – Motion carried

Clerk: The Hon. the Chief Minister.

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

This House approves the neutral information document for the Referendum to be held on the 19th March 2020 on the amendment to the Crimes Act which has been circulated to all Hon. Members.

75 Mr Speaker, the House was able – in the latter part of last year, I recall – to work together in producing the question and the paradigm on which this referendum will be held. Although there may be divergent views in the House as to whether there should be a referendum or not, or indeed what the result of the referendum should be and how different Members may exercise their rights as citizens to vote in answer to the question that is being put, we were able to work to ensure that the mechanics of the referendum were agreed between us and, most importantly, the question was agreed between us.

80 Mr Speaker, we also agreed that there should be an opportunity for everyone who is going to have the right and eligibility to vote in that referendum to be informed neutrally of what the issues in the referendum are, and that this should be done in a way that would then facilitate the argument for those who are going to be proposing that voters should back one side or the other so that the raw material, the amendment that is the subject of the commencement that is being put to people in the referendum, should be something that everyone should be able to have a look at for themselves and that the campaigns should know everyone in the community who is eligible to vote has access to. To do that, this was the neutral information document that we proposed that the Referendum Administrator should ensure every household in Gibraltar receives.

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Mr Speaker, working with the Government's Law Officers, the Referendum Administrator has proposed a text for the neutral information document which was shown to me and which has subsequently also been shown to hon. Members, in particular I think the Leader of the Opposition. Given that we both are going to be proposing different answers should be given in respect of the question posed, I think there could be no better arbitrage of neutrality than that somebody who is likely to be proposing that No should be supported and somebody who is – vociferously, some say – advocating that Yes should be supported should be the ones who have the ability to input on whether the document is neutral, and indeed the whole House should have the ability to, during the course of this motion, propose such amendments as they might think appropriate to the document.

So, the document is now before the House. I am satisfied that it is neutral in presenting the issue in the referendum, the question in the referendum, the existing law and the amendment to that law, and I understand – having had an opportunity to review it, I have seen some changes the hon. Gentleman has proposed – that it may be possible for the House to unanimously support that this document, subject to the debate today, should be the one that is sent as the neutral information document to every household in Gibraltar to be accessible to every eligible voter in Gibraltar. I should say, Mr Speaker, it is probably useful that copies of this document might be made available in the ... I do not know whether we call them polling stations or voting stations for a referendum, so that if anybody were to want to have regard again, just before they vote, to the raw material, they should have a couple of copies available there for reference.

So, Mr Speaker, I commend to the House that we should approve the neutral information document which has been circulated to Members and which has had the benefit of the input of the Referendum Administrator, the Government's Law Officers, a representative of the Government and a representative of the Opposition – which happened to be advocating different votes in the referendum – and therefore that this is a neutral information document. I commend, therefore, the motion to the House.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, we will be supporting this motion.

I should say before I start that the fact that I have these heavy tomes in front of me is not because I am going to start referring to any difficult treatises of law but rather because I am just trying to get my notes closer to my eyes at this age of mine. Yes, I know that the lectern that we have behind us is rather more chunky than the slender version that has been designed for the office of the Chief Minister, which of course is the prerogative of the Leader of the House. I was only joking. I am fine with the books.

Mr Speaker, we will be supporting it. It is important to note the design of the neutral information document in the context of the package of measures that we have designed by consensus, if I can put it that way. I think it is important to understand where this comes from and the degree of consensus that has been possible, and it is important for me to say so because of a point that I want to make during the course of my intervention.

We see it very much that the neutral information document is part indeed of a sequence of steps. First of all, we had the consensus motion back in December. Despite the fact that we take markedly different views on the issue itself, the substantive issue, we were able to agree a motion which designed the process and mechanics for this referendum. Indeed, we were also able to agree the question itself, the drafting of the question. There was a pre-meeting before the motion was presented by the Chief Minister, where we were consulted on those issues and we were able to do that. It is also part and parcel of the package which forms the rules of the referendum. Albeit I made the point yesterday that we were not consulted on those, the rules themselves are indeed designed to ensure a degree of neutrality and fairness – indeed, that is

140 the whole purpose of the rules, overseen by the Referendum Administrator. There has been now a designation of bodies, an entity that will say yes and an entity that advocates for no, and there are restrictions on other people to campaign, and indeed in the rules there are broadcasting restrictions to ensure equality of treatment.

145 All of those are important principles around which this document should be seen. The document itself is not one to be seen in isolation. It is in the context of that attempt to deliver neutrality, fairness, equality and fair presentation.

The document itself we have gone through. We have suggested some changes which have been taken on board. The document was first discussed, or at least the concept of the document was first discussed, the Chief Minister will remember, when we had the private meeting on the possibility of a consensus motion, the idea that there should be some kind of information of an official nature which should go out to each household to guide the voter, if nothing else, because we are conscious that campaigners on both sides may present the argument in the best way that they think is in their interest but not necessarily perhaps with strict adherence to perhaps what the current law or the future law does.

150 So there was a need for this document. This document is as short as it could be. It summarises the current law, it summarises the future law, it summarises the effects of voting yes or no and then it annexes the current law and indeed the law that is being proposed. We are happy, in the summary of the legal positions, that it does adequately, fairly and neutrally present the issue, and for that reason we will be supporting the motion to approve the draft that we have seen and indeed signified our approval to the Referendum Administrator on.

160 The document has been the subject indeed of some public comments, not just on the motion itself, because we indicated to people as far back as December that there would be such a neutral information document, because it was contained in the motion that was passed by this House in December; it was also discussed recently on television. There was the designation of campaign bodies for both sides recently and there was an interview with the Referendum Administrator in the context of that.

165 There were then some remarks by the Chief Minister also about the neutral information documents. I imagine that he was asked by GBC for some comments during the visit of a neighbouring mayor. It seems to be all part and parcel sometimes ... I understand that the press, when they catch a Minister or a Member of the Opposition on one issue, they then also ask for a soundbite on something else. I took it that that was the case.

170 I will make the point to the Hon. the Chief Minister that I did think, I have to say, that some of his remarks ... or at least the tail-end remark was inappropriate. I say so in the best spirit possible, but I want to explain why because there were then subsequent comments that seemed to ... Well, there was a dingdong between the Chief Minister and one of the campaigning bodies, and I have to say that I think that perhaps the Chief Minister has not understood the point that was being made.

175 My reaction, I have to say, when I first saw the interview, because the interviews that were played by GBC ... There was a straight-bat interview by the Referendum Administrator – straight bat, as you would expect it to be, because he was being asked about process and he explained that indeed he had designated the campaign bodies that day, one for yes and one for no, and that is what he explained. Immediately after that and in the context of that, there was then a short interview with the Chief Minister where he was explaining the importance of neutrality and fairness in the referendum, and indeed respect, and I have to say that I agreed with everything that he said except for the last words. And when I say I agreed with everything except the last words it is not because I may disagree with him on the substance of the position; what I was disagreeing with him on is that he should express a view at that moment.

185 I want to make it very clear to the hon. Member that I have no issue with the hon. Member expressing his view on the substance of this issue at any time. He is free to do so, as indeed we are. I make the point to him, on the motion of 20th December, that I did not think it was appropriate for politicians to campaign. I made the distinction between campaigning and

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expressing a view. He said at the time he did not agree with me, and that is fine. I also understand that, and he can take a different view as to whether there should be a distinction between campaigning and expressing a view.

195 My point and why I think his comments on the Monday interview were inappropriate is because it was just after the Referendum Administrator with his straight-bat interview on designation of campaign bodies. It was just after, and in the context of him explaining to people the importance of respect, neutrality and fairness. I just remind the hon. Member, if I may, because I made a note of exactly what he said and this is why I want him to understand the point that I am making. He said:

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It is important the information should be put out there neutrally, and so campaigns can comment on their particular views on that information. I will be bringing a motion to Parliament to approve the neutral information document to be sent to every household in Gibraltar by the Referendum Administrator so that the campaigns can bring their own views to bear.

He was talking about the importance of respect, neutrality and fairness. So, when he then, immediately, in the same breath, went on to say that he was advocating that people should vote yes for a particular reason, that is what I thought was inappropriate, because what he was giving an interview on was the importance of respect, neutrality and fairness, just after the Referendum Administrator had designated two bodies in the context of each body being responsible for the campaigning on the issue. So he should have kept it at that and not commented any further. He is then free separately to comment as long as he wants on the issue.

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I know he reacted quite badly to a letter that was received by the Referendum Administrator from the Pro-Life Movement, but that is why I say I think he misunderstood where they were coming from, because what they said in their letter was that they thought that at that moment, when the Chief Minister 'proceeded' – I am reading from the letter – 'to express his partisan and disputed opinion,' – in their view disputed – the way that the broadcast was put out there – and again I am reading from their letter – breached 'basic concepts of fairness and impartiality'. So, what they were addressing there was not the issue of whether the Chief Minister can, as a matter of principle, express his view yes or no. That is not what they were saying. What they were saying was at that moment – and I have to say, as a viewer sitting at home I had exactly the same reaction.

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Not only that, Mr Speaker, I have to say that, again as someone who was reading the reaction in the press, I was rather then taken aback by the Chief Minister's press release on Government of Gibraltar letterhead on this. There are different views in the Government. I know that by majority they support one particular view, but at least one Minister does not. Even so, I was quite surprised at a press release which not only hit out at GPLM but rather complained that they were suggesting that his right to freedom of expression was somehow being constrained, and worse still, singled out two individuals repeatedly in the press release by name, implying that they were seeking to restrict the Chief Minister's rights and in no uncertain terms giving those two individuals a public dressing down.

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When there was a live complaint to the Referendum Administrator ... Mr Speaker, the Chief Minister needs to understand, and I am sure he does because the Chief Minister is not a fool. He called me a fool the other day, but he is not a fool. He understands what he is saying and he understands what he is doing, and in doing this he understands perfectly well what he is doing. He needs to use the office of the Chief Minister in a responsible and measured way. He is not engaging with the Spanish state; he is engaging in a public dingdong with the entity that has been officially designated as the No campaign by the Referendum Administrator. He is also doing so in response to a complaint that has been received by the Referendum Administrator. He is putting the Referendum Administrator in an invidious position. What is the Referendum Administrator, who is a civil servant, supposed to do now, when he has seen a rather extreme response from the Chief Minister? He knows that he puts the Referendum Administrator himself in a difficult position.

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And not only that: when he exercises his office as Chief Minister he needs to do so in a measured way. In my opinion, there was no call whatsoever for him to engage in such a combative way with two individuals who have only done things in their history to care for people. One of them is a former headmaster and the other person has a track record in caring for people, and what they are trying to do is put across their view. They were certainly not seeking to constrain the right of the Chief Minister to express his opinion. I certainly did not think so, and I do not think that anybody else thought that either. I have to say that the reaction I have had to the Chief Minister's press release in respect of this matter has been certainly one of surprise at the fact that the Chief Minister thought it was necessary for him to engage in that way with the GPLM.

So, Mr Speaker, as I say, we thought that reaction in the context of a neutral information document should have been kept in the spirit of what we were trying to achieve, which is to keep it neutral and fair, and in that context, therefore, I am not going to express my view on whether I am going to support a yes or a no vote in this referendum today. I am certainly not going to do it today; I am going to fall short of that because I believe that what we are keeping to is the context of the importance of neutrality of the information and of the respect that needs to be given to both sides.

Whether you advocate a yes vote or a no vote I think it is important to lower the tempo. There have been plenty of social media reactions that have been not measured and perhaps of high emotion. I think it is important to tone it down and that is why I raise the issue I raise, because I certainly think from the position that I hold here it is appropriate and right that I should say that I saw those comments with a degree of surprise at the excessive nature of them.

Mr Speaker, in terms of the motion and the document itself, I make clear that we are content and satisfied that it is neutral and that it will fulfil the role that it is supposed to fulfil, and for those reasons we will support the motion.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, regarding the neutral document, I consider it an appropriate document, technical and objective, and just what the people will be needing as a guide for the upcoming referendum, so I will be supporting this motion.

With regard to what the Leader of the Opposition has just said, I have been following the events that have transpired over the last few days on this issue and I have to say that I fully support the Chief Minister on what actually happened. I think that whether we agree or not on what he said or did not say, it is a matter of style. Maybe I would have taken that opportunity to campaign; maybe I would not have. Maybe the Leader of the Opposition in the Chief Minister's position would have done so, or not. But it is all a matter of style. We have to celebrate the fact that we have a free media and people should be entitled and allowed to express their views.

The main issue here is whether or not we believe and trust, which I personally do, that the national broadcaster and our newspapers will give equal coverage to either side – but actually trying to clamp down on any official or on any elected Member expressing their views at a moment like this, when we are fully in campaign mode, is trying to stifle freedom of speech, which obviously I am very much against and I think is a slippery slope at this point.

I do not believe anybody should be told what to say or how they say it. The Chief Minister and our respective parties will be judged upon that at the next election, on the matter of style and substance of our output, and I think the Chief Minister was perfectly entitled to say whatever he wanted, so I will be supporting this motion on the neutral document.

Thank you.

Mr Speaker: Does any other hon. Member wish to speak on the motion?
I will call the mover of the motion to reply.

290 **Hon. Chief Minister:** Mr Speaker, thank you.

The motion before the House today is only about the neutral information document, so it is really quite something to be told, in the context of the motion just on the neutral information document, that in the context of the interview just on the neutral information document I should not have said anything other than referring to matters which are neutral, respectful, fair and do not go into campaign mode, and to see the Leader of the Opposition try – and I say ‘try’ because I do not think he has achieved it – to use this as a moment to seek to reprimand the Leader of the House, the senior elected political representative of the people of Gibraltar, for having expressed a political view. Indeed, Mr Speaker, it is frankly remarkable that he should try and do that.

300 The hon. Gentleman refers to there have been a ‘dingdong’. Well, Mr Speaker, I do not think there has been a dingdong, and he, I think, fails to appreciate what it was that the Gibraltar Pro-Life Movement were doing in the complaint that they made if he calls it just a dingdong. I know that he has quoted a little part of their complaint, but is it that he has not read the bits that complain about *where* the Chief Minister expressed the view and about where the broadcaster asked the question and when they broadcast it?

305 Mr Speaker, as far as I am concerned, not as a person who will take a view in the referendum but as the senior elected political representative of the people of Gibraltar, I will not accept that anybody in this community should be told where and when they cannot say things other than in Rules that have been approved by this House. In other words, there is nothing in the Rules approved by this House in respect of this referendum or otherwise that tells the Chief Minister of Gibraltar what he can and cannot say anywhere, and it is indeed a slippery slope – I am not going to give way – to suggest that that is the case, a very slippery slope. Indeed, Mr Speaker, if we did have such rules, they would be curtailing the very freedoms that we all stand for. No, they are not there, Mr Speaker. The hon. Gentleman is going to pretend to say (*Interjection*) that the Rules and the referendum somehow curtail – I am not going to give away.

Hon. K Azopardi: A point of order.

320 **Hon. Chief Minister:** No, there cannot be a point of order on something that I have just decided not to give way on, Mr Speaker.

Mr Speaker: It is the right of the Chief Minister, if he wishes to give way, to do so, but I cannot press the Chief Minister to give way.

325 **Hon. K Azopardi:** No, my point of order, Mr Speaker, is that he is asserting there are no rules, and I have a right to clarify that, surely, if he has asserted it and it is incorrect.

Hon. Chief Minister: Mr Speaker –

330 **Mr Speaker:** The Chief Minister may care to comment on what you are saying.

Hon. Chief Minister: Thank you.

335 If there were rules that prevented me from saying what I said, why didn’t he make that as the first point when he got up in respect of this motion, to say that I had replied, that I was acting properly and in exercising my freedom of speech in breach of Rules that we had passed in this House? Because he knows that is not the case, although it is convenient for him to try and get up now and pretend that there are.

340 Mr Speaker, it is absolutely clear – (*Interjection*) Of course I am not going to give way, because the House has already been entertained by the hon. Gentleman, in this alleged attempt to reasonably just put his support for the neutral information document and call for the Chief Minister to consider how he deals with things, in his attempt to pretend to be a vanilla and

silken voice in this when indeed what he is doing is promoting those who would seek to prevent those of us who want to support one side in the referendum from freely expressing our views in that respect. The Government that I lead will not have it. Even if we might be of different views in respect of aspects of this, we certainly will not be put in a position where any of us, whatever our views, will not be free to express those views.

Mr Speaker, there have been other referenda in the history of Gibraltar and indeed we have observed referenda in Gibraltar and elsewhere in recent memory. In all of those instances the political elected leaders of those communities, including ours, have expressed views in respect of those referenda and they have done so in the same location and sometimes with greater verve and gusto in respect of the options that they represented and defended than I did last week or earlier this week. Nobody ever complained about that. That is what gives away that the hon. Gentleman is simply seeking, by the back door, to try to defend those he supports in this referendum.

He says that the people I responded to are only known for wishing to be kind to people and to look after people. Well, Mr Speaker, there might be different views about that. Or is it that he does not realise that? Doesn't he realise that those of us who take a contrary view to the view that he appears to be taking in this referendum believe that Gibraltarian women's lives are being put at risk by those who are vociferously making an argument not to change the law; that Gibraltarian women are being pushed out of their country to carry out medical procedures that are going to continue to be carried out whether people vote yes in the referendum or no; and that therefore, even though they might come at this from the best and most genuine position, there may be those of us who from the best and most genuine position do not believe that their position is one that seeks to protect and to care in the way that others of us believe that we must protect and we must care for our women folk?

Mr Speaker, therefore I do not agree with him that it was not right for me to respond in what one might call my usual vehement tone. I think politics is a serious business: if you do not believe something passionately, do not pretend to come to this House to defend it. I am not vanilla and silken; I am what I am, I stand for what I stand for, and much like probably the most successful of the FLOPs I have seen recently, the Hon. Mr Feetham, I stand for what I believe and I argue about what I believe. You might say I am (*Interjection*) inelegant. One person's inelegant is another person's representative and the person that they feel most represented by. I do not pretend to put on a silken cloak to not say what I intend to say, which is to promote a side that I am pretending not to promote because I am pretending to be neutral. That is not me. Maybe that is him, Mr Speaker. I stand for what I believe and I have made very clear in this House, in interviews on the local broadcaster and elsewhere, what I will be voting in this referendum and why, and when I am attacked for saying so I vehemently, passionately and vigorously take the view that I respond in the way that I have responded. It is the only way in which I need to respond. One man's freedom fighter is another man's terrorist, and one man's good politician is another man's bad politician. This is a democracy: people choose him, people choose me, they choose her – and more people chose me, so that is why I get to do interviews in front of the cassette that says 'Working for You'. That is why I get asked my views and that is why I give them.

Honestly, Mr Speaker, I really do not think that there is much to be said about this, but he has wanted to say much about it because he wants to be the hero of the Gibraltar Pro-Life Movement – and he will allow me to say that I believe that he is cynical in the extreme in doing so. Why do I believe that? For all the reasons that I told him during the course of the leader's debate back in October, 24 hours before the glorious third successive electoral win of the parties that I lead.

He was saying during the course of that debate that he believed that this law was about abortion on demand and that women should instead make complaints to the Police about rape or incest which might then lead to abortion. As I reminded him then – although none of them have ever been able to come up with a law that they say they can produce – if this law which we

are proposing should be commenced is an abortion on demand law, which it is not, at least it is an abortion on demand law in the Gibraltar Health Authority, whilst his proposed law, the one that he cannot draft, the one that nobody has been able to come up with, is an abortion on demand law in a police station that risks a woman having to go into a cell, that disregards the mental health that he says he cares about.

Again, he brings motions on these issues etc., or at least writes to me on them, although he sends those draft motions to the press before I even have a chance of reading his emails; therein his genuine attempt to agree something ... He says he cares about mental health. In fact, what he should say to this House is that he cares about the mental health of men, because when it comes to the mental health of women who might be suffering as a result of an unwanted pregnancy his argument is 'Unless it is rape or incest and you go to the Police and they deal with it somehow, mental health does not matter to me because it is abortion on demand.'

That is what we are dealing with. That is the level of political hypocrisy that one is required to flesh out to show that the vanilla is actually much more spicy and that the silken is much more cotton, that there is side to the hon. Gentleman's attempt to paint himself as the voice of reason, that when he is calling for respect and neutrality what he is doing is advancing the cause of that which he defends – which is frankly indefensible, in my view, as he knows.

He says that it was difficult for him to understand why it was that I replied on the letterhead of the Government of Gibraltar. Well, I would have thought even he could work out that the complaint was not about Fabian Picardo, it was about the Chief Minister of Gibraltar, and if he cares to read again the complaint he will see it is a complaint about the Chief Minister, and the letterhead of the Chief Minister of Gibraltar is the letterhead of the Government of Gibraltar.

Mr Speaker, frankly I do not think there is absolutely anything in what he has said which has any substance or merit. There was nothing extreme in the response that we gave. I did not pick out any individuals. I responded to individuals who had signed a letter complaining about the actions of the leader of Government business in Gibraltar by pointing out what they were doing and the potential slippery slope on which they embark Gibraltar in respect of freedom of speech.

Frankly, therefore, I think that there is every reason to expect that this campaign will be respectful and it will be fair; but it will not be neutral, because the campaign has begun. The designation of the two bodies and the signing of the Order are about the beginning of the campaign, and there we have to have the gumption to defend what we believe, otherwise we do not deserve to be elected political representatives of our people if we are just going to make points on the easy subjects. The hon. Gentleman gave it away when he said, 'You are not replying to Spain.' The Chief Minister of Gibraltar is not here just to reply to Spain or to the United Kingdom, or to take the happy causes. We are here to deal with *all* of the issues, and he should expect to see that I will not be neutral in this process.

He said that he has had reactions to what I said. I have too. Mr Speaker, to a fault I have had congratulations for having put the response to those complaining about the start of this referendum campaign in as forthright a way as I thought it was necessary that I should. Those responses have come from quarters I would not have expected, including those who do not agree with me as to how people should vote on 19th March. In other words, there are those who defend voting no in the referendum who felt it was inappropriate for there to be a complaint about one of the individuals who wants to support the opposite being on television and being broadcast.

The hon. Gentleman no doubt is surrounded by people who want to tell him how well he has done. Now that he has been re-elected as leader and has a straight run, he will have a lot of that, but he needs to discern who is genuine in the process of doing so.

I take great comfort from the fact that people who do not defend my partisan line and who do not defend my line in this referendum also felt it was appropriate that I should respond in that way. Talking about balance and impartiality in the context of the referendum is to attack the broadcaster for failing to provide balance and impartiality, and there is indeed a very

slippery slope where people try and affect freedom of speech and try and affect a journalist's right to report and edit in the way that he sees fit. We have not seen this in Gibraltar for the past two years since Mr Clinton wrote to the *Chronicle* to tell them that their use of an apostrophe was in the wrong place in relation to the word 'mortgage', the quotation mark – an attempt to curtail even a journalist's right to punctuation! (*Laughter*)

Mr Speaker, these things are funny, but there is an underlying critical reality. There are those of us who accept criticism within the bounds of what is fair and proper and the laws of defamation and libel, and there are those who seek always to curtail those who do not have the same opinion and to stop us from expressing that view. For all those who defend saying what one feels, saying what one believes, whether it is on my side in this referendum or otherwise, I stand to defend them. They, I think, know that now, on both sides of this debate in the referendum, but I still believe that all sides have to date been respectful, I believe they have been fair and I think that this can continue to be the case on the basis of the parties that have been designated in this campaign.

I call, in the wider community, those who are involving themselves in the debate, as they should, on social media in particular, to show the same respect and to show the same approach in fairness, not to mention individuals by name, not to call them out for their experiences, not to put up photographs of political leaders with their pregnant wives to try and embarrass or somehow turn the debate into the personal, and to really let's have a discussion about the key issues – but let's make it robust. Calling for respect does not call for weakness; it calls for debate on the substance of issues – hard debate, robust debate, not weak debate but respectful debate.

And so, Mr Speaker, I am heartened that the hon. Lady and I see eye to eye on these issues, although we might disagree on many others, and she has analysed it also from the point of view of the attempts to curtail the freedom of the media – in this case the local broadcaster – at the same time as there has been an attempt to curtail freedom of speech.

I call the hon. Gentleman opposite out for pretending to be doing one thing when we all know what it was that he was trying to do. But I do, of course, nonetheless thank him for the thing that he was called upon to talk about, which was the motion and the neutral information document and his approach to that, which was all that we were here to talk about this afternoon and he decided to take it elsewhere. But at least we know that we are likely to be able to count on the unanimous vote of the House in support of this motion and the distribution of the neutral information document.

I should just add, Mr Speaker, before I sit down, that I have known the Referendum Administrator now for many years. He is more robust than most and if he felt that he had to pick me up on any issue, he would. He often does during general elections, regardless of what he might think the outcome may be, and he knows that whilst this party is represented on this side of the House nobody is ever going to complain if he ever complains about us.

Thank you very much. I commend the motion to the House. (*Banging on desks*)

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

**Bestowment of Gibraltar Medallion of Honour on Elio Cruz –
Motion carried**

Clerk: The Hon. the Chief Minister.

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

This House acknowledges the huge contribution made by Elio Cruz to the cultural, artistic, literary and musical heritage of Gibraltar and therefore and hereby posthumously bestows on him the Gibraltar Medallion of Honour.

Mr Speaker, I start, believing – as I started the earlier motion – that this is likely to be a motion that is going to enjoy support across the floor of the House, but I will believe that we can do that unanimous supporting of this motion once I have heard the speeches, because you never know these days; on the most neutral motion one might end up finding that there are differences of opinion.

But in the case of Elio Cruz, Mr Speaker, I doubt that there will be anybody in this House who will want to raise a word against him receiving the Gibraltar Medallion of Honour, for a simple reason: Elio Cruz has been in the background of most of our lives. To some extent we might not even be aware that he has been there. We all know, of course, of *La Lola se va pa Londres*, which is his key piece. He was also an artist in the sense of painting, and I learnt that at the recent excellent exhibition of his life's work which has been organised by Gibraltar Cultural Services and by Alice Mascarenhas, where I saw a body of work which I was not aware of in respect of this man, but also in his music. I had not been aware that when we hear *La Virgencita de Europa* the lyric that we are hearing is a lyric from Elio Cruz. I know that that is a song which is not *Llevame donde Naci*, which is neutral at a religious level, it is a religious song, but I know it is a song that is known to all those who live in Gibraltar, whatever their religion. It has been part of what one might call, in the name of the old Radio Gibraltar programme, part of the soundtrack of our lives. Elio Cruz has been there in the background so often.

When Mr Anthony Lima was Mayor of Gibraltar he wanted to bestow on Elio the Mayor's Award. I recall that Elio was unable to come to Gibraltar to receive the award and he was presented with the award in the United Kingdom because he was then elderly and he found it difficult to fly. Indeed, once the Government was made aware, through the work of Gibraltar Cultural Services and Alice Mascarenhas, of the whole body of work that Elio Cruz represented, we considered it was appropriate that he should indeed receive the Gibraltar Medallion of Honour.

Unfortunately, Mr Speaker, and I say this in a genuinely heartfelt manner, this award will be posthumous because Mr Cruz has recently passed away. That is not a reason that his family and his memory should not have the Gibraltar Medallion of Honour in his history and in his body of work as a final exclamation mark to record the pleasure that he has brought many generations of Gibraltarians and the pride that all future generations of Gibraltarians can take in the body of work that he leaves behind, and I therefore commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question of the terms of the motion moved by the Hon. the Chief Minister.

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

I wish to reassure the Chief Minister, first of all, that he will have the unanimous support of the Official Opposition on this side of the House in respect of this motion; indeed, it is only right and fitting that Elio Cruz should be honoured with at least a Gibraltar Medallion of Honour.

If I may, Mr Speaker, as a contribution and something I want to be recorded, I was struck by and wholeheartedly agreed with the summary of the obituary written in respect of Elio Cruz when he died in June last year, whereby the journalist summed it up nicely by saying:

He was encyclopaedic on the arts, music and culture in general. His mind was always constructing and working on his next project, his next play, or working out how the set had been changed so fast in the latest production he had just seen.

Yes, Mr Speaker, those are lovely words by which to be remembered.

535 In his summary, the Chief Minister gave us a brief rundown on Mr Cruz. I am very happy to also want to record that Elio Cruz was a schoolteacher by profession and there are schoolteachers on both sides of his House, so we certainly know what his fundamental thing was; and, above all, there are many Gibraltarians who are graduates of St Mary's College, where Elio Cruz studied, so I am sure they also feel equally proud of him.

540 In only the last couple of days we have seen the adverts that the 2020 edition of the Gibraltar Drama Festival will take place in March and it is indeed the Gibraltar Drama Festival where Elio Cruz started to gain his first standing ovations, if one can call it that. He was the writer of winners of original plays. He was also obviously the author of a winning play himself. He was also the author of plays whereby actors ended up getting best actor award, best actress award, best
545 original play and all those awards that come with it. So certainly there is a whole list of cultural performing arts achievements out there.

In respect of the fine arts, he seems to have been equally as able a person. He won several prizes as a painter, having started in the Calpe Institute Artists Group and he seemed just to have moved on from success to success. Like all painters, unfortunately, perhaps we only
550 realised the better part of his original works after his lifetime.

Mr Speaker, it is interesting to note that Elio Cruz is someone who, despite having lived away from Gibraltar for many years, never ceased to be a Gibraltarian at heart. Indeed, before the days of digital and email transfers of correspondence, he used to have a monthly supply of local newspapers sent to him, and that kept him very much abreast. That, and his own personal
555 experience, is what led him to write that very successful play *La Lola se va pa Londres*, and that came after that. He certainly knew how to bring alive that typical Gibraltarian woman that those of us who perhaps are old enough to remember patio life knew, that on every patio there was someone very much like Lola. And although it has been produced, I believe, three times now, it is something for the future. Certainly we always look forward to events that bring our
560 community together, and it is one of those events that will do so.

I had the privilege of seeing what I think was the second performance – I was a bit too young to see the first one – of *La Lola*, and after the play I had the opportunity to meet, personally, Elio. He was a contemporary very close in age to my late father. One thing that struck me about Elio within just a few minutes was he was a very knowledgeable man. He could talk about
565 anything, but like people of that generation he was above all able to talk first-hand about being a young boy evacuated to London and later to Northern Ireland, and the hardships they went through – and yet they were doing it with a smile. Anyone studying the history and the growth of the Gibraltarian – and Dr Garcia, I think, will agree with me completely – has got to empathise with the character, and Elio Cruz was certainly someone who could portray a true Gibraltarian.

570 No matter where you are in the world, no matter if you moved in the late 1950s to London, he never lost his Gibraltarian touch. In fact, he never even lost his Gibraltarian accent from his manner of speaking. He was someone we all very much looked forward to meeting whenever he came to Gibraltar. He was an only child but did come regularly when health permitted him to visit his parents. Unfortunately, as the Chief Minister said, eventually with time he chose not to
575 come back to Gibraltar. But I want to add that Elio was, beyond a shadow of a doubt, a very proud Gibraltarian. Like I said, he never lost touch with the community he grew up with. And above all, he always remained a Gibraltarian at heart.

Today he forms part of our social and cultural history. He lived with us for a moment of time but his driving force *La Lola* is very much a part of us with the same dreams, aspirations and
580 hope for a better world, with that strong sense of identity and belonging. This was Elio personally, through and through. He was everything *La Lola* was and he is everything that an aspiring Gibraltarian should aim for, so we are extremely pleased to support the Chief Minister in this motion. (*Banging on desks*)

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

Hon. Ms M D Hassan Nahon: Mr Speaker, Elio Cruz was a Gibraltarian playwright who will go down in history for, over the years, in the literature that he has produced, having immortalised the Llanito culture and spirit. That is something that unites our people from all backgrounds, religion, age, denominations and political persuasion.

It is true what the Chief Minister said, that many of us had not known too much about this great man, which only reinforces his humility and his integrity, and that he did things with no expectations or airs and graces. Clearly, despite the lack of fanfare over this man, he managed to enrich our bank of culture and arts in the community, so I take this opportunity to posthumously thank this talented man for his services to culture and the arts and I congratulate his family for this very deserved honour.

Needless to say, I shall be supporting the motion. Thank you.

Mr Speaker: The Hon. John Cortes.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I rise as the current Minister for Culture to support the motion and I think as I do so I reflect the views of all those many hundreds of Gibraltarians who are active in the arts – the performing arts and the fine arts – and all aspects of culture in Gibraltar.

As a very young child I remember well attending rehearsals of some of his plays, some of which my brother used to take part in, in the old days of Group 56 and St Joseph's Drama Group; and I too knew Elio later in life, mainly from his dramatic performances and from his plays.

I am glad to say that my predecessor and my friend and colleague Steven Linares, when Minister for Culture, visited Elio – I am sure he may want to add something himself – with members and representatives of the Gibraltar Cultural Services and saw the richness of his work and was committed to bringing the exhibition that the Chief Minister opened just a few weeks ago which really revealed the wholeness of Elio Cruz's contribution to what being Gibraltarian is.

I think there might be something more, though, and it may be that we have not seen anything ... One of the things that I did not know is that he was also a keen photographer. Sadly, there were only two or three photographs that were found and formed part of that exhibition. I like to think that, somewhere, someone will in the future find Elio Cruz's photographs and that he still has something to contribute to Gibraltar in the future.

Mr Speaker, what can I say? I think that I reflect the views of all the community in the arts in Gibraltar in supporting this motion. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the Chief Minister's motion? Otherwise, I will ask the Chief Minister to reply.

Hon. Chief Minister: Mr Speaker, I want to thank the whole House for their support of this motion.

I was struck by something that the Hon. Mr Reyes said. I think that *La Lola* has not disappeared just because patio culture has disappeared. I would put it no higher than this: I know many Lolas even today, although there may be fewer patios.

Indeed, what Gibraltarian has not reminded themselves of the title of that play as we have sat on the plane to London, whether we are off for a trip with the family or to negotiate the most important concordats with the Foreign Office? Every time someone goes to London, don't you have that thing in the back of your mind: *La Lola se va pa Londres*? And that is only the pinnacle of this man's work, the most known of this man's work. This was a Mor and Santos immortalising in the local patois 40 years ago, 50 years ago, 60 years ago, so this is highly deserved and I am grateful that this motion will pass unanimously.

Mr Speaker, I should have said also that apart from Gibraltar Cultural Services and Mrs Alice Mascarenhas, Mr Cecil Gomez I think contributed a lot of material for the fantastic exhibition. Mr Gomez in particular has been a collaborator of Elio Cruz for many years.

640 Mr Speaker, I suppose – and if we have different opinions about how people should vote in
this referendum, I suppose we have many different opinions about what I am going to say next –
wherever Elio Cruz is now, *if* he is now, he must be smiling watching 17 Gibraltarians presided
over by another having a discussion about the merits and demerits of him receiving such a
medal. What a fantastic patois we might make in the way that we exchange each other ... What
645 a fantastic plateau for him to write now, wherever he is – if he is – perhaps an even funnier play
than the ones he has left us with already. (*Banging on desks*)

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

**Bestowment of Freedom of the City of Gibraltar
on Hon. Adolfo Canepa CMG OBE GMH –
Motion carried**

Clerk: The Hon. the Chief Minister.

650

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

This House:

*NOTES the impeccable track record of public service of the Hon. Adolfo Canepa CMG OBE
GMH;*

*TAKES NOTE of his long service to Gibraltar from the moment he was first elected to the
House of Assembly in 1972;*

*RECALLS that he served as Chief Minister from 1987 until 1988, and as a Government Minister
from 1972 until 1987;*

RECALLS that he served as Leader of the Opposition from 1988 until 1992;

RECALLS that he was Speaker of the Gibraltar Parliament from 2012 until 2019;

FURTHER RECALLS his role as Mayor of Gibraltar from 1976 to 1978 and from 2014 until 2017;

*ACKNOWLEDGES that the Hon. Adolfo Canepa CMG OBE GMH continued to serve Gibraltar in
roles which were often voluntary and unpaid between 1988 and 2012;*

*CONSIDERS that this trajectory of public service is deserving of the highest honour that can be
bestowed by this House in the name of the people of Gibraltar;*

*AND HEREBY therefore bestows the Freedom of the City of Gibraltar on the Hon. Adolfo
Canepa CMG OBE GMH.*

655 Mr Speaker, I think everyone in this House knows the person who is the subject of this
motion and I think we all know him well. There are few in this community who do not know
Adolfo Canepa. Indeed, he is one of those people who is better known to most as Adolfo than he
is as Mr Canepa, and I think that also demonstrates the sort of character he is that engendered
that level of proximity and approachability.

660 I am struck by the fact that Adolfo was first elected to this House in 1972, a very good vintage
it was too. I think that in 1972 the House elected three of the people who went on to serve this
community the most in all our history – indeed four. It elected Joe Bossano, who is still here. It
elected Adolfo Canepa, who was until recently still here after an interruption. And it elected also
Joshua Hassan and Peter Isola, both of whom had already a long trajectory of service and then
went on to continue a long trajectory of service. What a vintage it was. I suppose people look at
us, Mr Speaker, and hope that none of us give as much of that vintage and that we make way a

665 little sooner for others, but certainly in Adolfo Canepa here was a man who went on to serve from 1972 onwards.

I am struck, whenever I speak to Adolfo, by the amount of things that he was able to do in those days courting bipartisan support. Few people will know that pensions and unemployment benefit were creatures of that time in this House and legislation brought to this House at that time. Few people will imagine that today we might be able to do that which Adolfo I think relates in his autobiography and he has often related to me, which was to take a proposal that had been put by Joe Bossano in respect of benefits and turn it into something that the AACR then produced Bills on, and was supported. That relates also to issues in respect of the Employment Tribunal and unfair dismissal etc., that level of bipartisan work.

675 When you look at history and you think of what was happening in those days, of course what sticks in your mind is Bossano versus Hassan, etc. That is the sort of broad-brush history of those moments, but there was a lot going on underneath in the background and Adolfo Canepa was one of the architects and engineers, not to say the midwives, of exactly that sort of positive bipartisan action which leaves us all with a much better community today with those pension provisions that we have, with those social security provisions that we have and with those employment laws that we have. Of course they may have been amended a thousand times since then, but there would have been nothing to amend if that work had not been done in the first place.

685 When Adolfo came to this legislature he came to it from the relative comfort of teaching. Mr Reyes has just reminded us that there are other teachers in this House today. And we have worked with teachers in the context of our post-colonial struggle considerably since the war, Mr Speaker. Dennis Matthews is another person who was a teacher also. But if that was a part of the work with the unions and self-determination, here was a man who chose to come into this House and to leave perhaps a more comfortable existence as a teacher because he felt it was right and proper that he should.

690 Mr Speaker, as we all know, Adolfo found himself holding the post of Chief Minister for a short period between 1987 and 1988. That was a period of great political flux in our community: the time of the Airport Agreement and the issues around that; the end of the argument about the Brussels process in the 1984-88 period, although the Brussels Agreement was to come back as an issue after 1991. This was a time of great political argument and it would have been very difficult indeed for anybody to have led the AACR to victory at that time given what was happening politically, but it shows you that the gumption of the man was there. He was prepared to lead the party even though there might have been little chance that the opinion polls at the time were wrong and that they might win. After that period, he went into a period of service as Leader of the Opposition.

700 He understood that perhaps his partisan political time was passed. He then took on other roles in our community which are not least significant because they were not elected. He was called upon by Joe Bossano, as Chief Minister, to start the work of implementing European Union directives, an issue that had not been brought to anybody's attention before. Sometimes when the debate is had about how many directives were overdue in 1996, little regard is paid to the fact that the existence of directives and the need to transpose them into Gibraltar law had not been brought to the attention of the Gibraltar Government until sometime in the mid-1990s. With Adolfo out of the House, Joe Bossano, his political adversary and close personal friend, thought he had the integrity to do a job for the Government that he had opposed and brought him into Government service. What better demonstration that it was the right choice that despite the change of administration in 1996, he continued to serve Sir Peter Caruana and the GSD in that role throughout their 16 years in government with different levels of involvement.

710 Mr Speaker, when I picked up the phone in 2012 to ask Adolfo Canepa to become Speaker of this House he was, as usual, ready to serve, but he told me something that I think all of us who have dealt with Adolfo know is common in his approach to anything that he does in life, and I am sure that he will have no difficulty with my disclosing that. He said to me, 'I very much want to

do it, let me talk to Julie,' because he understood, as most of us understand, that going into public life – and taking the Chair that you have taken drags you into public life, even if it does not drag you into public argument – is something that requires the support of the whole family. With Julie's support he took the Chair of the Speaker of this House and he has served us with absolute distinction, as all of our Speakers have. He did not always rule in the way that I would have liked, and that is, I suppose, what makes him such a great Speaker. He did not always rule in the way that Members opposite would have liked, no doubt. That is probably what makes him such a great Speaker. Looking at a Speaker and assessing his distinction is not about deciding how many goals you scored or how many goals the others scored, but about the fact that he was a neutral observer of the proceedings and a magnificent referee of the Rules, and he discharged that role until the last election.

During that period when he was Speaker, I also had to call upon him to be Mayor, and again when I picked up the phone with the Deputy Chief Minister to ask Adolfo whether he would once again take on the role of Mayor he did not hesitate to tell me that he would, but he will not mind me disclosing publicly that he said, 'Let me talk to Julie.' In the post of Mayor in particular, the spouse or partner of the holder of that office is called upon to be present and involved in ceremonial functions, so of course that was absolutely right.

And so, Mr Speaker, in the recognition that we are giving Adolfo Canepa with the Freedom of the City of Gibraltar in this House, I generally believe it is going to be one which we will bestow unanimously and with common joy across the floor of the House.

We are also recognising the contribution to public life in Gibraltar of his family and in particular of his spouse Julie, who was supportive of him when he made the difficult choice to leave teaching to go into politics, supportive of him in his role as Minister, supportive of him in his role as Leader of the Opposition, as Speaker and as Mayor on those two occasions. Adolfo often refers to Julie not as his better half but as his better two thirds, and I think he would agree with me that he is just underestimating her a little when he does that! She has our thanks and recognition also in the context of this motion, as do, of course, all of his family.

Mr Speaker, the people of Gibraltar do not have much to give, but when we give it we give it with love and I am sure that we will unanimously want to bestow this Freedom on Adolfo with joy and to demonstrate how much we appreciate the work he has given in his lifetime to Gibraltar.

I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, we will absolutely and wholeheartedly support this motion.

If I can summarise before I go on to perhaps talk in a bit more detail, I think there are several pillars on which I certainly will regard him: a man who has held all the high offices of state in this community – Chief Minister, Leader of the Opposition and Speaker; secondly, a politician of substance, seriousness and dignity, qualities which are to be admired – not a populist, not someone of populist superficiality, which sometimes you see in the modern era of politics, so often. He was a man who was almost the polar opposite of populist superficiality. He was someone who was serious, dignified and indeed who was always one of substance; a man and a family who suffered deep personal tragedy and carried it with great dignity, and still continued to serve despite those personal tragic blows; and a man who served not just for a few years but for the better part of 50 years, like the title of his book *Serving my Gibraltar*, for half a century.

Mr Speaker, people who may have shorter historical memories may perhaps remember that there was some friction from time to time in the last Parliament, on occasion, when Adolfo was Speaker, but I have to say that that would be to really judge the issue on a very narrow basis and in no way do the Members on this side of the House make that kind of judgement. Irrespective

of what may have been thought on individual issues at the time, it certainly does not overshadow a stellar career of service, which is what Adolfo has contributed to this community and for which we must be deeply thankful. Indeed, this honour is richly deserved, as it was when Her Majesty conferred upon him the honour of not just the OBE but the CMG, the higher honour, more recently.

When I make these remarks – and now I step back into perhaps making some personal observations – I am delighted to be supporting this honour to give Adolfo the Freedom of the City, and I do so from the perspective that certainly ... Well, I was too young for ... I only voted in in one election in which Adolfo was on the ballot paper. I regret to say that I did not vote for him in that election, and indeed I say quite clearly that in that election ... Well, the election was in 1988 but I can safely say that I was brought up in a household where my parents and my grandparents never voted for the AACR, so when I make my judgement of his career I do so from that perspective. I come from a family who were not AACR voters and yet I absolutely endorse the comments of the Chief Minister on his great contribution to this society, to our community and indeed the contribution of the AACR that I recognise, of which he was a part of for so many years.

Adolfo was of course – is, of course – much older than I am, so my judgement of Adolfo is to a very large extent historical and from afar, although I did have dealings with him from time to time and if I may just permit myself some personal indulgences and reflections on him, the first time I encountered Adolfo was as a young, nerdy 17-year-old, when I came here with some friends of mine and I sat in the public gallery. The AACR was in, I believe, its last term, or the second to last term it would have been, around about 1983-84 I think it was. I was actually really struck with his impressive performances in questions and answers, batting away the Opposition Members' questions. I thought him then the only impressive AACR Minister, save of course for the Chief Minister of the time. I did think he was quite a performer in this House.

In the same year, during one of those sessions that we had at school where we were all collected into groups and we were all sent off to see Ministers in the old days, I was in a group of five or six students who were sent to see Adolfo in his office, which was then, I think, located where Joshua Hassan House is now. I remember sitting there and we were after his explanation of Government and so on, and he spoke on topics. He then invited questions and I rather impertinently asked him a difficult question on the commercialisation of the dockyard, because that was the topic of the day. My father worked in the dockyard and I thought it was an appropriate question. I am not sure he thought that was a good question to ask him, but he was very nice about it and gave me a very full answer as to the policy that the AACR stood under.

Much later – around 20 years later, I have to say, or 20-30 years later, actually – I had the pleasure of dealing with Adolfo at the constitutional talks with the UK. Of course I served in government when, as the Chief Minister has said, he was part and parcel of what was then the Legislation Support Unit (LSU) and the Advisory Services there.

But I dealt with him a bit more when we had the constitutional talks in London and I had the pleasure, on one occasion I remember, of sitting next to him on the plane to London when we were on the way to constitutional talks, and as it happens of course, with everyone who has served this community for so long and at such a high level, his knowledge, experience and ability to direct and command the discussion on historical political issues was really fascinating. He rather gracefully described me in his book as knowledgeable on the constitution during those talks. It may have surprised him – and I am sure he does not remember – that I was that upstart who asked him that question on the commercialisation of the dockyard. If he had remembered that, maybe it would not perhaps have been such a graceful reflection.

I will of course remember Adolfo, as a politician, as someone who was forthright, serious, thoughtful and clear always, and all major attributes that someone should have in politics. He was, as the Chief Minister has said, a Minister for 16 years. I have said before – I said it during the ceremonial opening of Parliament when we reflected on some comments on Adolfo as Speaker – that they were probably really tough years to be a Minister. No period of being in

government is easy, as the Members opposite know especially because they are in government now, which is not an easy time to be in government; we were in government during joint sovereignty. But Adolfo's period in government, when he was in government at a time with the border closure, with all the pressures that brought to bear, must have been a really hard time to be a Minister providing for the future survival of this community. That was a real test of what you had to have to make this community go forward.

He was a man, I think it is safe to say, and he will not mind me saying, of the moderate progressive centre left at a time when he got involved in politics when the social security, education and health benefits we take for granted were unimaginable. I think that is fair to say. He very graciously used to describe himself, when he did to me a couple of times about his time as Chief Minister... that he would be remembered as a footnote in history. I thought that was not just graceful but it masked in fact, the real achievement that we should remark on, and observe that he is not a footnote, in this community. He has served this community for 50 years with stellar service, and indeed the achievement of someone who gets to be Chief Minister of this community, when only a handful of people have been privileged to serve in that role, should never be, in my view, respectfully, described as a footnote. And indeed his time, albeit short, was the crowning achievement of his ministerial career.

He was clearly someone who was intellectually brilliant and hardworking. He observes in his book that in those days there were only a couple of scholarships that were given to people, so to achieve going to the UK without being privately paid by your parents was a real task, and the fact that he did so was a mark of him as an individual and someone of ability.

He was, of course, a teacher by profession and he brought that to bear, my colleagues say, when he was the Speaker of this House. I did not directly have experience of that, but I am sure that that was so.

He observes in his book that he found it difficult to adjust to being Leader of the Opposition after being in government – and I know that feeling – but after retiring from frontline politics he continued his public service in Gibraltar in several roles, as the Chief Minister has indicated, advisory, mayoral, and then Speaker crowning his long career.

This is a richly deserved honour and it is proudly supported by us all. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, as you will well know from your time as Clerk in this House and now Speaker, the majority of motions that are presented to this House are usually contentious and do not enjoy unanimity across the floor. I am therefore extremely pleased to assume that, in this case, this motion will be enjoying the full support of this House and for very obvious and deserved reasons.

To me Mr Canepa holds a very special place in my heart and in my childhood memories, of course, having been a firm co-pilot to my late father when he worked hand in hand with him throughout his political life. My appreciation for the work and achievements of Mr Adolfo Canepa will therefore come as no surprise to this House. With a political journey spanning almost five decades, this great man served as Deputy Chief Minister in my father's Government, later going on to succeed him as Chief Minister on my father's exit from political life.

Mr Speaker, when we think about our own lives and the time given to public service in this very House, most of us expect to be around for a decade, or two at most, and apart from the Father of the House, Mr Joe Bossano, sitting across the floor – a contemporary himself of Mr Canepa, who also has an impressive record of years in public service – few of us will match an entire lifetime dedicated to political life. For that, today we owe Mr Canepa a huge collective debt of gratitude because it is people like Mr Canepa who have been there, through thick and thin, when the chips were up and when the chips were down, to navigate our community through difficult times and to see us through to the other side.

In fact, when we review his political journey, Mr Canepa's contribution to our democratic history is nothing short of outstanding. Mr Canepa, serving as a Government Minister in the days of the closed Frontier, led the revolution of the Social Insurance Scheme by increasing old-age pensions and making the scheme universal. Prior to his taking over the Labour and Social Security portfolio, only industrial workers and low-paid white collar workers were eligible to contribute to the scheme until Mr Canepa made it universal by including those in the private sector. Including everybody in the scheme was indeed a revolution and, coupled with this, he ensured to increase pensions astronomically from £2.10 a week to £6 a week.

Mr Canepa will also be remembered for tying annual increases in pensions to average earnings, directives that we take for granted today but that were pioneered by this good man with true socialist values, just like introducing legislation to protect workers against unfair dismissal, legal pathways that protect workers to this day and were brought about under Mr Adolfo Canepa.

He then went on to bear the brunt of the closure of the dockyard, attending meetings with my late father and the late Baroness Thatcher in London to secure the future of the dockyard, achieving a very beneficial package of aid for our people.

Mr Canepa has dedicated his life to public service from his teaching days right up until a few months ago when he was Speaker of this House, where we have seen him diligently apply the Rules of this House, often through passionate altercations with this most distinguished predecessor of yours, Mr Speaker, altercations and heightening of tensions which I think – I am sure – we will all fondly remember him for.

He has served as Government Minister, Deputy Chief Minister, Leader of the Opposition, Mayor and Speaker, but most importantly he has served as a man of our people for almost five decades. I will therefore proudly and emphatically be voting in favour of this motion to award Mr Canepa this most distinguished honour and I congratulate him and his family for this most wonderful honour and take this opportunity to thank him for his years of dignified service.

Mr Speaker, I also take this opportunity and echo the sentiments of the Chief Minister about his wife Julie and thank her for being his rock and his motivation in delivering his great work to us with the determination and elegance with which he has done so over the decades. This lady has been a clear key factor in Mr Canepa's success and service to our community and she must not go underestimated here today. As the old saying goes, behind every great man is a great woman.

Thank you. *(Banging on desks)*

Mr Speaker: May I also remind hon. Members that he acted as Governor on a number of occasions?

Does any other hon. Member wish to ...? Prof. John Cortes.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, clearly in support of the motion, if I may add some personal observations.

There is the exception that proves the rule and the Hon. Chief Minister said earlier, rightly, that Adolfo is known as Adolfo, rather than Mr Canepa. There are at least two exceptions in this room because both the Hon. Mr Reyes and I were taught by him in Form 2A in the Gibraltar Grammar School, and for us he always has to be Mr Canepa as well as Adolfo.

Mr Speaker, when one recollects one's school career, you remember most of your teachers. Usually, one or two stand out. When I recollect my school career, my teacher was Mr Canepa. He was a firm teacher, he was a caring and understanding teacher and he had the respect and, most important, despite his firmness, the affection of everyone he taught. In fact, as a teenager – a young teenager, I must have been – when I heard that he was standing for election I remember having a conversation with my late father and saying, 'What happens now? Does he have to leave teaching?' I was so upset that he was going to have to stop teaching, but education's loss was Gibraltar's gain.

I also had the honour to work as a civil servant for some years when he was MEDT, as we
 925 used to call it – Minister for Economic Development and Trade – and he was also Chair of the
 Development and Planning Commission. I think I am correct in saying that he was probably one
 of the first, if not the first full-time Minister in the Government of Gibraltar at a time when this
 just was not done – so, once again, a pioneer in that.

But above all, Mr Speaker, I have just to comment that Mr Canepa – Adolfo – taught me a lot,
 930 a lot more than mathematics and a lot more than Arsenal Football Club, of which he remains a
 firm supporter. He taught me values, and not just me but many Gibraltarians, and apart from all
 the contributions in the political world I think his contribution in education and in teaching a lot
 of then young people, now not so young people, value and even in themselves merit the honour
 that this House is going to bestow. *(Banging on desks)*

935

Mr Speaker: The Hon. Edwin Reyes.

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

Yes, together with my colleague Dr Cortes I certainly remember. I could not have put it better
 940 myself. He was a strict man but fair, and he did command that respect, I think, even among his
 colleagues in the teaching profession.

I remember he certainly made my day in I think it must have been 1971. He was one, like
 myself, of a minority: the supporters of the Gunners. But because Arsenal managed to achieve
 the double that year ... As deputy head teacher, as he was at the time, he used to stand at the
 945 top of the steps in the lower playground and inspect all the boys as we walked up, and we were
 told off – either you had the wrong colour shirt or tie, but the favourite was sending us all for
 haircuts, because the fashion in those days was to have much longer hair than now. He actually
 stopped me there, shook my hand and said, ‘Congratulations, we did it,’ and he made my day,
 much to the astonishment of my 30 other classmates: how dare this man show affection to
 950 people? He was always careful not to single any pupil out, either to reprimand them or to praise
 them. He was always equal there.

He was indeed a kind man and everything, but he was a sports lover as well. I remember
 during his early years as a full-time Minister, and in fact during his first term as Mayor, he would
 often turn up at weekends in the days of the closed Frontier to the Victoria stadium or to the
 955 Europa sports ground and sit there casually on a Saturday or Sunday and watch endless hours of
 cricket. He always had nice words, but very accurate, to comment on you: your bat was not
 straight enough; you need to practise this, that and the other. As Mayor, he made us in Gibraltar
 different because the visiting teams would be introduced to him, saying, ‘This is Mr Canepa, the
 Mayor of Gibraltar.’ They really thought we had brought out the red carpet for their team.

I have one memory as well, having had the shock of my life. I had applied for a rather senior
 960 teaching job. It was a full PSC board meeting, and as my name was called and I walked into the
 interview room, who was there to chair the whole PSC but Mr Canepa himself. My thoughts
 rushed back to 30 years earlier and I said, ‘That’s it, I do not stand a chance in hell of getting this
 post,’ but it proves Mr Canepa’s fairness and judgement because he actually gave me the post.
 965 So, for that, Mr Canepa, and for your continued unending support ... Like myself, the good and
 the bad days, we are always behind Arsenal. Thank you for your service to Gibraltar. *(Applause)*

Mr Speaker: The Hon. Sir Joe Bossano.

**Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar
 Savings Bank (Hon. Sir J J Bossano):** Mr Speaker, I can say that I shared the privilege and the
 970 opportunity of being a friend of Adolfo from before politics and from school days. That is to say
 we are the same age and we were in the same school and we recently have finished up in the
 same place.

Of course, at the beginning of my involvement in politics everybody used to belong to the AACR. You were either AACR or an independent, and in Devil's Gap Steps we were all AACR. It was indistinguishable from being in the AACR and being in the union because the AACR, in something that is perhaps unique, because ... In most countries, it is the trade union movement that first starts campaigning at an industrial level and then finds that it has to enter the political level to get beyond what they can do within a framework which can only be changed politically. But in Gibraltar's case it was in the reverse direction – the AACR actually created the trade union movement, instead of the trade union movement leading to the creation of a political arm. So the trade union movement here was the arm of the party rather than as was the case in the UK, that the unions eventually decided they had to enter the political arena in their own right instead of lobbying.

The AACR was the left wing of Gibraltar – not just left of centre, it was the left. I think it was a period of time when the main issue, one that has not yet terminated as far as we are concerned, and I think now perhaps even as far as they are concerned since the Hon. Leader of the Opposition shared the view with us when we were speaking from the top of the Casemates car park ... for many years ... It is a battle that has not yet been won and not yet finished, but certainly it is a battle that the AACR led, which was the battle for decolonisation, for self-determination, for the recognition of the Gibraltarians.

Many of the things that made being in politics difficult was precisely the colonial layer and Adolfo was as much a campaigner against colonialism as I was, even though we were on different sides in this House, and we were on different sides in the House initially precisely because of our views on decolonisation. The issue with the position that was being taken by the AACR on the future relationship was going down this route, which was unanimous at one time, with Peter Isola and Sir Joshua both going with the same view to the United Nations on free association or close association with the United Kingdom, and the position then was that the flaw in free association was precisely the ability of the United Kingdom to cut the union, to cut the link.

Free association carried a risk in a situation where, even at that early stage in the 1970s, it was obvious to those of us who were involved that we were being pushed in a direction that we did not want to be, and being in government in the 1970s with a closed Frontier ... Even in 1970, even early in 1972 and 1973, people in London were already planning what was going to happen after 1975, or 1976 or 1977, whenever it was that the dictator next door died, because it was going to happen within a matter of years and they were preparing for what was going to be, from the perspective of the Foreign Office, a different scenario. The defence and the protection of Gibraltar which we had always taken for granted was being put at risk the moment that people saw a need to give comfort to the newly born democracy in Spain in order to ensure that it did not fall back into the hands of a military dictatorship, and that meant that, for the first time, after Franco's death in 1975 Gibraltarians were seen as having to have the defence and protection of their interests put on balance with the need to provide warmth and support to the people on the other side. It was a very difficult time to be in government; I was not in government, I was in opposition.

Of course, on domestic matters the relationship with Adolfo was a very close one. He had been in the trade union movement. He was a school teacher. He came into politics at a time when it was very difficult for working people to come into politics because there was this untaxed allowance which was a sort of pocket money for part-time politicians and the law said that ... As it originally was in the 1970s, practically nobody, other than those in the private sector, stood for election because the public sector included the Ministry of Defence, the DoE, the Government of Gibraltar, the City Council, so you were only able to go into politics in Gibraltar really if you had the ability to be self-employed or you were in the private sector, or you had to give up your livelihood and go in the hope that you got into government and got £750 a year allowance, or stayed in a Opposition and got £350 – not that it made that much of a difference! Of course, in the private sector, as I discovered when I came back, if you were

branded as a Bolshevik you did not stand much of a chance of being offered employment. With a wife and three children, and one on the way, really the only hope available in Gibraltar was the union.

1030 But Adolfo, in our first exchanges in this House, introduced a piece of legislation, which the
hon. Lady has referred to, which is the protection against unfair dismissal, which is the law we
have today, which was being introduced in the United Kingdom by a Tory government as a sop
to the unions because they were introducing negative things for the union and they were
offering something to sugar the bitter pill of the trade union regulations. I remember that was a
1035 speech that Adolfo made. Adolfo said, 'In the United Kingdom it is a right-wing government' –
the AACR in those days was very close to the Labour Party – 'and it is a right-wing government
that has introduced the protection for workers against unfair dismissal as a sugar on the pill of
introducing controls on trade union rights, and we are introducing the sugar without the pill.'
This is how he described the law because in fact the law gave the protection to workers, and our
1040 law was the first law in Europe to protect, because it had been done only in the UK. For many
years, and even to this day, there are places in Europe that do not have laws on unfair dismissal.
In the United Kingdom the period of time has been cut back to six months sometimes under the
early years of Labour and then put back to two years under conservative governments. We have
always had the 52 weeks of the original legislation of 1972. It was introduced in the United
1045 Kingdom in 1972; we introduced it here shortly after, in 1973.

There have been two important pieces of legislation where Adolfo sat on this side and I sat
on that one but we were very close in what we wanted to achieve. In the case of unfair
dismissal, there were a number of things that I proposed to improve the legislation and Adolfo
was quite happy to delay the Committee Stage to sit down with me and discuss how what I
1050 wanted would work. And this was right at the start; we had only been here for a few months. So,
the personal relationship, the personal warmth, the affection we have for each other never got
interfered with by any differences that we might have had politically because we were on
different sides in the House.

There were many occasions in the years of the AACR when the AACR was being pushed, I
1055 think, in an area that they would rather not have been in relation to the Brussels Agreement and
the Lisbon Agreement. There was clearly a background of the difficulties of Gibraltar with a
closed Frontier and the possibility of MoD cuts, and the United Kingdom Foreign Office saying
we have got to move in the direction of getting closer to Spain and talking to Spain.

Many decisions in those years were being taken when the people in government who were
1060 taking them and defending them were not 100% convinced that we should be going in that
direction. Not only do I know that from my personal relationships, but in fact the stuff that gets
published after 30 years in the United Kingdom shows that the people who sat in the Foreign
Office knew that the Gibraltarians were going to be difficult in moving to where the UK thought
we should be moving because Franco was no longer there.

1065 It has always been a problem making people understand, in London, that of course although
no Gibraltarian in his right mind would vote to be put under a dictatorship, apparently 44 of
them wanted to be under a dictatorship in the first referendum, so it is not impossible, but what
is incredible is that 44 people should actually vote to join a government that gave them no rights
at all; people just really voted in the opposite direction.

1070 But they did not understand that if there is a democracy in Spain, it does not alter the fact
that we are a different people with our own identity and our own right. That is the one thing
that is most important about the work we do politically and the most important thing about the
work that Adolfo has done in his life and I have done in mine when we have fought for the things
in which we believed, and that is that this is all about our survival as a people, what we have
1075 talked about recently in the previous motion of granting the Freedom of the City on somebody
who has captured and encapsulated the identity of our people. That is what we are. We are a
people in our own right. We fight with each other, like any family, because we have different
views about what is best for the family, but we can never put the family at risk. The reality of it is

that we serve Gibraltar best when we know that if there are things that are too important for us to have the luxury of falling out with each other and putting what is important at risk, we all are mature enough to realise that we need to make sure the risk is removed; and then, when the risk is removed, we will go and fight each other again.

It is important that we continue to do that because it has been easier to do when somebody like me has been on that side or on this side, dealing with somebody where the fact that we did not belong to the same political party and we had taken different routes was a minor difference in our view – our views on what we should be doing to protect labour, on what we believed on social security, on what we believed on protecting the economy of Gibraltar, and what we believed about defending the rights of our people. The marginal differences were the result, I think, more of reacting to the United Kingdom on where the United Kingdom was pushing us with Brussels and Lisbon and Strasbourg than in anything that was internal. In the internally we were always able to do things in a compromise way because we were not that far apart ever before.

I believe we are doing something that we need to do to thank Adolfo for everything that he has put into getting us where we are today, and I believe that Adolfo would want me to say that we hope that those who come after us will be as committed to our homeland and love our country as much as I know he does and he knows I do. (*Banging on desks*)

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, Adolfo Canepa was a key figure in Gibraltar politics when I first grew an interest in it as a precocious teenager in the late 1980s.

He was appointed Chief Minister following Sir Joshua's resignation in the midst of the politically controversial signing of the Airport Agreement in 1997, but the Canepa administration was to be a short-lived one. As he says, it was just over 100 days from when he was appointed Chief Minister on 11th December 1987 to when he called the election for 24th March 1988, which was won by the GSLP's landslide victory of the Father of the House.

Mr Canepa, as the motion spells out, has held many political positions in Gibraltar, those of Chief Minister, Leader of the Opposition, Speaker and Mayor. For this he should be justly proud, and we are quite properly recognising it in the passing of this motion.

It has not, however – and it has been alluded to by various Members today – been a bed of roses. As anyone will know from either talking to him, as I do very often, or reading his memoirs – which I have here, entitled *Serving my Gibraltar* – in many respects participating in public life represented a huge personal and real sacrifice to him and his family. Again as has been alluded to earlier, he had to give up his job as a teacher, for which he clearly had a passion and he loved, in order to fully enter the fray and become Minister at a reduced salary. I wish to read some of the excerpts from his book, where he talks about this. He says:

Having been told over the phone that Bob Peliza had unexpectedly called an early election, and sensing what the purpose of the meeting was, Julie told me before I left that she supported me fully and that I should seize the opportunity to stand for election since I might later regret not having done so. I therefore agreed when asked by Sir Joshua to stand for the 1972 General Election.

Julie's support was vital. For me, it meant that she would have to continue to teach as the main breadwinner of our family, which then included our three young children. As deputy head of the Grammar School, I had been earning over £1,750 per annum. Even if elected into government, I would only earn £700 per annum as a Minister, less than a labourer, who was earning £13.50 per week at the time. It was a considerable sacrifice in financial terms, apart from the fact that I may never be able to return to teaching again.

Public life and in particular holding ministerial office in the 1970s, as again has been alluded to by the Leader of the Opposition, was far from easy. Not only was Gibraltar operating under a closed Frontier situation, it was also subjected to much industrial strife when the unions were, dare I say, at the height of their militancy. I refer to one particular episode, which the Hon. Mr Isola will be interested to hear, where we saw and experienced in this House the outpouring

of that militancy. If the House will bear with me, this is a book which I highly recommend. I must say I found it very interesting when I read it, now six years ago. It goes:

On 27th September 1974, Sir Joshua, with the support of his Ministers, outrightly rejected the concept of parity, which was also at the time anathema to the MoD, as stated by Roy Hattersley on behalf of the Labour government then in office in London. Soon the local unions commenced a period of intense industrial action ...

– as the Hon. Mr Bossano will recall –

and on 17th December 1974, which happened to be my 34th birthday, a very hostile crowd gathered outside the House of Assembly before the commencement of a meeting. Government Ministers were abused and jostled as we entered the building and the Police had to protect us. The Members of the Opposition had no problems, for they supported parity. Ironically, later that day when all Members were effectively imprisoned in the House by the crowd and stones were thrown, one of those stones broke through a window and nearly hit one of the Members of the Opposition, Mr Peter Isola.

1125 – which I did not know until I read it in the book, so yes, very tough times indeed. One of Adolfo's comments which he has made to me and has stayed with me and has stuck in my mind is when he told me some years ago – I think at the time when Sir Peter Caruana was the Chief Minister – in one of the many conversations I have had with him, that, and he said, 'Gibraltar es ahora facil de gobernar' – 'Gibraltar is easy to govern now', and of course he is making reference
1130 to how difficult it was during that decade of the 1970s.

Then, as political fate has it, despite many years of loyal service as an AACR Minister and Deputy Chief Minister of successive AACR victories in the polls – 1972, 1976, 1980 and 1984 – he only had about a hundred days in the top job. Some say that he should have been given more time in office to bed in and bring his own character into play and perhaps even his own legacy.
1135 An earlier transfer of power may have allowed him to put up a better fight at the election that he was duty-bound to call in early 1988, and we will never know what would have happened had he been given that opportunity slightly earlier.

Mr Speaker, this is the final excerpt I would like to read from the book, which encapsulates the point I have just made:

I couldn't help recalling what J E Triay had told me in front of the Supreme Court shortly after I became Chief Minister:

1140 – and this is J E Triay quoted –

'You have been left holding the candle.' J E Triay and I had buried the acrimony of the 1980 General Election in the past.

And then he goes on and says when he remarked to his father – this is Adolfo's father – what J E Triay had told him, apparently Adolfo's father told Adolfo:

'He is wrong. The candle that you are holding has no wick left.'

I think it really encapsulates what Adolfo went through during that very difficult period in his life.

Mr Speaker, I would like to end simply by saying that all of this, his activity in politics, came at a significant cost to himself, his beloved wife Julie and his then young family, so that in some measure – and I am sure Adolfo himself would agree – this accolade that we are bestowing on
1145 him today goes not only to him but I think also to Julie and his children Hayley, John and Michael.

Of course we will support this on this side of the House. (*Banging on desks*)

1150

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, much of what I am going to say has obviously been said by many hon. Members, but I feel nonetheless it is important to do so and repeat it for the record.

I want to welcome and support the motion tabled by my hon. Friend the Chief Minister, and I do so as someone who has known or heard of Adolfo Canepa almost since I was born. Adolfo is a stalwart of Gibraltar politics. I have no doubt as to the merit of this award and it is something which is extremely well deserved. As the text of the motion spells out, the Freedom of the City is the highest honour that this House can bestow in the name of the people of Gibraltar.

As we have heard, Adolfo has enjoyed a long and exemplary record of public service. He stood for election first in 1972 under the banner of the AACR, won the election and served as Minister for Labour and Social Security, and he was then part of the winning team in four successive general elections: the Big Lie election of 1972, the Hattersely election of 1976, in 1980, and the dockyard general election of 1984. He will be remembered too for his time as Minister for Economic Development and Trade and also as loyal deputy and trusted aide to the then Chief Minister, Sir Joshua Hassan.

Mr Speaker, there are only two Gibraltarians who have served as Chief Minister, Leader of the Opposition and Speaker of this House. Sir Bob Peliza, as has been said, is one of them, and Adolfo Canepa is the other. That fact of history I think says it all.

I also want to touch briefly on his book, *Serving my Gibraltar*. It is, to me, an honest and fascinating account of his life, which covers both the political and the personal. I too had the opportunity of reading it from cover to cover and I certainly enjoyed and thoroughly recommend it as well, because it is through those pages that we learn who Adolfo Canepa is and, in a sense, what Adolfo Canepa is all about. He gave up teaching, as we have heard, for example. He made a very real financial sacrifice when he opted for public service – not easy in those days with a young family. We learned from the book also about the high points, and sadly too about the sad points, the low points that touched his life, the personal and the political.

Mr Speaker, it is obviously to be expected that that contribution was recognised by Her Majesty the Queen with the CMG and the OBE and by this House with the Gibraltar Medallion of Honour because the name Adolfo Canepa is synonymous with honesty and with integrity. He will go down in history as someone who made an important contribution to the shaping of the Gibraltarian identity, to the shaping of who we are today.

A word of tribute to Adolfo's wife Julie: I had the pleasure of being seated next to her recently in a dinner hosted by the Mayor in the City Hall. I was enthralled by the anecdotes she recounted, with some passion, about their early life. I know she has been a pillar of strength by his side throughout.

So, Mr Speaker, I would like to congratulate Adolfo and Julie, their children and all the family, and I am delighted to support this motion. (*Banging on desks*)

Mr Speaker: I now call on the –

Hon. D A Feetham: Mr Speaker, thank you very much.

I start by associating myself entirely with the various contributions that Members of the House have made. They have outlined Adolfo's achievements, expressed them far better than I could ever hope to have done. I just want to add a few words.

I was, of course, Leader of the Opposition for four years when Adolfo was Speaker of the House. I probably had more run-ins with Adolfo than I did with the Hon. the Chief Minister. Chief Minister's Question Time was often 10 paces at dawn, but not with the Hon. the Chief Minister – with the Speaker. As I felt the third supplementary navigate my vocal chords I could see, from the corner of my eye, Adolfo Canepa inching towards that microphone in order to utter the dreaded words 'No, no, no,' followed by the more dreaded words, 'you are debating.'

But what people do not see is the humanity of the man, the encouragement that he personally gave me, the support that he gave me behind the Speaker's Chair, always

1205 understanding, because he was a political animal – because he had sat in that chair as Leader of
the Opposition – that being Leader of the Opposition in Gibraltar is a vital role but it is in fact a
very lonely, difficult role to discharge. He was somebody who – he would not do so if he did not
genuinely believe it – when he felt there was a contribution that I had made, or some other
1210 Member of the bench had made, that was good, he would privately say to me, ‘That was a good
speech, that was a good contribution.’ I always appreciated that because it showed a different
face to the man, and you always appreciate that type of encouragement, particularly from that
type of man, who was a man of immense experience, immense years in politics, and for him to
say you have done well and for him to be privately supportive meant the absolute world to me
at that moment in time.

1215 He was also somebody who – and again I speak very privately about this, from a personal
perspective – also encouraged me to stand at the last election. When I was unsure about
whether I wished to stand or I did not want to stand, he would often have conversations with
me and he was one of the people who encouraged me. He said, ‘You must stand – you continue
to make a contribution to Gibraltar politics and I think it would benefit Gibraltar you standing.’
1220 Again, that is very much something that I appreciate and that will stay with me for the rest of my
life.

Of course, on occasions like this everybody is talking about achievements and about your
record and talking up what you are and what you have done, but when you actually strip away
those words, when you strip away what everybody has said about Adolfo Canepa – rightly,
1225 because he deserves it – he is one of those few individuals who can actually take a step back,
who can sit down and can say, ‘That’s my record and you judge me by my record.’ Not a lot of
people can actually say that, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Albert Isola.

1230

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, very briefly, I have
known Adolfo for a very long time, for different reasons to most of the Members. He was a great
opponent of my father’s, politically, but also a great friend and I think that is reflected in many of
the contributions from hon. Members on both sides of the House today.

1235 For me, there are three words that really tell me what an individual Adolfo is. Substance: he
was always a man who dived into the detail and worked hard, everything he knew was by work
and by commitment and he was a hugely committed individual who put his full effort into
everything that he did, so as a consequence he always had substance. Integrity: he was always a
man of complete honesty and fairness, so I always regard him as a man of total integrity. Above
1240 all else, he was a gentleman to anybody and everybody he came across.

For me to be able to be here today, on a day when we are recognising his achievements and
his contribution to public service, is a privilege and I am delighted to be able to support the
motion by my hon. Friend the Chief Minister. *(Banging on desks)*

1245 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

I was, of course, far too young to have attended the grammar school and had the benefit of
Mr Canepa’s education, but judging from the results it must have been exceptional. Of course, in
1250 1972 I was but five years old and so I was unable to witness the accession to this House by what
can only be called ‘old school’ politicians’. Certainly Mr Canepa has set the bar high: high in
terms of his service to Gibraltar, as he has set out in his excellent book, and high in the sense
that he is always a man of principle. Whether or not I agreed with him as Speaker, he always
held his point of view in a very reasonable manner, I would say.

1255 Mr Speaker, I do feel honoured to actually have been able in this Chamber to have worked
with Mr Canepa, because it is not always often that you get the opportunity to work with people

who will in due course no doubt become pillars of the establishment of Gibraltar and will have their own mythology and legend that will follow them, as indeed no doubt the Father of the House will have in due course.

1260 I first came across Adolfo, funnily enough ... and he probably does not remember it, but certainly I was subjected to the same Liberal Studies classes as the Hon. Leader of the Opposition had in school. I think it was 1985 or 1986, and fresh from a talk, in fact by the Father of the House, in Bayside, where he was espousing his secret economic plan, which ... He never told me what it was, but he said it would not be a secret if he told me. I think it is still the case
1265 today. But fresh from Joe Bossano's talk I, again with the same kind of grouping, was sent to Adolfo Canepa. He must have drawn the short straw for the Government, since he seems to have got all the sixth-formers. I do recall not asking him about the dockyard but asking him, funnily enough, about the points system. I berated him as to why such a system existed and he said, 'Well, it's a matter of quality.' I said, 'Well, how can the Government decide who is a good
1270 or bad student?' I put it to him that it boiled down to money – in, I guess, a precedent of things to come: my obsession with money. But he obviously held his ground and I went off and pursued my own career. He has probably forgotten the incident.

Certainly, Mr Speaker, an award such as this has most certainly been hard earned and is most certainly well deserved and has my wholehearted support.

1275 Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: The Hon. the Chief Minister.

1280 **Hon. Chief Minister:** Mr Speaker, what a pleasure to hear the House join in support for this important motion to bestow our highest honour on Adolfo Canepa.

I was struck by some of the things that the Hon. the Father of the House said, and Adolfo Canepa is like Joe Bossano: one of those politicians who says, when he is not in power, when it comes to one of the Gibraltar issues, one of the key issues ... They say, as Joe Bossano said, and as he has described the politics of Adolfo Canepa, 'Before they get to him, the Chief Minister of
1285 Gibraltar, they have to get through me.' I will always remember, at the time of joint sovereignty, Joe Bossano getting up and saying that about the ability of the United Kingdom government to get at the then Chief Minister and the then Government, and he is right to associate those sorts of sentiments with the type of politician that Adolfo Canepa is and the way that he attended to the issues that he was dealing with when he became Chief Minister and the politics of the AACR
1290 when he became its leader.

You were absolutely right to remind us also, of course, Mr Speaker, that Adolfo Canepa has been one of the few Gibraltarians who has acted also as Governor. And so, to add simply to the recital of titles that he has held, the positions he has held in this community, not only has he been Leader of the Opposition, Chief Minister, Mayor and Speaker, he has also been Acting
1295 Governor in a short period, in the short interregnum. I think the Hon. Mr Bossino has talked about politics not being a bed of roses. Anybody who has held all of those posts knows that if you want a bed of roses you become a florist, not a politician. Adolfo Canepa has, through the sacrifices he has successively made, demonstrated that he was ready for politics, aka not the bed of roses.

1300 I was also struck, and wished that the admission had been made in cross-examination, by the Hon. the Leader of the Opposition having told us that in 1988 he did not vote for the AACR. From my historical recollection, the only other parties standing at that election were the GSLP and the Independent Democratic Party. If it had been a cross-examination, Mr Speaker, the next question would have been: which of the other two did you support? He is gesticulating towards
1305 the Father of the House, from which I will take it that the witness is admitting to having voted GSLP. If that is the case, Mr Speaker, I have to bring to bear ... I know this should not be about us, but the hon. Members opposite so often make it about themselves that I am going to fall into the trap of now bringing into the equation my own experience of Liberal Studies with Adolfo

Canepa, which was a shared experience with the person who did not stand for the leadership of the party opposite, Mr Speaker.

In 1989, when Adolfo Canepa was leader of the AACR, Joe Bossano was incumbent Chief Minister and Peter Montegriffo had formed the GSD, all three of them came to see us and I asked a question – that has since been referred to by Members of the other party – of Joe Bossano in relation to tobacco and I asked similar questions of Peter Montegriffo and Adolfo Canepa. I also asked Adolfo Canepa how he felt about the GSD and about Peter Montegriffo having left the party. He said, ‘Well, with Hassan and Montegriffo in the same building, they are obviously working together in the creation of this new party,’ feeling very betrayed, and I was always struck by those words.

So, Mr Speaker, given what Adolfo said, if the successor in title of the AACR is the GSD, then the Hon. the Leader of the Opposition is leading the party he voted against in 1988! *(Laughter)* There is no jury, Mr Speaker, this is not a cross-examination, but such is the history of Adolfo Canepa in the political comings and goings over those periods that he was key to what happened thereafter.

Mr Speaker, I do not think it is possible for me to withdraw support for a motion I have brought myself, but the Hon. Mr Feetham, as usual, brings me to the brink of those issues when he tells me that Adolfo was responsible for persuading him to stand for election again! *(Laughter)* I knew he was a kindly man, but I did not quite know how kindly he was.

But he is, of course, absolutely right to remind us that there were times at Question Time when Adolfo was Speaker when all of us felt the strength of Adolfo’s view as to where debate should happen and where the questioning should happen, and very often I was not allowed to have my own 10 paces at dawn with the hon. Gentleman, which he and I, I know, looked forward to with our respective – his red, my blue – light sabres, because of Adolfo’s view that debate had to happen in another part of the proceedings. I think he has got us into that discipline. **(A Member: Yoda.)** He is too tall to be Yoda. He has got us into that discipline and now I think we have learnt that debate is not for Question Time. Therefore, again his influence on the procedures of this House I think has been great.

The Hon. the Deputy Chief Minister referred to what it is that Adolfo’s life has been synonymous with, and he gave a number of examples, I think, from my own contribution and the reason for my bringing this motion – which I prepared with the Deputy Chief Minister and he is co-author of this motion ... Adolfo’s name is synonymous with service: service to this community, service to this Gibraltar, to ‘my Gibraltar’, as he calls it, to our Gibraltar, as it is for all of us.

I think the one thing we have not said yet is that he also agreed to chair the Commission on Parliamentary Reform and prepare the report on that, which was a responsibility he took after the 2011 General Election. He quickly turned that around, and that was a very useful instrument which we are now going to, I hope, take further in the Select Committee.

Mr Speaker, of course, something has been said in the last contribution which I cannot agree with. The Father of the House will not one day be a huge legendary figure. The Father of the House is a legend in his own political lifetime, and there are very few who can achieve that. The Father of the House loves being talked about, as we all know, loves being praised and will love my reminding the House that he does not need effluxion of time to be legendary. Of course there was a debate in 1988 about a secret economic plan, but the secret economic plan cannot be secret to anyone anymore because it was implemented from 1988 to 1996, so I am surprised that some still refer to that as a ‘secret’ economic plan when it is lying in plain sight. That is just, I think, an important correction of the record.

Mr Speaker, I think everybody who has spoken during the course of this debate has spoken from the emotion of affection for the subject of this motion, Adolfo Canepa. I think he is recognised as one of the great Gibraltarian politicians. I think he is recognised as a giant of this community and as such it is right that this community should bestow on him the greatest honour that we have in our gift to bestow, which is the freedom of this fair city of ours. I am

grateful for the support of all Members of the House for this motion and I commend the motion to the House. (*Banging on desks*)

1365 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

Imports and Exports (Amendment) Bill 2019 – First Reading approved

Clerk: Bills – First and Second Reading.

A Bill for an Act to amend the Imports and Exports Act 1986. The Hon. the Deputy Chief Minister.

1370 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that a Bill for an Act to amend the Imports and Exports Act 1986 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Imports and Exports Act 1986 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1375

Clerk: The Imports and Exports (Amendment) Act 2019.

Imports and Exports (Amendment) Bill 2019 – Second Reading approved

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that the Bill be now read a second time.

1380 Mr Speaker, the Bill before this House today is a consequence of our departure from the European Union. This is one of a number of Brexit-driven legislative measures which are designed to protect the position of Gibraltar going forward. It will also provide flexibility and speed on matters that have to be processed urgently. I explained during the debate on the European Union (Withdrawal Agreement) Bill that the Government was working to provide an alternative international legal framework for Gibraltar outside the European Union. In other words, the existing framework, which is based on EU law, would be replaced by a wider framework which is based on other international agreements and conventions. This policy is taking place across the board. The Bill before the House today is part of that strategy.

1385 Mr Speaker, clause 1 of the Bill contains the short title. I give notice that this will need to be amended in Committee Stage. The date says 2019, and that should be amended to read 2020.

1390 Clause 2 says that the Act comes into operation on the day of publication.

1395 Clause 3 sets out an amendment to section 129(f) of the Imports and Exports Act 1986 by inserting a new subsection (g). This will provide a mechanism for the Government to implement international agreements, conventions and any other international obligation. I should add that this relates only to imports into and exports from Gibraltar, the imposition and collection of customs duties and related matters.

Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1400 **Hon. K Azopardi:** Mr Speaker, it was not particularly obvious what this was for. It was a very one-section Bill, and what the explanatory memorandum really just repeats is what is in the clause, but the purpose behind it was not obvious.

Can I just ask the Member to clarify, if he can: is this related simply to consequential issues as a result of maybe the withdrawal agreement or Brexit arrangements? Is it related to the MoUs specifically? Can he give us a bit more guidance? He has been quite generic in his presentation, and the Bill and the explanatory memorandum do not really assist in any way in helping us to understand.

1405 On this side of the House we do not want to place hurdles where there are not any, so perhaps it can just be dealt with as a clarification – and if he can clarify, then we will have a good understanding of the objective behind this.

Hon. Deputy Chief Minister: Yes, Mr Speaker, there are a number of international conventions – Council of Europe Conventions, for example – related to the transport of goods and relating to customs matters and customs issues. Some of those conventions have been extended to Gibraltar already but they have not been given legal effect in Gibraltar because our membership of the European Union did not require us to do that. But now, as we leave the European Union, we need to ring fence and protect certain areas, the manner in which goods arrive in Gibraltar, and the mechanism that we have chosen to do that is these international conventions which we would like to implement.

1415 Without going into more detail, because I think it may not be wise to do so publicly, the gist of it is that there is an international legal framework relating to the transportation of goods, the movement of goods across the border and customs procedures, which we would like to implement in Gibraltar as a result of our departure from the European Union. If we had not left the European Union, it may not have been necessary to do it.

1420 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his clarification. *(Interjection)* No, that is true. Was that a reply, or –? *(Interjection)* Sorry, then I will ...

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Imports and Exports Act 1986 be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Imports and Exports (Amendment) Act 2019.

**Imports and Exports (Amendment) Bill 2019 –
Committee Stage and Third Reading to be taken at this sitting**

Deputy Chief Minister (Hon. Dr J J Garcia): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1435 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? **(Members: Aye.)**

**Freedom of Information (Amendment) Bill 2019 –
First Reading approved**

1440 **Clerk:** A Bill for an Act to amend the Freedom of Information Act 2018. The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that a Bill for an Act to amend the Freedom of Information Act 2018 be read a first time.

1445 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Freedom of Information Act 2018 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Freedom of Information (Amendment) Act 2019.

**Freedom of Information (Amendment) Bill 2019 –
Second Reading approved**

1450 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, this House unanimously approved the Freedom of Information Act 2018. I explained at the time that other countries which have adopted this legislation usually saw a gap of several years between its approval and its commencement. The reason for this is that the public administration needs to prepare for the implementation of the Freedom of Information regime.

1455 Mr Speaker, the Government has been told by the Information Commissioner that there are now three Government Departments ready to be listed in the Schedule. However, before that happens, the Government has been advised that there is a need to amend the Act and to bring it up to date in a number of important areas.

This Bill, as the explanatory memorandum makes clear, amends references to the Data Protection Act 2004 and includes references to the General Data Protection Regulation, which is Regulation EU 2016/679. It also amends the consequential amendments made by the Act.

1465 I also give notice now of two minor amendments which I will be moving in Committee Stage: the first, in clause 1 of the Bill, where again 2019 must be changed to 2020; the second is to remove the inverted commas in the full stop at the end of clause 3(6)(b).

Mr Speaker, I commend the Bill to the House.

1470 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Freedom of Information Act 2018 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1475 **Clerk:** The Freedom of Information (Amendment) Act 2019.

**Freedom of Information (Amendment) Bill 2019 –
Committee Stage and Third Reading to be taken at this sitting**

Deputy Chief Minister (Hon. Dr J J Garcia): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1480 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading, the Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Imports and Exports (Amendment) Bill 2019 and the Freedom of Information (Amendment) Act 2019.

In Committee of the whole House

**Imports and Exports (Amendment) Bill 2019 –
Clauses considered and approved**

1490 **Clerk:** A Bill for an Act to amend the Imports and Exports Act 1986.
Clause 1.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, this was the amendment of the date from 2019 to 2020.

1495 **Mr Chairman:** Clause 1 as amended stands part of the Bill.

Clerk: Clauses 2 and 3.

Mr Chairman: Clauses 2 and 3 stand part of the Bill.

1500 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Freedom of Information (Amendment) Bill 2019 –
Clauses considered and approved**

1505 **Clerk:** A Bill for an Act to amend the Freedom of Information Act 2018.
Clause 1.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, again amending the year from 2019 to 2020.

Mr Chairman: Clause 1 as amended stands part of the Bill.

1510 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

1515 **Clerk:** Clause 3.

Hon. Deputy Chief Minister: Yes, Mr Chairman, clause 3(6)(b) removing the inverted commas after the full stop at the end of the clause.

1520 **Mr Chairman:** Clause 3 as amended stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Imports and Exports (Amendment) Bill 2019 –
Freedom of Information (Amendment) Bill 2019 –
Third Reading approved: Bills passed**

1525 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Imports and Exports (Amendment) Bill 2019 and the Freedom of Information (Amendment) Bill 2019 have been considered in Committee and agreed to with amendments, and that they should now be read a third time and passed.

1530 **Mr Speaker:** I now put the question, which is that the Imports and Exports (Amendment) Bill 2019 as amended, and the Freedom of Information (Amendment) Bill 2019 as amended be read a third time and passed.

1535 Those in favour of the Imports and Exports (Amendment) Bill 2019? **(Members: Aye.)** Those against? Carried.

Those in favour of the Freedom of Information (Amendment) Bill 2019? **(Members: Aye.)** Those against? Carried.

ADJOURNMENT

1540 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is the last opportunity that we will have to meet before the referendum of 19th March. The Government has agreed that the meeting of the House next month, which is March, should be the week after the referendum, not the week of the referendum, which is the third week of the month, and so I now move that the House should adjourn *sine die*, knowing that next month we will be meeting in the fourth week rather than the third week of the month.

1545 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn *sine die*.

The House adjourned sine die at 6.19 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.07 a.m. – 2.50 p.m.

Gibraltar, Friday, 20th March 2020

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The Gibraltar Parliament

The Parliament met at 11.07 a.m.

[MR SPEAKER: Hon. G H Licudi QC *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Clerk

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 20th March 2020.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 14th, 19th, 20th and 21st February 2020.

5

Mr Presiding Member: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Presiding Member signed the Minutes.

Order of the Day

BILLS

FIRST AND SECOND READING

Appropriation Act 2019 (Amendment) Bill 2020 – First Reading approved

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Report of Committees; (viii) Answers to Questions; (ix) the Order of the Day.

We now proceed to Bills for First and Second Reading.

A Bill for an Act to amend the Appropriation Act 2019. The Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Presiding Member, I have the honour to move that a Bill for an Act to amend the Appropriation Act 2019 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Appropriation Act 2019 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20

Clerk: The Appropriation Act 2019 (Amendment) Act 2020.

**Appropriation Act 2019 (Amendment) Bill 2020 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Presiding Member, I have the honour to move that the Bill now be read a second time.

25 Hon. Members will have seen I have chosen not to make a Statement at the beginning of this session because everything I need to say to the House I think I will say during the context of this Second Reading.

30 Mr Presiding Member, I want to start by reflecting that you are in the Chair because our Speaker is not here. I want to thank the Speaker, who is a sprightly 71 years old, and the Father of the House, who is a sprightly 80-year-old, for leading by example and not coming to the House today. I also want to recognise Members opposite, not all of whom have come to be here with us in the House today in order to enable us to practise that element of social distancing which we now all understand is so important, and to lead by example on both sides of the House to our community.

35 I want to particularly mention Mr Feetham, who is self-isolating due to the immunity issues arising from his having lost his spleen in the knife attack he suffered some years ago, but who has been in contact with his colleagues and with us over the issues that we have been facing.

40 Mr Presiding Member, on the Government side you are present but not on our benches, as you take the Chair. I want to thank you for the work you have done with the Department of Education and the NASUWT and with me in relation to education in Gibraltar in these difficult times.

45 Mr Speaker ... Mr Presiding Member – I am going to make that mistake a lot this morning, as people will realise – additionally, the Members who are present on the Government benches have been working in their areas of political responsibility; those who are not, apart from Sir Joe, are not here because they continue at their workstations at the coalface. Sir Joe will be at the coalface wherever he is, whenever he is able to, and he is continuing to do his own work, of course.

Samantha Sacramento has been in constant work with Ivor Lopez on the logistics of this public health emergency, which is of course also a civil contingency.

50 John Cortes has been fronting much of the decision making and advice, given that he is the Minister for Public Health and as such is the pivotal Minister in relation to this public health emergency, with Sohail Bhatti. They have both been working almost round the clock on these issues now for weeks.

55 And finally, Mr Presiding Member, Minister for Health Paul Balban has been in constant work alongside the many professionals in the GHA as that organisation prepares itself for the influx of patients. The Minister for Health's role has been secondary to that of the Minister for Public Health until now, because the latter is the one preparing for the work to flatten the curve that we are so keen to do. The Health Authority, however, has been preparing and they have prepared extraordinarily well, thanks to the work of its professionals and the leadership of Paul Balban. In particular, I want to reflect on Paul's stoic approach in the face of some undignified criticism: he has just carried on regardless with the job at hand. Today, for example, our hospital
60 has 96 available beds at St Bernard's. (*Banging on desks*) We are therefore as ready as possible for what is to come.

Mr Presiding Member, it saddens me greatly that we are meeting today at the time of this public health emergency. The House is having to consider measures in extremis against the background of a scenario which none of us would ever have wanted to countenance. I am sure that I speak for every Member of the House when I say that in that respect I have no doubt I can include also those Members who are not in the House today in expressing that sadness. If I may say so in respect of those who are not here, they are all greatly missed, whatever side they habitually sit on.

The House has been asked today to meet to consider a Bill published less than 48 hours ago. It is a finance Bill, an Appropriation Bill that will amend our existing Appropriation Act. It is agreed with the Leader of the Opposition and his party and Ms Hassan Nahon has also indicated that she considers it best that we should proceed in this way.

When we consider that our Budget sessions are traditionally a time when we debate what we call the 'state of the nation', it is really remarkable and unprecedented that instead we should now, by way of agreement, bring an extension to an existing appropriation at a time when the state of the nation is in such flux. It is no hyperbole to describe this moment as without precedent in the history of our democracy. We are living in unprecedented times, but in bringing this Bill we are assisted by precedents established in different, perhaps less extreme, circumstances.

The virus COVID-19 is coming at us at exponential speed. Physically it manifests upon the body first gradually and then suddenly. It will use the same speed to infect and disrupt our economy. Its effects have already been felt by the vast majority of businesses operating on the Rock. Bars, restaurants and other establishments are closed by order of the Government. Large events have all been cancelled. Gibraltar is closed to tourists. Main Street is a far cry from the hive of activity that we all know it to be. Businesses are being stretched to their limits and they will be pushed to even further extremes in the weeks to come.

Those over 70 are confined to their homes by an order of the Minister for Civil Contingencies approved by the Government in a Cabinet meeting on Monday attended also by the Leader of the Opposition. Mr Azopardi was not invited by me to vote in respect of that measure, only Ministers voted, but I am grateful that he attended and questioned experts and contributed to the debate. It was the first time that we in the Cabinet that I lead have voted on a measure since our election in 2011, given that we have always sought to resolve matters by consensus. The vote was unanimous and it was important that it should be because this is a seminal measure that deprived of their liberty some of the people in our community we all have the highest regard for, a measure imposed out of our love for them and our desire to protect them from the invisible killer that lurks amongst us and which puts them at the highest risk.

But it is clear that society is not functioning normally. To quote a character who may be better known to our 70-year-olds than our 17-year-olds, Dr McCoy from the original *Star Trek* television series, what is happening on our streets and in our homes today is 'life, Jim, but not as we know it'. In fact, it is impossible to understand that in a liberal, modern society there are some who are calling for Government to do more to confine even larger sections of our population, and we may have to do so but we can only do so on advice. Liberty is one of the most precious and fundamental of our freedoms and we will be loath to go further in restricting citizens' rights of movement unless we are unequivocally advised to do so for the protection of the most overwhelming of our fundamental rights, which is the right to life.

That is why, at the time when the Government has taken the unprecedented step to curtail the usual freedom of movement for our over-70s, I have also asked all other members of our community to try, of their own volition, to follow, where possible, the advice given to 70-year-olds. Do not go out unless it is absolutely essential. Avoid contact with others as much as humanly possible. Of course such instructions and advice are good to slow the spread of the virus, but they are the antidote of our usually buoyant economic activity and in this alien environment, like our constituents and our businesses, the Government is also being stretched

beyond our ordinary parameters because our primary focus is and continues to be the protection of life, the safety and security of our people, the first duty of Government.

The same applies to so many of our Departments, Authorities and Agencies, not just the Gibraltar Health Authority, which is undoubtedly the front line in response to the virus. Indeed, Mr Presiding Member, as you are acutely aware, normally at this time of year the Government Finance teams would usually be working in earnest and progressing their preparations for the Estimates of Revenue and Expenditure. That work was progressing well this year as usual, but in the present circumstances we simply do not know what the next couple of weeks or months will bring.

This is a time in the calendar where I would usually engage with the Financial Secretary and convene meetings with the larger Departments as might have been necessary to discuss their budgetary requests for the next 12 months such that the Estimates of Revenue and Expenditure could be laid in Parliament by the end of April, as is required by the Constitution. The largest spending Department of all in our Government structure is the Gibraltar Health Authority. Not only would such meetings now detract our key civil servants from planning and executing our defence against this virus, they would also be wholly inconsistent with our social distancing objectives. It is unrealistic in the extreme that these meetings could now go ahead. Like so many aspects of what we have hitherto considered to be normal or routine, they have had to be cast aside in these moments of massive human and economic uncertainty. One of the things we would be doing would be assessing what the forecast outturn for the year would be likely to be by the end of March and any unusual or extraordinary expenses we might have had in the last quarter would have to be factored in.

Of course this year, whilst our estimates are being assessed our costs across the board are all being severely affected by the unusual and extraordinary expenditure that we are seeing and committing to in our fight against this virus. This will not just be reflected in the last months of the financial year but in the coming months of what would then be the new financial year. At this stage we are unable to have any clarity on how spending will have to evolve. We cannot see trends yet when dealing with a new threat that is not even hitting us as hard as it will. This is not only expenditure in terms of the GHA – the GHA will have whatever it needs in order to deal with this virus – but there is also the expenditure that we are expecting in associated areas such as contingency planning and the cost implication of our injections of measures for our economy generally in respect of the initiatives announced and to be announced in support of our economy during this challenging time.

As we have stated in various of our press statements, the economic measures I have announced will need to be dynamic and may need to be updated as this public health crisis evolves. Any changes to these economic measures would also have a natural and delayed impact on any Budget that we can present. Therefore, any submission of estimates at this stage is difficult if not impossible to close. Additionally it will almost certainly not be ultimately representative of the true cost to be incurred throughout the next year, as the financial impact associated with this virus is exceedingly difficult to project at this time. For this reason, I am proposing to the House this morning that we should change the financial year and extend the present financial year by six months – that is to say a restated financial year end of September 2020.

Mr Presiding Member, in the present crisis I am thankful to the Leader of the Opposition, the Hon. Keith Azopardi, and also to Ms Marlene Hassan Nahon, as they have both lent their support for this approach.

I have spoken also with the Shadow Member for Public Finance, Mr Clinton, and discussed aspects of my intervention with him. He has indicated publicly the areas he wants to have further clarity on in the context of this debate. I am therefore going to address these in the course of my intervention now. The areas in question are the extent of the rainy-day funds available and the Government's intention when it comes to borrowing.

In respect of the former, I am able to advise the House that the rainy-day funds hold available cash in the region of £150 million of readily available cash. The breakdown is as follows: £46 million is in the Savings Bank Reserve, £15 million is in the General Sinking Fund, £1 million is in the Government Insurance Fund, £1 million is in the Notes Security Fund. It is additionally reported to the Government by the trustees of Community Care that the sum of £87.5 million is available to that charity to enable them to continue to pay Household Costs Allowance and community officers in months and years to come, even if the Government were unable to provide them with the usual annual and extraordinary contributions. These sums are subject to the usual end of month and year journal adjustments which we have not been able to carry out, and the figures I am giving the House are therefore reasonable estimates considered to be correct as at the end of February.

Mr Presiding Member, I now turn to address the latter issue raised by Mr Clinton, anticipated further borrowing that the Government may consider engaging in these difficult times.

I can confirm we will now increase borrowing. We are able to do so because of our existing level of direct borrowing and this will enable us to be able to field the necessary firepower to assist individuals and businesses in this difficult situation. I do not ask hon. Members opposite to abandon their views in respect of the structure of borrowing, but I can tell them the following. We intend to stay within the 40% ratio of direct borrowing to GDP. In calculating, therefore, the maximum borrowing that we will incur, we will work conservatively with the gross borrowing figure. On that basis, I can advise the gross borrowing figure is presently materially unchanged from the earlier reported figure of £447 million. The GDP of Gibraltar as reported at the time of the last Budget for March 2019, almost exactly a year ago, was £2.35 billion. We conservatively estimate that GDP is now at at least £2.44 billion. At those levels, the 40% ratio would produce a potential maximum borrowing of £940 million with the GDP at £2.35 billion and £978 million with the GDP at £2.44 billion. We consider that this calculation conservatively allows us borrowing now of an additional £½ billion if our community requires it. It is important to note that sovereign borrowing rates are presently at a historic low with the Bank of England base rate at 0.1%, the lowest it has ever been since 1694.

So, Mr Presiding Member, we are ready to take up to £500 million of borrowing, if we need it. We are already confident we have access to that level of lending. That equates to a package of measures which will amount to over 20% of the GDP of this community. Importantly, we have already started to work towards a first tranche of £150 million to be immediately available, should it be required in the immediate short term.

The Hon. Mr Clinton has also spoken at length with the Father of the House about some of the details of the Schedule to the amending legislation. The Schedule to this Bill will, in effect, replace the Schedule to the existing Appropriation Act, under which all Government Departments are presently spending.

I would usually take the House carefully through the Schedule and then my colleagues would go into great detail on the work being done by their Departments in respect of each of their areas of political and ministerial responsibility. I will not do so in that level of detail today. The numbers are in great measure simply an addition of six months – that is to say half again the expenditure voted by the House to the service of each Department last year.

I am grateful to Mr Clinton for his approach to this proposal and to this debate. We have had a long-running difference as to the mechanics of this debate and the casting of the Estimates Book. He has agreed to put that continuing difference of opinion to one side to support the passage of this Bill through its stages in the House today. I fully recognise that the position being taken by the Official Opposition is without prejudice to their continuing contentions in respect of what one might call the ‘traditional’ Budget debate. I am not going to suggest in hopefully happier times to come that they somehow have abandoned these positions by supporting us in this crisis now.

It is also true that the Hon. Mr Clinton and I have had many disagreements on peripheral, perhaps less important but more contentious matters. We both have agreed to put those

disagreements entirely to one side. It is important that we should do so at this time. I do hope we will be able to say that we have done that, not just for now but for good, when everything returns to normal, while still taking a robust but mutually less personalised position in respect of our different views on the technical aspects of the public finances.

Mr Presiding Member, it is important that people watching should understand what it is that this Bill does. In both technical and layman's terms what this Bill does is change the financial year period. The effect is that the next financial year will now start on 1st October 2020 because this financial year will end on 30th September 2020.

Under the Constitution, the Estimates of Revenue and Expenditure need to be laid within 30 days after the commencement of the financial year. We oft have guidance from the Clerk when we meet in March about when the Book, as we call it – the Estimates Book – will be circulated. This is particularly provided for in section 69(1) of the Constitution, which provides as follows under the heading 'Authorisation of expenditure':

The Minister with responsibility for finance shall cause to be prepared and laid before the Parliament, before or not later than thirty days after the commencement of each financial year, estimates of the revenues and expenditure of Gibraltar for that year.

By changing the year end as proposed, we effectively push back this requirement to around the end of October. It is possible, depending on how matters progress, that in coming months we may seek to further extend the financial year. But these are not decisions that we can take today, which is why the extension proposed is for a limited period of six months.

Additionally, as the Leader of the Opposition has pointed out to me, we may nonetheless together decide that it is less convenient for all that we should then have a Budget for six months in October and we may decide that it is better to run an accounting period of 24 months in these extraordinary circumstances before reverting to a normal 12-month accounting period to run once again from the usual date of 1st April to 31st March. I have no doubt, however, Mr Presiding Member, that all hon. Members and everyone watching us would have felt like real April fools if we had been attempting to debate matters with a 1st April start date this year with what is going on around us.

As I indicated, there is, ironically, some precedent for this unprecedented situation. This process of changing the financial year has been undertaken once before – in 1970, when the year end was extended from 31st December until the following March to seek to align Gibraltar's year end with the United Kingdom's year end. As this was done by the Integration with Britain Party when they were in government as perhaps, I wonder, a faltering first step towards integration, it has not been done since and we have stuck with the 31st March date.

In order to provide the necessary financial headroom for the date extension to happen, the Bill not only changes the year end but also adjusts the Appropriation Bill that we passed last year to increase the amounts in the Schedule. In that regard and in respect of the numbers in the Schedule, I think the following points should be noted.

Most Departments', Agencies' and Authorities' recurrent amounts have been increased by 50% to reflect a further six months of operation. That does not, however, apply to the GHA, where an extra amount of headroom has been applied. In this regard, our people should understand that we will deploy the necessary resources to face this health crisis. The Gibraltar Health Authority will have what it needs to face this crisis. Throughout the Schedule, all amounts have been rounded to the nearest thousand pounds.

An exercise has been done by the Financial Secretary and the Ministry of Finance in respect of the Improvement and Development Fund to provide for those projects that have commenced and are continuing and not to provide where projects are finished during the period to March 2020. That is why it is not just a straight extrapolation of 50% when it comes to the capital projects. Therefore, the amounts provided for in respect of those capital projects heads are less than the 50% applied elsewhere. The reduced allocation reflects the fact that no new projects will commence within the next six months. The next six months will, in effect, be similar to the

265 start of each financial year where Departments are curtailed and required to remain within the previous year's Budget, save this period will extend six months rather than the usual four months.

Notwithstanding the change in ministerial portfolios, the Ministries will have the same structures in the current approved Estimates of Revenue and Expenditure, save the new
270 Minister is now responsible broadly in line with the announced responsibilities when we distributed folios after the General Election. In the circumstances, I do believe this is the best way to proceed in this period, where changes are occurring on a daily basis and our focus rightly needs to be on public health concerns.

In doing the things we are doing today in the manner in which we are doing them in this
275 House, united and together in the common purpose of saving our economy from systemic failure, what the Government, the Opposition and the whole Parliament are saying with one voice is that things are going to get worse before they get better. We are delivering a nationwide extreme weather warning, an extreme weather warning of indeterminate but massive potential strength with massive potential adverse effects and for an indeterminate period. We are
280 planning for the very, very worst but we are hoping for the very, very best.

Mr Presiding Member, large and small businesses, employers, employees and the self-employed will need considerable help as we navigate these uncharted and turbulent waters. That is what the Government is very keen to ensure we are delivering and what we want to ensure that our measures are designed to deliver, where the relief necessary is given to every
285 affected sector. Indeed, it is becoming increasingly likely that we will have a shorter list to compile of the sectors that will not be affected than the list of sectors that will be affected. I already made announcements on Monday in my Ministerial Statement. I will provide some more detail on those measures now and I will provide additional measures and create a framework to produce new measures for those businesses, employers, employees and the self-employed to
290 help them to get through this gathering storm.

Mr Presiding Member, in the financial crisis of 2008 the key concern of central banks was to alleviate the plight of banks. In this looming financial hurricane about to hit, the key must be to alleviate the businesses and employers so that they can take care of the employees, and we will not forget the self-employed. In the end, they are the ones whose ability to spend will
295 determine whether or not our economy and economies around the world will be able to bounce back, when they bounce back – and they will bounce back. So, the Government will provide relief across all affected sectors.

We will provide support for businesses. I welcome the commercial support already being provided to businesses by all commercial lending institutions. We will introduce measures to
300 encourage all lenders in our economy to take the approach of the commercial banks to the borrowing of businesses and individuals. Lenders should realise that a loan extended is better than a loan defaulted or the liquidation of a borrower or the bankruptcy of a guarantor. I am sure all sensible lenders realise this.

The measure we have introduced already on Monday in respect of landlords has been
305 positively received by many who are commercial tenants. I must say I have been very pleasantly surprised by the approach of landlords. Individual landlords have approached the Government to confirm that they will take the measures proposed or do even more to alleviate the plight of commercial tenants. These include some of Gibraltar's largest and most prestigious landlords of some of the most important commercial properties in Gibraltar and I want to express the
310 Government's gratitude for their extraordinarily positive approach. The Government itself will extend its measures beyond the sectors initially proposed and we will be providing full details of the sectors to be supported in this way. Again, the list of sectors which are not affected will be shorter than those that are not affected. Additionally I will be meeting with the Gibraltar Landlords Association on Monday to discuss how best this sector can continue to assist
315 businesses through this crisis.

Measures may also be required in respect of residential rents payable to landlords. In this respect I will propose a measure for private landlords' rents to be treated in the same way as commercial rents in cases where the landlord enjoys the benefit of the property rented free of a mortgage or where the landlord is able to secure mortgage relief from the lending institution involved.

This measure, as all others I am considering, will be implemented only after I have met the COVID Economic Liaison and Advisory Committee (CELAC) which I am hereby establishing. I will invite Unite the Union, the GGCA, as well as the FSB, the Chamber the GBGA, the Finance Centre Council and the Landlords Association to form part of the CELAC. I will convene the CELAC to meet tomorrow, Saturday, to continue to thrash out the exact details of measures in a manner that works for business. This will also provide the further clarity in respect of the measures already adopted and which the GFSB and Chamber have welcomed but need more detail on.

Additionally, in order to be able to target the cost of this crisis in terms of support for the economy, we are considering setting up a COVID-19 special fund into which most of the borrowing firepower will be placed. This fund will then apply its amounts to economic initiatives, incentives and other measures we introduce in consultation with CELAC to protect this economy such that it endures this crisis. In this way, these costs will be contained and measurable. This applies to economic initiatives, the additional costs of the GHA and within Government, which will be met from the usual heads. The fund will contribute as appropriate to cover these costs.

It is in order to give effect to the measures we will implement in law that I am proposing the inclusion of a new section 8 into the Appropriation Act. It is a section designed to give me very wide power to make regulations and amend legislation. The power will be used only as necessary to give economic relief to businesses and to individuals. The fact is that we will still not have full clarity of what is going to be required to keep our businesses afloat, and in that way our workers can be properly funded when they need to be. We may need to scale up our support further, not just by announcing measures but also by providing the certainty that the relevant rules and laws are being changed.

I want to be clear that the power I am seeking is limited in time and purpose. It will exist only for 90 days. It can then only be renewed by this House, or, if that is impracticable, by my express written agreement with the Leader of the Opposition and with that written agreement to be tabled in the House at the first available opportunity thereafter. Additionally, I want to record in *Hansard* that I have written to the Leader of the Opposition to say that I will use this power sparingly and will only do so without consulting the Leader of the Opposition unless it is absolutely impracticable to do so. It is a power not just to make any regulations but also to amend any primary or secondary legislation as may be necessary to put in place measures to assist businesses, registered employers and employees and the self-employed. The power is curtailed to matters arising in the context of the public health emergency created by the coronavirus COVID-19. Mr Presiding Member, the House can be assured of my undertaking that the power will be used properly and as required only.

At this time that we are considering the plight of employees in the private sector we should also reflect, perhaps less wryly and more positively, upon the size of Gibraltar's public sector. So often in this House we recriminate each other on the size of the public sector. Today we can congratulate ourselves on it for one reason: the Government will of course lead by example and every employee, whether self-isolating, redeployed or sick with coronavirus COVID-19, will of course continue to be paid. We will thereby ensure that a large chunk indeed of our labour market will have no need for concern in respect of their salaries. By doing so, we will have a trickle-down effect on the rest of the economy.

But I want to do one thing today which is important. I want to thank every single one of our public sector workers for the work they do and are doing. I want to single out every single one of them. I want to thank them and highlight the work of those on the frontline of this crisis in our health services and care sectors, in our elderly residential services as much as in the GHA, in our Civil Contingencies Department, in our law enforcement agencies and in our emergency services

and in our utilities, and generally everyone in the public sector. Thank you all for what you do. You are assured your salaries. You will also largely be in the frontline of this crisis.

370 I want to recognise all those in the private sector who keep working and who are not so assured of their salaries. We will work to assure them, especially those who are keeping our people fed and watered in supermarkets and grocery stores and in pharmacies and chemists, and our cooks and delivery people, each and every one of you.

375 I want to thank every one of our volunteers, almost 900 already. Thank you all so very much for coming forward and for being ready to do more.

Mr Presiding Member, our key objective is to ensure our businesses can stay afloat. We will do whatever we can to ensure that no business will face insolvency as a result of this crisis. But our fundamental objective will not just be the businesses; it will be the employees of the businesses and the self-employed. For that reason, we are today asking employers not to lay off
380 staff. We are seeking to establish a mechanism in coming days which we will finalise in consultation with CELAC, to protect employment and employee income. This may include the establishment of a temporary layoff scheme linked to a new benefits scheme payable to employees. I know that the GFSB and the Chamber have already written to me on this basis and the unions will need to understand and be comfortable with the measures being proposed. The
385 Government will need to be satisfied that such a measure will offer employees protection for the relevant period of unemployment and ensure that they have income in that period.

We will also propose an alternative measure for employers, employees and the Government to share the cost of this period. Essentially we may propose for discussion a mechanism where each of those parties bears the burden of funding employment for a period: an employer pays
390 full salary for a day, the employee takes remuneration for a day or loses a day of paid holiday and the Government funds a day at an agreed amount. Again, this proposal will be put to the CELAC for consideration and will include consideration of further measures to be announced in the United Kingdom today or in coming days.

I believe the Chancellor will be making a further statement during the course of today, if he is
395 not making it already whilst we are here. We are seeing measures from all EU states, from supranational bodies and from central banks. We want to ensure we put in place the most effective measures to protect businesses and workers in Gibraltar. Indeed, the UK is about to see a third tranche of Budget measures announced in one week and we continue to keep a very keen eye on what is being done there by Chancellor Sunak to determine how best to act here
400 also.

As all hon. Members know, I met last week with the Prime Minister, the Rt Hon. Boris Johnson MP, in Downing Street in London. We spoke about the future relationship negotiations with the European Union, which at that time seemed like quite a pressing matter. We spoke also about the developing issues facing all of Europe in respect of COVID-19. I asked the Prime
405 Minister for support in respect of the challenge that COVID-19 represented to Gibraltar, in particular given our geographic reality at the southernmost tip of the Iberian Peninsula. At the Prime Minister's invitation, I wrote to him detailing the support we expected we would need in respect of COVID-19. I wrote to the Prime Minister immediately after our meeting. I detailed the short, medium and long-term challenges I could see developing for Gibraltar.

410 One of my key requests of the Prime Minister, who has always been fully supportive of Gibraltar and who told me we would have what we needed to deal with this challenge, was that we should have access to the package of measures being made available by the Chancellor of the Exchequer to UK-based businesses. My request arose from the fact that packages of measures are being assembled for access by European small and medium-sized businesses to
415 which Gibraltar would have had access 45 days ago before our *de jure* departure from the EU but which Brexit may now deny us. Gibraltar is unique amongst the Overseas Territories and Crown dependencies in this respect, as none of the others had access to European regional funds before the end of January. The UK model to replace European regional funds has not yet been developed.

420 As a result of this and subsequent communications via colleagues in the Foreign Office, I spoke late last night at some considerable length with the Financial Secretary to Her Majesty's Treasury in the United Kingdom. Financial Secretary the Rt Hon. Jesse Norman MP was positive in his understanding of the particular difficulties that Gibraltar is facing given our geographic reality and the UK-facing nature of our financial services and online gaming industry, as well as the problems being faced by our tourist industry given the current lockdown in Spain, which in turn is creating huge uncertainties for the people who work in these sectors. This is adding huge stress at an already very stressful time. I am taking forward discussions, therefore, with the United Kingdom to develop a meaningful package of measures of the scale required to allow Gibraltar small and medium-sized businesses to access funding which will enable them to survive the economic crisis that accompanies the progress of the virus through Gibraltar and as we take increasingly stricter measures to slow its progress. There will be much work to be done, but the commitment to work to develop the package and to make it meaningful and of the scale required will give great confidence to all in our economy. We will work together with the United Kingdom to develop that package in a way that is fair, that protects entrepreneurs' ability to continue to be the generators of wealth in our economy and protects workers in these unprecedented circumstances.

I am also taking forward discussions with the UK on support for the Gibraltar Government's own borrowing needs to ensure that we have the headroom and firepower to protect our economy at this difficult time and ensure that we can survive this historic global economic downturn as well as regenerate once the crisis recedes.

Specifically I must turn now to some measures which will apply to particular sectors of the economy requiring immediate direct support.

Mr Presiding Member, in the hotel industry we are talking directly to our hotel operators to finalise a package that will enable them to continue trading and to continue to fund staff costs. We need to be ready to have our hotels available when this crisis passes. We may also need our hotels in the coming weeks and months to house additional medical personnel or for other purposes. It is not advisable therefore that we should see our hotels close if we can avoid it. We will finalise the package for our hotels to remain open in the coming hours. Our online and financial services industries are aware that we have worked and are working hard to maintain border fluidity for essential workers, goods and services. Our approach in respecting the Spanish decree liaising closely with the Spanish authorities and health services and taking our own austere measures to guard the most vulnerable in our community gives no cause to think that essential cross-border migration will be curtailed, but cross-border movement is subject to the same rules as the Spanish state of emergency decree provides for once you enter Spain.

Indeed, Mr Presiding Member, I should record the gratitude of Her Majesty's Government of Gibraltar and the people of Gibraltar for the call from Spanish Foreign Minister Arancha Gonzales Laya earlier this week during which we confirmed our views on the importance of fluidity at the border. The public nature of that conversation will have created great confidence about continued fluidity in the context of respect for the Spanish state of emergency.

Today the Gibraltar Government has published notices in our local newspapers so that cross-frontier workers are clear on the documentation necessary to cross the Frontier. Most online gambling companies have now implemented remote working policies and other business contingency arrangements which will serve them well when we emerge from this pandemic. The same is true of the public sector, where many are now able to work from home. We will look forward to working with them directly and through the GBGA to relaunch all activities as soon as possible and especially as the sporting calendar resumes in the months to come.

What we need to put in place now are the support mechanisms that can be provided to those companies and their employees. For that purpose, we will shortly establish the Gaming Industry Contingency Framework that will enable us to understand individual companies and collective industry pressures at this hugely challenging time. It will enable us to be agile in our response and the Gambling Division resources will be focused on that. Initially I can confirm that the next

date for licence fee payments for gaming firms, which is 1st April – that is to say in coming days – will be deferred to 1st July this year. Additionally I can confirm that the deferral of PAYE and Social Insurance contributions that I referred to on Monday will apply to this sector also.

475 Our motor industry will also enjoy the terms of the duty waiver announced by me on Monday, but will do so only in a way that we are satisfied delivers the savings in the duty entirely to the ultimate consumer in a manner verifiable by the Ministry of Finance. We will finalise the details of how this will be operated by way of rebate with our motor vehicle importers in coming days. This, we trust, will create continued confidence in the sector, which
480 employs a large number of people. All of these measures are about continuing employment and continuing to pay staff, keeping people paid and on the books or otherwise provided for under the temporary layoff provisions we will make.

Mr Presiding Member, we are working constructively with all the unions. With the NASUWT we are working closely on keeping our schools available for those who are key workers and
485 whose children need to be provided for whilst they work. Our teachers, LSAs, school secretaries, cleaners, technicians, caretakers, all our school staff, have been brilliant. They are our partners in what we are trying to do. And Unite and the GGCA and the Chamber of Commerce and the Federation of Small Businesses are working with us also in a common endeavour to keep our economy alive. That is our common aim. We will do so in a way that protects all aspects of our
490 economic activity. In fact, the Government cannot do this alone but we can all do it together, not looking inwards to self-interest but outwards to community interest, sharing the pain but also reaping rewards together.

In this respect, Mr Presiding Member, we will not hesitate to act to stop profiteering. We have seen remarkable work from volunteers. The *Chronicle* and *Panorama* are gifting their
495 papers to our vulnerable over-70s. The Gibraltar Confectionery is donating bread daily to our elderly citizens. Eroski and Morrisons are making special provisions for our elderly to shop. Even our rugby players are supporting our elderly with cake deliveries. I cannot mention everyone who is acting out of sheer kindness and community spirit because there are so many, but if we find someone profiteering we will implement price control measures and we will do so
500 retrospectively if necessary.

Mr Presiding Member, already today the Office of Fair Trading will start a price monitoring scheme. Now people must also understand that it is true that our retailers and our wholesalers will themselves be suffering from the increases in prices in the world markets as a result of the problems of huge demand and low supply of some goods. So, some of what might appear as
505 profiteering in the shops will actually just be an increase in the cost to the shopkeeper and the wholesaler, which is not happening just at the local level, it is happening in terms of the supply to them. But if it is profiteering at a local level we will stop it. It is part of protecting our vulnerable and our working people to stop price abuse, if it exists.

Mr Presiding Member, on Monday evening in my statement to the nation I announced
510 certain measures in respect of the retail distributive and catering trade, but I want to be clear: we are going to be reaching out to all affected sectors. We will work so that no prudently managed business will go into liquidation. No worker, no person, no family will go without, so that by next week no worker, no person or family will have to worry about paying the rent or buying food or other essentials. That is what I will use the extraordinary power I am taking to
515 achieve, and I will do so in the closest consultation with the Leader of the Opposition. We will do whatever is necessary to get through this crisis together. Now is the time for our society to come together to make the best for all, to work for all, because we are all at the mercy of the physical world, even its invisible challenges.

In the last financial crisis the banks were bailed out. This time, we have to bail out our people
520 and our businesses, to put a shield around the most vulnerable in this community, because we will come out of this but when we do we will be a different Gibraltar – we *must* be a different Gibraltar and we must be in a different world, where we had better know what matters the most, where we will be the better for it if we do.

Hon. Members must know that if worst-case predictions are borne out, our toughest moments are yet to come. So, today I am asking for sacrifices by employers and by employees, and I am not forgetting about the self-employed. I am calling for social, communal and national unity. We will have to reconstruct and rebuild our nation socially and economically. When we do so, we will have a generational responsibility to rebuild a better society, a better social model, a society built on responsibility.

The age of entitlement is long gone now. The age of responsibility is all we have left. But this will not just redefine or mark a generation of Gibraltarians. This is a moment of global redefinition, and as we hanker to go back to normal we must be ready to challenge ourselves also. Let us take the good out of the normal that we knew and bring it back with care and refinement. Let us take the bad out of the normal we knew and confine those aspects of our previous lives as we knew them to history. Let us adopt a different definition of success going forward. We need to ensure that the way we act in coming days is fashioned around the key principle of human solidarity, social solidarity and community solidarity. Let us do so in a manner that achieves the common good. That is our responsibility.

The history books are being written by our actions. The judgement of history will be harsh if we fail and harsher still if we allow our egos, our partisan interests or any objective beyond the safety and security of our people based on the best clinical advice to determine how we act. If we do not take drastic economic measures now, we shall suffer the drastic economic consequences in the future.

Mr Presiding Member, conscious of the historic challenge we face, conscious of the needs of our community and conscious that the first duty of Government is the protection of the safety and security of our citizens, which we best do by extending the 2019 Appropriation Act as I have explained, I commend this Bill to this House. *(Banging on desks)*

Mr Presiding Member: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Presiding Member. I too will have to get used to using that term.

As the Chief Minister said, we live in extraordinary times, but before I go into the substance of the matter that we are debating today I would also like to put on record my thanks to him personally and to Sir Joe Bossano for their very quick and open reaching out to the Opposition side so we better understand what it is that they need to do and what we need to do for Gibraltar collectively.

On a personal note, I fully recognise the olive branch that the Chief Minister has offered and which I fully accept with both hands. We can let bygones be bygones, as we are here to do a job to serve the people of Gibraltar.

And so, Mr Presiding Member, as I said, this is an emergency Budget for extraordinary times and we in this place have to do what we think is necessary to protect our people in terms of public health and also our economy from the point of view of finances – not just public finances, but the general economy as we know it. This is not a normal Budget, as the Chief Minister has already pointed out and recognised, and of course, whereas we have on this side of the House had a particular view as to how Budgets should be put together and conducted, as he has recognised and I repeat, we are happy and in fact we think it is correct and absolutely right that we put aside those differences for today's purposes. Today's purpose is to approve this extension on the previous Appropriation Bill that was debated last year. I think it is only right, for the reasons that the Chief Minister sets out, that we undertake this exercise today.

Mr Presiding Member, I hope to be brief. I only want to look at three particular areas: first, the Budget Bill itself; second, our reserves; and third our economy. This Bill does exactly what the Chief Minister said it does. I have personally put the numbers into a spreadsheet and I have crunched the numbers. I again am grateful to the Chief Minister and Sir Joe for making these

numbers available to us ahead of today and I can confirm to the House and to the general public that all this does – although the numbers may look big in terms of departmental expenditure, which comes to the grand total of £830 million and some change – is to what we would call in accounting terms ‘flex’ the Budget for another six months. And in all the heads of expenditure, all of the Departments, it is exactly 50% plus or minus a little bit of rounding to come up to a round number.

Of course there is one exception to that calculation and the Chief Minister has correctly pointed it out, and that is in respect of the budget for the Health Service, for the GHA, and in that calculation the number in excess of the normal increase of 50% for the six months gives us another £7 million for the GHA on recurrent expenditure. I think that is only right and proper and I am sure that this House will have no problem whatsoever if that number changes in future by way of a supplementary appropriation as necessary. I notice that that number also feeds through to all the other parts of the Schedule in terms of expenditure that is required for the GHA on capital projects as public undertakings.

I also recognise, as the Chief Minister has said, that in terms of the Improvement and Development Fund expenditure, other than works and equipment, which has been flexed by 50%, projects certainly are only up by 17%, reflecting, as he has said, those projects which are already in progress and probably require completion.

And so, in terms of the content of the Bill, in terms of the numbers, I can provide assurance to the House that I am entirely satisfied with the way these numbers have been put together and that they do reflect exactly what the Chief Minister has said.

Mr Presiding Member, the extension of the financial year for the reasons the Chief Minister has said makes perfect sense. We are not in normal times. This is not business as usual. We have to do what is necessary with the resources that we have available to us, and where we have the ability to make things easier for our public sector and the Civil Service, and the people who put together these numbers when they should be doing other more important things, we obviously need to take that decision here in this place. We have the power vested in us by the people to do what we think is correct, and I think this is entirely correct. Moving out the financial year to September will allow the Treasury to focus on much more important things than just reporting the numbers, and so in that respect I think it is entirely a correct decision and in fact, as he may have already flagged, we may even have to extend the year end further, but no doubt that will come back to this House if it is required.

Mr Presiding Member, there is an amendment to the Bill in a new section, which Members will have seen, and this section under ordinary circumstances would probably attract some debate from this side of the House, but we are of the view that, again given the extraordinary circumstances, we are willing to give the Chief Minister the powers that he requires, and, I quote:

‘the power to make any regulations and amend any primary or secondary legislation as may be necessary to put in place measures to assist businesses, registered employers and employees in the context of the public health emergency created by the coronavirus COVID-19’.

This power is only exercisable for 90 days, as the Chief Minister said, and it can be amended with the agreement of the Leader of the Opposition.

Mr Presiding Member, these are extraordinary powers. I think these are powers that not even Henry VIII may have had, but we do live in extraordinary times. I think it is a matter of judgement for Members in this place as to whether we are willing to grant those powers, but I think given the extraordinary times we are in and given the fact that this is a very fast-moving, changing scenario, the Government needs to have that latitude and that ability to react immediately as and when necessary, and in that respect it has my entire support.

In respect of the Bill, Mr Presiding Member, there is nothing more to be said, other than it does do exactly, as the Chief Minister said... on the tin, and in that respect it will have the full support of Her Majesty's Opposition.

Moving on to talk about our cash reserves, the Chief Minister has very kindly communicated to the House a number in terms of the rainy day funds. He gives us the number £150 million and he has given us the breakdown, but of course £87 million in Community Care is not immediately available to the Government unless of course the trustees are willing to lend it to the Government, which I would commend that they did. It is available to continue to support the functions of Community Care, which of course is laudable and right. But that means that of the £150 million immediately available to the Government it is really £63 million that is immediately available for their use now. They could transfer the £46 million of Savings Bank reserve immediately, as they could the Sinking Fund and the other special funds, but of course the Community Care money is ring-fenced and not available to the Government immediately unless by way of loan.

And so, Mr Presiding Member, we have the number £63 million plus whatever cash reserves may be in the Consolidated Fund. From an analysis of the numbers over the past couple of months, the last number I have, as at 1st December 2019, was that we had cash of £26.3 million. That number may have increased or decreased, but it is certainly lower than the number we had on 31st December 2018 of £85.7 million. And so you can only come to the unavoidable conclusion that the Government will have to borrow, and the Chief Minister has kindly confirmed that indeed they will look at the need to borrow.

Mr Presiding Member, now is not the time for us to nit-pick as to is this prudent or is this the right thing to do at this stage. We need to do what is necessary and we will work out later on how we pay for what we need to do. This is something I thought I would never say, but it is true.

And so, in terms of numbers, the Chief Minister's calculations are correct in terms of his headroom. On a number of £2.4 billion or £2.5 billion of GDP he can indeed borrow 40% of that, which would give him £940 million. He says he has headroom of £500 million and I would agree with that calculation and can assure the House that that is correct.

I am also glad to see that he already has commenced the process to borrow at least a tranche of £150 million, although he may have to borrow more, but we will see in the coming days, weeks and months.

I am heartened to hear the Chief Minister talk about the creation of a special fund into which these moneys will be paid and into which we will have full visibility as to how this money is expended when we look back in future. It is of course important that any borrowing and anything that the Government does and how that money is used is targeted in the correct way in order to maximise the benefit to the public good, which is people's livelihoods, businesses and the economy in general. In that respect, when we talk about borrowing, if anybody from Barclays Bank is listening, I would encourage them to please consider extending the loan. Now is not the time for them to ask for their £50 million back.

Mr Presiding Member, moving on to the economy, everything we have heard about today from the Chief Minister we have heard on the news – we have all heard chancellors around the world issuing emergency budget measures. When we hear Sir Joe Bossano's contribution I am sure we will hear the words 'recession' and 'global recession'. This is not something that is unique to us. This is something which we cannot avoid and this is something that will affect everyone and every country in the world. And so the money that we have or we will borrow, which will go into the special fund, is exactly what we need to do and I am heartened to hear of the creation of this body called CELAC. In my notes I have called it a task force but I think CELAC sounds much better. It is important, in order to ensure that we target those sectors of the economy in the best possible way with the participation of all stakeholders, that such a body should be created and I am glad to see that the components of that body are exactly the sort of people I would expect to see in it: all the stakeholders, all the people in a position to understand what is needed on the ground. Of course the unions will want to protect workers, the Chamber

and the Federation want to protect businesses, the Government will want to protect the economy as a whole. Working together we can hopefully achieve that objective in a way that is the best for Gib, and in that we have to work together, as the Chief Minister said.

In terms of the economy – and I really am looking forward to hearing Sir Joe’s opinion – I am receiving messages and I am sure the Chief Minister has received messages in the last 48 hours from all sorts of businesses. The problem is that they cannot wait. They need measures now. I fully recognise the urgency of CELAC to meet tomorrow or as soon as possible, because the problem is a lot of these businesses’ cashflows are just drying up and they are faced with a very real problem: how do they trade? How do they pay the salaries? It is a very immediate problem. I have had messages from people saying, ‘Look, if I don’t get a loan, if I don’t do something today, I don’t know if I can last next week.’ And so I applaud the creation of CELAC. It has important work to do.

The problem is that we do not know how long this will last. We do not know if we are talking about weeks or months, or even longer. So we have to, as a community, understand and accept that we all need to do our bit. There is not going to be a magic bullet from the Government. There are not going to be magic handouts. Everybody has to do their bit. We will have to pull together to get through this, and get through this we will. But the economy is made up of all sorts of different types of businesses and the economic textbooks have not been written yet that will describe what is happening in the world economy, let alone in Gibraltar, because what we are faced with is a very sudden demand shock to the economy. And it is not just tourism, it is not just the taxi drivers, it is not just the hotels and not just the restaurants; it is businesses you would not even imagine – the estate agents; the hairdressers whose clients are not going out; the bureaux de change who are not doing any business; people on Main Street who are not selling goods, whether physical goods or services. I was told there was a major retailer down Main Street that did zero business yesterday and only took in £30. It is incredible. It is a simultaneous nuclear wipe-out of the economy. I do not for a minute suggest that the public sector should not be paid, but even if we do pay the public sector the trickle-down effect may be limited because they are not going to go out to the bureau de change, they are not going to go and get their hair done, they are not going to go and buy goods and services in Main Street because naturally they will stay at home.

So we have this sort of tug of war between the public health necessity to self-isolate and look after ourselves and then of course the economic imperative to try and keep everything going, and of course the public health imperative is always the one that should come first. And so, Mr Presiding Member, anything that this House can do to help the economy and the private sector certainly has the support of this side of the House.

The biggest problem that we are hearing from the private sector employers is the salary burden, or what they call the salary burden. Of course there are three different types of employee: there are the ones who are ill and have to self-isolate, and who is going to pay for them; there are the ones who are able to work but there is no work; and then there is a third sector perhaps where they are not working but it may be that we work on some sort of gig economy type arrangement where they come in as and when necessary. We have to be imaginative as to how to address this, but certainly what nobody wants is mass layoffs. In other parts of Europe governments are funding 75% of salaries; we will see what the UK Chancellor says today. But we have to have an economic stimulus package that protects and preserves and will be there to kick-start the economy in the future.

Of course I am conscious that, given our economic resources and given that we are facing an unknown timeframe, we cannot do everything immediately and there has to be a measured response in conjunction with CELAC. This will be critical because today I recognise what the Chief Minister has said and I recognise the measures he put in place on Monday, but there will be some out there who say, ‘Well, I haven’t heard anything yet that will benefit me today.’ What I would say to them is the Government is obviously doing its best. CELAC has been created. They are setting up a special fund. There will be measures, there will be action taken as soon as is

physically possible. I recognise that in an emergency situation there are priorities and the priority has been and has had to be making sure that we have what is necessary in the health sector, in the GHA, to treat those affected by this virus. Then they have to focus on 'what about the private sector?'

In the last employment survey there is close to 30,000 people employed, but of those 30,000 about 24,000, 80% of our workforce, are in the private sector. Of those numbers there are five point six thousand people who work in the wholesale and retail trade and hotels and restaurants. That is 24%, a quarter almost, of the private sector. This is ... I cannot even find the words to describe it. This is awful and we need to do whatever we can in this place to address this scenario.

I have heard on other media reports, in interviews, where members of the public – not in Gibraltar, in other places – have been asked, 'Are you happy with what the Government is doing?' and their response is, 'That is what government is for. That is why we have government. Government is there to see us through the good times and the bad times.' And these, Mr Presiding Member, are the bad times and we therefore need to pull together, as the Chief Minister said, and see our way through this crisis.

And so, Mr Presiding Member, I said I would be brief, and remarkably, for what is probably the most important Budget speech I will ever give in this place ... We need to look at what we do and how we do it. I think, from what I have heard today, we are doing just that. The Budget extension to six months makes perfect sense and I support it. The additional measures that the Chief Minister has announced in terms of the powers that he requires within the Budget Bill, although exceptional, we will support. As regards the rainy-day funds, to be honest I think we would all wish there was more but what we have available is a start, and certainly with the additional borrowing we should have sufficient.

On the economy we need to do what is necessary – and quickly, because the private sector cannot wait. Whatever can be done should be done as soon as possible and with the minimum of red tape.

As the Chief Minister said, this is about the here and now. It is about the very clear and present danger we face in the face of this virus. We are in a state of war with this virus and we have to adopt war-type Budget measures. We need to do whatever is necessary to protect our community, our jobs and future generations of Gibraltarians, and so with a heavy heart I wholeheartedly support this Budget Bill.

Thank you. *(Banging on desks)*

Mr Presiding Member: The Hon. Joseph Garcia.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Presiding Member, only a few months ago everyone was fed up with the word 'Brexit'. It monopolised the headlines, it saturated the news media and it took over our lives. It was the centre of debate in the UK and of discussion here too in Gibraltar. We described it then as the challenge of a generation. We had mapped out a before and after, a clear dividing line beyond which nothing would ever be the same again. How things have changed. The word 'Brexit' has been banished from the vocabulary of the media and we now face an even more serious challenge. COVID-19 is now the challenge of a generation. It is a threat to our way of doing things, a threat to how we go about our business and a threat to life itself.

Mr Presiding Member, when we debated and approved the Estimates of Revenue and Expenditure last year, who would have said that we would today find ourselves in this position? The world now faces a public health emergency. That emergency requires this Bill to amend the Appropriation Act and an extension to the financial year. These are abnormal times and abnormal times require exceptional measures. There is no other option.

In this Parliament, thankfully, we all get it. Governments and parliaments around the world are reacting in the same way in order to protect workers, business and the economy as a whole.

I therefore also welcome the support from the Hon. Members opposite for the action that the Government proposes to take as outlined by my hon. Friend the Chief Minister.

Mr Presiding Member, when the COVID-19 virus hit the news at the end of last year there were probably those who felt protected by the distance between China and Gibraltar. That tragic drama still felt unreal to many people as it played out before our very eyes on our television screens. Distance created a false sense of security. However, in a globalised world linked together through air communications it did not take long for the virus to spread. It came to Europe. The way the virus took root in Italy made everything feel more real. The UK reported its first case, in York, on 31st January. Spain too reported its first confirmed case, in the Canary Islands, on that day. Gibraltar reported its first case on 3rd March, now thankfully recovered.

But January is a distant memory now because events are moving at an incredibly fast pace. The situation is changing constantly. This is why the Government has taken extraordinary measures not only to ensure and preserve and protect our business community, the workers and the economy, but also to keep the public informed. We are all subject to constant flows of information. Some is disseminated online, some on the 24-hours-a-day news cycle that plays out on our television screens. The responsibility of the Government is to keep our people informed about what happens here in Gibraltar, and this is exactly what we have done and what we are doing.

The Press Office has imparted information for the Government, the GHA and Public Health Gibraltar. Once again I want to thank all involved with the dissemination of this official information. It is, as has been said, based on the advice of our medical and public health experts. Some 50 press releases have already been issued touching on the subject from a variety of different angles. Extensive use has been made and continues to be made of the Government's social media platforms. As the House knows, a press conference is held daily at 4 p.m. The Chief Minister has delivered a Ministerial Statement on the subject and already made several live appearances on our screens. There have been plenty of opportunities for the press and the public to question Ministers and the officials who are dealing with this crisis. We have and continue to place adverts in the local media. And, as we all know, data has been provided directly to our mobiles by Gibtelecom.

This degree of engagement and the amount of information which has been placed in the public domain on one subject is probably without precedent in Gibraltar. I urge people to listen and to act upon this official advice. I say that because there are hundreds of self-professed experts out there ready to second guess every decision that is taken. This happens too everywhere in the world and it happens here as well in Gibraltar, but now is not the time. The situation that we face is too serious. This attitude serves only to generate confusion and to cause distress. The real experts here in Gibraltar are Public Health Gibraltar and the Gibraltar Health Authority. Therefore, people should listen to the advice given by the Government, by the Gibraltar Health Authority and by Public Health Gibraltar. They should also act on that advice.

The House can rest assured that we will continue to tell it as it is, as it is told to us by the experts. We are not hiding anything and we never will.

I know that some of the messages that the Government is delivering are uncomfortable to hear. Believe me, they are just as difficult for us to deliver. So, as has already been said but I will repeat, if anyone has COVID-19 symptoms they know that they should call 111 for advice. If anyone has a non-medical query, they should call 200-41818. It is pointless to post anything on Twitter or Facebook, or elsewhere. Use the official channels if you want official advice.

Mr Presiding Member, as my hon. Friend and colleague the Chief Minister has made clear, Gibraltar has acted throughout on the advice of public health experts. We have taken difficult decisions; there will be even harder ones to come. But the advice to the Government has been clear and consistent throughout. The objective must be to shield the over-70s and to protect the vulnerable. The rest of us, we are told, will by and large catch a cold to different degrees. The data compiled from other countries has shown that our children are largely safe. We have relayed that advice to the general public. The elderly were told not to use the buses. Some have

proved more rebellious than others, so we have had to stop the bus service as we knew it altogether. The advice was also given to avoid social gatherings. Sadly, people continued to congregate in cafes, bars and restaurants. These were then closed. On public health advice the Government, with the support of the Opposition, had to legislate to keep the over-70s at home.

835 This measure has been designed to protect our senior citizens. We must shield our elderly relatives from a dangerous virus which attacks them more strongly than it does other groups in society.

The truth is that this is all very difficult. It will become more difficult as the days become weeks and the weeks become months, but we have to stand firm. We have to resist this invisible

840 enemy because, as you have heard, this is a war. War brings with it a threat to human life. Wartime creates exceptional situations and abnormal circumstances, but we will get through it. Our weapon, in the absence of medication or vaccines, lies in the advice that is relayed to our citizens, advice that we need them to follow.

The GHA and the Government, and everyone, are doing everything humanly and logistically possible. It is indeed not possible to do more. I too want to take this opportunity to praise the GHA, Public Health Gibraltar, the Civil Service and the many agencies, authorities and companies who are now part of the effort to combat the virus; our emergency services too. I think I should thank my colleagues also. The same spirit that you see across our community is palpable amongst the Government's ministerial team and everyone is playing their part. In particular, my

845 hon. Friends and colleagues the Minister for Public Health Prof. John Cortes, the Minister for Health Paul Balban, and the Minister for Civil Contingencies Samantha Sacramento. And of course the Chief Minister himself. He has taken this crisis by the scruff of the neck and displayed the qualities of leadership that Gibraltar needs at this difficult time. Wise leaders take difficult decisions when those are for the greater good.

The truth, Mr Presiding Member, is that COVID-19 has turned our world on its head. But our people are strong and they are resilient. Both individuals and businesses have put their shoulder to the wheel. There are now over 800 volunteers. Gibraltar continues to pull together in the face of this virus. That positive spirit marks who we are as a people. We pull together in times of adversity. In our long and turbulent history this Rock has faced military sieges. It is said there are

850 14 recorded sieges of Gibraltar. We held out for three years against larger numbers and even greater odds during the Great Siege. We have endured forced evacuation during World War II. This was a time when our men, women, children and our elderly manifested that proud Gibraltarian spirit that faces adversity head on. That powerful sense of community ran through every evacuee in London during the Blitz, everyone in the heat of Camp Jamaica, all Gibraltarians

865 in Atlantic exile in Madeira and through all those who faced the bitter winters in metal Nissen huts in Northern Ireland. We stood up to Hitler and we stood up to Franco too. We have faced economic sieges in living memory. Many of us know what that felt like and we never gave up. We resisted and we won against incredible odds, yet this latest siege is different, a siege where the enemy is cowardly and invisible, where it targets our elderly and vulnerable and forces them

870 to stay at home. But we can defeat that enemy. We will do battle armed with the qualities that have defined us as a people through time, that indomitable spirit which has served us so well for over 300 years, the spirit that we see already and we hear emerging from balconies, patios and windows around our country. That spirit will guide us through this latest challenge.

Today is the first day of spring, a time when we turn our backs on the darker winter and welcome the light. In that same way we will turn our back on this virus and happier days will come. Normality will return. To achieve this, we must follow the official expert advice that has been given. It will not be easy, but we will get there in the end.

Thank you, Mr Presiding Member.

880 **Mr Presiding Member:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Presiding Member, I take this opportunity firstly to thank the frontline GHA workers, our agencies, our authorities, our essential workers, individuals in isolation for their selfless and responsible acts, the over-70s as well, teachers, mothers, fathers, our amazing volunteers and of course the Government's efforts and hard work during this difficult time of crisis. I take this opportunity as well to wish our community the very best of health in these coming weeks and months, which are going to be so difficult.

Two terms, eight years, the best economic performance in Gibraltar's history, the strongest foundations taking root and the best is still to come. This year's surplus is the highest in our history. This great nation of ours turned a deficit of £352,000 into this year's record-breaking all-time-high, unquestionable surplus of almost £83 million. The surpluses have grown. The rainy day funds have also grown. As a percentage of GDP our net public debt is currently among the lowest of countries in the European Union. Net public debt is 13.5% of GDP and aggregate public debt is 18.6% of GDP. Gibraltar's GDP per capita for 2018-19 is forecast at \$111,505, placing Gibraltar still in third position, closely ahead of Luxembourg, which enjoys a GDP per capita for the year of \$108,812, and behind Macao with a GDP per capita of \$122,201. Qatar heads the list with a GDP per capita of \$134,623.

These are our Chief Minister's words, not mine: up to 40 mentions of record-breaking surpluses with over half a dozen mentions to a growing rainy day fund. These are all from last year's Budget address, where the Chief Minister described to us, in his usual eloquent style, our superlative economic success.

Mr Presiding Member, I remember the magic words uttered by Mario Draghi now some eight years ago. He said:

Within our mandate, the European Central Bank is ready to do whatever it takes to preserve the euro. And believe me, it will be enough.

What ensued was the most aggressive quantitative easing drive ever delivered in Europe that saved many floundering European economies and most probably the European project itself – a bazooka, as it has since been described.

Mr Presiding Member, we have heard the magic words from our Chief Minister not only in the description of our economic success but also in numerous public appearances since the outbreak of this terrible crisis. Unfortunately though, there is no trace to date of a bazooka in the Bill presented to us today.

We have extended the temporary application of the current Budget by a factor of 1.5 and extended the amount in that Budget by a factor of 1.5. There has been a shift in how that money will be spent, which I am sure has been well thought through. But in the next month, with a national crisis the likes of which we will have probably never seen before, we expect Gibraltar to spend at exactly the same rate as we did when it was business as usual. The Bill therefore does not indicate any extra spending regardless of our rainy day funds, our record high surpluses and our lowest in Europe public debt.

I remind this House that the economic stimulus is another fundamental public health measure. If business owners are adequately reassured, they will be more inclined to stop their activity and send their workers home. This will help us flatten the curve of contagion of coronavirus. Pretending that only a few sectors are being affected means many businesses are forced to keep operating, which will be counterproductive in our efforts to respond to the pandemic.

I understand that some of the measures suggested have been fully or partially announced, but I would still like to reiterate these points and the reasoning for this and further aid measures. We need to nurture the health of our economy now in order that we can fund our Health Service in the future. We are under no illusion. Without appropriate and immediate Government intervention, our economy will begin to crumble and we will be scarred with the long-term damage that the coronavirus will leave in its wake.

930 Businesses need robust support. Many company balance sheets will not have contingency plans in place, certainly not of this order, and will not be prepared to survive the crisis. There will be a need for liquidity support over the next six to nine months, conservatively speaking. An immediate business and social package is needed to ensure that the most vulnerable are protected.

935 We note the levels of government intervention that the governments presiding over economies closely linked to ours have already taken. They understand the importance of nurturing the hand that feeds them in their hour of need. They understand the intrinsic link between the health and economic harms that the coronavirus brings. They are interwoven and failure to recognise this will result in long-term socio-economic malaise.

940 As you know, the UK has announced fiscal support to businesses to the tune of £380 billion, for now. Chancellor Sunak has promised to implement whatever measures are necessary. This was the overarching message delivered by the Chancellor during yesterday afternoon's press conference and was driven home repeatedly. France has pledged to make available €300 billion, where President Macron has promised to ensure no redundancies would result from the coronavirus crisis. Spain has so far pledged €200 billion, some 20% of the national GDP.

945 Monday's announcement of remedial measures to be taken in Gibraltar were commendable and very much welcomed by areas of the business community, but at this stage fall significantly short of what the situation actually requires. Inadequate measures now would cause such a dramatic economic collapse of the small and medium-sized business sector that the tax purse would suffer for many years to come.

950 Mr Presiding Member, we are being told that because of our small size we are much better and faster at reacting, so why are specific packages therefore taking so long? Why are we so behind the curve? Employers are laying employees off already. How long can we wait? A failure to act swiftly and boldly in ramping up these measures now would have a damaging impact on our society. The inevitable collapse of the small and medium-sized business sector would result in economic and social unrest at great cost to our community.

955 So, while we commend the Government for assisting those businesses that are most affected, we have received concerns from some individuals and businesses that they have been overlooked. There is a need to extend support to other sectors due to the domino effect the measures taken will have across the board. For example, training companies will not be able to provide their services while crowding is discouraged and people are being asked to work from home. And while IT and legal services can continue to operate relatively unscathed, there are a wide range of other businesses not mentioned in Monday's announcement, or today's even, that may be seriously affected.

965 We would ask that there be provision to allow these vulnerable businesses to apply to be added to the list of eligible businesses. One of the key determining factors would be whether or not these businesses are able to open to operate remotely, i.e. without staff and/or customers attending their place of work. Small and medium-sized businesses often lead a hand-to-mouth existence, and are the most likely to have to shed staff quickly. Any measures taken need to reach these people quickly to safeguard jobs and businesses. Every day counts.

970 Employees may resist the need to self-isolate or take time off sick if on zero-hour contracts or if they are employed in a role that cannot be conducted from home. Having many staff off sick would be an enormous burden to businesses. In addition, employees are understandably asking for time off to look after sick children as they cannot leave them with grandparents, in line with Government advice. Gibraltar currently has no statutory sick pay covered by Government. As a holistic approach in order to protect from the virus spreading, and to protect these vulnerable businesses, we request that Government reimburse a large percentage of sick pay with immediate effect. We welcome the Government's proposal of writing off PAYE and Social Insurance payments for affected businesses for the month of April, but it is highly unlikely that this crisis will be over by the end of April. The Director of Health could not commit, but mused that autumn was an optimistic temporary end date.

In order to best protect jobs and protect businesses while still encouraging them to adapt to the new circumstances, we suggest the following. In the first place, write off PAYE and Social Insurance due for the whole of the second quarter for all affected businesses.

985 Secondly, a one-off cash grant for all affected companies with fewer than 50 staff, equivalent to the total PAYE and Social Insurance paid in the first quarter of 2020, excluding one-off bonuses. Should the declared amount for the second quarter PAYE and Social Insurance be less than the first quarter bill by employee, the difference should be taxed at 100%. This means there is no grant for companies where any employees are laid off, made redundant or given reduced
990 hours. In effect, each company is being given a grant to keep each employee under full employment. In addition, every business saved by using these methods will pay back by being able to pay six months' PAYE and Social Insurance in the two subsequent quarters.

In the third place, those who are self-employed could be vulnerable in some sectors. Norway is guaranteeing four fifths of current earnings for self-employed people. In order to support the
995 self-employed, the Government should guarantee a certain percentage of their previous net earnings up to a cap of average salary. Clearly, many self-employed may not be affected, so a balance needs to be struck between showing reduction in income and the speed at which the Government needs to get funds to these individuals.

And in the fourth place, a commitment that if the isolation and social distancing period
1000 extends beyond June the above measures will be extended in line with the length of the crisis.

Mr Presiding Member, regarding rates, as this crisis will go on for months and because the effects will be felt for months afterwards, we request you follow the UK lead in giving free rates for one year.

On the issue of loans, mortgages and rents, while the banks have declared their intent to
1005 provide loans quickly and willingly to those businesses which have requested assistance, the reality is that these loans have not yet been forthcoming. Will the Government expedite this by underwriting these loans? We welcome the attempts to make rents more affordable and hope that this offer will be extended as long as the crisis goes on. We note that landlords can get mortgage holidays to cope with this reduced income.

1010 With regard to temporary suspension of contracts, as a last resort for businesses in serious trouble we would urge the need to legislate to allow a temporary suspension of contracts. Redundancy requirements here are so high that no small business can afford mass redundancy payments, leaving them with little option but to file for insolvency. The resulting effect would be that no employee will receive redundancy and creditors will be left unpaid. Individuals affected
1015 will require immediate access to an emergency social fund and be able to apply for a mortgage holiday. Individuals who pay high rents and are on temporary suspension of contracts should be able to negotiate reduced rents upon proof of this temporary suspension if the property owner can get a mortgage holiday for the same period.

In summary, now is not the time for half measures. A crisis requires immediate bold actions
1020 and we would fully back the Government in continuing to provide swift support to businesses along the lines we have suggested. The grants listed above would be a first phase and fall short of what many other economies are doing. Further actions will undoubtedly become necessary the longer the crisis endures.

1025 It is raining now. The rainy day has arrived and it does not make sense to defer measures any longer. It is time to bring out that bazooka and put our money where our mouth has been for the last decade.

Needless to say, I will be supporting the Bill, as I do every year in normal times of Budget so that our economy and society continues to function, and now so in these times of crisis more than ever.

1030 Thank you.

Mr Presiding Member: The Hon. Vijay Daryanani.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Presiding Member, I am delivering this speech on behalf of my colleague, the Father of the House, the Hon. Sir Joe Bossano. (*Banging on desks*)

I regret I cannot be present to deliver my contribution to the 2019-20 Budget extension Bill. This is not because I do not want to be here, but because I want to take the opportunity to bring home to my fellow octogenarians and those 10 years younger than us that we are at a higher risk of exposure to this nasty virus than those who are even younger than us. It is to protect our generation that our Government, as many governments of other nations have, has called on our most senior citizens to remain at home as far as possible and limit their exposure to contagion from the virus. This virus seems to hate elderly people and seems to hate prosperous societies, and it has a drastic impact on both, so I will now turn to what it wants to do to our prosperity.

What we would have done in a normal year would be to estimate the Government revenues and expenditures projected for the financial year ahead, which would have started at the end of this month, in respect of which our National Economic Plan projected 2.5% economic growth, much lower than we have been used to in recent years. This rate of growth was calculated on the assumption in the General Election that we would be facing an economic slowdown and that the European Union would be entering into a recession deeper than that of the UK, which would also be facing a contraction of its economy. Both these projections were made on the basis of the economic effect of a no-deal departure from the European Union, which I still consider to be the likely outcome in January 2021.

The virus has changed the world. The initial disruption to the global economy came with the breakdown of the supply chain from China at the beginning of the year. Since then, we have seen nation after nation introducing restrictions on internal movement and closing external frontiers. The European Union has closed both internal and external frontiers to stop movement and new measures are being constantly announced. The pandemic that started in December 2019 in China and has now spread to 175 other countries has affected over 200,000 people and killed nearly 9,000 to date. It still has some way to go. The epicentre of this pandemic is now in Europe, with Italy experiencing almost as many deaths as China, a total collapse of its health service in the rich north of the country and permanent damage to its economy.

What has already taken place has been enough to suggest that the slowdown of economic growth this year will remain, the global economy growing at 1%, and if it continues the result could even be going down to zero or into negative territory. This is the present situation compared with the December estimate for 2020 putting economic growth at the global level at 2.9%. For the UK and the EU it means a deeper recession than would otherwise have been the case. Against this background we are still maintaining our target for 2021 as the 2.5% growth of the economy, but may no longer be able to attain it. As our manifesto states, we are expecting zero growth in the size of the workforce, which may already be shrinking, as we shall see when the figures for the future October survey in 2020 comes out; and the 2019 October survey due to be published during the course of this year was estimated by us to show an increase which would be the ceiling for the size of the workforce going forward.

By the time the virus leaves our shores we should be experiencing the first stage of our exit from the European Union, ushering in another period of uncertainty as to our economic potential and where our customers are going to come from. The global landscape was initially expected to continue growing at the time we drew up our National Economic Plan, which was calculated on the premise of a downturn in the EU and the UK and growth elsewhere. The latest forecast for Italy, the country worst hit by the virus outside China, is that the GDP of the Italian economy will shrink by 3.4%, a figure that could still go up as there is still ongoing growth in the spread of the virus there. This economic background will have a huge negative impact on both our economy and Government revenues and we shall have to learn to cut our suit to fit our cloth, as we had to do with the impact of the dockyard closure and the impact of a closed Frontier.

1085 The important thing to do is to be realistic and face the threat to the health of our people and
the health of our economy, so that we take on both these threats and defeat them. There is a
difficult year ahead. The health issue for our people has to be dealt with first, and when that is
out of the way we will have to then deal with the future health of our economy. This is likely to
1090 be a much more protracted and difficult issue, since it is not entirely in our hands but is going to
be shaped by how deep the global recession will be and how long it will last.

What we all need to learn and understand is that we cannot spend money before we make it,
which is what the campaign slogan was when the GSLP won the 1988 General Election and took
on the task of the transformation of our economy. The difference between then and now is that
1095 in 1988 we had to overcome the negative effects on our economy as a local issue whilst the rest
of the world was not affected and the global economy was growing. This time round, we cannot
plan the direction of the economy until the direction of the global economy becomes clearer
post the pandemic. What we can say without a shadow of a doubt is that it will be considerably
tougher than it would have been if the pandemic had not happened and we were just dealing
with the impact of Brexit.

1100 The measure we are taking today is the only one that we can take to prepare ourselves for a
sustainable, affordable public service delivery and maintaining employment for a future
generation of Gibraltarians in a totally different economic scenario from the one we have had
before. The end of the fiscal year in July should give us an opportunity to get a clearer idea of
just how badly Government revenue is being affected. All we can say for certain is that what we
1105 are facing is the likelihood of having lower revenues in the future than we have had in the past
and we shall have to adjust our spending to what we can afford.

Today I am not in Parliament because those of my generation, who are over 70, are the ones
most at risk. After this risk is defeated and gone, our focus must be on securing the future of the
younger generations, the upcoming new Gibraltarians who will need to take over from us. For
1110 their sake we shall need to ensure that, both in respect of our economy and in respect of the
finances of the Government, we provide what is needed for our people to continue to have in
the future a quality of life and security that compares to that which Gibraltarians have enjoyed
in recent decades.

Some of our people take what we have for granted and assume it has always been there and
1115 that it happened by itself and not with a great deal of effort and struggle to get to what we are.
They assume it happened without any of us having to do anything to make it so. They will have
to learn that this is not so. Today's Bill marks an important point in our history and the turning
point in the decisions that we are going to have to take in order to protect our way of life in the
future.

1120 I welcome the support we have had from Members opposite in taking this decision, which
shows that we are a people able to put our differences to one side and take action in unison
when faced with a collective threat. *(Banging on desks)*

Mr Presiding Member: The Hon. Albert Isola.

1125 **Minister for Digital and Financial Services (Hon. A J Isola):** Mr Presiding Member, thank you.

I think I would like to start by thanking and showing my appreciation to my colleagues who
have worked at a quite incredible rate these past weeks, as they have had to, under the
leadership of the Chief Minister, whose energy is simply extraordinary, as is his leadership.
1130 Decisions at this moment in time are incredibly difficult and incredibly challenging, and the
manner in which he has just got on with the job that he has had to do – that responsibility that
he has on his shoulders, as we all do – has really been quite extraordinary, so I wish to commend
him and thank him on behalf of myself, my family and, I am sure, the rest of Gibraltar for the
work that he has put in to date. I know he will continue at the same pace – which I cannot keep
1135 up with – for the weeks and months to come.

I would also like to single out Mr Paul Balban. I say that not because he has worked any longer or harder than Samantha or John in the specific areas that they are working on, but because he has been singled out for some quite stupid and idiotic attack, a very personal attack – quite unnecessary, especially at this moment in time as the community is united, working for the betterment and security and safety of us all. That somebody should single him out in the way that they have, including some idiot who posted on social media yesterday having a go at Paul, who has been all hands on the pump the whole way through this process and has not shied for a second from any of his responsibilities ... So I think it is only right and fair that I should specifically mention him. *(Banging on desks)*

Mr Presiding Member, whenever we face, in the area that I work in, primarily in the financial services, the gaming and some of the other areas that I am responsible for ... and we are hit with a challenge, the first thing we always try and say is 'Business as usual: come on, let's keep going, let's keep pumping, let's keep going and see our way through it.' Today is anything but business as usual. As all of our businesses know, these are extraordinary times and an incredible challenge they face, we face, and we all have to put up with. And again, as Sir Joe has just mentioned through Vijay's intervention, no one escapes it. There is no part of the world. We cannot say, 'Well, we can focus on that part or this part, business continues there.' And so it is a global pandemic, it is a global crisis; it is affecting businesses all over the world with very few winners.

I am glad that the Chief Minister highlighted particularly in his intervention the need to watch out for those who may be profiteering in the way that they are seeking the assistance and the support that Government intends to give to businesses. It is important that we are fair and of course it is important that businesses are fair and open with us. I think that is a prerequisite of the support that we will be giving to the business community, as outlined by the Chief Minister in his intervention.

In the area of financial services the bulk of our firms have taken the appropriate steps to mitigate, work from home and do as much as they can in different shifts, taking it in turns to try to continue as best they can in these very difficult circumstances. We are in touch with the Regulator, who has also been in touch with all of the various firms to ask if they need anything in terms of their own contingency planning, and that seems to be going well.

From our own perspective in Gibraltar Finance we are doing something quite different. What we are doing is to prepare ourselves for when we come out of this. By that I mean that we are now working on how we are going to get out there and tell the world that Gibraltar is open for business as and when normality is resumed: new business strategy, new business planning, new campaigns, a lot of work now being done on our DTA network; the things that we can do now when business is not happening. We need to be ready on day one when we are through this – and we will be through this – so that we can get out there as quickly as we can, be nimble, be agile and do what we do best, which is promote the entrepreneurial skills that we have available to us. That is a lot of the work that Gibraltar Finance is specifically doing. Similarly on gaming, we are working on the gaming legislation in order that by the middle of this year, again once we are through this ... to be able to go flat out with the new gaming legislation, to get out there and begin to tell people the work that we are doing on that also.

So, we are doing the work that we can to prepare ourselves for the other side, which I think is extremely important particularly because of the hit that this is going to have in our businesses. The sooner we can give them confidence that we are beginning to regain some ambit of that normality the better for them, and of course the better for all of us because our economy is going to need a big kick to get it started again, and that is, certainly in these areas, what we intend to do and I am grateful to them for the work that they are doing.

The Chief Minister has highlighted already the specific measures for the gaming community. I look forward to meeting with them very shortly, as part of the new framework that the Chief Minister has announced, to identify specifically what support and assistance they may require which may be targeted to them. I do not agree with my friend the hon. Lady in breaking the

bank. I think the bank is there to be used sensibly in a targeted manner and in a way that will enable us to survive the test of time and not throw the toys out of the pram at the same time. And so, with the gaming community we will continue to work closely. I fear that there will be runs at some stage. We are working with them to see how we can mitigate those to the greatest extent possible. The measures that the Chief Minister has announced are all designed to release those firms from other costs in order that they continue to pay staff. I think that is targeted, measured and extremely sensible and I am very happy to support those measures also.

In my other areas: town planning – you will know that the DPC has suspended its next sitting, and we will see how that develops.

GBC has become the national broadcaster and I am grateful to them for the work they are doing in pushing out the messages that we need people to hear so that we keep them informed. Communication is critical and fundamental and I am delighted that we have, from the word go, been giving out clear and concise information, daily statements, daily broadcasts, and keeping our community fully informed of everything so that we do not rely in any way on chat on social media.

In terms of IT, our Digital Services team and our IT Department have set up a COVID-19 Digital team to support Public Health, to support the GHA and to support all the other areas of Government where certain services are not available through the changes made to the counter. So, we are going to be rolling out a number of services on the new website. If you go on to the Government website and click COVID-19 you will see there is a new website there which provides all of the information on COVID-19. Every press conference that has been hosted, every press release that we have issued are all available to the members of the public on that website, and to that website we shall be adding the different services that will be coming online.

I can tell businesses who have had issues with their workers not being able to come to Gibraltar because of not having an S-1 that at two o'clock this afternoon, in an hour's time, the S-1 process will be on that website and firms will be able to go and deal with it in a far quicker way than we have had in the past, through the use of that. I thank the COVID-19 team, who will be putting a number of other services out ... At the latest next Wednesday, we will have the payment gateway for all Government services, the GHA health card for renewals will be ready on Monday, the S-1 is today, and we are also working on a number of other interesting applications to help members of the public affected and impacted by COVID-19 specifically.

In terms of ITLD, we already had set up 542 VPN accounts for Government public services – 155 are functioning and connected today, the others are available as and when they are needed; 1,150 Microsoft Team tools have been rolled out; and almost a hundred laptops are now available to public sector staff to help them to be able to work away from their desktop, and of course many of these members of staff have also had their personal laptops made available to continue to work with them from home.

Mr Presiding Member, everyone is doing everything they can to see how we can deal with this in the best way possible and, importantly, to come out of this in the best shape possible. I commend the idea that the Chief Minister has had to bring this short mini Budget to Parliament, indeed also with the powers to enable him, in the appropriate way, to farm out the support, which is going to be targeted and selective, to the areas where it is needed most.

I commend the Bill to the House, Mr Presiding Member. *(Banging on desks)*

Mr Presiding Member: The Hon. Elliot Phillips.

Hon. E J Phillips: Mr Presiding Member, I am grateful to you for notifying me that I can speak now. I was not originally going to speak in relation to the emergency Budget but I thought I would make, given the exceptional circumstances which our community faces, a very small contribution.

I have listened very carefully to the contributions of Members of this House and echo many of the sentiments expressed which demonstrate the resilience of our community in times of

1240 struggle and indeed the crisis upon all of us. Indeed, I listened very carefully to the Deputy Chief Minister's reminder of history insofar as the 14 sieges that our community has faced militarily and also economically – and we will survive this crisis that is COVID-19. I echo and support the comments made to applaud our Civil Service, the Health Service, the private sector and many others in fighting this war on COVID-19.

1245 In good times, many of us would be now arguing about public finances – indeed, the Leader the Opposition and the Hon. Mr Clinton would be engaging in a ding-dong fight about the interpretation of the Budget book and principles of public spending – but today we are entirely united in fighting a common enemy, which is coronavirus. We have come together not only as a Parliament but as a community in this emergency Budget. COVID-19 is an invisible enemy. It
1250 lurks in the lungs of our people but it also lurks in the lungs of our economy. I entirely agree with the comment made by the Chief Minister. It had been made before the end of the General Election campaign. The age of entitlement is not only over, it is long gone. The age of responsibility is upon Gibraltar and our people.

In relation to my particular responsibility on this side of the House, for Health, we are living in
1255 a time of information overload. It was only today that I walked into my office to see a very worried, very concerned, and indeed I probably would say a very paranoid member of my staff looking at Sky News constantly. That information is having an effect on the ground in the homes and in the workplaces of the people of our community and I remain deeply concerned about the mental health implications of this information overload on the people of our community and
1260 indeed our elderly, many of whom are confined to their homes, in self-isolation in many instances, and I remain deeply concerned about that.

I know no one has mentioned it yet, but I am sure the Chief Minister will mention what measures will be put in place to try to ease the strain on many of our elderly, and actually, in fact, on many members of our community entirely. It is the duty of every single one of our
1265 community to watch out for our friends, our family, our neighbours and anyone who needs help. We should applaud and commend the 900-plus individuals in our community who have come out to volunteer to help anyone in distress in our community and doing what we can, which is to do what is best, which is to pull together in this time of crisis.

I have no hesitation whatsoever, Mr Presiding Member, in supporting the Bill before this
1270 House. *(Banging on desks)*

Mr Presiding Member: The Hon. Steven Linares.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Presiding Member, I rise as
1275 Minister for Housing because the first responsibility that I was given was to look after our elderly and they are the ones who are residing in the pensioner flats. We have 500 of them there. From the very beginning, that was our priority. The Housing Works agency has been working round the clock to see how best we can manage their welfare.

The fact that the law came in and said that people over the age of 70 could not come out meant that many of them were confined to their homes, like Mr Phillips has just said, and therefore this is the responsibility now of the Housing Agency for how we manage that. We have managed that by having officers going daily per household, with the care that the virus is obviously not transmitted. They collect the rubbish, they ask them for their needs, through the door with the door closed. They are given newspapers, so that they are informed, for those who
1285 are not on social media. We are, I can say, really trying our best because it is important that others do not have contact with them. We are also monitoring ... and now it has got to the stage where nobody is allowed in. There is a complete and utter curfew. That is for their own good and they have understood it. I am happy to say that most of them, if not all of them, know and understand why we are doing it. For us it is a privilege to work with them closely, and we will
1290 continue to do so. We are working also with another 1,500 elderly who also live in the whole of the Government's stock. We are working closely with the tenants' associations. We will be

meeting with them very closely and very soon to see how we can reach out to those elderly who are not in the pensioner flats. So, I can say that we are doing all that we can and I would like to commend that the Housing Works Agency and other Ministries that I run have really worked up to this challenge which is the coronavirus.

Mr Presiding Member, I commend this Bill to the House. (*Banging on desks*)

Mr Presiding Member: The Hon. the Leader of the Opposition.

Hon. K Azopardi: These are unprecedented times requiring extraordinary actions. Who could have imagined it, as we reached the end of last year, that an issue other than Brexit would be our biggest challenge and how things change in a short period of time?

The last few weeks have seen a virus spread from Asia to Europe and now become a global threat. It has replaced national or international debates as the dominant issue of the day. Countries have struggled in grappling to come to terms with the public health risk that it represents. It has led to frontier restrictions, curbs and freedoms of movement and strains on medical services, and affected the financial markets. It has been declared a global pandemic by the World Health Organisation and overnight it challenges the global community and has reminded us how fragile our normality and our mortality is, how much we take for granted from our basic liberties to our freedom to travel or even go out for a meal or enjoy a family gathering. It has hit at the core of how we do our business, how we see our friends and how we interact with our families. This is a world issue. We cannot eradicate it; we can only minimise the impact on our community. Lives may be lost.

It has also made us focus and refocus on our collective emergence from this challenge as a top priority so we can regain the normality we all cherish, which can allow us the luxury of disagreement. That is why we in the Opposition completely understand the need to work together as much as we can to get us through all this. That is why my message today is clear and unequivocal. It is one of determination to ensure that we deal with this virus decisively. I have been in daily contact with the Chief Minister over the last few days on these issues because we appreciate the need to work together.

The GSD Opposition is in favour and supportive of radical action to minimise the spread of the coronavirus in a bid to alleviate any pressure on our medical services and to save lives. We support the closure of the schools and their conversion into facilities for childcare for workers in the medical or essential services who have no alternative childcare arrangements, which would otherwise expose our vulnerable citizens. We are in favour of comprehensive and systematic testing to give us a better understanding of where we are on COVID-19 and the effectiveness of preventive measures. We must also support these by robust contact tracing and household isolation.

My colleagues and I have been working with the Government behind the scenes and will continue to do so in the interests of this community. It is no secret that we have deep political differences with the Government on other issues, but these differences will not stand in the way of our co-operation at this important moment for the benefit of every member of our community. Once we return to normality – and we will – we can once again focus on that luxury of disagreement. For now, we will focus on our common ambition to ensure our people emerge as well as possible from this public health challenge.

There are aspects of how we tackle this where we may have a different approach or emphasis. We will, as much as possible, seek to raise these privately first to try to get consensus, and ventilate these in public where necessary, but fundamentally we will be working together in your interests. That is also why, at the invitation of the Chief Minister, I attended last Monday's special Cabinet meeting on COVID-19. This was unprecedented. We will work together on other measures and on facilitating the political process to allow for public servants to be able to concentrate on this public health challenge first.

I also want to take a moment to reflect on that amazing work of all our frontline workers and thank them. Doctors, cleaners, nurses, paramedics, nursing assistants, teachers, the Police, environmental health workers, border authorities, every single public servant out there: your effort is invaluable and appreciated. And to all our volunteers who have come forward at this time, our big thanks as a community.

We are, of course, concerned about various aspects of this challenge. First, there is the seminal challenge to individuals in this community and the vulnerable in particular. We will sadly see that some of our citizens will fall to this virus. It will be deeply saddening to see that. At this time we echo the call that our elderly and vulnerable citizens in particular should heed the public health advice that has been given. The legal restrictions on freedom of movement for the over-70s are also unprecedented, but necessary for your protection, and I hope this is understood. We all have elderly relatives and we must also all act responsibly at this time to carefully adhere to the health advice on hygiene, social distancing and self-isolation. This will also save lives.

There will also be pressure on workers, on business, on our collective livelihoods, on our liberties, our freedoms and on the cultural way we have grown accustomed to behave as a society. We need to turn to those economic issues immediately, so that we do not allow this public health emergency to create in its slipstream an economic emergency that then undermines the sustainability of this community as a whole. We must appreciate the immediate urgency of now. Economic action must be rolled out in parallel to public health action. The survival of our Gibraltar as we know it depends on it.

I believe we will emerge from this as a community, and indeed we all pledge to work to ensure that the impact to our country is overcome. I certainly promise everyone listening that we will work tirelessly for you, and together it will be the mark of our strength and our spirit to overcome this COVID-19.

Mr Presiding Member, I want to make some observations on what has been said and indeed the Budget that we have in front of us, which is of an emergency nature. We have, on this side of the House, agreed to support this Budget – which is unprecedented, at least in modern times. Indeed, as the Chief Minister has said, there has only been one extension in the history of this Parliament and it was, may I say, on a rather more technical basis just to adjust the financial year to align it with that of the United Kingdom, and not because of any social or domestic imperative. This is not even that. It is a global imperative of a public health nature which brings in its slipstream an economic emergency that we must deal with. These are special times. It is insufficient to say it a hundred times to get the message across of how special these times are.

I just flag, and of course it has been acknowledged and accepted by the Chief Minister, that we are not abandoning our traditional stance on public finances, accountability and prudence. We are simply parking that for another day. We will have a lot to say about all those issues again, and we may even have things to say in respect of prudence in the context of borrowing under this umbrella and where we need to direct funds – and I may say a bit more about that later in my contribution. We understand that this is necessary because of the situation where we find ourselves as a community. We immediately understood it would have been a completely mistaken use of the energy and resources of the public service to concentrate, at a time of potential peak of COVID-19, on drawing up estimates for the coming year when simply, in any event, it would have been impacted by the pandemic, and so we would not inevitably have made provision, had we come to this House and laid the estimates in the normal way, for things that will emerge in the next couple of months. And so we immediately understood and agreed when it was suggested to us that this was necessary.

Mr Presiding Member, we understand we need to take measures to protect lives, to protect in this public health emergency whatever we need to do to minimise and flatten the curve, to minimise the spread of the virus. And of course we need to safeguard the integrity of our Health Service from the danger of not coping with this virus. So, everything that so far has been done has our support. We may have different views on emphasis or speed, and where we have different views we have said so. But alongside that, all those public health issues, equally we

1395 need to understand that unless we act quickly on this issue we will move from a public health
emergency to have a parallel economic emergency. That is something that, as a Parliament and
indeed working together with the Government, we must ensure does not happen, because the
reality is that we can only protect our people if we have the economic means to do so. If we do
not have the economic means to do so, simply focusing on the public health issues will not work,
1400 because sooner or later the house will come crashing down around us. So we must work the
economy.

And there is a danger of not acting. I do not say a danger of not acting because the
Government is not acting, but rather I say that there is a danger as an immediate consequence
of standing by and focusing simply on the public health issues, because everything that we are
1405 hearing on this side of the House tells us and indeed surprises us, although I suppose we should
not be surprised by just taking a walk down Main Street or putting on the news about how
desolate it all is ... Everything that we hear tells us that there is immediate and current pressure
on business, especially small business; that this is not just about a sector here or a sector there.

The Chief Minister said in his contribution that he was keen to roll out assistance across all
1410 affected sectors. I will turn it around for him, if I may. I will tell him that it is not that he should
roll out measures across all affected sectors, but that all sectors are affected. That is what is
happening today, because what we hear on this side of the House is that there is loss of income
and loss of jobs already. I hear the impetus that he wants to give so that people are protected,
but people are already suffering issues, and it is understandable because very quickly we have
1415 seen a massive slowdown in the economy and it is incredible how quickly it has come.

They say a week is a long time in politics. A week is a long time in COVID because it was only a
week ago that the Government took the unprecedented measure of saying to bars and
restaurants that they should close in the evenings, it was only on Monday that it was extended
to all day, and it was only on Monday that we told our over-70s that they could not go out with
1420 effect from Tuesday. But the reality is that people have listened to what is going on around them
and they have taken their own measures. They have gone into self-isolation; some people
because they have symptoms, some people because on a prudential basis they have done so, on
a cautious basis. One only has to walk down Main Street to see how few people are out there
and how that is affecting businesses, because it is not just the businesses that have been closed
1425 through no fault of their own, who are in the catering business. It is not just that. It is that there
is a massive read across, across the economy. There is an incredible loss of confidence.

And so the measures that have been announced so far of course are welcome, but they are
insufficient. I do not mean that as a criticism. It is simply that the events are moving so fast that
it is clearly insufficient to deal with the massive loss of confidence that is created across all
1430 sectors. And this is not a Gibraltar issue; it is an issue that is being felt in every single jurisdiction.
And when we hear the kind of packages of lending or assistance that are being rolled out by
international governments, they are stunning and staggering in their financial extent. I am not
saying that because I am recommending to the Government that they should follow suit. Let me
voice a note of caution, because I am a fiscal conservative. There may be headroom in terms of
1435 borrowing, but the Chief Minister knows that we take a slightly different view of prudence and I
would say even within the times that we live we need to be sure that whatever we borrow we
borrow because it is necessary. We would say, on this side of the House, without trying to strike
a contentious tone, that there are aspects of borrowing that are off the book, that in global
terms we would normally, ordinarily take into account and therefore impact on our affordability
1440 as a community.

I do not want to prolong my intrusion into prudence in any way and I am not raising it on a
contentious basis, and I hope he understands that. I am only raising it because whatever the
borrowing capability in legal terms the Government has, there is a need to temper necessity
with prudence, and that is important under the umbrella driver, which is that of overall
1445 sustainability for future generations of this community.

There are not going to be, as has been said, magic solutions, and people need to understand that out there. There are certainly not going to be magic solutions and we welcome on this side of the House the creation of these bodies which will allow the Government to get a greater and quicker insight about the concerns from unions and indeed business organisations about what is going on out there, because I emphasise this is not just about the obvious sectors that perhaps people think are affected because of the closedown – bars and restaurants and anybody; it is about every single sector in Gibraltar. Every single economic sector is reporting to us a massive loss of confidence – and slowdown, not just because of local measures. Inevitably, there is a global slowdown. Anyone doing international business from Gibraltar in any service industry has seen a massive slowdown in any email communication, for example, at the most basic level. Anyone dealing with local clients, they are all staying at home. Anyone dealing with international clients, they are not picking up the phone or sending emails because they are all dealing with the same issues in their own respective countries. And while things can carry on as normal now, we can all pretend we are on a short holiday and hope that it goes away, but the reality is it will not and it has an effect across all sectors. So it is indeed important to do that number-crunching work and the work with the sectors to understand it. And yes, I take from what the Father of the House has said that it is also important to take a deep breath and model the economy, once you get an insight as to how the world is emerging from the global pandemic. As always, words of wisdom on an economic sphere from the Father of the House.

But it will also be important for us to be radical as a stimulus to the economy to avoid those economic walls coming down, and why we completely support that the Chief Minister says that the initial financial impetus and assistance is to ensure that businesses are assisted so that no one is laid off, etc., which is, may I say, although he did not express it in these terms, a preservation strategy. It may not be for now, but we, as leaders of this community, must very quickly have the vision to move from the preservation strategy to the stimulus strategy because it will not be enough to direct financial assistance simply to fund inactivity; it must be to stimulate activity. The funding of paralysis by the taxpayer is not going to get this economy going after we emerge, so we must also think about that. So, whatever financial bullets we have, we cannot simply spend on preservation; it must be with an eye on stimulus as we emerge, and also now because there are things that can be done to facilitate some economic activity even now. When there is global slowdown, the public sector, to the extent that it can, should carry on doing what it can. For example, of course the public servants are directed towards the public health issues first, but if there are planning applications and the planning process needs to continue, it should be allowed to continue because that in itself is fostering activity, albeit at a minimal level, in different sectors. If there is any business interface with business Ministries that can be done even at a local level, it should be done so that we carry on at least preparing to do business in a normal climate.

Of course I spare a thought at this, because one of the things that struck me when I was listening to the contributions from different Members is that we have got, of course, a tremendous tension here between the public health measures that we are imposing for the protection of people and the effect it will have, not just on this community but our culture. We are a Latin Mediterranean people. We are used to going about our business in a particular way and we are telling people to do the opposite for the first time in our history. We have got to have an eye also on not just the economic repercussions and economic consequences but the social consequences of this pandemic.

Again, I am talking about the future, I am not talking about now, but one of the things that we will have to, as leaders of this community, quickly move on to think about as we emerge from this pandemic is the social effects of this. Having indoctrinated people with social distancing, which is absolutely necessary at this time, and having told people to stay at home, there may be issues that result from that. We have spent so long concerned – well, at least I have spent so long concerned about the effects on mental health of social media and telecommunications on our youngsters and the fact that youngsters do not sufficiently engage

with each other in this day and age, and now we are telling them not to engage with each other. And there will be mental well-being issues when we tell our elderly not to engage with their families for prolonged periods of time when they are in their 80s. There will be all sorts of support and counselling issues we need to think about as a community if this goes on.

All those issues are, I am sure, matters that the Government has foremost in its mind. Of course the most important imperative is preservation strategy in public health terms and in economic terms, but soon – sooner rather than later – we must think about the future, both in economic terms and in public health terms, in the broadest sense of the word.

But we certainly appreciate, for the moment, that this Budget is absolutely necessary, that it is an imperative for this community, and for all those reasons – and I have no doubt we will emerge from this, as Gibraltar always does – we believe we need to lead by example and show Gibraltar a renewed strength of purpose to deal with all these matters. For all those reasons, we support the Bill that is in front of us. *(Banging on desks)*

Mr Presiding Member: Before I call on the Chief Minister, can I ask him to address one particular issue in his reply, and that is that the Bill is dated 18th March. The Chief Minister has written to Mr Speaker on that day, on the 18th March, certifying the Bill as too urgent to permit the expiry of six weeks, and although I do not expect the Chief Minister to talk on the certification, because he has explained already in his original speech why the Bill is urgent, I would ask him to place on record, for the sake of *Hansard*, his certification of the Bill as urgent.

The Chief Minister.

Hon. Chief Minister: Thank you, Mr Presiding Member.

It is important that I do exactly as you have suggested, which is record that I have written to the Speaker to say that the consideration of this Bill cannot await the constitutional six-week period, and I did that after consultation with the Leader of the Opposition and indeed with Mr Clinton in the discussions that he and I had and he and the Father of the House, Sir Joe Bossano, had.

I want to thank all hon. Members for their contributions. I will have something to say about what they each have said.

The first speech that we had from Members opposite was from Mr Clinton. I am very pleased that he has accepted my olive branch and that we are going to try and do things in a slightly different way going forward, although I look forward to returning to robust debate on the subject – although taking, as I said, even in that respect the good of the normal and not the things which might not have been so good about the normal.

It is important that everyone in this community realises that, not because we are going to teach anybody any lessons but because all of us have to be alive to the fact that although I agree with the Leader of the Opposition, we will go back to normal – as I have said to many people, we will smile again – it is important that we realise that nothing will ever be the same again as a result of the world having to face this reality. That is why the Hon. Mr Clinton is absolutely right: this is not a normal Budget; this is a situation where the community needs us to act in the way that we are doing because we cannot simply go about our normal business, even in the financial sense.

So, dealing with the three areas that he analysed – the Bill, the reserves and the economy – in the same order, I think his analysis of the Bill is identical to ours. I think it is helpful and important that he has confirmed that and that the numbers that he has analysed have led him to the same conclusions as we have and that we have been able to agree that, and that on the record of this House it is not just the extraordinary nature of the debate that we are having but also agreement as to the numbers that we believe we should have for our public services to have at the disposal and service of each Department in the time that we are extending the financial year. Indeed, I think it is important that what I am saying repeatedly in respect of the GHA having what it needs to deal with this virus ... that this House shares that view, that we are

1550 therefore demonstrating, by voting these new Schedules, that we are giving the GHA that additional amount. And indeed, as he said, if they need more they will come back for supplementary and they will find the House not wanting in giving that support when the time comes to approve it at the end of the financial year.

1555 It is absolutely true also that the House will, I think, have the benefit of the record demonstrating that we are not just agreeing in respect of the need for this; we are agreeing also in terms of what I might call the financial mechanics of the Schedule being as they need to be, with both sides of course continuing to keep their powder dry on the substance of our philosophical approach to the way that the book is prepared. Of that, Hon. Members need have absolutely no doubt.

1560 The Hon. Mr Clinton said that it was right that we should exercise the power vested in us by the people to act in this way. I think that is a good way of putting it, because the power that we have is primarily, as I have said, to be deployed to ensure the safety and security of our people. Here, we are acting – and I think the Leader of the Opposition put it this way – we are acting in effect to save lives. That is what we are doing and that is absolutely, therefore, the right exercise of the power that we are given when we are returned to office and to this place.

1565 In the context of potentially having to extend further, I think we may all agree that we might not be in a position to have prepared sensible estimates in September, or we may take the view that we might be able to do that but that even if we were able to, calculations will be harder, the accountability that hon. Members opposite need to pursue of the Government may be harder if we are calculating 1.5, and the emergency – although we are going to try and put that in the special fund ... It may be easier for ourselves and for the general public, for everyone to understand the Budget over 24 months, so you are looking at two financial years, divide by two and add a little for the second, which was the point that the Hon. the Leader of the Opposition made to me when I first broached this subject with him. So I think we need to keep that issue under review. Even if we are going to come back to fall out over the mechanics of how the book is constructed, I would hope that we would be able to continue to act in concert as to what we consider to be the best financial period to account for, whether it is 18 months or 24 months, because I think it will be helpful to us. It will be helpful to each of us to be able to have a better argument in respect of the things that we are reserving our position on, if we do it in that way.

1580 On the new section 8, I was grateful to the hon. Gentleman in respect of the way that he analysed what we might call these extraordinary Henry VIII powers. Indeed, these powers are powers that we all first started to hear about in the context of the Brexit negotiations for the short period when there might have been a hard Brexit or when amendments might have needed to have been made to a whole raft of legislation. That may still come, but that is how we started to understand the existence of these powers, and I was very pleased to hear the hon. Gentleman give his entire support to the way that we have cast that. I have cast it in the context of consultation with the Leader of the Opposition and the words I have used in *Hansard* as to how I will use the power I reflected in a letter also to him.

1590 Mr Presiding Member, I want the House to know and I want the community to know that I will take the responsibility of the exercise of those powers as seriously as I do everything else, and that the community will never want for my exercise of those responsibilities to have been done in a way other than entirely properly, because granting that very great power also means that there must be great responsibility in the exercise of that power, especially given the ability to trigger spending in the way that we will. I am conscious that I will be judged on how I exercise that power.

1595 Turning to the rainy day funds and the analysis that I had done, I do not think that the hon. Member incurred in an argument about them, but he did say that of course we would want to have more and it would have been nice to have more, etc. The only point I would make, and I make it not contentiously, is that those funds have only grown in the past eight years. I am very pleased that we do have them.

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Community Care, as the hon. Gentleman says, is a step away. It is not money in the hands of the Government. The analysis of why we call Community Care a rainy day fund is one that we do repeatedly and I think is agreed: it is there to continue to discharge the payments without having to give them the payments, and in that way it relieves the public purse. But indeed all I would say is that the directors and trustees of Community Care have traditionally stepped up when Gibraltar has needed, so it may be that they do something. I do not envisage it will be that the Government will seek to borrow that money, but it may be that they decide that they will also do something in the context of this emergency, given what may be relevant. It is a matter entirely for them, but I envisage, given how they have behaved in the past, that it may be something that they wish to consider.

The cash reserve is higher than £26 million, I think it is closer to £50 million, and of course a lot of what we have spent that cash on are the things that will now enable us to act. For example, the Europa sports facility is now potentially the field hospital that we need because we have spent the money in creating it. So there are connections with the spending that has gone on which will now stand us in good stead.

We are ready to borrow the £150 million that we need, but we want to borrow the maximum level of £500 million, if we need to, in the way that is the most affordable for the community. That means ensuring that we get the best rate of interest. Because of the historic low, we need to go for the lowest rate of interest that is available and we shall try and seek to do that in the context of ensuring that, as we borrow, we do not just deploy the money in the way that we might all agree is necessary in the context of the emergency – and I will come later to the things that the Leader of the Opposition has said about that and with which I largely agree – but also that the commitment that we enter into with the lender is the best possible commitment that we can enter into in terms of period and in terms of interest rate. Renewing the Barclays facility might not actually be the best deal out there, but anyway, we will see. We are not saying no to any of that. And it is going to be about looking to target the way that we preserve (a) livelihoods and (b) the economy in general, because that leads us to that twin period of ensuring that people have now in this difficult time, but not just continuing to give. Otherwise, we are transitioning towards communism and that is not what we want to do. We are transitioning to the stimulus package and ensuring that people have in their pockets ...

I think what the great criticism of the 2008 issues are ... As Mr Clinton said, the textbook about how to deal with this problem is not yet written, but there are many written about what happened in 2008. I think the mistake there was that you denuded the working and middle classes of the ability to go back into the economy to be spenders, unless they once again leveraged themselves and put themselves in hock. A lot of the money got stuck in the middle of the financial institutions, where the hole was. The stimulus package – and on this the Leader of the Opposition and I will need to do more talking, but I think we are of the same mind – the stimulus package must be there for businesses at the end of this horror, but it will only work if there are clients for those businesses, and you need to keep those people alive and dealing with the issues economically in a way that allows them to come back into the game.

I took a careful note of the things that he said about what we are seeing from chancelleries across the world. All hon. Members on the other side should know that we have a very detailed note of what every nation is doing, and not just the nations that are grabbing the headlines. We see a lot here, of course, from the United Kingdom. We see a lot of what is happening in Spain. The major economies are making the news – the French approach and what I might call the Merkel approach in Germany. *Monsieur* Macron was very clear: no business will go into liquidation. Ms Merkel was a little less clear. The Chancellor was somewhere in between, doing everything possible but not saying the words that every business will be able to survive. So there are degrees of what we are going to need to do. Every economy will be different. There are some economies which we are looking at which are closer in scale to us and we intend to do a lot more than we have seen those economies do. Again, what they are doing may be right for them. We may need to do more because of the nature of our economy and where we are in

terms of the spread through Europe of the virus – we are at the Spanish levels, not at levels elsewhere. And there are some larger economies than ours, which are still small economies, which are doing things which we think are very favourable and we are having a look too.

That is why it is very important that people understand – and this is a general point, and I think some hon. Members opposite have understood it but not all of them – that for an administration the size of Gibraltar to have been able to prepare a Budget and appropriation, even if it is by way of amendment of an existing one, in 72 hours is very difficult indeed. To have refined the measures necessary is well-nigh impossible, despite the wholesome co-operation of the Opposition, the wholesome support of the Federation and the Chamber and the wholesome support of the unions.

We have got to get this right because what we are going to deploy is the firepower that we have got. We have got to deploy it in the right way and calibrate that in the proper way. That is why I was very pleased to hear the hon. Gentleman welcome the creation of CELAC. I think it is the right way to ensure that we are doing what we need to do for all of these sectors. I think hon. Members on the other side made the point in different ways and I think Mr Clinton made it in the same way I did, which is that there is now a very short list of sectors that are not affected, and that has happened – and I agree with the Leader of the Opposition – in 96 hours.

You go from doing something in one sector and therefore trying to support them; that catches fire not just because of what you have done there, which is dramatic, the 70-year-olds and the catering industry generally, but because of what is happening around us and measures which are being applied in Spain, what people are seeing on television and the immediate restraint that people have. Therefore, we need to act, as I said, to deal with all affected sectors.

And the word ‘affected’ may have to disappear from that analysis, or it may be that there are some sectors where that does not disappear. I said in my address on Monday that supermarkets, ironically, are doing very well indeed. We are working very closely with the supermarkets and they are saying to us, ‘At the moment, we don’t need a stimulus package – this is going well for us and we want to continue working with you to ensure that the supply chains work, etc.’ So we need to ensure that we are doing this in exactly the right way, but there are more and more sectors that are affected.

I agree with Mr Clinton that the public sector receiving its salary without interruption is going to create a trickle down, which will not be in itself the stimulus package that the economy needs but it is an important part of the trickle down. In other words, they will be a hugely important part of this economy; the other side of the coin of what Mr Clinton said. In other words, of 30,000 he identified there were 24,000 that were in the private sector, 6,000 in effect – between four and six thousand – directly employed by the Government or not directly employed by the Government, who will be able to continue to enjoy the guarantee of their salary and will be able to therefore be ready, when they have the confidence, to go back into the economy and start spending. That means that we have dealt with one part of the problem, the problem being the whole of the 30,000 people in our economy who work. Ironically, the number is so close to the actual number of the population. So, the Leader of the Opposition and Mr Clinton were right – the firepower must also be kept back for a stimulus package to come.

I just want to explain that the CELAC is created because it is the place where I am going to consult those bodies. It is not to say that I am now going to go off with the power that hon. Members have given me and conspire with unionists and business representatives to spend all this money without regard to them. I want to be clear that the approach of the Government will be faithful to the approach that there will be different groups to consult. And so, for example, there is the CELAC, there is the Cabinet and then there is the Opposition, and all of those will, in my view, be the groups that I will consult *before* bringing about the measures, because if I consult with the CELAC and then use my power without consulting the Opposition I am being disloyal to the terms of the clause that I am seeking. I am not looking at this in partisan terms at all. I *want* the advice of the Leader of the Opposition and hon. Members opposite in the same way as I want the advice of my colleagues in the Cabinet, but of course, apart from the social

1705 distancing issues, I do think there is a room big enough for all 17 of us and all eight of them, and it is not conducive to a debate to have everybody trying to write the same letter at the same time by committee. All of the parts of the groups that I have mentioned are an important part of making the decisions that we then deploy.

1710 But I do agree with him that it is sometimes difficult to describe the scenario – and he ended up saying it is ‘awful’ – because I do not think it is possible to find words to describe the scenario in which we find ourselves and it is difficult to try and not hyperbolise, because this is really so remarkable.

1715 Mr Presiding Member, the point he made repeatedly was that we all wish we had more in the rainy day funds. I think the rainy day funds have gone up by about £140 million, so that is not so bad, I would say. It gives us the opportunity to do the spending that we are going to need on a war-type budget basis. It is important that I pause there because he used that phrase and the Prime Minister used that phrase in the past 24 hours about the United Kingdom being almost at war and having to deal and deploy measures on the basis of being at war. Gibraltar has never itself been at war and it is important that we understand that. The United Kingdom declares war and Gibraltar becomes *part* of a war.

1720 Well, Mr Presiding Member, the hon. Gentlemen opposite will have picked up that I have said something about what we are expecting the United Kingdom to do here also, and that is something which I look forward to discussing with them as well. We are proud Gibraltarians. We know what it is that Gibraltar means to us and we know what it is that we can do. I think most of us are realistic enough to know that we are not able to declare war, even if we had the international legal capacity to do so, and stand much chance of winning a war against most other nations in the world because of our scale. When the world declares war, it is also important that people realise the scale of Gibraltar and the help that we may need in the context of surviving that. I think that is well understood beyond Gibraltar, but I thought it was 1730 important to remark upon the words that the hon. Gentleman had used. I thank him again for the approach that he has taken to this debate.

1735 Mr Presiding Member, the hon. Lady then introduced her address by reminding me of all the things I have said before, which are exactly the reason why we are able to be so bold in the approach that we are taking – all of the reasons related to the creation of the rainy day funds, which are now higher than they have ever been; all of the reasons why the borrowing is therefore now available, which she repeated. I do not know whether she was intending to repeat the things that I had said in the positive, because I did detect what I thought was a hint of irony, but I think it would have been misplaced if that is what she was trying and intending to do, because this economy will have £½ billion available just in terms of the borrowing being put at 1740 our disposal in the context of being able to deal with this, which is 20% of the GDP. That is a bigger bazooka than Mario Draghi ever deployed, and I think that whoever suggested that this was a good example to use might want to reflect on that, because frankly the Draghi proposals have meant that for the past decade most of Europe has not been able to drag itself into major growth. It is a hugely criticised package that benefitted banks more than it benefitted people and I am surprised that she, of all people, is commending to me the Draghi proposal. I thought 1745 that was lamentable. I think there are some who will give her an analysis of the Draghi approach which will be very negative, not least Mr Varoufakis, who does an analysis of how people were ignored in the last financial bailout. I am not going to say I am going to follow Varoufakis and not Draghi, I am not going to say I am going to follow Lagarde and not Pablo Iglesias; I think that we need to have a Gibraltar solution and that the Gibraltar bazookas are better than anybody else's. 1750

In terms of the other things that she went on to say, she said that we are going to do no extra spending. Well, I had just told her that we are going to be ready to inject £500 million in the economy and to do many other things.

1755 She says that I was talking only about one sector when in fact there are many sectors affected. Well, I had already said that I thought that there was a shorter list of sectors that were not affected than the list of sectors that were affected, so I do not know why it was that she was

saying things that I had already said we were addressing – the spending into the GHA, the establishment of the separate fund. It is not like her not to listen and not to be able to reflect back from what it is that the House has been told.

1760 When she says that businesses must have robust support, she is calling loudly for that which she has just been told we are going to give them. When she says that we need to have clarity of the measures, she is calling loudly for what it is that we have created CELAC to do in a way that it is better able to do than just Members of this House. When she is calling for liquidity to support them for six to nine months, she is again calling loudly for us to do that which we have said to
1765 do. And when she talks about what other governments are doing, she is ignoring what it is that the Gibraltar economy is, which is a unique creature which needs its own style of support, which is what we are going to design and ensure that we do properly.

So, we are not failing to recognise anything, but she is apparently failing to understand some of what I was telling the House. For example, Mr Speaker – Mr Presiding Member, I keep calling
1770 you Mr Speaker. For example, Mr Speaker – again! It has been a long week! The hon. Lady says that we are constantly told that we are so small that we can move quickly and nimbly and why aren't we doing that now. Well, that is exactly what we are doing now. If you look at what other countries have done, in many instances they have made announcements without detail. The Chancellor of the United Kingdom, one of the top seven economies in the world, has had to go
1775 back and do a budget for the third time because he has been told that what he has announced the first time and the second time is not sufficient or not sufficiently particularised. So I think that working together in the way that we are demonstrating that we will, we are giving actual business efficacy to the reality of a Gibraltar that can move quickly and that can put in place the right measures.

1780 Yes, I know that there are many who are already saying, 'Look, I can't go on for very long, I am about to lay people off,' etc. We have been in direct contact with a lot of people. We expect the measures that we announced are going to ensure that a lot of people are able to hold the ring and that we will be able to get the message out so that those who might not have to lay workers off will be able to hold off for long enough, because we do understand that if we do not
1785 extend this to all the sectors the dominoes will not fall. That is exactly what I was saying. In fact, the hon. Lady has missed a key word in my address: 'affected'. I said we will deal with all the affected sectors, so how can she tell me that I am failing to understand that many more sectors are affected?

I thought her analysis of the European packages was a little superficial. We have done much
1790 more analysis than that and identified many other jurisdictions which have many better measures of the sort that we want to consider proposing through CELAC should be implemented in Gibraltar.

So, I am sorry to say that on this particular and key moment her address seems to have failed to grasp the nettle of leadership required, but I will put it no higher than that because I want to
1795 move on as positively as possible. I am sure it is just a difficult moment and we will be able to continue working together positively in coming days, weeks and months, because that is what Gibraltar expects, not second guessing each other, not trying to score any points, but just working together.

Mr Presiding Member, I was heartened to hear Mr Phillips agree that the age of entitlement
1800 is over; the age of responsibility is firmly here. I think it is important that we are of one mind and one voice in that respect. It is what I have been saying and he knows I have repeated. That was the mantra of the General Election.

I too feel, as he does, that too many people are permanently connected to rolling news programmes that are ... I am not going to say sensationalising the news but certainly telling it
1805 like it is but in a way that ensures that their audience share is there, and frankly I do think this is affecting many people and the issue of social media is affecting many people. The Leader of the Opposition is right: we keep telling people that social media is, in many respects, problematic

whilst at the moment we are also asking them to stay at home and many of them are relying on social media.

1810 I would put it like this to everybody. COVID-19 is what it is. We know how it affects those under 70 and those over 70, and even those under 70 are not to expect an easy ride from it, but if I had a heart condition I would not switch on the television to work out how to have it resolved. I would not go on Facebook to ask for somebody to come round or send me a kit so that I might have it resolved. I would go to the doctor. The doctor would refer me to the specialist and the specialist would refer me to the consultant who would carry out the operation. I think the view that the hon. Gentleman was expressing, with which I have great sympathy, is that people need to trust the certified clinicians, and the views that are being put to us are being put to us by the certified clinicians, not by the best-intentioned or the worst-intentioned, the best-informed or the worst-informed social media hack or person that the latest news channel has been able to get to come on at five past two because somebody else is not able to do the interview and they need to fill the five minutes. That message needs to go to people in his office, in my office, to me, to him, to everyone, because we are all human and this is a moment to remind ourselves that it is the clinicians that we need to trust.

1825 What are we doing for the over 70s? What are we doing for our mental health generally? I think these are key issues that might not have been at the fore in the past, but now we understand how important these things are we also have a responsibility to know that we are doing something about them.

1830 I know that Gibraltar Cultural Services and the GSLA are planning to do things initially for the over-70s and also those of our children who will be in the schools, the children of key workers, but also to roll out other programmes to try and keep people entertained. I must say I have seen some extraordinarily inventive things on social media; for that, it is good. And if there is one thing that the human condition never fails to see dampened, it is humour. I have seen some WhatsApp jokes arising from the Spanish lockdown, the sorts of which I have never seen before and at least keep me smiling in some of the more difficult moments. I do applaud, however, the fact that we are looking at the mental health issue that arises here alongside the physical issues that arise.

1840 Mr Presiding Member, the Hon. the Leader of the Opposition said that this is a global threat and a global pandemic, and of course I agree in particular with the way that he cast one aspect of this, that this is not something that we can eradicate. That is not the stage at which we are at. There are researchers trying to find vaccines and people trying to find antiviral drugs that will be the magic bullet – and that, we all hope, will come. That is not where we are at the moment and he is absolutely right to point that out. We are at the stage of slowing down the passage of the virus through our community.

1850 I have been very grateful for the way that he has worked with me in the past days and it may be that ... We are all being a little more reflective and philosophical these days. Life has a way of doing things at the right time. Perhaps now a Leader of the Opposition and a Chief Minister who have known each other for 30 years, and know each other politically very well as well, are destined to have the mutual understanding and the ability to work together when the time comes. That is why we have been able to work together behind the scenes. I have said publicly already and I have shared with him and others that if things were to get worse – and frankly, given the predictions, we may be only at the beginning of this difficulty, at least at the level of public health – I do not discard a Government of national unity, in which case, if we are able to agree the terms of that, I would invite him to join the Government.

1855 Mr Presiding Member, despite those dramatic words, I do hope that we will return to normality and to the luxury of disagreement. Those of us who have been in politics together for 30 years love the luxury of disagreement – that is why we are in politics and the quarrelsome so-and-sos that we are – but when we do get back to that, I would just reiterate the point that we must go back to a better normality. Yes, Gibraltar as we know it will return, as he said, but Gibraltar as we know it new and improved, and as the political leaders of our community today

1860 it will be our responsibility to lead, not just in this difficult moment through crisis but also we shall lead, I hope, to a better, new normal Gibraltar.

The global emergence of this as a public health issue, he said, is what is leading us to this special moment. Indeed, it is what is leading us to a moment where we are acting to save lives, and that is why everything else is trumped – because we are acting to save lives. I record again
1865 that I recognise that they are not abandoning their position on the structure of the book, the public debts and all the rest of it; of course, neither are we. And he went on to deal very quickly with the issues. I do not want to go into any more detail than he did, but we will say, when the time comes, that we are able to borrow £½ billion because we have the headroom, because we have done the indirect borrowing and we have the ability to do the direct borrowing now. Now,
1870 with the Government covenant, we can try and get £½ billion and we will get it. Through a company it might be harder at this stage, so right, in our view, to borrow through companies at one time and now through the Government.

The only reason I have said that is because he gave us an overview of his own position and that is the overview of our position for when the time comes. And you never know, Mr Presiding
1875 Member, we may in summer have an opportunity to not just have the debate here; we may also be able to get together over a plate of fried calamari and a beer to have the discussion on a sunny day when things are back to normal. I hope those days will come, and not soon enough.

I have said enough times that I recognise that all sectors, almost, are affected and that there may just be one or two, and I think that there is now clear agreement across the floor of the
1880 House and we are all saying the same thing.

The packages that the hon. Gentleman is rightly saying he is seeing across the world are stunning and staggering, and he is right to say that we must not fall into the trap of just paying for inactivity. We have to ensure that people survive, but we also have to be ready for the stimulus. And when we borrow – and the issue of the borrowing is parked for now as to the
1885 argument but when we borrow, the deployment of that borrowing must be alive to the different moments that we expect to see in the context of this global pandemic, both the current moment and the issues that we see today and the future, when there needs to be stimulus to those businesses.

We have done that already, not just with the public sector continuing. In the context of all of this madness I am also approving category 2 certificates and HEP certificates which are
1890 continuing to come from the Ministry for Financial Services. Indeed, it is important that those who are coming into Gibraltar should realise that even in this moment we have the ability to turn as we need to be nimble and quick and approve those things, and we are approving them.

He has seen in what I have said today that we are dealing with hotels, so our hotels will stay
1895 open. We are dealing with the issue of the motor trade to deal with a duty rebate so that there is a stimulus for those who are in the motor trade, so that cars continue to be sold. Talking about the sale of cars at this moment might seem flippant, but of course if cars are sold because they are attractive even at this moment, people who work in those industries continue to keep their jobs and continue to keep their pay, and that is important stimulus even now because we are
1900 talking to those industries directly.

He also raised the issue of mental health. I have outstanding a reply to an email of his, but both his first email and his second email came in at terrible moments ... which I was not therefore able to deal with, but I hope that perhaps over that beer and those calamares we will be able to talk even about that in coming months.

Mr Presiding Member, I am very pleased that eight years ago we made the decision to bring
1905 cameras into this place. Now in particular their value will have been seen. Not only is the public able to watch us on parliament.gi and on GBC; also on panorama.gi I have noticed we are also live on their web page. The outreach that we have been able to do is an important one. All politicians are going to be important as we resolve this moment, and therefore the fact that
1910 people have been able to watch this, in my view seminal, debate on an appropriation is important.

Joe Bossano's contribution, ably introduced by the newest Member of this House, Mr Daryanani, I thought was hugely important. It would have been the first time in the history of this Parliament since 1972 that we had an Appropriation Bill without a contribution from Joe Bossano. I certainly took a lot from it and I know Mr Clinton was looking forward to hearing it. That speech, if I may say so, perhaps even more than mine, will bear analysis in the coming weeks and months because, as usual, Sir Joe has focused it from the point of view of the experience he had in 1972 with the closed Frontier and in 1988 with the closing dockyard. So, all of that will be hugely important.

I am remiss if I do not mention Mr Reyes and Mr Bossino, who are also not here and were the only two I had not mentioned by name, and they are also, in parliamentary terms, much missed.

Let us be clear, Mr Presiding Member: after this crisis, things will never be the same. Nothing will ever be the same. Normality will return, but it must be different. And so I say to all hon. Members this is a time not to fail the test of leadership. It is a test that comes around only once and people never forget if you fail it. I encourage them all, because we are all leaders in this community, to be ready for this test, because when it comes it is what determines whether you have the right stuff or not, and it only comes once.

Those who are in the GHA will have seen that with 96 beds available today and all the resources necessary, their Minister has certainly got the right stuff. He has not failed the test of leadership. He has been ready to do what he needed to do and the statesman ignored a lot of what was being said about him by those who just did not realise what was going on.

This is not a time for second guessing whilst allegedly supporting.

A total lockdown may come in days and our community needs to be ready for that eventuality, but if it does, if the moment for total lockdown comes, we will implement such a measure only on the basis of clinical advice. In fact, hon. Members will know, and everybody watching should know, that we cannot engage the powers in the Civil Contingency Act to have a total lockdown of Gibraltar just because we think it is a good idea. We can only engage if we have the medical advice that we should do so. That is what gives us the ability to make those rules, and without that public health advice we cannot and will not lock down. Constitutionally we cannot restrict movement further without a law to support that restriction, and the law comes from the power in the Civil Contingencies Act. So, anybody who is calling for a lockdown needs to understand that there are these locks in the way of a lockdown that have to be undone if we are going to do that.

Mr Presiding Member, all of this that is happening and an emergency Budget in 72 hours is a huge and great challenge for any administration, but we have done it and we have done it in great measure thanks to the diligence of the Ministry of Finance, in particular the work of the Financial Secretary and the co-operation of the Opposition, and we will do more: we will do what is required. It will not be for want of effort or for want of co-operation across the floor of this House that we will not do what we are advised by clinicians that we have to do.

The GHA staff have been superb, the public sector have been superb, the volunteers have been superb, the emergency responders, all of them have been superb; and even, if I may say so, a meeting of this House on an Appropriation Bill, whether it is because of the extraordinary circumstances or not, but without jibes or name-calling, a salutary break from business as usual – if I may say so, I think all hon. Members of this House have been superb too. Extraordinary times require extraordinary action. We will be ready to deliver. We will be ready, if necessary, for a Government of national unity.

I know that there are people at home who have little more to do, but we might even bore them if we carry on for much longer.

I want to thank all hon. Members for their support and I want to say this. Let the message ring out from this House to every house and every home in the land, to every man and every woman in our nation, to every child on whom our future depends: we are ready for the hard times to come, we will bear the hardships with stoic resolve, we will grieve knowing that happier

times will come, we will arise from these moments stronger than ever. The spirit of the Gibraltarians will never be broken.

1965 I commend the Bill to the House. (*Banging on desks*)

Mr Presiding Member: I now put the question, which is that a Bill for an Act to amend the Appropriation Act 2019 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1970

Clerk: The Appropriation Act 2019 (Amendment) Act 2020.

**Appropriation Bill 2019 (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1975 **Chief Minister (Hon. Picardo):** Mr Presiding Member, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

Mr Presiding Member: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1980

Mr Presiding Member: The Committee Stage and Third Reading of the Bill will be taken today.

**Income Tax (Amendment) Bill 2020 –
First Reading approved**

Clerk: We now proceed to a Bill for an Act to amend the Income Tax Act 2010.
The Hon. the Chief Minister.

1985

Chief Minister (Hon. F R Picardo): Mr Presiding Member, I am keen to deal with this Bill because I think it is a quick Bill to deal with.

Do hon. Members wish to have a recess, or shall we carry on? Mr Presiding Member, conscious of your age, would you need a ...? (*Laughter*)

1990 Mr Presiding Member, I have the honour to move a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

Mr Presiding Member: Very grateful for the Chief Minister's concern, but I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1995

Clerk: The Income Tax (Amendment) Act 2020.

**Income Tax (Amendment) Bill 2020 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): I beg to move that the Bill for the Income Tax (Amendment) Act 2020 be read a second time.

2000 Mr Presiding Member, I just want to reflect, before I start my intervention here, that this is a demonstration that there are two things in the life that are guaranteed and one of them is taxes, because whatever it is that is going on, the Income Tax Act is on the agenda.

2005 This Bill is of crucial importance to Gibraltar's international tax footprint, and indeed as we look to the future and the sort of business that we are going to need to do, I think it is fundamentally important that we deal with it today.

When I started practising law – too many years ago to remember, but not as many years ago as you, Mr Presiding Member – Gibraltar used to promote itself on the basis that it did not have any double taxation agreements (DTA). The world has changed dramatically in that time and Gibraltar has been out of step with its competitors by not negotiating any DTAs.

2010 One of the biggest challenges we faced was the question posed by other jurisdictions when we asked to engage with them to negotiate a DTA and they said, 'Do you have a DTA with the United Kingdom?' Faced with a negative response it is often impossible to progress matters given countries devote very few highly specialised resources towards negotiating such agreements.

2015 If Brexit and the JNC process with the United Kingdom have achieved anything, it has been the ability to engage positively and constructively with the UK to make the argument that a DTA between Gibraltar and the United Kingdom was necessary for us at this key moment in our history. The Finance Centre Council, key practitioners in this community and international businesses relocating here have been asking us for some time to negotiate a DTA with the UK. 2020 This has not been an easy task. However, it was one I was keen to achieve as part of the Brexit process. The effect of Brexit is that Gibraltar will lose access to EU directives, namely those on parent, subsidiary and interest and royalties directives. Although these have not always been applied by other EU countries consistently to Gibraltar, I was keen to seek to protect this community as much as possible from this loss. The DTA with the UK is a way to somehow 2025 replace and reposition Gibraltar towards the UK-centric market. Double taxation agreements remove barriers to international trade and investment and provide a clear and fair framework for having tax businesses that trade across borders. By doing so, they benefit both businesses and the economies of the countries that sign up to them.

2030 Irrespective of whether we leave the EU, tax transparency, administrative co-operation and good governance continue to be very much on the agenda of global organisations such as the OECD and the G20. We therefore have to measure up to these initiatives and comply with them if Gibraltar wishes to be considered a mainstream tax jurisdiction. The landscape has evolved significantly and is expected to do so further apace into the future with initiatives such as those 2035 designed to address the tax challenges arising from the digitisation of the economy, including the OECD's programme of work under pillars 1 and 2, to which we will need to adapt. Gibraltar must ensure that it is well placed to meet these outcomes and to establish a framework of relationships cementing its position as a credible finance centre and avoiding both the pitfalls identified with blacklisted jurisdictions in addition to the associated consequences and sanctions.

2040 In this context it is important to take note that the international agreements entered into in these past 12 months with both Spain and the UK are immensely significant. Spain is our closest neighbour geographically, whilst the UK is our closest trade partner with most of the operators within our financial services and gaming sectors facing that market. Our economies are inextricably linked and therefore it was a logical step to enter into agreements allowing for 2045 closer ties and enhanced co-operation in tax matters for mutual benefit.

I recognise that we have a significant disagreement with Members opposite in respect of the Double Taxation Agreement with Spain.

2050 The negotiation and conclusion of these international tax agreements have paved the way for our commitment to expand Gibraltar's network of treaty partners in the future. A significant and measurable result from concluding our international agreement with Spain was the ability of Gibraltar to secure access and gain membership of the OECD-G20 inclusive framework. This has

historically always been blocked to Gibraltar and this is a programme of work comprising defined action plans which aim to provide consensus to face long-term solutions to challenges in taxation, including those affecting the digital economy.

2055 Our membership guarantees Gibraltar the opportunities to align and maintain best practice and adhere to the highest standards as set out by these global institutions pioneering in such taxation matters. It also allows Gibraltar as a jurisdiction to access a wide range of shared experiences and knowledge through an established peer review process and participate in a number of multilateral exchange instruments allowing for enhanced co-operation and mutual
2060 assistance. More importantly and notable, exclusion burdened the jurisdiction with many unwanted and negative badges and we have been keen to strip these away with all the negative connotations associated with them. This is a major step and one firmly set in the right direction.

The inroads that have been made in repositioning Gibraltar's international tax presence with the OECD is something we should be proud of. Nevertheless, a vital component of any
2065 meaningful taxation relationship is an international tax agreement. These tax agreements are treaties that allow contracting parties to promote international economic activity through the allocation of taxing rights and the prevention of that double taxation problem. In addition, the inclusion of the necessary safeguards and measures against abuse and the exploitation of instances of doubled non-taxation assist in preventing a negative perception of the jurisdiction
2070 by its peers. The importance of such international agreements for modern sophisticated economies cannot be underplayed. In the current climate it is imperative that we continue to take the necessary steps to remove barriers to international trade and investment.

Mr Presiding Member, before I turn to the substance of the Bill I have given notice of a housekeeping amendment to the Bill, the effect of which is to renumber Schedule 11 and
2075 Schedule 12. This occurred because a further Schedule 11 has been inserted into the Income Tax Act 2010 since the date of the publication of this Bill.

These are the very first international tax agreements Gibraltar has entered into. Unlike other jurisdictions that have well-developed networks of tax treaties and therefore already have the legislative framework in place to give effect to others entered into with prospective partners,
2080 the ITA lacks the provisions necessary to enable our international agreements to interact with our existing tax legislation.

After consultation with the Leader of the Opposition, I want to be clear that the Government will be implementing at this stage only the Double Taxation Agreement with the United Kingdom. The international Tax Treaty with Spain will not be implemented until the motion by
2085 him, which is already on the Order Paper, on that treaty has been debated in this House.

Additionally I will be moving an amendment to section 74 of the Income Tax Act to include a reference to agreements that are OECD model agreements. I have written to Mr Speaker already and I think hon. Members have a copy of the notice of amendment.

I will also bring a further amendment at the next meeting of the House to require that double
2090 taxation agreements are tabled and debated by motion or resolution before they are given effect. I will do that after a request from the Leader of the Opposition to amend the legislation in that way. This is the position in most other parliaments applying what is known as a dualist model of international law, where such agreements have to be debated as they are dealt with as treaties requiring activation into the national body of laws of each state or *corpus juris*.

2095 This is a Bill that makes the necessary adjustments to the ITA to provide the framework and foundation for approval of all new international tax agreements as and when those are negotiated and concluded. It therefore paves the way for Gibraltar to develop a tax treaty network of its own.

The effect of international tax agreements is that they impact on various sections of the ITA,
2100 ranging from powers to obtain information to the imposition of penalties for not providing that information. The Bill therefore amends the relevant and appropriate sections of the ITA, and for this reason you will note that the amendments will effectively be interspersed within the ITA.

Mr Presiding Member, in terms of each clause of the Bill, clauses 1 and 2 are the usual introductory provisions.

2105 Clause 3 provides for the amendment of the ITA, in subclause (2) amending the long title of the ITA, to widening the scope of the Act, and in subclause (4) inserting some sections into the ITA.

2110 A new section 3A applies for the element of publicity and information and applies to any international tax agreement in that the text of such agreements are required to be published by way of notice in the Gazette. The amendment I am bringing is also going to require that before that notice is published an agreement will have to be tabled in this House and subject of a motion or resolution within 14 days.

2115 The Bill provides for the necessary framework to allow us to negotiate new international tax agreements and, as we do so, publish those, bring them to the House, debate them and then implement them.

Subsection (5) provides that the notification steps required under (2) and (3) are key for the coming into operation of the Act and indeed now the additional step, which is that the agreements will have to be tabled and debated here.

2120 New section 3B is an enabling section which sets out how the international tax agreement and the ITA are to be read where, for example, a conflict may arise, and confers power on the Commissioner of Income Tax to enable him to comply with and implement a tax agreement.

A new section 3C provides for the publication by notice in the Gazette of members appointed on behalf of Gibraltar to any committee or liaison body for the purposes of performing functions under international agreements.

2125 The new section 3D enables regulations to be made for carrying out the provisions of an international tax agreement. These typically cover the requirements of OECD-style double taxation agreements covering administration and enforcement of tax laws, as well as providing powers, procedures and processes to all the Ministers effectively implementing an international tax agreement.

2130 Subclause (5) inserts a new section 6C, which affords the Commissioner the powers to request any information needed to comply with or implement any international tax agreement to be provided to him.

Subclause (6) inserts a new section 30A, enabling the Commission to issue a return of information to any person when this is required to comply with an international tax agreement.

2135 Subclause (7) inserts a new subclause in section 37 which provides a restriction on the application of the unilateral provisions contained in the ITA to those instances where an individual in receipt of income accrued in or derived from Gibraltar is also taxed in another country solely by virtue of their residence in that other country.

2140 Subclause (8) inserts a new section 65G, which provides for the imposition of penalties for the failure to comply with the requirements of an international tax agreement and a right of appeal for such penalty to the Income Tax Tribunal.

2145 Subclause (9) inserts a definition of 'international tax agreement' in section 74 of the ITA, which is the interpretation section, and this will include the additional language I wrote to Mr Speaker about this morning – language which is language I have agreed with the Hon. the Leader of the Opposition. The amendment now makes reference to specifically include the OECD standard model double taxation agreement within that definition.

Subclause (10) inserts a new schedule to the ITA, the purpose of which is the one I referred to earlier – that is to say to put in the new agreements.

2150 Finally, as I said earlier, seeking to negotiate a DTA with the UK has been something we have had as an objective for many years and something that has eluded us. Those in the Finance Centre, gaming industry and our professional advisers will understand the benefits of such an international tax agreement with the UK and its historic significance for this community. It is now agreed that this legislation allows us the final step to change our laws and make this effective just in time for the new financial year that starts in the UK on 1st April. It is therefore

2155 timely and imperative that we approve this legislation at this point or risk missing another UK financial year.

I therefore, Mr Presiding Member, commend the Bill as amended to the House. (*Banging on desks*)

2160 **Mr Presiding Member:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Presiding Member, we are going to support this Bill because of the accommodation that we were able to reach in discussions with the Government late last night.

2165 We absolutely support the UK Double Taxation Agreement and understand and are happy to communicate our support for the measure insofar as the UK Double Taxation Agreement. Of course, our position in relation to the Spanish Tax Treaty is well known and we will have the debate on another occasion. Our position there is markedly different.

2170 When we received this Bill originally – and it was certified urgent back in February, which now seems almost light years away – we were concerned that there were no distinctions that allowed us leeway on that, because this is a general umbrella mechanism under which different tax agreements would be parked. But in discussions with the Government over the last few days we have reached an accommodation that allows the definition section of ‘tax agreement’ to be amended by the insertion of words that keep the original wording that the Government suggested but also insert words that my hon. colleague Mr Clinton suggested, which encapsulate the OECD model convention. With that, together with our second concern having been dealt with, which is the lack of parliamentary oversight, the fact that an agreement could be domesticated and take effect in Gibraltar without further ado, as it were, without further reference to the Parliament – we were concerned that the Parliament was being bypassed – we

2175 are now going to insert a mechanism which allows the tabling of the agreement and a debate in the House leading to its approval or otherwise. That will deliver that degree of parliamentary oversight that deals with our second concern. And then finally, of course, as the Chief Minister has alluded to in his contribution, the letter that he has sent to me with his undertaking not to use the mechanism in this Bill to give effect to the Spanish Tax Treaty until such time as the motion that we have put forward and which stands in my name is debated in this house.

2180

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So, together with all those three accommodations, we are going to support this Bill and in particular I wish to add our words of support to the UK Double Taxation Agreement. We think that is a valuable tool for Gibraltar’s financial services, especially at the time in which we find ourselves, and we will support the Bill on that basis. (*Banging on desks*)

2190

Mr Presiding Member: The Hon. Albert Isola.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Presiding Member, I rise briefly to obviously support the Bill and to just make a number of observations.

2195 The Chief Minister has referred to how this has eluded us in recent years. One of the first things that I did when I was elected in July of 2013 was to have a meeting with Treasury where this was on the list of items that we were seeking to obtain from them. It was difficult, it has been difficult, and I recognise and record that – and I could be called a brown nose today; this is the second time I am going to commend the Chief Minister – it has only now become possible as

2200 a result of that relationship that he has generated with Her Majesty’s Government in the UK, that we are able to be passing this legislation today. So I commend him once more in respect of the relationship, the environment that has enabled this to happen.

It is important to our financial services community. They have for many years always complained, as have I when I was a part of it, that we never seem to have a level playing field.

2205 Gibraltar financial services almost got that, but never were able to. Well, nobody can argue today that with the arrangements that we have for access to the financial services market in the

United Kingdom and with the DTA to boot we have never been better placed to work with the United Kingdom in the financial services space, and both of those are very much down to the work that the Chief Minister and his team have done and been able to achieve since 2016 and Brexit. There is also an international impact in having achieved this DTA, which the Chief Minister has also referred to. As I have mentioned in my own intervention earlier today, we are working to create a DTA network. We are now beginning the process of preparing ourselves to be able to engage with other countries and hopefully obtain the same response from them.

Certainly it is extremely important. Our financial services community very warmly welcome this. It is another feather in our cap and I am delighted that we are able today to pass this legislation, enabling this now to be taken through and receive the benefits of this for the next financial year, so I commend the Bill and I support the Bill proposed by the Chief Minister.

Thank you, Mr Speaker.

Mr Presiding Member: The Bill is dated 20th February 2020. We do have a certification in writing by the Chief Minister, dated 2nd March, that the Bill is urgent, but again I would ask the Chief Minister to make the certification orally, so that it is on the record of *Hansard* that we comply with the constitutional requirements.

Hon. Chief Minister: Yes, Mr Presiding Member. I shall remember how much of a stickler for the rules you are on a Monday when I am chairing the Cabinet, but of course you are absolutely right that we certified the Bill as urgent because we needed this Bill to be in place in time for us to be able to pass the UK Double Taxation Agreement before the end of the month and in that way have the benefit of the UK financial year, as I said.

I am grateful to the Hon. the Leader of the Opposition for having set out the agreement between us. The debate between us on the Spanish Tax Treaty is for another day. We will have that vigorous debate when the time comes.

Mr Presiding Member, I was just reminded of one thing. The Hon. Mr Clinton in less convivial times once said that he would congratulate me if I came back with a Double Taxation Agreement, but times got so little convivial that he never congratulated me. I wonder whether now he might rethink. I am prepared to give way, Mr Presiding Member! (*Laughter*)

Hon. R M Clinton: Mr Presiding Member, I stand by what I said. I certainly do congratulate him and his team for achieving such a Double Taxation Agreement. I know these are not easy things to get, as the Hon. Minister for Financial Services said, and it will be of great benefit to us in the coming years, certainly in the post-Brexit environment. I wholeheartedly congratulate him.

Hon. Chief Minister: You see, Mr Presiding Member, we can do impossible things, so there will be this community working together achieving great things.

I just say that, by passing the Bill today with the caveats that we have indicated, we have the ability to take the benefit of this financial year, the next financial year being the one which kicks in for the UK. I am very pleased that we are able to do that by consensus.

Mr Presiding Member: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment) Act 2020.

**Income Tax (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

2255 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

Mr Presiding Member: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2260

Mr Presiding Member: The Committee Stage and Third Reading of the Bill will be taken today.

COMMITTEE STAGE AND THIRD READING

2265 **Chief Minister (Hon. F R Picardo):** In that case, Mr Presiding Member, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: namely, the Appropriation Act 2019 (Amendment) Bill 2020 and the Income Tax (Amendment) Bill 2020.

In Committee of the whole House

2270

**Appropriation Act 2019 (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Appropriation Act 2019.
Clauses 1 and 2.

2275 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 3 as amended.

Mr Chairman: The Chief Minister.

2280

Chief Minister (Hon. F R Picardo): Mr Chairman, I give notice of the amendment circulated this morning, which I would propose should be a new clause 3(8), with the existing clause 3(8) becoming clause 3(9), and that would be the clause that includes the section that we have been discussing which will enable me to make the changes to primary and secondary legislation after consultation with CELAC and the Leader of the Opposition.

2285

Mr Chairman: Does any hon. Member want to speak on the amendment? Then we will take it as carried.

Clause 3 as amended stands part of the Bill.

2290

Clerk: The Schedule.

Mr Chairman: Stands part of the Bill.

2295 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Income Tax (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 and 2.

2300 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 3 as amended.

2305 **Mr Chairman:** Again, the Chief Minister has given notice of amendment. I understand the letter has been circulated. Unless anybody wants to – The Chief Minister.

2310 **Chief Minister (Hon. F R Picardo):** Mr Chairman, there are two aspects to this amendment. The first is the technical aspect that I referred to in the context of my intervention, change of schedule numbers; and the second is the reflection of the agreement with the Leader of the Opposition.

Mr Chairman: Clause 3 as amended stands part of the Bill.

2315 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Appropriation Act 2019 (Amendment) Bill 2020 –
Income Tax (Amendment) Bill 2020 –
Third Reading approved: Bills passed**

2320 **Chief Minister (Hon. F R Picardo):** Mr Presiding Member, I have the honour to report that the Appropriation Act 2019 (Amendment) Bill 2020 and the Income Tax (Amendment) Bill 2020 have been considered in Committee and agreed to with amendments, and I now move they be read a third time and passed.

Mr Presiding Member: I now put the question, which is that the Appropriation Act 2019 (Amendment) Bill 2020 and the Income Tax (Amendment) Bill 2020 be read a third time and passed.

2325 Those in favour of the Appropriation Act 2019 (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

Those in favour of the Income Tax (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

2330 **Chief Minister (Hon. F R Picard):** Mr Presiding Member, I have the honour to move that the House should now adjourn.

I want to thank you for having taken the Chair at short notice to enable the Speaker to not have to attend and comply with the Order, and I want to thank all hon. Members who are not here for not having come. This was an important session. They are either out doing other work at the front line, on the coal face on the Government side, or with Sir Joe Bossano no doubt working at home but confined, and the other hon. Members agreeing not to come in order to help us with the social distancing. I am extraordinarily grateful to absolutely all of them, Mr Feetham, as I said, in particular, who is self-isolating for the reasons that I suggested in relation to his spleen –

2340 I think the Leader of the Opposition wants me to give way.

Hon. K Azopardi: I am grateful for the hon. Member giving way because I actually had marked that I wanted to say something about that in my contribution on the Appropriation Bill. There are so many points to make that sometimes these things are not said, but I did want to acknowledge the fact that Members have not come today by agreement, that they are indeed all missed, that on our side those GSD Members who have not come, it has been by agreement, and that we continue to work as a team. They have not come at my request and because of the COVID challenge, but I think all Members of the House are here in solidarity and they would have all voiced their agreement to the course of action that we have taken today were they to be here.

Hon. Chief Minister: Thank you, Mr Presiding Member, and I think those are points well made.

Now the House will move to adjourn *sine die*. The reason we will adjourn *sine die* is because we do not know when we will be able to come back. We would usually not have met in April; we may need to come back in April. We may need to extend powers. We may have other reasons why in fact we may not be able to meet.

So, my final words in this Parliament at this stage, having said everything that we needed to say already, are that the community should brace itself. We know that we are as ready as it is possible to be for this moment and we should hope for the best. As I said on Monday, we are so diverse, we are so different. Some of us believe: they should pray. Some of us do not believe: we should hope. And then one day everything will come back to a better normal than before.

I move that the House should now adjourn *sine die*.

2365 **Mr Presiding Member:** It has been an honour to preside over this very important session. Very grateful to all Members for the way proceedings have been conducted and it is so good to see Government and Opposition all coming together for the good of the community. As the Chief Minister and the Leader of the Opposition – all Members – have said, this is a battle which we face; it is a battle we will win. Be safe, everyone.

2370 The House will now adjourn *sine die*.

The House adjourned at 2.50p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.10 a.m. – 1.40 p.m.

Gibraltar, Thursday, 28th May 2020

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The Gibraltar Parliament

The Parliament met at 11.10 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Thursday, 28th May 2020, Meeting of Parliament.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th March 2020.

5

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Welcome back to Members following COVID lockdown – Statement by the Chief Minister

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, it is my pleasure to welcome all Members back to Parliament for this May session.

The Parliament, since we have been elected, apart from the period of Brexit, has met on a monthly basis other than in April, and despite the convoluted times in which we live, this year to date, starting this session now in May, we will have met every month except April.

15

I want to, in particular, welcome you back to Parliament, Mr Speaker. Last time we met we had to make do with a presiding officer who gave me an extraordinarily rough time, so it is a pleasure to see you back in the Chair. If it is any consolation, I have made sure I have given him an extraordinarily rough time in Cabinet since then!

20

Mr Speaker, the time since this Parliament last met has been one that will be talked of for many years. It has been a time that will be referred to in our history for generations to come. When we adjourned *sine die* last time, my final words to the Parliament then were that the community should brace itself. It is quite something that the senior elected political leader of this community had to use those words in peacetime in this House, but that is where we were

on 20th March of this year. We knew that we were as ready as possible then for the arrival of a wave of COVID-19 in Gibraltar. We knew that we had to hope for the best and we knew that we were prepared for the worst. But even in that situation we were clear: we did not want to lose any Gibraltarian or any resident of Gibraltar to the coronavirus. And now we know that we have not. I would just say that unfortunately we are aware of at least one case in which a Gibraltarian was lost to COVID away from Gibraltar. It is no consolation for us that one of our people has succumbed to the virus, even if this was far from our shores.

As we left this place in late March, the Government had come before the House in high gear; we left to move into even higher gear, probably the highest gear in which a Government has had to operate in the period of civilian government in Gibraltar. I make no apology for again praising the public sector for the way it has reacted to the call for action that we had cause to undertake. Indeed, I want to tell the House that the reaction of Gibraltar to this crisis has been exemplary, and it is not just us who say so: advisers to the World Health Organization have said so. In this week's edition of *The Economist* there is praise for Gibraltar in two separate articles for the introduction of our golden hour for our golden generation, the over-70s. The proof of that is not just in speech, in an article, in an argument, or any metaphysical aspect; it is in the pudding of reality. It is in the absence of casualties to date from the virus in our community, it is in the fact that our Health Services were not overwhelmed and it is in the extraordinarily low numbers of infections that we have seen reported amongst the resident population.

Even now, as we are doing even more random testing than most places in the world, we are seeing almost no community transmissions, yet in those early days, as we braced, we had no crystal ball to point us to the extraordinary success that we have now seen to date. In fact, we had every indicator pointing in the direction of massive potential casualties. We had every reason to fear that we might have lost many of our most loved ones, in particular in the vulnerable demographic sectors, and we had every reason to work harder than ever to preserve the lives of our fellow countrymen.

Life was turned upside down. First, restaurants and bars were closed from 8 p.m., no mean feat as we actually did that on a Friday afternoon. Yet we saw everyone comply. The importance of complying, of working for Team Gibraltar rather than for personal profit at stake, was clear to every operator. All responded admirably, despite the likelihood of huge financial losses as a result. The Cabinet met over the weekend together with the Leader of the Opposition, who was present for our deliberations. We resolved to pass regulations to confine our over-70s. We declared a major incident and established tiers of command and reporting. We closed catering establishments completely, not just after 8 p.m.

We introduced a daily text message from the Government to ensure that the issue of the numbers of infections was not one for unhinged speculation on social media. That continues to this day and has proven the reliable index of numbers for our people when it comes to the prevalence of the virus in our community. I want to thank Gibtelecom for that excellent work. We produced a daily press conference where these numbers were provided to the public and broadcast to the whole nation by the national broadcaster GBC. I want to thank the men and women of GBC for really stepping up. A daily live press conference was an unimaginable standard for us all before this emergency, but we achieved it. Newspapers stepped up and introduced free deliveries for the over-70s in Government elderly housing. Thank you to them too for the information and entertainment they will have provided. I personally record the thanks of the people of Gibraltar to editors Brian Reyes of the *Gibraltar Chronicle* and Joe Garcia Sr of *Panorama* for their magnificent initiatives.

So, everyone was working together, clubbing together to get through this in a way that was designed to ensure that we were all rowing in the same direction, undistracted from the main matter at hand.

We developed a Nightingale hospital ward from scratch. Particular thanks to Stuart Bensadon and his team for the work they did on that, as well as the Royal Gibraltar Regiment, who under a MACA request assisted also. We opened a new ICU, which is, mercifully, now closed.

We were on the cusp of a Government of national unity. It is worth just pausing over that issue in this place, Mr Speaker. The enormity of what we were facing was such that we were both, Government and Opposition, ready to consider that possibility. Today, in the sunny uplands of late May with no casualties to COVID, some might wonder and not understand how we might even have considered that, but it is important to look at where we were.

We were looking at estimates of hundreds or thousands of Gibraltarians dead in a period of a few short weeks or months. We had to develop the capability to bury mass numbers of people, we had to develop a new morgue facility, we had to stop religious worship, and on 23rd March we locked down our whole population. We restricted civil liberties in a way I would never have wished to, but which became essential. We restricted rights that I had sworn an oath to protect and we restricted the operation of those parts of our Constitution which we have fought through the decades, as the civilian inhabitants of this once military fortress, to enjoy. But it had to be done and our people have almost universally understood and accepted that. This is the first time in our history that the civilian authorities of Gibraltar have restricted the movement of Gibraltarians in Gibraltar.

It was in that dramatic, developing context that the two historic political rivals, the GSLP Liberals and the GSD, downed political weapons. We worked together. I understood the importance of reaching out to my opposite number on the Opposition benches and the Hon. the Leader of the Opposition understood the importance of accepting our call. If the worst of the events we had been told to expect had come to pass, we would today likely be sitting in Government together. I had cleared with His Excellency the Governor – and I think it is important to record in this House – and had communicated to the Leader of the Opposition that a proper interpretation of the Constitution permitted the appointment of 10 Ministers alongside a Chief Minister. I was therefore able to bring Mr Azopardi in as a Minister without having to remove one of the existing portfolio holders.

We were close, but in the end it was, happily, not necessary – not because we would not have been able to work together, but because we did not see the worst materialise and we found also a way of working together without that final step. We were, I think, both pleased to have been able to avoid crossing that Rubicon, but it is an illustration of just how dangerous the position potentially was. A GSLP Chief Minister was considering offering executive responsibility in a GSLP Liberal Government to a GSD leader, and, to boot, one of the team of 1996.

It saddens me, Mr Speaker, when I read ill-informed comment by a few ill-informed commentators that suggests that this has been a low period for our democracy. The opposite is true, and anyone who understands the detail of democracy understands that it requires moments of unity and not that in key moments people should continue to oppose for the sake of it, as if that were a necessary mark or criterion for democracy. There is time for all that. There is also time for unity.

I thank hon. Members opposite for their support, and the Hon. Leader of the Opposition in particular. I invited him to address our people alongside me in a press conference at No. 6 Convent Place in a fitting, historic, visual representation of the unity that we achieved in the common front that we have maintained. That moment, I think, is one that will live on in the political history of our nation for many generations, as it was as unlikely before as it was unprecedented. As I said in the last meeting, we must try to galvanise the spirit of co-operation going forward, if only to purge our debate of the more personal reflections we have seen in the past. But I am a realist too: let's see whether we can at least avoid calling each other names for the next few hours.

As the Government and the Opposition worked together, so did many other sectors. The COVID Economic Liaison and Advisory Council, which I established as a result of the Emergency Budget that I brought to this House at the last session, has included representatives of sometimes competing interests. Unions and business representatives' organisations have worked together to advise the Government in a way that has been selfless. Select members are not short of commitments themselves, but they have been attending meetings assiduously

although the meetings are lengthy, and all of them have given their time. Each has batted for their own organisation but with a 'Gibraltar first' attitude, which is commendable and which I refer to this House for that reason. I thank all members of that Committee on behalf of the Government and people of Gibraltar. They helped us to develop our measures for business and our Beat COVID measures to put a shield around employees and employment in this difficult time. We were able to agree those also with the Leader of the Opposition and the Hon. Mr Clinton, and the machinery of Government delivered on those new commitments and obligations in a remarkable way, publishing regulations and guidance notes in record time and translated indeed into various relevant languages – a remarkable effort led by the Financial Secretary, the Commissioner of Income Tax, the Director of Employment and the Accountant General. Their teams have been better than superb – as have our Government Law Officers, who have been called upon to draft regulations at short notice in the period of the last 12 weeks.

In this time, Mr Speaker, I have met with the Prime Minister and spoken to the Foreign Secretary and the Minister for Europe, the latter on a number of occasions. I have spoken also to the Spanish Minister for the Interior and to the Spanish Foreign Secretary, as well as to the President of the Junta de Andalucía. Political contact has been fluid and the Frontier has not been a choke point in a manner that has been designed to prejudice Gibraltar, as it might have been in the past. That too is an enormous success.

And so now, as we reflect on where we are, how we managed to get here and how we will move forward, it is clear that there is much to do. We are already working on a new 'Unlock the Rock' document, a second document from the Restart and Recover Task Force, which will be issued in early July and will deal with the process to come as from Rock Unlocked on 1st August. I anticipate a final part of the Unlock the Rock series, which will be a third instalment that will be delivered in late summer and will be from Task Force Future.

We will have to consider together how we deal with the extended financial year, which is now programmed to run to the end of September, and we will shortly be announcing how we propose to continue to support businesses and individuals beyond 30th June. I do not, however, want to anticipate questions on the order paper that we have which deal with the Beat COVID measures.

Mr Speaker, I have said many thanks already in the context of the past few weeks; I have said many thanks already in the context of this speech. I have many more thanks to give, in particular to some in the public sector who are not often seen but who have demonstrated how essential they are to the smooth working of Gibraltar, even in these difficult times – from refuse collectors to our port operators and our port launch crew, our teachers, our LSAs, our cleaners. All of them, the professional grades, the technical grades, everyone has given their best. The best of Gibraltar have given their best to Gibraltar and we have seen the best of the Gibraltarian in these times. That is what has delivered success. I hope we will continue to see that from every sector in our community.

But there are there are hidden gems of things that have happened in the past 12 weeks that I hope we will be able to shed more light on in coming days and weeks. For example, the small private plane that flew directly to China and from China to Gibraltar to bring us PPE when it was not available anywhere else. It was piloted by a Gibraltarian, by Mark Carreras – twice, to China and back. These are remarkable achievements that are not on the front pages of our newspapers but must be at the forefront of our minds as we understand how we have achieved what we have achieved in the past 12 weeks.

The staff of our Civil Contingencies Committee have been absolutely remarkable. Ivor Lopez, Wayne Barton, Tito Danino and Brian Brooks have been, I think, permanently in our Civil Contingencies bunker at No. 6, in the Situation Room.

And indeed the work that has been done in the GHA. My interface in the GHA is the Minister for Health, Paul Balban, but everyone in the GHA – Krishna Rawal the acting Medical Director, Sohail Bhatti the Director of Public Health, and every single person in the GHA from the cleaners

to the security guards, to the doctors, to the nurses, every single level of responsibility in the GHA – has stepped forward and been ready to help Gibraltar through this process.

We need to understand that there are people in what we call the COVID ICU, or the Dirty ICU, or the COVID John Ward, who were waiting for the virus to arrive, to deal with it. Whilst we were shying away from it and trying to shield ourselves from it, there is a group of Gibraltarians who stood ready to face the virus and to ask for it to be brought to them so that they could work to save the lives of those suffering with the virus. That is remarkable bravery: much greater bravery than standing up to make an argument in a rarefied place like this, much greater bravery than sitting at the head of a Platinum Command and making decisions which one is asked to make. This is frontline bravery and this House must recognise that. We must recognise it in a more permanent way than just in these speeches, and I will be inviting the Leader of the Opposition to consider with me how we might do that in coming weeks and months.

And then the people who supported the GHA – for example, all those who went out of their way to make a contribution to the GHA, those associations who decided that they wanted to put their hands in their collective or personal pockets, because so many individuals did so too, and they wanted to give. Health authorities around the world were saying none of us has enough ventilators in order to deal with these issues, and people suddenly thought, ‘Well, how can I help to get a ventilator? How can I help to get PPE?’ The remarkable inflow of unsolicited moneys to the GHA has been absolutely incredible. And then indeed, whether it is GBC who organised an ad hoc open day and collected over £100,000 – I think it was £178,000 – in addition to everything else, this support is more than just remarkable. Really, whether it is that or the rainbow postcard received by some in our GHA from seven-year-olds and 70-year-olds, the support has been absolutely remarkable.

It really does make one wonder whether the heroes of the modern world are not the guys who kick the ball in the gladiatorial arena of football but the guys who save lives wearing their PPE in great discomfort in the hospitals of the world.

And then, moving on to other work done, for example by our Civil Contingencies team and the Moroccan Community Association, Ali Douissi, and the Foreign and Commonwealth Office all working together to ensure two extractions from Morocco, one of them brought to Gibraltar by the port launch crew and the RGP launch crew. That has been absolutely remarkable work and seeing that in action has demonstrated what this community is capable of when it needs to be capable of it.

It is absolutely right, therefore, that the many sung and unsung heroes of the past 12 weeks should be recognised for the work that they have done, and that is why I think it would be appropriate for this Parliament to recognise that in some appropriate way.

Mr Speaker, too often I spend time thanking those who have been on the front line – or not too often, because I cannot do it too often – but it is incumbent on me also to make a personal reflection of thanks to all who sit on these benches alongside me, to all of the Ministers I have been working with. The Cabinet that was forged in the trenches of Brexit was ready to deliver this success in the battle against COVID because we are a team that works together, and work is what has most defined every one of the people who sit alongside me on these benches in the past 12 weeks.

If I had to single out two individuals in particular, it would, of course, be the Minister for Health and the Minister for Civil Contingencies. I do not know that Samantha Sacramento has actually slept in the past 12 weeks, but she has certainly been there every moment of every working day with every regulation to hand, ready to be the interface with the Leader of the Opposition as regulations had to be published quickly and we needed feedback because we wanted to act together; or Paul Balban, who I think probably enjoyed the use of one of those 170-odd beds that we had available in the Hospital alongside his team; together with the Minister for Public Health, John Cortes, who has understood the science better than most of us in the context of how this virus arrived and developed, and was our early-warning system in the Cabinet on the subject of what at one stage might have looked like a bad flu season coming in

our direction; and all other Ministers who have been dealing with issues, whether in terms of financial services and economic development, like Albert Isola and Sir Joe Bossano, the front line of Education, Mr Licudi – who I am starting to forgive for his time as presiding officer – and now on the front line of our fight against pollution is not the Minister for the Environment but the Minister for Transport, who I think is relishing the argument that will help us deliver a better and greener Gibraltar; and, Mr Speaker, if you have looked at the Unlock the Rock document, probably the longest section, unexpectedly, is the section that deals with sport, which has its own intricacies and has been a difficult issue to deal with. So, my thanks to all of them. Of course, there is one person who has been with me every step of the way, and that is the Deputy Chief Minister.

It is true that this has been a time of great stress for those who have been confined at home, for those with concerns about their businesses and for those of us who are in Government. It has been a time of great strain for the whole economy and for the whole community, but now I think it is time that we should also reflect that this is a time of great success. We cannot let our guard down. Our advice has not changed. It is safer to stay at home if one is not out of work, if there is no other good reason to be out, but that is the way that we have beaten this first round with the virus and it will be the way that we beat the virus in every round. It is extraordinary that we have reached this stage with no casualties, it is extraordinary what we have seen Gibraltar do, but there is still the fact that there is a lot of work to do. That does not hide the fact that Gibraltar is an extraordinary place, and long may that continue to be the case for all of us.

Now the work begins to develop those economic support mechanisms for all our businesses and to continue to try and see as low a set of casualties to unemployment as possible. It is going to be difficult, and the work that the COVID Emergency Liaison and Advisory Committee (CELAC) is doing now is going to be almost as important as the work that it has done, and I do hope that we will be able to move forward together in this House on those issues. I expect to have feedback from CELAC on a number of new proposals by the end of this week and then I expect to be able to sit down with the Leader of the Opposition and Mr Clinton to consult them on those new proposed measures. Those will be the measures that go beyond 30th June, the period for which we have agreed the Beat COVID mechanisms.

Mr Speaker, what is ahead of us might be even more daunting than what is now behind us. There is an opportunity for a new future, a new future that will require courage and it will require bravery. It will be very easy to fall on the old ways, to pander to the popular and to not take the steps that are the right steps for our community. We are not elected to pander to the popular. We need to move away from that which is just comfortable and we need to stretch ourselves. Perhaps we have stretched ourselves more than anybody expected already in the way that we beat our political weapons into ploughshares and delivered the best of each of us in the past 12 weeks. There is an opportunity to do that. There is a requirement to do that. Gibraltar, I think, is clamouring for us to do that as we go forward in this House.

Before I sit down it is incumbent on me to put on the record of this House the solidarity of the people of Gibraltar with those nations around us that have lost citizens to COVID-19 and to those all around the world – whether it is in China, where this began, in Italy, where we saw it explode in Europe, in our neighbouring Spain, or indeed in the United Kingdom or in Morocco. Everywhere in the world that has suffered loss to COVID must understand that they have the solidarity of this small nation that has not, to date, lost anyone to COVID.

Mr Speaker, the Hon. Mr Licudi, when he was in your Chair as we rose to adjourn *sine die*, told us last time that COVID was the battle we faced and it was a battle we will win. Twelve weeks on, we are ahead on points. *(Banging on desks)*

Hon. K Azopardi: I too want to welcome the return of Parliament. It has been a long time but an understandable interregnum because of the reasons that the Chief Minister has indicated – and to welcome your return in particular, not that of course the Hon. Mr Licudi did not do a good job. Indeed, it has been remarked that he perhaps did a very good job. But we welcome

you. Your absence last time was for good reason. At the time, it was a very sensitive period for Gibraltar and we certainly like to see you back in that Chair this morning.

285 I also agree that this has been a historic period and it is important to understand and to reflect on that historical significance, because when you are in a moment that decades later will be described as historic, sometimes it is not particularly seen, but in years to come I believe that people will reflect on this particular period, how we dealt with it as a community, and then of course issue a verdict as to whether it was good or bad. Certainly I am not going to give that verdict today. Historians will do so. I hope they view how we dealt with that crisis in a favourable way.

290 I concur with the Chief Minister's remarks and I also express our solidarity on this side of the House – speaking for the GSD Opposition – with other nations who have lost so many lives. Yesterday, the United States was about to tip into 100,000 deaths. There was a programme on CNN about all the different stories of people who had lost their lives – and they were not just the vulnerable, of course; there were people in their 40s who ostensibly were healthy people. And so I think we have been graced, so far – and I say 'so far' – by the fact that we have not had any fatalities. The verdict, as far as I am concerned, is so far so good, and I think it is important, when we come to address that issue, not to lose sight, not to go crazy and not to misunderstand the moment we are at. The moment is not as dark as it was, but it still requires sensitive management going forward, and that is an important theme that people need to understand when they listen to the politicians of the day and indeed the messaging that is going out there.

300 As the Chief Minister has done, I also reflect on where we were on 13th March when he called me to have a discussion about the possibility of co-operation with the Opposition. That was a moment where the Government opened up to us the scientific modelling and advice it was receiving as to the kind of hospitalisation and fatalities that it was being advised might be possible. If we think about where we were at that stage, it was 10 days after the first confirmed case in Gibraltar. We had, two days before, in the Opposition issued a press release asking for comprehensive testing to be adopted as a policy of the Government. At that stage there had only been 49 tests in Gibraltar.

310 When we met the Chief Minister and he described that to us, I was certainly left in no doubt about the potential for a really dark storm in Gibraltar, a really dark period that we had never, as a community, had to grapple with – certainly not something like this. This community has dealt with military sieges, it has dealt with political sieges, it has dealt with war, but it has never dealt with that kind of deep public health crisis in that way – at least in the 20th century, or at least not since the Spanish flu of the early years of the 20th century – and certainly not dealt with by local politicians because of course the last time there was the Spanish flu of that magnitude, local institutions had not developed and there was not even a legislature for Gibraltar.

320 So, yes, when the shadow Cabinet considered that, on 14th March, we took an early view that it was absolutely necessary for us to co-operate and work with the Government on these matters, and so I attended the special Cabinet meetings to which I was invited and we discussed the social and commercial lockdown. As everyone knows, we came to this House a week later to support an Emergency Budget, at the request of the Government, to kick forward that which would have been absolutely necessary in an unprecedented way so that the Government could concentrate on dealing with the public health crisis.

325 We have been working on economic measures, on public health measures and on civil contingency matters, and all my colleagues have been engaged in those discussions at different measure.

330 During those early days the Chief Minister and I were in daily contact, sometimes more often than once, sometimes frequently. Certainly during the period between mid-March and the end of April, and leading up to the publication of the Unlock the Rock document, it was very frequent. I believe we have worked well. There have been testy moments that I have described – I have been asked by journalists before on this a couple of times, but I do not think it is helpful to describe what those were – but it has been a mark of the process that we have been engaged in.

I have to say this, because in the context of the Chief Minister's comments on the Government of national unity that he would have considered ... He did mention it at the time that we described. We had the session on the Emergency Budget and indeed we had a discussion about the constitutional interpretation of that particular section of the Constitution and so on, but of course we never reached the point where there was an offer inviting us to form part of a national unity Government and none had to be considered. If there had been an offer, it would have first had to have been considered by the shadow Cabinet and then indeed the executive of the party, but of course it was not necessary. And the Chief Minister will know that my reaction in those brief discussions that we had on the issue was simply 'I hope that it is not necessary', because indeed it would have been a bad sign – not a bad sign in terms of whether we could work together, but a bad sign of where Gibraltar was that we had had to have contemplated a Government of national unity.

I just take up also a comment that I read in the *Chronicle* this morning where my friend Miss Hassan Nahon was observed, or at least reported, to have said on the reconvening of Parliament that the GSD and the Government had had unity over the last few weeks. I have to say, with all due respect to my good friend, she is wrong in that because there is a big distinction between what I believe we have done over the last 80 days – which is the politics of co-operation – and the politics of unity. There is a big difference between a government of national unity, where you accept an offer ... First the offer has to be tendered, then it has to be accepted, and then you in effect merge into the executive and you accept the collective responsibility of that because you are a member of that government. We have not done that. We have had the politics of co-operation and the public interest, always reserving the right to disagree, always reserving the right to disagree publicly; and the decisions, while we have been consulted, were decisions of the Cabinet. I may have attended, but the decisions themselves were not decisions on which I voted, because of course they are the decisions of the Government and we are not part of that Government.

That is not to say that I disagreed. Indeed, there were a lot of those decisions that I agreed. I entirely agreed, on behalf of myself and indeed my colleagues, with many of those decisions that were taken, especially in relation to the social lockdown and the commercial lockdown – they were absolutely necessary, I have said so publicly – but there is a distinction to be made between what we did, which is the politics of co-operation in the public interest and indeed a Government of national unity, and it is important that people understand that.

In the context of that, of course, I do want to also say that, in the same way as he has done, I acknowledge the attitude of the Chief Minister in first tendering that invitation to work with the Opposition, and indeed his attitude throughout. Even at the most testy moments I think we have found a way to at least defuse things when we have disagreed on a number of issues, but we have, I think, demonstrated that there has been a co-operative stance and I acknowledge his co-operative stance in providing information, submitting to that process and indeed receptiveness to the ideas that we had given him as Opposition, because I also understand that they are the Government. They have been elected, not that long ago, as the Government. We had just come out of an electoral process. It was for him to make the first move and I acknowledge that he did that, and indeed the efforts of other Ministers in liaising with us and providing information openly, and positively engaging with us when we agreed and when we did not agree.

I also want to thank frontline staff, and I have done so on a number of occasions. I think it is important that this House recognises formally on the record our thanks to essential workers and public servants, and indeed, above all, people who were so disciplined. But I will say this, and I think it is important for us to do that: this is only the first phase. We have done very well. It is important not to chant victory, if I can paraphrase a Spanish saying, because we are not there yet. Indeed, proof of it is that we have social distancing measures in Parliament today. This is not the back benches as I would have imagined it, Mr Speaker. I would have preferred different backbenchers. (*Laughter*) I certainly do not envisage any of the colleagues who sit behind me on

the back benches! Perhaps that is for the future – we will have better parliamentary reform. (*Interjection*) I absolutely want to, on the front bench, yes.

I think the proof of it is that that is where we are as a community and it is important for there to be consistent social messaging. And indeed, if I may say, as an aside – the tone has been positive and I am going to say this in as positive a spirit as possible for the Chief Minister – I do think it is important that messaging is consistent and then adhered to, so that people are aware of what the position is and that there is no confusion. I have to say I did think that whoever drafted the press release yesterday, where there is a particular line in the Government press release that says that it is irresponsible to go to the beach before the bathing season, I think, probably overstepped that mark, I have to say because at the end of the day the Unlock the Rock document does say that you can go to the beach for 30 minutes. All the messaging has said that.

I will just tell the Chief Minister a little story. I think people might have been a bit baffled, actually, by that line. I went for a walk to Sandy Bay on Saturday and I zealously wanted to be very careful that I stuck to the Public Health advice, so I actually timed myself on the stopwatch. I got engaged in a conversation with someone when I was on the sand and it took so long that by the time I looked at my watch I was at 27 minutes – I had not had time to even take my shoes off – so I then left the beach, in accordance with the Public Health advice, but I have to say to him that there was at least one Member of the Government there in his shorts, wading in the sea. And so I think it is important that we all follow ... If the advice is 30 minutes, it is okay, but we should not say ‘irresponsible’, because that confuses people. That is all. I say it in the best spirit possible to the hon. Member.

I do agree, as the hon. Member says, that we are at a sensitive moment, because, looking forward – the work that we have done with my hon. colleague Mr Clinton and indeed the Government – the economic management of this is going to be as treacherous as the public health management. Certainly we are alive to that. It is going to be compounded, probably, by Brexit; that has not gone away and that is always going to be there. The revenue is going to be dented – consumer confidence globally has been dented – and so will the markets, and businesses will need more help. I think we both agree that, going forward, when the ‘Beat’ measures finish on 30th June, we will need to revise and think about how we do that. Indeed, proportionality of measures will need to be kept in active review, depending on where we are as a community in the management of the public health crisis – and all of that is acknowledged.

In the same way as the Chief Minister has reflected on that moment of the possibility of national unity because of where we were in mid-March, I also want to add these reflections, if I may, on that. It struck me yesterday, because I was watching the coverage on the *Telediario* about the Spanish session in parliament yesterday, where it was either accusations that people were almost quasi terrorists or undermining democracy or calling for insurgents ... The vitriol was such that I just do not know ... I sometimes watch that and I think, ‘Really, is that the best for your particular country?’ Of course, I make no comment. In Spain, the political panorama is such that people need to make their own decisions. I am not pretending for a moment to give lessons to people as to how they should behave, but I will say this: that in comparison with that, over the last 80 days I believe we have been able to work together in this place in a way that other countries have not. I think that has been important and I hope that the verdict of history is favourable to us doing that – so different to how perhaps other countries have conducted a process.

When people say to me, ‘Why haven’t you shouted from the rooftops and asked for information publicly?’ and so on, invariably it is because the Government has provided the information when we have asked, or accepted our ideas, or indeed accepted our comments on matters on which we have been consulted, and people need to understand that. People also need to understand this: anyone who knows me, or indeed my colleagues, would be surprised to think that we are going to submissively participate in a process as lambs. I think that we all know each other well enough to understand that when we agree we do so, but when we disagree we are not afraid of saying so – we know each other well enough – and I think at the end of the day

the whole point of the process of co-operation is not just to sit there like silent lemons but to actually participate in a proactive and vigorous way. It is no different to being in a Council of Ministers. The idea that when I was in Government, or indeed my colleagues who served in
440 Government sat as lemons in the GSD Cabinet really is not to understand how the political process works.

There are some people who have made observations about what this has meant for politics, but I have to say that those who say that democracy was impoverished by these events, in my view, underplay both the magnitude of the threat that we were in and do not understand the
445 role of a responsible Opposition. A responsible Opposition has to make a judgement. A responsible Opposition needs to understand what is in the interests of this community. A responsible Opposition understands that politics is not about being at loggerheads for the sake of being at loggerheads. Politics is about outcomes. Politics is about ensuring that our people do the best possible, that we save lives. If the invitation is out there for us to work together at a
450 critical time in the history of our nation, for us to save lives, taking the alternative of the Partido Popular would have been not only callous but a mistake that would never have been forgiven, in my view, by this community, and should not be forgiven.

And so, when people say, 'Where is the Opposition?' I say, 'Doing its job, (*Banging on desks*) doing the job it was elected to do, which is to make a judgement and decide when it is in the
455 public interest to work together,' because there are issues like that. We can fight about traffic. We can fight about parking fees. We are going to criticise the Government on a number of issues going forward, but there are issues as well where, in the public interest, it is important to work together. I have said that before, and I appreciate that some people might not have believed me because it was never put to the test, but now it has been put to the test, so I hope now that
460 people understand that when the GSD Opposition that I lead says that we are willing to work together with the Government on issues of public interest, if we make that judgement, we will do so in a serious way. That does not mean that we are becoming the Government, because we are not. We are going to retain our role as Opposition. We are going to be robust and formidable, we are going to test those ideas, we are going to provide our own input, and at the
465 end of the day we hope that that delivers better outcomes for people. Otherwise, people who criticise us for doing that confuse the process with the outcome, as if it were better just to be at loggerheads, to have the destructive negativity just for the sake of it.

Mr Speaker, in this crisis we all had a brother or a sister or a parent or a daughter or a son who could have been affected by COVID. When we met in mid-March and we were faced with
470 that reality, people were losing their lives in droves in every single country of the world – countries that had the most sophisticated medical services around. It was impossible to believe that we were going to buck the statistical trend, and yet here we are. And so of course when we make the judgement of whether we co-operate or not, we made the judgement in the circumstances that we found ourselves in mid-March. It is important, always, never to read
475 history backwards, as I say often enough for people to listen to me. The Hon. Deputy Chief Minister, as a historian, knows that that is the first thing we were taught in our History A-level and universities.

I believe that the vast majority of people welcome that we worked together in the interests of this community, and we will go back to normal politics soon enough. Indeed, we are already
480 doing so because the level of engagement between the Government and the Opposition has lessened significantly from the beginning of May until now, and that is understandable and normal. We all want to get back to normality; otherwise, the Chief Minister would have to make that offer to join his Cabinet that I would have to decline because the circumstances do not warrant it and I treasure my role and privilege as Leader of the Opposition, for the time being.
485 (*Interjection*) Yes, until the next election, when I hope to replace the hon. Member.

Mr Speaker, I agree with the Chief Minister that there are opportunities going forward and indeed there are still big issues on the horizon. The fact that we disagree on things is not a good reason for lack of engagement. Indeed, it is probably the best reason for engagement because if

we agreed with everything that the Government did then there would be no reason to engage with us, because we add no value. The importance about adding value is that we actually believe different things and see things differently, and may have different perspectives on things. We may agree on certain things, but we also have different perspectives. And so yes, I do agree it is an opportunity going forward and it is for us in this House to show that leadership and recoil from populism. There is an opportunity for a new radicalism, as long as it is done properly – a new radicalism that can be transformative. There is that opportunity. I believe there is nothing to be afraid of in that.

I also want to thank my colleagues on this side of the House for the work that they have done in the last couple of months, in particular Daniel Feetham, of course, on civil contingencies; my friend Elliott Phillips on health and environment matters; Damon Bossino on financial services, Port and shipping issues; Edwin Reyes on educational matters, which we have discussed very closely because it is such an important aspect of the unlock process, as it was of the lock process; and in particular, of course, Roy Clinton, who has been by my side in the discussions always on public finances as indeed he is our guru on that side of things.

Mr Speaker, we emerge from the first phase and it is important to do a balance sheet, and in that balance sheet I have made my comments of where we are. I think we should be cautious as we go forward, learn the lessons and stay vigilant. There is much to do. Indeed, what concerns me particularly, which I have shared with the Chief Minister, is the period of the late summer, when after borders may open there may be transmission of further cases. That should not scare us, because of course more human interactivity will do that, but the rise of cases needs to be closely monitored and it does concern me where we will find ourselves in late summer or early September.

So, we all need to be vigilant. That is the message: cautious, vigilant, adhere to the social distancing guidelines and the Public Health advice. Let us restore freedoms in a measured, responsible and careful way, because we all want that to happen. Let's ensure this community survives in a sustainable, environmental and economic way, because there is much to be done in the second phase. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

It is with the greatest sense of gratitude and relief that I stand here today, wanting to thank everyone in our Government and on the front line – the Health Service in particular and others in all the essential services, and those across our community – for their integral part in preventing what could have been a very disastrous first wave during this ongoing pandemic.

In few places across the world have we seen prepared, empty field hospitals and a stock of unused ventilators because there was no practical crisis despite reasoned expectations via modelling carried out by trained public health experts. This is certainly something to be proud of and something which is a clear indication that we have done a lot of things right.

I do, however, emphasise *ongoing* pandemic, because our work is still far from done and I urge every member of our community to take heed of the necessary actions and precautions to ensure our well-being. My plea is to continue to listen, to comply with the much-needed recommendations that will allow us to safely navigate through these difficult times.

However, unfortunately this also leaves me somewhat puzzled as to why I stand here today having to remind us about the role and the significance of the entire opposition, and not just one part of it, in an effective parliamentary democracy. A compliant community also needs a representation and a voice. A crisis such as this pandemic calls for heightened awareness, maximum representation and scrutiny to ensure the common good.

My party suffered, as a consequence, being left out of many cross-party briefings and meetings between the Government and the Opposition. The 20-plus percent of the electorate that entrusted me and my party to defend their interest was left banished from the discussions

on the management of the pandemic, a move that sadly, or maybe even conveniently, was never protested by the official Leader of the Opposition; all the while, Government professing the importance of not playing party politics. This does not reflect a truly strong, constructive and representative Parliament.

545 We were given a diluted democratic voice during this crisis, but we were not silenced as a watchdog of public interests. Our loyalty and sights firmly set on the common good, constructively we decided to make our voices heard loud and clear. We voted in favour of granting Government all the extra powers it asked for, but being left out of key discussions did not mean we would stop doing what we felt our community needed. We voiced our concerns,
550 which demanded stricter and earlier social distancing measures, the closure of schools, more robust and inclusive economic support measures, something which should have been brought to the table by us much earlier on. We also insisted on more and better use of PPE and on the implementation of better testing protocols.

Listening and speaking to our constituents despite not being allowed to bring their concerns
555 to the table felt wholly undemocratic. Nevertheless, we were ahead of the curve at every juncture, pushing for measures that we, as well as most other nations, have eventually implemented. Our attitude towards the handling of the pandemic has been consistently one of proactive and constructive criticism, pushing Government to do more and to do better, and we believe that we have made a humble yet meaningful contribution to the success we have
560 enjoyed thus far.

With this situation being far from over in epidemiological terms ... Strict lockdowns, despite being costly and traumatic, are easy to implement. They are also tried and tested ways to stop the spread of the disease. The real challenges begin now, as we unlock the Rock as per the Government's guidelines. We must engage with our electorate fully, addressing majority and
565 minority concerns as efficiently as possible, because it pains me to say this but the current unlocking strategy feels like it is beginning to fall apart. It feels like it is beginning to fall apart for many reasons but mainly for the ones we have already expressed publicly: mixed messaging and lack of enforcement.

The general attitude in town is that the pandemic is over, that the job is done and that the
570 risk is negligible. The use of face masks is derided and mocked. The two metres social distancing is flouted by pretty much everyone, including many of our public workers and politicians, and there is simply very little fear of COVID-19.

I am afraid we cannot blame the general population for this dangerous misconception. We have to blame ourselves because we, as politicians, need to lead by example. The message
575 failure that has led us to a situation where we no longer have any fear of this disease needs to be rectified, because at present we are unprepared to safely start living with a virus that is still deadly and is still among us.

If we look back to mid-March, first we were on our way to herd immunity. COVID-19 was little more than a flu that was going to move through our community. We even celebrated that
580 some healthcare workers were catching it and thus developing a first line of defence. Then, as disaster struck in other countries and UK public health advice was tragically debunked, we moved to a strategy of suppression, urging people to stay at home and protect themselves as much as possible from catching the virus. But did we admit our early advice was wrong? Did we say openly that we had made a mistake or followed the wrong advice, that we did not want the
585 virus to go through the community at all anymore? No, we did not. We pretended mitigation and suppression were one and the same thing, and many people are still caught up in that confusion.

As for social distancing, we advise but we do not enforce. We do not fine or demand
590 adherence to norms. We tell people masks are good, but we ask them to use their common sense. We tell them to distance, but we take pictures in hospitals and indoor spaces surrounded by people without masks or without adequate distancing. This is not how we unlock the Rock safely. Right now our concern as a party, and that of many of our constituents, is a lot of fear

that we are heading straight into a second spike of cases when we had done so well controlling the first wave.

We need to end this ambiguity, the beach a clear example which we raised last week and which has now been echoed by the Leader of the Opposition. It is open and legal but the Government does not expect people to go. It is hot, there are people off work, there are students off school, but there are no security measures to protect people in an emergency. We need clear, strict rules, coherent messages and a degree of enforcement of the rules if we are to make a success of this most challenging phase of the pandemic.

I carry the suggestions and concerns of our civil society and community to this Parliament and I invite Government to engage with me whenever they decide to acknowledge that reality. The opposition voice is here to echo the voice of the people in a society which truly needs us to act inclusively and effectively. We want to do the right thing for Gibraltar with coherence and conviction.

I thank again the Government for its efforts and success so far and remind them that I stand available to roll up my sleeves whenever called for in order to help our community in any way I can to get through the crisis.

On a separate note, it is regrettable to have noted that we have not actually paid tribute to the late Frank Delipiani by a minute's silence or some kind of words for a man who was a Minister for many years, as we have done with many others. We always do it at the beginning of every session. *(Interjection)* Well, I am letting you know. Excuse me – the Minister behind you is mocking me with gesticulations. We are not in a nursery; we are a Parliament.

Thank you very much, Mr Speaker.

Mr Speaker: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, following on from the statement made by my hon. Friend the Chief Minister, I welcome the opportunity to make a number of points for the purposes of *Hansard*.

This House last sat two months ago, on 20th March. We debated and approved an Appropriation Bill and we voted to extend the financial year. Members agreed to take those extraordinary measures in the face of an abnormal situation. We did so in a calm, rational and logical manner and in a display of political unity, and I want to acknowledge the input from the Members opposite, in particular from the Leader of the Opposition.

Gibraltarians have united in the face of unity before. This is not the first time; also, it will not be the last. Once more we have stood shoulder to shoulder against an external threat, an unusual threat nonetheless, it must be said: a virus, a peril that you cannot see coming, in fact you cannot see it at all. This cowardly virus was poised then to target our elderly and attack our vulnerable. It represented a threat to life itself. A simple look around the planet today will confirm this. Nearly five and a half million people have now been infected all over the world. Sadly, some 350,000 have lost their lives. This means so much more than simple statistics. The numbers personify over 350,000 souls, real people, their pain and suffering, grieving families, lives stolen and overwhelmed health services all over the planet.

Thankfully, Gibraltar has been spared so far, but we have seen how both the UK and Spain have been hit by COVID-19. The UK reported its first confirmed case, in York, on 31st January. Spain did so too, in the Canary Islands, on the same day. I have to say that January now seems a lifetime away, so much has happened since then. The virus has now claimed over 37,000 lives in the United Kingdom and over 29,000 in Spain next door.

We had, as has been said, our first confirmed case here on 3rd March, so when this House sat, 17 days later on 20th March, the danger we faced was a very real one. On 20th March, Gibraltar had carried out 146 tests. We had 10 confirmed cases, eight of whom were still active. Twenty-six people went into self-isolation on that day and 300 symptomatic people self-isolated that very week. As the Chief Minister has said, the advice to the Government was blunt and

direct: thousands of people would be infected, hundreds here could lose their lives, 1,500 could require hospitalisation and the risk of death was up to 3.4%.

645 This was a particularly difficult time for all of us. It was hard. A long dark shadow descended over our daily existence and we looked in horror at what was happening elsewhere, in China and in Italy in particular. We produced the modelling. We drew on the experience of other countries, limited experience at that time, and importantly we prepared.

In those terrible moments the key to containing the pandemic was quick action. On 4th March advice was issued to avoid large social gatherings. On 5th March many public events
650 were postponed or cancelled. On 10th March the Rooke drive-in test facility was given the go-ahead. On 11th March the elderly and the vulnerable were warned to stay at home. Further action followed. On 14th March the closure of restaurants was announced. On 13th March the bus service was suspended. Public counters were closed. On 16th March the over-70s were confined by law. School children stayed at home.

655 Twenty days of escalating action culminated on 24th March, when Gibraltar was shut down. The aim then was to keep people away from each other and in this way control the spread of the virus to ensure that the GHA would be able to cope. This time, the enemy at our gates did not face us with spears or arrows or cannonballs, we faced a new and invisible menace, but our objective and our tactics were tried and tested. We shut our doors, we bolted the gates, we
660 raised the drawbridge and removed our people from the path of danger, we scourged the land in front of the virus; and behind those walls we armed ourselves to the teeth, our weapons not bombs and mortars, not fire ships and artillery but preparation and organisation. More ward beds were provided at St Bernard's, a COVID ward was set up specifically, a COVID ICU also – a 500% increase in ICU beds, more ventilators, huge amounts of PPE, a cohort of nurses from the
665 United Kingdom. A new field hospital was set up within days and a call for volunteers was issued on 16th March. Over 1,100 people answered the call to arms. It is important to pay tribute to them all, because nobody quite knew what they were letting themselves in for at that time. We also need to pay tribute to our Health Service, to the Public Health team, to our emergency services, to our essential services, to the Civil Service and the public sector, to the private sector
670 and to the people of Gibraltar as a whole. They were all our first line of defence and their actions determined what would happen next against the most serious health hazard of our lifetime.

The truth is that for just over a century the world has not seen a global pandemic quite like this one, not since the days of the so-called Spanish flu of 1918 which was arguably even worse than COVID-19 in terms of the estimated number infected, then 500 million people; the
675 estimated number of deaths, 50 million; and the demographic that was most at risk, then those under five, those between 20 and 40 and the elderly. A key factor at the time was that the Spanish flu came in two waves, both here and worldwide. The first wave reached Gibraltar in May 1918. Six hundred cases were reported and 21 people passed away. The second came in December 1918. There were then 3,000 cases and 111 fatalities. The second wave, locally and
680 globally, was more lethal than the first. Nobody knows how this existing pandemic will evolve. What we do know is that we won the first battle in the war and that in the event of a second battle against the virus Gibraltar is now better prepared than ever before.

All over the world, COVID-19 has gone on a merciless rampage against the elderly. It has decimated care homes. It has destroyed the lives of the frail and added to the suffering of the
685 vulnerable. We have seen the tragedy play out on our television screens. I have no doubt that the early action taken in Gibraltar has saved lives. Many senior citizens here went into voluntary confinement. Measures were put in place at elderly residential services and strict controls at Government sheltered accommodation. This has worked, so far. The last figures I saw showed that only nine over-70s contracted COVID-19 in Gibraltar, and they put up a fight and they sent
690 the virus packing. We would expect nothing less from that generation and I want to praise them.

Eighty years ago last week, on 22nd May, many of them set sail across the Straits to French Morocco. They did so in a process of wartime evacuation and re-evacuation that did not come to an end until 1951. They faced the horrors of war in London. They braved the U-boats as they

crossed the Atlantic westwards to Jamaica and southwards to Madeira. They shivered through bitter winters in bare metal huts in Northern Ireland. Decades later, they were the backbone of our resistance to General Franco. They endured the hardship of a closed border and the years of siege that followed, and they did so on a point of principle. That 'golden generation', as the Chief Minister has described them, set an example to us all. They made a sacrifice for the common good, over and over again.

This time, they were asked to make yet another sacrifice, and again they were not found wanting. The Government pays tribute to them, because our over-70s were advised to self-isolate before anyone else and the restrictions on them, first advisory and then mandatory, have lasted for longer than those on anyone else. All this time, they have been cut off from children, grandchildren, friends and family, some of them alone at home. I know that new technology has helped. Virtual groups have connected together. Support mechanisms have been set up. Food deliveries, collection of prescriptions and medications – all this has helped too. That wartime structure was very ably strung together by my colleague the Minister for Civil Contingencies, Samantha Sacramento, and the Civil Contingencies Co-ordinator, Ivor Lopez. They have had every single detail at their fingertips and worked through every problem to find a solution.

I also want to highlight the work of my colleagues the Minister for Public Health, John Cortes, and the Minister for Health, Paul Balban. Every single member of this team has been closely involved, as the Chief Minister has said. Sir Joe Bossano, Albert Isola and Vijay Daryanani helped to shape the transition to a wartime economy and they will now lead us in the transition on the way back from that, together with Gilbert Licudi – who has successfully handled our schools at the same time – and Steven Linares, who led the redeployment of the teams at the GSLA and Housing, including the protection of our pensioner flats: all led from the front by my hon. Friend the Chief Minister, who has not shirked from taking difficult decisions and doing what needed to be done. That is what leadership is all about and that is why we have a good story to tell today.

But getting there has not been painless. Some messages have been difficult. They have been hard to receive and equally hard to deliver. Tough decisions have needed to be taken and then communicated, both the good and the bad. We have acted on medical and Public Health advice. We have followed the experts. In today's world, none of this is easy because everyone considers themselves to be an expert on everything and everyone has an opinion about everything – true, and this is healthy, but this attitude often generates misinformation and this misinformation often leads to confusion. This can be unhelpful at a time of a public health emergency and at a time of a global pandemic.

The Government continues to urge citizens to listen to official expert advice and to ignore everything else. Indeed, such information has flowed from day one in a manner that is unprecedented, both in the detail and in the volume. Our flagship has been the daily press conference at 4 p.m. We have hosted some 60 of these and reached the homes of thousands of our people directly. The vast majority have acted on what they heard. We have disseminated statistics, given advice, explained the law and provided up-to-the-minute details about every aspect of the pandemic. Our small Press Office team have risen to the challenge too. They have outdone themselves and the Government is very grateful for that. Since 12th March, Gibtelecom has sent the test data directly to thousands of mobile phones. The Government has placed Ministers and officials in front of the press and the public, and the Opposition have been involved, briefed and consulted. They too have had the opportunity to meet with our experts and to question them.

My hon. Friend the Chief Minister has said that we won the first round against COVID-19, and this is true. We have also said that the war is not over. Last week, the World Health Organization reported the biggest daily increase in infections yet: 106,000 cases in 24 hours. At the same time, the Director of the European Centre for Disease Prevention and Control has warned Europe to brace for a second wave. The question, she said, is when and how big. Therefore, as we unlock Gibraltar it becomes all the more important to follow the rules so that we can arrive to as near normality as possible, because none of us want the pandemic to pick up again.

Of course there is life after COVID-19, but this life may be a very different one to the one we knew before. In a sense, we now move into a new world, a world that contains numerous unknowns, possibly a world with less human contact, certainly a world where we will need to adapt to what they call a 'new normal'. And we all know what the new normal will bring: social distancing, contact tracing, aggressive testing, self-isolation, quarantine and face masks. EasyJet announced this week that passengers will be required to wear face masks from the moment they step into an air terminal, throughout the flight and until they exit at their destination terminal. We need to face such new challenges with common sense, with social responsibility, with discipline and with an understanding of our civic duty. We can only make this work if we all work together. That is a new reality we must come to terms with.

The House knows the importance of testing as we move forward. Iceland has been held up to the world as a model for COVID-19 testing. They have conducted more tests per million inhabitants than any other country and often topped the global rankings. Over this bank holiday weekend, for the first time, Gibraltar overtook Iceland and became first in the world: the global leader in testing. This says much about our determination and our resolve in this fight. It also says much about our organisation. In fact, the number of tests done so far, which is over 7,000 today, represents some 21% of our population.

Moving on, the pandemic has taught the planet a valuable lesson, in many ways and in many different areas. The weeks of lockdown have cleaned up the air; reduced the levels of noise – you could hear birds chirping through open windows. The canals of Venice have lost their murkiness. Wildlife has now appeared in new localities. Marine life has flourished. The environment has become the clear winner. But this has also been a time to reflect deeply, to consider how we can best consolidate those green gains, to pause and to ponder, away from the daily challenges and the pressures of life. It has been a time to better understand the things we value most, to reassess what we once took for granted, because the pandemic has opened our eyes. You now see families spending time together walking, cycling or jogging; parents joking with their children; children keeping in touch with their elderly relatives; neighbours taking care of each other, making sure that the elderly and the vulnerable are keeping safe. These were traits we had always enjoyed as a community, but we were losing them. Sadly, they have long disappeared from many other countries. So, we need to stop in the moment in order to take stock of where we are, in order to cherish those values and treasure them.

These past months have taught us many lessons as a people, much more than about complex medical questions, much more than about public health pandemics: our sense of community, our sense of fellowship, our sense of purpose, our sense of individual action for the common good and our sense of Gibraltar as our family, which is now stronger than ever. We have pulled together in the fight against COVID-19. That fight is not yet over, but we have already learnt profound lessons about who we are.

Thank you. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, can I thank all hon. Members who have contributed to the debate for their words today. In particular, can I start by thanking the Hon. the Deputy Chief Minister for his very kind words and once again for his remarkable and exceptional support to me throughout this period.

During the course of my initial address I omitted to highlight one aspect of the response that Gibraltar has seen, I think, and all of us have appreciated and have at different times praised, and that is the work that has been done in one particular division of the Gibraltar Health Authority, Elderly Residential Services, where we had a concern from the very beginning that if the virus were to get in, either with a relative visiting a resident or a member of the staff who might be a symptomatic, there would be a great difficulty for the whole community if the virus were to spread amongst the residents. The work that has been done there by everyone who works in ERS and has understood the need to be repeatedly tested, to wear PPE, led by Antonio

Marin and Susan Vallejo, has been absolutely remarkable and we do owe them a huge debt of gratitude.

800 I do not underestimate the sacrifice that has been made by the relatives of those who are resident in ERS facilities, who have not been able to visit their relatives. We are slowly trying to unlock that in some way. The generosity of those who have wanted to assist by donating technology that has been used for people to be able to see their relatives ... This is a part of the sacrifice that has been undertaken by this community and the work that has been undertaken by members of this community that I do want to specifically highlight, because this was a key area
805 of concern for all of us.

The prevalence of the infection in our community today, which will now be going out in the text messages that Gibtelecom will continue to send, is 11 cases of COVID, three of them local residents and eight of them cross-Frontier residents. I do want to make the point, as hon. Members who have contributed have talked about the pandemic not being over, that that is, of
810 course, exactly the situation that we are in. We have to be particularly careful as we go forward. We cannot allow complacency to set in.

I do want to just highlight that those that we are identifying as active cases are being identified, remarkably, in the frontline random public screening, not in the symptomatic testing. So, a lot of people who are turning up with COVID-like symptoms are being tested and they do
815 not have COVID. Some people are walking around and are being randomly tested, and that is where we are finding COVID. It is important that that be understood, that a lot of the people who have the symptoms are suffering potentially from another strain of coronavirus – which we now know is the technical term for a form of flu – or indeed from allergies, which are also prevalent in this period. They do not have COVID, and yet we are finding COVID in people who
820 have absolutely no symptoms. So, this has not gone away, and you have to be careful not just to shield yourself from somebody who is coughing or who is sneezing or who might appear ill; actually, the prevalence of the infection in our community now seems to be in those who have none of those symptoms. The reason that we are reporting where people are resident now is so that we understand – and this is a key factor as well – whether we are having community transmission or not. As we move to the stage of contact tracing – and again I do not want to pre-
825 empt questions that are on the order paper and talk about the detail of contact tracing and apps, which we will talk about in the context of Question Time – it is important that we understand how the limits of contact tracing will operate once we have got people who are from beyond our shores and the contact that the Hon. the Minister for Public Health has established with the public health authorities of Spain to co-operate with them so that they can do contact
830 tracing also in Spain on that basis.

Mr Speaker, I obviously thank the Hon. the Leader of the Opposition for his words this morning about the co-operation with the Government and the fact that, whatever we may say, of course the judgement of history is not one that we can deliver today; it will be delivered by
835 history – that is to say by future generations. As he often quips that we cannot read history backwards, I often quip that it is going to judge us – at least on this side of the House – well, because it is going to be written by the Deputy Chief Minister. Now that there is another historian in our mix, there might be two versions of that history. I hope that, in respect of this part of the political history of Gibraltar, the history he might write and the history the Deputy
840 Chief Minister might write might be a little like a Venn diagram and they might, on this at least, be at one – although, for all I know, they could be at one on much more than just this part of our history.

The hon. Gentleman referred us to the numbers of those who had passed away. He knows that in one of our press conferences I did that also because I am just remarkably struck by the
845 size of the numbers, and this is one of the things that we must bear in mind. In Italy, the number of people who have died equates to the whole of the population of Gibraltar. In Spain, the number of people who have died equates to all of the adult population of Gibraltar. In the United Kingdom, the country with which we have the closest affinity, the numbers now exceed

the population of Gibraltar. And the United States has now gone into seven figures in terms of the deceased. Those are really quite remarkable.

This week, I was struck by a front cover of the *New York Times* that published the names of 1,000 Americans and actually printed not just their names and their ages but a line with what they were known for by their families, demonstrating that these are statistics to a very great extent in the context of calculating what is going on with the virus but each one of them is a life. I was struck by the way that the Hon. the Leader of the Opposition referred to everybody being a father or a son, a sister or a daughter. I had made exactly that reference myself in a press conference. It is particularly important that we never forget that it is not just potentially a relative, it is potentially each of us; and that the best way that we can bring the right attitude going forward, as we move away from the initial period of what you might call the fear, is the ability to understand that each of us has to protect our family unit and ourselves from the things that could expose us and each of our family units to the virus. If we all do that, then we are more likely to halt the spread of the virus at all. If we all follow the rules, we are all more likely to ensure that there is not a spread of the virus. I will come to some of the things that the hon. Lady said about following the rules in a moment, but I think this is a key and important point.

The hon. Gentleman referred to the issue of messaging, which I will come to when I address the issue of the beaches that he was dealing with, but I think the best message we can each send out is a message of personal responsibility to follow what we understand are the rules and to understand what the rules are, not simply to fall into the shorthand of what the rules are but to understand what the rules are. I will say a little more about that when I deal with some of the extraordinary things that the hon. Lady has said.

Mr Speaker, in the way that the hon. Gentleman responded when I called him – and he referred to the fact that it was about 10 days after the index case – and showed him the science of what we were being told, I detected a man who had been Minister for Health and understood the limits of what the Health Authority can do and the ability that the Health Authority had to surge and to do more than it usually does but also with a limit. He talked about the dark storm that we have had to grapple with, and my concern then, when I spoke to him – and it was a concern that the whole Cabinet had shared and reflected on greatly – was that there was the possibility for great civil distress in our community.

Again, reflecting on numbers, which the hon. Gentleman gave and I have reflected on in the past, if you talk about a thousand people dying in the context of Gibraltar, you are touching every family. If you get to 3,000 people potentially dying over the period of the virus, a lot of them dying in a short period – whether that turned out to be right or it turned out to be wrong, whether the calculations eventually were better understood in the context of different modelling, but that is what you are faced with – that is more than just every family being touched by the virus. That is worse than any war we have been through and that can lead not just to great grief but to great civil distress that could lead to – and I have said it before – a very dystopian probability. We have avoided all of that, and faced with those remarkable potential consequences I thought it was clear to both of our teams, and I think it was clear to both of us, that we had to work together.

The hon. Gentleman referred to the fact that we have been in almost daily contact for a period as we have not been perhaps for 30 years – very frequent – and that we have worked well together, with tetchy moments. Well, of course there are tetchy moments in every relationship – in the closest relationship there are tetchy moments – but I think what we did was the hard thing to do because, as the hon. Gentleman also reflected, we are seven months out from a General Election. There are 10 Members of this House here and seven there. The easy thing is to say, ‘Well, look, if you don’t want an Emergency Budget, we’ll have one – 10 to seven; if you don’t want regulations, we’ll have them – 10 to seven; or sign under a Minister’s hand. The harder thing to do was to get through those tetchy moments. Sometimes it is incumbent on us lawyers to work around the stones that the accountants throw in our way, or vice versa, but that was the hard thing to do and we have achieved it and it is right that we should have worked

harder to achieve that in this moment. It is right that both teams should take something from it, because there will be things in the future where the consequences are not as dramatic but where we might work a little harder to try and find consensus because it will be in the interest of the community as a whole.

905 He is absolutely right that it would have been to cross a difficult Rubicon to get to the stage of a Government of national unity. It would not have been something that either of us would have done lightly. It was right, however, given the speed at which we were moving in the context of the difficulties that we were potentially facing, that we should be prepared and lay all of the groundwork for those potential steps to have to be taken, if they had to, but it would
910 have been a very bad sign indeed. It would have been a sign that we were moving in the direction of those casualties materialising, civil distress potentially being around the corner, and we have managed to work together without having to cross that Rubicon.

It is the reason, Mr Speaker – I will just allow myself one moment of reflection – why we did not believe that it was right to accept the invitation to move to a Government of national unity
915 when that invitation was extended to us by the then Leader of the Opposition now sitting to his left, the Hon. Mr Feetham, at the time of Brexit. We understood that there was a potential for Gibraltar to do well despite Brexit, and it would have sent a very bad sign indeed if we had had a Government of national unity then.

But the need might be there again in the future, and if it is – not on COVID or anything else –
920 if I am here and that need materialises, I will still extend the hand in the relevant circumstances. If I am not here, if I am there, or anywhere else, and it is ever extended to me or I am asked by anyone whether it should be an invitation that should be accepted, in the right circumstances the answer, in my view, should always be yes. In that, I join him in his gentle admonition of the hon. Lady and any others who might think that co-operation is a weakness. I think co-operation
925 is an opportunity for communal success, for community support where necessary, and it is absolutely right to take that course where it is possible.

The leadership of Sir Joe Bossano has always been based – when he was the leader of the GSLP, the Leader of the Opposition in particular – on doing the right thing for Gibraltar. I do not mean to use this as an issue of difference between us and I do not mean to go anywhere near
930 scoring a point, but on the issue of debt, for example, if you look at Joe Bossano's position – whether he is in government or in opposition – in relation to debt and how debt should be accrued there was never a changing of mind simply because he changed position. On the issue of sovereignty, the key issue which concerns us all, I will always remember and was so impacted by Joe Bossano saying of Peter Caruana in relation to the issue of joint sovereignty – although
935 then there was no attendance at Cabinet, no offer of a Government of national unity or anything, perhaps not necessary because there the rival was not invisible and biological; there the rival was political, visible and in London, let alone in Madrid, but Joe Bossano's position was to say, 'Look, before they get to him,' – the then Chief Minister, Peter Caruana – 'they have to get through me.'

940 There is no need for us to pretend to disagree where we agree. There is very good reason for us to robustly challenge each other where we disagree, because if we disagree genuinely we disagree for good reason and we want to make the point to the other that it is better to pursue this course than the other, but it does not impoverish democracy to agree. Indeed, much of what we do goes by agreement, and too often in democracy we are just analysing the 0.1% on
945 which we disagree – and fair enough, because we want to get even that 0.1% right, but there is not an impoverishment of democracy there at all. That is the richness of the system that we run, where it is run by those who are able and prepared to work together when they have to and they have the courage and the strength of character to take steps forward together when we have to.

950 Mr Speaker, it is indeed quite remarkable to see the layout of this place today. I was consulted on how it should work. The Deputy Chief Minister worked with the Clerk on setting out these benches. It feels a bit tight. I do not know whether it is me and my pandemic weight

issues or whether it is just that it is a little tight, but I am very relaxed about how we are sitting. We are all frontbenchers, whether we are at the front or at the back here, and I have no concern about the old Churchillian adage that in this sort of layout the enemy is often behind one and not in front of one. But given that we are not going to indulge in any partisan exchanges today, I will leave it just at that. I think everyone gets my point.

On the consistency of messaging, however, I have to say to both of the hon. Members opposite who have spoken that we do have to be a little careful with something as apparently trivial as the beach. I say ‘apparently trivial’ because we were talking a moment ago about the potential for mass casualties in our community and now we are talking about going to the beach. But the beach is one of the areas on which we have given advice. Yes, Ministers have gone to the beach also strictly following advice to go for exercise – to go for 30 minutes. I would not want anybody to think otherwise. There is the possibility that the beaches may be closed if people are not observing the rules of social distancing. If we then took the steps necessary to facilitate that the beaches should be open before the bathing season ... I remind hon. Members that when they were in government the beaches did not have lifeguards or services until the beginning of the bathing season. We brought that forward when we were in government; we have just for this year taken the posture they used to take – that is important. But we have to be very careful not to send mixed messages. The hon. Gentleman, perhaps a little more gently than the hon. Lady, who I will come to in a minute, used the beaches as an area of mixed messaging. This is the key point. If you facilitate attendance at a place which you are saying you should not be going to for more than a period, then you start to send a mixed message. I just find it very difficult to understand how people should be saying to us if somebody is irresponsible enough to bathe whilst the red flag is flying, the Government has a responsibility to have someone there to save them, despite the fact that the Government has responsibly already told them that they should not be bathing because of the potential danger to life. This is a key issue because it goes to personal responsibility, it goes to common sense and it goes to mixed messaging, and I think both hon. Members have not understood that there is that potential for the message to be mixed. I have seen suggestions that the Government may somehow have suggested that the lifeguards are designed to entice people to go to the beach. Nothing could be further from the truth, but if you provide an infrastructure for attendance at the beach how do you at the same time say legitimately ‘Do not attend the beach, unless you have to, for more than 30 minutes’? I think that is the difficulty.

But I think it is also true to say that we are enjoying the luxury of this debate. Mayor Cuomo, President Trump, Prime Minister Johnson and President Sanchez would be delighted to be having a debate about whether or not people should go to the beach, whether there should be lifeguards and whether they were snapped in their speedos, and not the debates that they are having. I think that that has to be understood.

Our message does not change. I read recently that somebody thought that I was being irresponsible because we are sending the message to stay at home unless you are going to work etc. but I had cycled to the top of the Rock – except, of course, we have also said that people should exercise. I need exercise more than most and I was only able to get to the top of the Rock on a bicycle because it was electrically powered, otherwise they would have had to pick me up somewhere along the way.

It is important to understand the detail of the rules before saying to people, ‘You must abide by the rules.’ We have been very clear. As long as you observe the rules of social distancing you can be at the beach. If the beaches get too crowded they will be closed. Please, therefore, to avoid the beach getting crowded, be there for less than 30 minutes – give everybody a chance to be in or out. We need to put things into their proper context and we need to understand the rules that are now in place.

The hon. Gentleman and I, and members of the Cabinet, have expressed concerns about civil liberties throughout this period. There has not been here a Government *wanting* to interfere with civil liberties. We have to remember that, at the moment, our civil liberties are still

1005 impacted. I say that because they are impacted by my Government and with my consent. It is
not something I want to see continuing because we are restricting access to places and we are
still restricting the key freedom of association, the right to gather with as many people as you
like wherever you like. We are still impacting that, and that can have serious consequences.
1010 Demonstrations have not proceeded today when people wanted to demonstrate. It is their right
to demonstrate and to manifest themselves against the Government or in favour of the
Government, and we need to understand that we are not completely yet out of the part of this
process which has seen restrictions on liberty. So, people who are wanting to go to beaches etc.
or people who want to comment about that need to understand that.

The hon. Gentleman said that he will look at new economic measures that we propose, to
1015 understand their proportionality and how they might assist business. We expect to be trying to
consult with him and Mr Clinton on the feedback from CELAC during the course of next week.
There is a further CELAC meeting at the end of this week as well.

He then moved on to address the issue of, as an example, the session in the Spanish
parliament yesterday. I was equally struck by how the parliamentary debate has been infected in
1020 some jurisdictions – the political debate in some places with presidential systems is not actually
in a particular house of debate – and how vitriol has got worse in some places during this period
rather than better, and how those who have passed away as a result of COVID are being used in
the political debate by one party against the other. I confess I am disgusted. I watch that from
the outside, whether I watch it in Spain or I watch it in other jurisdictions. It is not a comment on
1025 any particular parliament, but I am disgusted when I see it. I am conscious when I feel that angst,
in particular in this context, and how people might look at us and some of the debates we have
had in the past when we have allowed our personal inflections to get the better of us – we are
all human after all, but I think it is an antidote to those moments when we see others go through
the process that they are going through now. I see some parliaments which have ground
1030 themselves to a halt, in effect, in terms of the work that needs to be done, which very often
requires cross-party consensus to be built if it is going to be enduring, and that is very worrying
indeed. Indeed, I might say that there are moments when this House and those in it may even
have set an example for those beyond our shores, perhaps even to those who gave us our
Constitution, and that is a good thing and is a reason for this community to rejoice. Too often
1035 the political process is the source of reason for people to regret. I think at the moment people
might take a slightly different view, although that is not for us to say.

Of course it is not necessary to shout from the rooftops when we have disagreements, as the
hon. Gentleman says, and we have wanted to ensure that the process of working together has
been successful. We have wanted to ensure that we have accepted views which hon. Members
1040 have shared with us. We have not wanted to be difficult and pernicky; we have wanted to be
open and positive and I know that they have too in the way that they have approached this, and
I think that is what has delivered success. Perhaps that is why people should reflect that the
nomenclature of the ‘Loyal Opposition’ carries that reference to loyalty. It is loyalty to the
process, to the people who elect us. Whichever side we are sitting on, we were elected for a
1045 purpose, and that is what a Loyal Opposition does.

So, I salute that he has not taken the Partido Popular attitude, as he described it, of
callousness; and if he had, I think that the judgement of history would have been as negative on
him and them as it will likely be on them and those that have. So it is also, in my view, very
astute politics to have done what the hon. Gentleman did and to have behaved and worked with
1050 the Government, as they have.

Can I simply just therefore point them in the direction of what my own instinct is? I do not
often give political advice to my opponents but I will just gently point them in the direction of
what my own political instinct is, which is that people do want that courage and that bravery to
continue from all of us. They are, they say, going to be critics of us in terms of parking fees and
1055 road closures. It is one attitude Mr Speaker. We will then also point out that you can talk about
being committed to climate change as much as you like, but if when the time comes for action

you are not ready to take the steps necessary to change behaviour, then it starts to grate with people; that if one day you complain that we are going too fast and the next you complain that we are not going slow enough, it starts to grate with people; and that there are some great things that we could do together on climate change, on roads and on parking, but that the populist route is the route of saying, 'If your parking is being put up by one penny, we're against it because we are with you,' etc. A gentle suggestion that there is a different road that we could take that would be in the best long-term interest of this community.

The hon. Gentleman says he would continue to provide input on matters if we were ready to take that advice, and of course we will be open to listen to input genuinely given. We have done a lot of that work now out of the public domain and that is where we will do most genuine work. I think I have also demonstrated to the hon. Gentleman – as I have said before in this House but no one has ever tested me on it until now – that when an idea comes from the Opposition, and if the Government accepts it, we will not pretend it was a Government idea. We will be open and frank about the fact that it was an Opposition suggestion. I often have that dispute as to motions where our support is sought and I have always said if you let us into your thinking before you put the motion you can then put the motion yourselves and say it comes with Government support, but otherwise we will consider it to be just political posturing. I think it is important just to reflect, because we have had unnecessary dingdongs about that in the past, but I do hope the Government has now demonstrated to them that we are fulsome in demonstrating that something has come from the Opposition and is worth supporting when it does, and I hope that that infects the way that they do things in a positive way going forward.

It was impossible, Mr Speaker, to believe that we might buck the trend internationally for casualties and it is remarkable that we have got this far without any, and we hope and pray and continue to work to ensure that we will be able to continue to buck the trend. It is also perhaps impossible to believe – and that is why I made the reference to the partisan nomenclature of the parties represented here – that the GSLP Liberals and the GSD could buck the trend of what has happened around the world, the political trend as well as the statistical trend. The rivalries have been long entrenched and yet we were able to do so, and that is definitely something worth remarking about repeatedly.

There is now less contact between us. There may be more as we move towards the new financial measures etc., but it is only natural. He is a busy lawyer, sometimes difficult to get hold of – more difficult to get hold of than the Chief Minister on occasion – so I do not think there is anything strange or wrong in that, but he should know that as things become more robust and as we continue to move back to normality we will do everything we can to ensure that he continues in the role of Leader of the Opposition for many years to come, especially beyond the next General Election.

Mr Speaker, the hon. Lady started by expressing gratitude and relief, which I think is an emotion that most people would want to express. I expressed the gratitude of the Government to our frontline workers in the whole of the public sector, indeed those in the private sector who also continued operations, and relief of course is what we all feel. But the hon. Lady was very particular. She said that she expressed her gratitude and relief to the Government and to frontline workers – therefore, two separate entities – and to our trained public health experts. I thought it was very good of her to start that way and to express her views in that way. I do not think she would have found support outside of here for any expression of emotion other than that, but it was the beginning of a very mixed message, in particular for somebody who told us that one of the key potential areas of difficulty is mixed messaging. I think she incurred mixed messaging herself, unless what she was trying to do was to say both things: the thing that she knows is right, which is that the frontline workers and the Government and the trained public health experts have done a remarkably good job, the results of which speak for themselves to now, and we certainly hope and pray that we will continue to see those results; whilst at the same time trying, as an apology for her role in the past 12 weeks, to find a way of justifying the positions that she is taking.

Well, Mr Speaker, I empathise with her. To an extent, the result of her electoral failure has come to roost in this period. There is an official Opposition. There is a Leader of the Opposition. There are seven seats on that side: six were taken by the GSD; only one was taken by her. It is impossible for the Government to be expected – and I will not talk about an amendment I have seen on the order paper, but it is impossible for any government to be expected to engage with a whole opposition bench. Our constitutional system of Government and Parliament provides not a constitutional role but recognition by the Speaker of a Leader of the Opposition for a reason, and that is so that there is engagement between Government and the Leader of the House and Chief Minister, and a representative of the majority of the opposition benches. That is what has come to pass in the past 12 weeks.

She had no difficulty with those issues when she was a Member of the official Opposition, but now she has a difficulty with that, which I thought she expressed in terms a little too trenchant to be realistic. For example, the hon. Member has had a number of briefings. She might have wanted more, but she has had a number of private briefings. She has come to my office and met with the Minister for Public health and the Director of Public Health and with Members of the Opposition as well. On the issue of Line Wall Road she has met on a number of occasions with the Minister for Transport and his officials and I do hope that she will continue to take those offers. But the United Kingdom's strategy to release some of the restrictions there was shared with the Leader of the Opposition in the United Kingdom half an hour before it was published. Here, the Government and the Opposition were working together, and hon. Members had embarrassingly early drafts, if I may put it that way – work which I would not usually have shared outside of the confines of my Cabinet colleagues, with notes and mistakes in which we were working through, the usual early draft of any document. She had it three hours before it was published. She is crying for a lack of consultation and a lack of involvement which is more than the involvement that leaders of the opposition have in other parts of the world, even when they are members of a Privy Council.

She says therefore there is no democracy. Well, there is a lot of democracy. The hon. Lady got a percentage of votes in the last General Election and hon. Members got a percentage of votes and we got a percentage of votes; but we have not an electoral college system, we have a parliamentary system, a first-past-the-post system which produces a result. Therefore, because she has got one seat, she is consulted in that context. Otherwise, the hon. Lady ends up being like a failed presidential candidate who did not get enough electoral college votes but got more popular votes in the whole of the United States, praying that the Founding Fathers had set up a different constitution that might lead to a different electoral result. That is not the case. I did not stand with her for election, I did not stand with them for election; I stood with my team, she stood with her team, others stood in another team. This is the result of the General Election. In action. That is the reality.

She then went on to say something really quite remarkable which I cannot allow to pass without comment, which is that she was urging us to make more and better use of PPE and that she has been ahead of the curve at every juncture. If she has a printed speech, I think those words will stand out to whoever it is that reads it. I just want to gently say to her that if she does feel that that is the case, it is not the feeling that people had at the last General Election, otherwise they would have put her on this side of the House, not on that side of the House. It is also not the feeling, I respectfully tell her, that I am left with in the context of my discussions with her in relation to this matter, and it does not sit well with the message that she started to deliver, which was to express gratitude and relief for the work – forget the Government – of our public health professionals who had done such a great job. So, either she thinks that they have done such a great job or she thinks that she was ahead of them at every juncture and she should send them a note verbale once a week of what she thinks they should be advising us to do.

I really do not think that this is a time for that sort of politics and I do not think it has helped her stature to have taken that approach in the context of this debate, which I think is unfortunate. I do not think that she has spent the past 12 weeks pushing the Government to do

more and better, which is another thing that she said, which would of course mean that she was pushing all of us to do more and better when we were trying to work together, and I think it does deprecate the work that she does as a Member of this Parliament when she brings issues concerning her constituents etc. that need attention and which we try to assist her with. It does

1165 deprecate that work when she takes this sort of unfortunate and unnecessary attitude.

It might be helpful to just look back and to see whether in fact we are all now doing the things that she said we should have done and that that is what has produced the very positive results that we have seen reported in our community. I really do not think that anyone should make that claim. I certainly do not. I do not think I have done everything right at every turn and

1170 look back and think, 'This was exactly the right thing to do on 28th February and exactly the right thing to do on 10th March.' I, more humbly, look back at what we have done and thank goodness that we seem to have got it right. As the Minister for Public Health was saying, the whole world was seeing this virus develop. It is a new virus; we did not understand it. The attitudes to it at a scientific level were changing as scientific interpretation of what the virus did and who it did it to was changing. The other alternative is to take her at face value and say at

1175 least one of us knew what was happening, at least one of us understood the virus before the rest of us, at least one of us knew what it was that we had to do. I commend her to tender her services to the World Health Organization.

Mr Speaker, the Unlock the Rock document is not fatally flawed, far from it. It is a very good

1180 piece of work that I am very proud that this Government has produced. It is only the beginning of the work that we will do. There will be more parts, as I have indicated. Although we may not be working as closely together, I hope that Members of the Opposition will want to seek to contribute to it. More of it will be economic now and I will of course continue to ask that, if they want an input, they should be able to have it because this is a community document. To a very

1185 great extent it will be part of the historical record of this pandemic and it is important that we do not start to deprecate it. Simply because one part of the document might say 'this happens in this phase' and the phase starts on one date and then it happens on another date in that phase does not mean that the document is tragically flawed.

This is not a community that is failing to adhere to the rules that we are proposing, far from

1190 it. The success that I have spoken about is in great measure because the Gibraltarians and residents of Gibraltar – not all of them are Gibraltarians, we have to recognise – have understood what they need to do as we slowly unlock. Yes, of course some people have been desperate to get out. Yes, of course some people have wanted at different times to not stay at home despite that being the advice. I fully understand that, but people have in very great

1195 measure followed the advice.

And a lack of enforcement, she says there is. Well, Mr Speaker, I do not know what it is that she wants. Does she want lifeguards? And I am not suggesting that they are there to entice her to the beach, far from it; I do not know where she got that idea from. Does she want lifeguards, and people to stay at the beach as long as they like? Or does she want police officers with timers

1200 at the beach telling people that their 30 minutes are up? One moment she tells us that we need enforcement, and that is what Unlock the Rock says, and the next moment she tells us that we need lifeguards. I really do not understand, and no doubt perhaps later during the course of this session, in Question Time, she might in some of her contributions want to further clarify that.

Yes, there have been positions taken in the United Kingdom and remarks here about herd

1205 immunity, about whether this was a flu. Whether the first line of defence in the GHA and the National Health Service would benefit from those who have contracted the virus coming back, because they will have immunity, to a great extent is still being talked about in the United Kingdom, but public health advice has changed, scientific advice has changed and scientific understanding has changed with this virus. Does that mean that UK advice was debunked, as the

1210 hon. Lady said? Obviously that is her interpretation, and it is a matter for us ... I think we have worked well with Public Health England and with, in particular – I have not mentioned him, but I should – Dr Nick Cortes in the Hampshire Hospitals, a consultant to the Gibraltar Laboratory,

working directly with Public Health England with the support of Public Health England as well when it comes to swabs etc. We will talk about swabs and reagent in answer to some of the questions later. I do not see advice as having been debunked. I do not see that sort of populist description of what has happened as being relevant and I really do not think that it is what we need to be doing.

On the issue of masks and the advice, it is true that some countries have required masks to be worn in some areas. Spain is requiring it in some respects. Germany is requiring it in some respects. The World Health Organization has taken a position. We have taken the position that the World Health Organization has taken. That means if you are inside and you cannot observe the rules of social distancing – one to two metres away from another person – and you are going to be there for more than 15 minutes, then you should be advised to wear a mask, and there are some other circumstances where masks may be advised. She is not within one to two metres of anyone in this House for more than 15 minutes; I think there is more space between us. She chooses to wear a mask. It is a matter entirely for her. Nobody prevents you. There is no rule that says you shall not wear a mask if you do not wish to. There is just no *requirement* to wear a mask, as long as you can observe those parameters. I may wish to see everyone wear a red scarf because that might make everyone look more socialist. It does not mean that we should. It is a question of whether there is the public health advice there, and applying the precautionary principle – whether that is the right thing to do. The advice that we have – this is not political decision making, this is the advice that we have, which she might say months from now might be debunked – is that masks should be worn in the circumstances in which we have said they should be worn, not otherwise. She would find it very difficult to persuade me that we should do things which we are not advised to do by legislation; in other words, that the Government should require in law – which is what to ‘make compulsory’ means – something which it does not have public health advice is necessary on the basis that it is necessary for public health, because the Government should not otherwise be legislating. Therefore, I think she needs to understand that the trigger to legislate has to be that the public health advice is there. Otherwise, there is no legitimacy to the legislation.

Then she says we have done so well in the first wave. So, she starts with gratitude and relief, she then criticises everything that we have done in that process, talks about debunked advice and then tells us that we have done very well in the context of the first wave. Well, look, we have done quite well in the context of the first wave – if we want to call it a wave; we think it was more of a cluster. We must not get complacent; there is a long road still to go. There are great dangers in the way. The hon. Gentleman raised the issue of the autumn. I agree with him. That is potentially a greatly dangerous period. The summer may be dangerous because of the advice that the heat may not deal with the virus as it might with others, so there is great danger in the way.

I just say to the hon. Lady, as gently as I can, that her contribution has been very mixed in the way that it has tried to straddle both relief, success, gratitude and support, with huge criticism: ‘I was ahead at every juncture and the advice of the UK, and therefore the advice you were following, was debunked, and you must make decisions, in respect of masks, which are different. I do think there is an element of confusion there and our success so far, as she put it, is not as a result of having followed her advice so far; although if she wants to paint it that way I am sure that there will be many who will want to agree and some whom she will persuade to agree if she decides that she wants to use this difficult period in our political life as an anvil on which to hammer her partisan advantage and opportunity.

I do not think that anybody was mocking her – and this is not a nursery, it is a Parliament. Never has it been more of a Parliament than it is today. I am so sorry that she decided to take that attitude. The test of leadership comes once and I am not sure that she has really demonstrated that she is ready for leadership in this community, and I am sincerely sorry indeed that in the context of this debate and in the context of this statement that we have had to deal with answering points like that which she ended up making.

**Procedural –
Order of business**

1265 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have nothing else, but I am happy to give an indication to the House before I sit down of what I expect today will be, before anything else.

Given the time, I would have thought that after anything else that needs to be said this morning I would adjourn now for an hour or so and then come back to lay on the table, to take questions, to bring a resolution that I have discussed with the Leader of the Opposition – and we
1270 may have a small amendment – and then take a Bill which I have certified as urgent, which is the Insolvency Bill.

In deference to the hon. Lady, because I understand tomorrow is a Jewish feast day, I will be hoping not to bring the House back tomorrow and to finish all of that business today. I would ask hon. Gentlemen and the hon. Lady, therefore, just to bear in mind that supplementaries in this
1275 Parliament have always been up to them and up to the Speaker, but if we can get through the questions quickly today then that will help us to deal with all of the business today and ensure that we do not have to come back tomorrow on a Jewish feast day.

I am grateful Mr Speaker.

**COVID-19 emergency –
Statement by Mr Speaker**

Mr Speaker: With the indulgence of the House, I would like to say a few words on the first
1280 day this Parliament resumes its normal activities after the enforced break brought about by the COVID-19 health emergency.

I am addressing the House as the Speaker and also as an over-70-year-old member of this community who has been in lockdown for 10 weeks. I am so grateful to everyone who has played a part in fighting this terrible threat to our lives. I am so glad to be alive and back here to
1285 preside over this meeting of Parliament. There have, however, been many moments when I was very afraid and thought I might contract the virus and die before my time. I am sure that many in our community will have had similar thoughts. Thankfully, so far, we have done well and have all pulled through and are now ready to resume our lives, albeit in a rather different world. However, we are not out of the woods yet and cannot lower our guard.

Throughout our recent history Gibraltar has been blessed with the confidence and determination to resolve many complex issues which have afflicted our small nation. Indeed, we have been very fortunate to have had a series of very gifted and astute political leaders who have seen us through many dark times. Our present leaders are no exception. I would like to thank the Chief Minister for his outstanding leadership and his heartfelt commitment to saving
1290 lives. I also wish to thank all the Government Ministers for their vital roles during these unprecedented times. It has also been very gratifying and reassuring to see the Leader of the Opposition working with and supporting the Government during this very difficult period. I thank the hon. Member for this. May I also thank all members of the Opposition for their important contribution. I also thank the hon. Lady.

The community as a whole has welcomed this display of unity in the face of such adversity. I believe we would not have achieved this surprising degree of success in combating the virus had it not been for the fact that in Gibraltar's time of need the whole community has stepped up to the plate. The observance of the tough lockdown measures has greatly contributed to this success. Our community's sense of responsibility and duty has once again come to the fore.
1295

From the outset of this emergency, the GHA worked round the clock to ensure that we were as prepared as possible to deal with the very real prospect of an onslaught from the deadly virus. This took me back to June of last year when I became critically ill with viral meningitis and
1305

spent some time in the ICU. I was told I was intubated, on a ventilator, and that everyone, including my family, was required to wear PPE. This has brought home the fact that our doctors and nurses face the threat to their health and well-being not only at a time of a national health emergency but on a daily basis.

I wish to thank the Director of Public Health and the acting Medical Director for their invaluable service in preventing a considerable potential loss of life. To Public Health Gibraltar and to the frontline and ancillary staff of the GHA, ERS and other care entities who have been at the coalface day and night and at great personal risk I say this: without your expertise, dedication and sacrifice, things could have turned out very differently. Gibraltar owes you a huge debt of gratitude.

I would like to publicly recognise the valuable work undertaken by the RGP, GDP, Customs, Borders and Coastguards and teachers, as well as all those other persons whose professions and jobs have also put them in harm's way. I would like to thank the civil and public services for the crucial role they have played in this emergency. I also extend my thanks to CBF and the Royal Gibraltar Regiment and to the many volunteers. Last but not least, I wish to convey my thanks to the Civil Contingency Unit for co-ordinating the necessary action to deal with this major emergency.

The number of deaths worldwide and the possibility that this virus may continue to rear its deadly head has brought into sharp focus the frailty of life in the world we now live in. We are so privileged to live in Gibraltar and to have such an excellent Health Service. The same cannot be said of many other countries. Let us not forget what we have and not take anything for granted.

As the lockdown measures begin to ease, we should continue to act responsibly and observe the basic hygiene requirements and the need for social distancing. The virus is lurking out there, ready to pounce whenever we lower our guard.

Thank you. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Thank you very much, Mr Speaker, on behalf of all Members, for your very touching, kind, very heartfelt words. I think that you have spoken for all of us in the way that you have addressed us today.

I am so glad that you are here and well. I really do not know in whose hands I would now put myself – I know there is one who would not get the chance anymore, and maybe even opposite it would be hard to choose! Later today, we will have an opportunity to hear from another one of the over-70s cohort who will be in more obviously robust mode than any of us younger saplings and against whom I dare say the virus never stood a chance!

I move that the House should now adjourn to quarter to three in the afternoon to continue with the timetable.

Mr Speaker: The House will now adjourn to quarter to three this afternoon.

The House adjourned at 1.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.50 p.m. – 9.25 p.m.

Gibraltar, Thursday, 28th May 2020

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The Gibraltar Parliament

The Parliament met at 2.50 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PAPERS TO BE LAID

Clerk: (vi) We continue with Papers to be laid.
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2021, and the Revolving Credit Line Facility Letter for £150 million sterling from Gibraltar International Bank Ltd as lender, to Her Majesty's Government of Gibraltar as borrower, also known as the 'Facility Letter'.

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

Clerk: The Hon. the Minister for Health and Care.

15 **Minister for Health and Care (Hon. P J Balban):** I have the honour to lay on the table the Mental Health Board Annual Report 2018-19.

Mr Speaker: Ordered to lie.

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

25 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** I have the honour to lay on the table a Command Paper on a draft Bill to make provision for the regulation of personal light electric transporters, to restrict their use to roads, to stipulate their use in traffic, to specify a minimum age for their operation and also to provide for their seizure and detention on the imposition of penalties for outside use.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q221/2020

Stay and Play and Summer Sports – Programme offerings for 2020

Clerk: (vii) Reports of Committees. (viii) Answers to Oral Questions.

30 We now proceed to Answers to Oral Questions. We commence with Question 221/2020 and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, what are Government's plans in respect of offering Stay and Play and Summer Sports programmes for this year?

35 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, several models are being considered, as we are very keen to run the Stay and Play programme. These models consider all Public Health advice where possible, including social distancing, sanitation and other factors. We have a duty of care to provide a safe environment for staff and users alike, so we will make an announcement as soon as we have finished the plan.

Hon. E J Reyes: I am grateful, Mr Speaker.

I notice, posing the question, some things have come up more in the press. I want to thank the Minister for having worked together and closely with the different sports associations as and when things are starting to return, and I just want to place on the record that, should at any stage, in the same spirit of co-operation as some of my colleagues have done, I am always available to assist the Minister in anything he may need in respect of looking for a way forward for our sportsmen, many of whom I know are eager to burn all those extra calories and kilos that they have been building up recently.

Thank you, Mr Speaker.

Hon. S E Linares: Mr Speaker, just as a matter of order, on the paper I have one last line – because the hon. Member opposite asked about the Summer Sports programme this year: in respect of the Summer Sports programme, unfortunately this will not take place this year.

Hon. E J Reyes: So then, what is working is obviously the Stay and Play, because of the special circumstances, which reluctantly has to happen. But I am glad he has given priority to that area. It does bring great difficulties to families and so on, and it is definitely the children who will benefit most from that programme.

Hon. S E Linares: Yes, Mr Speaker. It is not reluctant; it is just to do with health. We understand the needs of people with disability, and especially children, and especially after a lockdown. It is such an important programme for us anyway, but we are going to have models so that it will hopefully work as it should and will work for them.

Hon. K Azopardi: There is an alarm in the building. (*Interjection*)

Mr Speaker, I hear what he says, and indeed this morning we remarked, all of us, on how sensitive the situation is, but would the Minister consider – because we are still in May – keeping

the matter under active review or perhaps a more ... because the opportunity might arise for a much more limited programme, especially in relation to certain children and not others, in smaller groups? It is a matter, perhaps, that he may want to reflect on.

Hon. S E Linares: We will have that in consideration, Mr Speaker.

40 **Hon. D J Bossino:** Mr Speaker, the Hon. Minister is absolutely right, this is a vital programme for many children with special educational needs and, as he also rightly points out, particularly in circumstances where they have been subjected to a very strict lockdown for the last 17 weeks.

Can I ask him, when he talks about several models, what models he is considering? Can he be a bit more specific in relation to that?

45 **Hon. S E Linares:** Yes, Mr Speaker. Like I said at the end, it is not finalised yet, but I can give the hon. Member just an insight that we will be having separate groups working in different areas so that there is at least the social distancing, and we will have like a bubble, where you have the carers and the children working in a group, and that group will probably stay together
50 through the summer, so there is no contact with others and it will be in different locations where they can work. So, they will be rotating the locations but they will also be rotating with the staff. That is the sort of model we are looking at for the safety of the children.

It is important, like I said in my answer, that both the staff and the users are looked after properly. We have got to make sure that it is done in the proper manner. We are not going to
55 rush into it just for the sake of doing it, and then we have problems. We are very conscious of that fact, and that is why I said it is a model – because we have not done it before – but we are working on that.

60 **Hon. D J Bossino:** Thank you. I am not going to necessarily pin him down on a date, as I know he cannot do so, but is it at least his expectation that the programme will be up and running in July – I think it is normally in July when it ordinarily starts – everything else being equal?

Hon. S E Linares: Without committing myself, I think it is probably about that time, the beginning of July, yes.

65 **Mr Speaker:** Next question.

Q222/2020
Government rental homes –
Arrangements for repairs and other works

Clerk: Question 222, the Hon. E J Reyes.

70 **Hon. E J Reyes:** Can Government indicate to this House the date by when non-emergency repairs will be recommenced in respect of rental homes, together with details of any special arrangements which may be undertaken in order to catch up with pending works?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

75 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, at present, phase 2 of the Unlock the Rock route map allows for works within non-occupied properties, albeit with the relevant Chief Technical Officer's (CTO) permit in place, subject to certain conditions imposed such as wearing of masks, gloves, temperature checks and social distancing, if possible. This

should change when phase 3 is initiated, whereby works within occupied properties can take place, again subject to a CTO permit with the relevant conditions.

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Emergency works have been exempted from the regulations from the very beginning.

Hon. E J Reyes: Mr Speaker, thank you.

The final part of my question was does the Government envisage trying to make any special arrangements because there is a backlog, and obviously that will take a few weeks. Some of these tenants are understandably starting to get a bit impatient. Is there anything we can offer these people as a ray of hope that the works will be undertaken as soon as possible once we commence phase 3, like the Minister has just explained?

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Hon. S E Linares: Mr Speaker, we are trying to get on top of every single report. If the report is an emergency one, like I have just stated, it is seen to immediately. If the report is something that has to wait, like again I have mentioned, if they are works that are within a household where there are people in it, it would not be sensible, whether the tenant likes it or not, to have workers going into their house. So, we would rather now wait for phase 3, and again like I have said, within phase 3 we will try and catch up as many ... but again within the limits, and the limits are that construction are not working at a 100% pace.

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Q223/2020

Emergency housing allocations – Terms and conditions

Clerk: Question 223, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of any emergency housing allocations made as a result of COVID-19 lockdown consequences, indicating what terms and conditions may have been attached to these allocations?

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Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, 16 flats have been allocated to applicants on the waiting list as a result of COVID-19 lockdown consequences.

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Hon. E J Reyes: Mr Speaker, these 16 flats have been allocated because they were the next 16 due, or have been allocated in a more temporary type of measure – which is why I ended my question asking if there have been any terms and conditions that, once these things are back to normal, they have to return the flat because it was just issued on a temporary emergency basis?

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Hon. S E Linares: Mr Speaker, basically what has happened is that five flats have been allocated to the GHA for bed management – that means the people who have had to be moved from the Hospital we had to accelerate to be able to be given a flat; four flats have been allocated for Women in Need – we also thought it was necessary to have accommodation ready for people who might have issues and therefore Women in Need would be ready to take on issues that could happen in a lockdown, very important, I think; one flat was directed, due to COVID-19, to ERS for an isolation unit, to build the isolation unit; three flats were allocated to high-risk frontline workers; and three flats were allocated to high-risk living situations.

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I must add that all of them have been on the housing list and what we have done is taken into consideration COVID-19, and at times, although they might be, just as an example, fifth or sixth on the list, we have accelerated them due to their conditions and due to their problems

and due to COVID, to be able to have allocated these 16 flats. And some of them are under conditions, as the hon. Member said.

Hon. E J Reyes: So, of these 16, how many will, in the foreseeable future, be returned to Government housing for allocation to others on the list, and how many have been issued on a permanent basis? Otherwise, I may not be understanding the Minister.

Hon. S E Linares: Mr Speaker, these flats are given to people who are on the list, who have been waiting. It is not that they have not been waiting. They are on the list. That means that all we have done is, if there has been a problem, we have accelerated in order to be able to give them a flat. For example, if a woman in need ... We have tried to empty some of the places. These people are on the list, they are waiting for a flat, so we are accelerating for the needs of COVID-19.

HEALTH AND CARE

Q224/2020

MRI scanner –

Status re order and intended location

Clerk: Question 224, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, apologies for the length of this question.

On 24th June 2019, the Government confirmed that an MRI scanner should be in place by the beginning of 2020, having also confirmed that it had been ordered to deal with the 2,500-3,000 MRI scans required each year. In February 2020, the Minister for Health said in Parliament that the Government was committed to bringing home an MRI scanner and exploring all options as the location of the MRI scanner. On 19th May 2020 – last Tuesday – the Government stated that the GHA remained committed to providing an MRI scanning service at the GHA.

Can the Government now state: (i) that the Government and/or the GHA did in fact not order the MRI scanner on or before 24th June 2019, and, if it did, when that order was cancelled and for what reason; (ii) the reason for the seven to eight months' delay – namely between 24th June 2019 and before the COVID-19 crisis – to making provision for the acquisition by the Government/GHA of the MRI scanner; (iii) will the Government and/or the GHA purchase the MRI scanner; (iv) where the MRI scanner is to be located within the Hospital?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the GHA initially entered into arrangements for the provision of an MRI scanner on 6th June 2019. Studies were undertaken by the prospective supplier to find a suitable area within the GHA. This study found that the original site identified was deemed unsuitable.

Furthermore, it was recently decided not to proceed with the purchase of this scanner. The order was subsequently cancelled, on 11th May 2020, in the interest of ensuring that Gibraltar gets the right scanner capability.

The period following the placing of the order was not a delay, and in any case no predetermined delivery date had yet been agreed. The GHA's position therefore remains as stated on 19th May.

165 **Hon. E J Phillips:** So, Mr Speaker, to be clear, the Government had not at that stage ordered and paid for the MRI scanner, or at least an instalment or a deposit for the scanner. Is that correct?

170 **Hon. P J Balban:** Mr Speaker, at that moment in time ... *(Interjection)* I fear I may have lost the thread there, but –

Hon. E J Phillips: I will repeat it.

175 **Hon. P J Balban:** Yes, please.

Hon. E J Phillips: I seek clarification as to whether in fact the Government had or had not ordered the MRI scanner and paid a deposit on 24th June 2019.

180 **Hon. P J Balban:** Mr Speaker, there was a study that was carried out with the prospective company, who came over to check the potential location of the MRI scanner. It was at this point that, during that study, it was found that the area which was initially earmarked for the scanner would not be suitable because of magnetic interference. I think it was magnetic interference from things like vehicles, because it was a low level, and the interference that it could also provide. That was the reason why it did not proceed from that point, so what was started was
185 the study into the prospective location of the scanner.

Hon. E J Phillips: So, the statement made in the House as to the ordering – because they are very specific words, that the Government had ordered an MRI scanner – is incorrect. Is that right? Or can we correct the record, for the purposes of *Hansard*?
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Hon. P J Balban: Mr Speaker, the scanner had been ordered but we had not yet paid a deposit.

195 **Hon. E J Phillips:** Just to confirm, the cancellation date for the order, the Minister said, was 11th May 2020?

Hon. P J Balban: Yes, Mr Speaker.

200 **Hon. E J Phillips:** Mr Speaker, the arrangement that was put in place, who was that with – the external party outside, I assume, Gibraltar – to provide the MRI scanner? Does the Minister know the name of the company that the Government was going to order the machine from?

Hon. P J Balban: The company in question at the time was Phillips.

205 **Minister for Digital and Financial Services (Hon. A J Isola):** A horrible name! *(Laughter)*

A Member: Any interest?

210 **Hon. E J Phillips:** I am not sure whether the Minister meant the screwdriver or the other company. *(Laughter)*

Mr Speaker, is it the Government's intention to acquire this MRI scanner itself, as the Government acquired GHA?

215 **Hon. P J Balban:** Mr Speaker, not this scanner itself – obviously, it was cancelled – but as I said in the last part of the reply to the hon. Member's question, our position remains as stated on 19th May: the intention is to bring scanning MRI scanning services to Gibraltar.

Hon. E J Phillips: Whilst I appreciate that the Minister is confirming that he wishes to ‘bring home’ the MRI scanner – to use the language that he adopted back in February of this year – it is important for our community to understand that if 3,000 images are going to be taken via the MRI scanner, reassurance is given that the GHA will be the ones that are purchasing this scanner and that it will be deployed in other parts of Gibraltar. Or is this going to be acquired by a third party to provide that service to the people of our community, rather than the GHA itself?

Chief Minister (Hon. F R Picardo): Mr Speaker, that is a question on cost, and as Minister for Public Finance I think the answer is that the option that the Government is looking to secure is the one that provides the best service for the best value for money for the taxpayer. I am sure he is not encouraging us to take an option that would be less good value for money if that meant that we owned the scanner but it cost us more per scan.

Hon. E J Phillips: Mr Speaker, I completely understand that. There are obviously a significant number of scans that this community needs. I think the last count was 3,145, in the recent statement on 19th May. I just simply wanted to know whether the Government had taken a view as to whether purchasing this would be more cost effective than farming it out, effectively, to a third party that will provide this service on behalf of the GHA.

Hon. Chief Minister: Mr Speaker, the answer to that – which is a question as to whether we have taken a view – is that we have not yet taken a view but we are keen to be able to take a view which delivers that best value for money for the best standard of care possible to produce the best possible scans in Gibraltar, which I think is the key issue here, that we have taken a policy position to bring MRI scanning to Gibraltar and we must do so in the interest of the patient and in the interest of the taxpayer in the way that is the most financially efficient way to do so.

Hon. E J Phillips: I assume, for the purposes of this question, that the Government will issue a tender notice in respect of this particular piece of expensive equipment, Mr Speaker.

Hon. Chief Minister: Mr Speaker, if we were to decide to purchase a piece of equipment.

Hon. E J Phillips: In that regard, Mr Speaker, the tender notice would obviously require that the individuals providing this service to our community have the relevant experience in this aspect of medical and health care.

Hon. Chief Minister: Mr Speaker, I am conscious that we have a lot of questions on the order paper and I am happy to descend to the most minor particular necessary.

It does not for one moment enter into the Government’s potential area of action that we should in fact contract MRI scanning to people who do not have the necessary expertise.

Mr Speaker: Next question.

Q225-26/2020
Pioneer Healthcare Ltd/Group –
Introduction and relationship

Clerk: Question 225, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how the Government was introduced to Pioneer Healthcare Ltd/Group?

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

265 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 226.

Clerk: Question 226, the Hon. E J Phillips.

270 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what commercial relationship it or the GHA maintains with Pioneer Healthcare Ltd/Group?

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

275 **Hon. P J Balban:** Mr Speaker, Pioneer Healthcare Ltd was introduced to the GHA through the former Medical Director.

This company provides visiting consultant surgical services and PPE supplies.

Hon. E J Phillips: Mr Speaker, who does he mean by 'the former Medical Director'?

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Hon. P J Balban: Mr Speaker, Dr Daniel Cassaglia.

Hon. E J Phillips: Mr Speaker, as far as I understand, there is a relationship between an individual within the Health Service at the moment and Pioneer Healthcare. I know it leads on to the next question – I was wondering whether we could leave that there at that point.

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Chief Minister (Hon. F R Picardo): Mr Speaker, we are not clear that that is the case but we are very happy to receive the information if the hon. Gentleman wants to give it to us.

290 **Hon. E J Phillips:** Mr Speaker, it is part of one of the questions, I think, in Question 227, so I am just – (*Interjection*) It is probably best to wait until we have dealt with Question 226, and then we can move to Question 227.

Mr Speaker: Next question.

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Hon. Ms M D Hassan Nahon: If you do not mind, can I possibly ask a supplementary to the Hon. Minister? My hon. Friend brought up the issue of Pioneer Healthcare and I have noticed a tweet about Pioneer Healthcare, talking about how they were effectively banned from providing their equipment in the UK because they claimed that there was a lot of red tape and they did not get it through the quality control system. Can the Minister confirm why it is that this company actually made it to Gibraltar, to our standards, when it was turned away from the UK?

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Hon. P J Balban: Mr Speaker, I am not aware of any tweets whatsoever in that respect, so I have no reason to know that.

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Chief Minister (Hon F R Picardo): If she shares it with us, we will look at it.

Hon. P J Balban: Yes, if the hon. Lady shares it with us, we will most definitely look into it, of course.

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Mr Speaker: Will the hon. Lady do that?

Hon. Ms M D Hassan Nahon: Mr Speaker, of course I will, I will be happy to, but let me just say that I have no doubt that ... The Minister may not have seen the tweet, but this is an official

315 tweet from the company, so my question is: respecting that he has not seen it, believing that he has not seen it, why was it exactly that Pioneer made its way to Gibraltar? Given that it had this history, what kind of vetting did the Gibraltar Health Authority actually have, in light of the fact that they did not make it through other places, like the UK?

320 **Hon. P J Balban:** Mr Speaker, the issue with Pioneer Healthcare Ltd is something that happened before my time as Minister for Health and Care, so unfortunately I am not able to provide any more information in this regard. But as we have mentioned, if the hon. Lady is kind enough to pass us this tweet and this information we will look into this matter further.

325 **Mr Speaker:** Next question.

Q227/2020
PPE procurement –
Interests of individuals connected to GHA

Clerk: Question 227, the Hon. E J Phillips.

330 **Hon. E J Phillips:** Mr Speaker, can the Government confirm whether any GHA employee or any person connected to the GHA has a direct or indirect interest, howsoever arising, from any contract for the procurement of PPE or other supplies or equipment in relation to the Government's response to the COVID-19 pandemic?

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

335 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, yes, sir.

Hon. E J Phillips: Would the Government kindly reveal that direct or indirect interest?

340 **Hon. P J Balban:** Mr Speaker, as is the case in so many instances in Gibraltar, there are in fact two companies which have supplied PPE to the GHA and they have relatives employed within the GHA. These two companies and individuals who are related to them have properly declared their interests.

345 As the hon. Member will understand, with a workforce of over 1,100 employees it would be impossible to suggest that any such conflict may not arise naturally or to be able to assure the House that they do not arise in other cases that the Government may in fact not be aware of.

350 **Hon. E J Phillips:** Mr Speaker, am I correct in therefore analysing this in the sense that Pioneer Health Group Ltd was the company that provided PPE to Gibraltar, it was introduced by Mr Cassaglia, and there are a number of individuals within the GHA – given the size of the institution, as you have suggested – who have an indirect or direct interest within that company? Is that correct?

355 **Hon. P J Balban:** No. You are actually putting one and one together and not getting two. We are not saying for a moment that the two cases in question are linked to Pioneer Healthcare. That is why I would need to look into Pioneer Healthcare in more detail, because it is not something that I am fully aware of, because it predates my time as Minister for Health. I was talking about other companies that have some relation.

360 **Hon. E J Phillips:** How senior are the GHA individuals who do have a direct interest in supplying PPE to Gibraltar? How senior are they within the GHA structure?

Hon. P J Balban: Mr Speaker, I am not entirely sure how senior they would be. Again, I think you are pointing your finger to try and reveal who they are. I would need to look into it, to get an exact link between the two, to be able to provide an answer to that question.

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Hon. E J Phillips: Mr Speaker, forgive me for asking this question again: the Minister is not aware of the names of the individuals who have negotiated with the Government for the procurement of PPE in Gibraltar?

370 **Hon. P J Balban:** Mr Speaker, I am not aware of all of the names of all of the people who could be related to the company. No, absolutely not. I do not know how many people are related. As I said, with 1,100 employees I know there is more than one person involved in it. I do know a number of these persons, but not ... I would have to really check to see who all the interested parties are. It is not something which I would be privy to.

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Hon. K Azopardi: Let me try to understand what the hon. Member is saying. I appreciate at the beginning of his original answer he says in a place like Gibraltar there will be people who will be related to the people who own the company with which the GHA has contractual relations, but really what we are trying to understand is ... There is a difference, obviously, with those people being cleaners in the GHA and those people being very senior in the hierarchy of the GHA, that might be involved ... I do not know if the hon. Member is listening to me, sir. I will wait.

380 If I have the hon. Member's attention, there is a difference between those people being cleaners and someone who might be senior within the structure and not involved in the decision making but senior within the structure and involved in the decision making. So, really what we are asking is: is the Minister aware of the names of those companies and the kind of seniority of the person with which the company has any links?

Chief Minister (Hon. F R Picardo): Mr Speaker, it appears that they are talking about one type of relationship and we are talking about another. We would be very interested to hear what they believe is the situation and we are quite happy to share with them what we understand to be the situation, but obviously, because we are going to be bandying around names of people who are not here, it is probably fairer to do it behind the Speaker's Chair.

390 As far as we understand it, we have a situation where companies that have provided PPE to the GHA have on their boards or in their shareholding – it could be either of the two – relatives of people in the GHA, but not people in the GHA who have a direct interest in that company, except in one case which we are aware of but where the individuals in the GHA are not in the management structure of the GHA, they are in the clinical structure of the GHA and are therefore not decision makers as to procurement in any way.

400 We are quite happy to share that information with the hon. Gentlemen so that they are as aware as we are, and give them the names of the companies and the individuals – I think it is unfair to do it across the floor of the House – and they might share with us the information that they say they have, because it appears that they believe that there are other people involved, that we may not be aware of, who are related in some way. They may be wrong about that and they may be happy to be told that they are wrong about that once we have been able to go back and get that information, and they may be pleased to hear the information that we have been able to gather.

405 It is also important to say that beyond those two types of relationships and instances that the hon. Gentleman has identified and I have responded on, there are the instances which the Hon. Minister referred to a moment ago, namely that with 1,100 individuals it is impossible to know

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all of the family tree and all of the connections there may be, but outside of the decision-making capability in the GHA.

Hon. E J Phillips: Mr Speaker, I am happy with the response. Of course I would like to know the identity of those particular companies so that we can satisfy ourselves of the answer, but also it may help for us to provide you with the information that we have, particularly in relation to Pioneer Healthcare and the relationships that may have existed before that, which may impact on the acquisition of PPE. We can do that and then we can ask further questions in the June slot, which is a fast approaching in any event.

Mr Speaker: Next question.

Q228-29/2020

PPE –

Compliance with safety standards

Clerk: Question 228, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that all PPE currently in circulation in Gibraltar complies with EU Regulation 2016/425 and/or the standard referenced in the World Health Organization guidelines; and, if not, can the Government confirm that PPE in circulation meets the essential health and safety requirements and delivers adequate safety?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 229.

Clerk: Question 229, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether a sample of a batch PPE previously procured by the Government and/or the GHA or through a third party in excess of £1 million has been sent out of Gibraltar for external testing in respect to verification as to the quality of the said PPE?

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

Hon. P J Balban: Mr Speaker, I can confirm that the GHA has carried out all possible due diligence to ensure that the personal protective equipment being procured by it meets the required standard for its corresponding use. The Government is not able, however, to give the assurance requested by the question in respect of PPE currently in circulation in Gibraltar.

As part of its quality assurance process, the GHA has sent some items for external, independent validation. That is normal practice to ensure quality control.

Hon. E J Phillips: So, the Minister is not aware of a significant amount of PPE procured by the Government in respect of the fight against COVID-19 where there may be serious question marks over the quality of the PPE that is deployed to the Health Service and beyond?

Hon. P J Balban: Mr Speaker, I have replied to that question, I believe. The GHA has carried out, as I said, all due diligence, and we are looking, when something comes back to us and we

are not entirely satisfied with the quality of anything – it could be anything ... Any item that the GHA procures, if we believe it does not meet the standards then we will send out for external validation. This is what we have said. The GHA has sent some items abroad, to the UK, to a specialist centre, to ensure that the PPE is of a given standard. PPE comes in different levels of protection, from the simple surgical mask to FFP2s and FFP3s, and each has to conform to given guidelines as to risk of contracting any virus or any particle. Some PPE is useful for construction purposes as well.

We have to show due diligence and when, as a professional organisation, we feel that something may not be to a given standard, then it is in all of our interests to make sure that we validate it.

Hon. E J Phillips: I understand that, but I just wanted to know whether the Government had independently verified that the manufacturer of the PPE that is supplying it to the Government understood that it is to be in conformity with the EC regulation and indeed the WHO guidelines that have been published.

The Minister will obviously recall that there are a number of guidance for businesses and for Government in relation to high-volume manufacturers of COVID-19 ... and therefore I am just asking if the Government has conducted all the necessary checks in order to establish that the PPE so procured complies with the European standard and that of the WHO guidelines that I referred to earlier.

Chief Minister (Hon. F R Picardo): Mr Speaker, just to give the hon. Gentleman the same answer again but perhaps explain it in a slightly different way, not only have we done that which he says we should have done, in addition the GHA has a mechanism which sends out PPE, once received, to check it, once physically in receipt of it, before actually – and this is where it concerns me as Minister for Public Finance – it pays for it.

When you receive a consignment, which you have ensured with all your due diligence complies with everything, because that due diligence is remote, once you are in receipt of the actual thing you then, in some instances, send it to actually physically be checked. You do not send, as he says, a million pounds' worth of it. So, if you have received whatever it is worth a million pounds, you do not then send that on from Gibraltar to the place where it is to be tested. You send one mask, one gown, one set of gloves, etc., not £1 million of it. It is tested and it is confirmed to be the PPE that you bought; or it is confirmed to be of a slightly lower quality, in which case the amount that you pay is what you would have paid for that lower-quality PPE rather than the higher-quality PPE.

That, I understand, has been the process that has been in place for some time. It is unrelated to COVID. It is related to testing for PPE to be to the standard required. That is how it has been explained to me. It would meet the criteria the hon. Gentleman has provided for in his question and an additional layer of testing for the verification process, which is what the Hon. Minister has said in his first and subsequent answers.

Hon. E J Phillips: If I can ask one more question: it has not been the case – and I am sure it is not the case, but I have to ask it – that we have received a consignment of PPE from Pioneer Healthcare, for example, that has been delivered, found to be in conflict with the standards, the Government has paused and said, 'Hold on, I am boxing this up, storing it somewhere and sending it off for testing in the United Kingdom,' or wherever it sends it to? That is not the case?

Hon. Chief Minister: Mr Speaker, if that had been the case we would have said so.

I do not know why he has used the name of the company – perhaps he is going to give us information about that company that is going to be fascinating and we would be very concerned to hear it, but it is not the situation that has manifested itself, at least as far as we have been informed. What we have been informed of is not in relation to one company but a number, at

different stages and not just during the COVID emergency. Things are sent out for external verification. That happens either randomly or because of concern, and I do not know whether this is randomly or concern. The one he may be talking about may be one or the other.

He has talked in his question about a number. He said a million pounds of PPE has been sent away for validation and testing. He should have known when he wrote his question that of course you do not send away every mask for every mask to be tested and then brought back and used. You send one mask, one set of gloves, one gown, not a million pounds of it to a place for external verification, and before it is paid for. That is exactly the process that he and I would agree is the prudent process, the process of prudence at procurement and then the process of prudence before dispersing public funds.

Hon. K Azopardi: So, with that in mind, has the Government received the consignment that is said to be in compliance with the regulation and the WHO guidelines that it has then sent away for verification and testing and the results have come back saying it is not compliant?

Hon. Chief Minister: The understanding of the Government is that we have both received material, that we have sent that material out for randomised testing – in other words, not because there is any concern that it does not meet the standard – and that there are some consignments which have been sent out also because they have concern as to whether or not they meet the standard. That is exactly the type of two instances that I suggested in the answer to the question before would have occurred and occur all the time.

So, this is not a COVID-related PPE issue; this is the way that we always deal with PPE when it is procured, which we have been procuring under any administration, not just us. I am taking the benefit of this prudence that we apply. This may be something that the hon. Gentleman brought in when he was Minister for Health; I do not know. It is not something that we are saying is the prudent system that we put in place in 2011 when we arrived into Government. This is the process that the Health Service has been pursuing in order to ensure that the pieces of kit it gets are in keeping with what it thinks it has ordered and what it looks like it has got, those two types of instances.

Hon. K Azopardi: Mr Speaker, I think the hon. Member has misunderstood my question. I was not asking a question of process. Given the process, what I was asking is: have you had results back from that process that then advised the Government or the Health Authority that some PPE received has in fact not been compliant or quality assured?

Hon. Chief Minister: Mr Speaker, the answer to that is not yet, because that would have come to me for a lowering of the payment that would be made in respect of the PPE procured, or a cancellation of the contract, return of the goods and no payment, and neither of those two has yet come to me.

Mr Speaker: Next question.

Q230-34 and Q241/2020

COVID-19 testing swabs and reagent –

Stock levels and orders pending; storage and transportation of swabs for testing

Clerk: Question 230, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in accordance with the arrangements that have been described on both sides of the House, I will be keeping my supplementaries to any obvious

supplementaries that arise from my questions, but I would ask Mr Speaker for his indulgence in the next session if I ask further questions arising on proper analysis of this.

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Mr Speaker: You have my advance indulgence.

Hon. D A Feetham: I am very grateful, Mr Speaker. *(Interjections)* Backbencher! *(Interjections)* This is now descending into a Main Street conversation here across the floor of the House. *(Interjection)* Social distance.

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Mr Speaker, how many swabs does the Government have in stock in Gibraltar in order to allow health officials to test whether someone has COVID-19?

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

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 231 to 234 and Question 241.

Clerk: Question 231, the Hon. D A Feetham.

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Hon. D A Feetham: On its current stock of reagents in Gibraltar, how many COVID-19 tests can the Government perform?

Clerk: Question 232, the Hon. D A Feetham.

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Hon. D A Feetham: How many swabs has the Government actually ordered from suppliers and how long will it take for those orders to reach Gibraltar?

Clerk: Question 233, the Hon. D A Feetham.

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Hon. D A Feetham: How much reagent has the Government actually ordered from suppliers, and how long will it take for those orders to reach Gibraltar?

Clerk: Question 234, the Hon. D A Feetham.

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Hon. D A Feetham: How many tests will the Government be able to perform with both the swabs and reagents that it has ordered from suppliers in order to replenish current stocks in Gibraltar?

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Clerk: Question 241, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government satisfied that the COVID-19 swabs sent outside of Gibraltar for testing are stored and transported adequately?

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

Hon. P J Balban: Mr Speaker, the number of swabs in stock, as at the date of drafting this answer, was 25,385.

With its current stock levels of reagent, the GHA could carry out 53,898 tests.

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The GHA currently has an additional 35,000 swabs on order and these are expected to arrive within the next four to six weeks.

The GHA has also ordered enough reagent from suppliers to carry out an additional 42,000 tests via the different assay platforms available to it within its laboratory. Supplies of reagent are received weekly.

605 With the current orders placed, the GHA would be able to perform a further 35,000 tests.
In answer to Question 241, yes, sir.

Hon. K Azopardi: Can the Minister indicate when the GHA would expect to get to the kind of testing that is indicated in the Unlock the Rock document? In other words, it was indicated that there would be at least 300 tests a day – does the Minister know when the programme will be ramped up to that level, or higher than that, which is what the document indicates?

Hon. P J Balban: Mr Speaker, the rate of testing is something which falls under Public Health. They are responsible for the testing and the rate of testing. The aim is for us to be able to test 300 a day, but I am not entirely sure as to what our position is today in that respect.

Hon. K Azopardi: So, if I understand from the answer the hon. Member has given, it is not that the decision on the numbers of tests is not driven by the GHA, it is driven by another Department, by Public Health. Is that right?

620 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I am happy to assist; we work very closely together in this.

Clearly Public Health Gibraltar has grown in response to the COVID crisis. The current capacity of the laboratory that has been set up at the University of Gibraltar is approximately 300 tests a day. There is a possibility of increasing that, with additional equipment, to 600 a day. At the moment, what we are doing is targeting frontline workers and, depending on the areas, they are being tested either once every four weeks or once every seven weeks. The programme started just a few weeks ago. We do not yet have an indication on when we would finish this. This is an ongoing thing.

We must not confuse this with the planned testing for antibodies, on which my hon. Friend has a question later, and that is the one where we will be targeting the whole population.

Hon. K Azopardi: Mr Speaker, I am not confusing that, and I appreciate there is a distinction between them. I am just looking at the Unlock the Rock document, which suggests that there would be testing of around 300 a day, so I am asking ... I appreciate that there has been an increase in testing, but since the Unlock the Rock document was published, on no day have there been 300 tests done.

Hon. P J Balban: Mr Speaker, the hon. Gentleman who is responsible for public health has alluded that 300 tests are potentially being done per day and this can go up to 600, and the hon. Gentleman will be in a better position to assist, if necessary.

The potential is there, as far as I am aware, to carry out up to 300 tests per day. The way that this testing is being organised, in terms of the trials that are going on, if there are not 300 subjects to swab within certain cohorts, that might be the reason why we may mathematically not be getting to the 300 a day which has been expected as a result of the Unlock the Rock document. What I am saying is that the potential is there, but because of the line of testing with the groups of the testing, we may not be hitting 300 for that reason. Yes? And that has been confirmed now by the Minister with responsibility for public health.

Hon. K Azopardi: Mr Speaker, the hon. Member is confusing capacity with what the document actually says. The document says two things. It talks about capacity, but it also says in a Key part of it that the Key to this, I am actually quoting:

The Key to this is:

- Screening a large number of asymptomatic people (aim to start with 1% of the adult population to be swabbed per day ~ 300 swabs per day).

625 So, the document very clearly indicates the aim to test 300 a day and I am asking the hon. Member – it is not about capacity, it is a very clear aim – when will the GHA be testing 300 a day, because since the publication of the Unlock the Rock document, and on our tracking of the tests, there has never been a day where the GHA has tested more than 300.

630 **Hon. Prof. J E Cortes:** Mr Speaker, again if I may assist, the intention is that we start off by testing frontline workers and that is what we are aiming to do. We are aiming to start a programme, and it only started, I think, the week before last when we set up the laboratory up at the University. There is a time in order to reach these targets. For example, if there are about 400 teachers, I think those 400 teachers are swabbed within a matter of days and probably at
635 least 300, or close enough, would have been dealt with there. If we are looking at care workers, then obviously it is a question of organising it. We do not go around saying, ‘How many are we short: 300.’ We are targeting different groups with the potential of 300. We will ramp this up, once the laboratory is established and when the systems are well settled down, with the intention of reaching those targets, but do remember that two weeks ago we did not even have
640 that laboratory in existence.

Hon. D A Feetham: Mr Speaker, just arising out of the answer that the hon. Gentleman has given to my hon. and learned Friend the Leader of the Opposition, how many frontline workers are we talking about? Has the Government done that assessment so that we may know when
645 the Government then intends to proceed – and I assume that the Government then intends to proceed – to testing of the wider population in accordance with the Government’s policy of testing, isolating and contacting people who have also been in contact with those that are infected, so that we better understand how this is going to be developing?

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, perhaps I could assist. There are two types of testing that are being undertaken. There is the –

Hon. D A Feetham: The question is next on the order paper.

Hon. Miss S J Sacramento: Yes, but I am setting the context so that you understand my answer.

There is the diagnostic testing that is undertaken by the GHA when someone calls 111, and that is someone who presents as symptomatic. But then there is the separate testing that is undertaken by the Public Health lab, which is targeted testing of people who work in the front line. The way that they operate it at the moment, and as my hon. Friend Minister Cortes just said, is a lab that was set up only a matter of weeks ago.

Depending on the cohort of frontline workers who are being tested ... will depend on the number of tests that are undertaken at that time. Say, for example, there is a specific area of frontline workers that the Director of Public Health will directly test that day, it will be co-ordinated with the number of tests that can be undertaken by the machine in a specific time. So, if people are swabbed, the tests are taken to the lab and are processed usually within a four-hour window, and then they will use that period of four hours to potentially go and test another cohort of frontline workers so that the swabs are being taken and then they can be processed by the machine. They will arrive back at the lab by the time that the machine has completed its testing of the first lot of tests. That requires a couple of shifts of scientists at the lab to be able to undertake these tests.

The aim is, of course, to be able to test as many of the frontline workers as possible, and that is the targeted testing, but going on to the last part of your supplementary, where you ask when we are going to test the whole population, at the moment the strategy in terms of this testing is it will be targeted testing of people who work in the front line. Obviously we are always guided

by our Public Health advice. The definition that the Director of Public Health has given us in terms of what a frontline worker is, is someone who comes into contact with in excess of 90 people a day, so it is not an intention that this targeted testing of frontline workers is swabbing that will be undertaken by the whole of the population.

Hon. D A Feetham: Maybe it is a mistake on my part, but I have always understood that the Government is now going to move into a phase in its fight against COVID-19 where it is going to be testing for the antibodies – there is a question on the order paper that we will get to in a moment about that – but also is going to be testing for whether you have the disease, a different type but you have the disease, but not only frontline workers, the entirety of the population. In fact, I was gladdened by the answer that the Hon. Minister gave in terms of our preparedness, in terms of the number of swabs and the number of reagents that we have, because it indicated to me – that is why I did not ask any supplementaries – that we had the capacity to in fact undertake that venture to test the wider population.

650 Now the hon. Lady is appearing to say to us that the intention is not to test the wider population, and I am just slightly confused by the answer because my understanding has always been that the wider population was also going to be tested.

Hon. Miss S J Sacramento: Mr Speaker, the supplementary question was in relation to the targeted testing of frontline workers. The targeted testing of frontline workers is exactly that, people who work in the front line, and we have the capacity and indeed the plan to continuously swab people who work in the front line. Depending on where in the front line you are ... will depend on how often you are swabbed. If you are a frontline worker in the health sector then your ratio is one in four, so you will be swabbed every four weeks. If you are another kind of frontline worker then your ratio is one in nine and you will be swabbed every nine weeks. So, we have the stock to be able to continue testing during this phase. Obviously, at the moment our priority is to test people on the front line, because potentially people on the front line are more exposed to contracting or to spreading it. So, in terms of being able to identify that the virus is there and therefore contain it, our priority and the strategy is in relation to people who are in the front line.

665 In addition to that, because that is a strategic testing of people in the front line, and in addition to the diagnostic testing, which is going back to my first answer to the supplementary, we have the Track and Trace Bureau, and that is what will enable us to manage to be able to continue going forward, knowing that the virus will be prevalent. The Track and Trace Bureau is again a different kind of testing strategy. That will be triggered by someone who has a positive result, whether the positive result is as a result of calling 111 because you have symptoms or a positive result arising from testing of people who are in the front line and who are asymptomatic. Then the people who are in charge of the contact tracing bureau will contact them personally and try and identify who they may have been in contact with, and then there is the standard advice and the standard procedure that people need to isolate and their family members need to isolate.

I hope that has clarified the position.

Hon. D A Feetham: Yes, it has certainly clarified what the Government intends to do in relation to frontline workers. What the Government is essentially saying is if there are 5,000 frontline workers it is not a question of testing all those 5,000 and then moving on to the population; it is a continuous process in relation to frontline workers because of course they are continuously potentially exposed to the virus and to the people that they care about. That, I understand.

685 What the Government has not answered is: when does the Government expect to turn towards the testing of the wider population, not in relation to the antibody test but in relation to the test as to whether somebody has COVID-19? I am asking in the context not of somebody

who presents the symptoms; I am asking in the context of random testing, because it does appear that the Government – and I congratulate the Government for it – does appear to have sufficient swabs and reagents in order to be able to do that. Certainly from this side of the House we have taken the position, from a very early juncture in relation to this crisis, that that was the way forward. The way forward was to test on a random basis and as many people as possible from the population at large.

Hon. Prof. J E Cortes: Mr Speaker, I think the answer to that is as and when the system allows. We are starting with frontline workers. From the statistics that I have, over 3,000 swabs have already been taken from frontline workers in the space of a couple of weeks. We have to get that in the system. We have to set the system to make sure that we tackle them either one week in four or less frequently, and superimposed on all that will be the more random – and I use the word with great care – testing of the population.

In looking at the statistics, yesterday our total swab figure was 6,859, and today 7,073. That is 214 in a day. I do not think we are going to be counting exactly 300, but it shows the capacity and it shows the intensity of the work, and we have to marry both systems as we develop the system fully.

Hon. Miss S J Sacramento: And be strategic about it.

Hon. K Azopardi: Yes, that is true, 214 in a day, although there have been days when ... A couple of days ago there were 65 and the day before that 32.

Can one of the Ministers help me in terms of process? Minister Sacramento very helpfully was indicating process. There was an interview done. See if I can understand this in terms of the test, and it may be that the Ministers are not aware and therefore cannot give me that information today, but in an interview with GBC, Dr Cortes, who I understand to be the consultant who has been engaged by GHA to work with GHA, was talking some weeks ago about a test, the LAMP test, that was going to be used. I am not sure if it is still the same test that is being used, but assuming that it is, he talked in that interview about there being a sort of first round, where you test, and if it is positive well then you have got to accept that result, but in the case of a negative result you cannot just leave it there, you have got to have a retesting round, a sort of second-tier process, because there may be some false negatives.

Are Ministers aware? Can they assist the House in terms of whether that test is still being used; and, if so, give comfort to the House as to whether the second-tier review is being done?

Hon. P J Balban: Mr Speaker, I would need to find out the specific reply to that question, but the way that I see it – if I can at least share how I see it – the LAMP test, which is the OptiGene test, which is the one that we have used for screening ... we have the potential for 50,000 tests to be carried out. Initially, if I am not mistaken, a positive test certainly meant a positive, whereas there was a margin for error, some standard deviation of error, whereby a negative could not be relied upon totally, 100%. It was very close to being very precise but had to be retested. Again, if I am not mistaken, that has now been adjusted and the tests are being carried out to ensure that the accuracy is as close to 99.9% as possible. That is my understanding, and I would like to assist the hon. Gentleman but I would not like to be held to that and I will endeavour to find the exact reply to that question.

Mr Speaker: Next question.

Q235/2020
COVID-19 antibody tests –
Number of tests acquired and source

735 **Clerk:** Question 235, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, has the Government acquired a supply of COVID-19 antibody tests; and, if so, how many tests has it acquired and who is the manufacturer and/or supplier of those tests?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the GHA has to date ordered a total of 55,000 tests from Abbott Laboratories and DiaSorin.

745 Beckmann also provide tests that are now FDA approved but do not yet have CE approval. Once that approval is received, which is expected sometime in mid-June, we will place an order for which we are already on a preferential waiting list.

750 **Hon. D A Feetham:** Mr Speaker, when did the Government put in the order and when does the Government expect to receive the antibody tests?

Hon. P J Balban: Mr Speaker, I am looking through my notes, as provided by my staff, to see whether I have the date of order. I am not entirely sure when the orders were placed.

755 As I said earlier, the Beckmann have yet not been ordered because they are pending FDA approval, but once that happens our order is already in place there. *(Interjection)* Yes, but they need CE approval. They now have FDA approval but not CE approval. Our orders are already in place because we have a preferential position on that wait list. Once it is classified as CE, then we will receive them.

760 The other tests have been coming in sporadically. I believe the tests have a short shelf life. We cannot amass huge amounts because of the shelf life, and they have been coming in batches. I believe that these batches have been in units of around 5,000 a go, so there are a number of order dates and I think there is a constant order of 5,000 every x amount of time.

765 **Hon. D A Feetham:** Okay, Mr Speaker, he does not have the information as to when the order was placed, but I also asked when are these antibody tests expected to arrive in Gibraltar. As I understand it, the answer he has given is that there are two separate manufacturers of the antibody tests that have been ordered. How many are in the jurisdiction, are in Gibraltar, how many are we expecting and when can we expect to receive those? Those are the types of answer that of course those of us who ask on this side of the House are interested in.

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Hon. P J Balban: Mr Speaker, as far as I am aware, we have already been receiving orders for antibody testing. We had the privilege of going into the laboratory recently with the Chief Minister to see how these were developed and how they were used. What I am not entirely sure of is what we have in stock at the moment of the 55,000 that we have ordered. There is a stock of these tests in Gibraltar, but again I do not have the exact number at the moment.

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780 **Hon. D A Feetham:** Mr Speaker, could the hon. Gentleman undertake to ask his staff for the answers to my supplementaries: when these tests were ordered, what exactly we have here in Gibraltar, how many of these tests are we still expecting, and which manufacturer does it appertain to? I would be very grateful if the hon. Gentleman could obtain that information and send it to me by email, and then we will analyse it internally as an Opposition, and if anything arises next time round we will ask it. Could he give that undertaking?

Hon. P J Balban: Mr Speaker, yes, certainly I will endeavour to provide the information the hon. Gentleman is requesting.

785 As I have said and you have mentioned, Abbott and DiaSorin are the ones that we have got approval for and the Beckmann is the one that we will receive, but I am happy to provide that information.

Hon. D A Feetham: Mr Speaker, I apologise for so many supplementaries, but I do believe 790 that on this it is absolutely necessary.

In relation to these antibody tests the Government may have 5,000, the Government may have 10,000, we do not know, but when is the Government intending to start essentially testing the population at large for antibodies of the COVID-19 virus? It appears to us certainly that this is of fundamental importance in the fight against the virus and we would ask: when does the 795 Government expect to be testing the population?

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the science is developing all the time but it does take a number of weeks or months for certain antibodies to develop and therefore having a serological test too soon after an 800 infection may not be reflected in a positive because you do not have enough antibodies to be picked up. So, there is a time lag and the science is constantly being reviewed. Obviously, whatever the advice of the science is at the time that we receive it, that is the time when we have to estimate to start, because if you do it too soon, as the Chief Minister has intimated, you would be throwing the money away.

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Hon. D A Feetham: Yes, I understand that essentially, for viewers who are listening, what the hon. Gentleman appears to be saying – he will correct me if I am wrong – is that it may take a number of weeks or it may take a month for the antibodies to develop within the body, and therefore somebody who has had the virus in this month will not test positive until June and it is 810 a question of really picking and choosing the right moment to start testing.

On the basis of the advice that it has received at the moment, when does the Government expect to be able to start the testing of the wider population?

Hon. P J Balban: Mr Speaker, we will take advice from the Director of Public Health as he is in 815 the right place to tell us. As my hon. colleagues have been stating, at the moment, if we look at the positive cases in Gibraltar, which are around 150-160, if that were to be the entirety of our infectivity, imagine if we did 30,000 tests: they would all be negative and you may even find that a big proportion of the ones that are positive may not have developed antibodies to that infection anyway, so of 150 you may get the impression that only 30 people are immune.

820 So, there is a timescale, and obviously as we continue with our systems in place to test frontline workers we will pick up more people and at that point then we need to give ample time, which I think is around six weeks post infection, for there to be an IGG response, which is the response that we get following the IGM response, which is the acute response which you are picking up in the swab. A swab is a photograph of one moment in time, which can be positive or 825 negative. You could have a negative today and someone could become a positive the day after. That is the IGM, but the IGG response is one where the body has created its antibodies, and those will not show through until at least six weeks post infection.

So, for us to use a battery of antibody tests at the moment in massive scale would literally throw this investment away – 29,800 negatives would be an awful waste of resources, so we are 830 waiting for the Director of Public Health and Public Health advice to give us the go-ahead when they believe it is the appropriate moment to undergo these tests.

Hon. D A Feetham: Mr Speaker, I get that and I understand all that, but the reality of the situation is that we are a victim of our own success, are we not? Here, if we only have 10 active

835 cases at the moment and we have only had 140 or 150 cases in the last two months, by parity of reasoning the answer the hon. Gentleman is that we will only start the antibody testing when we have had an epidemic in Gibraltar.

Hopefully that is not the position at the moment and hopefully it will continue not to be the position, but there is also a valid reason why you might want to test for antibodies at the right moment – and I accept it may not be now, it may be in a month or two months' time, I accept that, but there is a valid reason for testing for antibodies because in actual fact the infection may not be limited to those 150, the infection may be 2,000 or 3,000, of which a lot of people have been asymptomatic and there is a value in testing people so that we actually know the spread of the virus within the jurisdiction.

845 I accept it is a question of timing, but surely the Minister would have sat down and had a conversation with Public Health officials, where Public Health officials would have said to the Minister, 'I expect that the appropriate time to test may be in a month's time', or a month and a half, or two months. That is what I am trying to obtain more information from the Minister about.

850 I think the Chief Minister is going to answer that.

Chief Minister (Hon. F R Picardo): Yes, especially on the point of parity of reasoning, where the hon. Gentleman seems to be disappointed that we have not had more infections in Gibraltar and indeed seems to be suggesting that we might have gone for a strategy of herd immunity, although I hesitate to say those words with the hon. Lady in the room – I do not want to upset her any further.

Mr Speaker, let's be clear. The hon. Gentleman is getting the same answer over and over again but he does not seem to want to leave it there, although we are going to find it very difficult to get through all the questions today if we do not. What we have been told by the Director of Public Health and the public health professionals is not yet. Not yet is the advice we have received and it is not that public health epidemiology admits of the sort of forensic certainty that the hon. Gentleman seems to think it is possible to have. It might be in other jurisdictions, if he is drawing a comparison with places where there have been greater levels of infections. It might be that the level of infection in Gibraltar is found to have been higher than the number of swabs we have had returned positive, because we have all been told that one of the potential calculations to carry out is to multiply by 10 the positive test results received because that may be the number of asymptomatic people in the community. But we are not finding that in the frontline random testing. The hon. Gentleman has to remember that: we are not finding in our random testing that the numbers of the resident community are to be multiplied by 10. We are finding a factor of positives in respect of the non-resident community on the front line, but none in the community.

There may be many different epidemiological reasons for that, which we do not yet understand. Indeed, this may be one of the issues that only anthropology is going to give us an answer to, and that will be very far in the future, but the advice that we have – not from a senior silk like him, with a forensic mind that is trying to get to the bottom of the detail of this in a way that is like a binary yes or no answer, but by a man who is a professional in his field, which is the relevant field, not the law ... that the answer is that they are not yet able to give us the date when they believe that we should start this process as a rollout to the whole community but that is likely to be during the course of this calendar year, probably towards the end of the summer, which is why, given the questioning he was doing before, I do not think that there is that level of importance that we do or do not have 4,330 Beckmann tests and 2,000 of the other tests etc. today, because we do not need them today and it would be a waste to deploy them today – so we are advised by the public health professionals, but I have no doubt that he will have a different legal view, although he will understand that we will take the Public Health one.

885 **Mr Speaker:** Next question.

Hon. P J Balban: Mr Speaker, I am going to answer because I have received the information that the hon. Gentleman was requesting.

890 It has just been confirmed to me that both the DiaSorin and the Abbott tests were ordered at the end of March and that they had both arrived two and a half weeks ago. In anticipation, we have already got the stock and really we are ready to press the button once we receive the advice to do so.

Mr Speaker: Next question.

Q236/2020

**Impact of COVID-19 emergency on the disabled –
Disability Society concerns**

895 **Clerk:** Question 236, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how does the Government intend to address the concerns expressed by the Disability Society?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the Disability Service is following Public Health guidance and the unlock measures as indicated in the Unlock the Rock report, much the same as Elderly Residential Services.

905 The Care Agency is currently preparing protocols in order to reintroduce family visits whilst ensuring social distancing and infection control measures are adhered to.

As has previously been announced, the Care Agency is also currently actively exploring local amenities that may be suitable for the use of those with disabilities during the summer months.

910 Care levels have been maintained by extending locum employment contracts as an interim measure during this pandemic.

Hon. K Azopardi: Mr Speaker, is the Minister in a position to inform the House as to when visits by family will be permitted to Dr Giraldi? There have been discussions and I think a date even announced in other institutions. Is there not a date in mind for Dr Giraldi, especially given the users there and the fact that because of their disabilities they may be perplexed at not being able to see their families?

920 **Hon. P J Balban:** Mr Speaker, the return to visiting within the Dr Giraldi Home follows on similar lines as the GHA. In fact, I understand that it will run slightly behind that of the GHA because of the vulnerability of this group. It is the intention, obviously, to try to reunite these residents with their families as soon as possible but we do have to take into consideration the vulnerability.

925 **Hon. K Azopardi:** So, the answer is the Minister is not in a position to indicate a specific date in mind, or is in a position even though there might be a slight time lag?

930 **Hon. P J Balban:** Mr Speaker, no. In fact, there already has been a start. There was some visiting last Saturday. We are running slowly. What we cannot provide is full reintroduction of visits. As far as I am aware, and again I will need to check to be entirely sure but I think up to one visitor wearing PPE will be able to visit. That commenced just a few days ago, but that will take some time and it will follow the Unlock the Rock advice for the GHA.

Hon. K Azopardi: I am grateful. Can I ask the Minister to take an interest in the issue – I am not suggesting he is not, but to take a special interest – because some of the residents of Dr Giraldi are ... if I may describe them as non-verbal. In other words, they cannot explain what they feel necessarily, and therefore I think it is important to treat them as especially vulnerable people. Therefore, if the Minister tries to expedite his work in that regard ...

Can the Minister also assist in saying whether there will be special provision for disabilities on the beaches and so on?

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, if I can assist in relation to the question of Dr Giraldi, because I have been working with my friend the Hon. Minister for Care, and the Office of Civil Contingencies is involved in the de-escalation of the lockdown and in particular to residents of Dr Giraldi Home and the satellite flats.

The hon. Member opposite can rest assured that the management and the staff of the Disability Service of the Care Agency are very passionate indeed about the service users and equally protective of them, and they have provided a very detailed plan as to when different contacts may be made available. I have a draft plan and because it is not the final plan and I am not sure whether the dates have shifted I cannot confirm any particular dates, but what I can confirm is that I have a very long, detailed plan because the management want to ensure the safety of all the service users.

In relation to people with disabilities going to beaches, can I first of all say having a disability does not necessarily automatically make somebody vulnerable? What we are doing when we look at arrangements that we are making during lockdown is to protect people who are vulnerable, and whereas some people who have disabilities may be vulnerable, not everyone who has a disability is vulnerable. What we are undertaking are two exercises. We are looking at people with disabilities who are vulnerable, to make sure that they are catered for and protected. And on the other hand, because some of the locations that we are looking at to protect other vulnerable people may be in locations which we have built, and because our policy has always been to make premises as accessible as possible, it means that since we have either modified or built these areas they have been used and they have been very popular and used a lot by people with disabilities. What we do not want to do is, in order to protect a particular bubble, take away an area that is accessible for people who may not be vulnerable, but for people to enjoy a place because it is easy for them to use because of their disabilities. We are trying to cater for both and balance both, so that both are protected and not excluded.

Hon. K Azopardi: And then finally, if I may, on this issue – not on this issue but on the question – the Disability Society also raised issues of continuity of employment of carers, which I understand is a longstanding issue of discussion that they have raised and may not necessarily be a COVID issue but of course it can be exacerbated by COVID because if family is not able to visit and you have a big turnaround of carers it tends to exacerbate the relationship that the vulnerable have with the carer they have grown attached to. Is the Government alive to those concerns that the Disability Society have raised? And what is its thinking in trying to address that?

Hon. P J Balban: Ms Speaker, yes, we are alive to that. COVID obviously has been part of the reason for this, but the individuals who are working there, some of their contracts are being covered because of long-term absences – for example, long-term sickness, maternity leave – and others are covering vacant positions, and that was on a temporary basis. So these were not people who were employed but were covering. Obviously what has happened with COVID to exacerbate the issue is that we have not been able to fill these vacancies, but in consultation with the unions as well because they are working with us on this issue and for fairness they expect that there will be an established, fair and transparent recruiting process.

It is not a question of someone coming in to cover a maternity leave or to cover a sick leave for a short period of time. I understand that they integrate with the residents, they bond, they become accustomed, and that is a difficult tie to break, but that would be really getting someone in without a recruitment process. That is something which we have spoken to the unions about and they have shared and expressed a concern. So, we will look at fair recruitment to avoid any potential discrimination in that respect.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can take this opportunity to ask, now that we are asking about different measures for people living with disabilities ... I have been asked by one mother in particular, who apparently has been writing but has not had a reply yet as to whether the Government is considering allowing the GSLA pools to be used by people with disabilities – children and adults, I believe.

Thank you.

Hon. P J Balban: Mr Speaker, there are number of amenities that are actually being looked into to provide inclusive access for all. These obviously, now and during the summer period, will include the beaches, but it also includes the GASA swimming pool. Commonwealth Park is already quite accessible and Europa Point. And in this regard, the Care Agency is working closely with the GSLA.

Hon. Ms M D Hassan Nahon: It was a specific answer about whether they are looking seriously at giving time to these children and adults to use the pools in particular.

Chief Minister (Hon. F R Picardo): But this is a specific answer, Mr Speaker. Yes, and that is what the Minister said.

I am surprised that people feel the need to put those questions, in this House in particular. I can understand why members of the public might feel that it is necessary to write in, in particular those with children with disabilities or adults with disabilities in their family who are concerned about the summer months, but Members of this House will know that I have already said on a number of occasions that that is the case and that we were looking at the facilities that were going to be made available, therefore positively already setting out that that was going to be the case.

It is a question of announcing which and when, because this year we have the additional concern to also be able to try to provide – and it is a balance, between all of the competing interests, which the Government will have to strike – a facility for those who are over 70 and may wish to go for a swim at some time and who still want to continue to follow the Government advice not to be mixing more generally if they can avoid it. I am sure that there are some over-70s who I could not entice to the Europa pool if I tried, but there are some others who will be deprived of their usual annual sojourn on our beaches and we have to balance that competing interest of providing an alternative area for them and an alternative area for those with disabilities.

The Government is very alive to that and we have been alive to that from the beginning. When I announced the issue of the over-70s I also announced that we would be dealing with those facilities necessary for those with disabilities. I am sure that all Members of this House would have heard what I had to say.

Hon. Ms M D Hassan Nahon: Thank you for that answer.

Will the Chief Minister or the Minister for Health be able to give us any idea of by when they might roll out a schedule, by when they will be ready to announce something?

Hon. Chief Minister: Yes, Mr Speaker, of course, because those are issues relating to the bathing season – in time for the opening of the bathing season.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Chief Minister can correct me if I am wrong but I did not think that using swimming pools or helping people with disabilities, therapy-wise, to use swimming pools had to come under the bathing season, given that the pools are indoors.

1040 **Hon. Chief Minister:** Mr Speaker, the hon. Lady is asking about the facilities that we make available in the summer months and we are going to make them available in the summer months in the way that we have said that we will.

1045 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was not referring to the summer months; I was referring to when the GSLA pool would be available to help people with disabilities in terms of their mobility and issues like that, that I had been asked by a parent that it helps and when would that be ready.

1050 **Hon. Chief Minister:** Mr Speaker, if the hon. Lady is not asking about the summer months then her question is about the general availability of facilities, which the GSLA will make available as soon as it is safe to do so. That is unfortunately, at the moment, part of the process of how long is a piece of string. The Government is not wishing to string out when we make those announcements or when we allow people to have that access. We are simply trying to do so in a way that all parents of people with disabilities will understand is the way we must do so,
1055 namely when we are not putting them at greater risk by the use of the facilities than we are by depriving them of the use of the facilities.

Mr Speaker: Next question.

Q237-38/2020

Pandemic-related mental health issues – Plans to support sufferers

1060 **Clerk:** Question 237, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how will the Government address issues of mental well-being caused or exacerbated by the COVID-19 pandemic in terms of social isolation, over-reliance on technology, lack of human contact and any consequent rise in issues of anxiety or depression?

1065 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 238.

1070 **Clerk:** Question 238, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have any concrete plans to boost mental health support and facilities post-COVID-19 and as a result of the mental health effects of the crisis; and if so, what are they?
1075

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

Hon. P J Balban: Mr Speaker, the Government has already carried out a study which looks into the potential impact the COVID-19 lockdown may have had on the mental health of our

1080 community. That study will form the basis of the Government strategy to address pandemic-related mental health issues.

Mental Health Services have already introduced new ways of being contacted during the crisis, which have allowed for members of the public to access direct advice on how to maintain both their physical and mental well-being. These services will continue post the COVID-19 period
1085 for as long as necessary.

As the provision of mental health services gradually returns to normality, we will see the re-introduction of face-to-face contacts where possible, together with a number of innovations that are currently being explored in order to improve the manner in which support and advice is offered to service users and members of the general public.

1090 In addition to this, the GHA has secured the services of an additional consultant psychiatrist, extra nursing staff, and the Mental Health Liaison Service at A&E has been extended to operate 24 hours a day.

Hon. K Azopardi: Mr Speaker, a couple of questions, if I may. I will just roll them up, and that
1095 way it is probably quicker.

When the Minister says that the Government or the GHA has carried out a study on mental health impact, does he mean that there is a specific document? And, if so, would he be willing to share that document with the Members opposite, with the Opposition? (*Interjection*) I will ask the questions and then ... I was just waiting to have your attention on the questions.

1100 So, if I may, the questions: (1) is there a document, and if so will you share it; (2) whether or not there is a document and, because you have carried out the study and obviously we are still in the first phase, will there be an active review carrying on, extending that document or carrying out supplemental documents; and (3) because this is an area which is so sensitive, unless the Minister can assure the House that you are going to reintroduce face-to-face contact
1105 soon, would the GHA consider the use of videoconference, like Zoom or something like that, to replace telephone consultations, because seeing a person with mental health issues might actually be quite relevant to the people who need to conduct the support?

Hon. P J Balban: Mr Speaker, there has been a study conducted and there is a document. I
1110 am not entirely sure whether that document is something that we would be able to share, but I will most definitely look into that study and if it is something that can be shared it will be shared. On the back of that of that document I think every document or every piece of work will need reviewing, just like our Unlock the Rock document is being renewed, revamped and reinvigorated. Obviously it is something which must be fluid, and we will have to take the expert
1115 advice and see how we can build from that.

As regards the face-to-face contact, I was under the impression that iPads have been used within the facilities to be able to allow that contact, but having asked that direct question obviously now I will need to make sure that is the case, but as far as I am aware iPads were donated throughout and I am pretty sure that there have been online web contacts with family
1120 members.

Hon. K Azopardi: Sorry, I was not asking about that. I think the hon. Member has misunderstood. I am not asking about whether iPads have been donated to residents, say to contact family members. What I was asking is, as I understand it, users of mental health services have had face-to-face consultations with doctors replaced by telephone consultations, and what
1125 I am saying is: is it not an idea, unless you can replace face-to-face consultations very soon, for those users of mental health services to be seen, albeit by video link, by the doctors, because in an area such as mental health seeing the patient might actually be relevant to the diagnosis?

1130 **Hon. P J Balban:** Mr Speaker, at the moment, as part of the service being provided, there are face-to-face consultations via video link. That is happening as we speak. Not only are there telephone messages but also the visual link with the doctors.

1135 **Ms M D Hassan Nahon:** Mr Speaker, I ask the Minister to forgive me if I have missed in his official answer ... I cannot exactly remember if he has mentioned this, but if he did not is Government planning to run a campaign to make people aware of the mental health services they are going to be putting out there, so that people understand and know what resources they can go to?

1140 **Hon. P J Balban:** Mr Speaker, I believe that the services are being promoted and I think they are established and known, but if there is a need to bring this to the attention of a wider part of the community we have absolutely no issue with that whatsoever.

1145 **Hon. Ms M D Hassan Nahon:** And how would the Ministry assess if there is a need or not? Are they asking people for feedback? How are they going to assess whether we need to make more widespread the knowledge that there are resources out there?

1150 **Hon. P J Balban:** Mr Speaker, at the moment there are a number of services in place that are working extremely well. For example, there is a 24-hour liaison service and they are providing advice and follow-up appointments. There is the Community Mental Health Team, who have also increased their telephone and messaging with patients.

1155 There are a number of innovations also currently being explored and these would have to be made public so people will be aware of what is coming. As an example, two innovations that are being explored are additional support in psychological services and we are also looking at an increase in outreach support. In fact, it was during the COVID crisis that we set up an outreach service within one of the units because what would happen before was people could come in and seek that advice, which has been extremely important. With COVID, unfortunately we were not able to, so it was replaced by a telephone service, which was extremely useful and found very useful by people who were struggling as a result of the lockdown itself and the stresses that
1160 brings within the close family environment.

What I am saying is that any services which are new, if there is a need to promote the services we will most definitely look at it, but I will take this back to my staff and see how they are bringing this to the information of the community, and if I feel that is not adequate or it can be improved by all means it will be considered and done.

1165 **Clerk:** Question –

Mr Speaker: Sorry, a few things, just to remind you we need to speed up the process because we are pretty much delayed.

Q239-40/2020
Dental practices –
Support offered by Government

1170 **Clerk:** Question 239, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm that they will support dental practices in procuring PPE for them, given practices' current restrictions in obtaining PPE from their own standard providers?

1175 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 240.

1180 **Clerk:** Question 240, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm the level of support it is giving to local dental practices so that they can practise fully?

1185 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Hon. P J Balban: Mr Speaker, we have been supporting private dental practices, like so many other businesses, in various ways during the pandemic.

1190 Private dental practices have been given the contact details of PPE suppliers used by the GHA so they are able to purchase exactly what they need or want, depending on the type of dental work carried out and in accordance with the current Public Health advice.

Additionally, we have supported private dental practices by ensuring they have readily available Public Health advice and have been included in the targeted swabbing programme for their staff.

1195 I want to thank the Gibraltar Dental Association for their excellent co-operation with the GHA and their adherence to the BEAT COVID measures. The members of the GDA provide an essential service to our community and we have and will continue to work with them as we emerge from this situation.

1200 **Mr Speaker:** Next question.

Q242-43/2020
Addiction –
Resumption of residential treatment

Clerk: Question 242, Ms M D Hassan Nahon.

1205 **Hon. Ms M D Hassan Nahon:** What plans are in place, other than remote contact, with counsellors of the Drug and Alcohol Rehabilitation Team to deal with individuals who are suffering from more serious health consequences of addiction, for whom residential treatment is the only viable option?

Clerk: Answer, the Minister for Health and Care.

1210 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 243.

Clerk: Question 243, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Mr Speaker M D Hassan Nahon:** At what stage are the plans for the reopening of the residential rehabilitation facilities at Bruce's Farm, and can Government give us an indication of when these will resume?

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

1220 **Hon. P J Balban:** Mr Speaker, other than virtual support being offered on either a one-to-one or group basis, the Drug and Alcohol Rehabilitation Team has also been offering face-to-face contact where possible.

1225 A strategic plan has been developed allowing for the phased opening of Bruce's Farm in line with the unlocking guidelines. This staggered reintroduction of residential services will be starting in approximately two weeks.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, has the fact that Bruce's Farm has been closed meant that this has had a spill-over effect on other parts of the Health Service, like the primary care or Ocean Views? And, if so, can the Minister enlighten us as to how they may have dealt with that in view of the fact that these other entities may not have the bespoke training and skills to deal with these casualties?

1235 **Hon. P J Balban:** Mr Speaker, I am not specifically aware of what effects there have been as a result of the closure of Bruce's Farm, but patients have been given the support, as I have mentioned, virtually, either one to one or on a group basis, and when it has been necessary there has been face-to-face contact, so it is not that the closure of Bruce's Farm has meant complete isolation for these persons who reside there.

1240 Clearly it has been a difficult time and I am sure that it definitely is not the ideal situation, but everything that has been possible has been done, and as we start planning for our reopening in two weeks' time obviously we are planning ahead to be able to reintroduce this very valuable service for members of the community.

Q244/2020

Postponed screening and surgery – Proposed date for bringing up to date

Clerk: Question 244, the Hon. Ms M D Hassan Nahon.

1245 **Hon. Ms M D Hassan Nahon:** Can Government give this House details of the number of (1) routine screenings, (2) elective surgeries and (3) essential surgeries that were postponed in the last two months as a result of the COVID-19 crisis and how long it thinks it will take to get these up to date?

1250 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the number of postponed routine screenings is 1,204. The number of postponed elective surgeries is 157. No essential or emergency surgeries have been postponed.

1255 The GHA is working towards having all services up to date by the end of the calendar year and the Government will make available such resources as may be required to make this proposed timetable a reality if it is clinically possible.

Mr Speaker: Next question.

DIGITAL AND FINANCIAL SERVICES

Q245 and Q247/2020

Contact tracing technology –
Consultation with GRA; data protection legislation

Clerk: Question 245, the Hon. E J Phillips.

1260

Hon. E J Phillips: Can the Government state why it did not consult with the Gibraltar Regulatory Authority over its proposal in respect of contact tracing technology?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

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Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 247.

Clerk: Question 247, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when does Government intend to introduce legislation regulating the use, collection and sharing of data collated as a result of any contact tracing app to be introduced by GHA and/or generally governing the encryption of data and safeguards on privacy and confidentiality stemming from the use of such an app or governing the use of the app itself?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Hon. A J Isola: Mr Speaker, the Government does not intend to introduce any legislation at this stage regulating the use, collection and sharing of data as a result of any contact tracing application.

The contact tracing app that we are designing will not use, collect or share any personal data. We are introducing a decentralised design, meaning that a smart phone which has the active app will store anonymised phone data of any person who has been in proximity to another for a period of time, 15 minutes, within two metres.

It is only when a person has tested positive for COVID-19 that the GHA would provide a code that can be input into the app and which will then automatically notify any individual who has been in close proximity to the person who has tested positive. The notification will be an alert requesting any affected individual to call 111.

In the circumstances, there has been no need to consult with the Gibraltar Regulatory Authority and there would be no need for legislation.

Hon. K Azopardi: Has there been a discussion with the GRA? I know you say there has not been a need to consult them, but has there been a discussion with the GRA about the workability of this app, especially given that they expressed some concerns on data protection, not in relation to the app itself but in relation to other things? Was that a trigger for some kind of discussion in relation to the contact tracing app, or has there been no discussion at all?

1270

To the extent that the Government is advanced in its plans towards the launch of the contact tracing app and that its workings are now at a very advanced stage, can a presentation be perhaps organised for Members on this side so that we understand fully how it is going to work?

1275

Hon. A J Isola: Mr Speaker, there is no need for a discussion with the GRA because there is no use, collection or processing of any data. Consequently there is absolutely no need to discuss anything with the GRA as there is no data, let alone processing of data.

1280 The reason for that is quite simple, that nobody will know the name of the person who has a
handset. If two people have the app, then that telephone number, if it is within distance of
another for a period of time, will log it, and if that person inputs 'I have been tested positive'
with the GHA code, the phone itself – not the individual – will send a message to every single
phone that has been within that qualifying period. There is no personal information. Even when
you log on to this app, all you will do is click twice to abide by it. You do not even put your name
1285 into it. It is completely data free to avoid people being concerned that they are being tracked or
traced, when that is absolutely not the intention. Unlike many other countries, what we have
done is gone for a pure tracing mechanism which will work automatically, completely
decentralised, which means that there is no server or database with all that data or information.

1290 I am happy, when we do the testing – during the latter half, I hope, of next week – to see if
we can arrange for a quick demo, but it is incredibly simple and that is why we believe it is going
to be effective.

Hon. K Azopardi: A demo would be very helpful. If the hon. Member can arrange that, we
would be grateful.

1295 If I understand what he is saying, the phone data management is done by the user of the
phone and the phone itself sends out, so it is then up to the person who has tested positive to
transfer details to the GHA on a voluntary basis. I know the phone is doing it, but what I am
saying is it is all done on an anonymised basis. But at some point the GHA then steps in because
the GHA wants to do a contact tracing trace and track process itself. So, at some point someone
1300 has to sit down with the positive person and say those notifications have been sent to
anonymised numbers. But were they? No?

Hon. A J Isola: Obviously the person who has tested positive will be in the knowledge of the
GHA because they have tested positive. The GHA knows that that individual has tested positive.
1305 The person who has tested positive and has the app will log in the number and he will press
'Activate'. The person who has been close to them will receive a message, an SMS from the app
saying 'You have been close to somebody who has tested positive. Call 111 and get tested.' That
is how it works, so it could not be simpler, it could not be clearer and hopefully we will get the
60-plus percentage of the population that we really need to make it work quickly. So, the test
1310 and trace is one function, the tracking is another.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just ask the Hon. Minister ... I perfectly
understand that we are going for a decentralised system here as opposed to a centralised
system which is server based and therefore it is more secure and anonymous, but of course
1315 there is a lot of misinformation and even paranoia in the community. Obviously communication
is key because, as the Minister says, we need, according to experts, between 56% and 60%
minimum to have a good outcome with this app. So, does the Minister propose any measures to
reassure the community, to restore public confidence and get people to buy into this new
measure, addressing the privacy concerns etc.?

1320 **Hon. A J Isola:** Thank you, Mr Speaker.

When we started off on this journey the Chief Minister engaged with Apple and, through
them, the work that Apple were doing with Google, and then ultimately led us to, at the
recommendation of Apple, an introduction to the Northern Irish ... sorry, the government of
1325 Ireland, (*Interjection*) the Irish government, yes, to work with them, as they were the furthest
ahead in terms of using this system. The Irish app has some aspects of what we have but we
have taken it a step further, with their help and support, to ensure that the public can remain
calm that we do not have this ability to have personal data.

Of course there is speculation on social media that they are not going to use the app because
1330 it is going to be able to track and trace and they do not want people to know who they are, and

so yes, we will have to do some work to make people understand and be comfortable with the use of this app in the the full knowledge that ... I think once people log on, download and sign in they will realise that it is not in any way data related because it is two clicks and you are in.

1335 So, yes, we have some work to do, I agree entirely, in educating and helping the community to understand that this is a pure tracing app done phone to phone and there is no data on it for anybody to mess around with.

Q246/2020

**Impact of pandemic on financial services –
Discussions with Finance Centre Council**

Clerk: Question 246, the Hon. D J Bossino.

1340 **Hon. D J Bossino:** Can the Minister for Financial Services state whether he has met or otherwise been in contact with the Finance Centre Council to discuss the impact on financial services as a result of the pandemic?

Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

1345 **Minister for Digital and Financial Services (Hon. A J Isola):** Yes, Mr Speaker, I can confirm that the Chief Minister, my officials in Gibraltar Finance and I have been in, as a whole, what I would describe as constant contact with the Finance Centre Council as a result of the pandemic.

1350 As Gibraltar went into lockdown the Chief Minister announced in his Budget speech that he was establishing the COVID Economic Liaison and Advisory Committee (CELAC). He invited Unite the Union and the GGCA as well as the GFSB, the Chamber of Commerce, the GBGA, the Finance Centre Council and the Landlords Association to form part of the CELAC.

1355 The first meeting took place on Saturday, 21st March at 6 Convent Place and I was also in attendance. The Finance Centre Council was represented by Marc Ellul as Chairman of the body and he was accompanied by Nick Cruz, who sits on the Council as Deputy Chairman of ATCOM.

The day prior to the CELAC meeting, the Chairman of the Finance Centre Council reached out to all Council members so as to obtain feedback on the initial effects of the pandemic on the various sectors, solvency and cashflow issues, if any, and ideas as to how the Government might be able to support and assist. The Finance Centre Director, James Tipping, was included in all correspondence as he sits, by invitation, on the Council, and I was kept informed at all times.

1360 There was a further CELAC meeting, with the FCC representatives in attendance, on Sunday, 22nd March, and I was also present.

On Monday, 23rd March, the Chairman of the Finance Centre Council organised a videoconference for all Council members to discuss CELAC and matters arising. I was also on that videoconference, along with the Finance Centre Director.

1365 Two further CELAC meetings involving the Finance Centre Council, which I also attended, were held on 24th March and 7th April, the latter being held by videoconference. The latest CELAC meeting took place on 24th April.

1370 From the beginning of the pandemic the Finance Centre Director, at my request, has reached out to, amongst others, constituent bodies of the Finance Centre Council including its Chairman, the managing partners of the largest law firms, representatives of the insurance sector as well as fiduciary services providers, the banks, general insurance brokers etc. His colleagues, being the senior executives, also did the same as regards the DLT and blockchain sector, the funds and investment space and a selection of insurers.

1375 I personally, together, on occasions, with the Finance Centre Director, spoke with and/or engaged in correspondence with representatives from specialist intermediaries (MGAs) that

exclusively broker travel insurance policies. They form part of the Gibraltar Insurance Association and have most heavily been impacted upon by the pandemic.

1380 On 15th April, I wrote to all of the constituent heads of the Finance Centre Council inviting them to provide their detailed thoughts on policies and ideas that the Government might wish to consider and employ. This was in the context of Task Force Future. I also participated in a series of COVID-19 press conferences which was aimed at the financial services industry, the first of these being on 16th April.

1385 I attended, together with officials, the next two Finance Centre Council videoconferences, which were held on 21st April and 12th May. I am scheduled to attend the next videoconference, which is next week on 9th June.

Separate to the above, I have had innumerable telephone calls and engaged in multiple email traffic with many financial services firms as well as the Chairman of the Finance Centre Council. I have also been heavily engaged in advancing thoughts on new DTAs via a subcommittee of the Finance Centre Council.

1390 Lastly and needless to say, I and the Finance Centre Director have been in constant contact with the CEO of the Financial Services Commission and many of his senior colleagues from the outbreak of the pandemic to date. Where necessary, we have kept the Finance Centre Council Chairman and others informed of such conversations.

1395 **Hon. D J Bossino:** Mr Speaker, I would like to thank the Minister for that very full reply.

Maybe this is an unfair question, given that the Finance Centre Council represents myriad different entities and groups, but is he able to highlight, by way of high level only, the main issues which have been brought to his attention as a result of all of that intense contact that he has had over the last month or so?

1400

Hon. A J Isola: Mr Speaker, I think they have issues – in other words, what they face today, primarily cashflow, money going out and nothing new coming in; and, in respect of the future, a fear of what their business is going to look like in six, 12 and 18 months' time. I think those are the bulk of the discussions that we are having with them. Hence you will recall the Chief Minister announced some weeks back the private sector BEAT equivalent of the furlough scheme to enable some firms which needed to ... up to 25% of their staff, being able to reduce the cost to the business in order that they would be able to survive.

1405

Of course many of the financial services firms which are licensed by the Commission require to have three months' cashflow operating expenses in a bank account to enable them to take them through such a testing time as they are currently going through, so they should all be very well placed to be able to deal with the short-term effect of the pandemic as they begin to prepare for the longer term. So, the discussions with them really have been about the immediate here and now and far more thought-provoking sessions in terms of what the future holds.

1415

The responses that we have had from all the different heads of the associations from the Finance Centre Council for Task Force Future have been very interesting. They are not simply saying, 'Can Government charge me more rates or charge me less tax?' They are looking at ideas that can help them to make money. And so, in that sense, it has been very positive and we are adopting many of those thoughts in the future strategy that will be coming through to discuss with you as we develop those thoughts in the coming weeks for Task Force Future.

1420

Hon. D J Bossino: Mr Speaker, is the Government's intention still to engage with the Opposition in relation to Task Force Future? I am sure he does not have the statistics with him – it is a very specific question and I appreciate that he may not have the answer with him, available now – but can you give me an indication at least of what type of uptake there has been in relation to the BEAT furlough scheme which was offered to the private sector?

1425

Chief Minister (Hon. F R Picardo): If I may assist the House by saying that there is a specific question on that subject on the order paper that he has with him, but from Mr Feetham.

1430 **Hon. A J Isola:** I am grateful to the Chief Minister for that answer and I would not have known the answer to it anyway, but what I would say is that the response from the sectors has been very comprehensive; every single member of the Finance Sector Council has responded.

Absolutely it is our intention to engage fully with the Opposition as we develop that strategy. At the moment, we are going through a process of considering and evaluating all of the response we have had and putting that side by side with the strategy of the Finance Centre the officials in the Finance Centre have developed and prepared for us to. So, we have what the Government is thinking and now we have got the private sector thinking and we will be marrying those two together to come up with our overall strategy, and I will, of course, engage with Members opposite at that time.

1440

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

Q248 and Q255/2020

Road closures –

Impact on traffic and pollution; strategy re alternatives

Clerk: Question 248, the Hon. E J Phillips.

1445 **Hon. E J Phillips:** Mr Speaker, can the Government confirm that it has considered what impact the announced road closures will have on traffic and pollution, considering that motor vehicles will need to be moving at a slower speed and in lower gear?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 255.

Clerk: Question 255, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have a cohesive and comprehensive infrastructural plan and budget to compensate the closure of Line Wall Road with green transport alternatives?

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

Hon. Prof. J E Cortes: Mr Speaker, the Government has of course considered what impact the announced road closures will have on traffic and pollution and is of the opinion that both of these negative impacts will be reduced.

The Government has a clear strategy for delivering a greener Gibraltar in respect of traffic and transport, which include the following.

We will encourage and enable people to use zero-carbon shared private transport.

We will implement a smart and equitable system of road user charging to ensure that the polluter pays principle is adhered to.

We will make it safer and more convenient for people to walk short journeys. This will include widening pavements, where possible, and making the streetscape more attractive and accessible through the creation of single-platform spaces, planting and provision of green infrastructure.

We will make cycling a safe and viable alternative by accelerating the cycle superhighway project and exploring the viability of using pop-up cycle lanes to trial new areas.

We will improve the quality, reliability, speed and accessibility of bus travel.

We will reduce emissions from freight operations, covering not just cleaner vans and lorries but also mode shift to e-cargo bikes and other e-vehicles for city centre deliveries.

We will incentivise the uptake of cleaner, electric vehicles for the general public as well.

We will reduce tourist vehicles coming into the city by providing an attractive and affordable alternative in the form of a park and ride as well as increasing parking charges in the centre.

All of these, in combination, will help to deliver a cleaner, greener urban environment and a child-friendly city. Clearly the delivery of this vision will require a great deal of work and it is for this reason that the Hon. Minister for Traffic and Transport and I, and our teams, are working together to develop this and a budget for these projects is currently being determined.

Hon. E J Phillips: I will limit these questions, Mr Speaker – a very few – to the question of impacts, on the basis that there are other questions on the order paper that could potentially over spill here and I would not want to take up too much time on this particular question.

1455 Insofar as the impact on pollution, would the Minister agree that by the original plan of closing Line Wall Road – and I appreciate that that language has now moved to a partial closure, now restriction – is it right in thinking that the Government takes the view that pollution levels in other areas of Gibraltar as a result of the closure will increase, obviously, at some point, and therefore all the measures that the Minister has identified, I assume as a result of the
1460 consultation, which will take some considerable time to achieve ... that there still will be increases to pollution on other roads? Does he agree with that analysis?

Hon. Prof. J E Cortes: No, Mr Speaker. That question stems from the premise that all traffic that had previously travelled along these routes will be redirected to other roads, thereby
1465 increasing traffic and pollution. However, this is a false premise. Traffic is not like water, which has to find its way through. People will respond to road closures in all manner of ways. Some will undoubtedly continue to use their cars, but studies have shown that other changes also occur. There are other responses. People can take their trips at different times. They can change their mode of travel to walk, cycle or bus. They can change the frequency of their journeys.

1470 So, there will be a modal change and we cannot necessarily say that there will be a long-lasting increase in pollution in other areas. There will probably be a certain amount of increase in some areas, but I think that when we implement all our measures overall the effect will be a reduction.

1475 **Hon. E J Phillips:** Mr Speaker, I think the Hon. Minister will need a reality check, quite frankly, insofar as the road closures that he is proposing. It is clear from their very own STTP that culturally the responses received in that plan demonstrate that most people will simply use their vehicles, will not be encouraged to motorcycle. Even in the event that alternative forms of transportation are laid on in the interim, there is going to be a push of traffic somewhere else;
1480 that traffic will build up, there will be more fumes and there will be more pollution within our community.

He has to accept that an announcement to close Line Wall Road, pushing traffic elsewhere before we genetically, in our DNA, change our attitudes towards driving ... that there simply will be an increase in pollution in our community. How is the Minister planning for that impact?

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Optigen test that we have bought is unlikely to enable us to change the DNA of the Gibraltarian as the hon. Gentleman suggests, but we are not going to accept all of the defeatist rhetoric that he puts to us. Quite the opposite: we believe that it is time, a propitious time, perhaps the only time when that cultural change can come. That is why we agree, and I am sure that others agree also, that this is the right time to act in this way, that people are ready to make a change to the way they live their lives. We have been elected to lead on this issue and on other issues, and so we do not believe that we need to check what we think is going to happen.

We think, actually, that hon. Members – under different leadership in a different time but with some similar compositions – took a radical step that we believed at the time was not going to be popular, which was to close Main Street to traffic and Irish Town, and then to close Casemates to parking. A more radical agenda than that I do not think we have seen. When we put the same points to them they gave us the replies I am giving them, and I am very happy to tell them – because when they are right, they are right – that they were right then, and that is why we think we are right now.

Hon. Ms M D Hassan Nahon: Mr Speaker, as the Government will know, my party is very keen on this project and we have supported it. I have had meetings with the Minister for Transport a couple of times now and we are actually very excited about it because we believe that in a climate emergency there is no time to wait, and if there is interim chaos it is for the greater good and things will work out for a better future for our children and grandchildren. We need to change mentalities and it has to happen as soon as possible.

So, I understand that there may be a little bit of chaos, but my question would be: when does the Government envisage actually breaking ground after these plans and budgets are tabled and decided on? When will Gibraltar start to see the construction of these lanes, the different types of buses, the incentives? When are we looking at? Are we looking at a six-month period from now? Two years from now? When can we start understanding what is going to start to happen?

Hon. Chief Minister: Mr Speaker, now I am in much more comfortable territory, agreeing with the hon. Lady. I am pleased to have the opportunity to agree with her on this because, in the same way as I have said to hon. Gentlemen that they were right about Main Street and we were wrong in those years ... We fought a General Election and on the night that I happily accepted the charge of once again, and on a third successive occasion, becoming Chief Minister of this community, I said that we had enjoyed a General Election campaign which had been devoid of the usual vitriol and there had been a lot of good ideas put about. All those good ideas were not contained only in our manifesto and there were some in other manifestos, and this frankly was one which was attractive and worth looking into, and it dovetailed well with some of the work that had been done, the detailed investigations that had been done in the STTP.

I have now seen very advanced designs. There are many Ministries involved here – Environment and Health as well as, of course, Transport, which is the lead Ministry on the transport aspects, with Environment and Public Health being the most concerned, with Health, on the pollution aspects. Those very attractive designs I understand will be completed within days ... the fact that we are now going to a more advanced rendering of what those designs are. They will be published within days, therefore people will be able to see, when the closure of Line Wall Road commences on 1st June, exactly what it is that the closure will lead to, and that, I think, will make even the most recalcitrant of objector reapply their mind to this project and to try and find a way, I am sure, of supporting it.

Mr Speaker, if hon. Members opposite do that, they will find only a welcoming hand from the Government. There will be no way that we will be in any way triumphalist in persuading them on this, because I think this is far too important. They will, I think, find it attractive. The Members opposite, I know, must be as concerned as we are in respect of the pollution in Gibraltar, must want to control it as much as we do and, in the knowledge that it is impossible at the moment to

change human DNA, must not want to wait for the test that the Hon. Mr Phillips has set up to be satisfied in order to be able to progress.

1540 So, in those circumstances, Mr Speaker, the answer I am giving to the hon. Lady is I expect in weeks, not months.

Hon. D A Feetham: Mr Speaker, for my part I do not think it is a question of DNA; it is a question on the fact that we have very few roads in Gibraltar and that, whether fewer people
1545 use cars or not, we are going to be shifting a considerable amount of traffic via Queensway and that is going to create its own problems, its own pollution and its own congestion on Queensway. Of course, as always from the Opposition benches, we want the Government, in the public interest, to succeed in its measures, though not at a General Election!

Mr Speaker, bearing in mind that the hon. Gentlemen opposite are talking about DNA, and in
1550 order to assist those who live in the Upper Rock to change their DNA and leave their cars at home, is the Government intending to put a bus service for those who live in the Upper Rock, which is a small but vibrant community – *(Banging on desks)* absolutely *(Interjection)* – composed of a number of elderly people, also people with children in schools, and who therefore will need to use their vehicles unless there is a bus service that operates in the Upper
1555 Rock? I also remind hon. Gentlemen opposite that of course not only is there a small but vibrant community in the Upper Rock but there is also the Girl Guides' hut and other activities that take place there, which will be greatly assisted by a regular bus service.

Hon. Chief Minister: Did I hear him declare an interest, Mr Speaker, or not?
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Hon. D A Feetham: Everybody and his dog knows that I live up there.

Hon. Chief Minister: Well, everybody knows that you and your dog live up there, yes! That is absolutely true, Mr Speaker, and we have seen some questionable tweets as to what he does
1565 with his dog on a Saturday afternoon, but given that he is no longer leader of the party I do not need to stray in that direction.

Mr Speaker, there is no intention to set up a bus to the Upper Rock, but one of the things that the Government continues to look at, and I have just had a report on the subject, is the opening of Green Lane, which I know would provide great relief to the colony of people who live
1570 in that particular part of the Upper Rock. It is a concern to us.

I really do not understand how the hon. Gentleman can get up and link this to Line Wall Road, but he is always keen to try and take advantage, for his own purposes, of his position in this House, and for all of his constituents up there. I really do not share with him the view that he has expressed that this is about all the same traffic going in the different direction now of
1575 Queensway. We have already explained that this is a package of measures, some of them uncomfortable but for good reason, and therefore a lot of people who live in the Upper Rock will need the opening of Green Lane to become a reality, if it is possible. We are looking at that. We are not talking about closing the Upper Rock, so there is no need to worry about the Girl Guides, who will continue to have access to the Upper Rock in the usual way.

He has linked things which, as usual, defy logic, but then again that is his DNA and I accept that; it is not an issue. I assure him that if I can get to the top of the Rock on a bicycle, if assisted
1580 by a small electric engine, then he would be doing his fitness regime no end of good if he left the Jaguar at home and either got on one of those bikes or got on his hind legs. I will tell him I think I live further from my office than he does from his, measured in metres or kilometres, and it does
1585 me a world of good when I am able to walk – but I know that being driven in a Jaguar has long been a fantasy which he is fulfilling for himself. *(Laughter)*

Hon. D A Feetham: Well, of course, Mr Speaker, *(Laughter)* absolutely, and I did offer him a lift the other day in my gas-guzzling Jaguar. I opened the window and I said, 'Do you want a lift in

1590 my gas-guzzling Jaguar?’ and he declined. Look, it is a matter of taste. I drive a Jaguar; he drives a Porsche Camarera, or Panamera, or whatever it is called. At least on this side of the House we do not call ourselves socialists, so obviously that is an advantage!

I do welcome the fact that the hon. Gentleman has indicated that the Government is investigating the opening of Green Lane, very much welcomed by the colony and the community up there in the Upper Rock because of course if there is an issue with the health of anybody, or an accident, or anything like that, now people have to travel all the way round through Moorish Castle towards the Hospital, and that is an accident waiting to happen, if I can characterise it in that way.

1600 Can he at least give us an indication of when he expects that perhaps cliff-facing works are going to be done in relation to Green Lane, which would then enable the opening of Green Lane? *(Interjections)* Introduce it!

Hon. Chief Minister: *Como que* introduce it! Mr Speaker, I do not know how this arises from Line Wall Road, but the hon. Gentleman rose to ask a question, which I answered. Now he has raised all sorts of other issues. For me, with him it is not a question of lowering the tone – I think he and I enjoy our usual repartee – but I was very pleased that he started his supplementary laying waste to the last 20 years of his political trajectory in Gibraltar. He has spent 20 years telling us that he is more socialist than us, even when he was the leader of the Social Democrats. Today at last, in *Hansard* – that *chibatito*, which he does not enjoy me reminding him of and I will forever now remind him of – he has got up and said that he does not even pretend to be a socialist anymore. *(Laughter)* I am delighted and I welcome the new level of honesty that is in his DNA. *(Interjection)* First.

Second, I must say you could have blown me over with a feather when I heard of the new Porsche that he has invented, which is the Porsche Camarera, which must be a combination of a Porsche Carrera – which is what Sir Peter used to drive, he will remember, so obviously a social democratic vehicle – and a Porsche Panamera, neither of which I have ever owned or own. Although I am sometimes pressganged into chauffeuring someone in it, although I do not own it, unless hon. Members take the view that one’s wife is one’s chattel. They might be taking that view. I put nothing beyond him – let me put it that way; I do not want to spoil the relationship at an institutional level between the Opposition and the Government.

The only reason I did not accept his offer of a lift in the Jaguar was because I did not want to hurt his feelings. I did not want him to end up being the person who drove the Chief Minister around in the Jaguar, rather than him being the Chief Minister who was driven around in the Jaguar, which I know has been his fetish for a long time.

1625 As to Green Lane, Mr Speaker, the Government will make an announcement when it is ready.

Hon. D J Bossino: Mr Speaker, this is, I think, directly related to the issue of Line Wall Road. What are the Government’s plans in relation to its original plans are set out in the manifesto – I think it is at page 55, entitled ‘Walk the Wall’? *(Interjection)* Yes, it is. It is relating to Line Wall Road.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, Walk the Wall is off Line Wall Road but not directly on Line Wall Road itself. An inter-ministerial committee was set up soon after the General election. There have been a number of meetings of that committee and concept designs are being produced in order to have the discussion.

Mr Speaker: May I take the opportunity to remind hon. Members on both sides ...? I will read out an extract from the House of Representatives in New Zealand on supplementary questions. It says:

Supplementary questions are to be of a reasonable number and arise directly from a Minister's reply. They must be related to it not indirectly but directly.

1640 That is all.

Hon. E J Phillips: Just in relation to that point, it is clear from the answer that Prof. Cortes gave in respect of that question that he opened up the ambit very significantly beyond Line Wall Road – to include cycling and road closures – beyond air pollution, that this problem presents.
1645 *(Interjections)* DNA. Therefore, it allows for debate in that sense, which shouldn't do.

Hon. Chief Minister: Mr Speaker, without accepting that point, can I just ... I think you have been in the Chair now for almost two and a half hours, and we all have the liberty of being able to pop in and out. Might I suggest that this might be a convenient moment, before we kiss
1650 goodbye to all the conviviality that we have enjoyed over the period of the pandemic, where we recess for a 15-minute break and then return and continue with the business of the House?

The House recessed at 5.25 p.m. and resumed its sitting at 5.45 p.m.

Q249/2020
Upper and Lower Town air quality –
Commitment to monitoring

Clerk: We continue with Question 249. The questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government now commit to providing air quality
1655 monitoring within the Upper and Lower Town area?

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

Minister for the Environment, Sustainability and Climate Change (Prof. J E Cortes):
1660 Mr Speaker, the diffusion tube network already covers these areas. I believe there are four tubes in the Town area. In addition, an AQ mesh monitor has been placed on Line Wall Road. To be specific, it is at the end of the Piazza on Line Wall Road.

Hon. E J Phillips: Does the Minister have any information about the results of monitoring
1665 with him?

Hon. Prof. J E Cortes: No, Mr Speaker, I would have to look at the data. The new AQ mesh monitor has been moved very recently in anticipation of the changes. The others have been there for some time, but I would need to look into them and I would be happy with either
1670 another question here, or to answer if the hon. Member will get in touch with me.

Hon. E J Phillips: Mr Speaker, just one question in relation to these monitors. I remember the last time we met we had a discussion as to data being imported on to a website that would be easy to read by members of the public and we had a very short exchange on whether that would
1675 be achievable, because some of the data that is available requires the user to input certain criteria, which makes it more difficult for members of the public to access real-time data about pollution levels in our community.

Can the Minister confirm whether the information obtained from these new installations would be incorporated into the existing online infrastructure for people to access information?

1680 **Hon. Prof: J E Cortes:** Mr Speaker, the answer is yes.

Mr Speaker: Next question.

Q250/2020

**Smoking in outdoor public areas where people congregate –
Legislation to prohibit**

Clerk: Question 250, the Hon. E J Phillips.

1685 **Hon. E J Phillips:** Mr Speaker, can the Government state that it will introduce legislation or extend current legislation prohibiting smoking outside schools and public areas where people actively congregate?

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

1690 **Minister for the Environment, Sustainability and Climate Change (Prof. J E Cortes):** Mr Speaker, yes, that is indeed the intention.

1695 **Hon. E J Phillips:** Mr Speaker, I note that when this question was asked there was an exchange of press releases and an announcement by the Government that areas such as Harbour Views, which I think arose maybe in consequence of an exchange that we have had across the floor of this House in relation to that stretch of land between the Hospital and Morrison's insofar as tobacco butts is concerned ...

1700 Insofar as extending legislation, is it the Government's intention that by regulation it will also extend to certain other areas in Gibraltar apart from those outside schools? The main complaint we receive from constituents, of course, is that it is grotesquely ... it is horrific, in fact, going to school, dropping off your children whilst people are smoking around the gateways, which I know the Chief Minister agrees with from his own public statements he has made before. But what other areas would that extend to?

1705 **Hon. J E Cortes:** Mr Speaker, yes, schools had been raised in fact when I was Minister for Education. Obviously then we had the election, then we got COVID and things have been delayed, but we are already producing the plans and so on in order to do that.

1710 Other areas that are being looked at ... I have not got a list of them specifically. I am sure that people will come up with suggestions where this is problematic. There was a big problem, as we have agreed, outside the Hospital. That is being tackled and the schools will be next, and then we will see what other areas we have.

1715 **Hon. E J Phillips:** Can I just ask one question about the Hospital? I am sure the Minister may know the answer; if he does not, that is fine. My understanding was, from the last session of Parliament, where we exchanged views on Harbour Views Road and the ability for healthcare workers or other people to smoke on that gravelled area, that that land was private land. I think that was the position that the Government adopted at the time and that is why it could not legislate for the complete banning and it would introduce planting around that area in order to avoid ... and put more smoking signs up. What position had changed insofar as the Government
1720 is concerned to then, by notice in the Gazette, demarcate that area as a non-smoking area?

Hon. Prof. J E Cortes: We have gone to the limit of public land but we did seek legal advice and it is possible to legislate even on private land.

Q251-54/2020

COVID-19 –

Priority re administering vaccine; numbers tested; UK guidelines; use of face masks

Clerk: Question 251, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government state whether it agrees with the content of the question posed by the Director of Public Health, Dr Sohail Bhatti, on Twitter, on the prospect of putting children to the back of the queue when a COVID-19 vaccine becomes available?

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

Minister for the Environment, Sustainability and Climate Change (Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 252 to 254.

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Clerk: Question 252, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, of the 5,410 COVID-19 tests conducted up to 19th May 2020, can the Government state: (1) how many individuals have been tested once and, of those, how many were resident in Gibraltar and how many were non-resident; (2) how many individuals have been tested more than once and, of those, how many were resident in Gibraltar and how many were non-resident?

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Clerk: Question 253, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Was Government following direct UK Public Health advice while declaring that the virus had to go through the community in order to achieve herd immunity, and does the Government continue to follow UK guidelines now?

Clerk: Question 254, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Given the most recent studies on the matter, why does Government advise and not mandate the wearing of masks in all public indoor spaces?

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

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Hon. Prof. J E Cortes: Mr Speaker, the tweet posed a question and so did not express an opinion with which one can agree or disagree, but it is certainly a question that is hotly debated in most jurisdictions.

Up to 19th May the number of people tested once was 4,295, of which resident were 3,785, non-residents 470, and unknown 40. The number of people who have been tested more than once is 510, of which residents were 455, non-residents 54, unknown 1.

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In relation to Question 253, there is no 'UK Public Health' advice. All the home countries and Crown Dependencies have their own public health agencies – like Public Health England – as does Gibraltar. The UK government took the advice of the Chief Medical Officer, the Chief Scientific Officer and SAGE. Early in the outbreak the advice appeared to be that herd immunity could be achieved by allowing the virus to infect freely. In Gibraltar, in contradistinction, we took

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the view that those most at risk needed the most protection, which is why a legally enforced Order to restrict movement on the over-70s was one of the first legislative instruments put in place under the civil contingencies legislation. Gibraltar was the first and only jurisdiction in the world to do that. The results, so far, speak for themselves, as we have heard here earlier on today. We have taken note of the advice provided to the UK government whenever that has been available, but given that Gibraltar is unique and special we have never felt bound by it. This has been reflected in a very positive set of references to Gibraltar in the current edition of *The Economist*, dated 23rd May 2020. The articles refer to our introduction of Golden Hour for our over-70s as an example of innovative ways of addressing the issues that COVID raises for the future for all European economies, and we are proud to have led on this.

In relation to the issue of the use of masks, it would be helpful to know which studies are being referred to. Evidence is mounting all the time and some of it is contradicting others. The advice given by the Director of Public Health is that masks can and should be worn in enclosed public spaces where adequate social distancing cannot be maintained. The position is set out in our Unlock the Rock document. As the Contact Tracing Bureau starts functioning, as it has indeed done, people who have been found to be within two meters of someone else for more than 15 minutes in the last 48 hours will need to self-isolate until tested, if the person they have been close to is a positive case, so there is a clear need to maintain social distancing at all times.

Hon. E J Phillips: Mr Speaker, just in relation to the question about the Director of Public Health's tweets, given that the Government reacted very quickly to the public tweets about a question as to whether children should be put at the back of the queue, who have no history of vaccination, and given that the Government's position is that no child in this community will be refused a vaccine or put at the back of the queue – to use the language of the Director of Public Health – does the Government agree that it was not advisable for the Director of Public Health, in the position that he holds, to publicly question or court controversy over this question as to whether children should be put at the back of the queue? And although everyone is of course entitled to express their views, given the fact that the Government reacted so quickly in confirming that it would not put children back in the queue, does the Government agree with me that it was unadvisable for that to happen?

Chief Minister (Hon. F R Picardo): Mr Speaker, first of all, that question is based on the false premise that the Government did not react quickly to the question imposed. The Government was asked for a response to a press question that was filed very quickly, so the whole of the rest of the question falls away if you rely on the premise on which it exists.

Secondly, I really do not know what it is that the hon. Gentleman is suggesting. Is he suggesting that civil servants should not be permitted free speech and they should not be permitted to raise those questions? If that is the case, it would be in keeping with some of the positions that they have taken in the past when they were in Government and which we have dealt with in a different way.

Is the hon. Gentleman saying that we should not have the debate? I welcome the fact that Sohail Bhatti, the Director of Public Health, raised this issue, because I think really only as a result of some of the foolishness that one sees in social media are people in Gibraltar starting to be affected by the anti-vax argument – not in relation to COVID, where vaccinations do not yet exist and everything is hypothesis, but in relation to established vaccinations like MMR etc., which are important vaccinations, and where there has been discredited conspiracy theory going around the world which has had massive damaging effects on inoculations in many communities.

Indeed, the question that Sohail Bhatti posed puts to us in English, for discussion, almost as an essay question – on his private Twitter feed, nothing to do with Public Health Gibraltar, on his private Twitter feed that I see the hon gentleman has suggested he follows – a question that has been posed and answered in different ways in different European jurisdictions. In France, your

1820 child cannot go to school if he is not inoculated. Frankly, I think that is a very salutary position to
take, but I am not an expert in public health. I think we should all be pleased to be asking
ourselves whether indeed, now that we understand, given the pandemic, how important it
would be for people to be vaccinated, these are not things to be swept under the carpet and
kept quiet. If the Director of Public Health wants us to talk about that – and the issues of
1825 smoking and obesity, which I think about every day; every morning, at about 7.45, I think about
the problems of obesity – these are debates to be had, not to be shied away from.

I am surprised to have an Opposition putting it to us in the way that they do. Usually they
chastise us when we have suggested that somebody should not have put something on Twitter;
now they are chastising us for not chastising someone for having put something on Twitter.
Sometimes I do find it difficult to keep up.

1830 **Hon. E J Phillips:** Mr Speaker, that is not the point I was trying to make, but on the question I
was trying to try to elucidate the answer to ... The point I am trying to make is that on the one
hand the Government have confirmed that they will not have one child at the back of the queue
in respect of vaccination against COVID, whilst you have the Director of Public Health putting
1835 into the public domain the debate about whether children should be put at the back of the
queue, who do not exhibit a history of vaccination.

Of course we all welcome debates on any subject, but this is clearly a question of mixed
messaging to the public – the Chief Minister alluded to mixed messaging with the hon. Lady –
and we have to have a consistent message, clearly, to our community. If it is the position of the
1840 Government that they wish to make sure that no child gets left behind and is not put at the back
of the queue for vaccination, we can hardly have a debate when the Government has said this is
the position whilst the Director of Public Health has said let's have a debate about the question
of whether children should or should not be put to the back of the queue. That is the only point I
make, that we have clear messaging to our community on this point.

1845 **Hon. Chief Minister:** Mr Speaker, I do find it difficult to understand where the mixed message
is alleged to arise: something that a person has said on their private Twitter feed – remember
that Public Health Gibraltar has a Twitter feed and Public Health Gibraltar has not put this on its
Twitter feed; or because the Government has said something which is to answer a question that
1850 has been posed without an answer by the Director of Public Health?

Sohail Bhatti is not here. We are debating a lot of things that Sohail Bhatti has advised on, but
he is not here today – he is not a member of the Government. He asked the question, but he did
not say that the answer should be that children should not be inoculated. He said '*should*
1855 children who have not been inoculated be offered the COVID vaccine, or not?' The Government
answered the Government's view. As you can imagine, we did not answer the Government's
view without taking the advice of Public Health Gibraltar.

It is one thing to pose a question to have a debate in order to make people think; it is quite
another for that to be the position of the Government. And so I do not think that there is any
risk whatsoever of mixed messaging here unless the hon. Gentleman continues to talk about it
1860 so much that this becomes a headline – which I assume is one of the things that he would
consider a success – and then we might have some mixed messaging!

Hon. Ms M D Hassan Nahon: Mr Speaker, I myself, when I saw that tweet, was a little bit
surprised by it. I think that for as much as we try and move away from the individual's position,
1865 he is an employee of Government effectively – or of the GHA, which goes back to the same
place. This is a man who I am sure is very learned and skilled but at the same time has an
agenda, clearly, on this topic because we have seen journals published and articles in the
mainstream UK press. So, it is not just that he asked a flyaway question and nobody knows his
own views or his own plans or his own ideas about this. We know, because we have seen articles
1870 posted where he has been a proponent for such measures. So, I think that it is only

understandable and normal that when he comes out asking to debate this question – as an employee, effectively, of Government and for the Health Service – people are going to get a little bit shaken up, concerned and worried whether this is a Government policy. I think that Government should understand and make it clear and lay out its position instead of just shying away from it and telling us that it is his own personal question up for debate.

Hon. Chief Minister: Mr Speaker, that question I think asks us to do that which we have done twice already. The hon. Lady has said the Government must lay out its position. Well, the Government laid out its position in answer to a press question – which apparently happened almost immediately, the Hon. Mr Phillips has told us – and the Government has set out its position in answer to Mr Phillips a few moments ago. So, why is the hon. Lady asking us to do, I question, that which we have already done?

When it comes to mixed messaging I still have the marks on my back of when the Human Resources department issued, without reference to us, the new social media policy for the Civil Service, which said ‘you should not really comment on issues which relate to your area of departmental concern’ etc. The onslaught we had from hon. Members opposite, including the hon. Lady – I will whip out her press release and her statements in that respect – for having the temerity to issue a social media policy that did exactly the things she has now said we should be asking Sohail Bhatti to do and adhere to, was really quite remarkable.

It may be that I am cursed, if not blessed, with the memory of an elephant for now – I do hope I do not lose it in future – but when it comes to mixed messaging, those issues have also got to be factored into the equation. Do we allow civil servants freedom of speech? Do we allow civil servants to pose questions for debate? Indeed, are we defending the idea that our children should not be inoculated? I am quite happy to have the debate with anyone in this House who believes that we should not have children have the MMR vaccine, if that is what we are pretending to defend, which is what Sohail Bhatti rightly, in keeping and in concert with the Government, will want to defeat because we want all our children to be inoculated with the MMR vaccine, whatever the anti-vaxxers may say. So, I am with Sohail on this. Maybe that is a new bumper sticker for the future.

Hon. Ms M D Hassan Nahon: Mr Speaker, with regard to the –

Mr Speaker: Excuse me; we are going to have just one –

Hon. Ms M D Hassan Nahon: Because the Chief Minister –

Mr Speaker: Okay, one final question from you and then one final question from the Leader of the Opposition.

Hon. Ms M D Hassan Nahon: Mr Speaker, when the Chief Minister says that we have all been against the social media policies, which we believe give freedoms to civil servants, we are talking about issues that are not pertaining to their specific Departments. If they want to talk about, for example, lifeguards when they are teachers, they should have the freedom, but we do not expect them to talk about the teaching curriculum out there when they are teachers and they are privy to information. This is what has happened here. You have a Director of Public Health speaking about a very sensitive or current, live issue that pertains to his Department, so obviously people are going to understand that to be part of Government policy.

So, my question is not about whether we agree with it or do not agree with it: is Government comfortable with having somebody in such a senior position using their own personal social media tools to put out messages that can very understandably be taken as something deriving from Government policy?

Hon. Chief Minister: Mr Speaker, I really do not recognise in what the hon. Lady is saying now the things that she was saying before. Or does she forget the attitude that she took to teachers, which is the example that she has given now – teachers who were tweeting about issues and Facebooking about issues that related to the profession that they exercise in the Government at the time that they were in dispute with the Government? I know that she likes to make it up as she goes along in order to fit the argument that she wants to win at the particular time, but it is my role to ensure that she does not get away with it and that I point that out, because the alternative is the road to populism.

What is clear here is that there is a convergence of interest between the views of the Director of Public Health and the views of the Government – and, I dare say, if hon. Members think about it, the view of everyone in this House, which is that we are in favour of inoculations, and if we want to have a debate about those issues then one of the areas where we might have that debate is around the issue of the COVID vaccine.

We think the COVID vaccine is an issue where people will take a different attitude. Indeed, today it might seem that we want no child to be left behind. By the time the vaccine is available, people might not want their children to be inoculated because they might do a calculation that thinks, ‘Well, if my children are not going to suffer from it, do I want to take the risk of a new vaccine where you have not seen side effects etc.?’ And then what is going to happen when Sohail Bhatti says and the Government says every child should be vaccinated – whether they have had the other vaccinations or not, they should all be vaccinated for COVID-19? Is the hon. Lady going to come here and say ‘Why is the Government forcing children to be vaccinated?’ That is the sort of one thing said today, another thing said tomorrow that we are seeing.

What we are saying is very clear, and we have said it after we have taken advice on the subject. On the issue of COVID, if there is a vaccine we will make it available to every child whether or not they have been inoculated for anything else, but we hope that there are not children here who have failed to be inoculated for everything else because we think that is a very bad policy indeed.

I am listening to what hon. Members are saying about the way that we should control civil servants’ use of their own social media channels. Perhaps they can have the courtesy of setting out in writing what they think of their position in that respect is. The Government has not curtailed Mr Bhatti from using his social media channel. We have not curtailed teachers who have been commenting about teaching issues on their social media channels, although the hon. Lady was championing them at one stage and now she is saying that they should be prevented from using their personal social media channels to comment about matters relating to teaching. I just would be very grateful to have one view from the hon. Lady on what her position is on this, rather than so many.

Hon. K Azopardi: Well, at least we know from the Chief Minister’s answer that the tweet was only for discussion, because the Government welcomed the debate, which it then scotched a couple of days later having taken advice from the same person who put that tweet out there. He could have answered his own tweet by saying ‘No, because I am going to advise the Government that actually the answer should be no.’ But that is fine.

I wanted to ask a supplementary on the question that I have on the order paper, if I may, which is Question 252. I asked about residents and non-residents, and now we know from the Government statistics that there have been a number of cross-border workers who are positive and presumably at home across the border. Because the process requires retesting so that they can safely go back to work, how is that retesting going to be done when they are in Spain?

Hon. Prof. J E Cortes: Mr Speaker, there are various ways of clearing somebody and it is not necessarily a retest. After the period of 10 or 14 days – depending on a number of factors – without any symptoms for somebody who has tested positive, it can be deemed that you are clear. If there is a need for retest, and clinically a doctor may feel that there is a need, then that

1975 will be organised. As we have made public in the last couple of days, we have close contact with the Spanish authorities and there would be no difficulty at all in organising that in Spain if it was necessary.

1980 **Hon. K Azopardi:** So, do I take it from the Minister's answer that it is not a matter of standard practice for someone who is positive to always be retested to ensure that they are then negative? I had understood the contrary and indeed it may be that someone tests positive on successive occasions. So, is there no standard practice? One would have thought that it should be the reverse, that it should be retested.

1985 **Hon. Chief Minister:** Mr Speaker, there are different standards here depending on who and where you are. In the frontline screening that we have done, some people have been identified in, for example, ERS. Those people will be tested before they are able to go back to work, but those people will be tested at ERS. In other words, when the period passes that allows them to return to work, when they are deemed clear, x days asymptomatic, then they go back to work and they are tested at work, and that is whether you are a cross-frontier worker or not. If you are a patient at ERS – and the hon. Gentleman knows that we have had one or two there – then you are tested before you are allowed back into the general population at ERS, because of the danger, and so there is a need to check there.

1995 Around the world the standard established criterion to be determined to be clear of the virus is to be x days without symptoms, even if you were identified on a random test and were asymptomatic. Those are the criteria that are applied also by us in Gibraltar. I will tell him – in fact, I think I may have told him privately but I will tell him – that we have had one particular individual in one particular residential facility, who therefore required testing because he or she was being potentially put back into a general population, who stubbornly tested positive despite being asymptomatic for the number of days required. I am very pleased to be able to tell him that late last night – although it is not in today's figures it is reported today, therefore it will be in tomorrow's figures – late last night that person reported negative for the first time. There will be another test today and if he or she reports negative again, then they are negative and then they go back into the general population. So, there are different criteria applied on the basis of risk assessment – I assume that is how they have been developed.

2000 He must not confuse what we are looking to do with what we are doing now. What we are looking to do is, for the next stage, where people who are symptomatic call in and say 'I have got the symptoms', then we want to have a mechanism, which we are very advanced in now finalising, which brings you the closest possibility of testing. So, in Gibraltar either you will have someone sent to your house or you will be invited to the drive-through, and if you are a resident of Spain you will be invited potentially to one of two facilities that will be conducting tests for Gibraltar, but that in the 'I wake up with symptoms' or 'I have symptoms and where is the closest place to go, and how quickly do I get results?' And those results ... It is all changing now. Some results can now be provided within an hour by some laboratories. We are told of an even quicker field test that can be done very quickly, which we are looking into also.

2015 **Hon. K Azopardi:** I am grateful for that answer. I was going to say also to the Chief Minister that perhaps an interim suggestion also for Government to consider – and I do not know if he would be prepared to consider it – is in terms of, as he says, if you test positive but you are a cross-frontier worker but you then get tested back in ERS, wouldn't it be an idea for them to be tested at the Frontier rather than to be walking around in the general population when you do not really know whether they are positive or not?

2025 **Hon. Chief Minister:** In fact, Mr Speaker, there is very little walking around these days in that context and people are using their private vehicles for now, but, in fact, when the new mechanism is set up the place you will go to will be the place closest to you, so if you are a cross-

frontier worker you will in fact go to one of the laboratories in Spain with which we have done an arrangement for this purpose. That is just a question of when we are able to finalise those arrangements, which I hope will be very soon, and it is also dependent on us being able to enter into those arrangements. The hon. Gentleman knows that although a much relaxed Spain is still under a state of emergency, or a state of alarm ... I think there is a difference constitutionally in Spain between emergency and alarm, so I must say a state of alarm, and the state of alarm does not permit the sort of contract that we want to enter into with private clinical providers at this stage, to be linked with a foreign entity like the Government of Gibraltar.

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: I have a supplementary for the Hon. Minister on Question 254. I understand that he mentions the scientific advice and how that is changing, and how there are conflicting views on masks, but I think that most peer-reviewed scientific journals are moving towards the agreement that masks are good – and this is probably why Government has taken a view to advise people to wear them as opposed to not wear them.

So, my question was really about the fact that if the Government has stated that there is a value in wearing masks by advising people to wear them, shouldn't they be taking a firmer position on the matter in order for everybody to get the most out of it because it is an advice? Or are they advising when they do not actually believe in their own advice?

Hon. Prof. J E Cortes: Mr Speaker, I do not know whether the hon. Lady is advocating a law that forces everybody to wear a mask. I certainly would not support that.

I think the hon. Lady is referring to peer-reviewed journals and, as I said in my answer, it would be helpful to know which specific issues she is referring to and how recent they are, because the evidence has been moving all the time. But the current advice is that masks can and should be worn in enclosed public spaces where adequate social distancing cannot be maintained, and that is a specific recommendation. So, if you are out in the open air, if you are five or six metres from somebody else, then a mask will be of no significant value.

The other consideration is that the greatest value in wearing a mask is preventing somebody who is carrying the virus from passing it to somebody else and that wearing a mask will not be that significant in protecting you because the virus can also be passed through the eyes. You can, in fact, get an infection through the eyes. So, masks are of some value; they are of limited value in assessing the risk. In close quarters, indoors, then that is when we are recommending it, but all these considerations are relevant.

Mr Speaker: Next question.

Q256/2020
Social distancing guidelines –
Images re non-compliance

Clerk: Question 256, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Despite public advice provided by this Government, we are being constantly bombarded online with images of people, including the Chief Minister, in indoor healthcare facilities, without following social distancing protocols or wearing face masks. Is the Government aware that this example is not conducive to people following social distancing guidelines?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):

Mr Speaker, health workers will, in the exercise of their duties, have to approach persons in their care, or indeed colleagues, closer than two metres.

Photographs can be confusing and can give the impression that persons are closer together than they are in reality. Government Ministers and officials take great care in maintaining the recommended social distancing.

If I may just add, Mr Speaker, there was a photograph today, which I have seen on social media, taken probably as a screenshot from the camera when the Chief Minister was speaking. It would seem to show the Hon. Minister Sacramento when they are in fact two metres away, but the photograph almost showed that they were within shoulder-touching distance. The Chief Minister has not been within one to two metres of any health worker for more than 15 minutes, which is the advice. Photographs usually only take a moment although they last a lifetime. In the case of the photographs in question, they show a Government expressing its gratitude and that of the many people we represent to our magnificent healthcare workers. *(Banging on desks)*

Hon. Ms M D Hassan Nahon: Mr Speaker, with regard to the picture that the Minister is referring to, yesterday with civil servants, I take his word for it that they were separated – and I agree that it does not look like they were, but I take his word for it.

The fact of the matter is how does the Government find the logic to congregate so many civil servants together – heads of Departments, essential parts of the Civil Service – in one room when, if one, two, three or more, or less, would advise anybody or would show that they have contracted the virus? Everybody else would probably have to be isolated. Wouldn't that actually bring a halt to most of the key people in the Civil Service? Is it advisable to meet with so many people at the same time?

Hon. Chief Minister: Mr Speaker, I think the hon. Lady is referring to a meeting of senior officers called by the Chief Secretary, who considered that it was appropriate to have such a meeting at this stage as he mapped out the route for the public sector generally and the Civil Service in particular to take as we emerge from the pandemic. I found out about that meeting and wanted to be able to address the senior officers to express the gratitude of the people of Gibraltar for the work that they had done and my views as to how we should progress. I was there for about eight minutes, 10 minutes, no longer than that. The Chief Secretary addressed them – I do not know for how long.

The rules relate to what happens, other than at work. There are many places of work where more than 12 people congregate, and as long as they stay that far apart, as the rules provide, we are saying that it is safe for them to congregate. So, because we believe in our advice on face masks, because we believe in our advice on social distancing, because we believe that our rules are correct and we follow them to the letter, we do not believe that any of the things that the hon. Lady says fall consequent as a result.

Mr Speaker: Next question.

EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

Q257/2020

Education –

Dates for pupils returning to schools

Clerk: Question 257, the Hon. E J Reyes.

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Hon. E J Reyes: Since the publication of Unlock the Rock, can Government provide updated details in respect of dates when pupils in different year groups will be returning to schools, together with any further related details pertaining to educational programmes which may be offered for the remainder of this term?

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Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Education roadmap for a partial and limited reopening of schools for the remainder of this term was published on 12th May 2020 as part of the Government's document 'Unlock the Rock Part 1: A route map out of lockdown and starting to end confinement'.

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All schools reopened for some students on 26th May 2020, Tuesday of this week: year 2 in lower primary, year 6 in upper primary, year 10 in the secondary schools and level-1 students at the College. We also expect year 12 students to return to school before the end of this term. In addition, all schools will continue to supervise children of other school years who qualify for childcare supervision. Home learning will continue for children of year groups not returning to school and those in year groups returning to school who are unable to attend for medical reasons.

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The second step in the Education roadmap is set to take place on 16th June to coincide with the start of summer hours.

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Hon. E J Reyes: Mr Speaker, the Minister has explained that we have put into practice the return of years 2, 6 and 10, with year 12 now imminent. However, the Minister, in other public statements, through interviews, has referred to us, as far as possible, trying to mirror the UK system because our students eventually end up doing the same examinations as students in UK, and the latest indications are that the majority of schools will open for the majority of pupils on 15th June, something which the Government I do not think has committed itself yet to doing.

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I know in the next phase the Minister refers to a particular phase which coincides with the start of what we traditionally call half days and so on, something that does not happen in the UK, and had this not happened our school term would have ended in early July, whereas in the UK they go much further into July. Therefore, in a like-for-like situation, our UK counterpart students will have far more direct classroom contact and formal national curriculum lessons delivered than what our students are here. Perhaps the Minister wants to update us on how he is trying to make sure we narrow that gap as far as possible.

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Hon. G H Licudi: Mr Speaker, the first thing to say at the very outset is there is no gap. We have returned to school before the UK, so it is not as if they have started with certain year groups and we have not started and therefore there is already a gap. If there is anything, there is a gap in the opposite direction with our children having started first.

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The hon. Member refers to comments that I may have made in interview on what the UK does. I do not believe, and I am pretty certain about this, that I have ever said that we will mirror what the UK does. I have said that we will *monitor* what the UK does, and it is important to monitor what the UK does because we follow the curriculum that is set in the UK. It is a statutory national curriculum. If the UK were to say on such and such a date the national

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curriculum is restored and all children go back to school, it is important for us to monitor that to decide how we are going to act, to decide precisely whether we can mirror that, whether we can act in accordance with Public Health advice and to do that in that way or whether we have to act differently. So, certainly we have to monitor what the UK is doing.

2160 There is a lot of discussion and debate in the UK as to what they will be doing. Nothing is certain. I have not seen anything at all that suggests other than a pretty clear plan for 1st June for the early years, which is the primary schools, and in fact some parts of the UK saying they are not going to have children returning to school on 1st June and other parts of the UK, in particular in England, schools reopening, and some schools even saying that they might not be ready to
2165 reopen on 1st June.

 In respect of the early years, we took a view that years 2 and 6 were important, and I have explained why they are important in terms of the transition work that they need to do as they will be moving to new schools in September.

 In respect of the secondary years, the intention that we have had from the UK is in particular
2170 relating to years 10 and 12 and it is pretty obvious why those intentions are there. Years 10 and 12 are in the middle of examination years and, according to comments made in the UK, it is important to have at least some contact with those children and those young adults before the end of term. We have already started that. We started with the year 10s. The year 10s started on 26th May, so if the year 10s go back on 15th June that will be three weeks behind us and our
2175 year 10s will have had three full weeks of schooling ahead of year 10s in the UK if they do in fact return on 15th June.

 As regards year 12, to the extent that they also return on 15th June, as I mentioned in the answer, the second step in our education roadmap is on 16th June. It is our intention to bring back year 12 on that day and possibly even earlier.

2180 Whether we bring back any other year groups earlier, we have set a roadmap which says in step 1 we bring back one year group for all the schools. Then there will be a second step on 16th June to coincide with the start of summer hours.

 We have also said, both in respect of the Government roadmap as a whole and the Education roadmap, that these are fluid documents. They can change if circumstances change and there is
2185 a need for change. We have to bear in mind that schools are open not just for these particular year groups, and therefore it is not just one year group in each school but we do have a continuing service as we have done throughout the whole period of lockdown in respect of the childcare facilities. So, the extent to which we are able to bring back year groups and when may well depend on the number of children, because we do have Public Health guidelines on small
2190 group classes and therefore if you have smaller-group classes there is a limit as to the number of children you can have in any particular building in order to maintain all the strategies and measures which we have put in place for the reopening of the schools and which are necessary and acting on Public Health advice.

 As we unlock and as we ease restrictions generally throughout Gibraltar, we are seeing more
2195 people go back to work. So previously, during the period of lockdown, in respect of the childcare facilities what we have had is children of key workers and other workers being able to use that facility where they have not had access to alternative childcare facilities without involving relatives over the age of 70. Then we also opened it up for vulnerable children and also Safe for Children at St Martin's.

2200 There have been a lot of people working from home, from offices, and there have also been businesses which have been closed. As these reopen and people are brought back to work they will need to send their children to the childcare facilities. Already this week we have seen a substantial increase in the numbers going back to these facilities compared to the whole period of lockdown and therefore that is also something we have to monitor in terms of the teaching
2205 staff, and staff generally maintaining good hygiene and distancing, being able to ensure that whatever rooms are used are thoroughly cleaned both before and after use. So, there are some constraints within which we have to work, but we have to make this work and we are making it

work already, both from a childcare supervision point of view and from the point of view of the groups that have come back, and we are definitely committed to bringing back year 12 certainly before the end of term and no later than 16th June.

Hon. E J Phillips: Mr Speaker, just one question. First of all, whilst of course we all appreciate the difficulties encountered by the teaching profession, the students themselves and of course parents insofar as the educational programme that was put online – and I use Seesaw as the example for the more primary years – I am glad the Government has ... The Minister has mentioned the word ‘monitoring’ what is going on in the United Kingdom. We issued a press release back in April, I believe, that tried to ascertain from the Government – and it is no criticism but I do not think the Government answered the point that we were making insofar as the platforms that were available through BBC iPlayer. I know there may be technical issues with that, but it would appear that the BBC announced at the time that they would be engaging in a revolution insofar as the online platform of education to be delivered at source to people in their homes in respect of education – English, maths etc. – with a very structured platform, very different of course to the Seesaw programme that is being utilised here.

Would the Minister be able to confirm that that option of delivering education in people’s homes via the BBC iPlayer platform, despite the technical issues there, was explored – or the alternative programmes such as Google Rooms, which is used in hundreds and thousands of homes within the United Kingdom – to allow children to access the basic English and maths curriculum, as it were, so that they can still continue to develop through the pandemic and after, given the fact that we are returning our children to school?

My main concern, because I have had that personal experience with my son this week going back to year 6 and watching the development of the Seesaw programme and how he interacts with teachers and how they return the assignments and they are marked etc., but there are other programmes, of course, during the beginning of the pandemic and throughout the main part of the pandemic, that demonstrate very significant educational programmes out there.

I think the point of this question is set out in my hon. Friend’s question, as in pertaining to the educational programme, so I am really seeking confirmation from the Government as to whether they explored the opportunity of using that platform or whether they also looked at other platforms to improve the quality of the education platform being delivered, but also trying to now ramp up the curriculum to a level where we can be all comfortable that our children are getting some form of education, appreciating of course that the curriculum has been suspended.

Hon. G H Licudi: Mr Speaker, I can confirm that we did explore that option in respect of the BBC iPlayer and the BBC option. The hon. Member will understand that there are difficulties with that and we currently do not have access to that facility in Gibraltar.

The BBC option is not a platform; it is content. It is primarily delivering content through the BBC iPlayer to the schoolchildren. We have our own platforms in the secondary ... at Bodo and there is another one, through which content is delivered by the teachers. The teachers put together the content. And so it is not that you need the BBC iPlayer, because we have already got a platform. As to what content goes into that platform, the BBC has produced some content and our teachers have also produced their own content for their own students, which they deliver through the necessary platforms.

I am glad to hear that the hon. Member’s own experience within his family with the platform that has been used for primary school students appears to be positive, and that is certainly the reaction that we have had and the comments that we have had in terms of the engagement, in particular at primary level, of the children through the Seesaw platform.

I seem to recall that in one of the daily press briefings I addressed this point, not specifically by talking about the BBC iPlayer but an alternative provider in respect of content, and that was a provider called GCSE Pod, which is a series of podcasts across 27 subjects and in respect of which we have now got a subscription. That subscription takes us all the way until, I believe, the end of

2260 the next academic year. So, it is not just available during the COVID lockdown period; it is a source that is going to be available all the way across for GCSE subjects. It is a podcast across 27 subjects.

2265 This is not just a question of saying 'There are the podcasts, go and learn it.' This is just a resource for the profession, so the professional will use this as a resource to decide what content they provide the children in this environment. It has been a challenge to put this together, but it seems to me that I am very satisfied that both the professionals in the Department of Education and throughout education as a whole, in particular the teachers and those who support the teachers – and we have already mentioned this phrase many times – across the board really have stepped up to the mark in these very difficult and challenging times.

2270 We do recognise the difficulties for children, in particular being stuck at home, the anxieties and the issues that that relates to. There have been a series of programmes and outreach that have been put in place, including a helpline for children or parents who find themselves with any anxieties and need to speak to a counsellor in particular.

2275 **Hon. E J Reyes:** Mr Speaker, if I may come back, the Minister has told us the timetable whereby this week years 2, 6 and 10 have commenced and the next phase, which will coincide with the start of half days for year 12 on 16th June. My understanding is that at present those students who are in years 2, 6 and 10 have been divided into two groups, with group 1 attending for two hours and then there is a small gap for changeover and the other part as well. When we
2280 move into the half-day period, will the students still be going in two groups for two hours or will there be a merger of the two groups into one group, or will there be a reduction of classroom contact time with pupils, other than the two hours that we are implementing now?

Hon. G H Licudi: Mr Speaker, it is true that all year groups have been split into two. Half of
2285 the group is going back in the particular school – whether it is lower primary, upper primary or secondary – in the morning for two hours, and the other half going into school in the afternoon.

That necessarily has to change on 16th June with the start of summer hours – or, as we used to call it, half days. The sixteenth of June in fact, coincides with phase 4 of the Unlock the Rock roadmap, which suggests that it is at a fairly advanced stage in the overall unlocking structure of
2290 the Government. What is currently envisaged – and I always say this is subject to change; it may depend on COVID numbers and whether everything goes smoothly, but assuming that everything goes as we plan, as we expect and as we hope with the COVID situation generally, the intention is that as from 16th June, which is the start of phase 4, the second educational step will involve all the children who have been attending school going back to school in the morning
2295 for the morning session. There will necessarily be some adaptations to that in order to stagger entry and dismissal, as we have said we will do – stagger break times, for example – but at the very least what is going to happen in step 2, which is on 16th June, the start of phase 4 of the overall Government Unlock the Rock, is that all children that have been going back to school go back for the morning session and in addition year 12s go as well.

2300 We may also consider whether there are other options, whether there are other children, year 9s for example, or other years, that can also be brought back at that time and an assessment on that will be made depending on numbers. But at the moment what is planned is at the start of summer hours everybody who has been going back to school goes back in the morning with appropriate mitigating measures, and year 12s start as well.

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Mr Speaker: Next question.

Q258/2020

**Summer education programmes –
Plans to assist pupils in catching up**

Clerk: Question 258, the Hon. E J Reyes.

2310 **Hon. E J Reyes:** Will the Department of Education be offering any education related programmes during the summer months in order to assist pupils catch up with their national curriculum learning lost during the schools' closed-down period?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2315 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, when schools closed in the UK on 24th March, or in March when they closed in the UK, the national curriculum was effectively paused. Nobody is, therefore, falling behind with respect to the national curriculum, because it is paused, and therefore when the hon. Member talks of 'catch-up' there is nothing to catch up because it has been paused. Learning has, however, continued for pupils through the home learning programmes. Pupils will have continued to develop key learning skills which will benefit them as learners as they progress through their educational journey.

2320 The decisions we have taken with education professionals in the Department of Education and with the teachers' union have meant that there are no current plans to keep schools open for pupils after the end of term on 7th July. I am confident that the professionals who work with our children will ensure that our children make the progress which is expected of them when normality with respect to the curriculum resumes.

Hon. E J Reyes: Mr Speaker, I understand what the Minister is trying to say, in that broadly speaking he is correct when are saying that the students do not need to catch up and so on. However, when a student starts in September, in year 10, he knows that within two academic years he has got so much subject matter and the finer points to go through in the learning process in order to prepare for his exams. It is also equally true to say that although the UK may not be delivering its formal national curriculum lessons, it has still not altered the material needed to be learned in order to sit the exam at the end of year 11. So, the question of catch-up could be something that could happen in September.

2335 I did not word my question trying to be negative. What I am trying to do is to put it in such a manner that the students ... to try and avoid them having too much to catch up later on when they return to normality, hopefully at the start of the year. I was thinking of some educational programme not necessarily having to be delivered in schools but perhaps certain work set such that when the new academic year restarts in September, and whatever attendance we have of children in school, at least these teachers would be able to assess, correct and evaluate the work that has been done by those pupils during the summer months, for which they get feedback.

2340 I was aiming more in that direction, thinking ahead so that there would not have to be a catch-up, rather than trying to hint that there was a catch-up to be done now immediately. It is pre-empting: if I do nothing workwise between now and September, then it is obvious that in September I am going to have to catch up.

Hon. G H Licudi: Mr Speaker, there are actually two points to be made in answer to that. The first one is that although the national curriculum has been paused, work has not been paused. Work has continued, as the hon. Member knows, through the platforms, through the various contacts that teachers have had and the work that has been set for ... The hon. Member talks of year 10 students and that is, of course, an important aspect and they are doing it now. The year 10 students are back in school now, and they will have six weeks of that contact with the

children. Whether the hon. Member wants to call it catch-up or just contact, certainly they have resumed their education even though the national curriculum is still paused. That is in respect of year 10 students, but all the other students have the benefit of the home learning programme which we have put in place despite the fact that the national curriculum is paused.

The hon. Member rightly says that when you go back to school, and in particular it would apply to year 9s who start the GCSE year in September ... it would be year 10 and year 11. Year 11 will then start the A-level year in September. What is it that they will need to do for those two years? The reality is that we do not know. Because the national curriculum has been paused effectively for one term, decisions will have to be made in the UK, particularly by the examination board, as to how they deal with that. Whether they expect all children throughout the UK to catch up with everything that they may have lost out on, or whether they take that into account and make some changes either to the curriculum, to the amount that needs to be covered, to the breadth or to the examinations themselves, we do not know that, and until we know that we do not know exactly what we are going to face in September.

Having said that, in respect of, for example, year 9s, as the hon. Member will know having been in the profession and in the Department for many years, year 9s will be preparing their options for GCSEs. All that has been happening, online; through contact, the options programme has been made available to year 9s and they will have gone through that and been able to ask questions and receive the necessary advice.

Year 11s have had their education paused in a way, because they will not do the exams this year. The exams were cancelled early on in this process and their grades are being assessed by each centre, as we have announced. But there is work being done and offered to year 11s in order to prepare them to start the A-level course. That work is being done at the moment.

Another example is year 13s, the final year of A-levels. You would have thought that if they have no exams they have nothing to do. We have offered them, and we have put together, a programme to prepare them for the next stage, as we do at the very end, whether it is employment, in terms of giving them advice, or university, preparing them for that new experience that they will get.

So, we have been doing all this work – in a different way because it affects each year in a very different way. What we will need to do in September will really be determined ... and that is why it is important that we continue to monitor what happens in the UK. There will necessarily, I believe, have to be adaptations to what happens in the UK because they cannot simply ignore the fact that a term, effectively, of the national curriculum being paused is lost and then seek to examine children as if that pause had not been put into effect. We will have to wait and see, but as I said in answer to the original question, we are very confident that our professionals will continue to work with the children in whichever way is necessary and will continue to support them.

Mr Speaker: Next question.

Q259/2020

Students with special educational needs – Facilities and programmes currently offered

Clerk: Question 259, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of what facilities and programmes are being offered to pupils with special educational needs during the present limited schooling set-up?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, throughout the COVID-19 lockdown, the Reach Out initiative has been in operation. Using a common protocol, working parties of teachers and pastoral leads have been maintaining contact with students and their families. These have included socially and emotionally vulnerable pupils, those with other special educational needs or students who may not have been engaging in the home learning platform. These calls have helped to identify risks and issues around these families. Teachers are identifying families who need additional support. They are making sure that, in particular cases, children can attend school even if it is for short amounts of time. By touching base, teachers can be more informed on the well-being of these particular students.

As I mentioned earlier, a Place to Talk helpline, an online form and other social media avenues have been set up so that school counsellors and other appropriate teachers have been made available to pupils and families who need support. A clear protocol has been written to ensure that this is run as safely and as effectively as possible. Any concerns have been referred on to relevant professionals.

The online platform also enables teachers to keep in touch with children and identify needs. Adaptations have been made to help children with specific needs to access the provision. Bespoke home learning programmes have been devised – for example, for the pupils of St Martin’s School, who have been unable, as a result of their heightened vulnerability to the coronavirus, to come to the facility during this time.

We have had upwards of 110 children with an array of special needs who have been attending our school bases during the lockdown period. In addition to this, up to 31 pupils from St Martin’s have been attending school. The facility at St Martin’s has been open to all children who usually attend St Martin’s and Early Birds Nursery and who were not specifically advised by the GHA to shield because of their heightened vulnerability to the virus. Children with special needs but who also have good general health have had access to education and peer socialisation opportunities throughout the lockdown, as they have been allowed to attend our facilities.

We have also recognised that, for these children and families, the sense of routine is particularly important. Having access to the childcare facility has also provided these families with much needed respite during the time of lockdown, when tensions and difficulties undoubtedly become particularly strained because of the change in the children’s routine and the reduction in wider family support as a result of the social distancing measures.

Mr Speaker: Next question.

Q260/2020
St Martin’s School –
Social distancing guidelines

Clerk: Question 260, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, given the special needs requirements for pupils at St Martin’s School, what guidelines have Government put in place in respect of social distancing at this school?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, I will start by making a general point in respect of all the schools and guidelines generally. The Department of Education has issued a document entitled ‘Guidance on the Reopening of

2445 Schools'. This is now publicly available on www.education.gov.gi. The document provides guidance to teachers, staff and parents and sets out key mitigating measures to be adopted in schools and childcare facilities, including on social distancing. That guidance applies to all the schools.

2450 The Government nevertheless recognises that maintaining social distancing in some settings, such as St Martin's, can be challenging given the diverse special needs of its pupils. In some cases, the needs of the pupils do not allow staff members to keep a physical distance. At lunchtime, for example, some children require to be fed. Notwithstanding these issues, classrooms have been rearranged to adapt to social distancing requirements. Attempts have been made to keep the number of pupils per classroom as low as possible. There has also been a greater use of outdoor areas.

2455 Teachers have long established a practice at St Martin's of thoroughly washing their hands with their pupils. This practice has now extended to the use of hand sanitisers. St Martin's has implemented a practice where children are taken out of the premises by the staff to parents or the school bus, instead of inviting parents into the school building, as had been the case before the lockdown. This has reduced interaction and exposure of the school's surfaces to just pupils and staff. Face masks have been provided at St Martin's, as they have been in all the schools. 2460 The public health advice is that the use of face masks is recommended indoors where social distancing cannot be maintained. In addition, staff who are required to change children who, for example, may have soiled themselves, have access to gloves and aprons.

2465 **Mr Speaker:** Next question.

Q261/2020

Student UK maintenance grants – Arrangements re privately rented accommodation if unable to return

Clerk: Question 261, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details on what maintenance grants will be payable to students who rent private accommodation whilst undergoing studies in the UK and who have 2470 already signed rental contracts for the academic year commencing September 2020 but who may not be able to return to the UK at the start of the term?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2475 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, maintenance grants will be payable to students who are engaged in a Gibraltar scholarship award contract for the 2020-21 academic year in the same way as we have done for previous academic years. That is, students will need to ensure that they have submitted their continuation of studies application once they have successfully completed the 2019-20 academic 2480 year of study. If they have successfully completed the 2019-20 academic year of their chosen programme, they will then be eligible to receive a maintenance award for the 2020-21 academic year. The first of these instalments would be paid out in September 2020.

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

2485 One of the concerns is that some universities themselves may not reopen to offer physical lectures in September 2020 – in fact, I think Cambridge University has already more or less hinted that the next academic year might not see any classes at all – yet a student who does not have to attend lectures in September 2020 in the UK and could still be here in Gibraltar, where

2490 they came for the summer months, and does not return to the UK in September 2020 ... We do
not know what the Prime Minister in the UK is going to have in respect of the proposed 14-day
quarantine when they return, but they are committed in a contract that they could have entered
into for accommodation for about two years. There is a bit of a concern by some students that
the Department of Education may say if you are not in the UK you do not have accommodation
expenses, and that would only be true in respect of halls of residence. When you rent, would the
2495 student who is able to document evidence, such as the contract and receipts and so on in
respect of the rent ...? Would that be looked upon favourably by the Department so as to allay
their fears? There was some fear last time around, when the Department – rightly so – asked for
clarification on what expenses they had had in this last term when they had not been in the UK
and therefore did not really need that maintenance grant.

2500 **Hon. G H Licudi:** Mr Speaker, the hon. Member starts by saying that some universities may
not open in September and he gives the example of Cambridge University. Some universities
have in fact announced already – including Cambridge, and there are others – that they will not
be providing lecturing facilities for students. The day that Cambridge University made that
2505 announcement it so happens that on Radio 4 in the morning I heard an interview specifically on
the subject, where it was suggested that the fact that lectures are not provided does not mean
that there will be no contact with students. Lectures would be provided online, so it was said,
but tutorials and seminars with small groups could certainly happen. That is my understanding
of what a lot of the universities are planning. What they are seeking to avoid is a lecture theatre
2510 full of four or five hundred students, but a lot of the working in some universities is done in
those small groups, tutorials and seminars, and those are able to carry on.

We do not know exactly what is going to happen in September. The state of play with the
virus in the UK is very different to what it is here at the moment and announcements will have
to be made. I know that universities are getting ready for the eventuality of them not being able
2515 to function normally, and that is why they have made these announcements of lectures at least
being delivered online or through podcasts, or whichever other way the university decides to do
it.

Having said that, we have the issue of the possibility of the university not opening at all,
operating remotely and some students not having to return to the UK. I do not want to get into a
2520 hypothetical issue and discussion of what happens if this and what happens if that.

It is also difficult to anticipate that students who still do not have a continuation award,
because they still have not successfully completed this academic year – they are still in the
middle of or finalising their dissertations or their final coursework or assignments, or the exams
that they have to do, and therefore it is difficult to understand that students, without knowing
2525 that they have successfully completed, will be entering into firm contracts with firm contractual
provisions, commitments, for next year without knowing whether they have passed this
particular year or they have a continuation of studies award. But assuming that they do pass and
assuming that they do continue their studies, if a student, because of the need to go to the UK
and continue their studies in whichever way is necessary, enters into arrangements, then, those
2530 students, as we have said for this particular term, we do not expect those students to be out of
pocket and maintenance grants will be payable in the normal way.

We will have to take into account, as we have done in this particular term, whether the
students are here or in the UK, and that may well be reflected in the maintenance grant in the
same way as the exercise which we are currently embarked on, on which the hon. Member and I
2535 have had some correspondence. But subject to that, as I said in the original answer, provided
that students successfully complete this academic year, provided that the students then go on to
get the continuation of studies award, then maintenance grants would be payable in the normal
way.

2540 **Mr Speaker:** Next question.

Q262/2020

**Returned student maintenance grants –
Donation to COVID-19 Fund**

Clerk: Question 262, the Hon. R M Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

2545 Can the Government advise on what legal basis, without an expenditure appropriation approved by this House, can the Department of Education represent to students that maintenance grants returned will be 'donated in the student's name to the GHA COVID-19 fund'?

2550 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, expenditure appropriation for donations has already been approved by this House. I would invite the hon. Member to look at head 2(7)(b) of the approved Estimates of Revenue and Expenditure for 2019-20. Any recoveries which will reduce the expenditure under head 18, subheads 2(5)(a) and (b) would be matched by an equivalent contribution from head 2(7)(b) on behalf of the students.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

2560 Head 2 is not, I believe, the Department of Education – (**Hon. G H Licudi:** No. 6.) No. 6, in which case donations will be made by No. 6, but what you are talking about are effectively refunds or returns on moneys to the Department of Education head of expenditure, which is now money coming back to the Department of Education and then being reallocated. (*Interjection*) Well, effectively it is a reallocation because this is money that the Department of Education is getting returned to itself, (*Interjection*) but what he is saying is it will be donated through No. 6 donations, if I understand the Minister correctly – but obviously he is indicating I am not.

2570 Would the Minister, once he clarifies that point, perhaps – (*Interjection*) Well, the Minister will explain to me, or perhaps Sir Joe will explain to me, even better. But also the suggestion that the money is donated in the student's name – this is money that now belongs to the Government once it comes back into the Government's coffers, by definition. So, to then suggest it is donated in the student's name is a bit of misnomer. This money now belongs to the Government. It is the Government's money and all the Government is doing is effectively reallocating it internally. But to tell the students that this donation is being made in their name gives the suggestion somehow that that money belongs to them in some sort of way, which I think is not quite an accurate description because what is happening is the Department is getting the money back and the Department is reallocating it. If the Minister could clarify those two points.

2580 **Hon. G H Licudi:** Mr Speaker, this will not involve a reallocation at all. It does not involve a reallocation of moneys in one head being reallocated to another. There is already a head. Head 2(7)(b), which I have referred to, is a head specifically for grants and donations, which is controlled by No. 6. The money comes back to the Consolidated Fund. It is paid out of the Consolidated Fund. So it comes into one account and it is paid out of the same account. In accounting terms, from the Government's accounting point of view in terms of the heads of expenditure, it comes back to the head where it was paid out. (*Interjection by Hon. R M Clinton*) Yes, it comes back to the head where it was paid out. That money will still be there and will appear as a saving under that head and there will be a separate, not reallocation but a separate but corresponding payment out of the head controlled by the Chief Minister.

On the issue of the second point that the hon. Member makes, yes, of course it is a donation made by the Government, because it is a power that the Government has. Because the money is returned from the students we have said that that notionally will be considered to be a donation in the student's name. So it is not as if it is the student's property. The money comes back to the Government, the Government makes the allocation, but we have said, and I do not know whether this is just semantics but we have said notionally – we have not said notionally but that is effectively what will happen – that money, which will be a donation under the power of the Chief Minister from head 2(7)(b) to the GHA COVID Fund notionally will be made in the student's name, but of course it is money belonging to the Government and it is a power that the Government exercises under the head that the Chief Minister controls.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask a question – when I heard that the donations were going to be made in the student's name I found it a little bit unfair in the sense that it might be out of the powers of that particular student ... Maybe that student was lucky that he or she did not have a rental contract and therefore that student now gets the kudos of making a donation and another student would like maybe their name to be on a donation, but because they have a rental agreement they cannot actually have that privilege of having their name down on a donation. I think that if the contractual obligation ... I do not know how exactly it is formatted. If the student needs the money, the student gets the money, if they can recoup the money, which I think is perfectly right because they do not have the contractual obligation. The Government takes the money. Maybe the Government would be minded to reassess that decision and make a global donation on behalf of the students of that year.

I found it a little bit startling when I read about it because it makes the whole process feel like some students donated and some did not, when it was beyond their control who could and who could not. Would the Minister be minded to rethink this policy or this idea that they have come up with?

Hon. G H Licudi: Mr Speaker, although I understand what the hon. Member is saying but we took the view that it was right for the money to be returned and it is a view which I understand is also shared – the principle at least is shared – by the Opposition and the hon. Lady, so there is no disagreement on that in terms of the mechanics. I have explained the mechanics and the view we took that in respect of those moneys that we have there will be a global payment to the GHA COVID Fund. But the view we took was that that money should be returned in the name of the students from whom we recover those moneys.

Hon. K Azopardi: Can I just ask, so I understand the rationale: I certainly agree with the principle that if money comes back to the student by way of operation of the COVID emergency – and of course it comes from the taxpayer, it belongs to the taxpayer – it should be returned, clearly, but why was there a need to say in the letter to students that if it is returned you donate something in the name of the student? Is it because the Government thought it would incentivise people to return the money? Otherwise, I just fail to see what the rationale was, because either the money belongs to the taxpayer or it does not. If it belongs to the taxpayer, it gets returned and then as a matter of public funding necessity it may be that the GHA may need to be supported financially more than other Departments during this time. And that is fine, that should happen, but we just fail to see the rationale for that part of the reference in the letter.

Hon. G H Licudi: Mr Speaker, this certainly was not in terms of an incentive. It was not that students were being incentivised to return money by including those particular words.

The money either has to be returned or it does not have to be returned. There is an exercise going on which is essentially an accounting exercise with the students putting forward evidence as to what their expenditure in the UK is and an assessment being made on a case by case basis,

rather than taking a global view, because we recognise that the circumstances of each particular student would be different, as we have explained.

2645 The hon. Member says 'Why was there a need to have these particular words added?' It is not a question of need; it is a decision that the Government took. The Government felt that it was desirable to do it in this particular way. Whether there was an imperative need to do it or not is neither here nor there. It is just a Government judgement and a view that we took.

2650 **Hon. R M Clinton:** Mr Speaker, if I may, just one final supplementary. Just for the sake of absolute clarity and for the record, can the Minister then confirm to the House that the so-called donation is not being made by the Department of Education but by the Chief Minister's Department, or head 2, which is not the Department of Education, and that in fact the Department of Education has no such authority to make such a donation?

2655 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, but I am going to do it in the name of the Department of Education with the relevant lists of names of students so that it is clear that it is being done in that way.

Standing Order 7(1) suspended to proceed with Government motions

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

2660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government motions.

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

Standing Order 19 suspended to proceed with Government motions

Clerk: Government motions, the Hon. the Chief Minister.

2665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the following motion standing in my name:

I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a Government motion.

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

GOVERNMENT MOTIONS

**Government Guarantee for Gibraltar Business Disruption Loan Guarantee Scheme –
Motion carried**

Clerk: The Hon. the Chief Minister.

2670 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE NOTES THAT Her Majesty's Government of Gibraltar has negotiated an agreement with Gibraltar International Bank, The Royal Bank of Scotland International Limited, Gibraltar Branch and Trusted Novus Bank Limited to participate in a scheme to be known as the Gibraltar Business Disruption Loan Guarantee Scheme;

THIS HOUSE FURTHER NOTES THAT said scheme is designed to provide finance from any of the participating banks to qualifying borrowers in Gibraltar that have been affected by the COVID-19 pandemic;

THIS HOUSE SUPPORTS THAT the scheme should offer lending to such borrowers in a manner that is guaranteed by the Government in a sum of 80% of the amount of any borrowing agreed, with the balance of risk being borne by the relevant lending bank;

THIS HOUSE FURTHER SUPPORTS the Government's decision that the lending banks should be able to offer lending to qualifying borrowers up to a maximum amount of £30 million in loans and facilities under the scheme (effectively providing for loans and facilities of £10 million per lending bank);

THIS HOUSE NOTES THAT the said scheme enjoys the support of the Government and the Official Opposition AND THAT the said scheme requires a guarantee involving a financial liability that binds the Government and is therefore required to be given only pursuant to a resolution of this House in accordance with Section 9 of the Public Finance (Control and Audit) Act.

AND THIS HOUSE THEREFORE NOW RESOLVES THAT the Chief Minister, as the Minister with responsibility for Finance, be and is hereby authorised in the name of and on behalf of Government to give a guarantee or guarantees in writing to the aforesaid lending banks on the terms described above;

AND THAT the said guarantee or guarantees shall be binding on Government;

AND THAT the said guarantee or guarantees shall be limited to £24 million in total.

2675 **Hon. Chief Minister:** Mr Speaker, one of the areas that have been hardest hit by the pandemic is business, of course. We have discussed this generally during Question Time, during the Statement this morning and during the Emergency Budget that the Government took through the House in March. We have provided various mechanisms from March to the end of June, which is when those mechanisms will end, that have ensured that businesses have been put in an induced coma, as we have described it, from which they are slowly being stirred.

2680 The Government is conscious that as businesses begin to emerge from the coma of lockdown they may well need additional help and support. That is why I have met with CELAC on a number of occasions and taken on board their thoughts on how best to advance matters in this area. We have also reached out and received communications and ideas from the wider community in this respect. In this regard the Government has also looked at many of the initiatives that have been provided in other countries to see how best to address these issues.

2685 One measure that was habitually raised with us in every forum that we addressed these issues was the need or desire by businesses that we should ensure that there is a supported lending facility to assist all viable businesses that have suffered as a result of lockdown, given both the unexpected costs which COVID has given rise to and the equal lack of revenue which has arisen. A supported lending facility is in place in a number of other jurisdictions and such a facility in effect relies on a government guarantee for commercial lending.

2690 The resolution before this House today is required to allow the Government to provide a guarantee to the three main commercial lenders in this community who will be involved in the lending under our proposed Scheme. The section of the Public Finance Borrowing Powers Act which I referred to specifically provides that the Government is unable to enter into a guarantee
2695 unless it has the consent of the House by resolution to that effect.

The Scheme before the House has largely been taken from the Business Disruption Loan Guarantee Scheme which is in place in the Channel Islands and the Isle of Man. We are in the final stages of finalising the documentation of the Scheme, so what follows is, for now, a general outline of the Scheme albeit some details may change slightly. The schemes in these jurisdictions that I have referred to have been devised between the lending banks and the respective governments and they all agreed on how best to implement the policy of providing the supported lending facilities at this time.

On hearing the Government talk about the possibility of such a scheme being implemented in Gibraltar – I have said something about this in public statements before, and in fact I think the Hon. Mr Clinton has also referred to our discussions about this in some of the public statements he has made – one of the local Banks, namely NatWest, through its country head Mr Gordon Patterson, approached the Government and explained how a similar scheme worked in the Channel Islands and the Isle of Man as RBSI was part of the organisation of that scheme over there. NatWest held out to us that they could and would be happy to assist in the implementation of a similar scheme in Gibraltar.

Since then, Government officials, led by the Financial Secretary, Albert Mena, have been in contact with officials in the Channel Islands, to whom we are grateful for their assistance. Government officials also engaged with the other lending banks in Gibraltar to understand whether this was something that they would support and wish to participate in. We discussed these matters and agreed – in principle, it is fair to say – with the Leader of the Opposition and the Hon. Mr Clinton how we would adapt these schemes that we were seeing develop in the Channel Islands and the Isle of Man, and the scheme that we were reading about in the United Kingdom in the international press, for the circumstances of Gibraltar. As a result, and with the consent and support of the officials and banks in the Channel Islands and the Isle of Man, we have been able to take the documentation that had been established for their schemes and adapt it for local rollout in Gibraltar.

The Gibraltar Scheme is targeted at supporting our small and medium-sized enterprises. It will be available to companies with a maximum turnover of £10 million and the Scheme will be available to most businesses with a turnover below that threshold, save those in a narrow selection of ineligible sectors. These are, first of all, undertakings whose income is at least 75% funded by the Government, supermarkets, wholesalers with tobacco licences, property development companies, the banking industry itself and e-money institutions. The rationale for these sectors being ineligible should be quite easily understood, I think, from the description of them, but the idea has been to allow the Scheme to apply as widely as possible, always bearing in mind that the list of excluded sectors can be amended at relatively short notice under the documents which have been agreed between the Government and the banks.

The way the Scheme works is that the Government provides a Guarantee to the lending banks for 80% of their lending, with the lending bank retaining 20% of the risk associated with the lending.

We agreed with hon. Members opposite these two things, which were going to be key to the operation of the Scheme. The first was that the banks should be in the front line of the decisions as to the commerciality of the loans to be granted. The Government should not be involved in the grant of the loans to any company or business in particular. First of all, we do not want to be put in the position of having to say no to anyone in respect of their scheme proposal or business, or indeed we do not want to be responsible for having said yes to an entity that subsequently does not honour the responsibility to repay the outstanding lending, so it is right to keep the Government away from those decisions.

The second key thing was that the banks should have an interest in the recovery of the loans and we therefore felt agreed that we should not move to providing a 100% guarantee of loans. This is an important part of the rationale in setting up this Scheme because in this way the banks will have an obligation to recover the full amounts of the impaired loans which they have under

documents but also 20% of the liability of losses if they do not recover the amounts lent in the case of any impairment.

2750 The resolution of the House is designed to allow each bank to form part of this club, to lend up to £10 million into the Scheme, and so that means that the Government's maximum guarantee exposure under the Scheme will be £24 million. So, there will be three banks lending £10 million each. The Government will guarantee £8 million of the £10 million that the banks are putting into this club for lending but they will each be doing £10 million of lending each.

2755 I want to emphasise that the fact that the lending banks retain 20% of the risk associated with each loan is an important feature, as the lending banks will continue to have skin in the game, so to speak, when the lending is effected. This gives the taxpayer in particular the comfort that the banks, as the prime commercial lender in the relationship in each case, will continue to have a vested interest to lend only to businesses that can persuade them as lender that they can continue to be viable businesses after COVID if they receive the assistance from the banks in this Scheme.

2760 The Scheme places all the decision-making in the hands of the banks themselves but does govern how they have to act in the circumstances. The way the Scheme works is that the lending banks must first consider if this was a viable business before the COVID pandemic, but whether in fact it has been a business that has been negatively affected and impacted by the COVID crisis.

2765 The Scheme requires that the lending banks first consider the lending proposition on a business-as-usual lending basis. In other words, the first key question for qualification for the lending will be whether the businesses can borrow more by providing further collateral under normal commercial terms. If they can, the banks cannot lend to them using this Scheme; they must lend to them generally under their existing arrangements. Likewise, companies that might seek to access this Scheme are not allowed to take existing lending that they have and then restructure it under the Scheme. And it is not just the companies that cannot do that; the banks cannot approach companies in order to try and restructure lending that they might be worried is impaired, and say, 'Let me bring this potentially problematic loan into this Scheme where the Government provides an 80% guarantee.' That is prohibited. What this Scheme is designed to do

2770 will only be engaged if a business has exhausted all other business-as-usual lending but it remains a viable business where the lockdown has created an unexpected interruption that can be addressed with lending under the Scheme.

The reason the Scheme involves the three main lenders in Gibraltar is that this will facilitate access to the Scheme for companies in Gibraltar, as these are likely to be clients that are able to go to the bank they normally deal with. That means that the bank will already have due diligence – that always difficult hurdle these days, which is time consuming but important – on a relevant applicant, they will have an understanding of the business because they will have banked it for some time, and they will be able to assess the requirements of the business quite quickly as they will already have an understanding of the viability of the business itself and can provide access to the Scheme therefore relatively fast.

2785 One of the banks that we will be seeing in this club of three is already a bank that has experience in the operation of the scheme in other jurisdictions – obviously NatWest – and this should also help roll out the Scheme here locally, as the banks will be sharing experiences and procedures put in place and in operation already in the Channel Islands and the Isle of Man.

2790 Any facility provided under the Scheme can be between £5,000 and £500,000, but there is a ceiling of £500,000 and it will be subject to limitations which are set out in the state aid rules.

2795 The facilities provided under the Scheme can be for a maximum period of six years and therefore they can end no later than 31st December 2026. The guarantee cover that this House is being asked to provide will, however, continue for a further period of two years to allow for a debt recovery period for any businesses that have been unable to repay at maturity. But I just want to be clear that the date of 31st December 2026 is the furthest outside date for potential maturity. Agreements can be for shorter maturity dates.

The lending banks will determine the commercial rates that each client warrants, up to a maximum margin of 4.5% above base rate.

2800 The banks will be able to take security in the grant of these facilities but they are not allowed, in the use of this Scheme, to charge the principal private residence of the borrower.

Under EU state aid rules the Government is required to charge a minimum amount at least for the provision of the guarantee. We are unable to waive this charge without the whole Scheme potentially falling foul of the state aid rules.

2805 Businesses that wish to access these loans will be required to self-certify that they have met any obligations to all taxes, social insurance and rates that were due as at 31st December 2019 before the lender is able to lend.

The Scheme will also require the lending banks to report frequently to the Government on the overall amounts lent under the Scheme. The lending decision, however, will rest solely with the lending banks and the information as to lending done will be provided only after the event.

The Government has also reserved to itself the right to terminate the Scheme at very short notice.

2815 When notice of this resolution appeared on the front page of the newspapers today we have already been alerted to a large number of enquiries at the banks. It is clear, therefore, that there is an appetite and indeed therefore very likely a need in the market for this lending, as we identified in the discussions that I had with the Leader of the Opposition and Mr Clinton. I think we all agree that is the case.

2820 Before the lending is available, however, we have first to pass this resolution, finalise the documentation in terms of execution and the lending banks need to organise themselves to be able to deal with the Scheme. The Scheme is therefore expected to go live during the course of June, but I do not want to commit to any particular date when it will be made available by any one bank. I would therefore ask businesses to give banks a little latitude to get everything ready to go.

2825 The documentation involved is complex and detailed. It has taken time to adapt to our local requirements and as ever when one reviews something other thoughts come to mind that have required adapting the documentation too. The progress made could not, however, have been achieved in this short timescale without the hard work and co-operation, which I want to recognise, of Mr Gordon Paterson of NatWest, who initially put us in contact with everyone who had dealt with the establishment of the schemes in the Channel Islands and Isle of Man and has co-ordinated all our efforts in that respect, also the work of Mr Lawrence Podesta of Gibraltar International Bank and Mr Lars Aarup Jensen of Trusted Novus Bank and their respective internal teams. I am grateful to all of them for their dedication to getting this done and to the respective legal teams that have worked on this. I am also grateful to James Roberts from the Government of Jersey, who assisted us with their experience on this; and to Mr Christian Hernandez, not in his capacity as President of the Chamber of Commerce but as counsel for the Gibraltar banks in this case.

2840 I should add that this work has been done on the basis of the discussions we have had with the Hon. the Leader of the Opposition and the Hon. Mr Clinton, where we have agreed these points in principle. I am therefore going to move an amendment to that effect by proposing we should insert the words 'the principle of the' in front of the words 'the said scheme' where they first appear in the fifth paragraph. Mr Speaker, I am going to move that amendment at the end of my speech because I am not going to speak to the amendment and the resolution.

2845 In those discussions with the Leader of the Opposition and the Hon. Mr Clinton we also agreed the terms of the rules for the COVID-19 Response Fund. Mr Speaker, given that all of these things are linked, I think it may be helpful for me to just give a few moments of reflection on that scheme.

The COVID-19 Response Fund was established already by a legal notice which hon. Members will have seen was published on Thursday, 23rd April. This will be a fund where we centralise all the expenditure incurred, all of the benefits payable and all of the fiscal measures adopted in

2850 response to the COVID-19 pandemic. The regulation of this special fund will be set out within the Public Finance (Control and Audit) (Covid-19 Response Fund) Regulations 2020 that were published on Monday, 18th May 2020. The fund will be controlled by the Financial Secretary, as the controlling officer, and it will be administered in accordance with the terms set out in the regulations I have just mentioned. The Financial Secretary and I have worked closely with the
2855 Leader of the Opposition and Mr Clinton in developing the regulations for this special fund and I would like to take the opportunity to thank them for their valuable input, despite the testy moments that the accountants have caused us on occasion in the discussions.

Following a meeting with both of them, I wrote to Mr Azzopardi to confirm certain procedural matters with respect to the administration of the fund. The letter I sent him includes
2860 a commitment to the publication of financial data as soon as possible, the provision of monthly raw financial data to be shared on an ongoing basis and the provision of key performance indicators, to include income tax receipts, company tax receipts and import duties, on a confidential basis. Indeed, I have got the letter here and I think it will be helpful to read the letter into the record of *Hansard*. The letter is dated 14th May. It refers to a meeting on
2865 28th April 2020 to discuss the then draft regulations and it goes on with me confirming the following:

- (1) In regulations 12 and 14, where publication of financial information as described as soon as practicable, this will not suffer any undue delay or blockage and the information will be published immediately when available. We envisage publishing in accordance with regulation 12 no later than three months from the end of the period and undertake to do this sooner if possible. We envisage complying with regulation 14 and having the COVID-19 Response Fund audited within nine months of the financial year end.
- (2) Monthly raw detailed financial information as to the status of the COVID-19 Response Fund will be provided to you, as Leader of the Opposition, on an ongoing basis, including the cumulative to-date figure. This is understood to be unaudited and subject to final adjustment and thus must be kept confidential. The information will be provided within four weeks at the end of each calendar month, or sooner if possible.
- (3) In addition, during the period of the COVID-19 crisis and existence of the COVID-19 Response Fund the Government will provide you, as Leader of the Opposition, with ongoing monthly and cumulative financial information as to the Government's key performance indicators – namely: recurrent revenue for income tax receipts, head 1, subhead (1); company tax receipts, head 1, subhead (2); and import duties collected, head 2, subhead (1) – on a confidential basis with a monthly and cumulative comparison to the prior years. This will provide a clear indication of economic impact caused by the COVID-19 crisis as well as the financial cost of the key business measures announced. The information will be provided within four weeks of the end of each calendar month, or sooner if possible.

I confirmed to the Leader of the Opposition that I would refer the House to the existence of this letter and that I would seek to set out in *Hansard* the exact provisions thereof, which I have now done.

2870 Mr Speaker, on that basis I commend this resolution to the House, so that when passed I should be empowered to enter into the said guarantees in favour of our three local lending banks to support small and medium-sized businesses in our community as aforesaid.

I commend the motion to the House with the proposed amendment in the fifth paragraph.

2875 **Mr Speaker:** I now propose the question in the terms of the motion and the amendment moved by the Hon. the Chief Minister.

Does any hon Member wish to speak on the motion?

Has the amendment been agreed?

2880 **Hon. Chief Minister:** Yes.

Hon. R M Clinton: Thank you, Mr Speaker.

As we turn our attention from the medical emergency that has absorbed so much of our time, energy and attention over the last 10 to 12 weeks, we now quite rightly need to focus the
2885 attention of Parliament on our economy, what it is that we can do to help the economy survive

this period of disruption and, of course, later on, what we can do to stimulate the economy and get things moving on to a more normal footing and encourage growth and the prosperity that will bring. And so this motion that the Government has brought today will enjoy the full support of Her Majesty's Official Opposition for the simple reason that of course this is, we think, a
2890 necessary part of the toolkit or the first-aid kit for our economy.

The Government has, with our support – and they have quite openly engaged with us – put into place the BEAT measures, which addressed one particular economic urgency, and that was making sure that our workforce and employees got paid. This particular Scheme, for which I have to commend the participating banks and of course the Chief Minister, the Financial
2895 Secretary and all those people who have worked so tirelessly to put this together in such a short period of time ... As a former bank executive I can say that putting together four parties to a master guarantee agreement is no mean feat. This is not something that you can just pull off the internet; this is bespoke and this is tailor made for our unique circumstances in Gibraltar.

In terms of the recovery, what this will do is provide a backstop to businesses in Gibraltar which in ordinary circumstances would not have a problem, but because of the COVID emergency the business has effectively been paralysed. They may have suffered short-term cashflow problems and they may have other issues, and they just need a helping hand. This is where the Government, I think, has quite rightly decided that the best way to go about doing this is to provide some sort of guarantee scheme.

We do not know what the shape of the recovery is going to be. There is a lot of debate, there are a lot of economists out there discussing how long it will take to recover, but I think most economists now – and Sir Joe may correct me – are probably saying that a V-shaped, quick recovery is probably overly optimistic at this stage. Even a U-shaped recovery is possibly optimistic, and in fact I think there was a Nobel Prize laureate in economics who said it looks
2910 more likely to be like the Nike swoosh, a sort of long, slow recovery over time. But of course businesses do not have the luxury of time, normally, and it is important that we see them through that slow recovery process. And of course we do not know how long that will take, which is why the Scheme, as the Chief Minister has laid out today, has a six-year time period, because we do not really know how long or how quickly businesses will be able to regenerate their financial positions.
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Of course it is important, as the Chief Minister has pointed out, that these schemes are obviously for viable businesses. This is not to be seen in any way, shape or form as easy money or free money. This is money which they will have to work for and which they will have to repay, and in that sense it is entirely correct that the banks should be the ones making the decision. It is
2920 the banks who, as the Chief Minister has quite rightly said, having skin in the game, up to 20% of exposure, will make sure that their lending decisions are sensible ones. No one should think that this is a free ride on the Government or the taxpayer. This is a facility which is there to protect and help those businesses get through the period with the support of the Government.

We have seen that the UK has come up with three different types of schemes: the one which they poetically call the Bounce Back Loan Scheme, which is for small businesses; then they have the Business Interruption Loan Scheme for medium-sized businesses; and then the third one, the Large Business Interruption Loan Scheme. But they are all interruption loans schemes and this is about the disruption period. We have, I think with great skill and it is commendable, managed to devise in a very short period of time our own tailor-made Scheme, although we have
2930 piggybacked on the experience in the Channel Islands. But look, there is nothing wrong with that, I think it is great, I am a great believer in not reinventing the wheel and we have been able to do it very quickly. I hope we will also be able to introduce it very quickly because just by announcing it the Chief Minister is already getting phone calls as to when people can apply for a loan.

As I said at the beginning, this is part of a package – I imagine a first-aid kit – which we are going to have to deploy to help our recovery for the economy. This Scheme is, as it says, a business disruption scheme and beyond this we will no doubt be talking in the months to come,
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if not the weeks to come, about what the next steps would be in terms of that first-aid kit. In the UK they have already been talking about something which they call a Future Fund for innovative businesses and it may be that we have to be creative and come up with some kind of scheme as well to encourage growth in the economy, new businesses, new projects, maybe redesigning of businesses. We will have to think outside the box, and I think obviously CELAC will have a role to play in that, as will the Finance Centre Council and everybody in Gibraltar who is in business generally.

But this is an important first step and it is a huge signal of intent by Government. I think certainly it will enjoy the full support of the Official Opposition and if it has the full support of Parliament it will send a strong signal to Gibraltar and Gibraltar's businesses that we are here for them and we will help them to the fullest extent that we can. But of course they need to help themselves as well and they will need to make sure that they put their business cases to the banks and the banks of course will be making lending decisions on a normal basis. It is an important Scheme. It is fantastic that we have three lending banks that have signed up to this and I think it is fantastic that it has been able to be put into place in such a short period of time. In that respect I have to congratulate everybody who has been involved in putting it together.

I just want to refer briefly to the COVID regulations and the side letter that the Chief Minister has read into *Hansard*. All this is to be seen against the backdrop of the bigger picture, and that is how the Government and our public finances are to be able to support measures that are put into place, what it is the Government is doing, the expenses that are being incurred, and I think the measures that have been agreed with the Chief Minister, the Leader of the Opposition and the opposition in general, will go a long way to providing complete transparency, I hope, in terms of how money is being spent in the public name. I think the COVID Response Fund was a good initiative and a good way of providing the public with the transparency that they will require – and I have already seen comments on social media, but I think what I can say is that we have been working with the Government to ensure that that level of transparency will be apparent, and I thank the Chief Minister and of course the Financial Secretary for having engaged so constructively with us in that respect.

And so, Mr Speaker, we in the Official Opposition will support the motion and I am grateful to the Chief Minister for the slight amendment in terms of the principle of the Scheme, in that of course we support the principle of Scheme. The nuts and bolts of the Scheme we leave to the Government, but the concept and the way it is put together, as the Chief Minister said – that the front line are the banks and that they have skin in the game – is entirely right.

And so, Mr Speaker, I have nothing further to say than I commend the motion to the House.
(*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the motion?

I ask the Chief Minister to reply.

Hon. Chief Minister: Mr Speaker, I am grateful to the Hon. Mr Clinton for what he has said. If you had told me or perhaps any other Member of this House as we each sipped that socialist beverage, champagne, in the early hours of 1st January of this year (*Interjection*) that we would find ourselves in this situation – I did not hear the quip, I am sorry. I really am sorry I did not hear the quip.

Hon. R M Clinton: It's the last time I will agree with him!

Hon. Chief Minister: Right, okay! (Laughter) Then, none of us would have perhaps imagined that we would find ourselves in a situation where we have been able to agree as much as we have, in particular in this area of the public finances, the increased expenditure we have seen, the increased borrowing that we have seen and the Emergency Budget. But I think that we have, if I may say so, worked very closely together and we have worked very well together, none of

2990 which should surprise any of us, and nonetheless something which has been harder than, of course, as I said this morning, disagreeing with each other or insisting on one particular view or another to the exclusion of the other. I think it is what the community expected from us and in that respect I think we have done and are continuing to do, I hope, the right thing.

2995 Mr Speaker, the six-year period is, as the hon. Gentleman has said, an important consideration here because when you look at what the recovery will be, whether it is a Nike swoosh, a V or a U ... I have now been in practice as a lawyer, when I have not been Chief Minister, for long enough – as hon. Members who share that profession on either side of the House also have been and those we have been in business on both sides of the House, and the hon. Gentleman has been in banking – for long enough to have lived through not perhaps as
3000 many recessions as the Father of the House but a number of recessions. They tend to come, almost like clockwork, every 10 to 12 years, although the 2008 recession lasted a little longer than might have been expected. So, a six-year period is probably the right sort of calibration of a lending, at the outside, for a commercial entity of this sort.

It is absolutely right that the hon. Gentleman, in analysing the Scheme, should identify it, as we hope everybody who wants to participate in it identifies it, as not easy money and not free money. This is a Scheme which is generous, which does away with the need for additional collateral to be provided if it is not available, gives the lender the comfort of a very substantial but not complete cushion in the 80% guarantee but must be seen in that way by those who are going to participate in it. And we made the decision together. The guardians of the
3010 commerciality of the lending should be the banks, it should not be the Government that was on the front line. The banks should be making the lending decisions and we have been able to agree that.

I want to share with him the commendation of those who have been working on this documentation. We have both been professionals involved in these industries, and producing
3015 this level of documentation, even if it is derivative from other documentation that has previously been developed, is not an easy task if you are going to get it right and if you are going to slightly improve it for the circumstances of Gibraltar, and therefore all of the people I have mentioned I think are worthy of commendation, as the hon. Gentleman has highlighted, for that reason.

Other schemes will come. What he now calls the first-aid kit is what I was referring to this morning in the context of what CELAC is proposing, the further meetings I propose that we
3020 should have to try and achieve that toolkit should have more in it for different types of entities that may not require this sort of borrowing, and indeed for entities that may not be there now.

So, part of what will help us in the future are the businesses that have not yet been created, either those businesses that are created from businesses that have failed today and the
3025 entrepreneurs move on to something else, or new businesses that new entrepreneurs either come to Gibraltar to establish or from Gibraltar establish. We used to have European and regional structural funds that used to help a lot with the establishment of businesses in Gibraltar. Those are, during the course of this year, coming to an end as we exit the European Union. The United Kingdom has told Gibraltar to expect to be able to form part of the United
3030 Kingdom's alternative for European and regional funding, but it will be a completely different animal to the one that we have been participating in since the early 1990s.

Mr Speaker, finally, if I may say so, on the COVID regulations, I think that that is going to enable us to show the community the reality of what COVID has cost. I think I have said already in some of my interventions that when we look at the cost of the BEAT COVID measures, which
3035 are one strand of what we are doing, which is paying the Minimum Wage without deduction to those employees or businesses that we have shut down, people should not think that is the cost of COVID and if it has roughly cost £6 million, it has roughly been there for three months, it is roughly going to cost £18-20 million and 'Well, if the revenue of Gibraltar was £700 million, then we have paid for that in half a month – let's get on with it and let's go back to the old ways.' That
3040 is not the position. The position is going to be much more difficult than that. It is a position where you have impaired revenue at the same time as you have increased spending and it is

very important that all of this is packaged together and people understand clearly what it is that this has cost us to date and what it could cost us again. We talked this morning about the possibility of a second wave etc. If a second wave required a second lockdown, all of these things come into play again and we certainly hope that, by then, science, contact tracing, testing and our understanding may enable us to get through those issues, if they come, without having to go to a lockdown with its once again renewed impaired revenue and increased expenditure etc.

I think it is going to be very useful indeed to have this transparency, not just so that people see what the Government is spending on but so that people see how much this has really cost, and when we press the stop button on the public health emergency, which may not be for some time – and unlocking the Rock does not mean that the public health emergency is over; we will have to decide very likely together when to press that button and then see what the bottom line tells us.

We need to continue to fund the Departments etc., so we will see how we provide for that impaired revenue in order to be able to continue to operate as a society and as a Government, and all of that will be provided for in the COVID Fund and the regulations will dictate what happens there. I am very happy that hon. Members will be seeing that with us on a monthly basis and we will be sharing that with the public as soon as possible thereafter.

So, Mr Speaker, I am very grateful for the hon. Gentleman having indicated his support for the motion. For all of those reasons I think it is a motion worthy of unanimous support of the House and I would seek that every Member should support the establishment of this Scheme and support the Government being able to ink these guarantees in the sums I have proposed.

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

Order of the Day

BILLS

FIRST AND SECOND READING

Insolvency (Amendment) Bill 2020 – First Reading approved

Clerk: Bills – First and Second Reading.

A Bill for an Act to amend the Insolvency Act 2011. The Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Insolvency Act 2011 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Insolvency Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Insolvency (Amendment) Act 2020.

**Insolvency (Amendment) Bill 2020 –
Second Reading approved**

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill be now read a second time.

3080 The Chief Minister has certified this Bill as urgent, pursuant to section of 35(3) of the Constitution of Gibraltar, by letter dated 28th May.

Before I begin, I think, having just heard the Chief Minister's and the Opposition Member Mr Clinton's contributions in respect of the motion on the Gibraltar Business Disruption Loan Guarantee Scheme, I would say that this Insolvency Bill is another one of those parts of that
3085 toolkit that Gibraltar is deploying to support and assist its businesses. The reason for that is that when Mr Bossino asked me earlier today in questions what were the businesses telling me, I said one was fear of the future and the immediate one was cashflow. And that is precisely what this Bill seeks to deal with and seeks to provide some comfort and safety net for.

The Bill is, as I have mentioned, one that will allow firms time, provided they are COVID
3090 related. In other words, as with the scheme that has just been discussed previously, the bank scheme, if a company was not viable before COVID it is not going to succeed in obtaining a loan from one of the banks in the middle of COVID. So, everything that we are talking about today in terms of the amendment to the Insolvency Bill relates exclusively to COVID-related matters and that is why it is so defined in the relevant circumstances.

3095 Our primary objective with the amendment to the Insolvency Act is to preserve business models and promote employee retention by a combination of (1) a temporary relaxation of certain aspects of the insolvency regime and (2) specific measures for delivery of targeted financial assistance by Government to companies within certain sectors of the economy. Our BEAT COVID measures have had the support of the Official Opposition and, through the CELAC
3100 committee, industry, unions and other stakeholders who have worked with us to provide this safety net for our important business community. But those measures by themselves cannot prevent business closures and the consequential loss of employment, so important to Gibraltar and this Government.

The original idea for this legislation emanated actually at a meeting of CELAC when the Head
3105 of the GGCA, Wendy Cumming, recommended a review of this legislation for this purpose. The Finance Centre Council agreed to consider this and a working group led by Nick Cruz prepared both the proposals and the draft legislation. Our thanks to Nick Cruz, Sir Peter Caruana, Nigel Feetham, Edgar Lavarello and Pepe Caruana, who worked with us on this legislation – importantly, in the spirit of everything COVID, at no cost to Government.

3110 The principal purpose of this Bill is to introduce a temporary relaxation of certain aspects of this regime. Why? To enable otherwise healthy and well-managed businesses the time and indulgence they may need to survive the commercial impact of this pandemic. Its aims: (1) to discourage directors from rushing to appoint liquidators; (2) to protect companies from being forced into liquidation by creditors; and (3) the process – buy time for the current BEAT COVID
3115 measures announced and other financial assistance, as the one we have just talked with in the motion to take effect.

We are not proposing to touch the well-established definition of insolvency. Businesses
3120 anxious with breaching the insolvency test are primarily concerned by the consequences, which include directors' concerns for the personal consequences to them in terms of personal, civil and criminal liability of not doing so and the issue of statutory demands and/or execution of judgments by creditors followed by an application by the creditor to appoint liquidators. If these two categories are suspended, there is no reason why directors cannot safely decide to continue to trade or curtail trade in the expectation of emerging as a going concern once the extraordinary adverse commercial circumstances created by this pandemic and Government
3125 measures to control its spread and their consequences pass.

These measures are temporary and will be repealed when they are no longer required. Importantly, the measures only apply to entities or companies in Gibraltar which are licensed or authorised in Gibraltar under the Fair Trading Act or any other enactment of Gibraltar, such as for example the Financial Services Act or our Gaming Act – in essence, Gibraltar business and not their clients. It should not affect any clients of Gibraltar firms that are not local businesses.

Parts of the current regime will be temporarily suspended to de-risk the personal liability of directors and to protect companies from the threat of being placed into liquidation by creditors. The Bill introduces a new Part 21 after section 499 in the Insolvency Act that will have that desired effect.

The new section 500 defines ‘Covid 19 pandemic’ and it defines what companies and other entities this Bill will apply to and the limited circumstances in which they will apply.

The new section 501 defines ‘moratorium period’ and provides the period it will run from, which is identified by legal notice. It also allows this period to be extended or abridged by legal notice.

The remaining new sections are self-explanatory. I would specifically refer to the new section 504, which suspends section 141 of the Insolvency Act so that a creditor will not be able to service such a demand on the relevant entity or business, and new section 508, which provides the protection for directors or officers of the relevant entity during this period in relation to any possible accusation or creating an unfair preference, so long as any bona fide commercial transaction entered into for the benefit or intended benefit of the company took place in the ordinary course of business. That is now being defined as including the relevant circumstances defined in section 500.

The new section 512 prevents a court from making a finding, pursuant to section 260 of the Insolvency Act, that an officer of a company is guilty of insolvent trading during the moratorium period on the basis alone that the company was or may have been insolvent. In other words, for that to apply there have to have been other factors involved.

Mr Speaker, I am grateful to the Leader of the Opposition and Opposition Members Roy Clinton, Damon Bossino and Daniel Feetham, who have all had extensive discussions with Government on this Bill and indicated their support, although with some reservation in respect of my friend Mr Feetham. The judgement we have all taken is that this Bill will provide relief to good firms that can run into difficulty as a result and only as a result of this pandemic and with support can see their way through it. Many European countries have adopted similar measures to protect their good firms during this difficult period.

I am also grateful to Nick Cruz and the Insolvency Working Group for their innovative and clever work around this Bill, and of course to CELAC, all of whom have supported this legislative change.

I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition is going to be voting in favour of this Bill but we have serious concerns about the Bill and indeed, listening to the hon. Gentleman and his explanation, I do not think, with respect to the hon. Gentleman, that the Bill quite does what the hon. Gentleman has explained to this House he thinks that it does.

We are going to support the Bill because we, as an Opposition, want to support measures that are designed to give companies that have become or are likely to become insolvent as a consequence of the COVID crisis the opportunity to trade out of trouble and make bona fide payments without directors being exposed to claims by creditors and by liquidators of companies that could not be saved, and that is essentially what the aim of the Bill is. By instituting these types of measures we are not only helping the companies but we are also,

hopefully, helping the employees of the companies, who of course will remain in jobs in those companies that eventually, hopefully, will be able to trade out of trouble.

These are unprecedented times and we accept on this side of the House that therefore they
 3180 call for unprecedented measures, but as a Parliament and as Members of Parliament debating
 this sort of measure and considering this sort of measure, there is always a balance to be struck
 between protecting companies that genuinely have fallen on hard times as a consequence of the
 COVID-19 crisis and, for example, the effect that may have had on their cashflow or their supply
 lines, and also protecting the creditors of companies, for example companies that have become
 3185 insolvent, or are insolvent, or are likely to become insolvent because of factors that are
 completely and utterly unrelated to the COVID crisis.

For example, what this Bill does is it does not allow a creditor – I will come to the detail in a
 moment – it does not allow a creditor of a company that was already insolvent on 31st
 December 2019 to make an application to the court to appoint a liquidator. I asked the question
 3190 of this Parliament: are we here to protect the directors and companies who have failed due to
 circumstances that are completely unrelated to COVID-19 and the crisis that that has caused,
 and do we not owe a duty to the creditors of those companies? I believe, and certainly we do on
 this side, that we do owe a duty to those creditors and that this Bill does not strike the right
 balance. It is a point that I have communicated to the Minister and it is a point that I have also
 3195 communicated to those who drafted the Bill.

I will explain and make out the points that I have made by way of introduction by tackling
 each of these elements.

The Bill is divided into three Parts. The first Part disables, during the moratorium period, the
 ability of a creditor to appoint a receiver, liquidator or administrator, or to issue a statutory
 3200 demand in relation to a company, or an individual, because it also applies to personal
 bankruptcy and to partnerships, for example, in circumstances where that company or that
 individual has become insolvent or is likely to become insolvent unrelated to the COVID crisis. In
 other words, it does not matter – absolutely, Mr Speaker, the hon. Gentleman shakes his head –
 quite unlike when we look at the powers of a liquidator, which this is also amending, where
 3205 those amendments are circumscribed by the COVID crisis. But the appointment of a liquidator is
 not, so you could have a situation where a company was already insolvent prior to the crisis and
 a creditor cannot make an application for the appointment of a liquidator.

Of course, this gives rise to then the issue of is it right that the directors of those companies
 that were already insolvent prior to the COVID-19 crisis or have become insolvent unrelated to
 3210 COVID, that they can just simply continue trading, depleting the assets of the company to the
 detriment of the creditors. It is always very difficult when creditors are facing this kind of
 situation. There may be good reason why a creditor may wish to make an application to the
 court in order to appoint a liquidator of a company that is insolvent. It may not get 100 pence in
 the pound, it may get 60 pence in the pound, but that 60 pence allows that creditor to then be
 3215 able to pay its own creditors and its own suppliers. That is why, as a Parliament, we have got a
 duty to consider cause and effect and to make sure that we essentially strike the right balance –
 and this does not, in my respectful submission, strike the right balance.

Secondly what the Bill does is it disables, during the moratorium period, the ability of a
 creditor to enforce debts and security interests. You may have a secured creditor, for example –
 3220 so, it has a mortgage over the assets of a company, that company may be insolvent before the
 COVID crisis, unrelated to the COVID crisis, and we are effectively preventing that secured
 creditor from going to court and enforcing its security. That cannot, again, be right where the
 insolvency is wholly unrelated to the COVID crisis.

Thirdly, it introduces limitations on the ability of liquidators to take actions against directors
 or officials of a company – for example, for insolvent trading, as the Hon. Minister outlined
 3225 during the course of his own intervention – but of course there what the Bill does ... That is
 limited to a situation where the company has gone into liquidation because the insolvency is
 related to the COVID crisis. In other words, you are circumscribing the powers of a liquidator to

take certain actions against the directors of companies by saying that circumscription only applies in circumstances where the insolvency has been caused by the COVID crisis or by, for example, the lockdown measures and all the measures the Government have introduced during the COVID crisis. But then, when you consider whether you can place a company into liquidation, there is no such linkage between the insolvency and the COVID crisis.

It would have been very easy indeed, in my respectful view, for the Government to have introduced exactly the same regime that it has introduced in relation to the amendments it is proposing in relation to the powers of a liquidator, exactly the same regime in relation to the ability of creditors to apply to a court for the appointment of a liquidator.

The hon. Gentleman is looking at the Bill, but if you look at, for example section 511 – section 511 is about fraudulent trading and I will come back to that in a moment – it basically seeks to limit or clarify that a liquidator of a company cannot go after a director or the official of a company simply because the company has appointed a liquidator or a company continued to trade or entered into a transaction in the ordinary course of business. I have to say I find it very difficult to understand this particular section and I will come back to it in a moment. I have probably picked the wrong example, but it says:

even though the company was or may have been insolvent by reason of-

- (i) the Relevant Circumstances; or
- (ii) reduced demand for its goods or services.

The relevant circumstances are defined in section 500:

“Relevant Circumstances” means, the suspension, restriction, continuation or conduct of trade during the moratorium period-

- (a) in such manner as-
- (i) conforms to advice or recommendations issued publicly by the Government or any minister; or
- (ii) is required or permitted by law, in connection with Covid-19 pandemic; or
- (b) in the context of and notwithstanding market conditions or circumstances prevailing; or
- (c) despite conduct and/or degree of compliance with commitments and obligations by clients and other contractual counterparties;

My understanding of sections 510 through to 512 is that they only apply – these are the limitations imposed on a liquidator in relying on these sections of the Insolvency Act – where the company has gone into liquidation and has become insolvent as a consequence, effectively, of the COVID crisis, and you could have done exactly the same in relation to the appointment of a liquidator. The only argument that has been raised with me in relation to why that has not been done is because it is said that perhaps that is going to involve management in, essentially, a lot of use of managerial time in defending potential applications for the appointment of a liquidator.

Actually, the way that you could have dealt with this is very simple. There are two types of insolvency. There is presumed insolvency that arises where a creditor issues a statutory demand against the company. The company does not pay that statutory demand, so the court assumes that that company is insolvent. The creditor has not shown as a matter of fact that the company is insolvent; it is presumed insolvent. The other way to do it is to go to court and to say to the court, ‘On a balance of probabilities, I can demonstrate, beyond peradventure that the company either is cashflow insolvent and it cannot meet its debts as and when they fall due, or it is balance sheet insolvent because its liabilities exceed its assets.’

There are two ways of doing it. The Bill could have, for example, said ‘We are disapplying the statutory demand provisions of the Insolvency Act’ but allowed creditors to go to court to seek the appointment of a liquidator in circumstances where they can demonstrate that the insolvency has nothing to do with the COVID crisis. Of course, the courts are used to dealing with disputes of that sort, and the idea that the courts are going to be inundated with applications of this nature is, in my respectful submission, pie in the sky because anybody who has practised in

this area – and I have practised for many years in this area – will be able to tell you that creditors are very careful and would be very careful in making an application for the appointment of a liquidator when they have got to show actual insolvency – not presumed, actual insolvency – because of course they are going to be lumbered with a huge cost order if they lose and potentially paying damages to a company that they have dragged through the courts and essentially damaged their reputation in the process. So, I do not think that this Bill strikes the right balance, even though we are voting in favour of it.

I think these are legitimate points to raise. I have raised it with the hon. Gentleman. I have raised it also with the greatest Gibraltarian of our time. The hon. Gentleman wanted me to speak to him: I did, and I think the response that I received was ‘I am not persuaded’, which reminded me of the good old days at No. 6 Convent Place, although I have to say my heart is gladdened that the traditional, solid, old GSD has risen from the ashes of our electoral defeat in 2011 to now permeate all aspects of Government business to the extent that he is now held up as the gold plate and gold standard in terms of good governance in Gibraltar and indeed as the shield against virtually every single criticism nowadays of this side of the House they level against the Government. I think that our concerns are justified and it is a matter of regret that those concerns have not been taken on board.

The other point is I do not understand why there is a need to amend the sections in the Insolvency Act relating to delinquent officers and also fraudulent trading. I really do not understand it.

If I may draw the attention of the House to section 258 of the Insolvency Act, I will just read to the House section 258, which is what section 510 seeks to amend. It actually says as follows:

(1) On the application of the liquidator of a relevant company, the Court may make an order under subsection (3)

– and the order under subsection (3) is repayment, restoration of moneys that have been taken out of a company; that is what we are talking about in the orders of subsection (3) –

where it is satisfied

– in other words, where the court is satisfied –

that a person specified in subsection (2)–

- (a) has misapplied or retained, or become accountable for any money or other assets of the company; or
- (b) has been guilty of any misfeasance or breach of any fiduciary or other duty in relation to the company.

Whether a misfeasance or a breach of fiduciary duty or the misapplication of money takes place during the COVID crisis or not, there are, in my respectful submission, standards that of course any civilised society would like to uphold and there is absolutely no reason, in my respectful view, for any amendment of section 258.

And indeed, with respect, section 510 appears to me to be a complete nonsense, because if we look at a section 510 it is basically saying:

(1) The court shall not on the grounds specified in sub-section (2) of this section alone make an order under subsection (3) of section 258 ...

– in other words, the repayment of money –

... against a person who is or has been an officer of a company for any act committed or omission incurred during the moratorium period.

(2) The grounds are that–

- (a) a company continued to trade or entered into a transaction in the ordinary course of business; or
- (b) did not appoint a liquidator or administrator

Those are irrelevant factors as to whether a court orders a remedy against a delinquent director because the remedy against delinquent directors arises out of the misapplication of funds or the misfeasance or breach of fiduciary duty.

3305 I just cannot see in what circumstances that can be condoned, whether the insolvency occurred as a consequence of COVID or not, and that point is even more stark when we come to consider section 511 of the Bill, which relates to fraudulent trading. This seeks to amend, in exactly the same terms, section 259. Section 259 of the Insolvency Act provides as follows:

(1) On the application of the liquidator of a relevant company,

– in other words, the company has already gone into liquidation –

the Court may make an order under subsection (2) where it is satisfied that, at any time before the commencement of the liquidation of the company, any of its business has been carried on–

(a) with intent to defraud creditors of the company or creditors of any other person; or

(b) for any fraudulent purpose.

3310 Again, I ask the question – of course, it is a rhetorical question, as I know the answer – what on earth are we doing, seeking to amend a section that imposes liabilities on directors for fraudulent conduct? I just do not see what the point of that is. I believe that it does not send the right kind of signal.

3315 I do not want to lower the quality of the debate, but I was thinking about this and I thought would we, for example, use COVID as an excuse for tampering with the Crimes Act in relation to a theft by somebody who has lost his job in a supermarket because he cannot feed his own children? The Government has not sought to amend the Crimes Act in that way. I just simply do not see why we have to be interfering with sections that relate to fraudulent trading or delinquency of directors, personally. In any event, it does not make sense because neither of subsections 2(a) and (b) is relevant to the sections that are being amended.

3320 The other point that I make is this. The Hon. the Minister for Financial Services says it only applies to companies that are licensed in Gibraltar. He makes the point because I have made the point to the Government that we have got to be careful about this, because you could have a company that is licensed in Gibraltar – in fact, I have dealt with companies like that and I have come across them in my own professional capacity: a company that is licensed in Gibraltar, that 3325 has its centre of main interest outside of Gibraltar, it is therefore liquidated, for example in France, there is a liquidator that is appointed in France and under the insolvency regulation, which is an EU measure, the liquidator then has a right to open secondary insolvency proceedings here in Gibraltar.

3330 So, the fact that a company is licensed in Gibraltar is irrelevant to that analysis and what I do not think is right is that, in the context of a Bill of this nature, we seek to circumscribe the ability of a liquidator in those types of circumstances to open secondary insolvency proceedings here in Gibraltar and then rely on all the arsenal and weaponry available to liquidators under our Insolvency Act. In fact, it may well be that, because we are dealing with the EU law, the argument will go in court that you cannot do it anyway because the EU regulations have direct 3335 effect in Gibraltar. But there are other countries, for example, that are not subject to the insolvency regulations, that are subject to the [inaudible] rules, where that type of argument would not apply. If you have insolvency proceedings that have been opened in another country I do not believe that we ought to be circumscribing the ability of those liquidators to then open secondary insolvency proceedings here in Gibraltar.

3340 Mr Speaker, I apologise to hon. Members because it is a technical Bill, full of technical language and explanations, but I finally end just dealing with the amendment that the hon. Lady proposes. She proposes to insert in subsection (3) of section 518 a section that says ‘unless it is not practical to do so, the Chief Minister will consult all representative parties and/or independent Members prior to the Minister making regulations under subsection (1)’. As far as

3345 we are concerned, we are quite happy with that amendment. It is a matter for the Government. That sets no precedence, because of course we are talking about fairly extraordinary circumstances in relation to the COVID crisis.

Mr Speaker, that is my intervention for today, thank you very much. *(Banging on desks)*

3350 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

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

I take the points on this Bill from hon. Members and especially note those of my hon. Friend to my right who especially has concerns, someone who seems very learned indeed on this matter. I have been listening carefully to both hon. Members.

3355 In principle I have no problem supporting this Bill. The only concerns I have, which you would have seen in this legislative change, is finding yet another nugget of disdain for our democracy, this Parliament and over 20% of the electorate. This strategy of pushing together Gibraltar and its voters away from the democratic debate is really becoming a trend now and I am sure we all agree that it is about time that we put an end to this petty behaviour, for lack of a better word.

3360 So, I shall be moving an amendment, as circulated via hard copy, during the Committee Stage in a bid to ensure fairness and equal representation across this House when law making in this place and I will support the Bill if this amendment is passed.

Thank you.

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles? The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Thank you very much, Mr Speaker.

3370 First of all, I rise to confirm that I have given the Certificate of Urgency that the hon. Gentleman, the Minister for Digital and Financial Services, referred to and I think hon. Members will have seen.

3375 Second, I rise to deal with some of the points that the Hon. Mr Feetham has raised. He is, of course, to consensus what fire is to water. I am surprised that that was the speech of a party representative that is going to support the Bill. To an extent I do not want to break consensus, but that level of concern would suggest that hon. Members should be withholding their consent to the Bill, but they should do so safe in the knowledge that it will pass if they decide to withhold consent.

3380 Even before the announcement of these legislative changes it has not been the law in Gibraltar that a company could not trade whilst insolvent, but the consequences for directors if they did was personal and criminal liability, and as a result directors would have unlikely taken such a risk. We have, with this new temporary regime, the removal of a suspension of the allowance of directors to navigate this extremely complex and challenging period and in that way face saving jobs, allowing continued economic activity, rather than the value and wealth destruction as well as job losses that might arise from liquidation and bankruptcy. This could include the incurrence of new liabilities, notwithstanding insolvency, since the risk of personal liability attaching to directors is suspended providing the business and actions of the directors are within the scope of the temporary regime. Indeed, as I have stated, abusive actions by directors would not be protected.

3390 The protection afforded under the new regime is akin to an administration without a formal insolvency process but not preventing legal access to the courts to allow eligible companies to continue to trade through their boards of directors and management whilst insolvent without the directors incurring personal liability. This could protect large trading companies with hundreds of employees, for example allowing directors to continue to pay salaries, as well as smaller retail or restaurant businesses. In particular, the larger commercial local companies that are licensed or authorised in Gibraltar would want such protections, as otherwise directors will

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not take chances and instead would act to place companies into a formal insolvency process. After the first few companies in financial difficulty had petitioned for liquidation there would have been enormous pressure on other companies to do likewise, and this would have become as contagious within the business economy as the coronavirus itself. The negative economic impact of liquidations across the economy would then be significant and irreversible.

The Gibraltar Government has therefore acted resolutely to prevent this from happening. The new measures will therefore provide much needed breathing space to allow us to weather the economic storm. Companies in financial difficulty should, in the light of the proposed amendments to the insolvency laws, take professional advice when implemented and devise a plan for the turnaround of the business including, where appropriate, a restructure to attempt to avoid liquidations in the future.

Mr Speaker, I do not like to pass off anybody's work as my own if it is not. From the words 'even before', that is not my view, that is the view published last week of Nigel Feetham QC, who is a recognised expert on insolvency and whose opinion is entirely in keeping with the view of the Government. I would commend that the House should therefore bear in mind those very salutary and positive commercial reasons why many of the things which have been said by the hon. Gentleman should not persuade anyone not to support the Bill.

I just need to put down a marker in relation to the things that the hon. Gentleman has said, because, as usual, he tries to traduce so much of what I say. The Government of Gibraltar does not consider that the Government led by the now Sir Peter Caruana was any demonstration of good governance at all. We might consider his legal advice worthy of being had and in very high regard indeed, but our political positions with Sir Peter were settled on the morning of the glorious New Dawn of 9th December 2011. We won and he lost, and he is no longer in active politics. I do not want the fact that there may be a relationship of advice to in any way taint the political view. We take the view that Peter Caruana, as he then was, had to be removed from office for all of the reasons that we set out during the course of the General Election campaign of 2011, in which by half a whisker – I used to tell him, 400 votes was a whisker; he reminded me that 200 was half a whisker – by half a wisker, the people of Gibraltar agreed with us and not with them, and then by an even larger majority in 2015. So, please let us not have to have those battles again. In these circumstances the Government is not persuaded by anything that the hon. Gentleman has said. We are persuaded by the deeper thinking of others with a lot of experience in the area and we commend that thinking to the House.

In relation to the amendment that is proposed by the hon. Lady and which enjoys the support of Members opposite, it will not enjoy the support of the Government, for a simple reason: we are not taking any point simply to try to exclude her, we are taking a point which is an important point and is in keeping with the structure of other legislation that we have provided for in this House. Indeed, I think the language that she is now objecting to is language that she agreed to in the March session when we provided for the rules that enabled me, under the amendment to the Appropriation Act, to consult with the Leader of the Opposition and not with her. So, she has called petty a provision that she voted in favour of in March. That demonstrates that she says one thing one day and one thing another. It demonstrates that if there is any pettiness in the approach it is not the Government's. Therefore, I think it is time that she woke up to the fact that this is not a place of parties. This is a place of office holders: there is a Chief Minister, there are Ministers and there is a Leader of the Opposition. That is the way that parliaments work and they will continue to work in that way, and we will therefore not agree to the amendment.

I did feel that she suggested that if we did not indicate that we were accepting her amendment she would not be supporting the Bill. Well, I think that people who are in business and who need the support that this Bill will provide, as so eloquently set out in the parts of Mr Feetham's – the other Mr Feetham's – article that I quoted and the Minister for Digital and Financial Services set out, will not be pleased with the approach that she is taking.

Mr Speaker: I now call on the mover of the Bill to reply. The Leader of the Opposition.

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Hon. K Azopardi: Sorry, I just wanted to make a brief contribution on the amendment, if I may, so that it is understood what our position is, as my hon. colleague Mr Feetham has indicated.

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I was not going to rise at all in this debate; but I only rise because the hon. Lady, in expressing the amendment, put it in terms which I thought reflects her position clearly but certainly does not reflect our position in terms of the stance that we take in respect of the amendment. She puts forward an amendment in relation to the Insolvency Bill and, restricted to it, as my hon. colleague Mr Feetham has said, we are happy to go along with it in terms of that consultation exercise so that it is wider than originally envisaged, restricted only to the Insolvency Act and in relation to the moratorium period that is very temporary in any event. But we do so from a pragmatic basis. We do not do it from the basis that she advanced in her explanation of the amendment because in some ways she feels marginalised and desires that there should be equality, or not. It is not for us, certainly on this side, speaking for the Official Opposition, because we are not driving consultation processes, to decide who, or not, should be included in it. Equally, this morning when in her contribution she made the point that somehow I had not protested at her non-involvement at different levels, as if it was for me to protest or not to protest. Nor do I think it is an issue that goes to lack of democracy as to whether she is or is not involved at every single stage.

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I just say this, and this is why I do not think it should be a precedent, whether or not the amendment is accepted, because there are certain constitutional realities and we are not equal, in the same way as I am not equal with the Chief Minister. We may be equal as parliamentarians, but he is the Chief Minister. I am the Leader of Opposition and the hon. Lady, who I am very fond of, is the leader of a third party. Those are the constitutional realities. We have officers and those officers have constitutional impact and therefore need recognition. That is not to say that I have any issue with the consultation process being wider, because we do not, and that is why my learned friend Mr Feetham explained our position. I only rise to say all of that so that it is understood where we are in relation to it. We are not supporting it on the basis that it is advanced; we are supporting it on a pragmatic basis only.

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Hon. A J Isola: Mr Speaker, I find it odd to rise and say ‘thank you for supporting the Bill’ after having heard Mr Feetham’s quite unexpected intervention. I say ‘unexpected’ because I had a long conversation with him in the last week of April precisely about this Bill, and the following day I wrote an email to the Insolvency Group and I said:

I had a conversation with Mr Feetham on these regulations. He was supportive of these measures and raised two points. One was about the date before which if somebody was insolvent they could be shielded

– which you have raised today –

and the other was about having provided sufficiently to ensure these provisions do not conflict with the application of our insolvency legislation in contracts using Gibraltar law internationally ...

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– one of the other points he also raised. *(Interjection)* Well, my email does not recollect that. So, I passed that on to the Insolvency Group and they came back with their comprehensive response disagreeing with you, after which I said, ‘Well, if you are still not happy, have a chat with Sir Peter and see if he can persuade you,’ and you then came back and told me he was not persuaded.

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So, I am not quite sure what the theatre and the drama about his intervention is this afternoon when he talks about ‘what on earth are we doing’. I would like to ask him what on earth he is doing in supporting a Bill which does what he says it is going to do, because I certainly

would not. I do not believe it does anything of the sort of what he does, and in coming to that determination, as my friend the Chief Minister has said, I have taken some advice from Sir Peter, from Nigel, from Nick Cruz. My gosh, two from the GSD – one from the GSD and then the PDP – so, if it was political value, they are more in your camp –

Hon. D J Bossino: And now the GSLP. (Laughter)

Hon. A J Isola: And now the GSLP. (*Banging on desks*) One thing about people is you have got to be able to learn from your mistakes, and he obviously clearly has.

But we take advice from people ... with two accountants also in those discussions, the former senior partner of Deloitte in Gibraltar and the senior partner of PwC. So, if you put those five men in one room and Mr Feetham in the other and they have different advice, I know which room I would jump into.

Hon. Chief Minister: Which Mr Feetham?

Hon. A J Isola: The right one. (Laughter)

I appreciate and I understand some of the points that he has made, and let me say this. This legislation can never be perfect. It cannot because we are talking about insolvency where jurisprudence goes back a very long period of time, and yet we are dealing with a pandemic where we do not have the benefit of time. So, if we make mistakes there is provision in the Bill to enable us to move quickly to see if we can remedy those defects. But if the risk of this legislation and providing this safety net to businesses in Gibraltar is that we could lose one or two in that we should not have because they were insolvent before this Act kicked in and they have managed to cover themselves under the cloud of this protection, well then that is a consequence we are happy to live with because I do not believe that perfection should be the enemy of the good.

We are doing something for good reason, for good cause, to try and save businesses and the jobs that those businesses carry – with the risk that the hon. Member has identified. I think that this House is absolutely right in supporting this Bill because it really does protect our firms from directors having no choice but to take the steps to protect their own personal civil and criminal liability. It is not by accident that most, if not all, European jurisdictions have done almost exactly the same but in different ways. (*Interjection*) Well, I can tell you that even Spain has come very close to the changes in effect of what we are doing. And again I beg to differ, but that is the advice that I have had.

I am grateful, having said all of that, to the hon. Members for their support.

I think my hon. and learned Friend the Chief Minister has answered the hon. Lady's proposed amendment and obviously I stand firmly with what he has said.

Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Insolvency Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Insolvency (Amendment) Act 2020.

COMMITTEE STAGE AND THIRD READING

**Insolvency (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Commerce (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

In Committee of the whole House

**Insolvency (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Insolvency (Amendment) Bill 2020.

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Clerk: A Bill for an Act to amend the Insolvency Act 2011.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

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Clerk: Clause 3.

Mr Chairman: The hon. Lady has moved an amendment. The House will now vote on the proposed amendment.

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Hon. Ms M D Hassan Nahon: Mr Speaker, am I allowed to speak on the amendment?

Mr Chairman: I beg your pardon; I thought you had already spoken at the Second Reading of the Bill, but by all means.

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Hon. Ms M D Hassan Nahon: Mr Chairman, section 518 allows a Minister to amend primary legislation without parliamentary approval, subject only to consultation, if possible, with the Hon. Mr Azopardi, Leader of the Opposition. My issue here is: why is the Leader of the Opposition being consulted exclusively but not Parliament as a whole? Why is the opposition Member with such a strong opposition mandate, and, more importantly, those who voted for her, disrespected and marginalised in this way? One would think that the appropriate thing would be that the opposition as a whole, this House, and as a consequence the entire represented electorate, be consulted.

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When the Chief Minister finds it fit he goes on television to pass policies of Together Gibraltar, promoting my percentage – to 25%, the last time I heard him on GBC, to pass through the Line Wall closure, for example – boosting my status in this House. The question is: does that reality just serve Government when they want to push an agenda which suits them, or when

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they want to undermine the Leader of the Opposition, also when it suits, calling me the 'poll of polls leader' and calling them 'FLOPS'? I suppose none of that matters when it is convenient, Mr Chairman.

3580 Given that also the Chief Minister and the Leader of the Opposition have called for parliamentary and democratic reform, I would think that the truly democratic thing would be for every side of this House to be engaged in this process moving forward. Or is the Government really talking about wanting less democracy instead of more?

3585 With regard to the Chief Minister's comments about March, I think we can all agree that in March the last thing on anybody's mind would be to really nit-pick the legislation and see what was fair or not fair. We were in a very difficult and crazy situation and the last thing on my mind was securing my own voice in this House, which I believe I have every right to do for myself and for the people who voted for me.

3590 The point, for me, now is: are the Bills going forward going to be similar to this one, where a Member of this House is sidelined? Is this the modus operandi from now on?

Further and lastly, Mr Chairman in case these changes were to be needed urgently and the House voted for it – which, anyway, I have an indication that it will not – provisions could have been added in order to make changes temporarily valid until parliamentary ratification in a short period soon after.

3595 Thank you, Mr Chairman.

Mr Speaker: Does any hon. Member wish to speak on the amendment?

3600 **Hon. Chief Minister:** Yes, Mr Chairman, to confirm that the Government is not going to accept the amendment and to really do the job that has to be done, which is to demonstrate that the hon. Lady is putting a position which has no basis in democracy, in politics or in law. It is important that I do that because she pretends that she is somehow being marginalised or sidelined. That is not the case.

3605 The provision set out in this piece of legislation is identical, as I have said already, to the position set out in the Appropriation (Amendment) Act 2020, which the hon. Lady voted in favour of. I think she had forgotten that she had voted in favour of that and that she has now tried to deal with it in her intervention, but in a way that is neither persuasive nor logical.

3610 One thing that I just realised in the way that she addressed the House was that she said that there would be consultation with Mr Azopardi. This is not about consultation with Mr Azopardi; this is about consultation between the Chief Minister and the Leader of the Opposition. As has been said already, those are two posts which are offices that are relevant to the operation of this House, and it is for that reason that we designed the clause, after negotiation with the Leader of the Opposition, which went into the Appropriation Act as we did. It must be that reason which led her to understand that that clause was an important and relevant one and support it, although of course now she finds herself with that precedent and she finds it difficult to deal with.

3615 I should also say that there is someone who has a history in this House of having been voted into opposition but not into government or becoming an officeholder in the Official Opposition, and that is the now Father of the House. The Father of the House did not garner the sort of support that the hon. Lady garnered – he garnered even more support. The Father of the House, in elections in the 1970s and early 1980s, came second in the poll. He did not come first in the opposition rankings after eight Members of the Government and he came first and then another six, he came second in the poll. And yet in 1980 he was elected alone, and when he was elected alone – and he had been elected, I think, in 1976 also alone – he was a Member of the
3620 opposition but not a Member of the Official Opposition. The Government consulted then with the Leader of the Opposition. Indeed, that is the period of the Strasbourg-Lisbon process, when the Leader of the Opposition was consulted by the Chief Minister and taken by the Chief Minister to those international negotiations, and the person who had come second to the Chief
3625

Minister in the poll was neither consulted nor taken anywhere. And there is nothing wrong with that, because that is political reality. If the hon. Lady had been elected one of the 650 Members of the House of Commons but was neither in the Labour Party nor in the Liberal Party, or in the SNP, and she was not in a parliamentary group, or she had been elected into the Spanish parliament on her own and she was not a parliamentary group, she would not have these rights. This is not to deny democracy. This is to practise democracy. The Government is not sidelining her. The public sidelined her when the result of the election gave her one out of seven opposition seats. That is the reality.

I must say today has been a testing day. We have had a lot of issues between the Government and her. That does not in any way affect the high regard and affection that I have for her personally, but the politics that she is putting at the moment is not politics with which the Government agree. It would drive a coach and horses through the principle of representative democracy for the Government to allow Parliament to become a place of parties and not of office holders.

The Hon. the Leader of the Opposition has said that he takes a pragmatic view, this is a short period etc. I can see why he takes that pragmatic view. One is also a party leader and has an overview of what may happen and how might things and fortunes develop and how alliances might or might not be done in the future. That is absolutely normal and proper and there is nothing wrong with that, but the Government's position is that the Chief Minister will consult with the Leader of the Opposition on the basis of a clause established and voted for by the hon. Lady herself.

She said, perhaps giving herself away, that she did not 'nit-pick' in March. That was her language. I wonder whether anybody observing us might think it is really quite nit-picky and nothing more to take this point today because it is not a point that has any democratic validity, it is not a point that has any legitimacy in an understanding of a Westminster-style democracy based on the type of parliamentary representation that we have today. It is a point of absolutely no value whatsoever. It puts her in a position which would advance her from where the public in the General Election put her, and the Government is not going to accept the point.

Mr Speaker: Does the hon. Lady wish to respond to the Chief Minister?

Hon. Ms M D Hassan Nahon: Mr Chairman, only to say that I think that the Chief Minister is being rather cheap and opportunistic by accusing me of a lower stature simply because I am saying I did not nit-pick when he knows very well, because he knows me rather well from many years ago, that what I meant was that I was not putting my own position in this House, which I and only myself have to defend here because I do not have any colleagues with me, and that at that moment in time I was not thinking along those lines but only about the best thing for the community as a whole without looking at the interests of my status here that I can use in order to project the voice to the people of Gibraltar.

I do not think that is wrong. I think that was a normal, selfless attitude for that time and I think it is very sad that the Chief Minister has picked up on that, caught on it and is using it against me. I think it is extremely immature from his point of view and I am sorry to have witnessed that. I think we could have left it where it was, but I accept what has transpired and I rest my case.

Hon. Chief Minister: Mr Chairman, this is the Committee Stage. The conversation continues. I am very disappointed indeed that the hon. Lady has already, in the hours that the Parliament has met for the first time after we have been through this crisis, taken us to a place where we start to call each other things like 'cheap' and 'opportunistic'. It is unfortunate. Hon. Members and she will know that banter is an important part of how we get through this, but I said in my Statement today I hoped that we would be able to get through the day without calling each other names. None of us have called each other names, but now one gets called cheap and

opportunistic for having had the ‘immaturity’ of raising a clear point which entirely defeats the point the hon. Lady is making, the clear point being that the hon. Lady voted in favour of the clause she now talks down, and her reasoning for that is that she is alone in this House and she had no colleagues to point it out to her. It is exactly for the reason that she is alone in this House and she has no colleagues with her that she is not an office holder in this House and she is therefore not to be, in the context of a proper analysis of how a parliamentary democracy works, one of the office holders that is consulted.

She is obviously becoming a little upset about this. I do not think it is wrong for the Government to point to what is a very good argument to demonstrate that she is wrong. I do not think that that makes me in any way immature, I do not think it is cheap and I do not think it is opportunistic. I will not say the things I think it makes her, because I will follow my own counsel and not descend into name calling.

I would ask her to try, however hard she may find it, not to descend to that when we meet again because I do not think it is what the community wants, I do not think it is what the community needs, it does the democracy that she says she is trying to defend absolutely no favours whatsoever and it is entirely unwarranted. I recommend to her that she look after the stature of what she does in this place a little more than she has in those throwaway lines a moment ago.

Mr Speaker: We will now vote on the amendment – the Chief Minister has asked by division.

A division was called for and voting resulted as follows:

FOR

Hon. K Azopardi
Hon. D J Bossino
Hon. R M Clinton
Hon. D A Feetham
Hon. Ms M D Hassan Nahon
Hon. E J Phillips
Hon. E J Reyes

AGAINST

Hon. P J Balban
Hon. Sir J J Bossano
Hon. Dr J E Cortes
Hon. V Daryanani
Hon. Dr J J Garcia
Hon. A J Isola
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

ABSENT

Hon. G H Licudi

Mr Speaker: Seven Members have voted in favour of the amendment and nine Members have voted against the amendment. The amendment is therefore defeated.

Clerk: Clause 3.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Insolvency (Amendment) Bill 2020 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

3715 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Insolvency (Amendment) Bill 2020 has been approved in Committee without amendments and I have the honour to ask that now it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Insolvency (Amendment) Bill 2020 be read a third time and passed.

3720 **Hon. Chief Minister:** I call a division now on the Third Reading.

A division was called for and voting resulted as follows:

FOR

Hon. K Azopardi
Hon. P J Balban
Hon. Sir J J Bossano
Hon. D J Bossino
Hon. R M Clinton
Hon. Dr J E Cortes
Hon. V Daryanani
Hon. D A Feetham
Hon. Dr J J Garcia
Hon. A J Isola
Hon. S E Linares
Hon. E J Phillips
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

AGAINST

Hon. Ms M D Hassan Nahon

ABSENT

Hon. G H Licudi

Mr Speaker: Fifteen Members have voted in favour of the Bill in terms of it to be read a third time and passed, one has voted against, and there was one person absent. So, the Bill is carried.

Tribute to Major. Frank Dellipiani, former Member of Parliament

3725 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I move the adjournment, the House will have heard of the sad passing of Major. Frank Dellipiani. Major. Dellipiani was a Member of this House for, I think, eight years or more. He represented the AACR and was a Government Minister. He was a prominent and well-known member of the Royal Gibraltar Regiment and he was the head of Dell Construction in Gibraltar for many years.

3730 He was a well-known man, a caring man. I had the opportunity of getting to know Frank more recently in the work that he was doing at Bishop Canilla House, where he was on the committee, always trying to ensure that other members with Bishop Canilla House tenancy enjoyed their time and he was always up for organising anything that he could for them to enjoy themselves. But I had also known him before, when he was very encouraging of me when I was starting in politics. He always had a kind word to say, always a defiant approach. 'Don't let him get you down,' he used to tell me, more than once, in the context of the man that some in this House still call the greatest Gibraltarian of all time in our debates at the time.

3735 Apart from being a kindly man and a Member of this House, here was a stalwart Gibraltarian, one of those who have been the backbone of those years of the Regiment. I was enjoying, this

weekend, being regaled by my wife's uncle with stories of Frank in the Regiment and 'La perra' that they used to get up to on trips to the United Kingdom, so there was also a fun side to Frank too.

He will be very sadly missed, of course, by his family and, of course, by Members of this House and I would invite the House to make a tribute of a minute's silence, perhaps after other contributions have been made by others.

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

Hon. K Azopardi: Mr Speaker, I associate myself and all the Members I speak for on this side of the House with those remarks.

Frank was, of course, a longstanding Member of this House and indeed a Minister in what I have described before, when he passed away: he was a Member of this House during those years that were truly difficult as well – not that this is easy, but truly difficult to navigate Gibraltar during those closed Frontier days. I think we owe a generational debt of gratitude to Members who were in the House during the closed Frontier period.

I knew Frank a bit, although not that well because, obviously, of the age difference. I knew his late son, Mark, much more closely; we were politically close. But I certainly associate myself with everything that the Chief Minister has said about Frank and our best wishes on this side of the House to his family. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I genuinely rise here now with a heavy heart to acknowledge the death of Major. Frank Dellipiani, a man of honour, integrity and great love for Gibraltar.

I am sure this House knows very well how tough politics can be, and to carry the weight of responsibility for the future of your nation and the people you love is an immense privilege but can also be a very heavy burden. People like Frank carried this burden with dignity for many years of his life and they were lucky enough to make a success of it. On the one hand, it saddens me to see that many of our forefathers are leaving us now or have already left us; on the other hand, it makes me very proud to see that they have lived long and full lives enjoying the peace and prosperity that they helped to create for our society. With their hard work they paved the way for this new generation of leaders, who I am sure will continue their mission and honour their legacies.

Frank Dellipiani will leave a void in the hearts of everyone who was lucky enough to know him. He was intelligent, sharp, witty and committed. He was a man who, throughout his life, excelled at any challenge he embarked upon. Reaching the rank of Major in the Gibraltar Regiment was something he was immensely proud of, as well as his success within the construction industry in the 1970s, another ambitious challenge at a time when our economy was very limited indeed.

Shortly thereafter, in 1976, Frank took the arduous decision to join my father's AACR Government as a Minister, where he served until 1988. He was a close friend to my father and fiercely loyal, often recalling with so much amusement to me the way in which Joshua Hassan had dragged him into politics before even him discussing it with his wife.

Having held a range of portfolios throughout his time – Minister for Municipal Services, Education, Labour, Social Security, Housing and Public Works – Frank never tired from his duties and obligations. The political climate in those days was so different to the one of today. Our politicians were fighting very different battles to the ones that we fight today, with the main mission running through all portfolios being to keep our necks above the water. Frank was at the epicentre of a truly existential battle and for that we owe him a huge debt of gratitude.

On a personal level, Frank retained until his very end a warmth, charisma and sense of humour that I am sure this entire community will sorely miss. This was a man who was approachable to everyone and always had a smile and a good word to say to all who crossed his path, no matter their background or their political persuasion.

Frank overcame challenges both in his personal and professional life. He experienced the most trying circumstance that life can present a parent, the loss of a son, confronting this tragedy with great dignity, never losing his moral courage and noble spirit.

Despite his personal tribulations, old age and chronic illness, Frank was still an exemplary husband, caring for his wife Lourdes round the clock until his last day. Frank was also a proud father to Mark and Gillaine and an absolutely doting grandfather, who was more like a best friend to his grandchildren.

For me, he was one of the last of a generation who worked closely with my father, whom I sadly lost very young in my life, and so Frank brought me much of that wisdom and paternal affection which I have had to go without for so long. I wish to thank him for that from the bottom of my heart, for his patience, guidance and for all the wonderful anecdotes he shared with me. I will always be grateful for his belief in me and my cause and for his incessant reassurance.

Frank Dellipiani will leave a legacy which will be etched in our history, a strong political reference for future generations and an example of humanity and kindness for all his family and friends. I wish his family strength during this difficult time, and may he rest in peace.

Thank you.

Mr Speaker: I too wish to associate myself with the sentiments expressed by all hon. Members.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, can I just say that I was sorry when I found out that Frank Dellipiani had passed away.

He, I think, will be remembered from more than his involvement in politics and, as hon. Members have already said, that was in the AACR when he stood for election in 1976, in 1980 and again in 1984, and he served as a Government Minister and as a Member of this House for many years. But also he will be remembered for his charm and for his kindness, and, I think as I said to his daughter, kindness was all he ever showed to me in the contacts that I was lucky enough to have with him.

Once again, I was very sorry to hear that Frank had passed away. My most sincere condolences to his family.

Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano): I think one thing about Frank that has not been said by others but certainly was something – when we were in opposition, I think he was in government – that we used to thoroughly enjoy was his passionate nationalism. Today, in this House, Members of the Opposition and Members of the Government talk about the fact that we are a nation as if it were something that is no longer in dispute *because* it is no longer in dispute, but for many of the years that I have been here, to talk of Gibraltar as a nation produced a reaction of ridicule from other people and of thinking that we were getting too big for our boots.

Frank had a split personality when it came to the military because he was a passionate defender of the Gibraltar Regiment and a passionate attacker of how the Gibraltar Regiment were not given the proper respect by the visiting military personnel. In the bad old days, they used to think of the Gibraltar Regiment as boy scouts, according to Frank. And of course, when we used to make fun of him from the Opposition, we used to refer to him as Gibraltar's Minister for Defence because he would, sometimes, get so excited about some failure on the part of the United Kingdom to stand up for us when the neighbouring country was being nasty to us, which

3840 was most of the time. If he had had the power, I think he would have taken us to war against Spain all on his own.

The relationship that there was between the two sides of the House was a level of warmth and affection in spite of having fundamental differences of view on how to defend Gibraltar, because what was common to both sides of Gibraltar was that defending Gibraltar was the most
3845 important thing that we were here to do and was something that made it possible for all of us to forget the differences when we were threatened I think we should remember, when we have come together as we have to defend Gibraltar against the threat of a pandemic against the lives of our people and the threat of the attempt to control the pandemic which is still to come, that what we are doing is in fact what we have been able to do whenever a need has arisen in
3850 Gibraltar for us to put our differences on one side but still stick to them in the knowledge that if we fight each other over our differences there will be nothing left to fight for, because unless we work together, in a place as small as this, Gibraltar will not make it.

Frank was somebody who often had a reaction in debates in this House, where we used to say he should really be on our side because he was totally open and had total disregard for the
3855 fact that he was a Minister in the Government when he had to say things that he felt very strongly about. He won the affection and the respect and the warmth that he deserved to have from all Opposition Members in all the time he was in government. *(Banging on desks)*

Mr Speaker: The Hon. Paul Balban.
3860

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I would like to associate myself too with the comments of the Chief Minister and the other hon. Members today.

I did not have the pleasure of knowing Frank Dellipiani when he was a Minister, but I did have the pleasure of visiting him in hospital just a few days before passing, and we shared some
3865 moments there, where he spoke and shared about his time in government and how he was 'dragged' into politics, as he himself put it.

My heartfelt condolences to his family.

Hon. Chief Minister: Mr Speaker, I move that the House should now be silent for a moment
3870 in memory of Major. Frank Dellipiani.

Members observed a minute's silence.

Adjournment

Chief Minister (Hon. F R Picardo): Finally, Mr Speaker, I move to adjourn the House.

Now that we are out of the bear pit, I want to start by wishing the hon. Lady and all members of her community a happy Shabbat for tomorrow. For that reason, we will avoid coming to the House tomorrow and we will return on Monday at 3 p.m., 1st June, to finish dealing with
3875 questions. Given that the bathing season has not commenced, I cannot think of anything better for people to do, than to switch on and watch our undiminished democracy in action.

I move that the House should now adjourn to Monday at 3 p.m.

3880

3885 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 1st June at 3 p.m.

I now put the question, which is that this House do now adjourn to Monday, 1st June at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Monday, 1st June at 3 p.m.

The House adjourned at 9.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 7.15 p.m.

Gibraltar, Monday 1st June 2020

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Meeting of Parliament, Monday, 1st June 2020.

We commence with the suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Questions.

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

Questions for Oral Answer

CHIEF MINISTER

Q287/2020

**Rooke site –
London and Regional**

5 **Clerk:** We now proceed with questions to the Chief Minister, and we commence with Question 287. The questioner is the Hon. R M Clinton.

10 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that London and Regional are no longer the preferred bidders for the Rooke site; and, if so, on what date was their interest withdrawn or terminated?

Clerk: Answer, the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has not been able to secure a deal with London and Regional on the basis of the previous expression of interest for the site. The Government continues to explore all options at present and therefore considers it prudent to issue a new invitation for expressions of interest in relation to the site in question.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. Can he indicate the date on which their interest was withdrawn or terminated?

Hon. Chief Minister: Mr Speaker, their interest has been neither withdrawn nor terminated.

Hon. R M Clinton: Mr Speaker, at some point the Government must have made a determination that London and Regional were no longer in a position to express interest. Could he indicate at what point the Government came to that realisation, i.e. a date?

Hon. Chief Minister: Mr Speaker, I am trying not to spoil the newfound tenor of the relationship. It is not that London and Regional have been unable to continue to express an interest. I was very particular with what I said: the Government has not been able to secure a deal with London and Regional on the basis of the previous expression of interest. An expression of interest is made. If it is chosen by the Government as the one that we believe we should take forward, we take it forward. We have not been able to conclude a deal. There is now another opportunity for parties to express an interest in respect of that site, perhaps even including London and Regional as a derivation of what it was that they proposed the first time. After the discussions we have had, they may put it in a different way.

So, it is not that they are no longer interested or we are no longer interested in them; it is that we have not been able to do a deal and we feel that the best way to now take this forward and ensure that we get the best deal for the taxpayer in respect of that site is to put it out again. I do not discard that London and Regional might express an interest and I do not discard that that might still be the most interesting of all the options available, by then financed by them in a way that they perhaps better understand the plot and the Government's views in respect of it, or by others who may propose something more interesting.

Hon. R M Clinton: Mr Speaker, I certainly hope we can continue in our spirit of conviviality, but I must insist. There must be a point in time at which the Government and London and Regional came to the realisation that it was not possible to achieve a deal. I would just be grateful if the Chief Minister could indicate a point in time.

Hon. Chief Minister: Mr Speaker, it is easier to indicate a point in time in relation to that because that is what happened, rather than what he was asking before, which is not what happened and therefore I could not give a date. It is not that London and Regional decided that they could not reach a conclusion with the Government. The Government decided that we could not, on the basis being put to us, make that determination. The hon. Gentleman has asked me for a day and I cannot give him a day, but I would say it was during the summer of last year. I think it might have been during the summer or autumn of last year. So much of the last 12 weeks puts everything in fog, but the Deputy Chief Minister is the person with responsibility for issuing the expressions of interest. I think it might have been a couple of weeks before it appeared in the *Chronicle* that we made that decision and it was then published in the *Chronicle* and other newspapers as a result.

Hon. R M Clinton: Sorry, Mr Speaker, to labour the point. If I asked a very specific question along the lines as the Chief Minister has indicated, would he, or the Deputy Chief Minister, be able to give me an indication – at least a month and a year when this occurred?

Hon. Chief Minister: Mr Speaker, yes, and I have. In other words, if the hon. Gentleman goes to the expression of interest which appeared – and the Deputy Chief Minister is trying to find it electronically, but there is a record of it – and goes back 14-21 days, which is how long it takes us to decide this is going to happen and therefore LPS, or whoever it is that does this, is instructed and it goes to somebody who sets up the page and publishes it, that is when it was.

Mr Speaker: Next question.

75 **Hon. K Azopardi:** Can I just ask on that, now my hon. colleague has finished his supplementaries, just for us to be clear: when London and Regional were given the preferred bidder status and then there was a realisation that you could not do a deal and therefore you have gone out to a new expression of interest, was it because there was something that came after they were the preferred bidder status, a new element that made the Government unable or unwilling to conclude an agreement?

80 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. K Azopardi: And would the Chief Minister be willing to say what that is? Or is it something that is commercially sensitive to the new expression of interest process?

85 **Hon. Chief Minister:** No, Mr Speaker, it is commercially sensitive as to detail but I am quite happy to tell them what it is: premium.

Mr Speaker: Next question.

Q288-89/2020
Public finances –
Drawdown of borrowing

90 **Clerk:** Question 288, the Hon. R M Clinton.

Chief Minister (Hon. F R Picardo): Mr Speaker, before the hon. Gentleman speaks, the Deputy Chief Minister is telling me that what feels like last summer was actually sometime in March, so it would have been at the beginning of this year. That is what the past 12 to 13 weeks felt like!

95 **Hon. R M Clinton:** I am grateful to the Chief Minister for that clarification.

Mr Speaker, can the Government advise if it has transferred the following amounts totalling £63 million to the Consolidated Fund, namely: £46 million in the Savings Bank Reserve, £15 million in the General Sinking Fund, £1 million in the Government Insurance Fund and £1 million in the Notes Security Fund?

100

Clerk: Answer, the Hon. the Chief Minister.

105 **Hon. Chief Minister:** Mr Speaker, I will answer with Question 289.

Clerk: Question 289, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain how Eruca Investments Limited has come to have accumulated losses –

110 **Mr Speaker:** Question 289.

Hon. R M Clinton: That is Question 289.

115 **Hon. Chief Minister:** Mr Speaker, on the numbering I have, Question 289 is 'what progress has been made on the £150 million?'

Hon. R M Clinton: Mr Speaker, can the Government advise what progress has been made, and with whom, in respect of potential additional direct borrowing mentioned on 20th March 120 2020, being 'a first tranche of £150 million'?

Hon. Chief Minister: Mr Speaker, the Government has not used the Sinking Funds or the Savings Bank Reserve. It was preferable to secure the £150 million facility and leave those sums intact.

125 The revolving credit line facility letter in respect of the first tranche of potential additional direct borrowing which I referred to on 20th March has already been tabled at Parliament, at the start of proceedings last week. Although I acknowledge, Mr Speaker, that that was after the question had been filed.

130 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer.

In respect of the £150 million borrowing and the revolving credit line facility with Gibraltar International Bank, can he advise the House if there has been any drawdown on this facility as yet? The facility letter is dated 2nd April 2020 and I note it was executed by the Financial Secretary on 9th April 2020.

135 **Hon. Chief Minister:** Mr Speaker, there has been drawdown. I would need specific notice of the question to tell him exactly how much drawdown there has been at any particular time. I think there has been in the region of £50 million drawn down at this stage, but I do not want to be held to that in case we have drawn down £45 million or £55 million, and that number will 140 change but I am quite happy ... In fact, I expect to meet the hon. Gentleman in the context of the further discussions we are having about the recommendations to be made by CELAC and I am quite happy to inform them there, or indeed if he wants to table a specific question at the next session I can then advise him how much has been drawn down specifically.

I do have an element of information that I can give him, correct as to 26th May. On 145 14th April, £50 million was drawn down, which was the figure I had in my head; and on 26th May, £40 million was drawn down. That is the latest figure I have.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for that information.

150 By my maths, I make that a total of £90 million in total drawn down. I see the Chief Minister is nodding in the affirmative.

Can I ask the Chief Minister why it is deemed preferable to borrow first, before utilising the reserves that are available to the Government – the £63 million, in other words? Why not transfer that money first, before exercising the ability to borrow?

155 **Hon. Chief Minister:** Mr Speaker, simply because of the rates at which this £150 million is offered to the Government. The hon. Gentleman knows that we are now at a time of record interest rates, being at their lowest in terms of availability to the right sort of borrower, and on the amounts which are the reserve that he refers to in the first of the questions, which by my reckoning was to a date – I do not know if it was on his order paper – we are earning more in 160 interest on the deposits of those amounts that we have in reserve than we are paying in respect of the amount that we are borrowing, and so therefore it makes sense to take this additional direct borrowing.

Hon. K Azopardi: Mr Speaker, is the Chief Minister in a position to tell the House how the 165 £90 million drawn down has been used?

Hon. Chief Minister: Not with any level of precision without having notice of the question.

Mr Speaker: That is an additional question, not a supplementary.

170

Hon. R M Clinton: Mr Speaker, just one final supplementary. Just for the record, can the Chief Minister confirm that that money has been drawn down and effectively deposited into the Consolidated Fund?

175

Hon. Chief Minister: That is the mechanism which has been pursued.

Q290/2020

**Eruca Investments Limited –
Accumulated losses and provision for other liabilities**

Clerk: Question 290, the Hon. R M Clinton.

180

Hon. R M Clinton: Mr Speaker, can the Government explain how Eruca Investments Limited has come to have accumulated losses, as at 31st March 2019, of £52.6 million; and also, what does the 'provision for other liabilities' of £52.5 million at the same date represent?

185

Chief Minister (Hon. F R Picardo): Mr Speaker, this is not a company that is owned, controlled or managed by the Government, and I am therefore not able to provide the detailed response requested or indeed any information in respect of that entity.

I am happy, however, if the hon. Gentleman wishes, and in the spirit of co-operation that we have established, to meet with him and the Leader of the Opposition, together with the Financial Secretary, if he wishes, to discuss the Eruca structure further if he thinks that may be useful. I recall that we already had an initial meeting about this when it was created some time ago.

190

Hon. R M Clinton: Mr Speaker, I think, in the same spirit as that original meeting, which was held last year on 22nd July 2019, certainly we would need some more explanation and clarification as to how the structures operate. Obviously there is something that either escaped our attention or was not explained entirely to us, but of course it would have to be under the same conditions as that first meeting on 22nd July 2019.

195

Hon. Chief Minister: Mr Speaker, it is not often that when you invite someone to a meeting they purport to set conditions for it, but we are talking politics, so I would imagine that there would be conditions on the basis of both sides to have a further discussion about this.

200

What is not going to change is which companies in the structure we control and therefore we can give answers for, but I am happy for us to have that further meeting and to discuss how such further meeting might be fixed.

Q291-92/2020

**Maritime collision on 8th March 2020 –
Actions to defend RGP officers involved and integrity of British Gibraltar Territorial Waters**

Clerk: Question 291, the Hon. D A Feetham.

205 **Hon. D A Feetham:** Mr Speaker, what is being done to defend the police officers who have been the subject matter of a *denuncia* at the *Juzgado de Instruccion numero 4 de La Linea* in respect of a maritime collision that occurred in British Gibraltar Territorial Waters on 8th March 2020?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 292.

Clerk: Question 292, the Hon. D A Feetham.

215 **Hon. D A Feetham:** Mr Speaker, what is the Government doing to defend the integrity of British Gibraltar Territorial Waters in the light of the *denuncia* presented at the *Juzgado de Instruccion numero 4 de la Linea* in respect of a maritime collision that occurred in BGTW on 8th March 2020?

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

Hon. Chief Minister: Mr Speaker, the initial reporting of the incident to the Government from the Royal Gibraltar Police would appear to show that the collision referred to occurred outside
225 of British Gibraltar Territorial Waters, and the *denuncia* to which the hon. Member refers therefore poses no challenge to the integrity of British Gibraltar Territorial Waters.

This was a very serious incident, which resulted in the death of two Spanish nationals and the injury of another two individuals, one of whom is also a Spanish national and the fourth of Portuguese nationality. Her Majesty's Government of Gibraltar is dealing with the incident in all
230 its aspects with the care and thoroughness that its seriousness requires.

The vessel in which the deceased and injured were travelling, while apparently not carrying narcotics at the time of the collision was a 14 m semi-rigid hull inflatable boat (RHIB) of the type commonly employed in drugs trafficking activity, powered by four 300 hp outboard engines and fitted with radar equipment. This type of vessel is a prohibited import in Gibraltar.

235 A diplomatic '*note verbale*' has been lodged by the Spanish Ministry of Foreign Affairs in respect of the Incident. The matter has been raised in questions in the Spanish parliament.

In all of the circumstances set out above, the incident raises many issues and concerns for the Government, with which we are currently dealing.

In the first instance, I want to say that, above all else, we are greatly concerned about the
240 physical and mental welfare of the officers of the Royal Gibraltar Police in question that night and of the potential for multi-jurisdictional legal action against them. I have already confirmed to the Gibraltar Police Federation that the Government will agree to fund the legal advice and representation that the individual officers may require. The Government will also assist with any support required in respect of the mental or physical health of the officers in question. I have
245 also communicated these sentiments to the Commissioner of Police. I want to specifically record here that the Government fully supports our frontline police officers, especially those who risk their lives at sea in keeping Gibraltar safe and keeping drug traffickers from using our waters to trans-ship narcotics.

250 Secondly, the House will be aware that the Government has also expressed our condolences publicly to the family of the deceased. I have also expressed these condolences through the Spanish government.

In the view of the Government, the best way to ensure that we deal with this case effectively and in a manner designed to protect the interests of justice and the rights of the deceased, the rights of the police officers in question and the integrity of BGTW, is to ensure that the
255 Government takes steps to ensure that the full facts are established in an independent manner that stands up to international scrutiny. As an initial measure, the Government agreed to

provide the necessary funding for an independent report from the Metropolitan Police in London. I expect that this report should be completed very shortly, if it has not already been completed. Additionally, in order to ensure that Her Majesty's Government of Gibraltar is properly able to address all aspects of this matter in the public interest of Gibraltar on the basis of a full and proper understanding of the facts, I have exercised the power set out in section 15 of the Police Act to require that the Royal Gibraltar Police provide to the Government a full, factual report in respect of this incident. That report was due by the close of business on Friday, 29th May and was received by me on that day.

I cannot emphasise enough how concerning the matters that arise in respect of this incident are. This matter is extraordinarily serious for all concerned. Two men have lost their lives. Police officers of the Royal Gibraltar Police are the potential subjects of a plethora of multi-jurisdictional legal proceedings. In dealing with it properly, there will be no substitute for appropriate accountability and transparency within the bounds of the *sub judice* rules such as they may be here and in other jurisdictions.

I have kept both His Excellency the Governor and the Chairman of the Gibraltar Police Authority informed of the exercise by me of the powers provided for in the said section 15 of the Police Act.

Hon. D A Feetham: Mr Speaker, in the light of the very full answer the Chief Minister has given and also the sensitivity of the issue, I only have one supplementary and it is this: whether he is prepared to share with the Opposition, on a completely confidential basis, the report that he received on Friday of last week.

Hon. Chief Minister: Mr Speaker, I would need to take advice on that. The hon. Gentleman I think will understand that the Government does not want to do anything that could prejudice the officers involved or indeed that might prejudice the public interest in dealing with this matter, but I assure him that I will take advice on that during the course of the next day or so. Before the end of the week I shall ring him and tell him the advice I have received, and I shall endeavour, if I am unable to share the report as is, to share such part of the report as I am able to share with him.

Q293-296/2020

BEAT COVID measures –

Applications received, accepted and rejected; nationality of employees of recipients; assistance for restaurant and café owners

Clerk: Question 293, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many firms in originally excluded sectors have (a) applied to the Government and (b) been accepted by the Government in order to furlough part of their workforce; and how many employees are affected?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 294 to 296.

Clerk: Question 294, the Hon. D A Feetham.

300 **Hon. D A Feetham:** How many COVID BEAT measure applications have been received by the Government and how many have been rejected?

Clerk: Question 295, the Hon. D A Feetham.

305 **Hon. D A Feetham:** How many businesses and employees have had the benefit of BEAT COVID measures and, in relation to the employees, what is their nationality?

Clerk: Question 296, the Hon. D A Feetham.

310 **Hon. D A Feetham:** What COVID BEAT measures or assistance will be provided to restaurant and café owners and their employees after 1st June and 1st July 2020. In particular: (a) what COVID BEAT measures or assistance will be provided to those that open and those that do not open after 1st June 2020; (b) what COVID BEAT measures and assistance will be provided while restaurants and cafés open at enforced reduced capacity; and (c) what COVID BEAT measures and assistance will be provided to those who will be severely affected by international travel restrictions and significant downturn in tourism visits to Gibraltar after 1st June 2020?

Clerk: Answer the Hon. the Chief Minister.

320 **Hon. Chief Minister:** Mr Speaker, at the time of answering the question, one firm has applied to Government under regulation 31 of the BEAT Regulations for Private Sector Funded BEAT for the Excluded Sector.

According to our BEAT database for the month of April 2020, the Government has received 6,664 applications, net of duplicates and erroneous entries made by applicants. Out of these 6,664 applications received, Her Majesty's Government of Gibraltar has rejected 379 applications. From these 379, some are being reconsidered by way of appeal. This figure may reduce further once these appeals are determined, but the success rate of appeals to date has proven to be relatively low. Rejections are made by either the Employment Service or the Income Tax Office and are related to requirements under the Appropriation (Business Employee Assistance Terms COVID-19) Regulations 2020. These extend to include applications which relate to invalid sectors, unregistered employees, directors and self-employed persons not compliant with tax and Social Insurance obligations, and applicants exceeding the permitted other income threshold in accordance with these Regulations.

335 A total of 6,285 BEAT payments have been approved. This includes both employees and self-employed persons. Further analyses can be provided as follows: BEAT payments to employees total 5,854; BEAT payments to self-employed persons number 431. The 5,854 are representative of 873 employers. The nationality across the main categories of the 5,854 employees is as follows: British, including British Gibraltarian, 1,554 – that is to say 27%; Spanish, 3,301, or 56%; Portuguese, 249, or 4%; Moroccan, 119, or 2%; and others, 631, or 11%.

340 I now hand over a list showing a summary of the nationalities of the 5,854 employees.

Continued Answer to Question 296

Continued Answer to Question 295

Nationality	Number
Argentinian	5
Belarus	1
Bolivian	1
Brazilian	5
British (inc British Gibraltarian)	1,545
Bulgarian	23
Canadian	2
Croatian	7
Cuban	2
Cypriot	1
Czech	20
Danish	5
Dominican	1
Egyptian	1
Estonian	6
Finnish	1
French	18
German	9
Ghanaian	2
Greek	1
Hungarian	61
Indian	53
Indonesian	2
Irish	15
Israeli	6
Italian	48
Latvian	8
Lithuanian	19
Macedonian	1
Mauritian	5
Moroccan	119
Dutch	7
Nigerian	2
No Nationality Recorded	14
Norwegian	1
Pakistani	2
Panamanian	2
Filipino	3
Polish	53
Portuguese	249
Romanian	151
Russian	1
Slovakian	14
South African	2
Spanish	3,301
Sri Lankan	1
Swedish	5
Turkish	1
Ukrainian	3
American	3
Venezuelan	1

Hon. Chief Minister: Mr Speaker, the GSLP Liberal Government has agreed measures with the GSD Opposition that extend, in principle, until the end of June 2020. These include the measures which are aimed at assisting businesses and measures which are designed to assist employees. To that extent, the position in relation to the period up to the end of June is already provided for and agreed with the GSD. The following business measures have already been announced and continue to apply for the second quarter of 2020, that is to say the months April, May and June: a waiver of Government commercial rents for included sector businesses, which includes restaurants and cafés; a tax measure designed to achieve a 50% rent discount on commercial rents from private landlords for included sector businesses, which includes restaurants and cafés; a waiver of rates for all sectors save for supermarkets and pharmacies; a deferral of the payment of PAYE and Social Insurance obligations to the Government for all sectors; a waiver of all work permit and registration fees charged by the Department of Employment for all sectors; and an extension of 90 days without penalty for returns and documents on all Companies House fees and filings for all sectors. Additionally, the BEAT COVID measures, which are the measures which relate to the payment of the Minimum Wage, will continue for June.

I am able to announce that the relevant deadline date by which we will process June BEAT for payment to be made before 30th June will be 18th June. This will mean that anyone who receives a single application before 18th June and is successful in that application will receive their payment before 30th June. If anyone applies after 18th June, or makes multiple applications, we will pay them as soon as possible but this may be after 30th June.

We are consulting with CELAC, and thereafter will consider also the Leader of the Opposition and Hon. Mr Clinton, on whether there should be any modification in respect of the BEAT COVID measures for June. We already made amendments successfully in May to allow employees to work part of the month. These are measures that will continue to apply for the month of June and more modifications may also come.

Government has not yet announced the full extent of what measures or assistance will be available to business owners generally and/or their employees after 1st July. This forms the subject of continued consultation with CELAC and will also form the basis of consultation with the Leader of the Opposition and Mr Clinton thereafter.

Government is developing the measures that will apply from 1st July onwards with particular care, as the situation thereafter will be a different one to the period of enforced closure. We met last Friday with CELAC for an extended session, and that was the second such session on consecutive Fridays. We are using these sessions to take constructive representations from different sectors forward, and from the interest groups that want us to consolidate our thinking going forward. We are making fantastic progress in identifying the most effective measures to support and encourage our businesses to stand on their own two feet again.

I must once again thank all members of CELAC and their respective organisations for their commitment, their time and their constructive engagement with the Government. Once we have all this feedback the intention is to meet with the Official Opposition, as we did for BEAT, to refine further the thinking and, if possible, make measures available from 1st July that enjoy cross-party support again.

Some of the measures that we are working on will be rolled out for the month of June, to coincide with the restricted opening of restaurants and cafés. These include a temporary relaxation of development and planning conditions that would allow businesses to expand outdoor seating areas outside their premises, including by also reviewing parking and traffic arrangements in such areas as Irish Town and Chatham Counterguard, and these are also initiatives that are being considered by private sector landlords in parallel, such as Ocean Village. We are also considering allowing longer opening hours, subject to Public Health advice, to assist businesses in maximising the number of covers that they can secure whilst conforming to the public health restrictions.

The important thing is to balance protecting employment and supporting businesses whilst also seeking to wean businesses and employees off BEAT and back to work. Some businesses will

need support but not intervention. Calibrating this balance will be difficult, but it is work that we are doing as we stand shoulder to shoulder with business and employee representative organisations.

The Government will make a full announcement in respect of the final arrangements to be introduced as soon as we are able to.

Hon. D A Feetham: Mr Speaker, again I am very grateful to the hon. Member for a very detailed and considered response to the question.

He is probably as aware as I am, or received representations to this effect certainly, that in relation to restaurants, for example, also café owners, it takes roughly 75% to 80% of turnover in order to actually break even for the business. Therefore, if they are operating on effectively 50% occupancy they are not going to be able to reach that 75% to 80% breakeven point in terms of turnover. Can he provide some assurance to those restaurateurs, café owners and also their employees, because of course their futures are inextricably linked, that the Government will look favourably at extending the BEAT COVID measures beyond the end of June of this year, bearing in mind that they are going to be hit very substantially by reduced occupancy and also by the decrease in tourism that is going to affect not only Gibraltar but obviously other places outside Gibraltar?

Hon. Chief Minister: Mr Speaker, I thank the hon. Gentleman for his kind remarks when he rose to ask me that supplementary.

The Government is acutely aware of the concerns of those who represent the catering industry and those who represent other sectors of the tourism industry, and we are working, as I have said, in CELAC, to ensure that we put in place the best set of measures for the future of these industries not just to be assured but to be improved, and for employment in those sectors to be as robustly defended as possible. Whether or not that relates to a continuation of BEAT is a matter on which I am not going to commit myself at this stage, but I would remind the hon. Gentleman that the agreement between the Government and the Opposition in relation to BEAT is only until the end of June. I would remind the hon. Gentleman that I have said that we are designing a new mechanism for thereafter, and I would assure the hon. Gentleman that we are as alive to the concerns that he has raised directly from the industry as he appears to be. The whole aim of the Government's actions since this pandemic commenced was to put a shield around employees and to put a shield around our businesses. I think that working together we have achieved that until now and we have no doubt that we will be able to achieve our objective with the measures that we put in place going forward.

The Government is not able to give information as to how full restaurants may or may not be, but I hear reports anecdotally that it is very difficult to get a reservation in Gibraltar after today in any of our restaurants, and as I have told the hon. Gentleman, one of the things that we are doing is extending the areas of terraces available to restaurants in all sectors where the Government controls the licences, so that the 50% occupancy rate may actually be over a larger area and therefore you may get closer to what the original occupancy rate was. Indeed, I have told him that private landlords who are in touch with the Government and working with us in CELAC are trying to do the same thing also.

I sincerely hope that the measures that we are putting in place and that private landlords are putting in place, together with the entrepreneurial flair and industry of our Gibraltarian businessmen and women in this and every other sector, will mean that we will see them and their employees flourish, as they have to date.

Hon. D A Feetham: Mr Speaker, yes, I understand that obviously the Government is going to be consulting the Opposition in relation to some of these measures going forward. Of course this is a public forum where people listening will also want some public answers and the Opposition asking the questions publicly too. One of the issues that certainly I am being asked in my

capacity as a Member of the Opposition is whether the Government intends – and I know that he is not going to be able to give me a categorical answer in relation to this, but at least perhaps he can give me an answer that indicates that this is in active consideration as well – an extension of the furlough scheme for this sector for at least part of the workforce, which would be good news for the restaurateurs and cafe owners that are facing these difficult times.

Hon. Chief Minister: Mr Speaker, what was it he used to tell me when we had the Future Job Strategy and people were, he said, paid to stay at home? I think I still have the marks on my back of how he used to say that that was the road to ruin.

Can I assure him, and anyone listening who has not already heard what I have said before, that the Government is designing measures that will have the effect of protecting these industries, the catering establishments in Gibraltar and those in the tourism, retail and other sectors that require it, but that it may not be the BEAT measures. It may be a different type of scheme that covers different areas of concern but which is also designed to protect employment and would be in keeping with the position that I think the Hon. the Leader of the Opposition has expressed, not to me privately but publicly, which is that the Opposition had agreed to the BEAT scheme until the end of June but not beyond that, and that was the position of the Government as well. That is why I am saying that before we are able to announce something here publicly in answers to questions which the Opposition is asking publicly, the Government is going to make an announcement here maybe, and not here, about what we are going to do, and we are going to do that publicly so that everyone is aware what it is that we propose.

In the interim, we are taking the advice of CELAC and I hope to also take the advice and views of the Leader of the Opposition and Mr Clinton, representing the Official Opposition, to then be in a position, if possible, as I have said, to make an announcement about a new stage of assistance which may also enjoy cross-party support. But I do not want to be bound, as a result of invitation to do so in this House today, to commit myself that that should be of a particular style for a particular sector in a particular way – although, if the hon. Gentleman wishes me to be even clearer, I can see the connections and I can see where it is all coming from.

Hon. D A Feetham: Obviously his back ended up being less unscathed than I had hoped when I used to lash out at him in relation to the Future Job Strategy.

I just have one question, because I understand that of course these are matters that are in active consideration and he will be in possession of the same representations that certainly we have received on this side. I read an article in *Europa Sur*. It is an article in Spanish. It related to a meeting that occurred in Brussels – I think it was in Brussels – at which the Attorney General Michael Llamas and Daniel D'Amato of the Brussels office were present. It was in relation to Brexit. In that article there was a paragraph that took my eye and it said this – Mr Speaker, I am going to read it in Spanish because the article is in Spanish:

además han intercambiado puntos de vista sobre la obligación de mantener los derechos laborales de todo tipo de trabajadores fronterizos y han abordado la situación de reembolsos ...

– this is the point –

... reembolsos pendientes de las cantidades adelantadas por España para el pago de las prestaciones por desempleo.

That appears to indicate that there is some kind of arrangement for reimbursing the Spanish side for unemployment benefit that has been paid out by the Spanish state in relation to workers in Gibraltar. I see that the hon. Gentleman is shaking his head. I read the article and I just ask that the hon. Gentleman kindly clarify whether there is any substance to this or indeed whether they have got the wrong end of the stick in what they have said in this article.

475 **Hon. Chief Minister:** Mr Speaker, I know that he likes to be flash, but a lash is a lash, however rash, but in this case it will not produce cash, whoever's hopes we may dash.

480 Additionally, I should tell him that what he read in *Europa Sur* has absolutely nothing to do with BEAT or anything like that. What he read in *Europa Sur* is about the work that the specialised committee is doing in relation to unemployment benefit, which historically, since Spain joined the EU, where a frontier worker qualifies for it having been made redundant in Gibraltar, that frontier worker claims for in Spain and then Spain – or indeed any other member state if you have an individual who is of different nationality or moves to another state as a result of redundancy or unemployment – can claim in the home member state and there is an adjustment done, a set-off done, in respect of the place of work, and that is done one year in arrears. Part of the Withdrawal Agreement provides for the United Kingdom to have those adjustments vis-à-vis the other 27 member states. In relation to Gibraltar it has only ever been relevant in relation to Spain, and we continue to ensure that that calculation is done whilst the application of European rules provides for it.

490 **Hon. D A Feetham:** So, effectively what he is saying is this is historical and none of these payments actually relate to any of the employees that have been the subject matter of any kind of COVID BEAT measure or furlough.

495 This is why I was slightly concerned about this, because of course the majority of the employees that have had the benefit of these measures are Spanish employees and I thought, 'Well, where could there be a payment from Gibraltar to Spain in relation to these workers when they are effectively the beneficiaries of measures here in Gibraltar?' But what he is saying is that these are historic, probably 2019, perhaps even 2018, rather than this year.

500 **Hon. Chief Minister:** Mr Speaker, it is very unusual that supplementaries should be the hon. Gentleman rewording that which I have said, but that is what I have said. BEAT is not a *prestacion de desempleo* – payment in relation to unemployment, which is what he read to us from his article – and therefore one is completely unrelated to the other.

505 But I have just given that answer. He gets up, he paraphrases me and he asks me to confirm it: I confirm it.

Mr Speaker: Next question.

Q297/2020

UK 14-day quarantine rule – Exemption for Gibraltar-resident British citizens

Clerk: Question 297, the Hon. K Azopardi.

510 **Hon. K Azopardi:** Mr Speaker, can the Chief Minister update the House on his discussions with the UK government as to the proposed – well, no longer proposed – 14-day quarantine rule in respect of air travel into the United Kingdom and whether British citizens resident in Gibraltar will be exempt from such a rule?

Clerk: Answer, the Hon. the Chief Minister.

515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as hon. Members will know, I have written directly to the Prime Minister on this subject. I have also spoken, on two occasions now, directly to the Rt Hon. Wendy Morton MP, who is the Minister for Europe.

The Government has made very clear that we do not consider that there can be any scientific advice which would justify that it could be reasonable to impose a quarantine on arrivals from Gibraltar to the United Kingdom. The rate of transmission, or 'R' rate, is lower in Gibraltar than in the United Kingdom. For that reason, the Government has robustly and repeatedly made the point that arrivals from Gibraltar should not be subject to quarantine in the United Kingdom; the argument proposed as justification by the Government of the United Kingdom would, in fact, suggest that the opposite should be the case. We would, nonetheless, be very reluctant to impose quarantine on arrivals from London.

Hon. K Azopardi: Mr Speaker, I note that the hon. Member has written to the Prime Minister and spoken to Ministers, but what does the UK say in relation to the points that the hon. Member is making? Is there an indication that there will be some flexibility going forward and some amendment perhaps of the current rules?

Hon. Chief Minister: Mr Speaker, I do not think it is fair for me to relate to this House what the United Kingdom may say to us if they have not yet said it publicly, but it is fair for me to tell the House what I have said to the United Kingdom, although I think it is inescapable that the position in respect of this quarantine is now different to what it was. In other words, there are now no exceptions for French nationals, for example, which appeared to be the case, or arrivals from France, and the position in relation to Gibraltar is the same as in relation to arrivals from any other Overseas Territory, from the United States, from Spain, France or Denmark.

What was very difficult for the Government of Gibraltar to accept was that there should be a different position in relation to arrivals from outside the Common Travel Area which the United Kingdom already has in place in respect of different nationalities without there being an objective reason and without Gibraltar's position being taken into specific consideration, and indeed, you could argue, the position of the other Overseas Territories, some of which are islands and would therefore only have the potential of direct contact with the United Kingdom in some instances.

I expect that this process is going to now run its course. Hon. Members will have been following, as the Government has also, what has been publicly said about this. This is an issue which is very much an issue of debate and difference, even within the Conservative Party in the United Kingdom, and so we continue to work for Gibraltar to be exempted from the application of these rules either from the moment that they start or as soon as possible thereafter. I think that the reference now is either to air bridges or air corridors being set up in respect of places where the 'R' is lower than in the United Kingdom, and those are the issues that we are pursuing.

Hon. K Azopardi: Mr Speaker, I would imagine that the Chief Minister will agree with me that whatever technical justification there is, there is a wafer-thin justification in relation to Ireland and the Channel Islands, given that there have been COVID fatalities in those jurisdictions. That is not the case here.

Can the Chief Minister indicate to the House what kind of timeframe he would hope for so that there is some degree of maturity and reflection in the United Kingdom on these matters in respect of Gibraltar at least, given that one would hope that by September Gibraltar students will return to university, so that they are not subjected to a quarantine – or at least could there be an exception made for Gibraltar students returning to the United Kingdom?

Hon. Chief Minister: Mr Speaker, I do not agree that there would be a wafer-thin excuse or reason. I think it would be paper thin, transparent paper thin, the sort of paper that would dissolve at the first sign of rain. *(Interjection)* No, Mr Speaker, a wafer is thicker than paper, and usually tastier. Do not get me going on the poetry again!

570 The justification advanced, not to the Government of Gibraltar but generally to the world, about arrivals from Ireland and the Channel Islands is that those are already the domestic travel area. Ireland has the benefit of the Common Travel Area confirmed in the Good Friday Agreement, the importance of which nobody will dispute, and the others – I mean the Channel Islands and the Isle of Man – are like Orkney, domestic arrivals, almost like coming from Catalan Bay into Gibraltar, so I accept that that is a legal construct which already allows for passport-free travel, all of which is handled through different airports and entry points.

575 My own view is that this matter will be not even a bad dream by September – in other words that by then the quarantine will have disappeared completely. The points that the Government of Gibraltar have made are a little more extensive than the point that the Hon. the Leader of the Opposition has made – in other words, not just in relation to students, this great inconvenience in respect of students of course, but in particular potential danger for those who have to travel for health reasons and their escorts. They are initially exempted. The list of exemptions is a very long one. I do not mind saying, as I have said before, that I believe that this policy is not a policy which can pray in aid scientific justification and I do not see it lasting through the summer or indeed even well into the summer. I expect that by September we will have achieved exemptions for Gibraltar students at least, or that the policy will no longer apply.

590 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I could interject and just ask for clarification – I think I heard the Chief Minister saying that if we did achieve this exemption he would be reluctant to not have the exemption on the other side. So, for UK nationals coming to Gibraltar there would be reciprocity in that they would not need to be quarantined in Gibraltar if they were coming from the UK, if we did get the status, and if that were the case would that not present certain health risks? Or has Government considered that? Obviously we have not had a crisis and fatalities but we know that the UK has had plenty of them, so how would that impact us if that was achieved?

600 **Hon. Chief Minister:** Mr Speaker, the position of the Government is as follows. The argument proposed as justification by the government of the United Kingdom would in fact suggest that the opposite should be the case, namely that science should lead us to impose quarantine on arrivals from the United Kingdom, not that arrivals into the United Kingdom from Gibraltar should be the subject of quarantine. We are nonetheless, as I said already, very reluctant to impose quarantine on arrivals from London.

Q298/2020
BEAT COVID scheme –
Assistance for the self-employed

Clerk: Question 298. The Hon. Ms M D Hassan Nahon.

605 **Hon. Ms M D Hassan Nahon:** Self-employed people applying for BEAT economic support can only receive help if their business is completely locked down. This is not the reality of most small self-employed outfits, who have seen their income reduced massively but have to maintain a degree of customer loyalty to survive. Should the BEAT regime not contemplate this reality?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the BEAT scheme is intended to assist businesses whilst they are unable to operate due to the restrictions we implemented in response to the COVID-19 pandemic.

615 A self-employed person either carries on their business or they do not; there is no middle ground. The decision to recommence their business, once the restrictions that would have otherwise prevented them from doing so have been relaxed, is a decision for them to make.

We introduced a new 'partly active' status for employees for BEAT applications for the month of May. We did so in order to start weaning businesses off BEAT and to encourage employers to recommence operations in sync with our gradual unlocking. This new status has allowed employers to rotate staff on a 50% basis and still retain the benefit of BEAT by sharing the payroll burden with Government. It is a feature that has been well received across the board.

620 We did contemplate extending this status to self-employed people but decided against it. As a self-employed person ultimately determines when they return to work once they are able to do so, they would only be able to claim on a 'fully inactive' basis. If their application is successful, they would then receive 100% of the Self-Employed BEAT COVID-19 Payment.

625 Unlike employees, a self-employed person is not provided with work by an employer, nor are they tasked by an employer not to attend a workplace; they determine when they return to work.

BUSINESS, TOURISM AND TRANSPORT

Q269/2020

Cycling on the public highway – Parents accompanied by children

630 **Clerk:** We now move to questions to the Minister for Business, Tourism and Transport. We commence with Question 269 and the questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm what age it recommends parents and guardians to accompany their children on the public highway whilst cycling?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, Government fully trusts the judgement of sensible and responsible parents to look after their children and judge when it is sensible to accompany them on the public highway or if at all allow them on the public highway whilst cycling. Obviously this is precisely why the Government wishes to deliver safe segregated cycle lanes.

640 **Hon. E J Phillips:** Mr Speaker, insofar as the age is concerned, of course the Minister will be aware that in the United Kingdom there is no age limit and although the decision is placed with parents and guardians in respect of those children it is still recommended that, insofar as the public highway and busy roads, those children should avoid highways of that nature.

645 Insofar as any scheme that may well be put forward in the future, is the Government currently considering further education programmes insofar as cycling? We all know that there are cycling proficiency programmes available, and the Police do, of course, an excellent job in providing that, but given the numbers of people who will now take to our roads on bikes – including, of course, the Chief Minister himself publicly showing photographs of himself cycling around our great Rock – will the Minister confirm whether any further programmes will be rolled out to increase awareness of health and safety while cycling?

655 **Hon. V Daryanani:** Yes, Mr Speaker, I am currently looking at some programmes of that sort.

Hon. E J Phillips: I am grateful for the answer. Could he expand on those types of programmes?

660 **Hon. V Daryanani:** I have been busy dealing with other things at the moment, as I am sure you will be aware, but we will be in a position very soon, perhaps in the next few weeks, to give you more information on that. In detail.

Q270/2020

**Cycling on the public highway –
Legislation re compulsory use of helmets**

Clerk: Question 270, the Hon. E J Phillips.

665 **Hon. E J Phillips:** Mr Speaker, can the Government state that it will introduce legislation for the compulsory use of helmets by cyclists on the public highway?

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

670 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, not at this point, but it is something we will consider and consult on going forward.

Hon. E J Phillips: Mr Speaker, the reason why I raise this question is because of course in other countries, and particularly those that are closely aligned to ours, such as the United Kingdom, there is no legal requirement for the use of helmets. I know that there is great public
675 debate as to the efficacy of helmets, but it is of course recommended that children should wear helmets and recent experience has taught me that, insofar as children are concerned, it is highly recommendable that all children should be wearing helmets while cycling.

Does the Minister agree with me that the Government should at least promote the use of
680 helmets whilst children are cycling?

Hon. V Daryanani: Mr Speaker, different countries have different laws so far as children are concerned. For example, in France 12-year-olds need to... [Inaudible] so there are quite different ideas and I think that we will definitely look at promoting the use of helmets for children.

Q271/2020

**Two-stroke motorcycles –
Banning use**

685 **Clerk:** Question 271, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether it will now ban the use of two-stroke motorcycles on our roads?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the Government is open to looking at all possibilities that can lead to the most polluting class of vehicles being removed from our roads. A number of options are being considered.

695 The Government considers that the Opposition is being rash in proposing we should ban the use of two-stroke motorcycles – which means making illegal the operation of those already owned by members of our community – without at least a consultation, but I trust he will therefore support that we are immediately banning their use, other than by residents of the area, on Line Wall Road on Saturdays, Sundays and Mondays.

700 **Hon. E J Phillips:** Mr Speaker, it is difficult to understand how the Minister can say we are being rash about the banning of the most polluting type of vehicle on our roads when the Minister has today in fact closed Line Wall Road, whilst we still continue to see huge numbers of motorcycles polluting our streets, *(Banging on desks)* when, In fact, he also encourages Green Gibraltar and promoting that for the welfare of our children and our grandchildren.

705 He has to take seriously the banning of the most polluting types of vehicles on our roads. Many thousands of two-stroke engines in our community pollute our roads and therefore it appears from the answer to this question that there is no joined-up approach to reducing pollution in our community and there is no joint approach insofar as the use of these motorcycles on our roads. Do you agree with that?

Hon. V Daryanani: No, Mr Speaker, I do not agree with that.

First of all, what the Member opposite has to decide is which one is it: if we do things quickly, without consulting, we get criticised; if we want to consult, we get criticised. What the Member opposite needs to decide is it is not about what suits him to score cheap political points about the environment. If he really cared about the environment he would be backing this Government on closing Line Wall Road.

Chief Minister (Hon. F R Picardo): Hear, hear. *(Banging on desks)*

720 **Hon. E J Phillips:** Mr Speaker, the Minister has encouraged this community to be bold about these decisions about closing roads, but to be bold about the main pollutants in our community, which are these two-stroke engines, at least consider bringing legislation or investigate the efficacy of legislation to ban them. But then again he endeavours to persuade this House and members of our community that he is doing the right thing by closing Line Wall Road at this stage without properly considering the impact that this closure will have on the rest of the community.

730 Many of us in this House will clearly agree that our community should be made greener, should be made safer, should be less polluting, but this bold move, as he describes it, to close Line Wall Road is just moving the pollution elsewhere, and clearly the revolt by the members of our community this morning on the closure of Line Wall Road and the difficulties that were incurred shows that the Government has not planned or prepared this policy at all. *(Interjection)*

735 **Hon. V Daryanani:** Mr Speaker, Line Wall Road belongs to the Government; the motorbikes belong to the people who own them and we cannot deprive them of using their property. That is for starters.

I have said very clearly that we are considering all options. We are going to consult on this, so I do not know what else he can expect.

740 **Hon. K Azopardi:** Mr Speaker, Line Wall Road, on which there is a question on the order paper, does not belong to the Government; it belongs to the people of Gibraltar. **(Several Members:** Hear, hear.) *(Banging on desks)* That is a matter on which I am sure there will be plenty of debate, and there is indeed a question later that my hon. colleague is putting.

Certainly on this side of the House we are grateful for the indication that the hon. Member has made that there will be consultation on these polluting vehicles – and that, does the Minister agree, is consistent with an environmental policy?

Hon. Chief Minister: Well Mr Speaker, everything that belongs to the people is managed by the Government. The ownership of the people is expressed as the ownership of the Government, as he knows, because at the end of the day the Government has to execute leases for public property, all of which, not just Line Wall Road, in the view of *this* Government, belongs to the people and must be managed in the best interests of the people – not just Line Wall Road but, for example, the area where we now have the magnificent Commonwealth Park, which hon. Members used to be against. All of these areas are of the people and we manage them for the people, but the bikes belong to the people individually who have them registered in their name.

And so there is a great difference, as the hon. Gentleman knows and appreciates, between making a corporate decision on behalf of Gibraltar for the benefit of the people, and quite another to make a decision that affects an individual's right to use their property – which may nonetheless have to come, but it will have to come with more warning than a decision, which might be agreeable and agreed to by most people, indeed by some people who might be expressing a different corporate view, but is a decision which is in the interests of the community.

I agree that we should ban two-stroke engines as soon as possible and I agree that we should do it because that assists us with sustainability and dealing with the climate change emergency, but where there are issues of private property the considerations have to be different and the process has to be different. That is the point that the Hon. Minister is making and it is one that I am sure that both the Leader of the Opposition and the questioner, who is a lawyer, appreciate.

The issue, Mr Speake is what you cannot do is run with the hares and hunt with the hounds. You cannot say on one day that four weeks' notice of closing Line Wall Road is too rash, and then say tomorrow ban the use of two-stroke motorbikes. That is the process through which hon. Members need to go. They have to understand what it is that they are saying in the questions that they put. The question, to be fair to the hon. Gentleman, does not say 'tomorrow'. It is more immediate even than that – it says 'now': can the Government state whether it will *now* ban the use of two-stroke motorcycles on our roads? And we have said yes, but not now. We have to consult. We have to give people the opportunity to deal with these issues which may be their modes of transport etc. That is the issue.

It seems to me as if we might actually potentially be in agreement, not just in relation to motorbikes but perhaps even in relation to some other, more criticised measures that are going to, in my view, be very popular very soon.

Hon. K Azopardi: I know the Chief Minister today is trying to show his linguistic ability with his poetry and so on, but surely the Chief Minister must agree with me that he is being slightly facetious when the hon. Member asking a question about 'now' ... A good friend of mine once told me that 'soon' is a period of 10 years in the Vatican. The hon. Member is not suggesting that 'now' means in a minute's time if the hon. Member were to rise to his feet suddenly someone from the law draughtsmen office would pluck out a Gazette and gazette it within 30 seconds. What he was asking for was an expression of intent of the Government that could cater for all he has already indicated, which is consultation about proprietary rights and so on, so if the Government has a statement of intent of banning these motorcycles, it can do so in accordance with the possible public consultation exercise as an objective of intent that may or may not happen within a period of time. That is what the hon. Member was asking and I think the Hon. Chief Minister knows perfectly well, despite his dissecting of every single word on the order paper.

Hon. Chief Minister: Mr Speaker, I do believe that the hon. Gentleman has therefore welcomed what we have said, because that which he said – in fact, that which he has translated as the meaning of what the Hon. Mr Phillips meant – is exactly what the Hon. Minister said, so I think that conviviality is breaking out again but it is not appreciable at first blush, although I must say that there is a serious difference between us.

What obviously in the Vatican is the meaning of 'soon', which is in decades, is completely different in a GSLP Liberal Government. When we say 'now', we mean now. And God knows what we mean when we say 'shortly', but certainly when we say 'now' we mean now. 'Now' means in the moment, and 'in the moment' means to require the Minister to give a positive answer to the question as drafted, without seeking to dissect anything but just simply assuming that a member of the legal profession uses words in the context of either their ordinary meaning in the language or their legal meaning. 'Now', other than in Latin and in Rome in the way that the hon. Gentleman has suggested, is only capable of one interpretation, which we are not prepared to give it in the context of giving a positive answer, but in the context of what he said was meant, we have already, I think, agreed.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just interject here, I just wanted to ask Government, given that they are so environmentally friendly these days – I am very happy to see – if they are so concerned about the environment, why didn't they put this plan in their manifesto, as did we? (**Hon. D A Feetham:** Hear, hear.) And why did they also implement a policy during COVID to waive duty on vehicles and have now extended it for another month, only encouraging more pollutants on our road at the same time that they close another road? Is that the care for the environment, Mr Speaker?

Hon. Chief Minister: Yes, Mr Speaker, that is the care for the environment: the care for the environment that led us, like the hon. Members opposite of the party with which she first stood, the GSD, not to have that measure in our manifesto this time, as they did not last time, as she did not when she stood with them the first time – and indeed for one simple reason, because of the 140 pages we ran out of space. We ran out of space for parks, we ran out of space for the refurbishment of the Northern Defences, we ran out of space for the multiplicity of actions in favour of the protection of the environment which the Hon. the Minister for the Environment – Mr Environment – brought to this House as a Minister when he first arrived and to our party and to our commitments, including the forward-looking approach to ensuring that our vehicle fleet is as new and as modern as possible, so that old Land Rover Discoveries are replaced with new Land Rover Discoveries that are less polluting as soon as possible, so that every vehicle on our road is as modern as possible and therefore the least polluting in their class, all of which demonstrates why we were seven months ago, and will be again in 35 months, the best choice for Gibraltar and our little part of the planet.

Mr Speaker: Next question, please.

Q272/2020

Retrofit exhausts –

Legislation to ban importation and sale

Clerk: Question 272, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that it will introduce legislation banning the importation and sale of retrofit exhausts in Gibraltar?

I note that the question does not say 'now'. If it is 'shortly', then I would like to refer to the 'shortly' the Government has made reference to on many occasions.

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the Government has been considering banning retrofit exhausts for some time in an effective way. We expect to be able to announce progress in coming months.

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Mr Speaker: Next question.

Q273/2020

**Parking charges and permits –
Foreign nationals**

Clerk: Question 273, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the recent practice of foreign vehicles displaying copies of terms of engagement issued by employers to foreign nationals, to avoid payment of parking charges or to occupy spaces designated for those with permits under the existing zone scheme, has been sanctioned by the Government or any of its agencies?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): No, Mr Speaker. I think it is frankly ridiculous for anyone to believe such a practice would avail them of any advantage when it comes to parking, or indeed for anyone to believe that the Government would sanction such a move. Frankly, I am even a little surprised that the hon. Gentleman might even think it necessary to ask such a question.

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Hon. E J Phillips: Mr Speaker, the reason why I ask this question is because – (*Interjection*) Well, the Chief Minister has said I saw it on Facebook. Let's not get into the debate on what the Chief Minister does with Facebook and how he reacts to every single policy decision of the Government, (**Hon. D A Feetham:** Hear, hear.) (Banging on desks) (*Interjection by Hon. Chief Minister*) but insofar as this matter is concerned I have received numerous photographs from concerned members of our community who see foreign vehicles, and indeed other types of vehicles, motorbikes, displaying terms of engagement in order to avoid paying for parking. There is, according to these photographs, clearly no enforcement being done insofar as these offending vehicles are concerned, so in some respect someone must have sanctioned this.

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Today I saw a press release and in fact in the *Chronicle* today the Minister did confirm that we will now return to a period of enforcement in relation to people not paying their dues in relation to parking. Is this what the Minister was referring to? This is a practice going on and I do not understand why he believes that he is surprised by the nature of this question when many people in our committee know that people are using employment contracts to avoid paying for parking. That is simply not fair.

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Will the Minister now confirm that he will investigate this practice and ensure that those who are parking illegally, without paying for parking, should be fined by the appropriate authorities?

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Hon. V Daryanani: Mr Speaker, first of all I just want to clarify that the Government has not sanctioned anything of this sort. Let's make that clear. The only thing that the Government allowed was the use of the new pay and display opposite St Bernard's Hospital when COVID started, to allow for the use of frontline workers, for people who work in the GHA. That is the only thing that the Government has sanctioned.

Hon. E J Phillips: Mr Speaker, on that we can agree. Clearly, where we will require our frontline workers to park during this crisis it is important that they are provided with parking facilities when they are coming in and out of Gibraltar, but this is about something else. There is a prevalence and there is a practice going on. The Minister must have seen these photographs or been shown them by other people, concerned members of our community, but will he condemn those types of practices going on, in the House?

Hon. V Daryanani: Mr Speaker, like I said, nobody from this Government has sanctioned that kind of practice going on. He keeps on insisting, but there is none of that, and anyway, as you know, we are making sure that, if there has been anything that has happened of that sort, it will not happen as from today.

Mr Speaker: Next question.

Q274/2020
Parking charges –
Application of increase to car parks

Clerk: Question 274, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the 46%-plus increase in parking charges will also apply to all car parks, including those situated at Devil Tower Road, Laguna, Calpe, Arenegos and the site at the old Queensway Club?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the monthly rental increases have not been applied in the car parks referred to in the hon. Member's question.

Hon. E J Phillips: Mr Speaker, will they be applied in the future to these car parks?

Hon. V Daryanani: It is something we are considering at the moment.

Hon. E J Phillips: Mr Speaker, if you are rolling out a policy of increasing parking charges within certain areas, by which I assume he means the Midtown car park, why is it that we are staging or at least delaying, or not, or considering the implementation of parking charges in these areas at this moment in time, and where?

Hon. V Daryanani: Some of these car parks need repairs, so that is one of the reasons why we are taking it to [inaudible]

925 **Hon. E J Phillips:** Therefore, once these repairs are made and those relevant car parks are improved, it is the Government's intention to increase parking charges to the level of 46%-plus? Is that right?

Hon. V Daryanani: I will announce the Government's intentions when I am ready to do so.

930 **Hon. E J Phillips:** Mr Speaker, I am not too sure that is a very helpful answer to the question. Am I correct in thinking the Government is also considering a different range of parking fee for those areas?

935 **Hon. V Daryanani:** Everything is under consideration at the moment, so I cannot give you a firm answer to that.

Mr Speaker: Next question.

940 **Clerk:** Question 275, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, could the Minister confirm the rationale for the increase?

945 **Hon. V Daryanani:** The hon. Member is talking about the increase to the ones that –? *(Interjection)* Well, really that has nothing to do with the question that you have asked. But anyway, when you are running a garage there are many issues in garages of this sort. There are repairs, there is maintenance, there is an increase in costs. We have not increased costs in these garages I think since 2016, so it is four years, and that is primarily one of the reasons why we have increased these charges.

950 **Mr Speaker:** Next question.

Q275-78/2020

Road closures –

Traffic modelling; technical advice received; impact on Queensway; amendment re restrictions

Clerk: Question 275, the Hon. E J Phillips.

955 **Hon. E J Phillips:** Mr Speaker, can the Government state whether or not it obtained or conducted traffic modelling for the recently announced road closures?

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

960 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 276 to 278.

Clerk: Question 276, the Hon. E J Phillips.

965 **Hon. E J Phillips:** Can the Government state whether or not it was advised or received recommendations on a technical basis, informally or formally in writing, or otherwise, not to proceed with the recently announced road closures at Europort Avenue, Line Wall Road and Chatham Counterguard?

Clerk: Question 277, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government publish any information as to the impact the Line Wall Road closure will have on Queensway?

Clerk: Question 278, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm why it changed its view from a total closure of Line Wall Road to a restriction of vehicular traffic from Saturday to Monday?

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

Hon. V Daryanani: Mr Speaker, as the hon. Member will appreciate, extensive surveys and traffic counts were undertaken when Her Majesty's Government of Gibraltar embarked on delivering, with its officials and UK consultants, on the Sustainable Traffic and Transport Parking Plan. Furthermore, and as we have already said publicly, the Government will be trialling these closures and will actively work on further surveys, traffic counts and studies as part of the live consultation so as to assess the workings and functionality of the scheme. Many other cities worldwide have taken to implement road closures with little to no prior traffic flow monitoring during the COVID pandemic. Here, we do so instead with extensive modelling which we have already published in the STTPP. As with any scheme, and as the hon. Member should care to appreciate, there is no better and effective way to monitor or survey the effectiveness of such a scheme or road closures than to actually roll them out and, in parallel, continue to monitor.

The Government has additionally taken advice from its officials based on historical practices and conditions that have existed pre the COVID emergency. Taking account of prevalent conditions and the fact that other measures are being introduced in parallel to these closures, such as the elimination of free parking in the Town area and that we are still uncertain as to the impact of BREXIT on Frontier flows, a live trialling that is monitored and assessed under these conditions is seen as the best way to consolidate the works of the STTPP and move forward whilst keeping all options on the table. The Government will not hesitate in reviewing measures if the impact, after careful consideration and assessment, is deemed to be negative. We do not believe it will be. The Government, though, is very confident this will prove to be a success and will eventually be embraced by all, as have other more radical pedestrianisation initiatives introduced by the Opposition in the past served to show.

The impact on Queensway will no doubt be positive and will need to take account of the impact of other measures being introduced in parallel. These include the removal of free parking in the Town area and the new attitude people may take as we emerge out of lockdown. As such, live trialling in a phased, gradual manner is also seen as the best way to monitor and assess the impact on Queensway as all these new variables come into play. This is a new normal we are moving into and cannot be pegged against the past, nor should it be influenced by long-ingrained practices that were regarded as the norm pre the COVID emergency.

The Government has not changed its view on Line Wall Road. Others may have; we have not. The Government sees value in introducing a gradual and phased change that will allow everyone to better appreciate the benefits of these closures. Changing hearts and minds is not a sprint but a marathon, and Gibraltar will be a better place at the end of this. We are moving to a closure of Line Wall Road as we announced, and we are doing so gradually.

My final words are that we should all take the sacrifices made during the COVID emergency and embrace them as a catalyst for change and to accelerate our progress towards a green and child-friendly Gibraltar: less pollution, less traffic, less selfishness and a better Gibraltar for all.

Hon. E J Phillips: Mr Speaker, I do not know where the Hon. Minister was this morning when most of us were horrified by the chaos that ensued by the closure this morning, but in any event ...

1020 The Minister talks about the value of a gradual closure, but the closure itself was announced as a total closure of Line Wall Road at the time. What happened thereafter was that there was much disquiet within our community as to the total closure of Line Wall Road and the Minister rode back on that and declared a Saturday to Monday restriction of traffic. So, it moved from a closure of Line Wall Road to one of a traffic restriction.

1025 Can the Government confirm – and that was the nature of Question 278 – what changed their view as to a total closure, to a restricted Saturday to Monday policy?

Hon. V Daryanani: Mr Speaker, the Government did not change its mind; it is just a question of process.

1030 The hon. Member says that there has been ‘uproar’, or whatever word he used, but I saw a survey this morning where 50% are actually happy with the closure of Line Wall Road – 50% are not and 50% are, so it is very divided. More importantly, people have not seen our final plans for Line Wall Road, and when they do see our final plans for Line Wall Road they will realise that this is the best thing for our future and for our children.

1035 **Hon. E J Phillips:** Mr Speaker, I am not too sure which public survey he is talking about or whether it was conducted by an official source. (**Hon. V Daryanani:** Your Say.) Well, perhaps if the Minister could share the link with me – I am quite happy to look at it myself.

1040 Insofar as the Minister’s plans are concerned, is he able to share those widely with us and the public in general? It may actually reassure members of the public that the Government are planning this properly.

Hon. V Daryanani: Of course, Mr Speaker, we will share those plans with the public and with the Opposition. The Chief Minister announced last week that we are in the middle of these plans and we will be announcing them within the next few weeks.

Hon. E J Phillips: Mr Speaker, I did ask in my question whether the Government had received any advice or recommendations on a technical basis, and I do not believe he answered that question at all. What I am trying to get from the Minister is whether he received any contrary advice to the road closures.

Hon. V Daryanani: Mr Speaker, we have carried out a comprehensive consultation exercise with the STTPP, so that is the advice that we have taken on board when we have done this.

1055 **Hon. E J Phillips:** Mr Speaker, we all understand that the STTPP is –

Hon. V Daryanani: One of the other points that we have made and we have been quite clear with is that having closed roads now we will continue carrying out the consultation exercise, which will be live. We will see what happens.

1060 Let me say I have been in Line Wall Road on three occasions, actually for three hours – an hour on, an hour off – this morning, and I have seen how there are practically no cars going through Line Wall Road; it is better, it is cleaner – (*Interjection*) yes, of course it is closed – so I do not know what you mean by ‘chaos’. There is absolutely no chaos. What there has been is chaos in the past when the road has been open.

1065 **Hon. E J Phillips:** I think the Minister has answered his own question. What I did ask him though was whether he had received any information we have had. The Minister kindly invited me to a meeting, where he introduced me to many of the experts who are giving him technical advice on the closure of the roads, and what I would ask him is if any of those technical experts who were advising him advised him against the closure of the road in this way. That is what I am asking him, nothing to do with the STTPP. Those individuals who are advising the Government,

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advising the Minister on the road closures ... whether anyone indeed recommended the Minister not to proceed with the closure.

1075 **Hon. V Daryanani:** Nobody has advised me not to do it, Mr Speaker.

Hon. E J Phillips: Mr Speaker, I perhaps would invite him to go to Queensway this morning – which was chock-a-block, as far as I understand from many sources, moving traffic in another direction. What measures will he be putting in place to reduce the overall traffic moving along that artery? *(Interjection by Hon. Chief Minister and laughter)* The Chief Minister thinks he is going to close Queensway as well, Mr Speaker.

Hon. V Daryanani: I have been through Queensway. I have not seen what the hon. Member is describing, so I do not know which Queensway the Member opposite has been on.

Q279/2020
Cirque du Soleil –
Planned visit to Gibraltar

1085 **Clerk:** Question 279, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state whether the Government intends to proceed with its plans to bring the Cirque du Soleil to Gibraltar?

1090 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Yes, Mr Speaker.

Hon. D J Bossino: The Minister is being really short in his replies today, I must say! *(Interjection)* Yes, true, sometimes that is good.

Can the Minister state when he expects this event to come to Gibraltar? I think on the last occasion when I asked this, in December, the answer was ‘we have a date in mind but we will announce it when we are ready to announce it’. Can he give us some indication as to when he ...? Is that still the position?

1100 **Hon. V Daryanani:** Mr Speaker, the world is in the middle of a pandemic. Businesses like Cirque du Soleil have no idea when they will start operating again. The Government hopes to continue conversations with Cirque when they are ready and when they have a better idea of their intentions. I am told that gatherings of this sort – we are talking about 800 to 1,000 people – will be very difficult in the short term, so we will have to wait.

I am pleased to see that the Member opposite is very keen on Cirque du Soleil coming to Gibraltar, as he is always asking me this question. No doubt he will ask me again and hopefully I will be in a position to give him an appropriate update at the time.

1110 **Hon. K Azopardi:** Mr Speaker, the hon. Member has given the answer from the perspective of the Cirque du Soleil – or the Cirque, as I think he abbreviated it to; I do not know if that is a common abbreviation but no doubt the Chief Minister will tell us, given his linguistic arrays today – but can I ask, from the Government’s perspective, has the Government’s thinking on bringing the Cirque du Soleil to Gibraltar not been affected by the COVID pandemic, and whether it is appropriate to do so in the short term, in the medium term, or at all, given the state of the tourism market now and in the foreseeable future?

Chief Minister (Hon. F R Picardo): Mr Speaker, *merci* for his further allusions to my linguistic ability, although I have no doubt he is not doing it out of an intent to flatter me. (*Interjection*) I see, so it is not even ability. I see that he considers my flourishes to be something else.

1120 Mr Speaker, I think that the Minister's answer is designed in exactly the same way as his question is designed, to show that this is not a show that can go on now in the timescale that we envisaged. Cirque – which is the well-known abbreviation of their name around the world – will likely not be opening new shows unless the place where they are going to open them can provide for social distancing in the short term. There may be shows that are already committed to; here, we were still in the negotiations, so we are in time to ensure that the arrival of Cirque
1125 on our shores delivers both the stimulus that we need in respect of our tourist industry but does so safely and in keeping with public health advice, which is what we are going to try and ensure we do.

1130 **Mr Speaker:** Next question.

Q280/2020
Tourism strategy –
Update

Clerk: Question 280, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide an update to this House of the Government's tourism strategy?

1135

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, my first strategy document in light of the COVID-19 crisis was put together internally in April and has evolved since.
1140

Business in this sector has effectively halted since lock-down. The UK staying visitor economy has ground to a halt, excepting essential workers. Market conditions have changed significantly and global consumer confidence has collapsed.

Destinations and the travel industry continue to monitor the crisis to be ready to plan for improved market conditions. The World Tourism and Travel Council predicts that recovery will be slow unless global jurisdictions work together, bringing parity to the protection measures they put in place, and yet currently every jurisdiction works autonomously.
1145

To compete in the busy, challenging and competitive global marketplace we will need to reinvigorate confidence in Gibraltar as a safe place, raise destination awareness and be ready to react to an anticipated high level of demand of late bookings with short lead times for UK travellers keen to get away when they are told they may do so safely.
1150

Gibraltar's swift reaction to the crisis has kept its population safe and Government economic packages have kept us stable. We will develop that as part of our strategy. Our strong business infrastructure across various sectors will enable Gibraltar to rebuild its economy quickly if clear social distancing measures are implemented and reported.
1155

European jurisdictions remain essentially closed to international visitors, for now. The global travel industry is regrouping to prepare a workable format for a staggered return of visitors into jurisdictions guided by government-led safe social distancing criteria. It is too early to confirm when overseas travel will resume; however, research polls indicate that UK booking demand for 2021 is increasing. As destinations look to stimulate recovery by encouraging consumers to move locally, regionally, nationally and then internationally, Gibraltar's British brand credentials
1160

will work well to feed a 'safe home from home' narrative, which may encourage UK visitors to return at the earliest stage.

Delay may work to our advantage. This is not just a need to restart the sector but an opportunity to build it back better. As we move through recovery, questions will need to be asked about longer-term planning and what the visitor face of Gibraltar should look like, and what is more valuable: volume of traffic or higher yield? The future face of Gibraltar's tourism product must in all events be sustainable. We may need to look to technologies to help us achieve this.

Gibraltar's relationships within the travel industry are strong and consumer awareness was at an all-time high level pre-crisis. However, we must expect competition to be fierce and spending power by consumers may be reduced due to long-term effects of a hard recession. In addition, Gibraltar's core audience type was typically aged over 55, and this segment of the community remains the most at risk from COVID-19 and therefore may be the least willing to move from jurisdiction to jurisdiction until long-term solutions such as a vaccine are in place.

We face other issues too in the sale chain; not all distribution operators in the UK may survive the crisis and will cherry pick their most lucrative destinations.

Challenges remain, such as how airlift has dramatically reduced and remains unquantifiable in terms of return services after the crisis. Recovery strategies and restart dates by the airlines servicing us have faltered due to lack of clarity from jurisdictions over the length of time quarantine measures for arrivals remain in place. Social distancing measures on board aircraft make operations financially unviable, and the Foreign and Commonwealth Office (FCO) ongoing guidance, which advises UK residents to avoid all but essential overseas travel, sends the message 'stay at home'. I should further explain that while the FCO guidance remains in place, any travel taken will be done without cover of insurance.

The cruise industry remains halted and is unlikely to restart for several months while it reassesses its marketplace and operational procedures.

The daily flow of visitors across the Frontier, excepting essential workers and residents, remains limited.

So, what actions must be taken? The Gibraltar Tourist Board has continued to keep all lines of communication open with all its trade partners, overseas and Gibraltar based, with frequent updating. The Tourist Board remains operational remotely, continuing to regularly communicate with UK homeworking travel agents and the travel agency network through its online travel training portal www.gibraltartraining.com and the host provider OTT, through which the Gibraltar Tourist Board is able to release updates about Gibraltar's current position.

The Gibraltar Tourist Board takes part constantly in industry forums for weekly crisis updates on how the UK and wider industry are reacting, including those I mentioned in my press release recently, such as the Association of Mediterranean Cruise Ports, of which we are board members; the Association of National Tourist Offices and Representatives, which Gibraltar chairs; the Association of British Travel Agents and Operators; the Association of Independent Tour Operators; and the Association of European Tour operators.

We have participated in webinars through MedCruise with Royal Caribbean Cruise Lines in a session moderated by the Chief Executive of the GTB in his capacity as a board member of MedCruise, and in a webinar organised by the Commonwealth Enterprise and Investment Council entitled 'Commonwealth Tourism During the COVID-19 Lockdown: Immediate Responses and Future Opportunities'.

We have already engaged with operators as to assessing loss of business, 1st March to 31st December 2020; quantifying how much business has transferred to 2021; establishing what capacity has been lost, airlift/accommodation; establishing which events/exhibitions the GTB was due to attend in 2020 will still run and which will shift to 2021; and re-engaging lines of communication with our consumer database.

When developing an immediate and short-term strategy it is important to recognise that we are currently in crisis management mode and all strategies are subject to change due to the

environment that we are in. It is also fair to say that the strategy at this point will be divided into three: air arrivals from the UK, visitors across the Frontier from Spain, and cruise visits. I will discuss these strategies separately.

On the UK market recovery, it is also important to recognise that our short-term recovery strategy across all markets is centred on providing cohesive guidance for all sectors of the tourism community to implement social distancing requirements as recommended by the health authorities. Only then will we be in a sound position to start welcoming back visitor footfall. We are also ensuring that Public Health guidelines are adopted by all sectors of the tourism mix in Gibraltar, adhering to a consistent level of standard in hygiene and health protocols in the workplace.

In the short term we have guaranteed continued airlift through BA. We continue to be in contact with our airlines about a potential return to the marketplace. Currently, easyJet will not be resuming its air operations until July at the earliest and we are not yet in a position to comment on where Gibraltar services will fall in its network operation once services resume. BA is currently operating four return flights per week from Heathrow.

We continue to speak with existing tour operator partners in the UK to establish a timeline of when our UK customers will be ready to visit Gibraltar. This area still remains grey; however, there is a healthy stimulus of bookings emerging for 2021. We have also outlined with the local industry, in virtual meetings that I have hosted, how potentially trade suppliers could work together to promote a unique and competitive Gibraltar package for 2021 that would include accommodation, attractions and dining out. These discussions are in the early stages. We are working with consumer data to look at potential trends that are emerging in the marketplace which may impact on the way we promote the destination. This could be new demographics of society or those with niche markets, such as birdlife, wildlife, flora and history.

As part of our efforts with the UK travel sector we are running online educational webinars such as one held last week with members of the Association of Independent Tour Operators. The presentation was given by Nicky Guerrero, Chief Executive of the GTB, along with the GTB's team in London, describing key aspects of Gibraltar's product offering for visitors. Also participating in this initial seminar were Prof. Clive Finlayson and Dr Geraldine Finlayson of the Gibraltar National Museum, and Monkey Talk's Brian Gomila. This activity will continue and will include other industry partners.

On 8th June, the GTB will attend its first virtual exhibition hosted by the Association of National Tourist Offices and Representatives. Twenty-five destinations have signed up, with invitations sent out to over 3,000 travel agents and tour operators who will be invited to the event, which takes place over an afternoon and where participants can speak to exhibitors in online chatrooms and see presentations.

We will shortly launch a virtual destination platform to showcase Gibraltar's attractions in a 360° format and a docuseries where Gibraltar experts are able to talk about the services they promote, such as, for example, the macaques and at the Garrison Library.

These virtual assets are easily marketed through online tools and social media and will be used to drive viewers to sign up for regular newsletters, which in time will be able to promote specific offers to Gibraltar. This activity will kick start a new advertising drive in the UK which will include online advertising, advertorials, online native videos, radio, television, advertising on the sides of buses and a taxi campaign.

While the destination looks to re-establish its international events programme, small-scale events would be launched live on social media. We will have to wait and see how matters progress, but it may be that this year's Literary Festival will be a virtual event. These types of events offer great potential to increase social media reach and thereby increasing our consumer following for updated travel offers.

The GTB was, at the start of this year, committed to attend a number of exhibitions in the UK across different sectors. Some of these are transferred to 2021 and some will continue in an online format. Those remaining in place for this year currently include the Meetings Show, which

is hoping to still go ahead at Olympia, London, in October. The World Travel Market, scheduled to be held in November, is still to advise if the show will continue in an online format. The BirdFair will not take place this year, but GTB hopes to offer online footage of migration to its community of followers in this field.

1270 On the Spanish market, while air services re-establish themselves in the immediate future we will need to look to visitors across the border to stimulate the hospitality sector in Gibraltar to give footfall to our Main Street traders, our restaurateurs and indeed our hotels. To this end, we are in the process of putting together a marketing campaign in Spain to position Gibraltar for the nearby regional market.

1275 The cruise market continues to be at a standstill and there is little indication of when calls will resume and whether the nature of the calls will be different in terms of passenger numbers and handling. As I have said, through MedCruise we continue to monitor the situation and will be ready to receive calls once they resume. We have, however, in the meantime been very successful in attracting cruise ships to use Gibraltar as a service point during the crisis and for crew repatriation movements.

1280 In summary, recovery is largely dictated at this stage by a combination of Government controls across Europe, which have direct impact on the restart of air, rail and sea operations. This is valuable time to get our services ready to promote and push out to our audiences. Our sector has halted but our activities and efforts have not. We will continue to work with all our industry partners to get Gibraltar moving again as quickly as is safe and physically possible.

1285 **Hon. D J Bossino:** Mr Speaker, too long – much too long! No, I don't like that, but something in between.

Mr Speaker, just a few supplementaries. I do thank the Minister, seriously, for that very lengthy reply and something which obviously one will need to study in greater detail, but I will just ask specific questions.

1290 He talks about the Frontier. Obviously that is a very important aspect of his strategy and Frontier flow is crucial in that regard. There was an article in the *Chronicle* recently which talked about that issue. It was under the title 'Spain wants common EU rules and cross-border movement as pandemic lockdowns ease'. This was on 28th May. There is a particular paragraph which reads:

The Gibraltar Government has previously stated that it is discussing border flow with the Spanish Government, but there has been no announcement as yet as to what arrangements will be put in place.

Can he, or perhaps the Chief Minister, give an indication as to where we are in relation to that issue?

1300 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think I answered that question during the course of a press conference this morning, not here.

1305 The position in relation to flow across the Frontier is one related more to the relative freedom of movement that exists today in Spain. Spain has moved on from the initial state of alarm declared but is still under a state of alarm. People in the Spanish nation cannot move between provinces at this stage. Full unlock between provinces is expected, I think, on 21st June in Spain, according to the latest news this morning, and so there are still restrictions on some movement in Spain. We expect that we will see the freedom to be able to go into Spain released very soon indeed, but it is not possible to give an exact date at the moment.

1310 The flow in return to Gibraltar is, at the moment, not subject to any restriction because we have never restricted the Frontier. We have had rules in place as to movement in Gibraltar and the Frontier was one of the choke points where that movement could be verified to be in keeping with the rules that we had in place. So, in the same way as there might be law enforcement officials of, either the RGP, the GDP or Customs – all of whom did an excellent job –

at different roundabouts in Gibraltar, the Frontier was obviously one of those places where you could check that people were coming into Gibraltar to do one of the things that was permitted by Gibraltar law.

I hope that helps the hon. Gentleman to understand what it is that the position is.

Hon. D J Bossino: Mr Speaker, in relation to EasyJet, again the airline industry is crucially important. It has been the subject of news in the UK press in relation to the 14-day quarantine. I think the Chief Minister made allusions to it in terms of the fact that it has been raised as an issue amongst Tory MPs, but it has also been raised as an issue and representations are being made to the UK government by the airline industry.

But specifically in relation to easyJet, I think he mentioned that he is hopeful that easyJet will start flying to Gibraltar in July. How confident is he that that is going to happen? And what can he say to the fact that again there was a press report recently which referred to the announcement by easyJet of its opening up to a whole list of destinations? I have got the press article here. Granted they are all UK cities and they will be starting from 15th June. It talked about Gatwick, Bristol, Birmingham, Liverpool, Newcastle, Edinburgh, Glasgow, Inverness and Belfast, yet nothing in relation to Gibraltar. So what does he have to say in relation to that and how confident is he that easyJet will start flying to Gibraltar in July?

Hon. V Daryanani: They will be flying to the domestic market ... before the UK government announced the quarantine measures. That is the reason why they announced that they would only start operations within the domestic market, because they were not sure what was going to happen with the quarantine measures. After the quarantine measures were announced, they announced that they would be making 30% of their staff redundant – that is approximately 4,000 people they were making redundant – and, after that, we have not heard anything from them because easyJet have not got a clue what they are going to do at the moment. They do not know when they can start, because of the quarantine measures. They do not know what routes they can start. They are reducing their fleet. They are not taking delivery of all the new aircraft that were supposed to come in next year. So, really, at this moment we have not got confidence of when they are going to start because I think they themselves do not know when they are going to start.

Hon. D J Bossino: But why, in that context – I am grateful for the reply – did the Minister say that he was expecting the route to Gibraltar to start in July? Unless I have got him wrong ... If I have got him wrong, I would be grateful for the clarification, but I did think that he said that he was confident that the flights would start to Gibraltar, from easyJet, in July.

Hon. V Daryanani: EasyJet had said that they were looking at starting certain routes out of the UK, but I think their international routes have now been put on hold because they are not sure, due to the quarantine measures. Until that is clear, they will not be in a position to see whether they will be starting in July or whether they will be starting in August, because they are not starting any international routes whatsoever.

Hon. D J Bossino: Should the Minister therefore retract his statement in relation to the possible July start date for easyJet flights to Gibraltar, at least for the sake of the record?

Hon. Chief Minister: Well, only, Mr Speaker, if the practice now is going to be that the Minister needs to retract things that he says in good faith on the basis of the facts as they are at the time; something happens in the interim which is unexpected, it changes the position – and everyone is alive to that – and the hon. Gentleman expects us to then go back, check what we have said and retract everything.

1365 The position on the quarantine, I think it is fair to say, surprised everyone. It surprised President Emmanuel Macron so much that he picked up the phone and had a row with the Prime Minister, Boris Johnson.

1370 So, those things which we said might happen before the quarantine was announced, of the United Kingdom, we can no longer take the view will happen in the timescale that we believed. I do not understand why it is that the hon. Gentleman thinks he needs to press in order to try and win a retraction on something as key as this. We are talking about air routes into Gibraltar. We all want them to be established as soon as possible. We are working with all our industry partners to achieve that. Would that we might be able to achieve it in July – and, if we do, is the Minister required to come here and re-retract his statement? What is the hon. Gentleman trying to achieve? I think that actually we all want the same thing. We all want to see the resumption of as much air into Gibraltar as soon as possible, in the interests of our business community and in the interests of our tourism sector.

1380 **Hon. D J Bossino:** Only, Mr Speaker, because one would have thought that every Member here, when they are giving replies, should answer accurately. That is it. I do not want to put the Minister in a difficult position, and if he thinks that the reply he gave to me in answer to my question is inaccurate, because of the things he has then gone on to say in relation to the big question mark that there is as to whether easyJet will be flying into Gibraltar, then I just give him the opportunity to readdress the issue.

1385 I may have heard him wrongly, but he is not clarifying the issue for me. I think the Speaker says I may have heard him wrongly – well, then, that is the answer.

Hon. Chief Minister: Mr Speaker, when does the hon. Gentleman say that we said this?

1390 **Hon. D J Bossino:** Today, in the answer.

Hon. Chief Minister: Today, in the answer? (**Hon. D J Bossino:** Yes.) Not in the previous meeting?

1395 **Hon. D J Bossino:** No.

Mr Speaker, just for the sake of *Hansard*, it is in response to the question that I put today; in his answers today.

1400 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman did not say the thing that the Hon. Mr Bossino says he said. The hon. Gentleman said, in the context of his first answer, 'We continue to be in contact with our airline carriers about a potential return to the marketplace. Currently, easyJet will not be resuming its air operations until July at the earliest and we are not yet in a position to comment on whether Gibraltar services will fall in its network operation once services resume.'

1405 That is exactly the position. Why is he inviting us to retract from that? We did not say the thing that he said we said.

Mr Speaker: I think the hon. Member, with respect to the hon. Member, he did misunderstand. I think you will agree with that – don't you?

1410 **Hon. D J Bossino:** That is right.

Mr Speaker: Yes.

1415 **Hon. Chief Minister:** So, will he retract what he said we said, Mr Speaker? (*Laughter*)

Hon. E J Phillips: I am grateful to my hon. Friend for giving way.

1420 Insofar as one of the responses the Chief Minister gave in relation to the land Frontier
freedom of movement, I just wanted to gather from him the nature of the discussions that the
Chief Minister may be having with Spain. Whilst I appreciate, of course, the state of alarm in
Spain and that the Chief Minister is not here to advise people on Spanish law and fluidity and
moving around Spain and now people being allowed to provincially move within Spain, what
discussions is the Chief Minister having with the Spanish government as to, post 21st June,
1425 people crossing the border from Gibraltar? I am sure he has heard, as I have heard ... in relation
to British citizens not being allowed to be permitted tourists into Spain, but I would just be
interested to hear from him what discussions he is currently having, or the Government is
having, in relation to the travel from Gibraltar into Spain post 21st June.

1430 We have enjoyed this kind of relationship where our frontier workers are allowed to cross
the border. Of course, Andorra has also enjoyed that type of relationship, given workers on both
sides of the border. I just wanted to understand whether those discussions will be fruitful insofar
as people travelling across the border. That is all.

Hon. Chief Minister: Mr Speaker, the discussions are ongoing and we hope they will be
fruitful.

Q281/2020
Hotel industry –
Government assistance

1435 **Clerk:** Question 281, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state what plans the Government has to assist
the hotel industry in the medium to long term?

1440 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

1445 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the hotel
industry, through the Government's BEAT COVID-19 scheme, is already receiving assistance.
However, I am currently looking at ways in which we can assist further in the medium to long
term as business recovers.

1450 I have been in constant contact with the hotels during the COVID emergency, providing them
reassurance and seeking their feedback on how they felt they could be assisted by Her Majesty's
Government of Gibraltar. We are considering these issues in CELAC and I believe that the Chief
Minister will be consulting with the Leader of the Opposition on new measures to support and
stimulate this and other sectors.

Q282/2020
Reopening of restaurants –
Indications to Government re reservations

Clerk: Question 282, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many restaurant owners have told the Government that
they are full for reservations from 1st June 2020?

1455 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, my officers have not received any such representations from restaurant owners. Anecdotal evidence suggests that many would be doing a good trade upon reopening.

1460 **Hon. K Azopardi:** Mr Speaker, I am surprised to hear the Minister say that his officers have not received representations to that effect by restaurant owners. I am really surprised because in the press conference held by the Government on 17th May, during his performance in that press conference he said, 'I am told and I was actually delighted to hear that the restaurants are full of reservations as from 1st June.' So, I am asking him, given that he said that, on what basis he said that.

Chief Minister (Hon. F R Picardo): Because I told him, Mr Speaker. I have friends who are in the industry who told me that they cannot stop because they are getting so many reservations, but that is not the Government having been told by restaurant owners that they are full for reservations. It is anecdotal evidence. 'Restaurants' means every restaurant in town, and keeping a register of that ... Would that we might interfere with the restaurant owners' civil liberties by keeping a list of how many of them have called us to tell us that they are full. It is simply anecdotal evidence, where the Hon. Minister was reflecting the views I had expressed to him of those who were in touch with me, not on the basis that they were in touch with the Government.

1475 I think that is actually the correct position anecdotally and I do not know why it is that the hon. Gentleman is so concerned, but if I can help him with a reservation in any area that he might be particularly keen to ... If I can assist, he knows that he can count on me.

1480 **Hon. K Azopardi:** From poet to concierge.

Hon. Chief Minister: A man for all seasons!

1485 **Hon. K Azopardi:** Indeed you are, and I have said that publicly before.

Mr Speaker, the Minister did not say 'I am told' and 'I was delighted to actually hear that the restaurants owned by friends of the Chief Minister...' He did not say that. He said 'the restaurants', meaning generically the restaurants in Gibraltar gave that representation to the people of Gibraltar who were listening to that press conference.

1490 Can I suggest to the hon. Member, and perhaps he will agree with me, that next time he makes a statement as bold as that he gets the facts right or at least expresses precisely the background on which he is making that statement?

1495 **Hon. Chief Minister:** Well, Mr Speaker, he can, if he likes, but the hon. Member is not here to take his political advice, which I am sure he tenders in good faith in exactly the same way as he says he calls me a man for all seasons, which I am sure he does in good faith and as a matter of praise and nothing else.

1500 But can I give him some advice for nothing also, Mr Speaker? Can he ensure that his party sings from the same hymn sheet as him and that when people ask questions they do not ask us questions on things that he and I have already discussed?

Hon. K Azopardi: Mr Speaker, it is refreshing to hear the hon. Member opposite ask us questions and I hope in many years to come that will be the practice.

1505 **Hon. Chief Minister:** Mr Speaker, it was not a question. I told him when I started that I was giving him political advice. It was not a question. I said 'I am giving him political advice' and I expressed it rhetorically.

I think what happens many years from now is not a matter for him, or me; it is a matter for the people of Gibraltar, the same ones who own Line Wall Road.

1510

Mr Speaker: Next question.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q285-86/2020

Public debt –

Update re figures; purpose of joint venture with Beijing Liujian Construction Group

Clerk: We now move to Question 285. These are questions to the Hon. the Minister for Economic Development, Telecommunications and the GSB.

We commence with Question 285 and the questioner is the Hon. R M Clinton.

1515

Hon. R M Clinton: Mr 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 dates: 1st January 2020, 1st February 2020, 1st March 2020 and 1st April 2020?

1520

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 286.

1525

Clerk: Question 286, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the 50/50 joint venture, i.e. GBIC Limited, entered into by the Gibraltar Development Corporation with Beijing Liujian Construction Group via their respective subsidiaries?

1530

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1535

Hon. Sir J J Bossano: Mr Speaker, the Public Debt, General Sinking Fund and Aggregate Debt is as previously stated when the questions were last put in the House.

The Cash and the Net Debt for the months in question are as follows: 1st January, Cash £45.4 million, Net Debt £390.2 million; February, £43 million, £392.6 million; March, £48.3 million, £387.3 million; and April £24.3 million, £411.3 million.

1540

The purpose of the joint venture company in question is to carry out construction work.

Hon. R M Clinton: Mr Speaker, I beg your indulgence while I absorb the information the Minister has just advised us of.

1545

Looking at the statistical information on net debt, first of all, may I ask: the Sinking Fund, he says, as on previous occasions, has remained the same. There is, in the Chief Minister's answer ... When he presented the Emergency Budget in March he mentioned there was £15 million in the

General Sinking Fund, whereas previously I have that down as £12.1 million. Can the Minister advise whether the £15 million was in March – as in would be reported the data for 1st April – or when that number would have changed, as the Emergency Budget was held in March?

Hon. Sir J J Bossano: Normally, Mr Speaker, as the Member will know from previous years, the balance on the Sinking Fund has increased at the end of March because it has been dependent on the outcome of a year's transactions, but as we have extended the financial year to something longer than 12 months the year now ends in September. So, the calculations that would have been reflected on 1st April will now happen on 1st October, assuming there is no further extension, or would be on 1st April next year if there was a further extension. That is the way it has been done in every financial year. Until the close of the year, the sum that is added to the Sinking Fund is not decided.

Hon. R M Clinton: Mr Speaker, I have to come back to this question because it is an important point, as this number was actually referred to as being part of the Government's reserves in the Emergency Budget, and the number that was given to us was £15 million. Is the Minister telling us that there is not £15 million in the Sinking Fund as yet, but in fact it is £12.1 million?

Hon. Sir J J Bossano: No, Mr Speaker, what I am telling him is that there has been no change in the Sinking Fund from the time I gave the last answer. I have not gone back and checked what the figures were because what I have asked the Treasury to produce for me is the changes that have taken place, and these are the changes that have taken place. There has been no other change. I will check the accuracy of the figures and give it to him today, if I can, or I will let him have it tomorrow.

Hon. R M Clinton: Mr Speaker, I would be grateful if he would because certainly the last number that I have is £12.1 million on the Sinking Fund. I have it all summarised on a spreadsheet, which I am happy to give him a copy of because of course that is a £3 million discrepancy to the last number and it is important because it is a number that was referenced during the Emergency Debate. I would be grateful if he did come back to the House, or to me, on that.

I note that the position on 1st April shows ... and he can correct me if I am wrong, but I think the number he just mentioned was £411 million – is that correct? – which would be the highest net debt figure, as far as I am aware, on record.

Hon. Sir J J Bossano: Well, I think the record has already been broken since that date, and it is likely to keep on being broken. We will be setting new records from now on for a very long time, I think, Mr Speaker, on the debt.

It is quite clear, because it is based on the £447.7 million, which has not changed in the last financial year as it was, and therefore obviously from month to month. If we have more cash the net debt goes down, and if we have less cash the net debt goes up. There is no mystery about it.

Hon. R M Clinton: Mr Speaker, I am grateful for the Ministers' answer, and obviously, as he has just confirmed, the gross debt has remained the same. So the Government, can he just confirm, has certainly not issued any further debentures in the period that I have been asking for?

While I am on my feet, if I can just ask him in terms of the Beijing Liujian Construction Group? He says it is for construction. Could he advise what construction is being envisaged? Certainly from the very little information I have found on the internet this particular type of construction company does not do residential-type construction, so I would be interested to hear from the

Minister what type of construction is envisaged. And also, again while I am on my feet, if he could advise whether this particular entity is owned by the Chinese state, or not.

Hon. Sir J J Bossano: Well, there is not much in China that is not owned by the Chinese state, Mr Speaker – it is a communist country – but the ultimate owner is the municipality of Beijing. But of course you do not have to be a communist state. When I used to live in Birmingham the Municipal Bank was owned by Birmingham municipality, and we own the Savings Bank and the Gibraltar International Bank and we are not a communist state either, so there is nothing peculiar about it.

It is a construction company. The ultimate group in China is the one that has just finished building the new Beijing airport, which has a throughput of 100 million people. It is also responsible for the maintenance of the Forbidden City and is responsible for all the public buildings in the municipality of Beijing. It has an international company in the group. That international company is operating in the United States and is operating in the United Kingdom, and it is the United Kingdom company that has a direct link with us. In the United Kingdom it has been responsible for building something like 500 student accommodation apartments and it is carrying out a £500 million development, which is the Manchester Airport City that was launched when David Cameron was Prime Minister. President Xi came over to launch the project with David Cameron. So, this is a very powerful international global company and it will be concentrating, through their joint venture with us, on the development of the modular construction system, which is a commitment that we have in our manifesto.

The hon. Member may be interested to know that a recent study by one of the highly regarded companies of consultants in the UK, McKinsey & Company, established in 1926, has done an exercise on the transformation of the construction industry that is currently taking place. They calculate that in the next 10 years the market for modular construction will be something of the order of £100 billion in Europe and that the use of construction using modular methods will save the developers something of the order of £22 billion.

We expect to be introducing, in the not-too-distant future, the modular system to deliver one of the first projects, which will be the new senior citizens' residential home in Bishop Caruana Road, at the corner of the plot of the Rooke site which has now been made available for this development. That is what we expect to be happening. It will all be prefabricated and the buildings will come ready to go on site. I expect that that should enable us to produce British standard buildings at a lower cost and at a faster pace than is possible with traditional building methods, and make us less reliant on having to import cross-border workers after we leave the European Union, when we do not know to what extent the fluidity will be there, which could affect the capacity of our construction industry to deliver products.

That is what was intended when we put it in our manifesto. The original idea was to create the production facility ourselves, as part of a joint venture. The virus has made it impossible for me to travel to the places I would have gone, so we are relying on the parent company producing the buildings in China and transporting them here.

I think that gives him the full picture, Mr Speaker.

Hon. R M Clinton: Mr Speaker, yes, a very interesting, comprehensive answer.

If the Minister can perhaps assist me, this has vague overtones, or reminds me of the components factory. Is that the sort of construction when he talks about 'modular'? The local components factory was used to produce, if I remember correctly, Water Gardens, and those components fitted in like Lego bricks, yes? Is that the sort of construction methodology we are talking about when we talk about 'modular' construction, or has it moved on since then? Are we talking about entire units being fabricated in a slightly different way, or different types of materials? Again, I vaguely recall the components factory needed a fairly big footprint in order to manufacture the various components that went into the building – if he could just confirm that that is the kind of thinking.

And what is the scale of the financial commitment in this joint venture? The last accounts filed show a loss of £704,000 up to December 2018, which I imagine is way out of date, but what is the financial commitment on the side of the Government and the Chinese joint venture partner?

Hon. Sir J J Bossano: In terms of what it will do, I have to say that the system that we introduced in 1989 in Gibraltar, the components factory that was created here, was using Scandinavian technology, which was in fact something that had been developed in Denmark in order to rebuild the devastation caused by the Second World War and they had devised it as a way of very quickly putting buildings up subsequently. But the methodology has expanded a great deal. In fact, the future lies in buildings that will be using artificial intelligence to decide exactly what the customer wants, and the factory will produce it.

Of course, one of the big advantages of factory building of this nature is that you do not have the interruptions that depend on the weather, and the actual erection on site takes a very short time. The company that we are talking to, for example, has delivered, last year, a project for 1,200 students, for Newcastle University, for £75 million I think, in the UK. So, these are people who are already working in the United Kingdom and bringing the stuff from China.

The report that I mentioned by McKinsey has identified that the methodology that is seen as the future of this industry is supposed to be more eco-friendly. It uses materials that can be recycled. It is cost effective. The savings that are expected in the industry are something of the order of 20%, compared to a traditional building. It has a lower construction time, which I have already mentioned. It is, in fact, more environmentally friendly. For example, there will be far less concrete and far less money involved in putting in foundations, and the use of concrete is something that carries a high price in terms of environmental effects.

The difference between the methodology of the previous one and this one is that in the factory everything is done. That is to say the kitchen is built in, the bathrooms and the toilets are built in, the insulation is built in and the double glazing is built in, so that every single element in the building is done and therefore you just build a structure. Wherever you are going to do it, it requires less money in foundations because it is taking less weight.

Clearly, from our perspective this will be a new thing in Gibraltar, but it is not something that is not being done and tried and tested elsewhere. The people we are doing this with are fully committed to the joint venture with the Government and therefore we have not put a limit on what investment is required; but, for example, the particular building in question, which will be the first one, is a building that will be privately owned when it is finished. The company will be building that and then we will be recovering it and we will be reinvesting the money. From there we will see what other work we do, but clearly the result of that first building is going to determine the success or otherwise of the product in the Gibraltar market. It also produces a potential for us to be able to do something that we have not done before, which is to use Gibraltar as a base in order to introduce this product into other markets near us.

Hon. R M Clinton: Mr Speaker, I beg your indulgence. It is quite an important topic to develop, given its obvious impact on our economy and the future.

Can I ask the Minister: at the moment, if I have understood him correctly, because of the COVID emergency the various elements of the old people's home will be effectively manufactured in China and shipped to Gibraltar for assembly. That being the case, where was it envisaged that the factory, if I can use that word, would have been located in Gibraltar, given obvious limitations as to size? I remember the old components factory had quite a large footprint – if he could give us some kind of an idea.

Also, could he just clarify the location of the plot of this old people's home? He says Bishop Caruana Road corner on the plot of the Rooke site, but I not sure which corner he is referring to.

Hon. Sir J J Bossano: Mr Speaker, the locality where we were planning to put the factory ourselves is not something that I am willing to make public. At the moment, we have not been able to proceed with that. If we proceed and we decide that it can be done, then when we have closed the deal I will make it public. I have mentioned, I think, to the hon. Member that in Gibraltar we have to be careful when we say what we plan to do and when we plan to do it, because there are people who are interested in stopping us doing it. But it has not been possible. There were plans that would have required me to travel to the place, and that I was not able to do because of the limitations on movement, and therefore this will continue to be the source if we still find that there are difficulties of movement in and out of Gibraltar.

The plot is near Bishop Canilla House, on the opposite side. The footprint is a thousand square metres.

Hon. R M Clinton: Mr Speaker, I appreciate this may not arise directly out of my original question. If the Minister is not able or willing to answer the question, I am happy to post another question. He mentioned that this particular development would be privately owned. Can he advise the House as to who this private owner would be? And has the site been sold?

Hon. Sir J J Bossano: They should. I don't think it's for me to... I mean, we have investors who are willing to invest as a business in a residential home in Gibraltar. We have a methodology that will help to deliver the product at a price and on a timescale that has not been available currently. This is an important element of our being able to deliver some of the stuff that I have spelled out in the National Economic Plan, in the timescale of the National Economic Plan and notwithstanding the impediment created by COVID and the disruption that there has been.

We are making an effort to make this happen because if this happens it means that independent of anything else we are doing to recover what was there before, we shall be doing new things which will help us lessen the impact of a world recession on our own economy, and this is why I am still maintaining the target of 15% in four years notwithstanding everything that is going on.

Hon. R M Clinton: Mr Speaker, I just have one last further supplementary. I can probably carry on talking to the hon. Member for many more hours on this, but just one last supplementary and then my colleagues may have their own questions.

Can the Minister advise or not – again, I am happy to put in questions in future, but is it the Government's intention then that this old people's home effectively is going to be run by a private concern? Is it going to be built by them and then rented to the Government, or is it that it is going to be built and then the elderly citizens will pay rent to them as a private concern? I am not sure what the intention is.

Hon. Sir J J Bossano: Mr Speaker, the question is about the joint venture and not about what is going to happen when the thing is finished. I do not think that it arises. I have just volunteered more information than he was asking, but of course if every time I volunteer more I encourage him to ask more, certainly we could be here a very long time.

The reality is that it is not the Government that is doing it, it is the joint venture that is doing it and the joint venture has got an arrangement with an external investor that was to invest in this.

We have a situation at the moment, I think, where notwithstanding the crisis there are many opportunities for bringing investment to Gibraltar in things that are deemed to be immune to what is happening. One thing that is immune to all the problems that have been created in the global economy is that we are not going to stop getting old, so that is a market that is guaranteed will be there irrespective of whatever else may happen, which we cannot predict. We know that the requirement for residential accommodation and the requirement for pensioner flats is going to be something that will be here and will be happening throughout

1755 Europe, so that is a niche market. If one specialises in doing that, if one has got a product that is
of the highest standard with all the quality – for example, we are using UK firms to make sure
that the quality would be acceptable in the United Kingdom and in the EU – and we have then a
product that we develop here and which enables us to produce a privately owned, privately run
home for our people that is competitive with what it is costing now and may be competitive as
1760 an exportable model, then this is something that is worth exploring and we will see just how
much potential it has. But in the first instance it will meet needs that we have. If we were to do
it in terms of the traditional building methods and the traditional running methods of those
organisations in the public sector, I think we would need to borrow many more millions of
pounds than we want to. So, I think this is a way in which we can meet the needs of the
community at a more cost-effective cost and create a product that has the potential of being
1765 replicated and exported.

Hon. K Azopardi: Mr Speaker, can I ask the Minister, just on that question and the purpose of
the 50-50 joint venture, is there a joint venture agreement between GDC and the Beijing
construction group? Is there an agreement in writing recording the purpose etc. of the joint
1770 venture?

Hon. Sir J J Bossano: A joint venture agreement that set up the joint venture company, which
is between the Gibraltar General Construction Company and the ... It used to be the Liujian
company in the group. Liujian is the sixth company in the group, but we switched to the
1775 international company, which we thought was better for our needs and the parent company in
Beijing agreed to the switch. So, we started with one company in the group but we switched to a
different one about a year ago, which I think meets our needs better.

Hon. K Azopardi: Is it the Government's intention to make public that joint venture
1780 agreement? And does the joint venture agreement either specify or ...? Can the Minister assist
the House in giving us a bit more idea of the projects that are in the pipeline, apart from the
residential home that the Hon. Minister has spoken about?

Mr Speaker: There is no need to answer that question. They are additional questions, not
1785 supplementaries.

Hon. K Azopardi: Mr Speaker, with respect, I think they arise directly from the question. The
question was can the Government advise the purpose of the joint venture, so it is within the
remit, if I may say so, of the supplementaries to explore the purpose of the joint venture, and
1790 that is what I am trying to explore, the purpose of it.

Hon. Sir J J Bossano: The hon. Member must understand that this is a business and the fact
that we own 50% of that business through a construction company is no different from when
Gibtelecom was 50% owned by us and 50% by Slovenia. I am not going to tell you what the
1795 business plans are of the joint venture or what work they will get or what tenders they are going
to put, because they should not be put at a disadvantage simply because I happen to be here to
answer the questions.

This is a business. We are investing in a business. We treat it at arm's length and it will
compete for the work, and I hope it will be very successful and make a lot of money because
1800 then 50% of that money will benefit the taxpayers of Gibraltar.

Hon. D A Feetham: Mr Speaker, just arising out of the last answer that he is given, he has said
it is a business, it is at arm's length; he has said that he hopes that it is going to be very
profitable. He has drawn the analogy with Gibtelecom. Indeed, with Gibtelecom originally there
1805 were competition issues, people trying to break into the market. Here, there are no people

trying to break into the market. It is this business breaking into an existing market with existing operators doing construction business.

Has he thought about the impact that this may actually have on local construction companies? If you have a company that is backed by effectively the Chinese government – because he was keen to make the point that everything is owned by the Chinese government; it is going to be making components, presumably from Gibraltar, although that was not very clear – that could give a very significant competitive advantage to this company in relation to locals. Has he thought about that?

Hon. Sir J J Bossano: Mr Speaker, regrettably, what the hon. Member seems to be worried about happened a long time ago. Most of the Gibraltar companies were wiped out by other companies that came from Spain, from the UK or from Portugal and eliminated the locals. The situation is that we have got a different product and what that product will do is produce things that are needed by our community at a more competitive price than is possible using historical labour-intensive methods.

We have a manifesto commitment to do this and to use less labour in Gibraltar, and therefore to increase output per person, by having economic growth, but not by bringing in more workers where part of the growth that is created appears as if it was available to us when in fact it is not available to us, as I have explained, and the misleading consequences that that has when people think that there is money here that is available for them and it is not available for them because all the output of the 55% of the workforce counts as the GDP that people think they have got 100% of, when they have not.

The position is that this is designed to create economic growth to ensure that we are able to deal with part of the problem of the recession and to create necessary infrastructure that will meet the needs of our elderly people, of whom there are increasingly more every year. I think if the hon. Member is saying it may well be that if we were doing it with local companies at a higher cost, it is quite probably the case that if we were to do it with local companies at a higher cost we would not have the money to do it. We are talking about having to borrow £150 million and my hon. Friend the Chief Minister is working very hard trying to get a sum of money of the order of £500 million, which Members opposite have approved.

If the hon. Member is saying that their philosophy would be that if we have to use more of the money that we are borrowing in order to make sure that a company that employs 100% non-local labour is still able to do it here and bring everything from its country of origin and not buy anything at all here – which is what happens now – then I beg to differ. That is not the policy that I think is in Gibraltar's interest. I think the policy in Gibraltar's interest is that we become very competitive and that we are able to do something here which we can then sell to others. That is not something that any other construction company is trying to do. What they are doing is coming here from outside and selling what they have got in their country to us. I want to reverse that direction.

Mr Speaker: One final supplementary.

Hon. D A Feetham: Thank you very much, Mr Speaker.

With respect to the hon. Gentleman, I do not think that it is quite as simple as the hon. Gentleman has explained in his answers. (*Interjection*) No, his analysis is not as simple.

You do have local construction companies. You have got people like ProFit and you have got people like Sharrock Shand operating here for many years, and essentially the hon. Gentleman in all his answers has said 'I think that over four years the Government could keep to its initial projections for economic growth', and a large part of that, presumably at the heart of it is going to be this venture that the Government is now proposing.

The way that that would work, if you actually put those two points together, is that effectively Government contracts are going to be going out to this particular company, of which

of course the Government is a shareholder. That is going to have an inevitable impact on everybody else in the market.

1860 We are here to ask the questions. I have not said whether it is right or wrong; I just want to understand whether the Government has actually thought about the impact that it may have on local construction companies and perhaps if there is any way in which one can fit his vision with keeping those existing operators, some of whom are Gibraltarians, active in a market that has always been very dominated by Government work.

1865 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government does not think that any such issue arises. The Government already owns not 50% but 100% of a construction company, GJBS, which originated in the late 1980s and was successful throughout the period of the first GSLP administration, the GSD administration and continues to be successful. This is a 50% ownership
1870 of the Government – not 100%, a 50% ownership of the Government – and in an entity that has succeeded in respect of private sector work, just as GJBS has in the past. Both GJBS and the partner of the Government in this entity have not been subject to any rulings on state aid by the European Union, so the Government is confident that none of the issues of the hon. Gentleman arise, that competition is not distorted in any way and that therefore there are no issues of
1875 concern at all.

Hon. K Azopardi: Mr Speaker, can I just ask a supplementary on the other question, if I may – the one on the figures? The hon. Member I think said, if I took a note accurately, that the cash reserve on 1st March was £48.3 million and on 1st April was £24.3 million – in effect half, 50%
1880 down. Can the hon. Member assist us in explaining why that is? Is that related in some way to the pandemic expenditure, or is it related to something else; and, if so, what?

Hon. Sir J J Bossano: Mr Speaker, the position with the cash, as I explained before, is that ... You are asking for a figure on a particular day. When companies pay their taxes, we have
1885 months – as no doubt they will see when they get the figures that they have been promised – when the income from company tax is £2 million or £3 million and there will be months when the income from income tax is £40 million. There are months when big bills come in from finishing construction projects and there are months when they do not. The figure is the figure on 1st April. If you asked me what was the figure on 2nd April or at the end of March, it would
1890 be a different figure. What is being provided is just a snapshot of a particular day. The reality is that it tends to go up and down depending on whether in a particular month we have received a lot of bills and paid them or we have sent out a lot of invoices and been paid, like any other business.

I just get this figure from the Treasury and I give it to him, but I would not be able to give him
1895 a breakdown of how this is made up because this is not something that I have. It does not mean anything. The reality of it is that normally, when the year finishes in March, a lot of things happen in the last month when people are under a great deal of pressure perhaps to collect payments and so forth. The fact that we changed the date may have removed some of that pressure and may have had some impact on this, but that is the only thing that I can think of to
1900 have some explanation for the figure. When people know the financial year is about to end, then everybody has got to square their Departments and everybody tries to make sure that if they have got money pending they make an effort to get the money in. Maybe there has been less of an effort this year because in fact the financial year was not closing and will not close until September.

1905 **Mr Speaker:** Next question.

Hon. Chief Minister: Mr Speaker, in the knowledge of the fact that you have been in that chair now for almost three hours and hon. Members and Members of the Government have

1910 been dealing with issues now for almost three hours without a break, can I propose that the House should enjoy a short recess of 25 minutes or so and return at 6.30?

Mr Speaker: The House will now recess for 25 minutes.

The House recessed at 5.55 p.m. and resumed its sitting at 6.30 p.m.

Q263/2020
State pension age –
Inequality

Clerk: We resume with questions to the Hon. the Minister for Education, Employment, Utilities and the Port. We commence with Question 263 and the questioner is the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government agree that the inequality in ages between men and women as to when they can claim their state pension is not justified?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the difference in the age at which men and women can claim a statutory pension is as provided in the legislation and as has been the case since the legislation was introduced in 1954. Whether this difference is or has ever been justified is a value judgement.

The Government's view is that it is as justified or not justified now as it was during the 15 years of the GSD administration, or for that matter any other administration since it was introduced. The Government has made clear in earlier statements already that its policy is to address the issue after Gibraltar leaves the EU at the end of the transition. We have, indeed, provided for this in three successive, successful general election manifestos.

I am pleased to see that the hon. Member seems to be a late convert to the issue, despite not having been recorded as having raised this issue in the years he held office as a Government Minister.

Hon. D A Feetham: Mr Speaker, in that roving answer that he has given referring to the 16 years of GSD Government I was wondering when he was going to get to the fact that it has been a manifesto commitment in the last three elections, because one would have thought that really they were very non-committal about this and that it was all our fault yet again.

On the basis that the Hon. the Chief Minister has said that for the GSLP now means now, in this context what does 'now' mean? When does the Government intend to address this inequality?

Hon. G H Licudi: Mr Speaker, the hon. Member talks about the answer that I have given, and I have said that precisely in the answer that I have given. I will repeat what I have said: the Government has made clear in earlier statements already that its policy is to address the issue after Gibraltar leaves the EU at the end of the transition.

Hon. D A Feetham: Yes, Mr Speaker, but it has been Government policy going back to 2011. It is now 2020 and still nothing has been done about it. Therefore, may I ask the hon. Gentleman in those circumstances – a more than justified question from me – to be more specific about that? And how soon after we leave does the Government intend to address this blatant inequality?

Hon. G H Licudi: Mr Speaker, as the hon. Member says, what has happened in the past has happened in the past and what happens now is what happens now. The position now is that this matter will be addressed when Gibraltar leaves at the end of the transition. There are negotiations taking place. There are discussions taking place within the Government as to how this needs to be done, and this needs to be shaped having regard to what the shape of Gibraltar generally and this kind of issue is after the end of the transition at the end of this year, or perhaps later if there is an extension to the transition.

If the hon. Member wants a date I cannot give him a date, but it will certainly happen after Gibraltar leaves the EU at the end of the transition.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman talks about shapes. Perhaps he can be a bit more specific with the shape of Government policy in relation to this. Does the Government intend to increase the age of women to make it equivalent to men, or does the Government intend to bring men down to the age for women?

Hon. G H Licudi: Mr Speaker, what we normally say in these cases is the hon. Member will know when an announcement is made.

In relation to what we have said in the manifesto, we have said that this is intrinsically linked to Brexit and the date of withdrawal from the EU. We now know the date of withdrawal but we know there is a transition – or rather the date of withdrawal has passed already, we are now in transition and we do not know how long that transition will last. At the very least it will last until the end of this year. And then we go on to say in the manifesto:

In order to achieve the best equality policies we will consult with all stakeholder groups.

So, once the Government does that relevant consultation with all stakeholder groups it will take a decision and it will announce the decision when it is ready to do so.

Hon. D A Feetham: But again I must press him. Given that this is a consultation exercise that has been in the making for the last 10 years – because it was a manifesto commitment in 2011 and we are now at 2020 – surely the Government must have an idea in its own mind as to whether it intends to increase for women to equalise at the position of men or bring men down to the position of women. The Government must have a tentative view at least in relation to that.

Hon. G H Licudi: Mr Speaker, that is exactly the same question that the hon. Member has asked previously in the supplementary. If the hon. Member wants to get up 20 times and ask the same supplementary, I am happy to get up again 20 times and give him the same answer: we will address this matter when Gibraltar leaves the EU at the end of the transition period, and in doing so and in addressing this matter we will consult with all relevant stakeholder groups.

Mr Speaker: Next question.

Q264/2020

Flight arrivals –

Breakdown of numbers; expected continuation of arrangement with British Airways

Clerk: Question 264, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Aviation state how many flights have arrived in Gibraltar, broken down for the months of March, April and May this year to date, stating how many of those were private jets?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 265/2020.

Clerk: Question 265, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Aviation state for how long he expects the current arrangements with British Airways to continue?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Hon. G H Licudi: Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Q265/2020

The flight arrivals for the months of March, April and May are as follows:

MONTH	SCHEDULED	PRIVATE
MARCH	86	25
APRIL	16	8
MAY (20/5/20)	12	14

The current arrangements with British Airways are presently planned to continue until 4 August.

Hon. D J Bossino: Mr Speaker, this question may be unfair for the Minister and maybe I should have asked it on the order paper, but does he have a comparative figure for the same period last year? Particularly in relation to the private jets, the numbers seem quite high at first glance. The reason why I ask that is simply anecdotal evidence that I have seen and people have reported to me the amount of activity that they have witnessed in relation to flight arrivals and departures with that particular carrier.

Hon. G H Licudi: Mr Speaker, I was in fact looking for the answer, which I should have here ... The hon. Member will have seen the number of, in particular, private jets going down in April and May, and that is to be expected. If the hon. Member wants to know the number of private jets, I can give him the figures for general aviation, which includes private jets and light aircraft and not the scheduled. In April 2019 it was 30, and in May 2019 it was 47.

Hon. D J Bossino: In relation to the answer which he has given in connection with the British Airways question, is he able to provide across the floor of the House the expected cost of that to 4th August when the arrangements finish?

Chief Minister (Hon. F R Picardo): Mr Speaker, we have already answered that that is information which we are not at liberty to disclose. We have discussed it with the Hon. the Leader of the Opposition and Mr Clinton and I am happy to discuss it with him, behind the Speaker's Chair, but on the basis that it has to remain confidential because it is commercially sensitive to the airline – not to the Government, but they require that that amount should be kept in confidence. It was cleared for state aid purposes but it still is commercially confidential.

Hon. D J Bossino: Yes, thank you, I will accept that answer.

2040 Is the Minister able to elucidate to the House as to why 4th August – why the arrangements are finishing on that date, not earlier and not later?

Hon. G H Licudi: Mr Speaker, from memory it was originally for two months and then extended for a further two months. The Minister for Business will confirm that that is the case.
2045 That is precisely what happened. I believe we made the arrangement for two months and then it has been extended for a further two months, yes.

Hon. K Azopardi: Can the Minister perhaps assist? Given the answer of his hon. colleague a few minutes ago, before the recess, that the idea that easyJet might fly to Gibraltar... they have
2050 not taken a decision – perhaps not until July at the earliest, I think was the answer that he gave. In the context of that, would the Government look to renew this arrangement with British Airways for a further period of months?

Hon. G H Licudi: Mr Speaker, clearly the Government would like to see flights between the
2055 UK and Gibraltar continue. One possibility is easyJet, but that we will not know possibly until July. We will certainly keep our options open and see what the state of play is nearer the date before a final decision is taken.

Q266/2020

**Vessel arrivals in the port –
Numbers and reasons for call**

Clerk: Question 266, the Hon. D J Bossino.

2060 **Hon. D J Bossino:** Can the Minister for the Port state how many vessels have called in the port for the months of March, April and May, with details of the reason for each call?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2065 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand to him.

Answer to Q266/2020

The number of vessels which have called into the port for the months of March, April and May are as follows:-

REASON FOR CALL (PRIMARY PURPOSE)	MARCH	APRIL	MAY (AS AT 20.5.20)
Bunkers	409	440	284
Cruise	1	0	0
Cargo	5	8	3
Repairs	1	0	1
Other*	172	157	105
OPLs	112	76	23

* Other

Other : comprises : cargo sampling, change of schedule, charts, crew changes, adverse weather, arrested vessels, bunker surveys, change of name, class survey, compass adjusting, debunkers, gas free certification, ferry calls, laid up, lub oil delivery and receipt, medical assistance, MOD movements, owners change, pratique notes, recovery of lost anchor, sea trials, slops discharge, STS operations, towing, underwater cleaning - inspection and survey, waste discharge and delivery, yacht loading and unloading and visits, containers loading and unloading, fenders delivery/discharge, detention, eastern anchorage awaiting berth/STS, flag change, garbage discharge, gyro repairs, hold inspection, land survivors, provisions, PSC inspection, radio repairs, rocks unloading/loading, shelter, spares, station, stores, surveyor/technician transfer, tender service, under tow, underwater inspection/survey, vehicle loading/unloading, waiting orders, water receipt.

Q267/2020**Education –****Plans for increasing online provision**

Clerk: Question 267, the Hon. Ms M D Hassan Nahon.

2070

Hon. Ms M D Hassan Nahon: Given that so many children will not be returning to school until the autumn term, what are the Government's plans for stepping up children's education online beyond the home learning programme put into place in the early stages of the lockdown?

2075

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2080

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the arrangements we have made in respect of education have been the subject of advice from educational professionals in the Department of Education and from the teachers' union, with whom we have been working closely.

2085

Home learning will continue for students in the year groups that do not return to school during this term and those in year groups that do return but who have been advised that they should remain at home for medical reasons. The principal goal for our home learning programme is to provide children with a familiar structure and sense of purpose to support emotional well-being, while also reinforcing key skills without the need to follow the curriculum. The provision has been designed using positive psychology principles and the PERMAH model of well-being, which emphasises positive emotions, engagement, relationships, meaning, accomplishment and health. Our decision to pursue home learning in the manner we have done arises from these key principles.

2090

We have recognised that we are in an unprecedented situation and the reality of some households may not be conducive to enabling children to complete many of the tasks set. The last thing we have wanted to do is to add stress to these households or to make the children feel anxious about whether or not they complete a task or whether they are keeping up with their

peers. There will be no penalty or disadvantage if children are unable to complete the tasks and activities suggested. We understand that some children will also be less able to complete the activities outside of the school environment. Children who are less able to learn independently may not have the parental input to help them with their work.

All tasks and activities have been designed to add value to the development of the children's skills, to their knowledge and to their understanding. However, we have endeavoured to carefully balance progress with the reality of their situation at home, the fact that the method of delivery is not that of a classroom environment and there are less opportunities for children to check in with their teachers, ask questions, clarify their understanding, etc. There are consequently more opportunities for children's misconceptions and areas of doubt and insecurity to grow.

Our aim has been to make the home learning programme valuable and provide all who engage with the provision with activities that move them forward in their learning and enable them to make progress.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his substantial answer and also I take this opportunity to thank him for the series of interchanges we have had on email, where he has been very forthcoming with information, but if I may just ask him a couple of supplementaries here.

He quite rightly says that he does not want households to feel stress about the fact that some children may be taking to this programme more or less than others because perhaps they have less or more resources, but can I ask, instead of in a punitive sort of way, just to have an idea of where the students are at, is the Department of Education keeping stats on online attendance to monitor any future gaps in individual students' progress in terms of their education for when the time comes and they sit back in school, to know who needs perhaps more or less attention?

Hon. G H Licudi: Mr Speaker, I do not have the particular figures that the hon. Member refers to, but certainly the schools are aware of the number of children and have been monitoring the number of children that have been engaging with the home learning programme, both at primary level and at secondary level.

The hon. Member may recall – I believe it was when answering a question from Mr Reyes – that I gave some details about the engagement of the teachers with children and in particular following up with children who were not engaging perhaps with the home learning programme, and therefore they are keeping tabs of those so that they can follow up and find out what the issues and the problems might be and provide support whenever that support is necessary or required. So, yes, there has been that level of engagement between the schools and the students.

Hon. Ms M D Hassan Nahon: Thank you for that answer, Mr Speaker.

Can I ask the hon. Member, because a lot of people ask me: we are living in a moment where Zoom is taking a lot of priority in online meetings all around the world, and what exactly has stopped the Department of Education from putting Zoom as a mechanism during this crisis when even countries like Italy, which has been brought down to its knees, has actually managed to continue school education through measures like Zoom?

Hon. G H Licudi: Mr Speaker, the Department of Education, in conjunction with discussions with senior leadership teams of the schools in particular – and they will also have had discussions with the teachers' union as to the input of teachers and what was required of teachers – considered what the best way of achieving this home learning programme would be.

The view was taken that the Seesaw platform seemed to provide a very adequate and good platform for children of primary school age, and in fact the feedback on that has been very encouraging with the level of engagement by the children and the way the children have

enjoyed the activities carried out on the Seesaw platform. A different platform has been used in the secondary schools, where teachers already had an online platform in which to provide material and assistance to students.

2150 It is a matter of judgement and a fine balancing act. What the schools have not tried to do is replicate the classroom environment. They felt that would have been impossible because the level of support that is needed when you engage with children at the classroom level is very different to what you can provide to children whether it is on Zoom or in any other kind of home learning programme. The schools and the Department have been very aware of the very trying circumstances in which we have lived over the last few months with children at home, and not
2155 being able to replicate the classroom ... With the curriculum having been paused, there is in fact a limit, as I have explained in the answer, as to how much you can expect children to achieve, particularly because some children are good independent learners and others may not be. We specifically took the decision that we did not want to put in place anything that would disadvantage children who may not have the support, who were not in a classroom and may not
2160 be able to work to the same level as their peers.

It is a balancing act that has been done. The view that has been taken is that what has been provided is the best that could be afforded in the circumstances, and the feedback I have had from all the schools is certainly positive.

2165 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you for that answer. Just one last supplementary. The hon. Member talks about feedback. Can I ask him: have parents been consulted to provide feedback in case we have another lockdown? We talk about children being supported and all that, but have we had a parent survey or have parents been invited to provide this feedback, which I think would be very useful moving forward?

2170 **Hon. G H Licudi:** We certainly have not had a survey. We certainly have had contact. Some teachers have had contact with parents where there have been areas of concern.

Should we do a survey to find out how this has gone, in case we need it for the future? Perhaps, but this is part, perhaps, of the post-mortem, if I can use that phrase, as to what has
2175 happened during lockdown generally, not just in relation to schools but how we have performed in all the areas where we have taken decisions in relation to lockdown. I am grateful to the hon. Member for the suggestion and this is certainly something that we will take into account.

Hon. K Azopardi: Can I also urge the Minister to use the summer months to perhaps reflect
2180 not just on that, on how it has gone so far, but also to come up with contingency ideas in case the situation were to get worse, which would justify some kind of restrictive attendance in the future ... that allows the Education Department to ramp up the rollout of online educational learning in the autumn, if that were *in extremis* necessary?

2185 **Hon. G H Licudi:** Mr Speaker, yes, these are arrangements which were put together in great haste and were put together in fact very well. There was very little time in order to make sure that we made the provision available from the decision. I certainly remember all the meetings we were having on a daily basis in March and into the second part of March, and things were moving literally from one day to the other. We were having meetings deciding to keep schools
2190 open, then things were changing and we decided to close the schools as from the following Monday, and very quickly we put together a series of programmes to support children who would not be attending schools.

Will there be lessons to be learned? Of course there will be lessons to be learned, and these are all matters that we will consider in the hopefully unlikely event – that we all desire should
2195 never happen – that we should have some kind of lockdown keeping children away from school again. There will necessarily have been lessons to be learned from our experience in the last couple of months and how we can do things better, but I have nothing but praise for everyone at

the Department and in the schools for the way they have handled this and the way they have, as we have said on many occasions, really stepped up to the mark to make this possible for children in a very short period of time.

Mr Speaker: Next question.

Q268/2020

Assessed exam grades –

Support and appeal mechanism for year 11 and 13 students

Clerk: Question 268, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Many year 11 and 13 students feel lost in the current situation. What support is to be given to year 11 and year 13 children in terms of their assessed exam grades and in terms of appeal mechanisms should they feel those grades are not truly reflective of their work or abilities?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, all the information provided by Ofqual with regard to the awarding of centre assessment grades has been made available to students in order to support them in understanding the process. Students receiving exam grades this summer will be supported in the same manner as previous cohorts in understanding the appeals process whilst guiding them through the next stages of their educational journey.

Once there is a final decision in the UK on what the autumn exam series looks like we will be in a better position to assess whether or not students will require additional support for the purposes of these resits. Until we have a concrete idea of what this exam series entails and what content it will cover with respect to individual specifications, it will be difficult to put any measure in place.

Possible support strategies have been discussed and considered. Once we have clarity regarding what the process post the release of results will look like, we will be better placed to draw up a programme to support students.

The process for awarding centre assessment grades within our schools has been extremely robust. The Department of Education is satisfied that the process being followed is fair and objective and one which will result in students receiving grades which reflect the ability that they have demonstrated whilst following their courses.

As always, our staff is available to students and will continue to be on hand via schools' educational platforms and other communication channels to answer questions, listen to concerns and guide students in the best and most appropriate manner possible. Students should know that they are not alone and that school staff will support them throughout the various stages of this process.

JUSTICE, MULTICULTURALISM, EQUALITY AND COMMUNITY AFFAIRS

Q283/2020

COVID-19 related arrests –

Number since introduction of lockdown measures

2235 **Clerk:** We now move to questions to the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs. We begin at Question 283 and the questioner is the Hon. D A Feetham.

2240 **Hon. D A Feetham:** Mr Speaker, how many COVID-19 related arrests have there been since the Government introduced its COVID-19 lockdown measures?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2245 **Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, during the period 22nd March 2020 to 20th May 2020 the RGP has so far arrested 173 individuals.

2250 **Hon. D A Feetham:** I appreciate this could have been the subject of a separate question and if she does not, I will not press, but does the hon. Lady also have figures in relation to the report process rather than arrests?

2255 **Hon. Miss S J Sacramento:** Mr Speaker, if this helps the hon. Gentleman, I know that 79 of those arrested have been charged for court and five of those have been cautioned. Mr Speaker, 75 of those who have been arrested are currently on police bail.

Q189/2020

Juveniles –

Number imprisoned in 2018-19

Clerk: Question 189, the Hon. Ms M D Hassan Nahon.

2260 **Hon. Ms M D Hassan Nahon:** How many juveniles have been imprisoned in 2018 and 2019 as a result of either (a) being sentenced for offences or (b) kept on remand while waiting for a court hearing?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2265 **Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, sentenced in 2018 there were three, and sentenced in 2019 there were six. On remand in 2018 there were seven, and in 2019 there were 13.

2270 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I think perhaps my supplementary touches upon the following question, but I will ask it anyway.

Obviously my concern is about juveniles in prison and – not having had the Government finish providing a detention centre – their treatment and their stay, their quality of stay and the type of care they have, so I would ask the hon. Member ... I also understand that during the

2275 COVID crisis one or two, or three, underage minors had to be put in prison for some time. I understand there was a 12-year-old specifically. What type of care do they receive? And is she satisfied that these minors are getting adequate treatment in a facility that is not purpose built for this age range?

2280 **Hon. Miss S J Sacramento:** Mr Speaker, yes, I do share the hon. Lady's concern. I was not the Minister for Justice in 2018 or 2019, but I was for the last two months; but in relation to the latter part of the supplementary question – and there is another question following this, which as the hon. Lady rightly says, will touch on that matter – it is something that I am indeed very concerned about.

2285 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for her answer. With respect, I believe that she has genuine concerns about this matter, but my question has not been answered. Is she satisfied that these minors have received an adequate level of care and service, given that we are where we are and we still do not have a juvenile detention centre?

2290 **Hon. Miss S J Sacramento:** I apologise, Mr Speaker. Because the question relates to 2018 and 2019, I was not clear that the hon. Lady was asking about something that happened during the COVID period, but she has mentioned that some juveniles have been in prison during the COVID period and my answer is the same as the supplementary question before: yes, I am concerned. I will go into greater detail in the next question, which is why I did pre-empt it that way. Perhaps
2295 the hon. Lady might wish to proceed to the next question and then we can deal with everything together.

Mr Speaker: Next question.

Q190/2020
Juvenile detention centre –
Plans and progress

2300 **Clerk:** Question 190, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What are Government's plans for a juvenile detention centre and what progress has there been in this area?

2305 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the Government is committed to providing a facility for young offenders. A multi-agency working group has been set up to explore how this could best be provided, as well as exploring the best possible location for this. Plans are at an advanced stage.
2310

Hon. Ms M D Hassan Nahon: Mr Speaker, once again I thank the hon. Member for her answer. When she talks about plans being at an advanced stage is she confident that the centre will be completed during this legislature?
2315

Hon. Miss S J Sacramento: Yes.

Mr Speaker: Next question.

Q284/2020
Support for the homeless –
Plans to continue

Clerk: Question 284, the Hon. Ms M D Hassan Nahon.

2320

Hon. Ms M D Hassan Nahon: Does Government have any plans to continue to support or assist the homeless, many of whom have been sheltered at the Garrison gym during the COVID-19 period; and, if so, what are these plans?

2325 Mr Speaker, just to say that obviously since I tabled this question there was a report on GBC giving us more information, and things have developed but I still look forward to hearing the answer from the hon. Member.

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2330

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the individuals who were at the Garrison gym, which was an area designated for those with no fixed abode during the lockdown period, are not from Gibraltar and are not entitled applicants for housing. Social workers and the welfare team have been providing them support during the period that they have been there and they have also each had an offer of repatriation and additional cash offered to them to cover travel expenses and subsistence on arrival.

2335

Mr Speaker, if I could update the House, since this question was last prepared two of those individuals who were in the Garrison gym during lockdown have since accepted the Government's offer of repatriation home and they have already left.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I heard that the number was 16. Can the hon. Member confirm whether this is correct?

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Hon. Miss S J Sacramento: Mr Speaker, from my information I have 14 and a maximum of 14 during this period.

Hon. Ms M D Hassan Nahon: Mr Speaker, regardless of the fact that all these people, it seems, are not Gibraltarian, if they have been living in Gibraltar is there nothing we can do in a humanitarian spirit to provide some kind of middle-of-the-road assistance in this period to provide a roof for these people until they get back on their feet? From what I understand, many of them are vulnerable. Some have mental health issues, some drug dependency issues. Is repatriation the only option that we can provide to them?

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Hon. Miss S J Sacramento: Mr Speaker, the important thing is that we have provided for them during the period of lockdown, because had we not provided a designated area, then by virtue of being homeless they would have been in breach of the lockdown measures. Not only did we do that but in addition to providing an area for them they have at all times been provided with food and with welfare, ranging from medical attendances to being seen by social workers and counsellors.

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Beyond that, I think the Government has been extremely generous in offering repatriation to each and every one of them and, in addition, a maximum of £500 cash. This was something that was done in Canada and was very successfully taken up in Canada by people who found themselves in the same situation there.

2365

In addition to that, Mr Speaker, yes, we have a hostel. The hostel has a long waiting list for people who are entitled to housing in Gibraltar. We all know that we have a housing problem in

Gibraltar because there are always waiting lists for people who are entitled. Because these individuals are not entitled to housing ... The hon. Lady is right that you may acquire an entitlement to housing by virtue of how long you have been here if you are not Gibraltarian by origin. Nevertheless these individuals still have to meet other criteria and they do not meet the criteria for eligibility for housing. It is for that reason that we have offered them a generous offer of repatriation so that they can go to their country of origin, where they will then be entitled to benefits in that country.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can, one last supplementary – and I thank the hon. Lady for her answer. Are we saying that if all these people who went and stayed at the Garrison gym were foreign nationals, effectively, are we saying that there were no Gibraltarians who were actually homeless and needed a shelter over the ...? Did the fact that there were no Gibraltarians needing shelter over the COVID period imply that we actually do not have a homeless problem, because everybody was a foreign national? Or did we have any Gibraltarians at all?

Hon. Miss S J Sacramento: Mr Speaker, this question is specifically in relation to the Garrison gym. There was one individual who is from Gibraltar but not entitled to housing in Gibraltar, but everybody else was not Gibraltarian and therefore had no entitlement. This question is limited to those in the Garrison gym.

Hon. K Azopardi: Can I ask the Minister: apart from that individual she has just spoken about, in terms of the Garrison gym, the 14 other individuals ... I think 13 others ... I thought the Minister had mentioned the number of 14 in relation to the Garrison gym, but that is a global figure. So, in respect of the other 13, they were foreign nationals, as I understood from the answer. Are these people who found themselves in Gibraltar at the time that the lockdown was imposed? Or were they people who both had been recent arrivals but also some of them might have been longer-term arrivals that the Government might not have been aware were homeless, but when lockdown was imposed it became obvious that they were homeless?

Hon. Miss S J Sacramento: Mr Speaker, in relation to 13 it was a combination of various situations. Some people had been in Gibraltar squatting more long term, some people had been in Spain and came over to Gibraltar at the time of the lockdown thinking that we might probably be more generous here than over the border, and other people appeared, quite frankly. We understood that there were some people who were squatting around Gibraltar but this has shown us that there were more people than we expected, because not everyone came to the Garrison gym on the same day. People were referred to the Garrison gym mainly by the Royal Gibraltar Police to make sure that we had a safe space for them.

Questions for Written Answer

Clerk: Answers to Written Questions.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W63/2020 to W76/2020 inclusive.

Mr Speaker: Ordered to lie.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now adjourn *sine die*.

2415 **Mr Speaker:** I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.
The House will now adjourn *sine die*.

The House adjourned at 7.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 6.46 p.m.

Gibraltar, Friday, 26th June 2020

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The Gibraltar Parliament

The Parliament met at 3.37 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 26th June 2020.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 28th May and 1st June 2020.

5

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

Negotiations re post-Brexit relationship with EU; Economic assistance for the business community – Statement by the Chief Minister

Clerk: Statement from the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, good afternoon to you and to all Members.
Yesterday afternoon, I addressed the European Union Select Committee of the House of
Lords at Westminster. In fact, neither those asking the questions nor those of us answering were
in Westminster. Their lordships were in their respective homes and I was here in Gibraltar, at
No. 6 Convent Place, but I was able to answer questions from their lordships on the ongoing
15 negotiations for a future relationship between the United Kingdom and Gibraltar and the
European Union. I was also able to address matters related to how we had dealt with the
coronavirus pandemic and the interplay between that difficult time and the European Union
negotiations. As I told the House of Lords yesterday, I remain confident that with goodwill,
energy and enthusiasm we may be able to deliver a positive outcome for those negotiations in
20 coming months. I will endeavour to keep the House and the public abreast of all developments.
The Deputy Chief Minister and I have already briefed the Leader of the Opposition and the hon.
Lady on the details of what is happening in respect of the discussions afoot. We will continue to
do so as matters progress.

Mr Speaker, it is also important that I should now move on to the economic assistance measures we will be introducing to support our business community after the end of this month, the end of the second quarter of the year, and once the original BEAT COVID measures expire.

Government stands by and with our private sector employees and our business community, as we have demonstrated these past months. We have worked with the representatives of both employees and businesses in this difficult period. We have propped up businesses that have been closed by us, with payments to ensure their employees had income to put food on the table so that no family went without, and we stand shoulder to shoulder with employees and with businesses in order to ensure that they get through this period.

It is now time to shift that support to the next level as businesses begin to reopen in a new and challenging environment where continued support is required but where we also need to stimulate and encourage more commercial activity. We need to start the move back to a market economy, but we must do so knowing that there is not much of a market out there, or at least not as much of a market out there as there was and as we would wish.

In that stance we have sought to introduce measures that intervene as little as possible whilst providing as much support as possible. This is undoubtedly a difficult balance. As a Government, we want to support business through this difficult period, but equally we do not want to dictate how businesses are run. We do not want to create market unfairness with the way that we ensure that we provide the help required to ensure that there is no severe social consequence from rising unemployment.

We also appreciate that businesses need certainty, and therefore the majority of these measures will apply for the full third quarter of 2020 – that is to say from July next week to September – except where I explain otherwise.

These measures are intended to support our business community and be better able to face the challenges that our economy faces. The measures are designed also to provide support for continued employment but ensuring that employees are now paid by their employers and not directly by the taxpayer through their employers.

I can report that we have continued to discuss these issues and these measures that we are going to propose today with the COVID Emergency Liaison and Advisory Committee (CELAC). I am grateful to each of the CELAC representative groups – that is to say the Chamber of Commerce, the GFSB, Unite the Union and the GGCA, the Finance Centre Council, the Gibraltar Betting and Gaming Association and the Landlords Association – who have been instrumental in guiding our thinking as we have formulated these new measures. I would like to take the opportunity also to thank each of them for their productive and fruitful engagement.

I have today also informed the Leader of the Opposition and the Hon. Roy Clinton of these measures. Given the time constraints, it has only been possible to discuss this with them briefly and I have invited their further thoughts and comments in coming days. I look forward to a further discussion with them as we prepare the necessary legislation to give effect to these measures. As we have to date, we will be open to any suggestions they may make that we might be able to agree to improve these measures in some way. I have also sent the hon. Lady an advance copy of my Statement this afternoon.

Mr Speaker, the measures that we intend to give effect to are as follows. First of all, I will be making a statement early next week on our proposed changes to the payment of import duty, which will be effective for the third quarter of 2020. As is the custom, I will announce these on the same day that they come into force. However, I can report that the exemption for motor vehicles will be extended for one final month. This has been a positive example of a measure that has stimulated a sector of our economy that would otherwise have closed and relied on direct Government support. It is interesting for the House to know that this measure alone has resulted in a BEAT payment saving of some £1.4 million to the taxpayer whilst at the same time stimulating economic activity and creating confidence as we emerge from lockdown. This is also a sector that employs many hundreds of people and supports many more families in Gibraltar. It is a sector that invests in people through training and in successful marketing of their goods and

services well beyond our frontiers. In addition, the very good news is that the cars that have been purchased over the past quarter are more environmentally friendly than the cars that are being replaced, so this is a measure that has also a positive environmental impact. It will be interesting for the whole community to know, and indeed for this House to note, that the mix of vehicles purchased and ordered in May and June is just shy of 20% hybrids and electric vehicles. That means that we are adding one fifth of the new cars on our roads this quarter to the ranks of hybrid and, to a lesser extent, electric vehicles; a very positive beginning of a transformation of the fleet on our roads.

Now moving on to rates, Government will offer a further 25% discount to the early repayment discount scheme for rates across all sectors. This enhanced rates discount will apply to all businesses who do not have rates arrears as at 31st March 2020 and who pay their rates on time. For example, in the context of the catering industry, if a restaurant business has a rates Bill of £1,000 it would ordinarily pay £500 with the early-repayment discount of 50%. With the new discount scheme, such a business would receive an enhanced early-repayment discount of a total of 75% and would therefore pay £250 only out of the £1,000 due, as long as they are up to date on 31st March and they pay on time. As at 31st March 2020 I can confirm that 92% of all businesses had actually paid their rates on time and were up to date with their rates. This is a trend that I hope to see continued and improved throughout this third quarter and this stimulus will help the market in that way also. The enhanced rates discount will not apply, however, to supermarkets and pharmacies, but will apply to all other sectors. The rates discount will only apply to commercial property, however, and will not apply to residential property. We are dealing with businesses in this type of measure.

Moving now on to rents, different percentages of discounts will apply in relation to rents. Government will now apply a 50% discount to all its commercial tenants for the third quarter of this year, which starts next week. Businesses that have enjoyed a commercial rent reduction for the second quarter of 2020 will see Government once again also encourage private landlords to give such businesses a further rent discount of 25% for the whole of this third quarter. As we did in the second quarter, Her Majesty's Government will encourage private landlords to offer this reduction in rent by applying a tax of three times to that part of the rent that the landlord has refused to discount. Further and additionally, if the discount is not applied the commercial tenants will be entitled to a three times reduction from the tax assessment of that unreduced element of the rent. By way of example, therefore, if a tenant is paying £1,000 a month in rent we would expect to see this rent reduced for the quarter to £750. Landlords who do not participate in assisting businesses in the way that we have proposed will be taxed on a total rent for the month of £1,500 and the tenant will be allowed a total deduction for rent for the month of £1,500 too. But remember that the rent would be £1,000.

Any rental increases due in any commercial premises for the period of 1st July 2020 to 31st March 2021 are hereby suspended for this period. This applies to Government commercial tenancies as well as to private landlords and their commercial tenants. This means that until 1st April 2021 no business will face a rental increase. We will shortly be introducing legislation to implement this measure.

Further, Government will be waiving all tables and chairs licence fees for external areas in their entirety up to and including 31st March 2021. Private sector landlords will also be required to reduce these rental or licence fees for tables and chairs by 50% in the same manner that I have already described for private sector rents, also until 31st March 2021. In order to avail themselves of these rent measures the tenant must not have rent arrears as at 31st March 2020.

Government will also provide an arbitrator into private landlords and tenants in order to settle any dispute in respect of the Distress Relief Fund that they have voluntarily established and which we welcome.

The intention behind these measures is to soften the blow of fixed costs which we are seeking to reasonably mitigate as businesses begin to emerge from lockdown in this difficult period. In respect of these measures I should also record that I have had a very productive and

informative meeting with the Gibraltar Catering Association (GCA) and some of their suggestions are reflected in the measures that I am introducing today. I thank the Chairman of the GCA, Gino Jimenez, and his team for their very open and positive engagement with us.

Mr Speaker, we have protected the job market by taking a snapshot of our economy as at 15th March. This has worked as intended during a period of the utmost uncertainty. We have provided stability and certainty. We must now move on to a next phase.

As from 1st July 2020 all those businesses from the excluded sector that did not benefit from BEAT payments will be able to process terminations through the Department of Employment in the normal manner. These businesses have not taken the Queen's shilling and they should not be subject to this Parliament's lock on the way that they do business. The same holds true for any business from the included sector that did not receive BEAT but who will also be able to terminate employment in the usual way.

As businesses emerge from the extraordinary lockdown that we were forced to impose, Government's focus moves from supporting individual employees towards supporting the business itself so it can support its employees and the business that it undertakes. We are seeking to ensure that these businesses have the resources they need to be able to bounce back from this crisis as the safety net we have provided will reduce as they rebuild their own liquidity and resources. We need them to be able to operate as fully as is possible and in compliance with the Unlock the Rock guidelines.

As the BEAT payments continue as a grant, the business is able to use the support it receives from Government towards meeting its ordinary course of business expenses. It is not a payment that it requires to pay on to a designated employee in the prescribed sum, as was the case with the first version of BEAT. These payments will continue throughout the entirety of the third quarter – that is to say July, August and September – and any business that received a BEAT COVID-19 contribution and any self-employed person who received a BEAT COVID-19 payment will qualify automatically for the new BEAT. There are some exceptions, such as businesses that are deemed by Government to be in substantive operation throughout. This exemption would apply, for example, to the larger businesses in the construction and ship-repair industries that are in substantive operation.

The new BEAT payment will be calculated as an average of the payments that each firm or self-employed person received over the months of April and May. Once we determine the average for these months, the amounts to be paid for July, August and September will reduce on a sliding scale. The scale will be set at 60% for July, 40% for August and 20% for September. This will give businesses today the certainty that they themselves can calculate the amounts that they will receive over the entirety of the next quarter and plan accordingly. Businesses will also have the greater part of the support in the first month. This will provide liquidity at a time when they face the biggest challenges as they work to return to normal business operations. As an example, a business that received £12,000 in April and £8,000 in May would have had an average over both months of £10,000. This business would then receive £6,000 in July, £4,000 in August and £2,000 for September.

This new BEAT scheme will follow a very simple automated system, where Government will itself contact businesses by email and ask them to confirm whether they agree to comply with the new BEAT terms. A simple email response will then enable monthly payments to the same bank accounts into which businesses received their original BEAT COVID-19 contributions or self-employed BEAT COVID-19 payments.

Businesses in the included sector that did not avail themselves of BEAT in its first incarnation will, as a gesture of goodwill, nonetheless exceptionally be considered for grants under this new incarnation of BEAT on application. Each case will, of course, be considered on a case by case basis.

The new BEAT measures will only be paid to businesses that are operating in accordance with the guidelines set out in our Unlock the Rock document. For example, a restaurant that is

allowed to open with 50% capacity but chooses instead to remain closed will be automatically excluded from the new BEAT payments.

There will be more technical announcements that will be made in due course to cover erroneous payments and appeals that took place in respect of the first incarnation of BEAT and how those will interface with this second incarnation of BEAT.

The new BEAT will come with a number of small but important conditions. The breach of any of these conditions will automatically convert the grant payments that are being given to these companies into an interest-bearing loan that the business will then have to repay to the Government on terms which I will detail below. Any non-compliance with these measures will result in the grant being converted into a loan.

Firstly, businesses will only be able to use the grant money solely and exclusively for meeting the necessary costs and expenses incurred in the ordinary course of business. This support should be used to make the business leaner to withstand a post-COVID-19 business environment. We will not allow a business that is in receipt of the new BEAT to declare or charge a bonus or a dividend for the period of at least six months from 1st July 2020. We do not anticipate the businesses will use the new BEAT irresponsibly but we will not tolerate any abuse whatsoever.

Secondly, firms in receipt of BEAT payments will be able to terminate employment contracts with effect from 1st July 2020. However, any business that terminates more than 30% of its workforce at any time during the next six months – that is to say from 1st July this year – will automatically have their new BEAT grant also converted into a loan on the terms described below and they will forfeit further unpaid BEAT amounts. Although we have relaxed the ability of BEAT-receiving firms to terminate employment contracts, we will limit these to 30% of the total number of employees for the third quarter of the year for those firms that wish to continue to avail themselves of the BEAT grant. As a consequence of this measure, any business that is in receipt of the new BEAT grant will also need to give seven days' prior notice in writing to the Director of Employment of the terminations that they are seeking to make. Government will also retain the ability and discretion to adjust pro rata subsequent new BEAT payments, having regard to the number of terminations that a business in receipt of the new BEAT grant makes. This may apply even if these terminations are within the 30% threshold.

Finally, any business that is in receipt of the new BEAT grant and is found to have unregistered labour will also face the conversion of their grant to a loan. Any further grant payments will also therefore be suspended to such a company. We invite all businesses to ensure that all their employees are properly and fully registered in Gibraltar according to law. To this end, I am pleased to announce a one-month amnesty for the month of July to enable all firms to ensure their employees are properly registered. With effect from 1st August 2020 we will vigorously police unregistered employment and clamp down on unregistered labour. We will also increase the fines available for non-compliance.

Any new BEAT grant that is converted into a loan for the reasons I have already described for the breach of those terms will be administered by the Central Arrears Unit as a debt to Government. These loans will bear interest at the rate of 6% and will be repaid over a maximum of a five-year period, payable in equal monthly instalments to cover capital and interest on a reducing balance basis. In insolvency, any new BEAT grant will be also a preferential debt due to Government for the purposes of the Insolvency Act.

Further, all sectors will be subject to the usual PAYE and Social Insurance obligations with effect from 1st July 2020. Any PAYE and Social Insurance that was deferred during the second quarter of 2020 will need to be repaid before 31st March 2021. Firms will therefore be able to gradually repay these deferred taxes over this period. Arrangements for these repayments will need to be co-ordinated by the Central Arrears Unit in close consultation with the Income Tax Office.

Over this third quarter, and in line with global tax administration responses to the COVID-19 pandemic as published by the OECD, the Income Tax Office will be expediting even further

refunds due to both personal and corporate taxpayers. The Commissioner of Income tax has confirmed that the waiver of penalties in relation to the late filing of corporate tax returns with the Income Tax Office that was first introduced in March of this year is expected to continue until 31st August this year. The waiver will apply to filing deadlines with the ITO on or after 15th March 2020. The decision to remove the current waiver will depend on how the COVID-19 pandemic evolves, but given the current process of the lifting of restrictions the ITO is expecting the waiver to be in place at least until 31st August. This will be confirmed in due course and due notice will be provided by the ITO should the waiver be extended beyond that date. It should be noted that whilst a waiver exists in relation to the raising of penalties for the late filing of corporate tax returns, the existing surcharge regime has not been amended and so companies and their advisers will need to ensure that income tax payments are made in line with existing due dates to avoid any surcharges.

Mr Speaker, we will continue to work with our hotel, airline and transport sectors to support and stimulate tourism activity at this very difficult time. We recognise that these highly valued sectors have been especially affected by the pandemic.

We have also announced, and I reiterate, that every business will need to appoint a COVID-19 officer, as outlined in our Unlock the Rock document. This officer will be tasked with communicating safety information, promoting compliance with safety protocols and procedures and also ensuring continuous coverage for responding to safety concerns raised by other employees or indeed the business's customers.

Mr Speaker, we believe these measures will help businesses in this first quarter after the worst effects of the pandemic to date and we believe that these measures represent the right balance between assistance and intervention in the market. We believe these are the measures our economy needs now.

I look forward to discussing these matters further with hon. Members in coming days and I commend this Statement to the House. *(Banging on desks)*

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

Hon. K Azopardi: Mr Speaker, we welcome that Statement that the Chief Minister has made on primarily the economic aspects going forward, although he did touch upon his intervention yesterday before the House of Lords Committee.

Before I go on to the economic aspects that he has centred on today, may I say that in relation to the ongoing and future negotiations on our post-Brexit arrangements I certainly appreciate the sensitivity and importance of those talks, and so do all my colleagues sitting on this side of House. He used the word 'confidence'. I will say to him that we share the hope, if not the confidence, that there are possibilities to build a modern, respectful European relationship with the European Union and indeed our neighbour, despite Brexit. It requires, of course, careful handling and not just one eye but probably two on the fundamentals, and there may be many pitfalls ahead but I certainly share the hon. Member's hope, if not confidence, that there is a lot to be discussed and indeed that in a modern, progressive way, things could be discussed and a relationship found with the European Union beyond Brexit.

Turning to the issue of the economics, if I may, I will just make some observations and ask for some clarifications from the Chief Minister, although we had a brief call today on this. Indeed, may I say as I start that I welcome the Statement, as I have already said at the outset of my contribution, because Gibraltar wanted clarification of where we were going on the economic assistance package beyond 30th June.

Of course, tackling the pandemic was a two-pronged attempt, to control the public health emergency but also not to lose sight of the economic issues that arose as a result of the pandemic. Indeed, one of the first things that we did in this House was to come here on 21st March and have the Emergency Budget. During that Emergency Budget session itself we were already talking about the need to first stabilise the economy and then boost it. The hon.

Member the Chief Minister knows that we then had detailed discussions with himself, members of his team, the Financial Secretary and my colleague the Hon. Mr Clinton on aspects of the BEAT measures as were announced for the period up to 30th June, and I made clear, both to him and indeed publicly, that the Opposition supported the package of measures up to 30th June but that beyond 30th June we needed to have a real discussion on the aspects and understand the measures – and there may be things that we could agree, there may be things that we were unable to agree – for the period beyond 30th June.

I say all that because while I think people listening to his Statement will welcome the clarity, I can certainly say for them that from our perspective we are not in a position to say, as we were in relation to the initial package, that we had discussed the detail, had influenced the package and were, despite perhaps misgivings on granular aspects of the previous package, were broadly content and could say publicly that we were supportive of that package.

In relation to these, while I certainly welcome the Hon. Chief Minister's reaching out to me this morning, the discussions that we had on this particular aspect were the product of a 30-minute call this morning with the Financial Secretary and involving Mr Clinton. Don't get me wrong, I do understand the pressures that there are when someone is sitting in his chair – he will have been pulled in many directions, and indeed the Government will have been – but I would say that it is a source of some regret to us that at a time of high intensity, trying to control the pandemic, the public health emergency and the economic aspects, we found time to have discussions on the previous package but unfortunately, for whatever reason, that time has not been found on this aspect of the package, and here we are on the Friday before the Tuesday when the package expires and for the first time the public is being told of the elements of the package, and we found out the elements of the package at noon today.

All of that I say in the context of the fact also that one of the things that we did on 21st March when we passed the Emergency Budget was to introduce a statutory provision that required consultation between the Chief Minister and myself on aspects of the economic package – and consultation, if it is going to mean anything, especially if it is statutory consultation, should be conducted with vigour and meaningfully, and perhaps not at the last minute, or if not at the last minute in the last three hours before the period is up.

I say all these things and I hope the hon. Member takes it on board because he knows that we have been constructive with him in relation to all the aspects of the pandemic and indeed on the economic aspects of it, so he knows when I say these things that I do so from the basis that we are willing to sit down with him and discuss the detail of all the measures and indeed try to assist as much as possible in at least giving our views on it, and then it is a matter for the Government of course to decide whether or not it takes on board these issues. Indeed, there was such a need for clarity, and those discussions with us had not been happening, that my hon. colleague Mr Feetham tabled questions on it, which are on the order paper and indeed when we get there no doubt he will have supplementaries to ask for clarification on a number of issues which relate to the questions that he was interested in.

We are certainly very prepared and willing to give our input on these measures and the Chief Minister has indicated already that the Government is prepared to listen to our views on the detail. We will certainly consider the measures that have been announced and when there is perhaps better detail known on the measures I am certainly available to discuss the matter – and so is Mr Clinton – with the Government. He knows, because we have discussed it, that we are prepared to have those discussions with him. We will judge every issue on its merits – and I will make some observations on that because I think there is a need perhaps for some clarity and the hon. Member might be in a position already to clarify aspects to those people listening who are running businesses, or employees who are interested in understanding how this will affect them. So, I will ask those questions. Some of the points that I make are observations that I have already shared with him but I will do so publicly so that his answer can also be heard by other people who might have concerns about what the effect and impact of those measures might be.

I did say to my initial reaction on this, and stepping back from the detail, if I may for a second, we had supported the original package. The original package was, in my view, necessary but it was a fairly blunt instrument, if I can put it that way, because at that time there was no real visibility of the specific impact on the economy as a whole and it was necessary that measures were taken in parallel to the lockdown, the social lockdown and the general lockdown of commerce etc. And so the blunt instrument was, in effect, to put a blanket over the economy and employees and try to safeguard jobs. I think it was absolutely the right thing to do, to stabilise the job market and indeed the economy as a whole, and that is the reason we gave it our support.

I am concerned about these measures at different levels and I will share those concerns publicly with people listening and indeed this House. I mentioned some of these things to the Chief Minister in our call this morning.

I am concerned about the effect on workers. Obviously I understand that the package puts a restriction on the ability to terminate employment, and the purpose was to stabilise the job market before and that protection cannot last forever but the assistance was very targeted last time. It was targeted so that money would be injected into business for the exclusive purpose of the payment of employees. In effect, that is what was happening and so people were guaranteed their jobs or they were put on a specific sum and things were stabilised. What we are seeing with this package that the Government has announced now is that instead of the money going, guaranteed, straight to the employee, it is going to ... The businesses that applied last time will get an equivalent amount to the business itself, but of course the protection against dismissing employees will be lifted. So, I would say 'caution' because one of the things that would concern me is whether employees are being exposed massively in a way that certainly no longer protects them, gives business assistance – which for the last three months was for the purpose of protecting those employees but this time may not necessarily be used by business for that and may be used for something completely different – and at the same time you will see quite a number of job losses. So, from the point of view of the protection of workers I would say that this package is certainly not as beneficial from that perspective as the previous package.

Secondly, I had indicated to the hon. Member before in our discussions that I, certainly in my own thinking, favoured that we transition from a blunt approach to a sharp approach, if I can put it that way. I may not have articulated it in those terms, but what I meant by that was that rather than go for a blanket approach, that we then transition into understanding a bit more about the sectors that were specifically affected by COVID and the consequences of it and that we give more sectoral, targeted assistance in relation to that. That approach might lead to the complexity that you might have to then formulate state aid type of applications and so on, but it may be appropriate to do so, rather than a continued blanket approach and indeed a blanket approach without an apparent purpose.

It brings me to the third concern that I have, and the third concern is fairness because really what this does is that every single business that was receiving money under the previous scheme, as I understand it, unless the hon. Member clarifies it otherwise, is automatically going to receive the equivalent sum of money discounted by the sliding scale he has indicated. So, those businesses that asked for money are going to receive more money, the equivalent amount of money in accordance with the yardstick, for the period of the three months up to the end of September. There may be businesses out there that, through economic wherewithal or just simple civic commitment, decided not to ask the taxpayer for assistance, and those businesses are having to compete with other businesses that asked the Government for assistance for a three-month period, who got it for their employees but are now going to get it in a way that does not necessarily guarantee a level playing field. In other words, there will be businesses out there that did not get any assistance, that are now competing against businesses that are going to receive assistance on an automatic basis and that assistance that those businesses are getting is not going to go necessarily to the employees, because a business might get it, still sack 20% of

their employees and then use that money to build up stock to replenish the stock that it is going to use to then compete with the other business that is not necessarily receiving that assistance.

There are some serious concerns about a level playing field and how that is going to work.

390 The hon. Member may want to clarify to those listening, and indeed to this House, how precisely that is going to work and what controls are going to be put into place. I know he has said in his Statement that there will be controls in relation to if you dismiss employees beyond a certain percentage the grant is converted into a loan. Yes, but short of that, what degree of policing and enforcement will there be? And is it right in principle that businesses should continue to receive
395 assistance against other businesses that now need to make application, because he said in his Statement that those who did not receive assistance can now, as a special concession, make an application. So, the hon. Member may want to clarify, again to those people listening, on what basis are those businesses going to make application, how is that going to be judged and against what yardstick. The BEAT payments that every single individual business got depended on how
400 many people they put on BEAT, so they will all be different unless they are going to find a sector average for different industries. The hon. Member may want to explain that. We have some serious concerns about that how that is going to work, how fair it will be and how it will impact on the job market, where we could see a significant loss of jobs, unfortunately, as we go forward.

405 I think it is important that if taxpayers' money is going to continue to be used for the next three months ... and I make clear that I continue to believe that we should assist the business and employment sector going forward, so I am not disagreeing with the hon. Member that there needs to be a package but what I am saying to him is caution, because we have only heard of the package at noon today, that the package needs to work fairly in accordance with the principles
410 that I am sure we share, but it may be that the Government have not thought of the impact of all these things and it is important that they should reflect. We are still ahead of them passing legislation, presumably, on these things, unless the hon. Member tells me that there is already draft legislation, but even if there is draft legislation there is still time for handbrakes and controls to be injected into the process to make the process indeed fairer. So, I ask him to reflect
415 on that and perhaps clarify the position as well.

There is, of course, a need for information going forward. I have said that to him privately and I welcome the assurance he has given to me that there will be more information shared with us to allow a better exchange of views on these matters based on information and analysis of the BEAT payments over the last three months how have been made and to what sectors and
420 businesses and so on. That will be helpful so that we are not blind to the rollout of these matters.

We welcome, I would say, the Government's announcement on the rates and rents measures. That is a welcome development and indeed his talk on how the tax department will administer refunds and so on going forward, that is a helpful development and therefore those
425 are issues that we back. We have some concerns on the broader aspects of the measures he has announced and we express no further view. We certainly are not in a position, as we were before, to say that we support these measures. We are willing to engage with him on the detail of it and to try to ameliorate the scheme with the concerns that we have and I have expressed today, and hopefully in his reply he can clarify some aspects of that to deal with our concerns.

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Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, thank you very much indeed.

435 I am grateful to the hon. Gentleman for the comments he has made during the course of his intervention, which I will deal with in the order in which he made them, if I am able to.

The first aspect of what he said dealt with my intervention yesterday before the Select Committee on the European Union of the House of Lords. I thought he was going to start by pulling me up on the fact that I had quoted the wrong platform out of the Harry Potter books. I

was quickly informed by my staff that it is Platform 9¾ and not 13¾ that Harry Potter pushes through in order to get to Hogwarts. Obviously he and I are as ill versed in that respect as each other, but this is a useful moment to correct the record. (*Interjection*)

Mr Speaker, the issue of the sensitivity that he has expressed to the negotiations of the future relationship with the European Union is one which I am grateful for. He does know a little of what we are doing in the context of the discussions that we have and he has said that he expresses hope, not confidence, in respect of what may emerge. Well, 'I still believe in a place called hope,' said one American politician once. I do not believe that you get to hope unless you have the confidence in your ability to deliver the deal that gets you there. I have confidence in the team that is going to be involved in this negotiation, I have confidence in his co-operation, I have confidence in what it is that we can all do together that might at last shine hope upon the future relationship between Gibraltar and the European Union. But he is right to say that we should keep not one but two eyes on what is happening in that negotiation. I have expressed it in a slightly blunter way. I have said that we will keep a cynical eye on what it is that is proposed at every turn. We will seek the devil in the detail, for there he will be – or she, if she is wearing Prada – and we will ensure that if it is there we will find it and that there is no question of anybody believing that they can hide, even in the plural, as they tried to hide in 1984, any trick that we might not pick up or be aware of. So, he knows that on this side of the House perch the hawks in that respect and that nothing is going to get past any of them, but I welcome that we should do this together, if possible.

Mr Speaker, now on to the aspects of the economics of the Statement that I made, and I welcome that he welcomes the Statement that I made, and that he approaches it in a positive way. He says that clarification is required. I am happy to give that clarification here today, insofar as is possible, but I do rise to respond to him by reminding him that, as he knows, this is a very difficult task indeed and if we have not given him earlier sight of the proposals that I have outlined here today it is not because they existed and we were hiding them from him and Mr Clinton and his colleagues, it is because the designing of them has taken us to the wire. In other words, no sooner had the proposals landed on my desk finally formed than I was picking up the telephone to him and ringing him. There was no delay between those two and there was no other time available, because this is, whether we like it or not, a small administration, and even much larger administrations have got to the wire before they have been able to make such announcements. Administrations with hundreds of thousands of public sector employees have not been able to do things faster than we have been able to. I think that is therefore a moment to reflect once again the gratitude of the Government to the engagement of all the groups and the CELAC, the gratitude of the Government to all the officials on the Government side who are working with us, and my gratitude in particular to the Minister for Financial Services and to the Financial Secretary for the work they have done with me on this package. So he must not for one moment think that it was a desire not to let him into the designing of these measures, because when we met last time, although he says we met with more time etc., actually we met with just about the same time. In other words, we had already formulated a view after consultation and we were therefore meeting with him after, before we elevated to legislation – and we have not yet elevated to legislation. We are now going to try and work out that detail in order to give effect to these measures, and that is where I hope that he will be able to assist in forming part of the consideration that we bring to these matters so that we can work together.

So, Mr Speaker, I do think there is going to be any difference in the way that we approached it the first time and the way that we approach it now, but I do think that it is important that we do understand that the work that is required to deliver these measures and to then deliver them into legislation is highly complex, and what we will not do – and I invite him to share this principle with us – is enter into an internal debate and make the perfect the enemy of the good. There were many things that we would have done with more precision, if we could, in March, in April, in May and in June, but if we were doing it with that level of precision we might find ourselves in the situation that other economies have found themselves in, with no payments yet

made to people who need the money. There are very advanced economies where working people and where the self-employed have yet to receive a penny of the assistance that they are told in statements by their governments they are going to get.

495 What has happened here is that the shield that this House, jointly in the work that we did, put around employees in particular was one that was ready to be delivered in time for the end of the first month when they needed that money. Employers paid in March and at the end of April the public money was there to be the wage that put the food on those workers' tables. As a result, there are likely to have been more than one or two unfairnesses. Some people who might need money, who might have been entitled, were just on the cusp of rules. We can look at that
500 in slower order. There may be some people who should not have been entitled who perhaps in the wash we will see, and we might be able to seek some redress potentially in the future in that respect. But what we cannot do as a Government, what we as a Government have not got the luxury of is just time to debate and talk ad nauseam. We have real human realities that we had to contend with – and I am talking just the economics – both in May, April and now. Indeed, if I
505 may say so – with respect, Mr Speaker, these are strange times ... the things I find myself saying – it was actually Mr Clinton who said during the course of that Emergency Budget, 'Look, we've got to do this with as little red tape as possible.' That was the Government's view and we sought to do that, and we sought to do it together in a way that delivered as little red tape as possible.

Now, as we move into this second phase, the things that the hon. Gentleman has said
510 suggest that he is concerned that we are not putting as much of a shield around employees and working people. Well, he will find that the Government is, first of all, wishing to protect working people. And why do we want this measure to be a measure that protects working people? Because the best way to protect working people is to protect the engines of the economy that provide for their employment. There is a fork in the road now, which is to either decide that we
515 continue to pump money into paying people's salaries, which he told me in March/April he would be very concerned to do after the first quarter and I shared his view, it was an area of agreement – I think he actually said it in this House – or we go into the mode of ensuring that we use public money, as has been the case in other economies, to give grants to businesses to enable them to keep going so that they can get their dynamo going, so that they protect
520 employment, and there may be some loss of employment in the course of that process.

If he is going to say – not just for the purpose of trying to garner votes, because I assume that six months after a General Election none of us are going to be foolish enough to be in that business – that what he wants to do is to protect employment and go down the Trotskyite route of simply paying for every employee in this economy, he might find he has more than one
525 person on this side on his side. We might all be prepared to have an enlightenment of that sort, but let's be serious about what it is that we are going to do here, because this is a salutary process.

This is to return an economy to the market, an economy that we have put into suspended animation and hibernation. We put it into a coma, and the way that we put it into a coma was by
530 paying all the employees. We paid some employees who might be earning five times the BEAT COVID amount just the BEAT COVID amount, and we paid some employees who may be earning less than the BEAT COVID amount perhaps a little more than they were sometimes earning because there was no deduction of PAYE and Social Insurance. Is that the road for the next quarter and the quarter beyond? Well, I think he will agree with me that that is not the route
535 now. What we are trying to do is to ensure that we are giving grants to businesses in the sums that we are proposing in order that those businesses are able to protect employment, but with the caveat, that I believe this House will unanimously support, that those businesses must have the right to be able to hire and fire. Indeed, the Hon. Mr Feetham said, in the context of the insolvency debate, that those businesses should not potentially have even the protection of not
540 being put into administration or into compulsory winding up. So, we are going to take the view which hon. Members took when they voted in favour of the measure that we brought, that the winding-up provisions should be protected against until the end of the year so long as the

circumstances appertain, namely that the coronavirus conditions might be in effect. But what we must not seek to pretend to do is that we are going to continue simply to pay all the salaries of all the people in all of the businesses that we shut down, even though they are now open, because I do not think that there is any view on the side of the House that he represents that that should be the case and I do not think that that is a view that is in any event sustainable, as he will agree. And so therefore when he talks about wanting to protect employment ... when we analyse that, I think that he will agree with me during the course of our further discussions in the future that this is one of the best ways of protecting employment; in other words, to put – if the Hon. the Minister for the Environment will forgive me – gas into the tank of these businesses so that they can continue to stand on their own two feet and provide employment for this community in the way that they do.

I therefore will not take as chastisement, because I would assume it was not intended to be chastisement, the fact that he was a little put out that we spoke only today and that we were able to give him an overview of these measures, which is not too different to the overview I have given this House, and that the detail is to come, because as he rightly seeks to remind me, the legislative provision that we may rely on – and the Government may come to the House to simply pass legislative measures, but otherwise we may rely on the legislative provision that we passed in March which enables me to amend primary legislation by regulation – that that has to be done in consultation with the Leader of the Opposition.

Mr Speaker, I am not going to ascribe myself, in the role of Chief Minister, any particular attributes. That is up to everybody else and indeed is probably up to historians – and I always have the comfort that the best historian in town is sitting next to me – but I will ascribe this to myself: I am probably the Chief Minister who has most consulted in keeping with the definition of the word ‘consult’ that the hon. Gentleman has given. I have been sat alongside the Hon. the Father of the House in previous times, when he was a Minister but he was not the one responsible for this. ‘Consultation’ amounted to a call being received and the Leader of the Opposition being told what the Chief Minister had decided, but simply because the legislation said ‘consult’ a call was made before an announcement was made. He knows that that is not the approach that I have taken with him and with Mr Clinton. Indeed, today’s call was not that; it was a call upon the moment of having been able to make the decisions and in anticipation of the work that is to be done, because the work on the detail is to be done and the analysis in respect of the payments already made is analysis that will be shared and that I hope will lead us all to the same conclusions, and I do hope also to be able to continue down the road of the next quarter being a quarter of measures that have been agreed, or at least broadly agreed, across the floor of the House between the hon. Gentleman and Mr Clinton and the Government because the detail, of course, is to come.

The hon. Gentleman then said that they would judge every issue on its merits. I thought that was a little superfluous, in the sense that we all judge all issues on their merits, but it did put in mind some of the remarks that the Hon. Mr Bossino had made over the course of the past weekend when he said in an interview with one of the local newspapers, ‘We need a package for business, we need support for business, we need more for tourism.’ If I may say so with respect to the hon. Member, there was not much there other than ‘We need ...’ – generalities – ‘we need perhaps to think about ... we need again to reflect on ...’ Being in Government is about actually having to make decisions, and to have to decide means to have to act, and for that reason the Hon. the Leader of the Opposition, I hope, will be our ally now that we are starting to take those decisions in taking these things forward – no longer as blunt an instrument as before but still nonetheless relatively blunt.

These are not yet normal times. In the same way as the Rock is not yet unlocked, the economy is not yet back. There are not the numbers of tourists in Main Street that there were. There are not the numbers of people in our restaurants, in no small measure because the permits that are being granted do not permit it. These are still extraordinary times and, though we might sharpen our pencil, we are still, unfortunately, in the space of rather blunt action

required, the sort of action that any other year we would not be considering in this place. I do hope, and I am sure that we all agree, that hopefully soon this will all pass.

He then made three points that he said he was concerned about. The first is the issue of effect on workers. Well, that is the key issue for the Government. The Government's biggest concerns are the two allied matters of protecting workers and protecting and assisting the businesses that employ those workers. You cannot have one without the other. If Mr Feetham's position were to appertain and the businesses were to be permitted to go to the wall on an insolvency basis, the employees lose their jobs. If the position is that we do not provide any support to businesses and we stop paying the workers, the workers are likely to be made unemployed. If we pay the workers directly, then the businesses become no more than paymasters for the amounts that the taxpayer is contributing to those businesses. I think working people's representative organisations and businesses' representative organisations have understood that there needs to be a happy medium as we move forward into this alternative moment.

Coming to his second point of trying to be more precise on sectors, there is the very difficult issue of state aid. State aid is an area of vexed legal understanding. It is an area of huge complexity. We are still in the transitional period in our membership of the European Union and therefore European state aid rules appertain. We have to be very careful with that. We have already had to notify some parts of the assistance that we are providing on loans etc. Other states have notified matters relating to state aid and have got approvals, but usually states that have manufacturing industries. It is not so easy to get approval from the European Commission on aid in the sorts of sectors that we represent, but we are still doing it and we may be able to be a little bit more precise about how we pursue these matters. So, when it comes to targeting industries or sectors in particular, there is that difficulty. The hon. Gentleman can get up and say, as he has, 'Well, we need to be more targeted' etc. There is a world of complex pain behind that and the biggest pain is not having to do the work to persuade the Commission of that – that is what we are here for; the biggest pain is that the Commission might say no, you cannot give the aid, and then you have to either not give the aid, if you have not given it already, or you have to recover the aid, and that could be a killer blow to a business, especially in a year like this. So, what I would say to the hon. Gentleman is it is sometimes very easy to say these things and to say – understanding as he does, no doubt – that they are complex, but not to unravel that that complexity can actually lead to greater danger for businesses, and danger for businesses is danger for their employees because they could end up out of those jobs.

Finally, Mr Speaker, the issue of fairness, which is one that we have been very concerned about. The Government has wanted to achieve the greatest level of fairness in this respect. Here is the level playing field of the sectors and the level playing field of those who have received money before versus those who have, out of a sense of civic duty, not wanted to claim money before, even though they might have been entitled to. This is an issue that he knows that we addressed today in the context of our conversation, it is an issue that I have addressed in the course of my speech, and what we want to do is to ensure that now those who have not previously claimed are able to claim.

He then said to me, taking that challenge one step further, 'Ah, but those who have already claimed will automatically qualify when you contact them; those who have not will not automatically qualify.' Well, I put it to him that that is a fact which it is impossible to avoid. It is impossible to avoid for a simple reason. If a party has previously registered and received, it is registered with us. Another business would not be registered with us. Would it be possible for us to identify such a business? Not impossible. We might be able to merge all of the data that we have and set out all of the businesses that we have and see which are those that have not claimed and see which are those that are in the included sectors and contact them. But that would be a very longwinded way of doing it that would cause huge difficulty. Better to say 'If you were entitled to claim and you did not, and now you believe you need to, contact us on this email'. So I put it to him that the sin that he identified is cured by the sacrament that we have

set out, which is, needless to say, that we would consider very favourably ... I do not understand the hon. Gentleman's mirth, Mr Speaker, but it is contagious, as ever. Since he was 12 he has had this contagious mirth. (*Interjection*) It is exactly the way that we can cure the problem. In other words, this is the way for those businesses to be able to seek that assistance now. So, I believe that the potential unfairness that he says he had identified had been dealt with in the context of what I set out in my original Statement, but working together on the detail I hope that we will be able to be satisfied, also together, by the end of this process that the regulations that we put in place for this purpose will have dealt with that in time before any application, automatic or otherwise, is dealt with.

Mr Speaker, the Government does not want to see a significant loss of jobs going forward, which is one of the things that he said concerned him. It has been our key factor in trying to design not just these measures but it was also the key factor in designing the original measures, and it was as much our guiding principle as it was theirs and so he must not for one moment think that that has changed, but we have to understand how it is that we transition now back to a market economy.

He then said that he did not know whether the Government had thought of these things. If we were in another political moment I might have called him presumptuous for saying that, but as he knows that much of what he raised with me in this House are things that he raised with me during the context of our telephone conversation and that we dealt with, he does know that these are matters that the Government had considered. But as to the detail, what we will not do is pretend that we can, on our own, produce the best piece of legislation. I am sure that together we will be able to produce a better piece of legislation.

In terms of rent and rates I am pleased that he welcomed the measures that we have provided for and I am convinced that if we continue in the spirit that we pursued in March and in April, when we designed the measures that then became the first iteration of the business and employee assistance terms, we will be able together also to deliver positive terms to assist businesses and protect employment in our economy going forward. On this I know that he realises that the Government is a willing partner for co-operation to protect employment, to protect businesses in our economy and to take this economy forward to the prosperous heights it was at before the pandemic hit.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

It was very kind of the Chief Minister to brief me earlier with an advance copy of his Statement, albeit just literally minutes before he rose. Unfortunately, given the short notice I was given, as well as the general lack of consultation with me, unlike that afforded to the Leader of the Opposition and Mr Clinton, I have really been given no recourse to look into these measures in depth in my own time to receive feedback from those sectors and individuals that it will affect the most and make my thoughts available to the electorate, so I will take some time on that.

At this point I can only say that, as well as to echo many of the clarifications that the Leader of the Opposition is still seeking, that I hope that the measures genuinely live up to the gravity of the times that we are living in, that they take into account and into consideration the long-term environmental needs of our community, and of course that they truly prioritise those who need it the most. This has not, unfortunately, always been the case. So, the Chief Minister will receive my thoughts shortly on these measures.

Thank you very much.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the observations of the hon. Lady. I sent her my Statement as soon as it was finished in fact, because the Hon. Leader of the Opposition had had, earlier in the day, the positions that we had agreed. I made sure I sent her my Statement literally as soon as I finished it, with all the bits about the House of Lords in etc. which I had not obviously discussed with him. I think I gave her 30 minutes' notice of my full Statement, which I am always mindful of is the sort of notice that a Leader of the Opposition gets in the United Kingdom from the Prime Minister in respect of a statement. That is what is usually considered generous. The report on the war in Iraq, which I think was 50 volumes, the Leader of the Opposition I think had from the morning before in order to read it, so she must not think that we are being ungenerous by giving her advanced copies of the Statement – which was, I thought, the way that she sought to present her statement. But she is shaking her head, so I will accept that she was not trying to pretend that she had not been generously provided for, which I am pleased to see and I very much look forward to hearing what points it is that she does bring to us in the context of having a greater opportunity to consider these measures. We will be open to whatever points she makes.

We have designed, as she can see now in the context of the report I have given to the House, many of the measures not just to protect those who are most in need in our community but also with the environmental factor in mind. Indeed, I was able happily to report to the House that one fifth of all the vehicles sold are hybrid or electric vehicles, which I think is a very good thing indeed, and of course all of the vehicles sold are new vehicles which will be less polluting than the older vehicles that they will replace.

She said it has not always been the case that assistance has reached those in the greatest need. I would put it to her that, in the case of the measures that we are dealing with, that actually is not correct, that actually the measures that we designed in March have reached the working people that they were designed to reach directly. Indeed, employers became vassals for communication of moneys between the Government and the taxpayer and employees. They became the route for employees who needed the money to receive the taxpayer's contribution for that very difficult period, and I think in the context of the modern political history of Gibraltar, the period for which the civil administration has been responsible for our affairs, there has never been a more direct injection of taxpayers' capital to those who might most need it in our community. That does not mean that everybody who needs it has got what they need or what they say they want – which is too often, unfortunately, an issue in this community, that people judge what they need by what they want, and we have to be very careful, in the administration of the taxpayer's money, that we agree what it is that people need and that we then provide that, not what they might wish for or want. Otherwise, it is a slippery slope to the *a mi me pertenece* culture that has been oft referred to in this House when we have been told that we give people too much of what they want rather than the sort of medicine that others might suggest that they need.

Mr Speaker, I will say no more and look forward to hearing from the hon. Lady when she has had an opportunity to reflect more fully on the matters that are set out in the speech.

Thank you.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I was going to ask the Chief Minister to give way in order to clarify a statement that he has made in relation to me in my position in relation to the Insolvency Bill that this Parliament recently debated, because what he has said is a misrepresentation, I have to say, of the position. I am going to phrase it in terms of a question, so that then I can essentially invite the Hon. the Chief Minister to correct the record – which he probably will not – in relation to what he said.

Mr Speaker, when we are considering all these measures, essentially what the Government is doing and what we are doing as a Parliament is effectively undertaking a balancing exercise. So,

in these BEAT measures the Government is, for example, balancing the desire to protect businesses as going concerns with also the desire to protect employment. By doing one, hopefully you can also do the other, but they are not exactly the same; there is a tension there. It is about balancing, for example, the fact that you are spending a considerable amount of taxpayers' money with obviously the need to protect employment and the need to protect businesses.

With insolvency, in the Bill that the hon. Gentleman brought to Parliament a few weeks ago it is about protecting businesses, companies and entities, but it is also about protecting creditors. Our point from this side of the House was that we ought to be protecting companies from the ability of creditors to apply for a liquidator – for example, those companies that have become insolvent or are likely to become insolvent as a consequence of the COVID crisis – and that if you had a company or an entity that was already insolvent unrelated to the COVID crisis, or becomes insolvent unrelated to the COVID crisis, that in those types of cases our duty as a Parliament is in fact to protect creditors, who also deserve the protection of this Parliament.

That was our position, but of course we had promised the Government that we would support it because even though we were not able to persuade the Government or the Minister to take on board the points that we were making, on the whole we felt that we needed to protect those businesses that might become insolvent or were insolvent as a consequence of the COVID crisis. That is the point. So, even though we had grave reservations about the way that the Bill had been structured, on the whole we supported it. That is our position.

My question is – and I am grateful for Mr Speaker's indulgence – will the Government ...? I have seen in the course of my own practice, and I have spoken to practitioners, both lawyers and also insolvency practitioners, that the Bill as presently drafted, or the Act now because it has been passed, is problematical in the sense that it goes too far in preventing creditors from applying to appoint liquidators in circumstances where those companies were already insolvent even last year. For example, I have come across a case where a creditor has given a company time to pay and time to pay and time to pay, and it was obvious by the end of December of last year that the company was in grave financial difficulty, likely to have become insolvent, and nothing could be done about it. And of course because you then have all those other protections for creditors in terms of insolvent trading etc., it does create an injustice for those creditors in those types of cases. I would ask whether the Government is going to reconsider its position and perhaps bring amendments to the House in order to deal with that narrow aspect which would deal with issues that we have with the Act.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I knew that the Man U fans could not keep their counsel given what happened last night. They had to get up and try and rile me and I have done everything possible to ensure that I did not fall into the trap of setting out on the record that Liverpool have won the premiership for the first time in 30 years, but I have had to do it and in doing so he pretends to have a point to make, which is that ... He said 'me and my position'. Every time he gets up to speak I am reminded of that ... I think it is a song, *Me, Myself and I*.

There is no misinterpretation on the part of the Government. The Bill that he spoke against and voted for – remarkably – actually already provides for the problem that he has identified to be dealt with. In other words, it seeks to provide protection only for companies that come across issues which create solvency concerns and difficulties as a result of the COVID crisis. It does not cure solvency or insolvency issues which arise before the crisis or are happening during the crisis but are unrelated to the crisis. That, I think, is patently obvious. He does not want to accept it, but I read him a very good piece by another silk which set out more accurately at the time what it was that the Bill should do and did.

Mr Speaker, the Government will continue to take advice on this, as we do, of course, to see how the Bill is working now it is an Act in practice, and if there were any issues which we came

across which brought to us any concern that had to be addressed we would, either by way of regulation if it is provided for under the Insolvency Act, or by way of Act if we need to come back to this place or otherwise – because there is now the opportunity to do other things by agreement or consultation – bring such amendment as were necessary, but we really do not think that that is the case. We really actually think that all of the things that he has said are provided for in the Bill.

I do not know of any decision of the Supreme Court that suggests the opposite, or indeed of any concern, in what we consider to be the best qualified people to advise us in this respect, that identifies these issues which they tell us have been cured in any event. I know that that is not ever going to stop him from getting up and wanting to have his say but it is not that I will not correct the record because it requires correcting; it is just that he wants to not just paraphrase me now in a way that is convenient to him and which *Hansard* has traditionally not availed him of an alibi for, but now he wants to traduce what it is that an Act of this Parliament does into suiting the purpose that he provides for. There is a place to do that: it is a courtroom, not a Parliament.

PAPERS TO BE LAID

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Ombudsman's Annual Report for the year ended 31st December 2019, the Audit of the Council of the Gibraltar Regulatory Authority for the year ended 31st March 2020 and a Command Paper for Regulations to provide for the recognition of trade unions.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q299-302/2020

**Government rental homes –
Unlawful occupation**

Clerk: We now proceed to Answers to Oral Questions.

We commence with Question 299/2020 and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details of costs, and to whom these were paid, in respect of legal actions taken for unlawful occupation of the rental homes which were the subject of Questions 161-162/2019 and Question 14/2020?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

835 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 300 to 302.

Clerk: Question 300, the Hon. E J Reyes.

840 **Hon. E J Reyes:** Further to the answer provided to Question 14/2020, can the Minister for Housing update this House as to the outcome of the case of unlawful occupation of a rental home which the Housing Department was investigating?

Clerk: Question 301, the Hon. E J Reyes.

845 **Hon. E J Reyes:** Further to the answer provided to Question 130/2020, can Government update this House as to the outcome of the investigation into possible unlawful occupation of a rental home?

Clerk: Question 302, the Hon. E J Reyes.

850 **Hon. E J Reyes:** Can Government inform this House how many cases of unlawful occupation of Government rental homes are currently being investigated by the relevant authorities?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

855 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Housing Department is currently investigating five cases of unlawful occupation, one being the case quoted in my answer to Question 14/2020. Due to the difficulties encountered during COVID-19, these cases are taking longer than expected.

860 To date, a total of £5,250 has been paid to Triay and Triay in respect of legal actions taken due to unlawful occupation.

Hon. E J Reyes: Thank you, Mr Speaker. Can I please double-check something with the Minister?

865 There are five cases that are currently being dealt with and I think he then added that those five included the one he referred to in Question 14. Is there any identification for the case that they were looking into, if possible, because he had used the word 'possible' unlawful occupation – it was not necessarily deemed yet to be unlawful. That is the subject of my Question 301.

870 **Hon. S E Linares:** Mr Speaker, the investigation is still ongoing and it is taking longer due to the COVID-19 pandemic. We are still investigating that one and therefore there is no solution at the moment, so we have got to wait.

875 **Hon. E J Reyes:** And it is not included in that figure of five, obviously?

Hon. S E Linares: Yes, it is. That means that we have four and one – the one that you are mentioning plus another four. It is part of the five.

880 **Hon. E J Reyes:** Mathematics is obviously not my forte, Mr Speaker. I understand the concept that four and one can be five, but is that one the case I am referring to in Question 300 or is it the one I am referring to in Question 301; or are both the answer he gave me to Question 14 and the answer he gave me to Question 130 are both the same, and one case, and therefore my mathematics will add?

Hon. S E Linares: They are all the same case.

Q303/2020
Government housing –
Rent arrears

890 **Clerk:** Question 303, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details to this House in respect of the total amount of housing rent arrears owing on a monthly basis as at May and June 2020?

895 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the total amount of housing rent arrears owing in May 2020 amounts to £4,765,840.76. The total amount of housing rent arrears owing in June 2020 cannot be calculated until the month is complete.

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

I understand we are in the last days of June. Is it right then to deduce that the figure he is giving me for owing in May is what it was when it came to the end of May? So, you do the stock from 1st June and say from yesterday and backwards? Is that correct, that therefore the June figures will be calculated in July but would include not the date as from 1st June but as on the last day of June? Is that correct?

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Hon. S E Linares: Yes, sir.

910 **Hon. E J Phillips:** Mr Speaker, just one additional question, if I may, in relation to housing rent arrears, is there any reason why, insofar as arrears are concerned, it has been difficult to move the needle? It has been in that state for approximately 12 months, so far as £4.6 million, £4.7 million. Are there any reasons why the Government is finding difficulty in reducing that further? It has been some time that this significant amount of money has been outstanding. I know the Government has made efforts before, in the last Parliament, to reduce the total amount and I am not criticising them for that – I encourage it, obviously – but is there a reason for a very significant slowdown in recovery and an amount gravitating at £4.7 million for the last 12 months?

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920 **Hon. S E Linares:** No, Mr Speaker, there is not any reason as such. All that has happened is probably there has been a bit of a stalemate, again during the pandemic, and it is to do with the fact that we are changing systems on how we collect rent. We do not have a counter, for example, and therefore we have to change systems with clients on how they pay their rent.

So, basically there is not any difference and we will still try to get the rent as much as we can and, as we did with the last Parliament, we will work hard and we will do whatever we need to do to recover that.

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Q304/2020
Government housing –
Building of new rental homes

Clerk: Question 304, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide this House with updated details of its commitments to build new homes for rental, indicating by when these homes are expected to be ready for allocation?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, HM Government is in the process of calculating how many rental homes are required and the best mix of composition. The completion of the allocation of affordable homes will be an important part of this assessment.

Hon. E J Reyes: Mr Speaker, I understand the party says the Government is carrying out an exercise to see what sort of room compositions the housing would need, but my question was in respect of rental homes and he then answers me with affordable homes. Affordable homes are those for purchase. I am purposely asking this question for the building of new rental homes.

Chief Minister (Hon. F R Picardo): Mr Speaker, the answer was that in determining the number of rental homes the sale of the affordable homes is a relevant factor in having a final calculation. We need the numbers of homes available and the room composition of those homes, and one of the factors that will affect that is the take-up of the affordable homes for sale from those on the waiting list, so that is what will be affected and you cannot really have a calculation that is complete until you finish the exercise in the round.

Hon. K Azopardi: Mr Speaker, can I just ask: when does the Minister expect to have finished that assessment process to enable him to reach a figure on the kind of rental housing, or at least a recommendation for the Government to then reach a figure on the kind of rental housing that it might build?

Hon. S E Linares: Mr Speaker, that will be determined on the sales as well of the new estates. We have already completed Hassan Centenary Terrace. We now go to Bob Peliza and Chatham Views. Remember that we have in that list, as the Chief Minister said, we have Cat-1s, which are the people who release Government accommodation as they buy. That is part of the assessment, so it will be when all the sales are complete.

Hon. K Azopardi: The hon. Member will recall that in his manifesto there was a figure of 300 to 500 rental units mentioned. Is that the kind of ballpark we are looking at, or is it a different figure?

Hon. S E Linares: Mr Speaker, what it mentions in the manifesto is 300 to 500 inclusive of elderly pensioners' flats. That is part of the assessment, so we might need 300 elderly flats and not necessarily the rest.

Hon. K Azopardi: Sorry, I apologise for cutting in, but the hon. Member ... Yes, obviously the manifesto does say including the elderly, but the hon. Member I assume accepts the view that there is a need for rental housing outside of the elderly and there needs to be an assessment for that. Or is it that he is saying with his last answer that if the Government were to find that there is a need for 300 rental units for the elderly it will somehow impact on the ability to build on their recommendation of the numbers that they will build for general housing for rent?

Hon. Chief Minister: Mr Speaker, what we are trying to say is that this is a composite picture. I cannot remember if the hon. Gentleman ever held the housing portfolio – he shakes his head. **(Hon. K Azopardi:** Absolutely not!) It is a composite picture, so you have got the people on the

980 housing waiting list *simpliciter*, but a lot of those people are people who are waiting to buy the affordable homes. So, once you have allocated all of the affordable homes you have a clearer picture of the housing waiting list, although you also have indications from those who are left on the housing waiting list that they are keen not to be allocated a rental home, and there are some people who are there for that purpose, but simply to wait for the next round of affordable housing, if it comes. You also have people on that housing waiting list who are housed, some of them over-housed, and some of those people who are over-housed are elderly people who may now find themselves in a two- or three-bedroom property and who are asking to be put into an elderly person's facility – not a residential facility, not an institutional care facility, but a 'pensioner flat' I think is the lexicon. (Hon. S E Linares: Yes.)

990 You have got to do all that exercise because once you then see how many people want a pensioner flat, you say, 'Okay, well, once I build all those pensioner flats I know I need' – let's just use easy numbers – '10 three-bedrooms, 10 two-bedrooms and 10 four-bedrooms, and I know that I get five four-bedrooms, five two-bedrooms and five three-bedrooms by building flats for these pensioners, so I don't need to build 10 of each of these, I need to build only five of each of these if I build 15 pensioner flats.' So, to get a composite picture of how much you need to build for rental, which is accurate and which puts the taxpayer's money to the most valuable use, you need that full composite picture of how the list is going to develop.

1000 **Hon. E J Reyes:** Mr Speaker, if I may, the Minister in his original answer to me made a reference to Hassan Centenary Terraces. If I understood properly, he said that all those had now been sold. Is that what he said in his answer?

Hon. S E Linares: Mr Speaker, not all of them are sold, but we are talking about minimum numbers left which are still to sell. I think it is just over 20 that are left, but we are going to continue, despite that, to sell Bob Peliza and Chatham.

Q305/2020

Gibraltar Football Association – Memorandum of understanding

Clerk: Question 305, the Hon. E J Reyes.

1010 **Hon. E J Reyes:** Further to the answer provided to Q149/2019, can the Minister for Sport now provide this House with a copy of the memorandum of understanding signed with the Gibraltar Football Association?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

1015 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the memorandum of understanding with the Gibraltar Football Association has yet to be signed.

1020 **Hon. E J Reyes:** Mr Speaker, the Minister had provided me with that exact same answer in Question 123/2020 when he said, if I quote him, 'the memorandum of understanding is ready but not yet signed', and he indicated it was going to happen, as far as he was wishing, sooner rather than later. Does he have any indication of by when the parties can get together to actually sign it?

Hon. S E Linares: Yes, Mr Speaker, and I understand the hon. Member putting this question because I did say that they were very close to signing, but this was in March and obviously the

1025 Victoria Stadium has not even been used during March, April and May and not even now is being used fully. I can tell the hon. Member that I have a meeting scheduled very early in July, which is next week, when I hope they will be able to be in a position to sign this.

1030 **Hon. K Azopardi:** Can I ask what the reason for the hold-up was? Was it simply issues relating to the pandemic or was it some other technical or other operational reason relating to the content of the MoU?

1035 **Hon. S E Linares:** Mr Speaker, there were very minor issues when I did answer the question and it was nearly to be signed. So, there were just one or two issues which were not controversial or anything like that, but then the pandemic came in, and it basically stopped the whole thing and that is precisely why there has been no movement on the memorandum of understanding.

Q306/2020

**Laguna Estate –
Refurbishment works; children's play park**

Clerk: Question 306, the Hon. E J Reyes.

1040 **Hon. E J Reyes:** Further to the answer given to Question 128/2020, can Government provide updated details of when the refurbishment works at Laguna Estate are expected to be fully completed?

1045 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 307.

1050 **Clerk:** Question 307, the Hon. E J Reyes.

1055 **Hon. E J Reyes:** Further to the answer provided to Question 12/2020, can Government confirm that the children's play park in between St Anne's and Notre Dame Schools at Laguna Estate is now fully operational, together with details of timings when the park is open for public use?

Clerk: Answer the Hon. the Minister for Housing, Youth and Sport.

1060 **Hon. S E Linares:** Mr Speaker, as per my previous answer to Question 128/2020, the original items of work are in snagging stages and practically complete. I am very pleased to be able to announce that after our multi-million-pound investment the works at Laguna are now in their final stages. The remaining lifts are being commissioned and would have already been operating had it not been for the COVID period. The park will be handed over in the last weeks of August. If it had not been for COVID, it would have been handed over in mid-June.

1065 We are in talks with the committee to further improve parking issues, matters relating to litter and anti-social behaviour and the general continued improvement of the estates. We have been the first Government to invest tens of millions of pounds in Laguna Estate, often despite others telling us not to, but we have done so because we are committed to the people who live there, as we are to all Government tenants.

1070 These works have taken longer than any of us would have wanted. The need to add a three-phase supply is one of the main causes of the delay, as well as a distinct lack of co-operation from a small number of tenants who have held up works, but we have now substantially finished. Laguna has been transformed. Now we start on some common areas to finally embellish these. The Government is proud of the investment we have made in Laguna.

1075 Additionally, we have made a massive investment in the schools that serve the children of Laguna and the children of the catchment area. Another huge source of pride for us: the park between the two schools.

1080 **Hon. E J Reyes:** Mr Speaker, in relation to the question, which is Q307 – that is on the play park in between the two schools – in January the Minister gave me a date when the park would be ready and operational: in six weeks' time. If that is what he said in January, then by mid-March it should have been inaugurated, which is before works had to be stopped due to the unfortunate COVID pandemic and so on. Am I then correct in having heard him say that he hopes to have it ready by August? Why such a big delay?

1085 **Hon. S E Linares:** Well, Mr Speaker, as I stated in the answer to the question, it would have been handed over, I said March/April, in six weeks – the date was June. Now, because of COVID, it goes two weeks into August. So, basically there has been delay from when I said it. It goes on to June. We are in the pandemic and it has been extended, due to the pandemic, to August.

1090 **Hon. E J Reyes:** Mr Speaker, I am not quite understanding. The Minister told me in January that he expected it to be ready in six weeks. Six weeks after January would have placed me in the middle of March. He is now using a date of June, so I do not know ... Why is there a delay from March to June? It just does not add up to me ... I do not know.

1095 **Hon. S E Linares:** What does not add up maybe to you is that March was exactly when we started the lockdown and when we started all the –

Hon. E J Reyes: It should have been ready.

1100 **Hon. S E Linares:** Yes, it should have been ready, of course, but there were delays at the beginning of March and therefore everything was stopped. We thought, 'Well, we will have it ready by June.' We did not know what was happening in March, April or May, so we had an idea we would probably have it ready by June, but even June is a problematic date because of all the pandemic. Therefore the hon. Member must understand that yes, I might have said middle of March, six weeks ... yes, I did say it, but due to all these problems that we have encountered it has not been able to be done then. I would have liked it at that date but it has not happened and therefore all I have to do is go back to the contractor and say, 'Why haven't you done it?' They come back to me saying, 'Well, Minister, we are in the middle of a pandemic and these are the problems.'

1110 **Hon. E J Reyes:** Mr Speaker, when he was giving me the specific answer to Question 306 about the general refurbishment works, the Minister said that it is now in the final stages and it has to undergo snagging and so on. Does the snagging element also apply to the play park, or is that snagging element the only thing pending?

1115 **Hon. S E Linares:** I am hopeful that it will be both together. That means we get the estate and at the same time they do the snagging of the park, because rest assured that I am the first person, together with the hon. Member, who wants the park open.

Q308/2020
New sports facilities –
Outstanding remedial and completion works

Clerk: Question 308, the Hon. E J Reyes.

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Hon. E J Reyes: Further to the answer given to Question 1/2020, can the Minister for Sport update this House with details of what facilities still require remedial or completion works at the newly built sports facilities?

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Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the sports facilities are already in use at Europa Stadium for rugby, squash, cricket and darts.

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The items remaining to be completed at Europa are as follows: small areas of artificial turf to be completed and another small area to be repaired – the specialist contractor was on site, was interrupted by the COVID shutdown, and will return shortly once paperwork is arranged; the cricket match wicket is defective and will be replaced; the renewable energy system is being tested and commissioned; ball-stop netting has been ordered; the large multi-purpose sports hall which was converted into the Nightingale field hospital will be restored when no longer required by the Civil Contingencies; some external items are in progress, including bin store and University wall.

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Following the construction shutdown arising from the COVID-19 period, which affected works at Lathbury Stadium, work has now resumed on the athletics track, multi-purpose pitch and fitting-out of ancillary buildings, including changing rooms. The swimming pool room is also being fitted out and the pool installation specialists are expected to return to Gibraltar in the next few days. Issues arise from the ability of external contractors being able to arrive in Gibraltar.

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

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When the Minister was giving me the details of Europa, referring to certain areas of the artificial turf and so on, does the Minister have any knowledge ...? We had a subject of exchange before. There had been a subsidence of land behind one of the rugby goals and so on. Is he referring to that area as part of his answer, or are these totally separate entities?

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Hon. S E Linares: No, Mr Speaker, because it happens to be the same area and therefore the turf was not finished then because, remember, these are specialist people who have to fly over to finish the turf and therefore they were doing what the hon. Member knows with the little slope – they were fixing it – and therefore the turf had not been rolled over. So therefore, they have fixed it and all that is needed now is for the specialists to come to finish off like say the carpet finish at the end. So, basically that is why that part was not finished, and all the others.

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

Unfortunately, the cricket wicket that needs to be replaced. Is this because of a manufacturer's fault and it will be replaced at their expense, or is it an additional expense and the Government now has to foot that bill?

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Hon. S E Linares: The hon. Member can rest assured that the Government will not pay for this defect.

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Hon. E J Reyes: I do not know if the Minister has any notes there ... I know we have had the setbacks and uncertainties of works due to the pandemic, but does he have any approximate

dates? Being towards the end of June now, it very much would be the middle of the cricket season. Would that be ready before the completion of the summer months, which is when, traditionally, cricket is played?

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Hon. S E Linares: Mr Speaker, to be honest, I am not even worried about that. What I am worried about are the phases of Unlock the Rock more than this, and I can tell you that the GSLA is working very closely to see what sort of things they can do, even if the pitch is finished, in order to implement sports activities and training and all that. So, it is in conjunction with finishing the whole of the works. We could have all the works finished but then they cannot finish the league because of the phasing of the Unlock the Rock.

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Hon. E J Reyes: I am asking, Mr Speaker, because, for example, within the restrictions and so on at least rugby had been able – in a limited way but has been able – to at least carry out better training using some facilities and so on. There does not seem to be quite the same amount of facilities, other than just simply the nets, for the cricket people. I do not know ... The Minister perhaps could have some more information, so that those in the cricket fraternity do not feel that they are getting a smaller cutting from the big cake, compared, for example, to their rugby counterparts.

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Hon. S E Linares: Mr Speaker, he can rest assured that rugby has not even been playing. They have done individual training, which is what they are allowed to do, so there is nothing for him to be ... as in whether rugby gets more or less. In fact, you could even argue that cricket is better off because they have got the nets, whilst rugby is a contact sport, it is a physical sport, and therefore you cannot have social distancing whilst you are playing rugby. Cricket you probably could, whilst rugby you cannot.

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Mr Speaker: Next question.

Q309/2020

Dudley Ward and Keightley Way Tunnels – Ventilation and lighting

Clerk: Question 309, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government confirm when it will introduce ventilation and better lighting at Dudley Ward and Keightley Way Tunnels?

Clerk: Answer, the Hon. the Member for Housing, Youth and Sport.

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Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the Government can confirm that the studies identifying the ventilation required within Dudley Ward Tunnel has now been completed. The assessment of works and costs will now be required. The lighting within Dudley Ward Tunnel was upgraded in 2010 and substantially improved for the Island Games. There are no immediate plans for this to be upgraded further. Regular maintenance of the lighting within the tunnel is undertaken by the GEA periodically.

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Works within Keightley Way Tunnel are linked to the waste water treatment plant earmarked for the area of Brewery Crusher at Europa Point. As part of the waste water treatment plant project, new pipelines will be taken from the area of Little Bay through Keightley Way Tunnel. Since there will be significant works within the tunnel as part of the pipeline project, it is intended to carry out improvements to Keightley Way Tunnel at the same time.

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Hon. E J Phillips: I am grateful for the answer. I am aware that there is some maintenance to the lighting in Dudley Ward particularly. I know that after filing this question, miraculously that became more regular and lighting was improved. I have to declare an interest and I obviously want to see the Chief Minister heading for me when it is well lit in that tunnel, Mr Speaker, when he is on his electric bike. I was wondering because this has been a complaint that I have received over a number of months during the pandemic and before the pandemic, and then miraculously, once we had filed a question, there seemed to be replacement bulbs throughout Dudley Ward tunnel.

Insofar as ventilation is concerned, I understand that an assessment is going to be made insofar as the cost of that is concerned. I have been given to understand by people in the industry that that is actually quite a significant cost. Does the Minister know roughly in what ballpark range that cost will be, or is the Government unaware as to the extent to which this will cost the taxpayer quite significant sums for ventilation? (*Interjection by Hon. Chief Minister*)

Hon. S E Linares: The assessment that we have had, Mr Speaker, and the study that we have done have different options because – if the hon. Member knows – there are different tunnelling systems within that tunnel and we have to look at which is the best option. Therefore, there are other options. One of the options could be putting extractor fans, type of thing, in the ceiling, but another is opening other areas which would bring in air. This is where we are at the moment, so I would not like to commit myself to which option we are looking at.

Hon. E J Phillips: I am grateful for that answer, but clearly there are going to be significant costs in either direction, whether it is pumped up through or it is opened out to allow for ventilation.

Just insofar as the pedestrian access that the Chief Minister ... an exchange we just had there, he is of course right that there is a warning to pedestrians about that particular tunnel. However – (*Interjection*) I would say it is a warning. It is regularly utilised by members of the public and in fact law enforcement officers as well who use it as a pedestrian route, and many during the COVID crisis were using that as a thoroughfare.

But also their manifesto itself envisages passage through the tunnel. If he would care to listen to me, instead of conversing with others across the floor of the House ... In his manifesto itself, and I will quote it:

We will also enhance these with better lighting where necessary and seek to make pedestrian access safer.

So, his manifesto itself acknowledges that it is honoured in its breach, this rule, insofar as the pedestrianisation. I agree it is a fairly dangerous tunnel within which to run and walk, but many people do in our community and we have to ... But that is the reality. The Government have obviously put in their manifesto that they would seek to make pedestrian access safer, acknowledging the fact that people do do that, and I would be grateful to learn from the Hon. the Minister as to what measures they have in place to make pedestrian access through that tunnel safer than it already is.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I think the hon. Gentleman needs to understand that what I was saying to him from a sedentary position is that it is presently, whoever it is used by, law enforcement agencies or otherwise, a tunnel that is closed to pedestrians. A law enforcement agent is, in pursuit of his activity, able to enter places which are otherwise shut, but if a law enforcement agent outside of his law enforcement capabilities is acting in breach of the law he is acting as much in breach of the law as anybody else. The fact that he is a law enforcement agent at work has nothing to do with what he is doing otherwise. It is not to say that law enforcement agents do not park their cars on double yellows. That does happen. What we need to do is both realise that people are doing this but also acknowledge

that those who do it are acting in breach of the law until the law changes, and the law will not change until it is safer for them to do it than it is today. The project, therefore, is not just to improve the lighting but to improve the ventilation and to provide a safe pedestrian access through the tunnel, which is potentially possible on one of the sides.

1265 Mr Speaker, I am not going to talk about who I have seen in that tunnel whilst I have been in a perfectly legal form of conveyance and they may have been in an entirely illegal method of transiting that particular area of our geography – far be it from me to snitch on anyone in this House – but I would say that we all share the concern that those who are going through there are going through there when it is not safe. I think that this was made ... If not before, it was
1270 certainly illegal at the time of the refurbishment of the canopy area when hon. Members were in office. It may have been illegal before even, but this was explicit from then, and before it can be made legal and Government therefore can assume the risk of people being in that tunnel it has to be made much safer than it can be today for those who wander where angels fear to tread.

1275 **Mr Speaker:** Next question.

Hon. K Azopardi: Sir, can I ask the Chief Minister ...? I think on this aspect he has a manifesto commitment on it. I think Members on this side share their view that the tunnels should be made safer for pedestrians because it is being used quite frequently, I would say on a daily basis,
1280 by lots of people, either walking or.... Anyone who either walks or runs round the Rock, clearly, is running through that tunnel, unless you are Superman and can jump over the Rock, so clearly it is being used. Does the Chief Minister or indeed the Minister have an idea on the kind of process and timescale for this to happen?

1285 **Hon. Chief Minister:** Mr Speaker, this is already a work in progress, and like all our manifesto commitments it provided for that they should be completed within the lifetime of this Parliament, when we will once again stand before the electorate to be judged on our record. The hon. Gentleman knows that that is the case. He is surely not going to suggest that he, having been in government and having been a veteran of the political class, believes that anything set
1290 out in our manifesto was going to be done the morning after we were elected. That would be miraculous.

But of course there are other ways round, Mr Speaker. There are some great triathletes amongst us Gibraltarians, who swim the area around the jetty right on to the other side. If you matched up some of us here you might get a few athletes, but I have not seen any triathletes
1295 here yet. If you are going round the Rock, you can go on a bike and do that stretch on the bike. At the moment, if you run it, although it is good for you to run it is not good for you to break the law and run through that tunnel because it is not safe. The Government wants to make it safe and then wants to make it legal, and during the lifetime of this Parliament we are committed to doing so.

1300 **Hon. K Azopardi:** I understand the hon. Member says ... and of course I was not suggesting, because it would have been wrong for me to suggest, that as soon as the Parliament is inaugurated we would expect the whole manifesto to be completed. I was simply asking for an indication. In the same way as I am not expecting every single manifesto commitment to be
1305 completed within the first x months or whatever it is, equally surely the people of Gibraltar do not need to wait until the eve of the election four years into the tenure of this Parliament to see the rollout of absolutely everything in their manifesto. So, what I was really asking for was an indication. The hon. Member may not be in a position to give us an indication because simply that work has not been done, and that may be the position, but if he is able to give us an
1310 indication, then for those runners there are out there who are listening to these proceedings it would be a source of comfort that that will indeed be made safer.

Hon. Chief Minister: Mr Speaker, it is not possible with any degree of accuracy to provide an estimate of time. The hon. Gentleman knows that a lot of what we were doing has been delayed because of the whole quarter of the year that has been taken up by the COVID emergency. This is not an excuse, it is a reality. People just seem to have forgotten the intensity of the blockage to activity that the pandemic represented until a couple of weeks ago, and indeed the possibility that this could happen again during the course of the autumn or the winter next year. So, I am not going to try and set out a timetable which we might then find as a hostage to fortune, because I think it is unfair to raise people's hopes that something is going to happen in a particular time given what we now know.

Whenever we are giving estimates we are giving estimates which are our best estimate of the time that something will take, and if we do not hit that time it is because something technically has gone wrong or some other *novus actus* intervenes. In this context, we know that there is the potential for eventualities to occur which are outside our control, and therefore we do not want to set out a time to which we might reasonably be held because of that.

Therefore, I think it is fair, really, in respect of the generality of the manifesto, which I have also already said may not be deliverable in the way that we imagined before COVID happened, just having been rid of one quarter, already, of a year out of the four, if you miss deadlines in three and a half years' time I think it is not an excuse, it is a reality that for one quarter of one year of the Parliament activity had to stop. That has an effect, especially with a dynamic, hyperactive Government like ours that has factored every minute into the equation in order to be able to best deliver the maximum that we can for the people of Gibraltar in the time that they have given us the privilege to serve them for a third consecutive time in government.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

Q310/2020 Eco Wave Farm – Status and future

Clerk: Question 310, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Written Question 49/2020, can the Government update the House on the status and future of the Eco Wave Farm in Gibraltar?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, Eco Wave is a private company and we are not aware of any change in its status. The Gibraltar plant continues to produce small amounts of electricity. Eco Wave has shown an interest in expanding the current network in Gibraltar. It is assessing options and looking at possible locations.

Hon. E J Phillips: Whilst, Mr Speaker, it is right that it is a private company, it clearly entered into an agreement with the Government insofar as the feed into the general network insofar as power generated from this project. That is right, isn't it?

1355 **Hon. Prof. J E Cortes:** Mr Speaker, it entered into an agreement whereby they would set up the plant at their expense and the Government would purchase the electricity that they produced from it.

1360 **Hon. E J Phillips:** It would appear from the answer to the question that the project itself is really, insofar as expanding it from the 100 kW to the 500 mW ... that we are still nowhere near approvals and permits. As in the Written Question that I put to the House in January, we are nowhere near that stage, are we, insofar as the Government's position on approving any further expansion?

1365 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, nowhere near that stage. The plant is a pilot plant. It has not produced the amount of power that we would have liked, but it is their plant. They are using it as a pilot. They are changing a lot of what they are doing. They are very well regarded internationally – in fact, they have won international awards – but we are not in a position yet ... Although we have been talking to them about the possibility of expansion and possible locations, but obviously they would have to guarantee that they were able to produce the electricity that we would require.

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Hon. E J Phillips: I wonder whether the Minister could help me with this. In their manifesto they said:

Following a successful pilot at the Eastside of wave power generation, Government will seek to expand energy generation from this initiative to its maximum capacity within 4 years and explore alternative locations to deploy additional power generation from this ample source.

1375 The Minister said in his reply to my previous question that the amount of energy that was received was very low indeed, and therefore I am not too sure how he can reconcile that with a manifesto statement that it was actually a successful pilot.

1380 **Hon. Prof. J E Cortes:** Mr Speaker, it is a successful pilot in the sense that it is generating power from wave action in a way that no other technology that I am aware of has produced. Therefore it is successful. Therefore they are developing this. They are, I know, looking at establishing plants in other parts of the world. I believe they have got major support in Sweden and I know they have been working in Central America. So, it is successful in the fact that it can generate electricity. They have to convince us now that they are able to generate the amount that we want, and these discussions will continue.

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1390 **Hon. E J Phillips:** Mr Speaker the Minister talks about successfully generating electricity, but in relation to the answer that he gave in January he talked about that the amount of energy fed into the grid on the average month, was 0.0003% of Gibraltar's total energy consumption. On my calculation, that is enough to boil 10 kettles a month, Mr Speaker, and therefore this is an unsuccessful project, is it not, Mr Speaker?

Hon. Prof. J E Cortes: Mr Speaker, it is generating electricity in a way that has not been generated –

1395 **A Member:** It isn't generating enough electricity for an electric bike! (*Interjection and laughter*)

Hon. Prof. J E Cortes: Mr Speaker, it is not for me –

1400 **Chief Minister (Hon. F R Picardo):** He doesn't know how an electric bike works!

Hon. Prof. J E Cortes: It is not for me to defend their technology. The Government is willing to support new technologies in power generation, in the generation of renewable energy, and has in fact been talking to other possible potential suppliers of electricity and it encourages them, at no risk to the Government because the Government has not invested funds into this, and therefore this is something that the Government will do.

If we turn away any potential new technology, then we will never achieve things that we could achieve. This is a technology that needs more work and as long as it does not cost the Government any money, as long as it does not take up any space that we particularly need for anything else, this is the sort of thing that I think we have a duty to encourage and to support. I make no apology for it. If they convince us they have been learning from the brand new plant that they have ... They have changed some of the elements, they have changed some of the systems, they have changed some of the materials they have used. If they then convince us that they are able to supply a significant amount of our energy needs, then we will continue to engage with them. Until then, we shall wait and see.

Hon. E J Phillips: Mr Speaker, the Minister will no doubt know that the proposed expansion from 100 KW to 5 MW will in fact take that pier out by about 1.5 km or a mile. Given the visual impact of this kind of machinery going out 1.5 km into our water and beyond it, doesn't he think that it is a completely impractical project?

Hon. Chief Minister: We are combining it with the extension of the runway.

Prof. J E Cortes: Mr Speaker, no one has ever said that this pier will be extended. No one has ever said it. The hon. Member has imagined it. If the hon. Member prefers us not to engage with any novel technology and stay in the past – like they would have done with diesel power generation – then he should tell us that, but we are going to carry on. As long as we are not risking Government funds we are going to carry on talking to people who may bring in new things, which may be novel when they start and may then take off in the future. I make no apology.

But it is not the intention to extend the pier. They are looking and talking to us about other parts of the coastline that can be used.

Hon. E J Phillips: Mr Speaker, just one further question and then I will sit down.

The Minister talked, in his answer to the question, about the company being well regarded, internationally known, and that it has won lots of awards, but he also said in his written question, and repeated it today, that the Government had not issued any permits or approvals to the company for the expansion of this particular project. I would like him to help me with this: in the prospectus delivered by the company and in its financial accounts, it confirms in its prospectus to investors the company has obtained all necessary permits and approvals and the project is thus in ready-to-build phase. Is that statement, contained in the company prospectus in relation to the Gibraltar project, correct or incorrect?

Prof. J E Cortes: Mr Speaker, is that a statement made by the company about an expansion of the project?

Hon. E J Phillips: Yes.

Hon. Chief Minister: Don't take it at face value.

Hon. E J Phillips: I will read it.

1455 **Hon. Chief Minister:** No, Mr Speaker... Sorry, if I might just... The hon. Gentleman is long
enough in the tooth as a parliamentarian to know that we are not going to take at face value
anything that he reads us without reading it in context. So, if he wants us to have regard to that
and then determine whether what the company has said is somehow contrary to the position
that the Government has set out, he can give us notice of the full document, we can have regard
1460 to it and then, once we have read it, we can give him a more considered answer. If he likes, we
can set aside this question – if you agree – whilst we do that and then give him a more informed
comment. This is not cross-examination, where the hon. Gentleman reads us a section that
might be convenient in the context of giving an answer. *(Interjection by Hon. E J Phillips)* The
hon. Gentleman says, from a sedentary position, I do it all the time. Mr Speaker, everything that
I do is intended to set out the full context of the reason why the Government is right about a
1465 particular thing.

Mr Speaker: I think the Chief Minister has made a reasonable suggestion. Therefore, would
you be able to provide the Chief Minister with a copy of that document so he can determine
whether its face value is such as you have put it to him?

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Hon. E J Phillips: Mr Speaker, true to the co-operation and generally when the Chief Minister
says to me, when there is a public document available, 'Go and get it yourself, Mr Phillips,'
perhaps the Chief Minister could go and get it himself. I will send him the link, of course, and he
can print it off himself, but the question is quite clear. The statement in their prospectus says
1475 this:

The expansion of the power plant in Gibraltar is expected to take 24 months, commencing July 2019. The
company has obtained the necessary permits and approvals and the project is thus in ready-to-build phase.

The Minister is on record as saying that he has not granted permission or permits in relation
to this project. The company says one thing, the Government says another. As a parliamentarian
of this jurisdiction, I would like to believe that the Government is making an accurate statement
to this community, but in their prospectus they say something different. All I am asking for is
1480 reassurance that the information that he has placed before the House is correct and the
statement made by the company is incorrect and, in fact, false.

Hon. Chief Minister: Mr Speaker, given that I know that the statements made by the
Government in this House are correct and the Government is not answerable for what anybody
1485 else says – in particular a company, whether or not a company has a relationship with the
Government – the Government has no interest in perusing the company's prospectus other than
in order to be able to give the hon. Gentleman a full answer. If, in that context, he does not want
to give us a copy, I am sure that we can just move on and get on to the next thing.

1490 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I could just interrupt here and ask a question:
from this interchange I notice that the answers by the Hon. Minister beg the question as to how
much exactly the Government is actually prioritising these green technology ventures. My hon.
Friend Dr John Cortes said something like 'as long as it does not cost the taxpayer', and my
question would be then why would the Government not want this to be an investment for
1495 Government, given that it should be an investment that should be perfectly in line with the
Government's green commitment to Gibraltar for a greener Gibraltar. I think this would be a
priority in terms of investment for green technologies. Why is the Government saying 'as long as
it does not cost anything'?

Hon. Chief Minister: Well, Mr Speaker, because – as the Minister for Public Finance – the Government would not consider itself an investor in trying to find new technology that can be marketed by a third party for their profit and gain. The Government is ready to be a willing participant in the development of technology where Gibraltar is used as a test bed, as an example to the world, something that we have done successfully in the past, but not as an investor in that technology in the context of the equivalent of venture capitalism.

Sometimes, Mr Speaker, I do find that there is a duality in the positions that the Government has to face, not necessarily from the hon. Member but from Members generally. In one instance we are told ‘This is risky stuff, you are risking taxpayers’ money, don’t go anywhere near it,’ and in the other instance we are told ‘Why don’t you risk some taxpayers’ money in case this is a good thing in the long run?’ We take a more measured, reasonable and moderate approach, which is to say we are ready to work and participate with those who are innovative in the way that they present technology, even in the face of criticism from those who are not as forward thinking.

In saying that, I am not for one moment seeking to slight the Hon. Mr Phillips, who was running the line of questioning before – I think we have made clear that we do not want to engage in the context of what a company may have said versus what the position of the Government is; the position of the Government is the position set out in the Government’s books of permits etc. – but an earlier incarnation of the same Opposition that thought, for example, that a Jaguar burning hoards of petrol was a better method of conveyance than a Tesla, which was then an emerging method of technology. Well, Speaker, we bet on the Tesla. That was the best environmental option for Gibraltar and we were proved right, but that was already a developing technology.

Mr Speaker: Next question, please.

Q311/2020
AQMesh monitors –
Criteria re location and installation

Clerk: Question 311, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, how does the Government decide on the location and installation of the AQMesh monitors?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Environmental Agency operates three AQMesh pods, which are currently located at Line Wall Road, Rosia Road clock tower and Europort Road.

Locations are determined by identifying emission sources – such as power generation, major traffic routes and industry – which are near dense residential areas. These are discussed between the Department of the Environment and Climate Change and the Environmental Agency, as well as the NGOs. We do consult further. For example, one monitor was placed for a time at the Frontier following representations from the ESG and the GGCA. The pods allow for an indication of the pollution concentrations of different pollutants in these areas to supplement Gibraltar’s extensive air-quality monitoring programme. Another consideration in finding a secure location for the AQMesh pods is that the asset is protected from vandalism and interference in order to keep the data intact.

1545 **Hon. E J Phillips:** Mr Speaker, am I right in thinking that an AQMesh monitor was installed today along Lovers Lane?

Hon. Prof. J E Cortes: No. Well, I do not know. It would not be. The only one that was moved was moved a couple of weeks ago, before the Line Wall Road exercise, to the area of the Haven/City Hall, that kind of area. If a monitor was put in place today at that end of Line Wall Road, it may have been a diffusion tube, but I am not aware of any deployment today.

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Q312-13/2020
Clean Air Bill and Air Pollution Control Plan –
Timescale for introduction

Clerk: Question 312, the Hon. E J Phillips.

Hon. E J Phillips: I suspect I already know the answer to this question: can the Government confirm when it intends to introduce a Clean Air Bill?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): I would love to know whether you got it right.

1560 I will answer this question together with Question 313.

Clerk: Question 313, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm when it will introduce an Air Pollution Control Plan?

1565

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

Hon. Prof. J E Cortes: Mr Speaker, the Clean Air Bill, the Pollution Control Plan and the Air Quality Commission are all due to be proceeded with by the end of this year.

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Q314/2020
Queensway green lung –
Update on progress

Clerk: Question 314, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government update the House on its Queensway green lung commitment?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Delighted to do so, Mr Speaker.

1580 Plans on the first phase of Romney car park and the link to Commonwealth Park are being prepared with a view to commencing works within the next two months. Midtown Park, which

has been delayed due to the COVID restrictions, is progressing, with the trees now expected to be planted in the autumn. Other works will be undertaken in coming months as plans are finalised and necessary approvals obtained.

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Hon. E J Phillips: Mr Speaker, just with another eye on traffic, does the Minister know what mitigation will be put in place to avoid build-up of traffic in that area? If you are looking at the entire green stretch, and with Line Wall Road being closed on certain days of course, is there any impact on Queensway?

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Chief Minister (Hon. F R Picardo): Mr Speaker, that is a transport question rather than an environment question. A lot of work has been done to deal with those issues but I think that is the sort of question of which there should be specific notice given, and we would be delighted to engage on that.

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I would say this: all of the naysayers seem to have got it wrong in respect of how terrible Queensway was supposed to be on Mondays when Line Wall Road closed; it is no better than on Tuesdays or Wednesdays.

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Hon. E J Phillips: Mr Speaker, although that is an intervention in relation to traffic, I would not agree with that analysis at all. In fact, the representations that we receive from members of the public are completely the opposite of that. I am not too sure whether that is representative of the political divide, but it is certainly representative of a community still struggling to deal with the closure of Line Wall Road for many practical reasons. Therefore, some of the data that the hon. Gentleman has referred to insofar as the monitors are concerned may well reveal the truth of pollution and the potential increase along Queensway given the closure of Line Wall Road, but we will have to agree to disagree in relation to what the Chief Minister has just said.

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Hon. Chief Minister: I assume that there was a question in there – because it is Question Time, after all.

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Mr Speaker, we do not think that we have to agree to disagree. I think that there is an opportunity here to try and do things in a way that is more collaborative, and that in fact in principle we might all agree that closing Line Wall Road is a good thing because the anecdotal evidence – and we are talking about evidence that the Government has which is not constituents turning up who might be disposed or not disposed to a particular change – is actually quite the opposite. It is that there are none of the issues that the hon. Gentleman says have been brought to him. I do note that he says they have been brought to him and I take that of course at face value and I accept that, but he has not said that it is his view. He has said it is the view of those who have come to him, and there is a big difference.

1615

The Government's own view, because we are making these assessments for ourselves, is that, in terms of traffic, that is not the case and in fact that the issues that we need to deal with in Queensway are not related to the move of traffic on certain days to now from Line Wall road; they are about flow at Queensway, and those are the ones that are being addressed and are being looked at in the context of the new arrangements to be entered into.

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Mr Speaker: Next question.

Q315/2020

Black smoke emissions from ships – Delay in bringing legislation

Clerk: Question 315, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain the delay in bringing legislation controlling black smoke emissions from ships?

1630 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Bill to control emissions of smoke by ships has been finalised. When the question was drafted a week or so ago the answer was we expected to publish this within
1635 weeks. We managed to publish it today.

Hon. E J Phillips: Mr Speaker, we did not know, of course, on this side of the House that the Government had that advanced plan in relation to dark smoke or black smoke as described – how would we know? – but I am grateful that there is an opportunity to debate this issue in the
1640 House when the Bill passes the relevant time period.

I wonder whether the Minister could help me with this. It has been put to me by a member of the public that it is not only black smoke, dark smoke, as described insofar as the legislation controlling those elements, but also in relation to nitrogen-dioxide emissions, fine and ultra-fine emissions and VOC emitted during bunkering. So, it is not just black smoke, as far as I
1645 understand the position – and I am still learning about this area, of course – but there are particulates and other dangerous emissions that the Minister may have in mind in terms of controlling those substances as well. Does the Minister know, off the top of his head ...? It is slightly beyond the scope of the question but does relate to emissions more generally, but if the Minister could help this House as to what legislation it may well bring to control these noxious
1650 emissions as well, it would be helpful.

Hon. Prof. J E Cortes: No, Mr Speaker. It is well outside the scope. The scope of the question was specifically the legislation on the black smoke emissions from ships, which has been published today. The others are wider considerations which would involve the Hon. Minister for
1655 the Port. If there is a specific question on that, then I am sure we could take it at some future meeting of the House.

Hon. E J Phillips: The only reason I have raised that question, of course, is because in the context the question I asked about bringing legislation controlling black smoke emissions from ships, which I assume is a question that could be answered by the Minister for the Port or indeed the Minister for the Environment. So, other noxious fumes emanating from ships would also be included in that general description – that is why he might have that information to hand. If he does not, that is fine. Of course there are very deep concerns within our community as regards the bunkering activity and the distance between the shore, and residents who live in
1665 that area are very concerned about these elements into the environment and the effect on their health. That is the reason why I have asked that supplementary.

Hon. Prof. J E Cortes: Mr Speaker, it is a different question. Dark smoke from ships is a specific type of smoke produced in specific circumstances. The Bill refers to those and we will
1670 debate them, no doubt, when it comes before the House after the six weeks are up.

The other issues, and there are lots of steps and measures that are taken in order to make our bunkering safe, and certainly as safe as is possible, but these are issues that have to be discussed with proper time and I am sure my colleague the Minister for the Port would have a lot to say given that bunkering is run by the Port Authority.

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Hon. E J Phillips: Just one more very small question, then: so the Government is not ruling out legislation in relation to nitrogen-dioxide fine and ultra-fine emissions?

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, as the hon. Member my colleague has said, this is a totally different question to what was on the order paper.

The hon. Member has made a statement that these emissions are there when bunkering occurs. The information I have specifically from the Captain of the Port is that bunkering simply involves the provision of fuel through a pipe from one vessel to another and during that process there is absolutely no soot and no dangerous chemicals are emitted.

We will have time to debate this at a later stage if the hon. Member wants to ask a specific question, but I thought it was important to clarify that the information that the hon. Member apparently has been given seems to be wrong.

Mr Speaker: May I? In the past two questions the hon. Member has digressed slightly. Can I ask him to go back to and to keep in ...?

Hon. E J Phillips: Yes. I am grateful to you, Mr Speaker.

Q316/2020
Single-use plastic –
Bill banning use

Clerk: Question 316, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, when will the Government publish a Bill banning the use of single-use plastic?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Government has so far introduced the following legislation regarding plastics.

In November 2017, the plastic microbeads importation ban under the Imports and Exports Act 1986. The ban applies to all plastic microbeads.

In June 2019, the single-use plastic products importation ban under the Imports and Exports Act 1986. This importation ban applies to a defined list of products, in line with EU legislation. The ban aims to progressively encapsulate all products of single-use plastic within the local environment. Currently, work is under way to further enhance the existing single-use plastic products ban. It will also capture further single-use plastic products not currently banned from importation.

In September 2019, the plastic bag importation ban under the Imports and Exports Act 1986. This importation ban applies to most plastic bags of a thickness of less than 100 microns. A total ban on use will be considered in due course, once the effect of this legislation has been assessed.

Hon. E J Phillips: Insofar as the steps that the Hon. Minister has set out in terms of the measures that the Government itself has deployed in the last Parliament, what assessment has it made insofar as the impact that that has had? Clearly, if the Minister is going to go down the route of single-use plastic banning, of course there would need to be an assessment as to how far these measures have impacted on that, and I would be grateful to know what data has been received by the Government to try and make that assessment early.

1725 **Hon. Prof. J E Cortes:** Discussions are ongoing between the Department of the Environment and Climate Change and the Customs Department. The ban actually came into effect at the end of December, or January this year, so there has not been a lot of time, but we are jointly planning to look at business and see – involving also the Environmental Agency, which has a role in looking at establishments of this nature – whether there has been any significant reduction in the use of plastic bags. Following that, I think it will take some months to do. We will see whether we need to step up or introduce any other legislation.

Q317/2020
Waste sewage plant –
Update

1730 **Clerk:** Question 317, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government update this House on its commitment to build a waste sewage plant?

1735 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): The Government, Mr Speaker, remains committed to building the sewage plant. The release of untreated sewage into the sea remains unacceptable.

1740 Delays to the contract have been caused by the fact that one of the partners of the joint venture that was successful in the tender went into administration during the course of last year and alternative arrangements are in the process of being made. In the meantime, the technical works have continued in preparation and a new design is awaited following comments from the Development and Planning Commission.

1745 **Hon. E J Phillips:** Mr Speaker, can the Hon. the Minister reveal the name of the joint venture partner that went into administration?

1750 **Hon. Prof. J E Cortes:** Sorry, Mr Speaker, I just wanted to be sure that I did not break any rules. The joint venture was a joint venture between Northumbrian Water – which, as the hon. Member will know, is one of the co-owners of AquaGib – and Modern Water, and it was Modern Water that went into administration last year.

1755 **Hon. E J Phillips:** Mr Speaker, as a result of clearly difficult news for this project, has the Government retendered for the project?

1760 **Hon. Prof. J E Cortes:** Mr Speaker, as I said, alternative arrangements are being made. We are looking at the legal implications and whether the other part can assume the whole contract. I would rather say no more at this stage, but I would be very happy to share this behind the Speaker's Chair. We are looking at options so that it does not delay it unduly. This was obviously circumstances completely beyond our control and we are very keen to resolve the administrative issues to be able to proceed.

1765 **Hon. E J Phillips:** Have there been any adverse costs to the Government insofar as this administration is concerned, of this particular company; and, if so, is the Government going to take steps to recover these sums through the administration?

Hon. Prof. J E Cortes: Mr Speaker, not as far as I know, but again I would need notice for that information.

Mr Speaker: Next question.

Q318/2020

**Midtown car park –
Noise pollution re vibration of louvres**

Clerk: Question 318, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm whether it intends to deal with the noise pollution arising from the vibration of the horizontal thin slats at Midtown?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Environmental Agency received complaints and, following an investigation to establish a nuisance, an abatement notice was served under the Public Health Act on 20th December 2019 to the proprietors. The abatement notice allowed 60 days for works to be carried out to attenuate the noise.

Noise consultants were appointed and noise surveys were carried out in order to determine the cause of the noise and to propose attenuation measures. The survey was submitted to the Environmental Agency on 11th March this year, where the consultants found that the noise was from strong winds passing through the louvres on the first and second-floor car park of Midtown by the east and south elevation of Building E. It was found that the noise was passing through the car park and becoming audible on Queensway. Engineering solutions were proposed which entailed providing vertical supports to the louvres on the first and second floors.

An extension of time to comply with the abatement notice was granted due to the construction restrictions imposed during the general lockdown. A permit during this period was not granted to the developer, as the site of Midtown was not considered a self-contained site as it is partially occupied by residents and businesses. With restrictions eased and supply chains improving, works are to start with a start date to be confirmed imminently.

Q319/2020

**Europort Avenue –
Loud construction work during the night**

Clerk: Question 319, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm why loud construction work is being permitted at Europort Avenue in the middle of the night?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Government has not permitted any construction works at Europort Avenue for extended hours, let alone in the middle of the night.

The Environmental Agency received a complaint from a resident on 6th March 2020 regarding the use of a crane at the EuroCity site being used past the site operator's permitted time. The complaint was regarding noise that happened retrospectively, so an assessment was not possible; however, the matter was raised with the site manager. There have been no other complaints lodged and no permits for extended hours have been granted.

I would urge everyone with noise complaints to contact the Environmental Agency and not rely on posting on social media.

Hon. E J Phillips: Mr Speaker, I am not too sure what the hon. Member is referring to insofar as posting on social media is concerned, but we did receive a number of complaints about loud noise in the middle of the night, at one or two o'clock in the morning. I am sure the Minister would agree with me that it is surely unacceptable in residential areas for work, despite it being EuroCity or anywhere else in Gibraltar, to disturb residents at that time in the morning for construction work. Would he not agree?

Hon. Prof. J E Cortes: Mr Speaker, that is what I have said in my answer.

Regarding social media, it may be that complaints have come to the hon. Member's notice either through social media or from people who have also posted on social media. Unfortunately, it is now generally accepted that that is the way to deal with complaints, but if they are not lodged with the Environmental Agency, then they may not come to our notice and we may not be able to deal with them.

My earlier question on the slats clearly shows a sequence of events: there was a proper complaint and it has been properly dealt with. This is my appeal and I am sure the hon. Member opposite will agree with me.

Mr Speaker: Next question.

Q320/2020
Loud exhausts –
Mobile decibel meters and FPNs

Clerk: Question 320, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, how many offenders have been issued with on-the-spot fixed penalty notices resulting from the use of mobile decibel meters in the last 12 months in respect of loud exhausts?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, in the 2019-20 policing year, 43 persons have been dealt with by the Royal Gibraltar Police for having ineffective exhausts. Of the 43 persons, 14 were dealt with by fixed penalty notices and 29 were reported for process by summons.

Mr Speaker, I need to point out that not all of them will have involved the use of decibel meters. In some cases – for example, a hole in the exhaust – it is very obvious that it is too loud.

Hon. E J Phillips: I would have thought, Mr Speaker, that as far as an assessment of those 43 cases is concerned, the main evidence required to prosecute an offender, or indeed impose a fine, would be as a result of this particular mobile decibel meter being utilised in the course of those 43. Is it difficult to obtain that assessment of how it is done? I am trying to ascertain how

the authorities use this particular device to measure noise, because you would have thought that if it can be used it would be used all the time, and many of us know anecdotally of particularly noisy motorcycles that irritate residents and individuals alike.

1855 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, the point I made is that if the exhaust has a hole in it, it is a faulty exhaust and therefore it is clear. If a police officer, for example, hears a motorcycle making too much noise, stops the driver and then they see there is a hole in the exhaust, then clearly that did not require a decibel meter. That is the point I am making.

Q321/2020
North Gorge –
Unlawful removal of trees by developer

Clerk: Question 321, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government confirm the outcome of the investigation into the unlawful removal of trees at North Gorge by a local developer?

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

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Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, this matter is subject to legal proceedings and so it is not appropriate to comment at this time.

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Hon. E J Phillips: Mr Speaker, are those proceedings by the Office of Prosecutions and Litigation, or proceedings by another authority? Are they criminal or are they civil proceedings?

Hon. Prof. J E Cortes: I would need to check, but I believe it is the Town Planner who issues these proceedings.

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Mr Speaker: Next question.

Q322/2020
Barbary Macaques –
Numbers culled since 2011

Clerk: Question 322, the Hon. E J Phillips.

1880 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how many Barbary Macaques have been culled since 8th December 2011, by reference to each year?

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

1885 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, no Barbary Macaques have been culled since 8th December 2011 in the sense of being put down by selection, which is what 'culling' means.

Hon. E J Phillips: Does the Minister have any reference to any other means by which Barbary Macaques' lives have been terminated, Mr Speaker?

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Hon. Prof. J E Cortes: Mr Speaker, we have to make the distinction between going out ... One of the legal dictionary's definitions of 'culling' is 'reduce the population of a wild animal by selective slaughter', and certainly we have not done that. This was done in the past but we have not done that.

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I am happy to share some figures. Macaques are put down, for example, where they are badly injured or where they are unwell; where, for example, they become aggressive and become what is known by the team up there as 'biters' – they go out and they bite people; or where they have been ostracised and become unstable and they become difficult to control. I can tell the hon. Member, if I can go back in time: this year zero to the end of May, in 2019 there were seven such cases, in 2018 five, in 2017 three, none in 2016 or 2015, one in 2014, four in 2013, and five in 2012. But if I can take the hon. Member back to the culls of the old days, there were 27 in 2003, 20 in 2002, and in 1999 no fewer than 50 were culled in the true sense of the word.

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Hon. E J Phillips: Mr Speaker, I was not around during that time, (*Interjections*) so there is no real point in having a debate about what the GSD ... Let's get on with politics in the last eight years, if we can. There is no point going back. The people of Gibraltar do not want to hear the details of what happened before; they are only concerned with what is happening now.

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Clearly, Mr Speaker, What the Government obviously announce is that there is a selective form of termination of life of a Barbary Macaque. The answer to my question was 'culling'. He has corrected me, but it is a form of selection, is it not, for those with injuries, those that are ostracised, those that become 'biters' as he has described? Surely there is a form of assessment and selection of those particular animals for termination, and therefore I would ask him this: what is the process by which that decision is made?

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Chief Minister (Hon. F R Picardo): Mr Speaker, this is an important point because our macaques, apart from being so important to us in our history, are also sentient animals.

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The hon. Gentleman says he does not want to go back more than eight years. I am surprised that he says that. I assume it is because he realises that this is not convenient for them, to have their record more than eight years ago brought up on this. They are constantly trying to refer us to how well they did in their time in government – how low the debt was, how high the reserves were, how fantastic the Constitution they delivered was – and that is 14-15 years ago. So it is very peculiar that they do not want to talk about this particular issue. They do not want to go back when this is the matter to have regard to, but they do want to go back all the way to 1996 about some things that they want to talk about then.

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We are not going to take their advice on what it is that we look back at and what we do not look back at. We are going to say that we stand on our record of the past, the good and the bad. We all make mistakes and we all do things well. One of the things they did particularly badly was culling of the apes. They controlled the population by the execution of members of the species. Slaughter, execution, murder: those words all mean the same. That is not what is happening here. What is happening here is that some of the species have to be put down and they have to be put down for the reasons the hon. Gentleman addresses. That is, in our view, even in the very low numbers that we are seeing, a matter of extreme regret because we do not want to be involved in this at all. If there needs to be a control of population, we do it by splitting the population up, we do it by trying to find zoos that will take the population – the hon. Gentleman knows that we have done that in the past – but where there is an injury from which there will not be recovery, the sorts of reasons where it is humane to unfortunately take the life ... You might say, 'Well, look, you are practising euthanasia in relation to apes and you are not bringing an argument to practise euthanasia generally,' and the answer to that would probably be yes,

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1940 there is a scheme whereby, in the right circumstances, despite it is not what we want to do, on
advice we are told that the most humane way to deal with that macaque is to put it down. We
do that with great, great reluctance. That is the view of the whole Cabinet. We take this very
seriously and we have considered it very carefully and that is why the numbers have changed in
the way that they have; were that we could find even better ways of dealing with those animals
1945 in that particular situation. We have not done so, but we genuinely and sincerely believe ...

He was not a member of the GSD then, so it is not an attack on him. He must take this
honestly from us. We genuinely and sincerely believe it was the wrong way to approach the
problem to cull – I will put it no more emotionally than that – in the numbers that we saw at the
time, and it is not a trap that we are going to fall into. We just do not think it is an appropriate
1950 way to deal with them.

The hon. Gentleman I know, apart from ... I am not going to say where I have seen him
jogging generally, given what I have said about being in those places, but apart from that I have
also seen him, quite remarkably – he is a better runner than he is a parliamentarian – at the top
of the Rock. He will have seen in the mornings that the Rock now is full of apes. It is quite lovely
1955 to see, especially to see them with their young, and it is quite remarkable to see how they are so
close to the species that we represent in the way that they care for their young and they feel in
the way that we feel, so we are not going to go anywhere near the sort of selective culling to
control the population that was the case before.

Q323/2020
Sandy Bay –
Maintenance programme

Clerk: Question 323, the Hon. E J Phillips.

1960

Hon. E J Phillips: Mr Speaker, can the Government state what maintenance programme is in
place for Sandy Bay?

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

1965

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):
Mr Speaker, I am assuming the hon. Member is referring to the routine beach maintenance
programmes. These commence prior to the bathing season and continue throughout the
season. They include repairs to and re-laying of concrete walkways; reconditioning of umbrella
1970 stores, toilet and changing room facilities; and setting up recycling bin pods. During the season,
daily cleaning is carried out.

As hon. Members know, Sandy Bay is now one of our most magnificent beaches as a result of
the investment we made in the development of the groyne. This has made the beach very
popular indeed and improved it tremendously. Again, it cost a lot of money, which they
1975 complained about, but it was the right investment for our people.

Hon. E J Phillips: Mr Speaker, he has picked up on the significant investment that was made
at Sandy Bay. I think it was approximately £11 million that was spent on the groyne and the
installation of the works there. It is my understanding that the maintenance contract for Sandy
1980 Bay was linked somehow to that particular project. The information that I am receiving from
members of the public who believe that there is substandard maintenance of that particular
beach has indicated that there was some contractual relationship with the company to provide a
form of maintenance over that beach. I would be grateful if he could clarify that. If that is wrong,
I will go back to those members of the public who have raised this with me.

1985 **Hon. Prof. J E Cortes:** Mr Speaker, if the hon. Member had pointed out that he was asking about the groynes and breakwater, then I assume that my hon. Friend the Minister for Technical Services would have answered. I do know that the Technical Services Department monitors the groynes and breakwater regularly and carries out repairs and maintenance as and when necessary and I am told that they are expecting to carry out further maintenance works next year, but I think if there was a specific question then the Technical Services Department would be the one best placed to answer that one.

Hon. E J Phillips: Just to be helpful, I did say maintenance programme in relation to Sandy Bay; it may have been encapsulated within the question.

1995 I did not hear an answer in relation to whether there is a contract. There is not?

Hon. Prof. J E Cortes: I am not aware and my hon. Friend is shaking his head, so I suspect not.

Q324/2020
Drinking water in public Government entities –
Testing

Clerk: Question 324, the Hon. Ms M D Hassan Nahon.

2000 **Hon. Ms M D Hassan Nahon:** Who does Government contract for the sampling of water bacteria in public Government entities, and how often are these tests performed?

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

2005 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the Environmental Agency carries out the task of sampling Gibraltar's potable water supply network. Samples at different points of the network are taken throughout Gibraltar on a monthly basis as per the requirements of EU Directive 98/83/EC and the Public Health (Potable Water) Rules 1994. The purpose of these samples is to provide information on the organoleptic and microbiological quality of the water supplied, and the effectiveness of drinking-water treatment.

2010

Hon. Ms M D Hassan Nahon: Mr Speaker, if the Hon. the Minister for the Environment just said that they test it monthly, then would the Government not concede that it took its eye off the ball during the COVID lockdown period on this front, whereby no flushing ... or something appears to have taken place leading to the legionella bacteria situation in the schools?

2015

Hon. Prof. J E Cortes: Mr Speaker, that is not the case. The Environmental Agency continued with its sampling throughout the period, and legionella is not captured by these directives. Legionella is tested for at the request of different entities, as far as I am aware.

2020

Hon. Ms M D Hassan Nahon: So, Mr Speaker, in that case, how was it actually discovered, this bacteria, given the frequency and the fact that the hon. Member claims that it is not the same type of investigation process?

2025

Chief Minister (Hon. F R Picardo): Mr Speaker, the legionnaires' was identified, as the hon. Lady knows, in a particular Department and therefore she might want to pose the question directly – I think there may be a question on the order paper on that – to that Department. But I think the answer would be the opposite of what she suggested. In other words, because the

2030 Government did not take its eye off the ball and did seek that the tests were done, and then when the tests were done there was a requirement to act in keeping with the result.

Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate the answer from the Chief Minister but I do not understand. If these tests are done frequently – and, from my understanding from health and safety experts, this bacteria grows when flushing is not taking place frequently enough – and if the Government ascertained that the flushing is taking place as frequently as it is, how did this actually even happen in the first place?

Hon. Chief Minister: Mr Speaker, our understanding from health and safety experts is different. We understand that the criteria that would appertain to require a test to be carried out were those identified in that particular instance in the Department of Education, and the results, when they came back, required that we act in keeping with the results. But as I said, that was a matter for the Department of Education and I understand there is another question on the order paper that deals with this – or I may be confusing that issue.

2045 I think that the hon. Lady really gave the game away when she said, ‘Did you take your eye off the ball?’ and the hon. Gentleman said, ‘Actually, no, it is a completely different ball that we are talking about and the Government did promote that there should be a test because there was concern, and then, because we promoted that there should be a test, we got a result which indicated that it was something that we had to act upon, and we acted upon it.’

2050 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I can assure you that I was not playing any games, so I have not given anything away; I am just here to ask questions.

I would ask the Chief Minister if he would accept that it just appears that there is a correlation between the fact that schools were closed during this COVID period, and therefore it points to some type of supervisory or maintenance neglect that in that same time this bacteria formed? I ask him whether this may have had anything to do with the fact that there was little activity and maybe little workmanship during the COVID period and effectively less maintenance.

2060 **Hon. Chief Minister:** I am not for a moment suggesting that the hon. Lady is here to play games. I do accept that she is just here to ask questions – that is why she is there – and we are just here to do the job that we were elected to do, which is to run the administration.

In running the administration, because the schools were closed and because therefore there would be stagnant water, it was rightly identified that there might be a problem with legionnaires’ and there was therefore the pressing of the button to carry out the test. Because we had identified that the test needed to be carried out, when we got the results of that test and they indicated that there was a problem we acted to ensure that we provided for the safety of the children, the teachers and the other staff of the schools in the way that required us to act.

2070 What I am saying to the hon. Lady is that the Government’s actions betray the opposite of what she was suggesting; in other words, the Government’s actions betray the fact that we were alive to the issue, that we promoted the test and that the test resulted in a result which was not the one we wanted but is the one we got and had to deal with and was one of the possible results arising from the promotion of the test.

2075 **Hon. K Azopardi:** Can I just ask from that: if the Government were alive to the risk of the presence of the bacteria in the water system in the schools, why wasn’t the test carried out before the schools were reopened?

2080 **Hon. Chief Minister:** For a very simple reason, Mr Speaker: the tests were carried out before the schools reopened; the results were not provided before the schools reopened.

If the hon. Gentleman then wants to take it a step further and say ‘Why were the tests not carried out earlier, before the schools reopened?’ the answer is very simple: because those tests were carried out when the decision was made as to when the schools were going to reopen and that gap was as short as possible because we wanted children to go back as soon as we had made decisions that we were able to move in that direction. These were extraordinary times – they still are – and the timings were not working in the way that we would have expected them to work. Acting in good faith, when you have a concern, you say, ‘This must be done because it is something that we are concerned to ensure is not there for our children.’ You carry out the test, it is there, and therefore you have to act to protect our children and our teachers. I think this is really to ensure that, insofar as we are able, from the moment that the decision is made we put in train the systems that we have to put in train.

Hon. K Azopardi: I appreciate that. Obviously the tests were not ... There is an interregnum. Indeed, I think the Minister, when he gave the interview, explained that tests were taken and then it took, about a few days, maybe seven or eight, whatever it was. But there was literature about the risks on this, publicly available internationally since at least mid-April, so if the Government were alive to it and the tests had been carried out earlier then it could easily have received the test results before the schools were open. That is the point I am really asking the Chief Minister.

The Chief Minister knows that the Government and the Opposition have had an exchange of press releases on these issues, so we just take that point, really, and I am only rising to ask the question more specifically because he made the point that the Government were alive to the risk. So, when specifically were the Government alive to the risk?

Hon. Chief Minister: Mr Speaker, this is a question which the Hon. the Minister for Education may have more details on, but I want to make this point. You are alive to the risk, but if you are not clear about when you are actually going to be able to open – 100% sure that you are going to be able to open on a particular date – then doing the test is just a moving feast because you do the test, you go back to stagnation, literally, and then you have got to carry out the test again until you are sure that you are going to open, because stagnation is going to lead to the potential for the legionnaires’ to either come back if you have had it and have to cure it again, or to re-implant itself.

Mr Speaker, I think that this is not an issue on which splitting hairs is going to take us in any more certain a direction because the Government acted in the way it had to act in order to ensure that we provided that safe system of work for our teachers and that safe environment for our children.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn until Thursday, 2nd July at 3.30 in the afternoon.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 2nd July at 3.30 in the afternoon.

I now put the question, which is that this House do now adjourn to Thursday, 2nd July at 3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Thursday, 2nd July at 3.30 p.m.

The House adjourned at 6.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.39 p.m. – 7.58 p.m.

Gibraltar, Thursday, 2nd July 2020

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The Gibraltar Parliament

The Parliament met at 3.39 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Meeting of Parliament, Thursday, 2nd July 2020.

Order of Proceedings: Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of a Command Paper on the table.

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

PAPERS TO BE LAID

Clerk: (iv) Papers to be laid – the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to lay on the table a Command Paper on a draft Bill to make provision for the establishment of a National Trails Co-ordination Board and statutory public rights of access to land for recreational and other purposes, to make further provision for the recording, creation, maintenance and improvement of public paths and for connected purposes.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

ECONOMIC DEVELOPMENT, ENTERPRISE, TELECOMMUNICATIONS AND THE GSB

Q341-60/2020

Abstract of statistics; commemorative coins; public finances; estimates of GDP; identity of modular construction development partner; GBIC Ltd directors' remuneration; debentures issued to GSB; Rooke site nursing home

Clerk: (viii) Answers to Oral Questions continued.

10 We continue with Question 341/2020 and the questioner is the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when it intends to publish an update to the 2016 Abstract of Statistics?

15 **Clerk:** Answer, the Hon. the Minister for Economic Development, Enterprise, Telecommunications and the GSB.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 342-360.

20

Clerk: Question 342, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government describe the process for the design and approval of new commemorative coins?

25

Clerk: Question 343, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why it is that the Queen's effigy will, for the first time, not appear on the obverse of the coins to be issued under Legal Notice 203/2020 in respect of the 2020 'Rolling Stones Collection 50th Anniversary of the Iconic Lick'?

30

Clerk: Question 344, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to W69/2020, can the Government advise whether the balance on the General Sinking Fund on 1st April 2020 was £12.1 million or £15 million?

35

Clerk: Question 345, 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 May 2020?

40

Clerk: Question 346, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date: 1st May 2020?

45

Clerk: Question 347, the Hon. R M Clinton.

50 **Hon. R M Clinton:** Mr Speaker, further to W70/2020, can the Government advise why it is not possible to compile quarterly estimates of GDP?

Clerk: Question 348, the Hon. R M Clinton.

55 **Hon. R M Clinton:** Can the Government provide an analysis of the 2018-19 GDP estimate of £2.4 billion by sector percentage?

Clerk: Question 349, the Hon. R M Clinton.

60 **Hon. R M Clinton:** Can the Government advise the full legal name and UK Companies House number of the legal entity that signed a joint venture agreement with Gibraltar General Construction Company Limited for the development of modular construction in Gibraltar via GBIC Limited and the date of such agreement?

65 **Clerk:** Question 350, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, are the Gibraltarian directors of GBIC Limited receiving any remuneration from that company?

70 **Clerk:** Question 351, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the £20 million borrowing by GSBA Limited by way of debentures issued to the Gibraltar Savings Bank?

75 **Clerk:** Question 352, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what security GSBA Limited has given to underwrite the issue of £20 million of debentures to the Gibraltar Savings Bank?

80 **Clerk:** Question 353, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the £20 million borrowing by Gibraltar Properties Limited by way of debentures issued to the Gibraltar Savings Bank?

85 **Clerk:** Question 354, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what security Gibraltar Properties Limited has given to underwrite the issue of £20 million worth of debentures to the Gibraltar Savings Bank?

90 **Clerk:** Question 355, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if it is in negotiations with Gibtelecom to repurchase the Haven building?

95 **Clerk:** Question 356, the Hon. R M Clinton.

100 **Hon. R M Clinton:** Mr Speaker, who is the ultimate beneficial owner of Community Supplies and Services Limited, who is described by the architect for the elderly care nursing home as the client for the proposed building on the Rooke site?

Clerk: Question 357, the Hon. R M Clinton.

105 **Hon. R M Clinton:** Mr Speaker, what premium has been agreed for the sale of a 1,000 m² plot at the Rooke site, i.e. 1 Bishop Caruana Road; and what are the terms of the lease and to whom has it been granted?

Clerk: Question 358, the Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, how many of the available rooms does the Government envisage taking up at the privately run elderly care nursing home at Rooke, and has any agreement yet been signed?

Clerk: Question 359, the Hon. K Azopardi.

115 **Hon. K Azopardi:** Mr Speaker, why is the Government willing to permit a high-rise development for the elderly on the Rooke site?

Clerk: Question 360, the Hon. Ms M D Hassan Nahon.

120 **Hon. Ms M D Hassan Nahon:** Given the recent Government announcement on the new elderly residential complex to be built on the Rooke site, can Government confirm that, given that the facility is largely a private venture, it will have the necessary safeguards in place to avoid elderly care tourism and instead ensure that the places will be reserved for local residents?

125 **Clerk:** Answer, the Hon. the Minister for Economic Development, Enterprise, Telecommunications and the GSB.

130 **Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, new commemorative coins, themes and designs are proposed to the Gibraltar National Mint by its partners who market the coins. If the theme is agreed, then the design is approved by me, the Chief Minister, His Excellency the Governor, the Foreign and Commonwealth Office and Her Majesty the Queen, in that order. A small number of commemorative issues are initiated by the National Mint but follow the same procedure.

135 The commemorative issues which have the Gibraltar crest instead of Her Majesty's effigy on the reverse side are mainly precious metal issues for investors or carry themes or images which are not considered to have a relevant connection with Gibraltar, and these issues are approved by me and the Chief Minister

The General Sinking Fund stood as £12.1 million on 1st April and on 1st May this year.

140 The Gross Public Debt, Aggregate Debt, Cash Reserves and Net Debt figures for 1st May 2020 after the application of the Sinking Fund was: Gross Public Debt, £497.7 million; Aggregate Debt, £485.6 million; Cash Reserves, £30.1 million; Net Debt, £455.5 million.

It is not possible to compile quarterly estimates of GDP because the data collection process does not permit it.

145 The percentage contribution of the different sources of income for the estimated GDP in 2018-19 is as follows: employment income, 44.3%; company profits, 43.9%; rent, 8.6%; self-employed income, 3.1%; and gross trading enterprises of the Government, 0.1%.

GSBA and Gibraltar Properties have raised funds to expand their businesses and no additional security has been provided in respect of the debentures they have issued.

150 The answer to the questions on the Abstract of Statistics, the legal name and UK Companies House number referred to by the hon. questioner, the remuneration of directors and whether Government is in negotiation to purchase the Haven is no to all of them.

The Government does not provide information as to who are the beneficial owners of the entities with which it does business.

155 The elderly residential building proposed height is required to enable the project to be economically viable by providing the proposed number of units of accommodation.

The premium for the Rooke site has been established by LPS at £½million and a standard lease on the property has been issued to GSBA.

160 How many pensioners there will be in the proposed elderly residential building will be decided at the appropriate time. I can confirm, however, to the hon. Lady that local residents will have first refusal in respect of all the placements in the home.

Hon. R M Clinton: Mr Speaker, I would crave your indulgence as I try and work my way through the questions and the answers that we have received.

165 If I can start perhaps with the simplest one, I would be grateful if the Minister could therefore confirm, in relation to his answer to Question 344 when he said that the balance in the Sinking Fund on 1st April was £12.1 million and also in May ... in which case, If he can then confirm yea or nay, then it never was £15 million in March – it could not have been – in which case ...

170 I do this with no other intention than making sure we have the right numbers. If the Chief Minister would be so good as to correct the numbers he gave this House in terms of the available reserves to the Government, because when he said £150million he included £15 million on the Sinking Fund and the Minister is now telling us it was £12.1 million, so they are obviously £3 million short. In the grand scheme of things it is not a big number, but just for the record I would like to be sure that we are given the right numbers in this House, in which case
175 the reserves number the Chief Minister should have said was £147million, not £150million. Could the Minister clarify that for me?

Hon. Sir J J Bossano: Mr Speaker, the answer to the hon. Member's difficulty in understanding what has happened is the one that I indicated to him at the end of the last
180 meeting of the House. I explained to him that the figure of the Sinking Fund ... something he should have worked out by now because when he asks me for it every month throughout the year it is the same figure for 11 months of the year, every year. It is obvious that it has only changed when we close the financial year, and so the figure of £15million was the figure that was expected to be the figure at the end of March when the financial year was closed.
185 Therefore, that was that figure that I had seen and the figure that had been seen by the Chief Minister as the estimate for that time.

Since subsequently it was agreed in this House that the financial year would be extended to September, there was nothing put into the Sinking Fund for that reason, because the amount that you put in the Sinking Fund is dependent on how much money is left over at the end of the
190 year. Nobody is going to put more money into the Sinking Fund than there is in the surplus, so it is a share of the surplus of the year that goes into the Sinking Fund in March. Had the year closed in March on the figures that the Treasury was calculating at the time, the intention would have been that there would have been something like £3 million available to put there. That was the figure that was provided at the time. Subsequently it was revised, but every figure that we
195 give here ... We do not want to have to come back and explain why it was not the same a month later or three months later, because all we are giving every time is estimates. Estimates change every time you re-estimate because something else has happened. In fact, I indicated to him that although I would need to check it the most probable answer is that because the year was not closing, the money that would have gone there was not put there. That is the explanation.

200

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his clarification, but of course it does mean, on that analysis, that the available reserves of the Government with information that we have now would be £147 million, not £150million. Would you agree with that?

205 **Hon. Sir J J Bossano:** Assuming that he is not making up the numbers to then tell me something on Facebook or something, yes, I agree. I assume his numbers are correct.

Hon. R M Clinton: Mr Speaker, again I am trying to deal with the easiest questions first.

210 Question 341: can the Minister advise why it is not possible and why he does not intend to publish an update to the 2016 Abstract of Statistics?

215 **Hon. Sir J J Bossano:** Mr Speaker, the Abstract of Statistics is compiling in one book the statistics that have already been published. It is not adding anything new – that is what it does, that is why it is, the Abstract. The resources of the Statistics Department, which I think is a department that has got the same complement and the same budget as it had in 2011, is too stretched for something that is really a compilation of previously published statistics in one book and it would mean devoting manpower from more important things. For example, the compilation of the GDP this year is a difficult one because of the changes in the year and the fact that the source of that is the October Employment Survey, which was delayed at the beginning of the year. All the things that have happened that have disrupted things have meant that the Statistics Office has a lot on its plate and therefore what I am saying is I do not know when, in the level of priorities, when we will get round to publishing a new Abstract, but it will not be for as long as there are more important things to be done because there are no immediate plans to increase the size of that department.

225 **Hon. R M Clinton:** So, Mr Speaker, just to be clear, what the Minister is saying – and he may correct me, obviously, if I am wrong – is that the answer would be that publication is effectively delayed until such time as there are available resources, that the Government effectively will continue publishing it but it does not have the resources to do it at the moment. Would I be correct in that summary?

235 **Hon. Sir J J Bossano:** It is not that a decision has been taken to stop publishing it, if that is the question, but I do not think it is a particularly urgent thing to do because it does not provide information that is not already in the public domain. It is a convenient thing to have so you do not have to look in 20 different places; you can look in one and it is all summarised.

240 **Hon. K Azopardi:** I am grateful to my hon. colleague for giving way on this one. Just to pull a thread on that, I appreciate what the hon. Member is saying, that it may be a compilation of previously published statistics, but precisely for the reason he has just given in his answer – that it is a convenient arrival point for people, who do not have to scurry around and collate things – it is a convenient statistical point where things are brought together. So, I ask the hon. Member to perhaps reflect on that, and given that the last statistics were published in relation to a period which is practically now four years ago, perhaps resources can be dedicated so that the process can continue in the way it has always continued.

245 **Hon. Sir J J Bossano:** The position is, Mr Speaker, that if resources were spare it would have been done already. Since we have not got the spare resources, it means moving people from doing something else to doing that, and therefore a value judgement has to be taken as to which is more important. Do we leave something else undone to do this? That is the judgement that has to be made. My judgement is that producing new information is more important than putting together, for the convenience of those who want to study only one book ... when you are not actually giving people anything new that they do not already have.

255 **Hon. R M Clinton:** Mr Speaker, moving on to Questions 342 and 343 in respect of coin designs and the Rolling Stones collection, can the Minister advise which procedure did the Rolling Stones collection go through? Did it go through the approval by the Chief Minister, the

Foreign Office and the Queen; or did it go through an alternative process? Also, did it go through that process and for some reason did not receive approval by the Queen?

260 **Hon. Sir J J Bossano:** No, Mr Speaker, if something is not likely to receive approval by the Queen then it is not put to the Queen. So, the answer is it is not that we say to Her Majesty, 'Do you approve this?' and if she says no, we then say, 'Okay, well then we will do it without your effigy and do a crest instead.' That is not what happens. What happens is what I have said already.

265 There are themes that the Overseas Territories are not able to put on their coins but other Commonwealth countries can, because of this connection with the territory requirement. There is a market there, and if somebody says to us there is an opportunity to do something ... For example, we have an issue which was a Vera Lynn issue recently which is selling extremely well in the United Kingdom. Just when we finished that issue, the lady who was over here because of
270 her connection with the armed forces in the Second World War died and we brought out an additional coin, which refers to the loss of Vera Lynn – and that, we have not sent to the Palace even though the whole series was approved by the Palace, because if we had, by the time the whole process had gone through, the market for the coin would have disappeared.

This is a very competitive market. We are now operating with people who are able to place
275 our coins in competition with other people, and when somebody comes up with a theme ... In effect, the first one who comes up with a theme gets the lion's share of the market and the people who arrive late have a problem in selling their coins. That is one of the reasons why we move in that direction quickly, and the other one is this concept that there must be a connection which is demonstrable between the theme and the Overseas Territory.

280 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.

In the legal notice for the Rolling Stones coin, in the very last section it is described as being current and legal tender in Gibraltar. I noticed him talking about the Vera Lynn coin. The Vera Lynn coin, as he just said, was approved by the Palace and I imagine had the Queen's effigy on it.

285 **Hon. Sir J J Bossano:** Not the last issue, the last coin.

Hon. R M Clinton: The new coin did not? Sorry, I will give way.

290 **Hon. Sir J J Bossano:** To illustrate, we are operating in a market where the speed with which you deliver and the relevance of when you deliver it ... That is to say if you want to do something about the Olympics you cannot do it when the Olympics are over. In this case we did the set with Vera Lynn with the consent of the lady and with the relevant payments for being able to use it, and then, after the coins entered the market, unfortunately she died. We thought it was
295 important, given the demand that there is for that coinage, to add one additional coin. If we had gone back to put it through a system, it would have been four or five months and it would have been pointless. In order to be able to add it to the existing coin with the effigy, we did it without the effigy because it was the only way we could produce a coin in a matter of days as opposed to a matter of months.

300 **Hon. R M Clinton:** Mr Speaker, just one or two more supplementaries and I will move on to something else.

I can understand what the Minister is saying in terms of speed being of the essence but in terms of the Rolling Stones one, surely speed is not of the essence.

305 **Chief Minister (Hon. F R Picardo):** They could go at any time.

Hon. R M Clinton: You have lost me there, but anyway there was no urgency in terms of getting the coin through the process. Why did you not go through the normal process to seek the Queen's permission to have her effigy on it in this particular case? I could almost understand it for Vera Lynn. In this case, surely the normal process would have been sufficient. I would be grateful if the Minister could actually give me – other than the Vera Lynn coin, which is presumably a very recent issue – an example of another coin on which the Queen's effigy has not appeared.

Hon. Sir J J Bossano: I think there have been something like six or seven issues of coins in the last two or three years, but I said the other issue was ... For example, I suppose if we did a coin with a Beatle, because one of the Beatles got married here we would argue there was a connection with Gibraltar. I do not think the Rolling Stones have ever stepped on our shores. There is this understanding that the themes that the Overseas Territories produce on their coins have something to do with the history of the place, or there is a connection. When there is no connection – in some cases, for example, we are now producing coins which are coins in name but really are a bullion sale of amounts of gold or whatever – that is not something that will carry the effigy of Her Majesty, so we have got an agreement that there are things that Her Majesty would be quite happy to have with her effigy and there are things that she would be less happy with, and we do not want to make her unhappy so we put the other one.

Hon. K Azopardi: Just on that, I think a previous explanation that the hon. Member gave, when he said that if the Queen is unlikely to give consent then it is not put to Her Majesty ... So, is it that there was a judgement call in this case that it might be unlikely for the Queen to give consent? Because of what? Because of the particular theme of the coin?

Hon. Sir J J Bossano: I have said it three times already, Mr Speaker. I have said that the Overseas Territories but not the rest of the Commonwealth are expected to produce coins with links with the territory. In fact, I gave him the example of the Beatles, where I said perhaps if it was the Beatles there would have been a link with the territory because one of them got married here, but the Rolling Stones have not set foot on the Rock.

The people in the business are the ones who advise us. They have been doing this much longer than we have. We have three mints that we work with and it is either speed or that there will be a reluctance to have something that is totally unconnected with Gibraltar on a Gibraltar coin. It would be the same for Bermuda or the Caymans, or any of the others.

Hon. K Azopardi: Is the hon. Member saying that every single time there is a coin issued which has the Queen's effigy it has a connection with Gibraltar? On 13th February there was a coin minted, called the 'Guess how much I love you' coin, with a rabbit on it.

Hon. Sir J J Bossano: I cannot say what the connection with the rabbit and the Queen was or anything else. I am telling the hon. Member what is the explanation for the policy that applies in the production of coins. Now, If he wants to put a specific question about the rabbit, I will look it up and give him the answer.

Hon. K Azopardi: No, Mr Speaker, I am just trying to understand the answer the hon. Member has given. He gave a rationale linked to some kind of territorial connection and I gave him an example of a coin that struck me had no territorial connection, and there will be others because there are many coins minted for collector value and that is the point I was asking.

In relation to this particular coin, what is the actual objection, fear that Her Majesty would not give consent to this coin?

Hon. Sir J J Bossano: Mr Speaker, I can only repeat the same answer if he asks me the same question, and that is that there is a view taken by the people who are involved in this business for many years, who do it for us and do it for other territories; they do it for the Falklands, they do it for the Channel Islands, and they advise us. Based on that advice, I have distilled something that I can put in a few words so that the hon. Member understands it.

If the hon. Member thinks that somehow a coin that should not have gone to Her Majesty has slipped through and she has said yes when it should not have gone to her because she would have said no, and he identifies which coin he thinks that one is, I will go back and see how it managed to get through.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may interject for one of my supplementaries on the new elderly residential complex – no Rolling Stones here – the hon. Minister –

Mr Speaker: The hon. Member has not finished.

Hon. Ms M D Hassan Nahon: Oh, I am sorry, you have not? You were sitting, so I thought you were not –

Hon. D A Feetham: I just have one question on the coins. In actual fact I am a little bit baffled as well by the explanation, because I collect coins and I have many Gibraltar coins with Peter Rabbit and the Olympics and all sorts of themes that have no connection with the territory.

Leaving that to one side, the hon. Gentleman said that there had been six or seven coins where Her Majesty's image did not appear on the coin and this happened as from the last two or three years. Did the practice start two or three years ago? Are there more examples before then of coins being issued without Her Majesty's image on the coin?

Hon. Sir J J Bossano: I would not be able to tell for sure without checking. We introduced the coins in Gibraltar, as he probably knows, in the GSLP administration of the 1980s. There were no Gibraltar coins before then. There might have been at some stage earlier and I do not know what happened in the interregnum, but certainly what I have just described is the way that it has been operating in the last few years when we started growing and we started going to the Berlin Money Show and we started having contact with people who wanted different things on their coins for the market in which they were selling the coins, whereas before we just made the coins and then they were put into the market on the basis that we hoped somebody would buy them. That is really the case today but it is being done much more professionally. So, we get somebody who says, 'We want to do a coin for this particular market, it has to be there for this particular date and it must be done in this way,' and if we feel that that is a sufficiently attractive thing to carry our name and it is worth doing because it will be sufficiently profitable, we agree to it and then the explanation that I have given kicks in.

It may have happened before 2011, I do not know. I would need to look at all the other coins that were there.

Hon. R M Clinton: Thank you, Mr Speaker.

If I may now turn to the Minister's answer to Questions 347 and 348, in respect of Question 347 I would invite the Minister to have a look at Bermuda, where they do indeed compile and publish quarterly statistics in a very detailed form, and perhaps he may wish to consider looking at the model that they use. It may be, and I would accept this, that our model may be more complicated than theirs and therefore they have an easier process to produce them, but I would invite the Minister to have a look at it.

In this day and age, when we talk about recession and falls in GDP it is important to have a handle on where our GDP is heading, especially when, as we all know in this House, our official

410 legal debt limits are linked to GDP. So, if there is a way of producing GDP in a more timely fashion I think that would be desirable.

Mr Speaker, my second question is in relation to Question 348 where he has broken down GDP percentage employment etc. Does he have it by industry in front of him?

415 **Hon. Sir J J Bossano:** Not in front of me, or at all. What the percentages show, basically, is that there are two sources of information. The employment income is the figure that is produced by the Employment Survey in October. At one stage we used to have two Employment Surveys, in April and October. I think this was discontinued during the GSD period. When we had
420 two, the methodology was simply getting the two and producing an average, which probably was a little bit more accurate because, given there are seasonal workers, the people who were working in October may not be representative of the people who were working all year round. It is taking the earnings in October and then working the annual payroll from that, and that is 44% of the GDP.

The other one is taking the tax returns made to the Tax Office. Therefore, you cannot do it
425 quarterly because this is not happening quarterly. One happens once a year and one happens spread over two or three times a year, and if you were to take one particular month of the year for company tax, for example, it might be miniscule and then there have been months when suddenly £50 million comes in, in one month. That is the system that has always been used. I have never known any other system going back to 1972. I do not know how they do it in
430 Bermuda – much bigger than us and they do not have a massive number of frontier workers coming in and out, which may complicate things.

It is not broken down by industry and the employment ... I suppose you could do an exercise which has never been done and say, 'Let's find out, of the 44% that are in employment, which are the biggest industries.' There is already that in the Employment Survey, so you know that
435 there are three big industries, which are construction, gaming and the retail trade, and those three are around the 3,000 to 3,500 mark so you could say those three would be an important chunk of that 44%. In terms of company profits, I would imagine the big companies, which are nearly all concentrated in the financial services and gaming sector, would be a big chunk of the 44%, in terms of company profits. I think if you take the whole of the retail trade they employ as
440 many people as the gaming but they do not make the kind of profits that the gaming do because obviously they do not have multimillion sales. So, it is possible to get that kind of insight into this but it has never been done because it is not calculated by reference to the areas.

In places like the UK they do surveys and they take samples in different sectors, and that is why the GDP keeps on being revised upwards or downwards as more recent information comes
445 in. We calculate the GDP basically on the Employment Survey of October and then when we revise it, when we have got something like 70% of the company profits reported, that is a set-off and the Statistics Office makes a projection about the other 30% that still has not come in, and the GDP we then get in the Government and in this Parliament would be something that would then be revised up or down depending on whether the estimated 30% that have not yet made a
450 return is a very good estimate, or is an overestimate or an underestimate.

So, the revisions that take place are predominantly in the area of company profits. There are no revisions on the Employment Survey because that is only calculated after the service is closed, so there is nothing to revise.

455 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his detailed answer on that.

I can now move on to Question 349 in respect of the full legal name and Companies House number of the legal entity that has supposedly signed a joint venture agreement and the date of that agreement.

The Minister, if I heard him correctly, said no. Can the Minister please elaborate as to why
460 the answer is no when he said in this House at the last meeting that there was a joint venture

agreement that had been signed with the UK subsidiary of the Chinese conglomerate, but today he tells us just simply no?

465 **Hon. Sir J J Bossano:** The agreement that will come from the UK is not a signed agreement to have a joint venture. The joint venture is with a Gibraltar company. The agreement is an agreement that ... Before, we were getting the support of a company that was based in China and had done overseas work predominantly in Asia and Africa. This was not what we needed and they have agreed now that the backup that we get will be from the company that is operating in the UK, which has been there for quite a long time and is doing two very big
470 contracts of over £1 billion each, in housing mainly. They have just had a new contract to redevelop the centre of Bolton as a joint venture with the Bolton municipal council, but the joint venture which is operating in Gibraltar is between Gibraltar General Construction Company and a Gibraltar company owned by them.

475 **Hon. R M Clinton:** Mr Speaker, you will have to indulge me please, as I just try and get my head around the structure.

So, what the Minister is now telling the House is there never was a joint venture agreement signed at any point in time with a UK entity. He can correct me if I am wrong, but I believe that the press have been led to believe that there is some kind of consultancy agreement with a UK
480 entity and that UK entity is called BCEGI Construction (UK) Limited. Does that accord with the Minister's understanding? Does the structure including the joint venture have a consultancy agreement with this UK-registered entity, the name I have just mentioned; and, if not, with whom?

485 **Hon. Sir J J Bossano:** Mr Speaker, the trouble with giving the hon. Member more information than I have given him in the past is that the consequence is that he then tries to dissect everything I say and speculate about what the implications are, and then goes into flights of fancy. The moral of that story is to give less!

The answer is we have got a relationship. You can call it a consultancy, you can call it what
490 you like. You are asking me to describe how it is we are operating. I am not using legal terms; I am giving explanations so that he gets an understanding, which is what he is asking me to provide. The relationship is one where there is not a consultancy agreement, there are no fees laid down, there is not a joint venture agreement. What there is is a situation where we are in a position to need advice and backup. The backup is now coming from a company that is operating
495 in the United Kingdom, which from my perspective is much more suitable for us than one that has not got the experience of working in the UK with UK standards. It has not been an issue before because we have not done any work before. This is the first time we are undertaking a construction of a project and we want to make sure that the project is to the standard that is required and that it meets the needs for which it is intended, and therefore we are taking the
500 steps that we think are necessary to make sure we get things right from the beginning.

That is all there is to it. There is nothing mysterious about it, but if he wants to pin me down to the meaning of every word technically, then I will have to be more cautious in the amount of information I provide.

505 **Hon. R M Clinton:** The Minister knows I am always grateful for the explanations that he gives and it certainly helps us on this side of the House understand the structures.

Mr Speaker, this will be my last supplementary. My colleagues may have one on this particular point, but again it is my last supplementary on this particular question. For the absolute sake of clarity, there is no written agreement, in any shape or form, between the joint
510 venture agreement in Gibraltar and this entity in the UK, and it is providing advice since it operates in the UK? Can the Minister then identify to the House the name of that company? Is it

the name of the company I gave the House, or is it not? I would be grateful if he could at least do that. I believe he has already done so to the press, so it should not be a problem telling us.

515 **Hon. Sir J J Bossano:** It is the national company that works in the UK and Europe and the headquarters are in the UK. It is the one that was involved originally with Cameron in the creation of Manchester Airport City, which is where its headquarters are, and is operating in that northern development. The United Kingdom government is trying to increase the growth of that area. I think it is called BCEGI because it is in the international part of this huge corporation, but
520 it works, in delivering in the UK, with people who ... Some are UK guys but are employed by the company. They are not all Chinese but they are people who are in a position to make sure that what we are getting is what is required, would be acceptable in the UK and has UK standards. I am very grateful for the help they are giving us.

525 **Hon. K Azopardi:** Mr Speaker, perhaps we may be forgiven – and not just those of us on this side of the House but everyone who is listening to this debate – for thinking that every time the hon. Member rises he is pouring black paint into what we thought was a clear glass of water. The answers are not explicit or clear, I have to say. Let me just put what my understanding is and the hon. Member can say whether it is right or wrong.

530 As I understand the answers he has given today and the answers that he gave on a previous occasion in this House, there is a joint venture agreement between two Gibraltar companies, one of which is owned by a Chinese parent. Is that correct? Perhaps he can repeat the name of the Gibraltar entity owned by the Chinese parent and confirm that understanding. And is the Chinese parent the same company that he has described as the joint venture having a
535 relationship with?

540 **Hon. Sir J J Bossano:** I am not really sure whether it is the same one. This company supports hundreds of subsidiaries and really, as Minister for Economic Development all I am telling the House is this is the delivery of the National Economic Plan. There is a joint venture company. One of the partners is Gibraltar General Construction Company – which was a construction company created by the GSD – and a Gibraltar company created by the Chinese parent either through the UK or through another company. I do not really know which one it is and I do not really care.

545 At the end of the day, we have got a joint venture company here that is going to be delivering the people's homes – which they have already said they do not support. I do not want their support. If they supported it, they should have voted for the manifesto and they did not. They voted for their own manifesto, which had no commitment to do anything to produce an alternative economy in the context of Brexit and no commitment to produce elderly people's homes.

550 The hon. Member no doubt remembers that the philosophy of the GSD in government was that they were not to be held accountable for things that would not have happened if we had got into government because it was not in our manifesto. Well, look, none of the things that they want me to explain are something that would be happening if they were in government. I have given them more explanations than they ever gave in the 15 years I was on that side, and
555 the only thing that happens with the explanations I give is that they try and find ways of somehow finding fault with them.

560 It is a very simple thing. There is a joint venture company and that joint venture company is going to deliver an old people's home. One of the partners in the joint venture company is a construction company created by the GSD and the other is one created by the Chinese – and I have no bias in favour of the Chinese and against the Gibraltarian one because it was created by the GSD. That company is going to be delivering the home. The hon. Members opposite think it is a mistake; they are entitled to think that. They think it is going to fail; they are entitled to think that. I think it will be a success. Time will tell.

Hon. K Azopardi: Mr Speaker, the hon. Member is right at least in one thing, which is that if we had been elected to government certainly these things would not be happening. We would not be having a joint venture with the Chinese state or a sub-state entity.

What I am struck with is the hon. Member saying, when he rises to his feet, to what I thought was a clear question – with which entity are you in bed with and who owns the entity that you are in bed with? – he says, ‘I don’t know and I don’t care.’ How can you not know or care? The due diligence process requires you, surely, to know who you are going to bed with.

Hon. Sir J J Bossano: Well, I know who I would not go to bed with: which is the GSD! *(Laughter)* That, I do know. I do not know whether he did the due diligence when he decided to leave the GSD or when he decided to migrate back to the GSD.

We have got a Gibraltar company that is doing a building in a joint venture with a Government company. We know that above that Gibraltar company there is a company, which may well be the one in London or may well be the one in Beijing but it is part of a group that has literally got hundreds of companies. The hon. Member thinks that it is terrible and not due diligence that I do not know which of the several hundred companies it is. Well, I do not agree with him and I do not intend to waste my time trying to establish which one it is to satisfy his curiosity.

Hon. K Azopardi: So, the hon. Member not only does not care about who the Government does business with, but he is not willing – to put it in his words, to satisfy my curiosity – to account to the people of Gibraltar or even care about who the Government, in whose name he is giving a green light to decisions, is doing business with, with taxpayers’ money?

Hon. Sir J J Bossano: Not with taxpayers’ money. The ‘taxpayers’ money’ is his invention. This programme in the manifesto is not being done with taxpayers’ money – let’s get that clear – but even if it were taxpayers’ money, we have been elected to deliver a manifesto commitment and the hon. Member is trying to undermine the delivery of that because, I suppose, he thinks that if we do deliver it he has no chance of surviving the next election. I can understand that, but he is trying to fight the election of 1923 in 2019. There is a lot of water still, between now and then.

The answer is that I do not know how he would do business and I do not know how he did business. All I know is that what I have done is, a company which is used by the Ministry for Economic Development to do construction work, which we inherited from the previous administration, has done a 50/50 agreement with a Gibraltar company that has been set up by people who have got a massive business in the United Kingdom of billions of pounds, who are considered to be sufficiently acceptable for Cameron as Prime Minister to launch the venture in Manchester. That may not be enough for the hon. Member and he may think it is a backstreet operation which I need to investigate. I do not think so.

The fact that it may not be that particular one, the original people who set up the company here, was a decision of a parent company in Beijing. They did not say to me, ‘Of the four or five thousand companies we have got, which one do you want?’ They selected which one suited them, because not all of them work outside China. Then, the ones that we were working with before were people who did not have a lot of knowledge of working in Europe or in the UK and we discussed it with them and said we would be more comfortable if we dealt with the one in the UK. I do not know whether the shareholding originally is held by one or the other. It does not make any difference to what we are doing. What happens in Gibraltar is happening in Gibraltar. It does not make any difference which of the many thousands of companies it has is the actual one that owns the shares in the Gibraltar one, which is an insignificant and miniscule part of the business of this entity that is the parent company. And that is it.

The hon. Member does not agree with anything we have to say. I do not expect him to agree. When he said he was not going to support it ... I do not want his support. I need him to know that: I do not want him to support it. I want to have the pleasure and the satisfaction of,

(*Laughter*) when the time comes, telling everybody that what they are enjoying is because he was not there.

Mr Speaker: With all due respect, this will be the last supplementary.

Hon. K Azopardi: On this issue?

Mr Speaker: Yes.

Hon. K Azopardi: My friend may have questions on others of all the questions that were done.

How can the hon. Member stand up and wax lyrical about how much this company is worth, the billions of pounds, and David Cameron that was involved and so on, when he does not even know the name of the company that is involved in Gibraltar and he does not know which company owns it? How can he make the relationship and ask people listening to this debate to believe that this is a deal of substance and of great importance, and give the example of all these projects being done in England and the billions of pounds behind it, and then when I ask him the simple question 'which is the company that owns the entity in Gibraltar?' he says, 'I don't know and I don't care'?

If he does not know and he does not care, he cannot then say in the same breath that there are billions of pounds behind it, because he does not know. He may care about that but he does not know, does he?

Hon. Sir J J Bossano: Mr Speaker, I do not know, I do not care, and I can wax lyrical, and if he wants me, I will repeat the speech that I made before and wax lyrical again.

I know the size of the company globally and I know the size of the company in the United Kingdom. I do not know, and I do not intend to try and find out to satisfy him, which entity in the entire empire is actually holding the shares of the partner that we have in Gibraltar. He may think that is terrible. Fine, it does not bother me.

Mr Speaker: The Hon. Mr Clinton, do you want to ...?

Hon. R M Clinton: Yes, Mr Speaker.

Moving on to Question 350, if he could just confirm that the Gibraltarian directors of GBIC are not receiving any remuneration from the company. If he could just confirm that?

Hon. Sir J J Bossano: None of the directors are, Mr Speaker.

Hon. R M Clinton: Mr Speaker, now we move on to Questions 351 to 354, and there may be some overlap with Question 357. Again, I beg your indulgence. I may jump around a bit.

The Hon. Minister may recall, maybe five years ago, one of the first questions I asked in this House was the purpose of GSBA Limited, whose share capital is 100% owned by the Gibraltar Savings Bank, and at the time the Minister told me it was to hold assets. I asked him at the time what assets and he said the building, because he did not think it was a good idea for the Savings Bank to be paying rent on the building and therefore it was decided it would be a good idea to buy the building and to put it into GSBA.

GSBA, since its creation, has never filed any accounts at Companies House. I have no idea as to what it does. The answer, he has given to my Question at 351 – why did it borrow £20 million? – and the answer was to expand its business. I would be grateful if the Minister could give the House an indication of what he considers now to be the business of GSBA Limited back certainly five, six years ago. Its only business I was aware of was to hold the Treasury building on behalf of the Savings Bank.

Hon. Sir J J Bossano: Well, I think he is wrong in saying that that was the only building. *(Interjection by Hon. R M Clinton)* No, I think he is wrong in that. The GSBA has more than one building. What it does is it rents buildings, and it is going to be renting more.

As far as the accounts, I know how important the accounts are to the GSD when they are in opposition. They are so important that when they came into government in 1996 they immediately published the 1996 accounts of all the Government companies and made them public in 1997, and having done that with the ones of the aegis of the GSLP they stopped doing it for the 15 years of the GSD. And not only did they not publish them, they did not complete them. When we came in, we found that the last accounts that had been done – in 2011 – had been in 1996. So, while they are now on those benches where accounts are important, and if they ever come back to these benches they will cease to be important.

Hon. R M Clinton: Mr Speaker, on that I think we can agree to disagree, because when we are on that side of the House the accounts will be very important and we will be going through all of them.

How can he stand up and accuse us of negligence when he is presumably the architect of the creation of GSBA Limited? It is a company incorporated by his administration. He has been in power since ... too long, and he has yet to file a single set of accounts. He cannot point the finger at us. This is an entity created by him.

Does he not consider it is good corporate governance to file accounts or produce audited accounts? Or is it that he just does not want the public to know what GSBA is doing?

Hon. Chief Minister: He doesn't care.

Hon. R M Clinton: At the end of the day, he knows he has a statutory responsibility to file, so why hasn't he done it? These accounts are massively overdue. I am not going to dwell on the accounts because we will be here forever.

He says it owns other properties. Could he tell me what other properties this entity has? And what is it that he intends to do with this £20 million? Again, in relation to Question 352, if he can confirm that effectively these debentures that the Savings Bank is buying are unsecured, that it is unsecured debt of GSBA Limited that the Savings Bank is acquiring.

Hon. Sir J J Bossano: I have not used the word 'negative', Mr Speaker, when speaking about them. What I am saying is that they have got a dual value system. What is right for them to do becomes wrong when they are on that side, and then when they come back here their values change. So, if GSBA is far too long without the accounts being registered, then we still have a long time ahead of us before we catch up with their record, which was 15 years.

The hon. Member may say that if he had been in government it would not have happened. Well, from my recollection the people who were in government at that time did not have much choice as to what was done, and therefore it was the Chief Minister who decided whether the accounts were published or not published and I do not think if he had been there would have made any difference – unless, of course, he might have then crossed the floor and joined the GSLP. You never know.

The position, as I have told him before, is that we have got a policy of investing in the economic development of Gibraltar and we have got vehicles to do it. We have explained it at a length which nobody ever before has explained. The explanations that we give do not satisfy them, but we give them more information than they have ever given anybody else, and we go into a manifesto and we publish in detail what we are going to do. We say in the manifesto we are going to have modular construction methods, and then suddenly when we do it we are accused of doing something that is terrible which they never said was terrible during the election campaign.

720 The answer is I am not going to be, in this House, explaining the business plan of Government-owned companies or giving details of what they invest in, or how they make their money or how they operate. That is not what I am going to be doing. It has never been done about companies before, by anybody else, and I am not going to start having the precedent now. So, I will give him the level of information until we get to the company, and then how the company operates after that is something that I will not answer for.

725 **Hon. R M Clinton:** Mr Speaker, I was just asking about what GSBA held. He already answered that question five years ago, at least partially ... I was just asking him what other properties does it hold and he seemed to be willing to give that answer. I would be grateful if he would give it. And he has not answered my question as to whether this £20 million is unsecured or not.

730 **Hon. Sir J J Bossano:** Mr Speaker, I do not know – because I am not in the business that he has been in as a banker – but I don't know if companies require security from their subsidiaries when they give money to their subsidiaries. It seems insane, because if a company is 100% owned by somebody, how can the company give more security to its owner than the security of the fact that the owner has 100% of the shares? This is not that we are going to NatWest or we are going to Safra and saying, 'Give me a loan,' and Safra says, 'I want a security for the loan'; this is the owner, the shareholder, providing money to the entity that he owns. I have never seen, in all the transactions of all the companies before, anybody having to give extra security, but if other people have done it before us I am telling him it is not being done. He is asking me whether it is or it is not and I am giving him the answer. The answer is no.

740 **Hon. R M Clinton:** Mr Speaker, I really must beg your indulgence. I still have not heard anything about the buildings. Could he elaborate as to what are the buildings it holds at the moment? And does he have anything in particular earmarked for this £20 million other than the answer he gave to Question 357 in respect of, it appeared, the Rooke site for the nursing home?

750 **Hon. Sir J J Bossano:** I have already told him, Mr Speaker, I am not going to go into what buildings are going to be bought or not going to be bought, or rented or not rented, or how the company is going to produce the profits that will eventually finish up in the Savings Bank, which will eventually make the Savings Bank capable of continuing to maintain the level of interest that it pays its depositors.

755 **Hon. R M Clinton:** Mr Speaker, moving on to the second part of this, and that is in relation to Gibraltar Properties Limited, I think the Hon. Minister will accept that Gibraltar Properties Limited shares are not, as far as I am aware, owned by the Savings Bank. Does the Savings Bank have any security in respect to that £20 million?

Hon. Sir J J Bossano: I have already given him the answer, Mr Speaker.

760 **Hon. R M Clinton:** Mr Speaker, the answer he gave me was in respect of GSBA Limited. I am asking, specifically in respect of the £20 million borrowing by Gibraltar Properties Limited: has Gibraltar Properties Limited given any security to the Gibraltar Savings Bank for that £20 million debenture?

765 While I am on my feet, Mr Speaker – I expect I know what the answer will be – can he tell us what it is that this £20 million borrowing will be used for, other than just blandly 'expanding business'?

770 **Hon. Sir J J Bossano:** Mr Speaker, I have answered his question because I have said GSBA and Gibraltar Properties have raised funds to expand their businesses and no additional security has been provided. So I did give him the answer originally and he has asked me three times

subsequently to give him the answer which he has already got, and what applies about not giving details of the investment profile of GSBA applies to Gibraltar Properties as well.

Hon. R M Clinton: Mr Speaker, we will come back to GSBA in a minute.

775 If I move on to Question 355, just to confirm that there are no negotiations with Gibtelecom to repurchase the Haven building.

Hon. Sir J J Bossano: Mr Speaker, I do not know, in all the years that I have been in this House, what the procedure is if one is asked a straight question, the answer is no, and you then
780 get a supplementary as a follow-up to confirm that no means no. That is what he has just asked me. I told him no in the original question and now he is asking me can I confirm that the answer no means no. Yes, no means no.

Hon. Chief Minister: [Inaudible]

785

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister.

The reason why I go through the questions again is because he has lumped so many questions together. I may misunderstand his answer when he gives so many answers to so many questions. If he was kind enough to answer each question individually then we could perhaps
790 save some time in the House.

Anyway, moving on to Question 356 – the beneficial owner of Community Supplies and Services Limited – he tells the House that he is not in the business of knowing who the ultimate beneficial owner is. Can he at least confirm to us that that is indeed the company that will be producing the elderly care nursing home? And does he have any information as to who the
795 beneficial owner is, or is he just simply not interested?

Hon. Sir J J Bossano: I have told him I am not telling him, Mr Speaker. I think the answer is clear. The Government does not provide information as to who are the beneficial owners of the entities with which it does business. I do not know whether any Opposition in the 48 years I have
800 asked the question ... or any Government has answered it, but if I accept his premise he can then expect me to engage in looking for the beneficial ownership of everybody who has a contract with the Government. Yes? (*Interjection*) Well, look, I suppose if I were a retired banker with little else to do I would be interested in doing that, but I am not.

805 **Hon. Chief Minister:** He is too young!

Hon. R M Clinton: Mr Speaker, I am disappointed with that response, but can he at least confirm the legal name of the entity that is going to build this elderly care nursing home? Is it correct that the name on the architect's plan, Community Supplies and Services Limited, is the
810 entity that is going to build this facility?

Hon. Sir J J Bossano: Well, I have no reason to believe that the architect was lying, so it must be true.

815 **Hon. K Azopardi:** Can I just ask, on that whole question: the hon. Member says he will not provide the information, but presumably he does know who the beneficial owners of Community Supplies and Services Limited are, does he?

Hon. Sir J J Bossano: I am not prepared to either confirm or deny that.
820

Hon. K Azopardi: Well, that is the hon. Member's position but I will put my question this way: if the hon. Member does not know, then the Government is sanctioning an arrangement with a client entity that it does not know who the owner is – does he think that that is good practice?

825 **Hon. Sir J J Bossano:** I am not here to give opinions on what is good practice or bad practice. I am here to provide information that I am willing to provide and to deny information that I am not willing to provide.

Hon. K Azopardi: Is the hon. Member willing then to be sanctioning arrangements or
830 contracts with entities with which he has no knowledge of the beneficial ownership?

Hon. Sir J J Bossano: Mr Speaker, I do not know what he means by 'sanctioning'. The architect has said who is going to be the developer of this project and the hon. Member wants to know who the beneficial owner of this entity is. I do not accept that I have to go to Parliament
835 and produce the beneficial owner, which is available in respect of public companies but not necessarily in respect of private companies, for every company with which we have dealings. There are many with whom we have dealings on a vast bigger scale than the scale that we are talking about of building the elderly people's home.

I have given the original answer. Nothing that the hon. Member asks is going to persuade me
840 to change the position of the original answer.

Hon. K Azopardi: Mr Speaker, it is not –

Mr Speaker: With respect, we cannot belabour the point. He has given an answer, so I am
845 permitting you to ask, that you ask one final question and then we move on, please.

Hon. K Azopardi: Mr Speaker, he has given an answer but the answer is slightly shifty and I just want to be clear about what the answer is.

What the hon. Member originally answered, which is what I am asking a question on as
850 permitted by the Rules, is that the Government does not provide information on the beneficial owners with which it does business. So, you are accepting as a matter of principle you are doing business with that entity. What I am asking you is: having accepted that you are doing business with that entity, do you know who the beneficial owners are?

855 **Hon. Sir J J Bossano:** And I am telling him that I am not prepared to tell him whether I do or I do not.

Hon. R M Clinton: Mr Speaker, I think I am coming close to the end of my questions.

On Question 357 – (*Interjection by Hon. Sir J J Bossano*) I will keep you young, Joe – the
860 Minister mentioned that the purchaser of the 1,000m² plot at Rooke will be GSBA Limited, which I imagine is the same GSBA Limited that is so proudly owned by the Savings Bank, which has just borrowed £20 million from the Savings Bank itself. He tells us that the premium was £½ million, but on my reckoning £½ million means £500 per square metre. Is he telling the House that that is the commercial value of that property as determined by Land Property Services? If
865 so, that would imply the 24,000m² Rooke site would only attract a premium of £12 million. If that is the case, Mr Speaker, I will go and get a loan myself and buy it, because that is far too cheap!

What is going to be the relationship between GSBA Limited and the developer – being
870 Community Supplies and Services Limited – who is going to build the nursing home? And is he, via some entity of the Savings Bank or some other Government entity, owned or controlled, going to be providing any money by way of loan to the developer to build this nursing home?

Hon. Sir J J Bossano: Obviously, Mr Speaker, the hon. Member is totally ignorant of how LPS calculates value. He would not know. Clearly he does not know because he says if a plot of land of 1,000m² is being sold for £500 a square metre to build an elderly people's home then it must mean that the rest of the plot, even if you put on it a mansion or a casino or anything else, would be valued at the same rate as the plot for the elderly people's home. That is not the case. Evaluation takes into account the potential yield of the use to which the land is going to be made, and therefore if LPS ... For example, we have a situation where we provide land for housing for 50/50 co-ownership free as a matter of policy, but if it had to be provided at a cost, the cost for 50/50 housing of land, which can only be used by the purchaser of the land for that purpose, would not be the same, that the land that you could use to build luxury homes for high net worth individuals. The Government does not have a static figure that it gets from LPS, otherwise frankly we would not need LPS; we would just have a measuring tape and have a standard figure for square metres irrespective of the use to which it was going to be paid.

In terms of the asset in GSBA, that is going to be a matter to be decided at a later stage. When the development is completed there will have to be some transaction in respect of that land or rent for that land, but the decision on that has not yet been taken because we are at the very early stage of the procedure.

Hon. R M Clinton: So, Mr Speaker, GSBA will own this plot of land but there are no heads of agreement that have been signed yet with the developer. Can the Minister, then, advise whether GSBA – the intention of GSBA, as you said, seems to be in the business of renting property and land – that it will retain the ownership of the land but will, in the first instance, seek a rental rather than sell land? If he could confirm that?

Secondly, what are the terms of the lease the GSBA has obtained? What is the length of the lease?

Hon. Sir J J Bossano: The length is 150 years and the terms are the standard terms. I have not looked through the list but the standard terms that LPS gives on leases such as this to both Government companies and non-Government companies.

I have already answered his other question because I have said we have not yet taken a decision at this stage, which is a very early stage in the process.

Mr Speaker: Has the hon. Member finished his supplementaries?

Hon. Ms M D Hassan Nahon: Mr Speaker –

Hon. R M Clinton: I have not finished yet.

Sorry, Mr Speaker, one of the questions I had asked is whether the Government is going to provide any financing for the project – if he could clarify that point.

Hon. Sir J J Bossano: No, the Government is not... I have told the hon Member already but he keeps on asking questions which have already been answered. He is asking a question which has already been answered, Mr Speaker. I have said this is not being done with taxpayers' money to the Leader of the Opposition five minutes ago and now he says 'Is the Government putting any money in it?' No, the Government is not putting any money in it.

Hon. R M Clinton: Mr Speaker, I apologise if using the word 'Government' is perhaps too narrow a term: Government, Government agency, Government-owned company, Savings Bank, company, any other entity under the control of the Government is or is not lending any money?

Hon. Sir J J Bossano: Mr Speaker, I am not prepared to give the hon. Member information as to what money the GSB lends to whom.

925 **Mr Speaker:** The hon. Lady – I am sorry that she has had to wait such a considerable period of time.

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

930 I have a few supplementaries based on my question, but following on from a question that the GSD Opposition asked, I was quite struck by hearing the Hon. Minister saying that he actually did not know and did not care who was behind all this. Despite the fact that they do have a manifesto, it does not appear to me that he does not want to satisfy the Leader of the Opposition's questions and does not want to be transparent, but he made it clear that he did not know and he did not care. Perhaps he can understand that maybe the people of Gibraltar will
935 find it very hard to have faith and get behind a project where no answers have been given on the ultimate beneficial owner of the company, who is behind it. Can the Hon. Minister understand why this can come across as irresponsible and risky at a time like this?

Hon. Sir J J Bossano: If her question is whether I understand, the answer is no, I do not
940 understand.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Hon. Minister does not understand why saying that you do not know and you do not care who is behind a venture is not something that might make people nervous, so I will move on.

945 My question regarding the answer that the Hon. Minister gave me on the first refusal for local residents ... Scientific trends indicate that, as time goes by and people live longer, there will be a lot of need for residential care, and I suspect, based on these trends, that we are always going to be full up. So, my question would be, if we take it as an assumption that we are always going to need residential care and our spaces will always be filled up, when he says 'first refusal'
950 it almost implies that our own people are having the onus on asking for the space. Is Government going to be intervening to make sure that our people have a place, or does it have some kind of deal with the developers that there has to be a proportion of privately allocated spaces for people from outside? How will this actually work and affect our own people?

955 **Hon. Sir J J Bossano:** Well, I thought the original answer I gave the hon. Lady was perfectly clear. There will be no placements available for anybody wanting to take up a place in the home from outside Gibraltar unless and until the demand from the people in Gibraltar who are interested in going into those homes is exhausted. We are not going to force people to go there if they do not want to go. Therefore, we shall have to wait and see what the demand is.

960 There is a waiting list at the moment, and that waiting list moves very slowly – and it is good that it should be moving slowly, frankly, because it can only move for one reason and that is when we lose one of our people in the home and then there is a vacancy. We have devised a way of being able to increase the supply in a way that brings in private investment, but that private investment will only happen if the conditions are such that it is a profitable investment.
965 This is what this is intended to deliver, and if it is a success there will be more. In fact, in the manifesto we said 'elderly persons' residences' in the plural.

We will have to see. This is early days. I am optimistic and I am confident that it is going to be a success, but time will tell. It will be offered to people, and if we find that it is successful and people want it, and it meets the requirements and the standards that we want and it can create
970 at the same time investment opportunities for people to put their money into, doing something that is socially desirable and at the same time getting a return on that investment, which is secure because there will always be a demand ... It is not like investing in offices that you may not be able to rent or investing in houses that you may not be able to sell. This is a more secure investment of that nature. We think that we will have more investors willing to invest in more if
975 the first one is successful. If the first one is not successful, then it will not happen.

Hon. Ms M D Hassan Nahon: Thank you for that answer. Can I ask if the arrangements, financially speaking, will be similar as they are at present, like with Mount Alvernia and John Mackintosh Home, or will there be some kind of surplus of fees of a private nature that Gibraltarians will have to pay? Or will it be like it usually is, where the elderly care, I believe, takes the pension amount in exchange for the lodging, effectively?

Hon. Sir J J Bossano: No, the intention is that the pensioners who choose to go there will be treated exactly the same as if they were in the existing homes now, where they pay a proportion depending on their income and the rest is paid by the Government, and that is what will happen in this one as well. There will be no change to the system.

Hon. K Azopardi: Mr Speaker, I had one supplementary on my question, which was Question 359, and it may be that the hon. Member answered the question in the very long answer he gave originally but I did not capture it, so perhaps he could just confirm to me what he said. My question was why the Government was willing to permit a high-rise development for the elderly on the Rooke site. I did not catch the answer. I do not know if he gave it. If the hon. Member would just restate it if he did; and if he did not, what is the answer?

Hon. Sir J J Bossano: Mr Speaker, the answer is that the height of the building is the height that is required to make the building a viable investment proposition.

Hon. K Azopardi: The reason for my question, Mr Speaker, is that ... There are two aspects to it. First of all, this is a building for the elderly and, as I understand it, it is going to be a 12-storey building. I think that is what I have heard – 11, is it? Okay. Even so, 11 is quite high. There has been, for many years, a successive policy to almost do the reverse, to try to find housing for the elderly at lower floors, and yet we seem to be going the other way. So, perhaps the hon. Member would comment on why it is appropriate, he thinks, that there should be a high-rise development for the elderly.

And then secondly, in his manifesto itself, that he himself says he is elected to, of course, carry out, and then he accused me a few minutes ago of undermining it ... I am going to do the reverse by reminding him that his commitment was that there would not be a high-rise development on the Rooke site and to remind him that perhaps that is the obligation that he needs to carry out.

Hon. Sir J J Bossano: I am reminded that Albert Risso has eight floors, so it is not actually a single-storey building, but in any event what the manifesto said was that the people with whom we were negotiating had no intention of putting high-rise buildings there. Those negotiations, as my hon. Friend the Chief Minister explained, were not concluded to the satisfaction of the Government in that the Government's expectation in terms of what the value of that site was were not met, and therefore it has recently gone out again and there are proposals in the pipeline. It is not something that I deal with, so I do not know what those proposals are. I do not know what kind of buildings different people are proposing to put there.

There is, of course, as I have already said to the Hon. Mr Clinton and I am sure the hon. Members opposite know, a correlation with the density and the height of buildings and the price put on the land, as well as the nature of the use of the buildings, whether it is something that is highly profitable or something that has got a very low profit. No doubt when those tenders are evaluated the price that is being offered would then be looked at, from the point of view of LPS, not by reference to the £500 per metre but by reference to what other people say they want to do with the land.

I think it is important to try and make hon. Members understand that this is something that can only happen if it is economically viable, and if it is not economically viable it will not happen. So, it is not that you have got the choice of a lower building with less yield and higher rent, or

whatever. It is not that there are a number of options. We know what we are likely to have to pay – or we know what the value of the thing is going to be for it to be able to be attractive to investors.

My job is to deliver the National Economic Plan. This is in the National Economic Plan and everything in the National Economic Plan is designed to be something that we do not have to fund as Government buildings but people who are interested in safe investments will look at those as areas in which they can invest their money. Therefore, the package will only work if it meets all those criteria. If we said it is a much smaller building and there will be fewer floors and fewer beds, and therefore much higher prices, the answer is it would not happen. It is as simple as that.

Hon. K Azopardi: Let me try to understand that, because that manifesto did not actually say that London and Regional say that they are not going to do a high rise; the manifesto simply talks about Rooke, talks about the development by London and Regional and then it says, as a statement, this will not be a high-rise development and it will include a new fire station etc. So, it is a statement by the authors of the manifesto. It is a statement by them and not by London and Regional.

Let me just ask the hon. Member: on the explanation he has just given, where does the analysis and the conclusion come from in terms of the high-rise building? As I understand what has been described – the joint venture as a client – is it that the client has said it needs to have a certain number of floors, or is it that you cannot find the client without a certain number of floors, in which case the decision has been taken by the developing entity in which the Government has an interest?

Hon. Sir J J Bossano: What the manifesto says is what was likely to happen if the deal which had been in the pipeline for a very long time had materialised, which we had hoped and thought would materialise but it did not. If that deal had materialised, the manifesto commitment of the National Economic Plan that I have got the responsibility to deliver would have been delivered somewhere else and the nature of the building for the elderly people would have been the same somewhere else.

We know – that is, I know, having drafted that part of the manifesto – what is required to be able to deliver the results that I predicted would be delivered by it, and therefore the people who are participating are participating in something that they know has been worked out so that it is not a speculative investment that they invest their money in and they do not know whether it will work or whether it will not work. We know what is required. I know what is required to make it work, just like I know every other component in that manifesto in the part of our National Economic Plan.

This is not a high-rise building by the standard of what was intended to be put in Midtown, where there was going to be a tower there, the top of which was higher than Moorish Castle. We were talking about the value of land ... Well, look –

Hon. Chief Minister: We stopped it.

Hon. Sir J J Bossano: If we talk about the value of land, the value of that land, the two football pitches and the thing in the middle, was put at £10 million of works, which was going to be a school, park and leisure centre and the leisure centre wanted that to be £11 million. If we judge how good or bad for the taxpayer and the people the things that we are planning to do are, then we can judge them by comparing them to what our predecessors have done – or attempted to do because they never finished, because we came in and stopped it. (*Interjection by Hon. Chief Minister*)

1080 I suppose the hon. Member is perfectly entitled to be sceptical about whether any of this will work, and I suppose if I had given less information on what it entailed, they would be asking fewer questions now. We all learn lessons in life – and you have now just been taught one.

Mr Speaker: Next question.

1085

HEALTH AND CARE

Q361-67 and Q379/2020

Acquisition of PPE –

**Providers; GHA employee with direct interest; due diligence conducted;
external verification of samples; compliance with EU Regulations;
commercial relationship with providers**

Clerk: We now move to Question 361. These are questions for the Hon. the Minister for Health and Care and the questioner is the Hon. E J Phillips.

1090 **Hon. E J Phillips:** Mr Speaker, further to the answer to Question 227/2020, can the Government now confirm the names of the two companies that the GHA has contracted with for the provision of PPE, together with the names of the directors, shareholders and ultimate beneficial owners?

1095 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 362 to 367 and 379.

Clerk: Question 362, the Hon. E J Phillips.

1100 **Hon. E J Phillips:** Mr Speaker, further to the answer to Question 227/2020, can the Government now name the GHA employee who is within the clinical structure and has a direct interest in acquisition of PPE for the GHA?

Clerk: Question 363, the Hon. E J Phillips.

1105 **Hon. E J Phillips:** Further to the answer to Question 228/2020, can the Government now confirm that it is satisfied that it conducted all due diligence on all PPE acquired and/or purchased for the purposes of protecting our community from the risk of COVID-19 infection?

Clerk: Question 364, the Hon. E J Phillips.

1110 **Hon. E J Phillips:** Further to the answer to Question 228/2020, can the Government now confirm that all samples of PPE sent out of Gibraltar for external verification PPE compliance EC Regulation 2016/425 or otherwise have been returned, along with the results of the external verification?

1115 **Clerk:** Question 365, the Hon. E J Phillips.

Hon. E J Phillips: Further to the answer to Question 228/2020, can the Government now confirm whether or not a sample of PPE supplied by Pioneer Health Care Group and/or

1120 Uropharma Limited, or any other company from whom PPE was acquired, was sent out for external verification; and if so, what was the result of that external verification?

Clerk: Question 366, the Hon. E J Phillips.

1125 **Hon. E J Phillips:** Further to the answer to Question 228/2020, can the Government now confirm that the PPE supplied by Pioneer Health Care Group and/or Uropharma Limited, or any other company from whom PPE was acquired, complies with EU Regulation 2016/425?

Clerk: Question 367, the Hon. E J Phillips.

1130 **Hon. E J Phillips:** Can the Government explain the commercial relationship the Government/GHA have with Pioneer Health Care and what services, including the cost, have been provided to the GHA?

Clerk: Question 379, the Hon. Ms M D Hassan Nahon.

1135 **Hon. Ms M D Hassan Nahon:** Can Government provide a breakdown of all PPE procured by the GHA, who supplied each consignment and which ones were deemed faulty?

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

1140 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, firstly, the answer provided in Parliament last month in relation to supplementary questions arising from Question 227 referred to the procurement of 'PPE or other supplies'. In respect of the provider of PPE, the companies referred to were We Care, trading as Diamond Sea Limited, and Minimarket Limited. Information regarding these companies is publicly available as follows.

1145 Diamond Sea Limited: the shareholders are Diamond Earth Limited and LJM Limited; the directors are Joseph Pilcher and Nigel Acris.

1150 Minimarkets Limited: Joseph Luis Cassaglia, shareholder and director; Nicole Louise Manning, shareholder and director; Edward Borg, director; Dominic Hernandez, director; Liam Kenny, director.

1155 In answer to Question 227/2020, at no point did I state that any GHA employee within the GHA's clinical structure had any direct interest in the acquisition of PPE for the GHA. In any event, it would not be appropriate to publicly disclose the identity of these healthcare workers. However, as the Chief Minister suggested, it would be fairer to discuss this matter behind the Speaker's Chair and exchange the information available to Members opposite also. The Government remains happy to do so.

1160 PPE was purchased throughout the COVID-19 pandemic to ensure that at no point would the GHA run out of stock thus exposing clinical staff and patients to the virus. Additionally, the GHA was able to support other Government Departments, via the Civil Contingencies infrastructure, with PPE supplies. All of this was accomplished during a time of global shortages and uncertainty, when other countries had run out. The GHA is entirely satisfied that all possible due diligence was carried out on all PPE procurement.

1165 In relation to Question 364, my answer is yes. Government can now confirm that all samples of PPE sent out of Gibraltar for external verification PPE compliance EC Regulation 2016/425 or otherwise have been returned, along with the results of the external verification.

1170 The GHA can also confirm that some samples of PPE were sent to the United Kingdom for independent verification, but these had not been procured from either of the companies the hon. Member alludes to in his question. The GHA can further confirm that the external verification indicated that the samples sent were deemed non-compliant with the required FFP standard.

All PPE purchases, including those supplied by Pioneer Health Care Group and/or Uropharma Limited were all certification marked (CE) and/or marked by the National Institute of Occupational Safety and Health (NIOSH), except for the two consignments of FFP3 masks which were found not to conform to the FFP3 standard. One consignment has been accepted but has been paid for at the value of the lower standard, the other consignment will be returned to the supplier at no cost to the taxpayer.

The GHA have engaged with Pioneer Health Care, who have provided the following: clinical services at a total cost of £80,325.67, and the supply of PPE at a total cost of £547,373.60

The breakdown of PPE supplied by company is as follows.

Alfred Swantex provided breathing filters and surgeons' gloves.

Asset provided surgical masks.

Audibert: FFP2 masks.

Caterpac: surgical gloves.

Diamond Sea Limited provided hazmat suits, shoe covers, FFP3 masks, FFP2 masks, surgical masks, face shields, disposable scrubs, goggles, surgical gloves and filters for masks.

Eulabor provided surgical gloves, masks, respiratory protection, FFP3 masks, hazmat suits, nitrile gloves and surgeon scrubs.

Euroship provided disposable overalls and face shields.

Full Support provided air purifying respirator kits complete with full hood and accessories.

Interbuild provided FFP2 masks, disposable overalls, goggles, face shields and shoe covers.

Iturri: provided half-face masks with filters and replacement filters.

Kestlake provided visors, surgical and FFP2 masks, and goggles.

Kings Pharmacy provided surgical masks, FFP2 masks, FFP3 masks, surgical gloves, surgical extra-length gloves, hazmat suits, face shields, shoe covers, goggles, disposable waterproof head covers, disposable overalls, disposable aprons, disposable scrubs, hazmat suits, body bags and water-repellent aprons.

Meadow Labs provided surgical masks, face shields, hazmat suits, Wellington boots, FFP3 masks, and air-guards clear breathing filters.

Mini Markets provided surgical masks.

Near Technologies provided hazmat suits.

Numatic International provided visors and masks.

The Light and Power Shop provided FFP2 masks.

Uropharma provided hazmat suits, gloves, visors, goggles, shoe covers, respirators and surgical masks.

And finally, VE Supplies provided surgical masks and disposable plastic aprons.

Hon. E J Phillips: Mr Speaker, I am grateful for the lengthy answer and explanations to some questions that this side of the House have clearly had in relation to PPE provision and the quality and standard of PPE acquired by the Government.

Insofar as one of the questions relating to the individuals concerned in relation to Diamond, I believe, and We Care, those two companies in which two of the directors that were identified, one being a Mr Joseph Pilcher – a former Member of this House, of course – and Mr Acris, do these arise out of longstanding relationships the Government has had with these two individuals in the company, or is it in relation to a new arrangement that was generated during or just before the COVID crisis impacted?

Hon. P J Balban: Mr Speaker, I believe that this company has been used in the past by the GHA.

Hon. E J Phillips: And the Government, of course, in using these individuals and these two companies, was entirely satisfied that these two individuals had the requisite experience in the provision of medical equipment and supplies?

Hon. P J Balban: Mr Speaker, all guarantees were provided by all of the named companies I have gone through throughout the reply to this question. They all provided the certification and CE markings etc., and obviously we expected, just like they expected, to receive what they had procured. Fortunately, there were relatively few but we were, as many other cities and countries worldwide, were affected by supplies which were fraudulent, were not up to standard, and the GHA did what was important for them, and what the people of Gibraltar would expect is to carry out the due diligence. Once we had been notified that perhaps these masks were not befitting of the standard that they were procured at, the relevant tests were carried out.

Hon. E J Phillips: On the last occasion that we were here, both the Chief Minister and the Minister explained the process by which PPE was sent back for external verification and of course that there is a process to be had in relation to those relationships, but I just have a number of questions.

In relation to the assessment that the Government conducted pre-March 2020 when it first sought delivery, or seek the relationship with Pioneer insofar as PPE is concerned, am I right in concluding that the PPE stock that the Government had at the time, pre-March 2020, was not up to the relevant quality standards that should be expected?

Hon. P J Balban: Mr Speaker, the date was referring to the date before we started procuring the order. All the supply would have been the supplies that we had, some that were Brexit supplies and stock that we were holding, and we are pretty confident that all those masks, all that PPE was up to standard. The issue that we had was when we attempted to provide Gibraltar, the health staff, with adequate PPE, and the struggle that all other cities and nations had in trying to procure what was a finite resource is when obviously we were dealt a wrong card. Many other cities and countries have suffered tremendously. In our case, luckily enough, it was a very small part of our total stock and, as I said earlier, the moment we were notified that this perhaps was subject ... then we did our due diligence and sent this immediately for analysis in the UK.

Hon. E J Phillips: Does the Minister know the value of the PPE purchased from Pioneer Health Care Group?

Hon. P J Balban: Mr Speaker, I do not have that information with me. In fact, let me just check. In answer to Question 367 specifically the reply was that for the Pioneer Health Group the supply of PPE came at a total cost of £547,373.60. I replied to that in Question 367.

Hon. E J Phillips: I am grateful for the answer. I was not clear if it was directly from Pioneer, because my understanding of the situation is that Pioneer Health Care has a joint venture agreement with Uropharma, which is also the subject of three of these questions. It was discovered at some point that there was not enough supply in the United Kingdom for PPE to be directly supplied to Gibraltar and therefore a Chinese company, Granjoy Limited, was utilised to supply PPE to Gibraltar. That is the direct route. So, Pioneer, Uropharma, a Chinese company in which there was a deployment from Shanghai of PPE to Gibraltar. That is my understanding of the relationships in relation to that: \$678,000, £547,000 in sterling equivalent, to us. Is that correct?

Hon. P J Balban: I am not sure if that supply came from China. I would not be able to tell him if that is correct. If the hon. Gentleman would tell me the source of that information we will be able to check it. I do not have that information with me. I would not know.

Hon. E J Phillips: Well, I am not in the business of answering questions from the Government. If I could complete my questioning on this particular issue it would be helpful.

1275 **Hon. Chief Minister:** Well, no, Mr Speaker, this is not about the Government asking the hon. Gentleman a question. It is about the hon. Gentleman providing the background to his question. He has asked us to confirm something and therefore the source of his information would be an interesting way in which we might be able to confirm whether what he is saying is absolutely right or not, because the Government's relationship as has been disclosed in this House is not
1280 with the people that he has mentioned. We have told the House of the whole list of whom we have procured PPE from and who has supplied it for us. If what he is telling us is that he believes that he has information as to what those who have supplied PPE have been charged by those who have supplied it to them, well that is very interesting information for the Government to have and if he has it I would have thought, in the interest of the taxpayer and the community, he
1285 will want to share with us what is the source of that information.

Hon. E J Phillips: Mr Speaker, I am certainly not, without the consent of the party that is providing the information, willing to share with the Government. I am here to ask questions and they are here to answer those questions. If they are unable to answer those questions for other
1290 reasons, then they are unable to answer the questions or they have got some other answer to my question. But my purpose here is to ask the Government questions, and they can answer them. I am not going to share anything with the Government. Certainly at this stage it is not in the interest of the Government for me to share it with them. In fact, if members of our community or people beyond our shores are sharing information with us and I do not have their
1295 consent to share that information it is not appropriate for me to do so across the floor of this House.

Hon. Chief Minister: Okay, Mr Speaker, that is absolutely fine. He will understand, therefore, when we give him the same sort of answer in relation to questions that he might ask. Indeed, we
1300 are not asking him any other question, simply to say to him that in order to answer his question we need the information that we have requested.

Hon. K Azopardi: Mr Speaker, my hon. colleague is doing no more than saying that he cannot publish the name or the source across the floor of the House without asking first for the consent
1305 of the party that has given the information. That is all he is saying. If the hon. Member, the Minister who was asked the question, cannot answer where the source of the PPE was, well that is the answer and he can go back and check, based on the question that my hon. colleague has put, whether in fact he can trace where this has come from. That is all. That is the question.

We are not trying to be obstructive to the process and indeed we do not believe that the
1310 Hon. Minister in giving the information was being obstructive. In the same way as he said that it was not appropriate to talk about names of people across the floor of the House in his original answer and he wanted to do it behind the Speaker's Chair, it may be that we are in the same position because my hon. colleague does not have consent or has not spoken to that particular person as to the source of information. That is quite a normal position and we are not being
1315 obstructive about it.

The hon. Members on that side, however, are in a different position to us, with respect, as to the actions they take in relation to the Government, so I do not accept the Hon. Chief Minister's general sweeping statement, and therefore we will understand on this side that they take the same position. There are some aspects when they give similar answers where we do understand
1320 because of sensitivities and so on, but there are other aspects where we feel that on certain questions – and I am not talking about this one – there is more of a duty when you are acting as the Government in relation to taxpayers' funds or in relation to business, which was the subject of other questions before this one, where we feel there is a duty to provide information.

Hon. Chief Minister: Yes, Mr Speaker, I am absolutely clear about that. The position has, for
1325 some considerable time now, been that hon. Members always believe that when they do

something it is correct, appropriate and proper, and when we do the same thing it is immoral, improper and outside the rules. That sort of double standard we have seen deployed in this House so often by them that it does not surprise us.

1330 But I am grateful to the hon. Gentleman because what he has done, of course, is to translate what his learned junior and friend said in a way that was not acceptable and palatable even to him, because what Mr Phillips said was 'I am not going to let you have it', not 'Let me check and I may tell you behind the Speaker's Chair.' What he said was 'I am not going to let you have it, I am as petulant as ever and going to tell you that I am not here to answer your questions, I am here to ask them, so you will give me the information.'

1335 Given that he has put something to us, I do not think it is appropriate for the Government to engage in dealing with that without knowing the source of that information because the Government, in the exercise of its spending of taxpayers' money, has given to this House the full detail in answer to questions of every company we have procured PPE from and what PPE we have procured from that company. The only thing we have refused to say is who are the individuals – not the companies, who are the individuals in the GHA – to whom we believe these companies are related, in respect of the earlier question, which we have said nonetheless we will share with you, we just do not think it is right to share the names of individuals across the floor of the House who are employees of the Government. These are people who are employees of the Government who may have a tangential relationship – but they have asked about those relationships – with a company that happens to provide PPE to the Government.

1345 Mr Speaker, in those circumstances we can lecture each other ad nauseam about what we think is appropriate or not appropriate. He knows what my position is. I know what his position is. Very often when he was on this side of the House he might have taken the position I am taking now and, heaven forbid, perhaps when I was on that side of the House I might be taking the position he is taking now, but let's be clear: a Member of the Opposition has got up and has presented a fact and he has asked us to comment upon the fact, and I think that it is prudent, before commenting on facts which are put, to want to say 'What is the source of that?' because we obviously do not recognise that, because we have given you the names of the people we have procured from.

1355 If you have gone down the chain and you have identified who has supplied to whom, fair enough. You just say to us, 'I have got this from an intermediary,' or 'I have got this from somebody else and I happened to have found out that you were charged a 10% surcharge on this, and we might then be able to take that up with whoever it is, but otherwise this is just commercial tittle tattle at best.

Hon. E J Phillips: Mr Speaker, whilst I am grateful, I will reformulate the question insofar as the groupings of questions are concerned.

1365 It was asked the last time we were here, Mr Speaker, as you recall and indeed as the Chief Minister and the Minister for Health will recall, whether they had carried out all possible due diligence in respect of the acquisition of PPE. Today the Government have confirmed that they are entirely satisfied that the procured PPE complies with the 2016/425 regulation. What I want to put to the Government and ascertain is that the certificates that they obtained in support of that due diligence process that they clearly are entirely satisfied with and have gone through ...

1370 that they have obtained certificates that demonstrate beyond peradventure that these comply with the regulation. If he can show that insofar as the certificate that he has obtained from the companies, demonstrating that it complies with the 2016/425 regulation, we on this side will be happy with that. But can he confirm that all PPE so acquired has complied with that regulation?

1375 **Hon. Chief Minister:** Mr Speaker, the information that the Government has, which we I think already shared with the House in the context of the answers that have been provided, is that we are satisfied that all PPE procured was to the standard to which it had been procured, except for two particular shipments of PPE, which when they were sent off to be tested for that standard

1380 came back as being only good to a lower standard. What the Minister has told the House is in that context the payments that were due in one instance for that lower standard are the only payments that have been made – still useful PPE but the different PPE – and in respect of another shipment no payment has been made whatsoever and it has been returned entirely to the supplier.

1385 So, what is it that he wants to get from us beyond that? Let me just make it crystal clear. Three types is what we are left with: the PPE that came up to scratch and was paid for at the price charged, because it was, in effect, what we had been invoiced for that we had received; the PPE that did not come up to scratch, that is not being therefore paid for and is going back to those who provided it at no cost to the taxpayer; and the PPE which was provided to a high standard but did not come up to proof when it was checked, for which we are paying the value of what was actually obtained, not what it was pretended had been provided to us.

Hon. K Azopardi: Can the Government provide information as to the name of the company that provided the non-compliant PPE, given that several companies were mentioned? And does the Government have information about where the PPE came from?

1395 Does the Chief Minister want me to repeat that? I do not know if he was listening. Did you hear it?

Hon. Chief Minister: Mr Speaker, in relation to the latter point let me just try and be clear. I think what the world has found is that most if not all PPE in some shape or form comes from exactly the same place, which happens to be the same country where we originally thought the virus might have originated. So, all roads lead to China. This is a global issue. He will have read that there are now concerns about having really one huge factory in Asia generally, China in particular: if there were issues there, what would you do in terms of procurement? But all of the PPE in all of Europe and the United States, or most of it, comes from there. There have been attempts to change production lines, since the pandemic started, to produce PPE in other places, but as far as I understand it all of the PPE that we are dealing with came from China. Even some of the PPE that is thought to come from Turkey sometimes originates from China and arrives through Turkey, the old Silk Route still in play.

1405 As for the companies, the Minister was checking whether we have the information here and he can provide it now.

Hon. P J Balban: Mr Speaker, the two companies were Kings Pharmacy and Kestlake.

Hon. K Azopardi: Just finally on this issue, does the Member also have the value of the PPE in relation to those two instances – batches – if I may?

Hon. P J Balban: Mr Speaker, I will have to look a little bit more carefully because I can perhaps deduce it from figures, but it was small. Compared to the total value that was ordered for Gibraltar, the amount of PPE that came back that did not hit the standard was a very small percentage, very fortunately in that respect, compared to the other cities and countries that suffered incredibly badly because of PPE that was not to standard.

Hon. K Azopardi: I appreciate the conundrum. I am not asking him to do the mathematics now. If perhaps he can look into the matter and then write to us on that issue I would be grateful.

Hon. E J Phillips: Mr Speaker, just one point because I know that the hon. Lady wishes to ask a further question. In addition, can the Hon. Minister undertake to this House to investigate the £547,000 worth of PPE procured via Pioneer, because I have it on good authority that the PPE

1430 procured was under the CE certification that he mentioned in his answer to my questions of the 1989 directive rather than the 2016 regulation.

The Minister may understand that the 2016 regulation replaced in its entirety the 1989 directive completely, and therefore my question is if he could investigate whether the certification produced to the Government insofar as the due diligence process is concerned ... I am not questioning it, I am just saying can he investigate that point just to make sure that the \$600,000-odd of PPE procured through Pioneer complies with that 2016 regulation. That is the point I am trying to make, Mr Speaker.

Hon. Chief Minister: Mr Speaker, he is asking us to investigate something which the Government believes has complied with the standard on the basis of the advice that the Government has. He will understand that in order to do so he needs to tell us a little bit more, other than 'I think' or 'I am told', because this is an area in which, unfortunately – given what business is like, no sooner has a tragedy struck there are thousands trying to make something out of it – the Government has been approached by many seeking to provide us with PPE. We have to look out for what it is that the taxpayer needs and obtain that for the taxpayer. Unfortunately, therefore, there may be many hundreds who do not sell to the Government in this particular instance and are selling to other governments etc.

If he has a reason, other than saying, 'Look, I have been told, therefore will you please investigate?' which can put us on inquiry in some way, then he should please share it with us. I am not saying he needs to show it across the floor of the House, given the translation kindly provided earlier by the Leader of the Opposition of the words that he used versus what it was that he meant. I am quite happy for him to give us those hints, views, positions which he appears to say would go to the value of the taxpayers' money used, and therefore in the interest of all of us as representative of the taxpayer, behind the Speaker's Chair so that we can therefore be put on legitimate, proper and appropriate inquiry and not go flying off on a goose chase in respect of aspects of this. 'Perhaps we should be taking another route', he might have said to us if we had spoken to him.

If he is happy to do that, we are happy to hear what he has to say. I think we are all here representing the same people. We do not represent any of the suppliers of this PPE. We represent, together, the purchasers of this PPE.

Hon. E J Phillips: Mr Speaker, to be clear, I accept the Chief Minister's offer in this regard because ultimately their responsibility is obviously to spend the people's money wisely and our responsibility is to be the watchdog and in this House to ask questions about how the Government is spending its money wisely in relation to this very serious issue.

On that basis, I am quite happy, once I have obtained the consent of those who have given me the information, to share it with the Chief Minister and the Minister for Health so that they can investigate this particular matter and we can all be satisfied in this House and our community can be satisfied that the PPE that has been paid for meets that requisite standard.

Hon. Chief Minister: Mr Speaker, I think we are going to now be in violent agreement; 'violent' because I do not accept that the hon. Gentleman can say to us, having told us to go off and investigate something, that he cannot give us the clues – I have not said the name, I have said the clues – of what it is that he says give rise to this concern unless he asks the person who has told him what those clues are, unless what he is going to tell us is the name of the person who told him these things, so that we can ask that person. If the hon. Gentleman has anything other than just a bald statement from a third party as to what is wrong with this PPE allegedly, surely as a representative of the taxpayer, which we all are here... They are not just watchdogs. The Budget is voted for by the whole of this House. Even those who vote against it are voting on the Budget. So we are all looking after these pounds, shillings and pence. Whether you like what

we spend it on or not, that is our role. We are all elected here and the Budget is the Budget of the Parliament with the votes in favour and against.

So, how can he now say, paid for by the taxpayer as he is, 'I will not tell you the things that are wrong that I think therefore you should investigate unless the person who told me what is wrong allows me to'? He can tell me, 'I am not going to tell you who that person is until I have got the clearance of that person to tell you who he or she is,' but surely he is going to tell me what is wrong with the PPE without having to check with anyone else, because once that person has told a Member of this House he is, in effect, engaging with the representatives of the taxpayer, isn't he?

Mr Speaker, in those circumstances I trust that, out of that difference of interpretation as to what roles are and what can and cannot be done at this stage, we will nonetheless be able to move now happily to working together to identify whether the issues that have been raised with the hon. Gentleman are genuine and should lead to a discount for the taxpayer, or whether they are not and he can go off and tell the people informing him at the moment that they need to come with better information next time if they want him to then, in effect, have wasted our time in requiring an investigation and taking up the time of this House – because, as the hon. Lady reminded me, we all represent not just the taxpayer as the purchaser of this PPE, we represent the beneficiaries of this PPE, both the doctors and the nurses and allied health professionals and even the patients who might be having to rely on the barrier that the PPE represents.

Hon. K Azopardi: Mr Speaker, we are very clear about our role and the Chief Minister will find that we certainly agree that insofar as there are public duties to fulfil we are there in respect of those, and it is of course our concern that things are done properly and that people receive good quality, and there is no doubt about that.

The hon. Member asks how can my hon. colleague stand there and say this, that and the other. I suppose that was a rhetorical question. It cannot have been a genuine question because we are not here to answer his questions. We would dearly love to be answering his questions but we would have to switch sides, of course, and that I am sure was not uppermost in his mind when he asked that rhetorical question.

In respect of the other issue that he started his original answer with, the hon. Member, with respect – we have been listening to it in the last five minutes – has in fact said what the thrust is. The issue is about sharing the source, and that is something that I had already answered in a previous answer but the hon. Member will find that we absolutely of course agree that what we have to do collectively in this House ... there are different duties, of course. I hope that he agrees with me, and I ask him to understand that when we put these questions we are doing so to try to clarify and ensure that there is a quality assurance process that has been looked at and scrutinised. Does he agree that that is the purpose of the questions that we are putting?

Hon. Chief Minister: Mr Speaker, today is fast developing into lectures on parliamentary theory, roles and duties – which I know must be taxing you in that Chair, given that we are in Question Time – about particular issues.

Let me just deal very briefly with the things that the hon. Gentleman has said. Of course my question was rhetorical. The hon. Gentleman knows that we were elected to be in government on this side of the House and they were elected to be in opposition and that we were elected by more than double the amount that they garnered at this last General Election, and so switching sides is not going to be something that comes easily to us, although I know that switching sides has become easier on that side of the House *inter se* than it might ever have been in the past.

Mr Speaker, I think the hon. Members opposite have misinterpreted my responses a moment ago. I was no longer asking about the source. I am not saying tell us the source of your information so that we can investigate. We had dealt with that in the earlier question when the hon. Gentleman had said to us 'We will check with this person or persons and when we have

clearance we will provide that information to you.’ What I was saying was having dealt with that, the hon. Gentleman then got up and said, ‘Will you investigate this because it failed this certificate?’ and I said to him, ‘If you want us to do that, can you tell us, please, what it is that informs your thinking as to why this fails the certificate, whether or not you need to tell us who it is or is not?’ Or is it simply that the hon. Gentleman says the PPE supplied fails the certificate? Is that all he is saying?

So what I am trying to do, Mr Speaker, in deep understanding of what our respective duties are, is ascertain better what it is they are saying, and if they want to tell us behind the Speaker’s Chair, so be it; what, not who is saying, that we dealt with before, what they are saying is wrong with the PPE that makes us fail the certificate, so we can then deal with it.

If the hon. Gentleman says, ‘Look, the seal on the FFP3 mask is certified as EU standard but actually it is American standard and you will find that the GHA works to EU standard, not American standard,’ okay, we will send off the mask for them to check the seal around the breathing hole on the mask. Or is it that he does not have that information and he simply tells us ‘Well, look, I have not got that level of information but I am reliably informed that it is not to the standard’? That is what I am saying, so that we do not go off on a wild goose chase in relation to the elastic on the mask when in fact what they think is failing is the pipette on the mask. That is what I am saying, and it would appear from the answers I am getting that we may have heard a lot of rhetoric but there may not be much better, other than having been told that this fails, which is okay – if that is the position and hon. Members are putting us just on bald inquiry, then we will do full inquiry, but if there is specific reason for inquiry we will do that specific inquiry.

I would have thought hon. Members would have thought this is the Government opening itself up to co-operation with the Opposition in respect of the protection of the taxpayers’ interests. They seem to have taken it entirely the wrong way.

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, just a quick question. The consignment that the Government rejected: was it a case of it being subpar in terms of quality standards, or was it actually counterfeit equipment that was rejected?

Hon. P J Balban: Mr Speaker, there are different filtration rates for the masks. You have surgical masks of different types. You have FFP2 masks and FFP3 masks, which are those that filter most, so they have something like 99% filtration and the FFP2s 95% filtration. What happened was that we were informed that these masks which were sold to us as FFP3s and should have had a filtration rate of 99% were not up to standard. When we tested them they performed at I think it was around 45%, whereas the surgical masks I believe performed at around 10%. So, what happened was they were downgraded to the level ... In fact, they are four times – if I am correct with the figure; I think I am, off the top of my head – they are at four times the filtration rate of a standard surgical mask but they were not up to the 99% standard, and that is what the investigation with British Standards in the UK came back to us with.

Hon. Ms M D Hassan Nahon: Mr Speaker, something else that I could not help but notice from my hon. Friend, my colleague here, Elliott Phillips – he put a picture of a mask, that apparently was being dished out in the GHA on entrance, which did not have the strings to hold back the ears. Does that mean that there is a circulation of this faulty equipment still going around in the Hospital? If it was removed, why is it that patients or visitors to the Hospital are still encountering this type of equipment?

Hon. P J Balban: Mr Speaker, if I was a visitor to the Hospital and I was given a mask without elastic bands and I could not strap it around my ears, I would not wear it and I would be very concerned. I think I would have brought it to the attention of the people there and I would hope

1585 and expect that they would have brought it to the Ministry's attention and even the Minister's attention. I cannot see how we would get away with handing out masks without elastic to people and people just taking it and saying, 'Thank you very much, I will hold it myself to my mouth.' I do not understand. I am sorry, I have not heard that and I have not seen that either.

1590 **Hon. E J Phillips:** Mr Speaker, just to clarify and to assist the hon. Lady, and of course the Minister, that particular example that she gave was one that the individual themselves, who I met that evening, in fact, and who gave me this mask ... had no holes in it and that person proceeded to ask the member the GHA 'Can I have a replacement?' and obviously willingly she provided the replacement but she also added that this was quite commonplace. But that is just to clarify for the record, Mr Speaker.

1595 **Hon. P J Balban:** Mr Speaker, again I do not know ... I have seen a number of masks myself. These masks come in bulk. They come in packs of 10, 20, in groups, and we have come across the odd mask that has had maybe one of the elastics come loose and in effect that mask would be a faulty mask, not because of the filtration but because you cannot strap it round your ears so it is of no use. I cannot deny that that has happened, but if this was something which was commonplace I am sure people in Gibraltar would have complained big time by now if that was what we were dishing out, and I have not had complaints big time. I have had it come to my attention on a few occasions but that is my staff, in opening the packets, realising that maybe one in a hundred has come their way, but it is a very rare occurrence.

1600 **Hon. E J Phillips:** Mr Speaker, not a question, but just insofar as my engagement on these questions, I know that they have been long and tedious – and I apologise for that – and so the answers have been long and tedious as well. I have enjoyed a very good relationship with the Hon. Minister for Health in relation to other matters of late, but in relation to these particular questions they were generated because I was assured before the filing of these questions that I would receive an explanation in writing. Unfortunately, the Minister did not get round to providing those answers to me, which has generated these questions and the volume relating to PPI. I just wanted to clarify that for the record, Mr Speaker.

1615 **Hon. D A Feetham:** With respect to the hon. Gentleman, he does not appear to have answered the question from the hon. Lady. The hon. Lady asked, in relation to the batch that was actually rejected, did any of those masks find their way into the system? That is not a question that he answered.

1620 **Hon. P J Balban:** Mr Speaker, I apologise if I have not replied to that directly. No, they did not, because the moment that it came to our attention that these masks could be faulty ... When we receive masks they are itemised, so we know exactly who has brought them and they are all kept separately and marked. The moment it was brought to our attention that masks were faulty in a given batch, they were all put to us and in fact it came to our notice pretty quickly because it came also as a result of the Spanish press, which highlighted the fact that there was a certain company where masks were not perhaps to standard. So, that would not have happened because they were caught in time. Had, for example, we not known or we had not realised and had it become degeneratively, it could have happened, but that did not happen, Mr Speaker.

1630 **Hon. D A Feetham:** She also asked a very valid question about the counterfeiting. It arose probably because the hon. Gentleman, when he was giving an explanation, was talking about forgeries. He used the word 'forgery' – that is the word that he used – and he was talking as well about quality.

1640 In relation to the masks that were rejected, that were of 40% capacity – I think that is what the hon. Gentleman has told the House – was that counterfeit in terms of the GHA is being sold a particular mask to a particular quality and effectively what you are getting is not faulty goods per se but actually counterfeit goods? I just wonder whether that was the position here and that is why he used the word ‘forgery’, which caught my attention and obviously caught the hon. Lady’s attention.

1645 **Hon. Chief Minister:** Mr Speaker, the most interesting question the hon. Lady has ever asked was the one about Michael Bain, about which we have not yet had a full answer, but it appears that those days might be long gone. *(Interjections)* It is not the same, Mr Speaker, without – *(Interjections)* Talk about switching sides!

1650 Anyway, Mr Speaker, the hon. Gentleman needs to realise that the reference to counterfeit was in the question, not in the answer, and what we are saying is not that the GHA was being sold forgeries but that there were differences of quality, not counterfeit and not forgeries. In other words, nobody turned up with a mask that was alleged to be Burberry but ended up actually just being Levi’s. None of that was happening. It was about a difference of quality, not of counterfeiting. This is not the international problem there has been. This has not been a problem of counterfeiting. It has been a problem of quality, and that is what was being assessed.

1655 I know the hon. Gentleman loves to get up in a flourish and pretend to be in his final question in a damning cross-examination that is about to lead to a certain conviction, but in this instance I am afraid that, even as the more powerful advocate of his lady client, he is not going to get a collar. *(Interjections)*

Mr Speaker: Next question.

Q368-70/2020
GP consultations –
Face-to-face and by telephone

1660 **Clerk:** Question 368, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the current process for seeking appointments with general practitioners within Primary Health?

1665 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 369 and 370.

1670 **Clerk:** Question 369, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm their policy regarding the availability of general practitioners and other GHA doctors to conduct physical examination of patients as opposed to telephone consultations?

1675 **Clerk:** Question 370, the Hon. E J Phillips.

1680 **Hon. E J Phillips:** Can the Government state that it is satisfied that telephone consultations with patients under the care of the GHA will not replace physical consultations with GPs and other medical professionals?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, initially, patients can book a telephone appointment with a GP via the PCC telephone number: 2000 7910. If a face-to-face
1685 appointment is deemed necessary following the telephone consultation, this will be arranged directly by the clinician over the telephone.

The GHA remains vigilant of COVID-19 and hence returning to the previous practice of face-to-face consultations with packed waiting rooms is not the best or safest option. However, it is important to note that face-to-face consultations, where deemed necessary, have continued
1690 throughout the COVID crisis. Therefore, the intention is that the PCC will continue telephone consultations in the future. These consultations will allow GPs to assist patients with their health needs, which in many cases can be easily and quickly dealt with over the phone due to adaptations made to the service during the COVID-19 pandemic. These adaptations include forwarding prescriptions directly to pharmacies for patients to collect, emailing sick notes
1695 directly to patients and the ability to see presenting signs via photos, which can be sent directly to the GP electronically. Investigations such as blood tests and radiography can also be requested and arranged remotely. Alternatively, video consultations can also be arranged. Additionally, patients who are unable to attend the PCC but who still require a face-to-face consultation can arrange a GP home visit, as has always been the case.

Mr Speaker, it is therefore the intention that this new system will continue into the foreseeable future, even post-COVID. As with most services, the overall systems are constantly being reviewed and adapted accordingly.
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Hon. E J Phillips: Mr Speaker, I am grateful for the response. As the Minister will be aware, this is a question that he and I engaged on insofar as the availability of physical examinations with doctors are concerned.
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It is of deep concern, actually, to many members of our community that they feel that they are unable to access a physical consultation with a doctor, and for many reasons, but many of them have been articulated in this way. Many of the elderly who have spoken to me and many people with conditions would prefer to have a physical examination, and whilst I understand the context of this in the context of COVID and what we are trying to do is limit contact, it surely cannot be right that telephone consultations should replace in their entirety the physical examinations. I know the Minister used the words 'when necessary'. My understanding, from medical professionals on the ground and indeed from the conversations that we have had, is that those medical examinations can be conducted when requested by the patients themselves. I have been asked by many members of the community, and I do not exaggerate when I say that. They have come to me and asked me ... 'I want to see my doctor, I would like to see my doctor – I do not feel comfortable on the telephone talking to a doctor about my ailment or my condition without having that interaction with a doctor, without having the doctor examine the condition that I am suffering from,' because they just do not simply trust the ability over the phone.
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So, Mr Speaker, I would ask him whether the Government could set out perhaps in a PR to members of the community how they can go about accessing this type of physical examination, so they can give reassurance to members of our community and the elderly that it is simply not going to be replaced by a telephone entirely. Whilst I completely understand, given the current pandemic, that we need to be very careful and that we have to use telephone examinations by doctors appropriately, I think it is important that it does not replace the actual physical examination by a doctor of their patient, not least because of the potential liability issues in getting the diagnosis wrong, for example, or at least the treatment wrong.
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That is the message that I am getting from members of the community, particularly the elderly who very much wish to see their doctors in the flesh, and I would be grateful if he could confirm that the policy could be set out more clearly so members of our community can understand in detail how they can access physical examinations with their doctors. I am grateful.
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1735 **Hon. P J Balban:** Mr Speaker, it is the contrary. The first part of the supplementary was alluding that this has completely replaced the face-to-face contact, which is not the case. I have heard people expressing concerns because change is change and it is difficult, but a lot of people are also extremely happy because they do not have to go into a crowded waiting room or queue up. They can pick up the phone and they have access immediately to a clerk, and if they want a medical appointment it can be arranged for them; the doctor will call them back, first of all, by telephone. If they want to wait less, a nurse practitioner will call them back, because many of our ailments really are quite, on many occasions, insignificant and they can be fixed, cured or looked after in a simplistic way. Other things are more complicated and do require a face-to-face consultation, and that is always available should it be necessary. Or, even if a patient says, 'I am not satisfied, I still want to see my GP,' that will be arranged. No one is ever told 'You cannot see your doctor.' That is completely wrong, it is erroneous.

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1745 Again, it is swings and roundabouts. Some people are extremely happy and some people, especially those later on in life who have been used to a life of seeing doctors, it becomes almost like something which is part of their life, and they have lost that in that respect, there is that feeling of loss, whereas the younger person sees that 'for me it is a lot more convenient, less waste of time; I can get to talk to a doctor and the doctor says, "There doesn't seem to be anything wrong – give it a few days and if you do not feel better, give me a call back,"' and things are resolved in that way.

1750 So, I think it is a very positive thing, and if it is a question of communication I think it is something we can do [Inaudible].

1755 **Hon. E J Phillips:** Just to clarify for the benefit of the wider community, so I have got this right, it is not a case that the decision will be made by solely a doctor as 'when necessary, I will conduct a physical examination of the patient'; if that particular patient is not satisfied with the outcome of the telephone consultation, that patient can request a physical examination with a doctor. That is the position – is that right?

1760 **Hon. P J Balban:** Yes, Mr Speaker, that is exactly right. If the patient wants to see a doctor or the doctor feels that they should see a patient because of the underlying symptoms being described by the patient, then by all means they will see a doctor.

1765 **Hon. K Azopardi:** Can I just ask the Minister, because I think he said in the original answer that the new system will continue into the future: is that a permanent change for the reasonable future, or is it a COVID-related statement, the new system will continue because of COVID?

1770 If it is a permanent change, am I right in understanding that what caused the original change was in fact COVID, so it was a review of procedures in accordance with COVID? The GHA may then have arrived at a position where, having done those changes as a result of COVID, it thinks it might be more beneficial to carry them forward. And if so, is it also correct in my understanding in answers to the questions put by my hon. colleague that the change of system is in the nature of almost an initial telephone screening of the patient to see if you can dispose of the patient and assist the patient – (*Interjection*) of the patient's problem, so a shorthand – on the call, and if not, then the patient still has the option at the end of the call to say, 'I would like to see a doctor'? Does the patient tell the doctor that, or does the patient have to call back and call administration again?

1780 **Hon. P J Balban:** Mr Speaker, forgive me if I do not reply to all those parts and please stand up again if he needs further clarification or wants me to follow on from something.

COVID has taught us many things, not least that the Hospital and Primary Care Centre is not a safe place. That is where people go when they are sick and that is where transmission of anything, any infection or any illness, can occur. During COVID there are a number of things that have happened that have made healthcare change, not only in Gibraltar but I think worldwide,

1785 and things that we were doing before we think are no longer applicable. Even with common
colds we have learnt new ways, which we think are more effective ways, and these things we
intend to continue into the future. As I said, everything is under review, we are looking at things
as we go along, but it seems to be working well. It distracts people from going into the Health
Centre or into the Hospital, so that is important.

1790 The second part you will have to repeat, because I missed the second part of the question.

Hon. K Azopardi: Sorry, I was asking – and I apologise, I did ask a lot of questions – is it a
permanent change? And at the end of the telephone screening process, if you want to see a
doctor, do you call back or do you simply log in a visit with that particular doctor who is calling
1795 you?

Hon. P J Balban: Mr Speaker, yes, it is considered it will become a permanent change which
we will review as we go along. What happens is that you call for an appointment, the clerk picks
up the phone and you tell the clerk that you want to talk to a doctor. The doctor will call you
1800 back within the day. If you want to speak to someone quicker because you are going
somewhere, or whatever, you can choose to talk to a nurse practitioner – who tend to be more
readily available – and then you will describe and discuss with that person how you are feeling
when they call you back. If the doctor sees to you, and if you feel, If your intention is ‘I want to
see a doctor and I am not going to allow anything to change my mind,’ then they will call you
1805 back with an appointment. An appointment will be made for you. Mostly people will be happy to
share what their issues are and the doctor will say ... For a sniffle or a cold, or whatever, even
going to see a GP ... A GP has not got the power of looking through you and saying ‘You have got
this’ or ‘You have got the other’. They will only work down the underlying symptoms and myriad
different complications which need further examination. We will always test and we can even
1810 over the phone ask for phlebotomy, for blood tests, for chemistry, and based on those results it
may be necessary to arrange an appointment.

So, all that has happened really is a shortcut to getting attention from a medical practitioner
sooner without having to leave the comfort of your own home. And it works both ways: if you
decide you want to see a doctor regardless, or a doctor thinks they should see you particularly
1815 further, that is always arranged and it is arranged quickly.

Hon. K Azopardi: Can I just ask finally in the context of that change, which is not going to be
temporary for the period of COVID, has the Government thought that it is the telephone support
resources that it may need to put in place to make that system function efficiently?

1820 I just have in mind that I remember from my days as a Health Minister that I think we had at
some point health attendance, patient attendances at the Primary Care Centre were at around
90,000 or 100,000, so if you are replacing that with, significant, maybe tens of thousands of
telephone screenings, has the Government thought about the impact that might have in terms
of the administrative support or telephone lines that might be available because of the difficulty
1825 that people might have had historically just simply getting through to make an appointment?

Hon. P J Balban: During the COVID process the telephone support increased substantially, so
the whole system was dedicated towards that. A lot of that system is remaining in place and it is
our intention to see whether we can continue with that. We want to continue with that service,
1830 providing a suitable number of telephone lines so that everybody has access. What has
happened is after lockdown many people were perhaps afraid to come to hospital or afraid to
come to the PCC. They feared the virus and minor ailments were just ... There were a few cases
where people let a few other things go which should have been seen to sooner. We have seen to
people’s requests and to phone calls quite adequately. In fact, within the Ministry itself we do
1835 our secret shopper tests and we do call ourselves these people. Some of them do complain. We
have not had that many complaints but we do sometimes receive complaints and we do those

phone calls ourselves. I have done them myself even, and I must admit that I have had the engaged tone on a number of calls, but generally within, definitely within, well before five minutes I have been able to get through.

1840 It will be dribs and drabs. As we come towards the summer season, magically our ailments tend to disappear with the sea and the sun and our holidays, and then come October and November, and especially in January, after the hill of winter, we go back and start feeling unwell again. So, I suppose we will have to try and tweak the service as we see fit.

1845 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the Hon. Minister for Health whether the fact that they are moving towards these phone consultations may have anything to do with the reality that the new PCC is smaller and may be less capable of taking patients, and this is another strategy in order to cater for that overspill maybe?

1850 **Hon. P J Balban:** Mr Speaker, the hon. Lady can deduce that. In fact, our PCC is bigger, it is better, it is more airy.

Hon. Chief Minister: It is built for purpose.

1855 **Hon. P J Balban:** It is built for purpose, yes. When we were in the ICC we had to make do with the area we had available and we did as best as we could. Now we have a purpose-built facility, many of the consultation rooms have opening windows to the outside and it is a much more pleasant environment, so I do not see how we can deduce that from that and say we are keeping our telephone calls because what we built is not fit for purpose. I do not understand how you
1860 can come to that conclusion.

Mr Speaker: Next question.

Q371/2020
St Bernard's Hospital –
Policy re accompanied patients

Clerk: Question 371, the Hon. E J Phillips.

1865 **Hon. E J Phillips:** Mr Speaker, can the Government state its position in respect of family accompanying sick and elderly patients at St Bernard's Hospital for treatment or other consultations?

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

1870 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, it is the GHA's policy to follow Public Health advice throughout the whole process of unlocking the Health Service. At this moment in time the position is as follows.

1875 For all outpatient clinics, patients with mobility difficulties, psychiatric illness, those who may not have independent capacity to choose their care, those who may require special assistance, and children may be accompanied by one designated family member or carer. For attendance at the Accident and Emergency Department, one designated family member or carer is permitted to accompany the patient, unless it is COVID related. In respect of antenatal appointments, the patient's partner may attend.

1880 As with all patients, every accompanying family member will also be required to undergo a temperature check at the Hospital entrance and wear a surgical mask for the duration of their visit.

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Q372-73/2020
GHA waiting times –
Surgical and routine

Clerk: Question 372, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the average surgical waiting times across all disciplines within the GHA?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 373.

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Clerk: Question 373, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the waiting time for routine consultation appointments at the GHA?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the average surgical waiting times for surgery and routine consultation appointments in the GHA are being calculated as we reassess patients after the pandemic caused cancellations across all of the disciplines in the GHA. We expect to have a clearer view in the next quarter.

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Q371/2020
St Bernard's Hospital –
Supplementary questions

Hon. K Azopardi: Mr Speaker, it is just that we transitioned –

Mr Speaker: If the questioner will allow.

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Hon. K Azopardi: Well, we transitioned between questions really quickly and I was wanting to ask a supplementary on Question 371 – just to ask the Minister when he thinks that that practice might change and whether, in relation to the accompaniment of ... He said that children can be accompanied and I just wonder whether there is any kind of flexibility.

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I only say it because ... I will declare an interest in the fact that I am going to just describe a personal circumstance, which I am not asking the ... It has already happened and therefore it is not an issue, but one of my daughters had an operation the other day and she has just been 18. Of course, in accordance with health advice, the parents are not allowed to accompany her and we did not, but I just wonder whether these rules are too rigid, or does the Health Authority look at young adults having some kind of accompanying individual. It may be that the Health

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Authority understands that children need to be accompanied, but someone who is just an adult is not so dissimilar to someone who is 17½, in practice.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I hope all went well in that respect, but we follow Public Health advice throughout, so throughout the lockdown what we are asking is for Public Health to tell us as and when we can make things better in terms that we can relax who can come in with the patient. I have listed those who, the way things stand at the moment, can actually come with a relative, a child, someone with psychiatric problems, someone who is unable to judge the care for themselves etc. and someone going for antenatal screening. All others need to be seen on their own.

I also can express interest. I will not go into details but I had a family member who had to have a procedure done in Spain and had to go to Spain on their own, without us, to undergo a medical procedure, which was a very difficult thing for all of us, not least for the person, and we had to accept it. That was the advice at the time and that is what we had to do.

We are, I think, locking out, and things will get better. I think it is finding the happy balance between not allowing any potential risk or harm to the patient, especially someone who may be going to theatre ... There is nothing worse than to contract a virus before surgery, which would make recovery a lot harder regardless of the patient's age, so there is a medical and solid scientific basis for doing the things we do. We do not do it just because we fancy doing it; there is a reason behind it.

Q372-73/2020

GHA waiting times – Supplementary questions

Hon. E J Phillips: Mr Speaker, just in relation to Question 372 on the average surgical waiting times, whilst I appreciate that COVID has presented many challenges in respect of routine surgeries or average surgical waiting times – that has been impacted by COVID – the Minister said that it will be within a quarter to reschedule those surgical waiting times. Obviously, as the Minister appreciates, there are a very many number of people awaiting surgical intervention and it would be helpful if the Minister could set out ... It would be very helpful for members of the public who are awaiting surgery appointments for them to know what the triage process is insofar as the urgency is concerned.

The Government is obviously recalculating, as they said, surgical waiting lists across a variety, I suspect, of disciplines – general surgery, orthopaedics etc. Can the Government give any further information about when these appointments are going to be scheduled? He talks about announcing the recalculation within a quarter, but that is not much help to the normal man, woman and child and the elderly on the street who would want to know when their operation will be. Does the Government have a plan how to phase this in?

Minister for Health and Care (Hon. P J Balban): Mr Speaker, it is not that people are not being told about the waiting lists; it is just that we cannot provide an exact statistical analysis of whether the waiting lists have gone up or stayed the same because there are occasions when ... I know it sounds difficult to believe but the waiting lists remain as is over the lock down period.

People are being contacted, and there are people who, as part of our recovery, are already starting to come in for routine surgery. Again it will take us a few months to ascertain exactly where we are in terms of months of waiting for the general public waiting, but people are already being called in and appointments or surgical procedures are being arranged.

1965 **Hon. E J Phillips:** Mr Speaker, just a follow-up question on that: of course most of our medical professionals have been focused entirely on preparing for the wave, preparing for the onslaught that COVID has presented in many other countries in Europe and particularly in the United States, and whilst all of our ... 'magnificent' is the word that is used by the Government of our medical professionals in doing that job ... Of course the Government has known those individuals who require surgical intervention for some time. As you say, there are peaks and troughs, the figure goes up and down as you go along, but surely there must be some information that now can deploy our medical assets to conducting these operations within quick order. I note that the context is a difficult one, of course, with COVID and the preparations that we have made, but surely there must be now a capacity within the Health Service to ensure that those surgeries take place.

1970 **Hon. P J Balban:** Mr Speaker, on this side of the House we totally agree with what he is saying. Most of these operations are what we call routine operations. They may be hip replacements, they may be ... Although these things for the patients are extremely uncomfortable, we have to make sure that when we operate ... Because they require such sterile environments within the theatres, we cannot risk COVID infection when we are dealing with certain types of surgery. Anything which is essential ... Even throughout COVID and throughout lockdown we have sent patients abroad as and when necessary for emergency surgery etc., so it is something which has happened.

1985 So, we agree and we are looking at all different strategies to see how we can speed up. We do not want to maintain ... The way things have grown, and it is simple to imagine that many of them have grown, our intention is to try to bring them back to at least the position they were previously, and if we can do even better to an acceptable level then that is what our aim will be.

1990 **Mr Speaker:** Next question.

Clerk: Question 374, the Hon. E J Phillips.

1995 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I just wondered, given that you have been in the Chair now for three hours, whether this might be a convenient time to take a short comfort break before we continue with Health questions, maybe for 15 minutes.

Mr Speaker: The House will now recess for 15 minutes.

The House recessed at 6.40 p.m. and resumed its sitting at 7.25 p.m.

Q374-76, Q381 and Q391-93/2020

Mental health services provision –

Steps to implement change following 2019 inspection report; reasons for delaying Mental Health audit; publication of Mental Health Report; Ocean Views smoking policy; Ocean Views and Coaling Island patient numbers and staffing requirements; new code of practice; management and audit of lithium use

2000 **Clerk:** We continue with answers to questions and we resume at Question 374. The questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm what steps it has taken to implement change arising from the significant criticisms contained in the 2019 Annual Inspection Report by the Mental Health Board?

2005 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 375, 376, 381 and 391 to 393.

2010 **Clerk:** Question 375, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm why it delayed the publication of the Mental Health audit?

2015 **Clerk:** Question 376, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the smoking policy in respect of patients and staff at Ocean Views?

2020 **Clerk:** Question 381, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How is the daily traffic of patients evaluated in both Ocean Views and Coaling Island facilities and what is the level of professional staffing required to fully respond to patient needs?

2025 **Clerk:** Question 391, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When can we expect the new Mental Health Report to be released?

2030 **Clerk:** Question 392, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: With regard to the recently published Mental Health Report, can Government tell us when we can expect the new code of practice to take effect?

2035 **Clerk:** Question 393, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: With reference to the Mental Health Report, how does the Government address the management of lithium and has it conducted a lithium audit yet?

2040 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, this Government takes issues of mental health very seriously. We are committed to constantly reviewing and improving our services as a community in this respect. The point of having established a Mental Health Board is to provide the Mental Health Service with a transparent audit, and so their observations are not seen as criticisms but rather as most welcome recommendations as to service improvements from the service users' perspective.

2045 The Mental Health Service has seen a number of improvements and developments since the date of the last report. These range from an increase in clinical and administrative staff, an increase in clinical equipment, the introduction of a 24-hour accident and emergency liaison and support service, the introduction of a 24-hour email service managed by senior nursing staff, an increase in Community Mental Health Team telephone and face-to-face contact when necessary, the introduction of ward-based digital devices to facilitate a patient's ability to communicate with friends and family, and the introduction of a practice development post to

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co-ordinate all staff training needs. In addition, we are currently in the process of sourcing a new minibus for patient transport, with wheelchair access.

The audit precedes me as Minister for Health and therefore it is necessary for me to consult further on this matter. It appears that the Mental Health audit, as presented by Public Health England, alludes to points that require further clarification. For example, the audit makes the statement that no formal mental health budget could be identified. This is not the case.

Staff are not permitted to smoke anywhere within Ocean Views premises. Patients, however, are permitted to smoke within the designated smoking areas.

All data relating to patient contacts – including face-to-face, telephone, admissions, attendances at Ocean Views and by the Community Mental Health Team at Coaling Island – is monitored and recorded on a daily basis. The level of staffing required at either of these locations is also assessed on a daily basis to ensure adequate staffing numbers are available to fully address all of our patients' needs. These may vary depending on the acuity of the specific area, planned escorted leave, planned appointments or issues arising from unexpected staff absences. All ward managers liaise daily with senior nurse management to ensure they have the necessary staff available.

The Mental Health Board Report 2020 will be tabled in due course.

The new code of practice is currently being drafted and I am therefore not able at present to give a date.

A Lithium audit has been completed. At present, each Lithium patient is managed and monitored by their respective physician. However, in addition, there are plans to introduce a centralised Lithium clinic and database within the next three to four weeks. In preparation for this, patient information packs and leaflets are currently being produced.

Hon. E J Phillips: Mr Speaker, why did it take the Government over a year to publish the annual inspection report and lay it before the House?

Hon. P J Balban: Mr Speaker, I think I answered that question last time. The reason why it took a while is when we came into office last time, shortly after that, COVID came our way and it was impossible having to get used to what health is learned in the Ministry and to be able to see exactly where it was in that respect, in terms of my new Ministerial responsibilities. It took time and clearly that is the reason why the Mental Health Report took a while to be presented in Parliament.

Hon. E J Phillips: The Minister will agree with me that this Mental Health Report – and given what he said about the Government's commitment to transparency – which sets out some very significant concerns about the provision and administration of mental health provision in Gibraltar and indeed it almost, in a sense, this report, not only sets out very significant concerns about mental health, including of course breaches of human rights in some cases, but also runs completely contrary to what the Minister has said and what the Government has said insofar as their statement to the public during the General Election when they said:

Once again, it is impossible to list all of the reforms and improvements we have introduced for our mental health services. Some of the more noteworthy advances in mental health, include ...

None of the concerns that clearly the Government had as a result of this report being delivered to them, no doubt after it was prepared post March 2019, were included within the manifesto, Mr Speaker, so some very significant concerns raised by the Mental Health Board themselves about establishing a cohesive strategy for mental health were never included within the manifesto: the criticism that there was no close co-ordination or regular communication – not included within the context of the manifesto; opportunities for regular feedback – not

included; serious concerns about clerical support, a serious matter of concern – not included in the manifesto.

2105 There is no joined-up, cohesive policy in respect of mental health because there is no data being published by the Government in respect of the provision that is required in Gibraltar, and that is why the Mental Health Welfare Society is calling for the Government to publish the results of the audit, so that that data can inform a cohesive strategy moving forward.

2110 So, I put it to the Minister: why are there significant delays in the publication of reports which give our community and the wider mental health community an understanding of the deep-rooted problems that are presented in our community in relation to the resourcing and provision of mental health care in Gibraltar? Why is it that the Government cannot publish on time these reports that truly set out what we need to do to fix the problems in mental health in Gibraltar? Why the delay? We would call on him to publish the audit now.

2115 **Hon. P J Balban:** Mr Speaker, it is this Government's policy to publish all reports of this type and most other reports. Just because the previously one – the first report, the one dated March, which was one of the Mental Health Board's reports – was not published does not mean that the recommendations within the document were not being seen to. In fact, if you look at the report
2120 as it is today, as it was laid in Parliament only last month, most of the things that are there, other than the provision of a vehicle, which is something we are looking at, seem to suggest ... Just because the report has not been printed does not mean it is lying docile on a desk and nothing has happened as a result of it.

2125 Coming to the audit, which is what the hon. Gentleman is also mentioning, the reasons actually are already in the answer to the questions. There are certain aspects within the Mental Health audit which do not tally with what the reality is. The example I have given already was the fact that they claim there is no budget for mental health, which is erroneous. And there are other things which we are not in agreement with, so we need to look at this document with a view to discussing, and we are discussing, with Public Health England, but it is the intention of
2130 this Government to publish the report even if it means having to publish an addendum to it with the points and views.

This was not a report or a study carried out by people going into the service. This was, as far as I am briefed by my predecessor, a series of interviews with service users and interested parties including mental health associations. That is the reason why we need to be entirely sure,
2135 before this document is published, that we are entirely satisfied as to its content.

Hon. E J Phillips: Mr Speaker, does the Hon. Minister agree with me that serious cases of incapacitated patients who are unlawfully deprived of their liberty, as contained in this report – severely critical of that position, where people's fundamental rights have been breached as a
2140 result of being unlawfully deprived of their liberty ...? Doesn't the Minister think that is an important aspect to bring before the public's attention in publishing this report on time?

Hon. P J Balban: You are actually referring to the Mental Health Board report because that is the one that you have in your – (**Hon. E J Phillips:** Yes.) That report, on the whole, is quite a
2145 positive report and then it goes to address certain things. There are positives and there are things to act upon.

As I have said in my reply, the whole point of this is to have a transparent audit as to where we can improve. I will not for one moment state that the provision of mental health in Gibraltar is perfect. There are lots of things that are done very well – we have a very good team of
2150 dedicated staff who work tremendously hard in pursuit of mental health in Gibraltar – but there are things that need improvement, absolutely, and as I said, the fact that the recommendations of the board have been seen to and have been addressed is proof that the reports are taken extremely seriously. But there are more things to do, absolutely.

2155 The new report, which is the one that will be published, which is the 2020 report, which I still
... I have arranged to meet the board. What happens is once they submit a report, the next stage
is for us to meet with the board and they give me a briefing of that report. I think the hon.
Gentleman will be very pleased to note that a lot of the things have been addressed. And they
will raise new things. I have read the report already and they have raised new things, but this is a
process of improving. If we go back and see the mental health provision years ago and how we
2160 have evolved, which is something which comes across in the report, a lot of money has been
invested into mental health in Gibraltar, from the days of King George to where we are at the
moment. No one can deny the fact that things are hugely better, but there is more to do,
absolutely. We will not deny that on this side of the House.

2165 **Hon. E J Phillips:** Mr Speaker, while I accept there is always room for improvement, this
report can hardly be characterised as a positive report. It is scathing. It is scathing of mental
health provision within our community. It talks about general practitioners looking at lithium
levels, serious issues concerning the potential serious side effects of drugs and how people are
monitored. It talks about breaches of human rights and informally detaining patients when they
2170 want to leave and return home. And then you see, on the other hand, the manifesto talking
about the Disneyland of mental health. So, on the one hand you have the Mental Health Board
severely criticising the provision of mental health, and in their manifesto not only eight months
ago talking about Disneyland mental health services.

It is absolutely shambolic for the Minister to characterise this report as anything but
2175 completely negative in its output, and the only way that we can truly handle the provision of
mental health is by having that audit published warts and all, so that everyone in our community
can understand exactly what mental health provision we need. I do call upon him again – and it
has been repeated by many at the Mental Health Welfare Society and the charities – to publish
the Mental Health audit. So that we can truly understand it, genuinely and transparently: publish
2180 the Mental Health audit.

Chief Minister (Hon. F R Picardo): Mr Speaker, he is asking us to do that which the Minister
has said he will do: publish the audit. But of course he wants, I suppose for this new-fangled
mechanism that they have where they extract from the video of the proceedings the bits that
2185 they like and put them on social media to get people to somehow be persuaded either of their
skills as advocates or of their politics ... The Minister has already said that that is what we are
going to do.

That report which the hon. Gentleman refers to is one which we published. In other words, it
was laid in Parliament by the Minister so that he had the opportunity to read it and everybody
2190 else in the community had the opportunity to read it. It arises out of the new Mental Health Act
that we transposed into law ... well, we did not transpose, we passed into law – it was not a
European obligation – which created the board which would give this report; in other words,
subjecting ourselves to the audit and accountability that this community needs in respect of the
mental health services, exactly what we need to do in order to ensure that we are ever vigilant
2195 in ensuring that we provide the right level of mental health support in this community.

We are very keen to continue to subject ourselves to these sorts of analysis, to publish what
that analysis says, to have the whole community see it and to act against it. That is not where we
were when we were elected into government. Hon. Gentlemen will at least accept that we
brought about this mechanism to have an analysis of our system, that we published the report
2200 warts and all, that that is a huge step forward. If what had been analysed by an independent
board were the mental health services that we inherited, would he nonetheless of course expect
people to believe that it would have been a better conclusion? Of course we cannot expect that,
because mental health services have improved greatly in the time since we were in office, with
all of the difficulties still identified there that are to be rectified and which this Government is
2205 committed to rectifying.

The easier road is the road they took when they were in government. The easier road is not to subject yourself to the analysis and the audit, and then you have nothing to publish and nothing to act against. We took the harder road in the interest of all those in our community who need our help or whose family members need our help in the context of the mental health services that we provide – we have to improve, on that we are clear. That is why we created the ability to be audited and for analysis, and that is why we will publish the report we published and the audit that is to come.

If he is going to get up and tell us that we should publish that which we are already committed to publishing, I would not be surprised, Mr Speaker, if we were here a lot longer than any of us need to be.

Hon. K Azopardi: Mr Speaker, the hon. Member sounds really defensive about this issue, and he may be right to be. All my hon. colleague was asking is why it takes so long for these reports to be published.

If we are going to play the game of which Health Service was better or worse ... Of course there are improvements as the years go by. Indeed, that surely is what people expect, in the same way as the Health Service that we inherited in 1996 was comparatively a shambles to where we left it: where we were living in an antiquated hospital where there had been calls for decades for us to move out and nothing had been done about it; where we delivered a new Primary Care Centre and we delivered a new Hospital. Of course we had reports that were then published. One of the first things I did when I was Health Minister was to publish a report – to commission it and then publish it as soon as it was delivered, not sit on it for a year.

All the hon. Member is saying is that in the important area of mental health – where we, on a cross-party basis, accept there should be improvements – the Minister does not sit on the report, he publishes it, we can then scrutinise it and we can go forward as a community.

Hon. Chief Minister: Well, Mr Speaker, I do not accept that the Government is for one moment doing anything other than publishing reports that it receives with the alacrity that we are able to. But given that he has been Minister for Mental Health, he will also know that reports sometimes contain information that cannot be published, not that the Government would not wish to see published – because the Government thinks that, actually, publishing things is a very good thing even if they are things which require improvement – but because you are dealing with a sensitive area where you need to protect the rights of people, otherwise you infringe their human rights sometimes by publishing things which you should not be publishing. And that sometimes just does not mean names; it can mean ways in which people may be identified.

So, once again we are being urged to do that which we are committed to doing, to publish reports which we have already said we are going to publish, to publish audits which we say we are going to publish. Mr Speaker, can I just ask them to be fair enough, if they are going to extract bits of these proceedings, not just to publish the little bits that they like when their rhetoric is at its greatest and their adversarial advocacy skills are in flow but to publish the whole picture for the whole community? Otherwise, all that happens is that they get found out. They get found out for pretending to be the advocates of publication when the Government has published and they have read, after being laid on this table, the report that they are complaining about; when the Government has committed itself to publishing an audit which they are now vehemently crying for us to publish.

All of these things smack to me of politics in an area where we should be acting together as a Parliament to protect those who most need it in our community and to work together on the mental health issue. If what they want to do is politics, we have got plenty of time for politics and plenty of time to play political games. On this, they should be resisting the temptation that they fall into so quickly to do nothing but play political games. They should be thinking about those in our community who need the help of our mental health services, thinking about how they help us to improve them and understanding that we are ready to publish warts and all any

reports there may be in this area so that we push ourselves, we push this community and we push the whole of this Parliament into a better provision of mental health services for those in our community who need it. Let's stop the rhetoric, let's stop the arguing for the sake of it and let's get on with the business of making things better for this community.

Mr Speaker: That will be the last we will talk about this issue. (*Interjection by Hon. Ms M D Hassan Nahon*) Yes, I appreciate that, but this is –

Hon. K Azopardi: It will be my last.

Mr Speaker: I enjoy elegant debate, but this is a question and answer session.

Hon. K Azopardi: Well, it is a question and answer.

Mr Speaker: All right, okay.

Hon. K Azopardi: Mr Speaker, it will be my last.

I am very glad to hear the hon. Member say that in this area we should work together as a community and that we should be interested not in the politics or the point scoring but in working together in this House on this issue. Can I ask him, then, when he is going to respond to the invitation that I made in February this year for there to be a Select Committee of this House on the issue of mental health? I have the hon. Lady's answer but I do not have his. (*Banging on desk*)

Hon. E J Phillips: Hear, hear.

Hon. Chief Minister: Mr Speaker, as soon as I am able to. I have told the hon. Gentleman on a number of occasions that if he wants to engender co-operation and not play politics, what he should do, as I have done with him on a number of occasions, is not play the old game – which, by the way, in February he was still playing – of going to the media with that which he wants to do and then going to the Government and asking us to agree to it.

If he were serious about the mental health of our community, if he were serious about helping people who have issues with mental health and if he were serious about making sure that we make the right provision in our Health Services for those who have mental health problems, he would want to have a Select Committee, which he would have written to me and to the hon. Lady about and then had our responses before he went to the media. If I recall correctly – and I confess that February seems a lifetime away – one of the things the hon. Lady said in her answer to him was 'I am surprised that you said this to the media before you gave me an opportunity to respond'.

Those are the political games that the hon. Gentleman likes to play. He pretends that he is a politician who is seeking to work together with us on some subjects, but he prefers to run off to the media to present his good idea instead of knuckling down to work. But he will always have the cheer leader to his right to bang the table and hurt his arm in demonstrations of support, no doubt.

The hon. Gentleman says it is July. It is July, Mr Speaker. The public health emergency is not yet over; it started in February. I thought he had realised that. We did good work together. He seems to have a shorter memory than I thought.

Mr Speaker: Right, one and then yourself.

Hon. R M Clinton: Thank you, Mr Speaker.

2310 I was interested to hear when the Minister said that one of the points that Public Health
England had raised and he said was erroneous was there was no mental health budget. He may
be correct in saying that and there may be an internal budget, but I have raised the point before
in the House that you cannot find an itemised mental health spend in our Estimate Book. I have
2315 been told in the past no, I just cannot see, the numbers are there, of course they are. Well, I am
sure they are buried in here and I think, in the interests of transparency and to avoid these sort
of misunderstandings as we are having with Mental Health England, that in future the Minister
might want to consider actually itemising the mental health spend in the Estimates Books for the
future.

2320 **Hon. Chief Minister:** Thank you, Mr Speaker. I will take that under advisement, as the
Minister for Public Finance.

Mr Speaker: The hon. Lady.

2325 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the Hon. Minister for Health answered a lot of
questions bunched up together, so just to check .. He spoke about the audit that will be
happening soon. I do not know if he was specifically talking about the lithium audit, which is my
Question 393, but the reason I asked about the lithium audit was because in that part of the
Mental Health Report it noted that the management of lithium is left to the patient to
2330 remember to make an appointment with their GP. This can often happen weeks after the
recommended requirement has been taken. Weeks later, the measures are adopted and
reviewed by the Community Mental Health Team, and this process actually contravenes the
NICE guidelines. So, in between now and the audit, because this is a practical issue that can
affect people's health, is Government committing to manage the distribution of lithium as per
2335 these guidelines with immediate effect, obviously to ensure minimal risk to patients instead of
waiting until the next report, where people can actually be damaged by this practice?

Hon. P J Balban: Mr Speaker, the lithium audit, as I mentioned, has already been completed.
Lithium is an extremely important medication for some patients. If you give a patient too little
lithium then their medical condition will not be controlled. If you give them just a little bit too
2340 much, and we are talking of very fine amounts, it can cause kidney damage. So, obviously the
lithium audit is something which is important. It has been done and it will be something that will
be ongoing because obviously you cannot just do a lithium audit once, whenever, and then
expect to be able to ascertain what the condition of the patient's kidneys are if they are taking
too much of it. So it is important to be able to titrate lithium per patient. It is not something
2345 generic; it is per patient and for each individual case. So, in short, yes.

Hon. Ms M D Hassan Nahon: Mr Speaker, I beg the Minister's pardon, I am really not trying
to be difficult but I do not believe that I have had a straight answer as to whether patients'
lithium intake is being managed in a different way today, right after the report, given the
2350 criticisms of the management. That is my concern: has anything been changed since the report
on lithium management?

Hon. P J Balban: Mr Speaker, I said it in the answer to the question. I will reread it. I said at
present, at this moment in time, each patient who is taking lithium is managed and monitored
2355 by their respective physician. This is the information that I have received. What this is saying is it
is imperative that we know how each patient is faring on lithium and how it is affecting their
blood chemistry, but more specifically their renal function. That is what is happening at the
moment, so clearly I would assume that a lithium audit is being undertaken constantly.

2360 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask one supplementary on Question 381 regarding the daily traffic of patients evaluated, the Hon. Minister talks about numbers being collated on a daily basis to fully address needs and understand what staffing needs there are and all that, but in the report it mentions a figure of 905 but does not say what the 905 pertains to. Is it daily? Weekly? Yearly? We have a snapshot but we do not have details of what those numbers
2365 refer to. Does Government have its own tally that maybe was not shared in the report? The numbers in the report are not very specific with regard to timing.

Hon. P J Balban: Mr Speaker, I will endeavour to find further information because I just do not know the answer to that question, I am afraid. When the hon. Lady mentioned traffic, the
2370 reply that was given to me is the one that has been provided.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Gentleman for his answer. Would he be prepared to send me some more information by email, or privately or whatever, on the question if I perhaps email him with more specificity than what he has received in my question
2375 maybe?

Hon. P J Balban: Mr Speaker, if we receive a letter or email from her we will endeavour to find the information and provide the information as requested.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to
2380 Wednesday, 8th July at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 8th July at 3 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 8th July at
2385 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Wednesday, 8th July at 3 p.m.

The House adjourned at 7.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.08 p.m. – 6.27 p.m.

Gibraltar, Wednesday, 8th July 2020

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The Gibraltar Parliament

The Parliament met at 3.08 p.m.

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

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

Questions for Oral Answer

HEALTH AND CARE

Q377 and Q382-384/2020

Elderly residential homes –

**Mount Alvernia, plans for relocation or outsourcing, improvement works, plans to repatriate temporary residents to Cochrane Ward;
Jewish Home, date for reopening**

Acting Clerk: Meeting of Parliament, Wednesday, 8th July 2020.
Order of Proceedings: (viii) Answers to Oral Questions continued.
Question 377/2020, the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, are there any plans for the relocation of Mount Alvernia or the outsourcing of its operation?

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

10

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 382 to 384.

Acting Clerk: Question 382/2020, the Hon. Ms M D Hassan Nahon.

15

Hon. Ms M D Hassan Nahon: When will improvement work continue at Mount Alvernia to bring the residential home to the same standards as the John Mac Home and Hillsides?

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

20

Hon. Ms M D Hassan Nahon: Did the Hon. Minister not say he wanted these three questions bunched up?

Acting Clerk: Question 383/2020, Ms M D Hassan Nahon.

25

Hon. Ms M D Hassan Nahon: When will the Jewish Home reopen?

Acting Clerk: Question 384/2020, Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How soon does Government expect to repatriate to the Cochrane Ward at St Bernard's Hospital the elderly residents who were temporarily, as a consequence of the COVID crisis, housed at Mount Alvernia?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, there are no plans to relocate Mount Alvernia or outsource its operations, but improvement works at Mount Alvernia will resume after the ERS COVID-19 de-escalation programme is complete. The transfer of residents from Mount Alvernia to St Bernard's Hospital took place on 5th July.

In relation to the re-opening of the Jewish Home, it is not possible to provide a date at this time as works have been delayed by the total economic shutdown arising from the pandemic. We want to see this facility reopen as soon as possible and we continue to work with the managing board of the Jewish Community towards this important and overdue objective.

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, regarding the Hon. Minister's answers about Mount Alvernia and the refurbs there, does Government have a plan to carry out these works efficiently and successfully while the residents still live there? And if so, could it share its strategy or its plan for this refurbishment with this side of the House?

Hon. P J Balban: Yes, Mr Speaker.

Hon. Ms M D Hassan Nahon: Mr Speaker, within the plans for refurbishment and the agenda for further refurbs, does Government acknowledge that much of that, as well as being the hardware work ...? Will a lot of the refurbs go towards helping patients with dementia and Alzheimer's? It is the oldest care home in Gibraltar, it is not dementia friendly like the others, so I am not just asking about improvements in terms of refurbs, but will it have a dementia- and Alzheimer's-friendly design in order to bring it up to the standards of the other ones?

Chief Minister (Hon. F R Picardo): Mr Speaker, I think we have already announced that that is the case, that the refurbishment, as we have already said publicly, will be to upgrade Mount Alvernia to the style and design that was the subject of the hon. Lady's extensive consultation at the time when she was the Minister with responsibility and which saw the former St Bernard's – the 'John Mac Wing' as it is known – prepared for this purpose, and is also the design that was followed at the dementia facility, including colour coding etc. That is what is being undertaken at Mount Alvernia, as we have already announced is the case.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
Can the Minister advise the House how long the Jewish Home has been closed?

Hon. Chief Minister: Mr Speaker, we cannot give an exact date. We would need notice of that question, but it is years.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister. I appreciate that Ministers may not have the information to hand, but certainly it would appear, at least in collective memory, several years at least.

80 Could the Minister advise – obviously this is pre-COVID – why, in his view, it is taking so long to refurbish the Jewish Home?

Hon. Chief Minister: Well, Mr Speaker – as I have said already, I believe, in this House on an earlier occasion – because of changes of plans relating to what was going to be entailed in the refurbishment.

85 The old Jewish Home was not fit for purpose when we took over. There were issues with the wiring – it requires refurbishment literally back to the brick in order to be able to bring it back. We consulted widely with the President of the Jewish Community, with the members of the Jewish community who have responsibility for the Jewish Home, and we looked at many different options for refurbishment, and that is what has entailed the delay. Of the very many
90 different options that we have looked at, we have now – because of our own view about how long this is taking and their view about how long it is taking, and wanting to finish – settled on a plan, and having settled on a plan we are able to proceed.

Hon. E J Phillips: Just insofar as the answer to Question 384, I did not manage to hear the
95 response to the Cochrane Ward question in the Minister's – (*Interjection by Hon. Ms M D Hassan Nahon*) Yes, on 5th July. Just insofar as that question is concerned, the Minister will obviously recall that the GSD raised a PR having been approached by a number of families in relation to that move and shortly thereafter we recall that there had been a move of these residents back to the Cochrane Ward. What we gathered from our engagement with the families of the
100 relatives who were moved throughout the COVID pandemic was that ultimately the objective should be, of course, for a specific residence for these individuals rather than being based within the Hospital, and I was wondering whether the Minister had any information as to what the long-term plan is for those residents. Although they feel that the Hospital is a home for them insofar as access to their families and relatives – and they feel very strongly about that from the
105 information I am receiving – I wonder what the long-term objective of the Government is, insofar as those specific residents based in the Hospital.

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman has got the wrong end of the stick here. As I understand it, as we have demonstrated during the COVID period, we are able to
110 accommodate everyone in an area which is not the Hospital. The issue is that for ... I use the word 'convenience' in the widest possible sense – it is in the interest of some families to have relatives in that area. It is not necessarily in the interests of the relatives to be in that area, but we recognise that one of the advantages for those who are residents of ERS is to have their relatives able to visit them, and in some instances it is not so easy to visit relatives in other
115 locations for those who have their own mobility issues, but there would be no difficulty with them all being housed, as we demonstrated in the COVID emergency period that we could house them all in the area of Mount Alvernia and the other homes that we have available.

Hon. Ms M D Hassan Nahon: If I may – I do not believe I got an answer to the question about
120 whether residents would be staying in the home whilst the refurbishments were done.

Also, can I have some details on the level of refurbishment? Are we talking about everything – gutting, bathroom floors ...? And again, where will the residents be during this project?

125 **Hon. P J Balban:** Mr Speaker, a lot of work has been done already in terms of Mount Alvernia and this is not to inconvenience the residents while that work is being carried out.

In fact, I have a whole list of things that have been carried out. The works, which the Chief Minister has already spoken about, for refurbishment of the first and second floors include the painting of walls, doors and windows, and also making the said doors dementia friendly by use
130 of colour coding and signage etc. The intention is that if it is necessary to move residents from

one area to the other, obviously that will happen; we will not be painting the walls around the patients while they are sitting in their respective bedrooms.

135 **Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Hon. Minister have any idea where these patients would be moved during such a significant project?

140 **Hon. P J Balban:** Mr Speaker, there is spare capacity within Mount Alvernia. During COVID we have had to make use of the communal areas, like the restaurant and also the social day area, to actually house patients and provide them with sleeping accommodation within those floors. If it is necessary to use these areas in such a manner, because these works will not be removed for the time being, we will find ways to be able to accommodate patients in other areas whilst these essential works can be done and we can bring the level of Mount Alvernia to the desired standard.

145 **Mr Speaker:** Next question.

Q378/2020

**GHA patients treated in Spain –
Policy re gross negligence by Spanish institutions or doctors**

Acting Clerk: Question 378/2020, the Hon. D A Feetham.

150 **Hon. D A Feetham:** Mr Speaker, is it the Government's policy that patients referred by the GHA for treatment in Spain and who receive grossly negligent treatment at the hands of Spanish medical institutions or doctors should be left with no alternative but to sue in Spain?

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

155 **Minister for Health and Care (Hon. P J Balban):** No, sir.

Hon. D A Feetham: Well, Mr Speaker, on 23rd October I wrote to the Hon. Minister about a constituent who had come to see me, who was referred to a hospital in Spain for an operation on his right kidney. He went to this hospital in Spain and he was operated on, both his left and his right kidney, which is the clearest case of gross negligence.

160 I wrote to him on 8th January, on 13th February and on 12th March, and then on 26th May I received a letter from a firm of solicitors which was addressed to me here in Parliament and said that my 'client' – not my client, because I had written on parliamentary letterhead to the hon. Gentleman and the hon. Gentleman knew that I was dealing with this because it was a constituent ... telling me, essentially, 'Well, tell your client to sue, in Spain, the hospital in Spain.'

165 Does he think that is an appropriate way to be dealing with a member of the public in Gibraltar?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman says that he was dealing with a constituent but then he sets out his position as if he were dealing with a client. Without having sight of the letter that he says he has received, he knows I will not take it from him that it says what he suggests it says, and he might be kind enough to provide a copy.

The position of the Government is that if a patient is in the care of the Gibraltar Health Authority and there is an issue of negligence in respect of that patient, it is the Gibraltar Health Authority that is in the frame in respect of any action that individual may take, whether or not

175 the Gibraltar Health Authority then takes action also to join an entity from outside or inside
Gibraltar that may have been involved in the care of the individual.

That is the position of the Government and the Government remains responsible for the
care, through the GHA, of any individual who under the Group Practice Medical Scheme or
under the contributions that they make under Social Insurance generally is entitled to care by
180 the GHA, who suffers as a result of negligence or believes that they have suffered as a result of
negligence ... is able to commence proceedings against the Gibraltar Health Authority with the
Gibraltar Health Authority then seeking a contribution or to join any third party that may be
relevant.

But without seeing the letter the hon. Gentleman refers to ... As he knows, I do not take for
185 granted anything that he tells us or any of his interpretations as to what it is that a document
may or may not show.

Hon. D A Feetham: I have to say that the idea that I would essentially come to this
Parliament, refer to a letter from a firm of lawyers to me, in Parliament here, and that I would
190 misrepresent the position is fanciful to say the least, but I am going to send it to the Hon. the
Chief Minister in a moment via WhatsApp because I have it via WhatsApp.

In fact, this letter says the following, from a firm of solicitors:

Following our preliminary investigation, our view is that the GHA made a referral to an appropriate hospital

– I will mention the name: Quirón Hospital in Palmones –

in a proper manner and at the appropriate time. Hence, in our opinion there are no grounds upon which a claim of
negligence can be made against the GHA. In the circumstance we would kindly suggest that your client

– I never wrote to the Hon. Minister, he knows, in my capacity as a lawyer; I wrote to him on
195 parliamentary letterhead –

direct their potential claim to Quirón Hospital in Spain.

Mr Speaker, I am at least gratified that the Hon. the Chief Minister has set out what the
Government's position is, that the Government remains responsible because the Government
refers, and that is the reasonable position to take.

Therefore, may I ask the Hon. the Minister: in the light of what the Hon. the Chief Minister
200 has said to Parliament today, could we get a substantive response to the letter I sent to him on
23rd October – on which I chased him on 8th January, 13th February and 12th of March –
properly investigating the circumstances of this case? And if this gentleman has, as he says, been
operated on, on both kidneys – the one that he needed to be operated on and the other
kidney – that is a matter that is taken up with Quirón, and if there is a liability it is dealt with in
205 relation to this poor chap who has obviously suffered distress as a consequence of being
operated on, on the wrong kidney?

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman having read, I do not
know whether selectively or otherwise, from the letter. He has not sent it to me yet – I wonder
210 why – but I would like to receive it before I am able to deal with it.

What is very clear is that the hon. Gentleman asked us about what the Government's view as
to liability was. That is the Government's view as to liability, as I set out before.

What he also knows is that the GHA is insured and that the Government is not able, without
vitiating the terms of the insurance, which I am sure is not something that he would invite us to
215 do – and indeed his learned leader, although I am sure it affects every fibre of his body every
time I refer to him that way. His learned leader, having been a Minister for Health before, will

know that we have to be very careful when we address issues of liability in the GHA because of matters relating to insurance. If somebody has been dealt with in a way that is negligent or potentially negligent, that is a matter that has to be dealt with in the circumstances I have set out. It has to be investigated and it has to be addressed, and that is done through insurers.

So, Mr Speaker, if the hon. Gentleman will let me have the letter, once I have perused it perhaps he and I can have a further discussion about this case, because if the circumstances are as he suggests then I might have agreed with him. If they are not – and they are not always as he suggests; even when we look at the same document, he and I tend to have differences of opinion as to what it is that it says – then he might have to reconsider his approach in respect of this particular case.

But I am very interested to know what has happened in this case on the basis of what he has set out, and I can assure his constituent, who is also my constituent, that I will be looking into this matter if it is anywhere near the sort of case that he has indicated.

Hon. D A Feetham: Well, I am very grateful to the Hon. the Chief Minister, barbs aside. He cannot help himself but to direct barbs in our direction, even when he is giving a helpful answer, and in substance his answer is helpful.

It did catch me by surprise, this letter that came from these lawyers, and I am aware that of course they may have received instructions from the insurance company, but the reality of the situation is that I wrote to the Hon. Minister on 23rd October and I chased him. On three separate occasions I have chased his office for a substantive reply. If it had been his predecessor, who was probably one of the most efficient Ministers we have had in that role in a number of years, certainly without disrespecting anybody (*Interjection*) since the hon. Gentleman has been on those benches ... His practice, which was a very practical way of looking at this, and in fact I thought it was going to be dealt with on that basis, was that he would essentially ask Dr Rawal to investigate the facts of the matter – in fact, I was assured that that was the position in one of the emails from the hon. Gentleman's office; that is why this letter also came as a surprise – and, if necessary, he would have engaged lawyers, and if the issue of liability was clear then he would just simply deal with it without the need for either me or anybody else elevating these issues to this House or publicly or causing unnecessary distress to members of the public.

The only reason why I raise it, I have to say, is because the hon. Gentleman unfortunately has not responded to the correspondence that I have sent. Therefore, I am going to phrase it in terms of a question: does the Hon. the Chief Minister not agree with me that that is not the correct way of not only treating a parliamentary colleague but also a constituent?

Hon. Chief Minister: Mr Speaker, of course I do not agree with him, for a simple reason. He says that even when I am trying to be helpful I lace my answers with barbs. It is that in trying to be helpful I decide not to take him on head on, because what he is trying to do is cast aspersions on one particular Minister for Health by trying to cast praise on another. Of course, if the other were still the Minister for Health he would have cast aspersions on him, despite their declared friendship as gym buddies, and tried to pretend that the earlier one was better.

Mr Speaker, the hon. Gentleman is doing what he always does, he is playing politics, and in this instance in particular he is playing politics with someone's life. If there has been a case of negligence, let's deal with it. What is to say that the matter has not been dealt with as the hon. Gentleman suggests – in other words, that there has been a delay? Of course, if we just simply look at the dates that he has set out, we might agree there has been, but we do not know in the other instances if the Minister whom he praises, whom I happen to have the highest regard for as well – as much as I do for Prof. Cortes, who was also Minister for Health, and Mr Balban, who is now Minister for Health – having asked somebody to look into it, might have taken some time to look into it because these are not easy matters, they are complex matters, and so he might still have been referring to the same period of time to have he who he says is so praiseworthy

provide in the system that he says is so magnificent exactly the same answer in exactly the same period.

270 If he is genuinely concerned about these things, if he were really trying to pursue a solution for a constituent and not trying to do that which Danny Feetham does all the time in respect of everything that may cross his plate – I think even eating his cornflakes in the morning he has a political element in it, something for which I fully respect him – he would have picked up the phone and called me. He would have said, ‘I am having a genuine difficulty in respect of
275 somebody who has had a genuine problem and I am not getting a response from Paul as I used to get from Neil: can you help?’ Of course, that would have been pursuing this matter genuinely in the interests of our common constituent. Instead, here comes the chance to launch a dart and try and score a political point, which is exactly what we would expect him to do.

If we are serious about trying to deal with the problem that this lady or gentleman may have
280 had, then please let us investigate it, let us not pretend that one Minister for Health is better than another, that that has an effect or a consequence in respect of a response, and let us address the substance of the issue.

The position of the Government in respect of this constituent is to deal with the problem that the hon. Gentleman says he has identified, and if there is a problem of negligence, or if there is
285 another type of problem, we must address it, because that is what we are here to ensure that we provide for the taxpayer: the best possible system, the best possible service and, in particular, the best possible Health Service.

I would suggest to him that he leave that Danny Feetham behind for a minute, the one who spent so long trying to become the leader of the party he vowed to ensure would disappear, and
290 he bring back the Danny Feetham we saw for that short period when it appeared that his ambition had been sated enough – who, covered in tears ... the response he gave to the hatchet job that the hon. Lady did to him here in this House, which saw him leave the leadership of the party, he did attribute to her and to somebody else, his [*inaudible*], something that I had always thought should have been attributed to me because I had spent years trying to bring it about –
295 and that that Daniel Feetham help me and help this Minister for Health to resolve the issue that his constituent, our constituent, this Parliament’s constituent says he has had.

That, I think, is better than the sort of attitude he is trying to bring to this House in prosecuting this matter in the way that he is doing. I must say to him that he is obviously much better a defence lawyer than he is a prosecutor, but not as good as he is a professional protester
300 these days.

Hon. D A Feetham: Well, Mr Speaker, I am very grateful to the Hon. the Chief Minister for the answer that is provided.

I have to say that the hon. Lady and I buried the hatchet (**Hon. Ms M D Hassan Nahon:** Yes.) a
305 long, long time ago (*Banging on desks*) and we are as one in our desire to get rid of this Government, (*Banging on desks*) (**Two Members:** Hear, hear.) which I have to say is living on borrowed time.

I will provide the hon. Gentleman this information and I hope that I have more luck with the hon. Gentleman than I had with that housing matter – which he still owes me a response to
310 what I wrote to him in September of last year.

A Member: Ask a question.

A Member: A question?

315

Hon. Chief Minister: Mr Speaker, I will not disclose the terms on which he asked me to deal with that housing matter and indeed a couple of other matters, but it is absolutely true and it is absolutely obvious that the hon. Lady and the hon. Gentleman have buried the hatchet – I can still see it in the back of his head.

320 The reality is that everyone is living on borrowed time: every government is living on
borrowed time, every politician is living on borrowed time. He is in the red. He ascended the
ladder, reached the top and found himself almost immediately removed. I do wish him all the
best for his ambition because it is important for Gibraltar that there be people driven in politics
325 like he is, driven so much that the issues that matter to individuals who come to see them are
but fuel for the ambition that sees him propel himself first to his right and then straightforward,
even prepared to show us the magnanimity and humility required to reach out and do a deal
with she who did for him, in order to do for me.

Well, Mr Speaker, that is politics, that is life – I am not afraid of it. I am looking forward to the
arguments. I think it is important in the interests of our community that we have robust
330 arguments that test what the Government does, that test what the Opposition is proposing, and
that we lift the veil and see through to what it is that is really happening. That is what I am doing
to him, it is what he has vowed to do to me, but he has to remember he has to do it in the non-
tribal, positive way that his current leader has set out the Opposition will act, which is something
that I welcome, something that we have been able to exploit together for the benefit of this
335 community during this COVID crisis and something which I commend to him as a better politics
than the politics of cut and thrust which he is so enamoured of.

Mr Speaker: Next question – and, please, in the future let's not digress. I think both sides of
the House are guilty of digressing. Please, let's stick to the question and the answer.

Q380/2020

**Dr Giraldi Home –
Staff transport issues**

340 **Acting Clerk:** Question 380/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government aware of the transport-related difficulties that
staff at Dr Giraldi Home are facing since the COVID-19 crisis, and is it willing to review transport
arrangements so that members of staff can find it easier to get to and from work?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the management team at
Dr Giraldi has not been informed of any such transport-related issues, but in any event normal
350 public bus services have now resumed.

Hon. Ms M D Hassan Nahon: Mr Speaker, I do not know whether this supplementary will
touch the Minister for Transport more than the Minister for Health, but I was approached by a
few employees of the Dr Giraldi Home, and yes, it was before the bus service resumed but I was
355 told in the last few days that, despite resuming of the bus services, some routes are still lacking
and have an adverse impact on them getting home.

Honestly, I am simply here asking the question, representing these people who, for all intents
and purposes, are considered essential workers. So, if I could ask the Minister for Transport to
perhaps review the current bus routes and maybe have a chat with me so that I can present
360 further the issues that some of these employees are facing, given their importance within the
workforce at this time.

Hon. P J Balban: Mr Speaker, the hon. Lady may wish to write to the Hon. Minister for
Transport and seek the information she is requesting.

365 **Mr Speaker:** Next question.

Q385-390/2020

Living with dementia in Gibraltar –

Total number, number receiving domiciliary care and number waiting for residential care; study re prevalence; National Dementia Committee; appointment of Dementia Co-ordinator and Dementia Liaison Manager

Acting Clerk: Question 385/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the number of people living with dementia in Gibraltar?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 386 to 390.

Acting Clerk: Question 386/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the number of people living with dementia in Gibraltar receiving domiciliary care?

Acting Clerk: Question 387/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the number of people living with dementia in Gibraltar waiting for a bed in residential care?

Acting Clerk: Question 388/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Government carrying out a study on the prevalence of people living with dementia in Gibraltar in the next five to 10 years?

Acting Clerk: Question 389/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When will the Government establish and select the National Dementia Committee?

Acting Clerk: Question 390/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When will the Government appoint a Dementia Co-ordinator and Dementia Liaison Manager?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, as of December 2019 there were 410 individuals diagnosed as living with dementia.

At present there are 152 individuals living with dementia receiving domiciliary care.

There are currently 30 individuals living with dementia on the ERS waiting list.

The GHA is in the process of conducting a study into the incidence of dementia by analysing the annual prevalence of this condition.

The National Dementia Committee is already established.

In relation to Question 100, this is currently being reviewed and an announcement will be made in due course.

Hon. Ms M D Hassan Nahon: Excuse me, if I may, can I ask the Minister: the announcement for what, exactly, because I have got many questions and I did not get what announcement he was talking about.

Hon. P J Balban: Mr Speaker, that was with reference to Question 390, which said, 'When will the Government appoint a Dementia Co-ordinator and Dementia Liaison Manager?'

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can start some of the supplementaries, from what I understand, the Minister, when he talks about the number of people living with dementia, says 410, I believe, as from 2019. From what I understand, the last official figures are 2018. Is this an official update of 2019? And if so, has it been published? Maybe I have not seen it, but as far as my research goes 2018 was the last official figure.

Hon. P J Balban: Mr Speaker, I certainly hope that these are the official figures because these are the ones I asked my staff to provide me with.

Hon. Ms M D Hassan Nahon: Mr Speaker, with regard to a supplementary on Question 386, can I ask does the Minister know how many of those living in the community with dementia are not receiving the care? He says there are 152 receiving care, so are we talking about basically the difference, 250-odd, 260? Are there 260 people in the community not receiving care? The issue is knowing the stats. It is important to plan for the future for care and funding into the next five years. Knowing how many people there are in the early stages, does Government have a grip on how many people there are with dementia in the community suffering from dementia, living with dementia in the early stages?

Hon. P J Balban: Mr Speaker, if I read the statistics correctly, of the 410 individuals diagnosed as living with dementia some of those will be living at home and some will be living within ERS. The figures state that 152 are receiving domiciliary care, and that would mean that they receive this care at home.

Hon. Ms M D Hassan Nahon: Does Government have a department or a group of employees within the Health Service, within his Ministry, to monitor the number of people living within the community and developing symptoms? Is it on top of those in the outside of the actual ERS system who are coming along with dementia from early symptoms?

Hon. P J Balban: Mr Speaker, as patients are seen by their respective GPs, if dementia is diagnosed or is suspected they are immediately referred to the care of Dr Antonio Marin, who does a full investigation and ascertains what type of dementia the patient is suffering from and then plans the treatment for that patient.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Minister said in his answer to Question 390 that they will be appointing a Dementia Co-ordinator and Dementia Liaison Manager in due course but that the National Dementia Committee has already been established. In the strategy that has already been established, in page 6.2 it recognises the importance of a Dementia Co-ordinator and Liaison Manager, so this is a key objective for the strategy. How long are we supposed to be waiting for these appointments? It seems clear from the strategy itself that the dementia plan cannot continue without these managers and co-ordinators. How long is 'in due course'?

Hon. P J Balban: Mr Speaker, it is Government's opinion that it is extremely important to have a Dementia Co-ordinator. The reason why this has not happened yet is because the post was going to be presented at the estimate submissions this year. Because there has been a delay

465 to the financial year, this will be presented at the end of the year. So, this will happen and we
will bring it to Parliament for the approval of hon. Members.

Hon. Ms M D Hassan Nahon: Mr Speaker, does this also apply in general to the committee?
The Minister says that it has already been set up, but it does not seem like there is a structure
470 for it, it does not seem like people have been selected, it does not seem like it has been
established and I certainly know that it has never met. So, is this as well something that will take
place in due course so that we can establish the entire plan and move forward, or are these
elements of the committee going to be waiting for a date that has not been established yet?

Hon. P J Balban: Absolutely, Mr Speaker. In fact, it was back in January when the actual
475 Dementia Committee was made public, but it was not that the names of those to be appointed
were made public, because as different people move in and out of their respective roles the
names of individuals change; what was made public in January was that the Dementia
Committee will be constituted of, for example, the Principal Secretary, the Minister for Health
480 and Care, the National Dementia Co-ordinator – who we looked at in the previous
supplementary – the ERS Manager, the care industry's CEO, the GHA Medical Director, the
Housing Manager etc. So, there are lists, which were set out in January, of all those officials that
will be part of that committee and also further heads of departments who will be required to
attend. It is the Government's view that dementia is so widespread and so important
485 throughout the whole community that people like, for example, the Police Commissioner, the
Tourism CEO, the Director of Environment and numerous others, would also form part of this
Dementia Committee.

As to when it is expected that this will start, we are expecting that this will happen sometime
within the last quarter of this year.

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Hon. K Azopardi: Can I just ask, if the hon. Lady has finished ...?

On Question 388 – her question on the Government carrying out a study on the prevalence
of people living with dementia in Gibraltar in the next five to 10 years – the answer, I think, of
the Hon. Minister was that the GHA is carrying out the study already. Can I ask him how is this
495 study being carried out? Is this an independent study? Is it an in-house study? How is the study
being carried out on the prevalence of people? Presumably it is not dealing with the people who
already have dementia; it is a sort of forecasting – which is, I think, the hon. Lady's question –
how many people will have dementia, or trying to trace in a helpful way the likelihood of the
trend of dementia diagnoses in Gibraltar for the forthcoming future. So, how is this in practice
500 happening if it is already ongoing? What is the scope of the study? Is there an attempt to
interview or assess individuals once they reach a certain age or once they display certain
symptoms? Perhaps the hon. Member can illuminate us on that.

Hon. P J Balban: Mr Speaker, since 2018 the Clinical Director for the Elderly prepares an end
505 of year report which analyses the annual prevalence of dementia both within the community
and within the residential settings. So, it is an internal end document which lays out the
prevalence of dementia.

In fact, the last report, which was carried out in 2019, showed that within the total
community dementia counts for 1.7% of the overall population, and within the over-65-years-
510 old bracket around 8.5% of all those over the age of 65 are suffering from dementia. These are
the studies that come about from this end of year report, which has been happening since 2018
carried out by the Clinical Director for the Elderly.

Hon. K Azopardi: I am grateful for that, but I am not sure that answers the question because
515 that is simply saying there is a report already happening, which is of an internal nature so it is

not commissioned to an external specialist, and that internal report is looking at actual statistics now, making it proportional to the population and therefore coming up with these figures of 1.7% of the overall population and 8.5% of over-65s, which is, I think, what the hon. Member said. But the question asks what study are you doing on the prevalence going forward for the next five to 10 years, so it is a much more forward-looking question and the answer that you originally gave was that you were carrying out the study.

Is the GHA actually carrying out a study looking at future trends and how to deal with them, or is it simply carrying out this internal study which is an after-the-event correlation of the statistics to the population?

Chief Minister (Hon. F R Picardo): No, Mr Speaker, this study is what will give an indication of what might come. The hon. Gentleman says ‘But what are you doing about the prevalence in the future?’ That is inherently contradictory because prevalence is about existence. The definition of ‘prevalence’ is about the fact of condition of being. What the hon. Gentleman is, I think, trying to say, and on which we agree, is that we need to be making an assessment of how we expect dementia to be manifesting itself in our society in the future. In order to do that, what we are doing is the study the hon. Gentleman has been referred to, which gives us an indication of the rates today so that we can extrapolate forward. There is no other way that we are advised is available for us to be able to do this, other than just foretelling, so it is by looking at the statistics as they are today and the trends that are developing that we will be able to extrapolate going forward to achieve what I think the hon. Gentleman agrees with us we should be trying to do, which is why we are doing it, which is to make an assessment of what resources we are going to need or how we might better approach the resourcing, treatment – although that word unfortunately is not one with the prevalence in respect of this disease that we would all like to see – and the care that we provide for those with this disease.

So, Mr Speaker, I think the hon. Gentleman will see that what we are doing is designed to give us that understanding of the future prevalence of this disease in our community so that we are better prepared to deal with it as best we can, which I am sure is what we all agree we need to be able to do.

Hon. K Azopardi: Mr Speaker, yes, I think we are on common ground as to what the objective should be, but there was no element of contradiction in the way that I put my question because I was simply reflecting – this is not my question – that in answer to this question, which is about the prevalence in the future, the hon. Member’s original answer was the GHA is carrying out the studies. I was trying to probe as to how this is in fact going to happen given that the original answer was that they were carrying out a study in relation to the prevalence of people living with dementia in the next five to 10 years.

What is obvious from the answer that has been given is that in fact what is happening is that these are snapshots – after the event snapshots, if I can put it that way – of what is happening today to establish historical trends, which may help with the future as to how to deal with dementia, which I certainly think is the right thing to do as well. But in terms of perhaps looking at support or other mechanisms which may assist in relation to how these trends are developing, does the Government agree that it might be helpful, given that the Hon. Minister has indicated that this is an internal document and that this is quite a specialist area, that external specialists might be commissioned to assist the GHA personnel on this issue?

Hon. Chief Minister: Mr Speaker, I really, genuinely, do not think this is an issue of party politics. I think this is an issue that cuts across this community and every political divide and there is no difference in the approach of the political parties in this respect.

So, the answer to the question, if it were put on the basis of a yes or no answer being required, is yes insofar as that is considered to be necessary by those in the GHA who are the specialists, but from the understanding that we have there is unfortunately no expertise

570 unavailable to the GHA personnel in working with individuals within the organisation of the GHA
and working within what I might call the socio-charitable-medical fraternity in Gibraltar, which
means that we do not have access to particular expertise in doing those extrapolations and
looking at those trends which he says are almost *ex post facto* but unfortunately it would
appear, from what we are being advised, there is no other mechanism in play that is available
elsewhere and which we are not accessing either because we are seeking to save cash, we are
575 seeking to save face or we are seeking to act in any other way.

Everybody here is wanting to see access to whatever it is that may be available that may help
us to better allocate resources, treat – I use that word again advisedly, unfortunately – or
provide care in respect of those who are presently suffering with dementia, those who may start
the process of suffering with dementia and those who in the future may suffer with dementia,
580 and to ensure that we have the resources available to deal with those numbers such as they may
develop.

So, the hon. Gentleman can rest assured that the Government has already taken the
approach of not wanting to simply look at what it is that we may do here but look more widely
at what it is that we might be able to do generally in respect of this disease, and if anything
585 comes to his attention which he wonders whether we have explored then he should feel free to
get in touch with me or with the Minister so that we can ensure that that particular rock has
been lifted and we have looked under it – and if not, we certainly will.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may just ask one more supplementary on this
590 question: considering that the committee has not sat yet or been established and that the
strategy has not been implemented in full, wouldn't the Minister or the Chief Minister agree
that the strategy has to be wholly implemented in order to ascertain certain types of
information that, not having implemented a committee yet, especially as recommended in the
first point of the key objectives within the strategy, would actually hamper the integrity of such a
595 study and make it non-viable as it stands?

Hon. Chief Minister: Yes, and we are in the process of doing so. The hon. Lady knows that we
have been through four months where, unfortunately, normal service has not been able to be
resumed until recently and even then not entirely, but she is encouraging us to do that which we
600 are committed to doing and which we have not yet been able to do.

Do we wish that we were back in February or early March and doing these things rather than
doing some of the things that we have had to do? Absolutely. I am sure that she agrees with me
in that respect and that this community will be best served when we are able to take those steps
and finalise this important strategy on which we are embarked.
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Mr Speaker: Next question. I think that is more than enough.

EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

Q325/2020

**Diesel power-generating plants –
Confirmation of decommissioning**

Acting Clerk: Question 325/2020, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that it has now decommissioned
610 all of the old diesel power-generating plants?

Acting Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

615 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the only old diesel power-generating plant still in commission is Waterport power station. It is being used only on a standby basis.

Hon. E J Phillips: Mr Speaker, the standby basis – is that a permanent status?

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Hon. G H Licudi: Permanently until it is decommissioned.

Hon. E J Phillips: Yes, but the reason why I – It is not a joking matter, quite frankly, but anyway, let's get on with the supplementary.

625 Page 81 of the GSLP manifesto says that the decommissioning of plants will take place at the end of 2019. I am just wondering why there is a six-month delay in that decommissioning.

Hon. G H Licudi: I am not sure where the hon. Member has been in the last four months but certain things have happened in the last four months which have not allowed us to progress things as we would have.

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Before we fully decommission this plant, 'standby basis' means simply it is there on standby; it is not actually being used. There is no power being generated by this particular plant at the moment; it is just now on standby if it is needed.

We are in the process of finally and fully commissioning the new North Mole power station, and that has been subject to some delays in terms of the full testing programme. The tests which were being carried out earlier this year and which need to continue were almost put on hold in the last four months just to make sure that we continued to have the resilience that we needed in terms of power generation and it was not disrupted by any testing process. And there was also the issue of the technicians being available in Gibraltar. So, the final and full commissioning of the North Mole power station has still not been completed. I expect Waterport power station to be decommissioned ... I hope the hon. Member will not hold me to it, although I assume that he will, but by the end of this year that should be fully commissioned. But we need to be satisfied that, by the time we do that, we do not need to have something on standby in case we ever need it, and therefore we need to be satisfied that the North Mole power station is completely up to speed, it is running normally and all the necessary testing has been carried out.

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I would add, and I am sure the hon. Member will be interested, that the Waterport power station, which as the hon. Member knows is gas fired and ... well, there are dual, but it is running on gas, all the engines are capable of running on gas and it is being run on gas, and that is now responsible for around 80% of power consumption in Gibraltar. So, 80% of all power being consumed in Gibraltar at the moment is being generated by gas-powered generators rather than diesel-powered generators and I hope that the hon. Member will welcome that.

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Mr Speaker: Next question.

Q326/2020

New Harbours and Europa Business Centre solar panels – Energy produced and fed into power network

655 **Acting Clerk:** Question 326/2020, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many kilowatt hours of electricity have been produced and fed into the power network from the solar panels at New Harbours and Europa Business Centre?

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Acting Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Europa Business Centre solar installation is not yet operational. The New Harbours installation has, up until the end of May, generated a total of 1,419,656 kWh.

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Hon. E J Phillips: Does the Minister know what that means for the grid and the total energy used by our community of the power generated by New Harbours?

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Hon. G H Licudi: Mr Speaker, I am not sure what it means for the grid itself. I assume that it is all being fed into the grid, but it means that its capacity is 800kW. That is the generating capacity of the New Harbours installation, which has been finalised.

Hon. E J Phillips: Mr Speaker, the reason I ask that question of course is that the plan under the GSLP's National Economic Plan that it put to the electorate in the last General Election envisaged a very significant investment in relation to solar parks, namely 20,000 square metres, to deliver 3.5 MW of power amounting to, as is said in the manifesto, 10% of Gibraltar's total electricity power to our community. The amount of 800kW is obviously woefully below the target, given the fact that this investment has not started yet.

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How does the Government envisage rolling out this proposal put forward in its manifesto in terms of meeting that standard of 10% of electricity power in our community?

Hon. G H Licudi: Mr Speaker, the hon. Member has asked about two specific projects, New Harbours and Europa Business Centre, but that is of course not the full story. There have been a number of press releases issued setting out areas where the Government has identified and embarked on projects. I can give the hon. Member the list: the University accommodation, Special Olympic, Lathbury, Europa Point, Bassadone Motors' facilities, New Harbours Estate, Europa Business Centre, Mid Harbours Estate, Airport, Mount Alvernia, Ocean Views and Hillside Centres, St Joseph's School – 'University' seems to be repeated, but one is the accommodation and the other is the University itself – and the cruise liner terminal. All of these projects are either ready or being carried out at the moment or in 2020. All of these projects when they come to fruition will have the capacity to generate around 4.6MW of electricity and that represents 16% of Gibraltar's generating needs, which is 6% higher than the target which the hon. Member has referred to. *(Banging on desks)*

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Hon. E J Phillips: Mr Speaker, that is interesting to hear and it would have been helpful to have that listed in the glossy pictures of the manifesto, which we are going to dissect every single month that we come here for the people of Gibraltar so that they can understand which promises will be breached during the course of the next four years.

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What we would say is, on that basis –

Chief Minister (Hon. F R Picardo): Point of order, Mr Speaker. The hon. Gentleman can, if he wants ... but this is Question Time, not party political broadcast time. If he wants to play that game we are very happy to play it, but can he just accept that what he has identified is not a promise breached but a promise actually delivered?

705

Mr Speaker: Just one second. Resume your seat, please.

I think the important thing is that we are here to ask questions civilly and to get answers civilly. Any wish to be provocative about the way that you start off the question is really not acceptable, so I ask you, please, in the future just to hold fire; take it nice and easy and answer questions in a simple fashion and you will get an answer in a simple fashion. Please.

Hon. K Azopardi: Mr Speaker, just simply on the point of order, because you heard the Hon. Chief Minister but you did not hear me on the point of order, may I say that what the hon. Member said on the point of order, especially at the tail end where he asked the hon. Member to confirm whether it was a breach or a compliance, is not a point of order at all, firstly.

Secondly, if there is anyone who is provocative in this House he sits on the other side of this floor. The hon. Member, in putting the question, yes, may have made a comment that may have been slightly provocative, but we have heard so many provocative statements from Members opposite that we do not reply to.

Hon. Chief Minister: Well, Mr Speaker, in response to that what I would say is this –

Mr Speaker: Order! (*Interjections*)

Hon. Chief Minister: No, I am sorry, Mr Speaker, I made a point of order, the hon. Gentleman has responded to the point of order and I am entitled to put my view in response. As has always been the case in this House, the person who puts the point of order – you then hear the other side – then responds to the answer to it.

Let's be very clear – (*Interjection by Hon. R M Clinton*) Well, at least Mr Clinton makes a sound – I have not heard what he said from a sedentary position. I am simply reflecting my understanding, after 17 years of being a Member of this House, of how the matter has been dealt with –

Mr Speaker: Please resume your seat.

Hon. Chief Minister: – in the time that I have been here.

So, Mr Speaker, the position of the Government is very simple. This is the cut and thrust of politics. We say things to each other, of course we do, but it is absolutely the case in any parliament that is governed by the Westminster-style system that when you ask a question you do not, in Question Time, bring a provocative reference to the manifesto. That is just the reality of how you do Question Time. The hon. Gentleman may like it or may not like it, but I commend to him that he should familiarise himself with the rules of other parliaments which are governed by our system.

Mr Speaker: If I may just interject here, over the past few months I have been watching the parliaments of devolved administrations at Question Time, the Scottish Parliament and the Welsh Assembly and indeed the House of Commons, and most of them will keep their comments to themselves and just go ahead and ask simple questions for which they will get a simple answer.

If you preface any question or your response with something which is unreasonable or not correct and not proper, then it is not the kind of thing that I would like to preside over. I think we are here to do the business of the House, which is for the Opposition to scrutinise the policies and the decisions made by the Government, but it can be done without a need for any kind of undercutting or suggestions which upset the balance.

We have established a nice working balance here between the Chief Minister and the Leader of the Opposition and I want that to continue in the House. What I do not want is ironical or cynical starts to questions – both sides. I am not only referring to the Hon. Mr Phillips; I am also

760 referring to the Chief Minister. We must pipe down and moderate our behaviour, because it is not conducive to anything positive.

Thank you.

765 **Hon. K Azopardi:** Mr Speaker, just to clarify so that I understand – (*Interjection*) no, to clarify the Speaker's ruling – the Speaker is presumably directing those statements not just at questions but also in relation to answers which overextend themselves way beyond the scope of simple questions that sometimes are put by hon. Members on this side.

770 **Mr Speaker:** No, and I have actually said so just a few moments ago. It is directed to both sides of the House.

775 **Hon. E J Phillips:** On that basis, Mr Speaker, I am grateful for the clarification. What I would say, though, just for the record, is that I believe the points that I am making were entirely clear, were entirely civil, were not provocative and were entirely proper. With the greatest of respect to you, Mr Speaker, I in no way consider them to be improper or provocative. In fact, what I am doing is encouraging the Government –

780 **Mr Speaker:** Excuse me, just a second. I am going to, at some stage, provide you with the *Hansard*. Obviously it does not include the tone, but the *Hansard* will show that it was provocative and I am asking you, in a positive way, just to hold fire, just continue –

785 **Hon. Chief Minister:** Mr Speaker, can I just remind all hon. Members – and I do this as the Leader of the House, and I am sure that the Leader of the Opposition will agree with me, as will the hon. Lady and the Leader of the Liberal Party – that none of us speak above the Speaker when you are speaking?

Hon. E J Phillips: Mr Speaker, I will finish my questioning.

790 Insofar as the solar park initiative is concerned, given what the Minister has said insofar as the 16% deliverable on this project, is the Government therefore continuing with its promise to meet that additional 10% from the solar park project that is envisaged in the context of the manifesto commitment?

795 **Hon. G H Licudi:** Mr Speaker, I have not got the precise paragraph in front of me but I do not recall that it is 10%. It is a total of 20% of renewable energy, which would include the solar panels.

Hon. E J Phillips: Mr Speaker, just to confirm, on the National Economic Plan of the Government, under the section of the Hon. the Father of the House it stated:

We propose to design and build a Solar Park covering an area of approximately 20,000 m² which will provide approx. 3.5 Mega Watts of power, amounting to approximately 10% of Gibraltar's total electrical power requirements.

800 This project, that is stated in the manifesto as of October last year, is it the position that it will be in addition to the 16% that the Government is generating from existing projects? I am just trying to clarify the basis on which the Government is proceeding with this solar park project within the manifesto.

805 **Hon. G H Licudi:** Mr Speaker, it is not clear to me why the hon. Member should think that that is only one area, just covering the whole of the solar panels, which would amount to 10%. That would in itself require a very large area on its own just to produce the 10%.

I have given him a list of projects which are intended to produce 16%, as I mentioned a few moments earlier, and the Hon. Minister for Utilities who was responsible for this before and certainly at the time that the manifesto was published, will be able to confirm that our intention was to produce 20% inclusive of these solar panels.

Hon. E J Phillips: Just to be clear then, this project is inclusive, so it is a package of measures. I am grateful.

Mr Speaker: Next question.

Q327/2020
Extension jetty –
Government position re use for bunkering

Acting Clerk: Question 327/2020, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state its position in relation to the use of the extension jetty for bunkering?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the extension jetty was originally used by the MoD to discharge fuel into Kings Lines depot and also as a refuelling station following its construction in 1955. After the jetty was taken over by the Gibraltar Government in the early 1990s it has operated as a bunker berth, primarily for super yachts and coasters. The intention of this Government is to continue to allow such vessels to take bunkers at this location.

Q328/2020
School calendars for 2020-21 –
Term, holiday and in-service dates

Acting Clerk: Question 328/2020, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, sir, can Government provide details of its schools' calendars for the academic year 2020-21, showing start and end dates for each term together with details of holidays during any term period and in-service dates?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, a copy of the schools' calendar for the academic year 2020-21 is now handed to the hon. Member.

Whilst the hon. Member receives that, I should clarify that the question asks also about in-service dates and, as the hon. Member will be familiar, these are dates which are arranged by the Department of Education with the schools during the course of the year, and different schools have it on different dates. Therefore, the calendar itself will not set the dates themselves, but this is an ongoing process between the Department of Education and the schools.

Answer to Q328/2020

Schools and College Calendar
2020-2021

(except Hebrew School)

AUTUMN TERM	SPRING TERM	SUMMER TERM
<u>Starts</u> Tuesday 1 st September 2020 <u>Ends</u> Tuesday 22 nd December 2020 <u>Holidays</u> National Day: Thursday 10 th September 2020 Mid-Term: from Monday 26 th October 2020 to Friday 30 th October 2020	<u>Starts</u> Thursday 7 th January 2021 <u>Ends</u> Friday 26 th March 2021 <u>Holidays</u> Mid-Term : 15 th – 19 th February 2021**	<u>Starts</u> Tuesday 6 th April 2021 <u>Ends</u> Thursday 8 th July 2021 <u>Holidays</u> Workers' Memorial Day: Wednesday 28 th April 2021 * May Day: Monday 3 rd May 2021 Spring Bank Holiday: Monday 31 st May 2021 Queen's Birthday: Monday 14 th June 2021 *
No of days = 75	No of days = 52	No of days = 64

Total Number of days (staff) = 191

Total Number of days (pupils) = 188

(24 hours of INSET for staff development to be carried out, the logistics of which to be determined by the Department of Education)

Summer hours will operate from:
1st September 2020 to 9th September 2020 and
21st June 2021 to 8th July 2021

For Lower Primary Schools: Summer hours are from 09.00 to 12.00
For Upper Primary: Summer hours are from 09.00 to 12.30
For Secondary Schools: Summer hours are from 09.00 to 12.45

*to be confirmed

**Commonwealth Day to be placed on the Monday that commences the spring midterm always e.g. Monday 15th February 2021

Hebrew Primary School Calendar
2020-2021

AUTUMN TERM	SPRING TERM	SUMMER TERM
<u>Starts</u> Tuesday 1 st September 2020 <u>Ends</u> Tuesday 22 nd December 2020 <u>Holidays</u> National Day: Thursday 10 th September 2020 Yom Kippur: Monday 28 th September 2020 Sukkoth: Thursday 1 st October – Monday 12 th October 2020	<u>Starts</u> Monday 4 th January 2021 <u>Ends</u> Friday 26 th March 2021 <u>Holidays</u> Mid-Term : 15 th – 19 th February 2021** Purim: Friday 26 th February 2021	<u>Starts</u> Tuesday 6 th April 2021 <u>Ends</u> Wednesday 14 th July 2021 <u>Holidays</u> Workers' Memorial Day: Wednesday 28 th April 2021 * May Day: Monday 3 rd May 2021 Shavuot: Monday 17 th and Tuesday 18 th May 2021 Spring Bank Holiday: Monday 31 st May 2021 Queen's Birthday: Monday 14 th June 2021 *
No of days = 71	No of days = 54	No of days = 66

Total Number of days (staff) = 191

Total Number of days (pupils) = 188

(24 hours of INSET for staff development to be carried out, the logistics of which to be determined by the Department of Education)

Summer hours will operate from:
1st September 2020 to 9th September 2020
and 21st June 2021 to 14th July 2021

For pupils in Lower Primary: Summer hours are from 09.00 to 12.00
For pupils in Upper Primary: Summer hours are from 09.00 to 12.30

*to be confirmed

**Commonwealth Day to be placed on the Monday that commences the spring midterm always e.g. Monday 15th February 2021

845 **Hon. E J Reyes:** Thank you, Mr Speaker. I will look at them now.

The reason why I asked as well for in-service dates is because I think there was some talk – I do not know where it originated, from the teachers' side or from the Ministry's side – of perhaps schools from different sectors, lower primary or upper primary, all coming together to have a specific, more global type of in-service, and therefore schools within that sector might all be closed at the same time. But I do understand what the Minister is saying, it really is up to each school to negotiate, if one wants to use that word, with the Director of Education, especially if you are going to have some external education experts coming in to deliver.

So, I am grateful. If I have any supplementary I will ask the Speaker's permission to enquire further.

855 **Hon. G H Licudi:** Mr Speaker, my understanding is that general in-service dates are arranged between the schools and the Department by sector, so you would have an in-service date for the secondary sector whereby both schools would do it, and the lower primary sector. It does not necessarily have to be that way, but that is how I understand it normally works and that is what I expect would happen this particular year.

Q329/2020

University accommodation block and comprehensive schools – Construction method

Acting Clerk: Question 329/2020, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, did the Government consider the use of modular construction methods for the comprehensive schools and the University accommodation block?

865 **Acting Clerk:** Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, no.

870 **Hon. R M Clinton:** Mr Speaker, may ask the Minister why not?

Hon. G H Licudi: Those involved in this particular project decided to proceed down conventional routes.

875 **Hon. R M Clinton:** When you say 'conventional routes' you mean normal bricks, mortar, concrete, and that was deemed to be better than modular – is that right?

880 **Hon. G H Licudi:** Mr Speaker, it is not a question of whether it was deemed to be better or worse than modular. There was a process and the result of this process was that the contractor and construction method proposed which appeared to be most viable and best for the Government, for the community and for the taxpayer was chosen.

Q328/2020

**School calendars for 2020-21 –
Supplementary questions**

Hon. E J Reyes: Mr Speaker, coming back to question 328, a couple of very minor points, to be cleared.

885 The Minister in the note says '24 hours of INSET for staff development to be carried out, the logistics of which to be determined by the Department of Education', as we talked about before. Those 24 hours – if we look at the number of days for staff and the number of days for pupils, there is a difference of three, so what he means by 24 hours is three days rather than 24 continuous hours? Is it three days of eight hours each? My deduction is that it is three days of
890 in-service, yet he refers to number of hours. Or is he referring to the hours as, for example, after school finishes at say half past three in the afternoon? Is he referring to that?

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, we are certainly not referring to 24 continuous hours of in-service for the teachers.

895 As the hon. Member has identified, there is a difference of three days between pupil days and staff days. There is also a reference to 24 hours. That raises the possibility but not necessarily the certainty that those 24 hours will be done over those three days, eight hours per day, but there can be other permutations as to how those 24 hours are actually made, apart from the three days. That is a matter that is the subject of ongoing consideration and discussion.
900

Hon. E J Reyes: I am very grateful for that provision. So, what the Minister is saying is although not cast in stone yet it is possible that the equivalent of those three in-service days could be carried out by using 24 hours or some other permutation during the course of the year. Is that what he is saying?
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Hon. G H Licudi: Mr Speaker, those three in-service dates will be in-service days, so there are three in-service days. My understanding is that traditionally in any in-service days there are around five hours of in-service delivered, more or less. If those three days are used as normal in-service days, as they have been used in the past, that would amount to 15 hours, which would
910 still require nine hours to be done. There is a possibility of extending the number of hours on each of those three days or finding some other permutation to do those other hours. That is still the matter to be to be finalised.

Hon. E J Reyes: I am grateful. One other thing, Mr Speaker: the note on the spring term holidays says, 'Commonwealth Day to be placed on the Monday that commences the spring
915 midterm always e.g. Monday 15th February 2021'. Does that mean that the bank holiday for the whole of Gibraltar would be transferred from March now to the Monday where it commences the spring term? Would it have that implication for the whole community in Gibraltar, not just schools?

920 **Hon. G H Licudi:** Mr Speaker, Commonwealth Day will be a bank holiday, and it will be a bank holiday not just for the schools but for everybody working in the community.

The hon. Member will see that what there is, for the first time in the spring term, is a new mid-term which happens in February, which is a week. The policy decision that was taken by the Government, because there was some flexibility on Commonwealth Day, rather than having
925 Commonwealth Day perhaps at a later date in March or sometimes in April, I believe, it was decided that Commonwealth Day would always be celebrated in Gibraltar at the start of the spring mid-term for schools, so that would be one day that would be a bank holiday and would be the start of the mid-term week for schools. What the note simply reflects is that that is a practice which we expect will happen every year as from 2021.

930 **Hon. K Azopardi:** Mr Speaker, can I just ask – because I had not spotted it – as my hon. colleague has asked questions on it ...? It is not a major issue but I thought Commonwealth Day was not up to us but that it is actually a day that is celebrated in the Commonwealth, albeit not in the United Kingdom, as a holiday. I thought that Commonwealth Day was a fixed date in March which is set by someone; I am not sure who, but it might be Her Majesty or it may be
935 someone in some kind of council of state somewhere. It may not be a public holiday but I did not think that we could just move it around as a domestic issue.

Hon. G H Licudi: Mr Speaker, the view that we have taken is that the Government decides when it chooses to celebrate a particular day as Commonwealth Day in Gibraltar, and for the
940 reasons that I have given the hon. Member, which are practical reasons and which I hope the hon. Members understand make sense, we have decided that Commonwealth Day will be celebrated at the start of the mid-term week in the spring term.

Hon. K Azopardi: Can I just ask on that, then: given that there is going to be a possible spring
945 term but the end of term looks like it would be falling on the usual day at the end of the first week of July, what consequence, if any, does it have to take out a week of full days in school?

Hon. G H Licudi: None at all, Mr Speaker, because the crucial issue, certainly as far as pupils are concerned, is the number of days that the pupils spend in schools, which is 188, and that is
950 the number that there ought to be in the school calendar. What we have done is remove two days which were traditionally school holidays but not bank holidays, the Immaculate Conception and Ascension Thursday. Those days will be normal school days and instead of having those two days off they are now taken as part of the mid-term week. Added to Commonwealth Day, that makes three days, and then the other two days are the reduction of five in-service to three in-
955 service but with the number of hours still having to be made up in the manner that I suggested to the hon. Member.

So, what we have found is a practical solution which does not at all affect the number of days that pupils are taught in schools but does provide a practical way of achieving a mid-term week in the spring term.
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Hon. K Azopardi: Can I ask, given the answer, was there consultation beyond the Department of Education in the conversion of days like Ascension Day and the Immaculate Conception from school holidays?
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Hon. G H Licudi: The consultation has been, clearly, with the Teachers' Union.

Hon. K Azopardi: Only with the Teachers' Union? Has there been consultation with the Church, for example?

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, there were discussions on this with representatives of the Catholic Church. It is some time ago, I cannot recall the detail, but I do not recall any serious objections to it. There were arguments in relation to the fact that children who were going to school ... If there had been a concern about attending Mass on those particular days, then the schools could perhaps arrange for that and it might even be more likely that they attend with the school than if they stay at home with the difficulty of parent at work and so on. I remember the discussion did take place some time ago but I cannot recall the exact details. This could be looked into, if specifically asked. I hope that is of some assistance.
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Hon. E J Reyes: One minor thing, if I may, Mr Speaker – I know the Minister wishes he had a magic wand and knew the answer. There still remains a slight possibility that public

examinations in the United Kingdom at the end of the academic year, where traditionally they start in May and tend to finish in June ... that those dates could be shifted and so on. Is it the understanding with the Teachers' Union at the moment that the school calendar may need to have minor adjustments depending on the dates when public examinations will be held as set by the UK examination boards?

Hon. G H Licudi: Mr Speaker, I do not think that that particular issue has been discussed. We have seen reports in the last couple of weeks about the possibility of the examination window in the UK starting later and then obviously finishing later. That may have an effect on the school calendar in the same way that the events of this year have had an effect on what has happened in schools. I am sure that we will be able to find a practical way forward, but in terms of exam calendar we will be entirely in the hands of the examination dates that are set in particular by the examination boards and the regulator Ofqual in the UK. It is, as with other things that we have spoken about in the past, something that we are actively and continually monitoring because there are comments, suggestions and reports almost every day about how this is going to pan out, and until a definitive decision is made and a formal announcement is made we will not be able to plan accordingly.

Mr Speaker: Next question.

Q330/2020

Notification of vacancies registration fee – Commitment to remove

Acting Clerk: Question 330/ 2020, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Business confirm whether the Government intends to continue with its commitment to remove the registration fee for the notification of vacancies?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, as set out in the Business and Employee Assistance Terms (BEAT) scheme, the waiver of fees has continued throughout the second quarter of 2020. This will be reviewed moving forward.

With regard specifically to the fee for the registration of vacancies, this was removed as from 1st Jan 2020 for employers with 10 employees or less.

Hon. D J Bossino: Mr Speaker, I was actually more focused in relation to the last point he made, the removal which was implemented in January. I may be wrong, but I have had a quick look at the relevant legislation and would just point out to the Minister that the requirement to pay the £17 fee on the vacancies still arises in the employment regulations. If he is not aware, I would ask him to have a look at it and amend the relevant regulations.

And just one supplementary, Mr Speaker: is there any intention, once the measures are no longer in place, on a permanent basis, to look at the other fees which are currently implemented? For example, I am looking at the relevant page of the Government website and it talks about a fee of £52 for the application for a work permit and a fee of £69 for the notification of temporary employment of a detached worker, which are pretty steep. If the Government is intent on assisting the economy and improving employment prospects, that perhaps is something that the Government will be looking at as a matter of policy going forward.

Hon. G H Licudi: Mr Speaker, the issue of the BEAT scheme and its continuation is something which – as the hon. Member will know because it has been announced – was discussed in the CELAC Committee and arose from that. That is the process that will continue going forward in respect of the review that has been announced. There have been quite a number of incentives, waiver of fees and provisions made for businesses, and clearly there has been, not just in Gibraltar but more widely, a significant economic impact of the events of the last few months. That is something that the Government is very aware of, very alive to and will be considering.

If the hon. Member is asking whether indefinitely going forward and in a normal situation we will waive all fees, then subject to CELAC and a policy decision that might be taken, my understanding is that that is not the Government's position. If we were today in a normal situation without having lived through the last three months, without having had to implement BEAT, without having had to have a CELAC, we would not have been considering a mass waiver of fees as we have done given the extraordinary circumstances that Gibraltar has lived through in the last three months.

Hon. D J Bossano: Sorry, has the Minister answered the point in relation to the legislation? Will he confirm and look into it?

Hon. G H Licudi: Yes, Mr Speaker, I have made a note and I will look at the legislation. The note I have is that that fee is no longer being charged as from 1st January whether that is reflected in the legislation or not. I will take what the hon. Member has said and will check the position and we will make sure that the legislation reflects the practice.

Q331/2020

Future home online learning – Plans for children without access to facilities

Acting Clerk: Question 331/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government planning to provide a structure for children who do not have access to online hardware and facilities, so that they can be incorporated in any future home online learning programmes should we need to resort to this practice in the event of a return to lockdown?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Department of Education, working with schools, has already issued a number of devices to families who require devices, on a loan basis. These families have been identified by head teachers of the respective schools as part of our home learning provision. We continue to work with head teachers in supporting these families in a number of ways. During the pandemic the Department received a donation of 25 iPads from Turicum Private Bank, which are being used for this purpose. Should a future lockdown take place, the Department of Education will work with the head teachers of the respective schools to implement a similar support structure to any families which are identified as needing such support.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his extensive answer and I appreciate that many devices have been donated and have enriched these children's home lives as it is at the moment, but my question is more focused in that before, when we had the first wave of the pandemic, shall we say, from what I understand, one of the chief reasons why

1065 children were not doing home learning was in order not to discriminate against those who did not have hardware facilities – and that there were a lot of them – so that they would not be left behind. My question to the Minister is: it is great to hear that some more are being donated and all that, but will that be enough and is that the plan going forward in order to establish a home learning programme, which they have not been able to do, if we have a second wave?

1070 **Hon. G H Licudi:** Mr Speaker, we most certainly have had a home learning programme and I have, I think, given details of this in public and in this House. The Seesaw project in primary schools has been extremely successful, I am told, and also the provision of home learning for children in secondary education.

1075 It is precisely because we have had a home learning programme and there has been this engagement with children that there has been identified a need for some children to have some of these devices. I mentioned a donation of 25. In fact, of those 25, 22 have been given out, so we have not even exhausted the quota of that donation. Quite apart from that donation, we had already identified the possibility of using iPads and we had another 40 iPads in stock, available and commissioned in order to be able to issue them, and if we needed more in the future then those would certainly be made available. But we had a substantial number of these devices
1080 available, of which 22 have been given out.

Given the interaction between the schools and the students which has arisen specifically as a result of the home learning provision and particularly as a result of the programme which schools had in place, of being able to identify those children who were engaging with home learning and those who were not, and being able to follow up those who were not and finding
1085 out the reasons why that was the case ... As a result of that exercise and that continuing probing and reaching out to students, a number of students were identified as needing these devices and those were made available.

1090 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again I thank the Minister for his substantial answer. Maybe I need to be the one who is more focused.

I appreciate that there was some home learning, and I saw it with my own eyes because I have children across the age range of the school system but in particular the Seesaw system. It was not curriculum based, it was more to stimulate the children, and there were no curriculum-focused learning sessions.

1095 I think maybe I have to ask the Minister once again. My questions to him pertain to whether all this hardware will come to something in terms of establishing a curriculum-based learning system if we have a second wave, and not a filler – and I say ‘filler’ with all due respect because I understand that things were haphazard and teachers did what they could at the time, but it was a filler, essentially, in the sense that it was not a curriculum-based programme. So, I am asking
1100 whether Government intends to establish a curriculum-based programme if we have a second wave and if they will have enough hardware resources to provide children who may not have it at home in order to continue with a curriculum-based programme.

1105 **Hon. G H Licudi:** Mr Speaker, there is no question that sufficient resources would be available. This was not a filler, whether in the loose sense or not; it was a decision that was taken by the Department of Education to focus home learning in this particular way.

I believe that I have answered questions in this House in relation to the curriculum and the fact that the curriculum was paused. The issue of not following the curriculum was not in order to not discriminate against children who may not have these devices, because we had devices
1110 available, but for a variety of reasons, including the fact that the curriculum was paused in the UK and the fact that it is impossible, as I have explained previously in this House, to replicate the classroom environment through a home learning scheme. There will be some children who adapt better to home learning than others, there are some children who are better independent learners than others. Clearly, because you do not have that interaction with the teacher as you

1115 would in the classroom, the Department, following consultation with teachers and the schools, felt that the focus should be the home learning provision that we have provided and specifically designed for this purpose.

1120 Having put all of this together in a very short space of time – literally in a matter of days, or a week or 10 days, when the whole issue of the lockdown started and there was a real need for this provision to be made – it is clear that we have now learned from the issues that arise from that, the kind of interaction that there has been with the children and improvements that can be made, and if there is a need to reinstate this kind of provision in the future we will be in a much better position than certainly we were in March.

1125 **Hon. E J Phillips:** Mr Speaker, I was interested to hear the exchange between the hon. Lady on the hon. Gentleman insofar as online resources are concerned, because it is a question of ... Indeed, he answered at the last session when probed by Mr Reyes in relation to this point, but I think the hon. Lady makes a good point as to the nature of the delivery of the curriculum.

1130 The Minister talks about the impossibility at that point in time of delivering the National Curriculum to our students, but there have been many concerns expressed to me – and, I am sure, to the hon. Lady as well in relation to this point – as to how much further we can go in a lockdown situation in delivering this type of education, the basic curriculum in terms of English and maths, to our students.

1135 I will give you a prime example of what we, in my family, did insofar as my son is concerned. We delivered key stage past papers in order to get him going with English and maths during the lockdown period. I am sure not all parents have the printing facilities and hardware facilities, as the hon. Lady has described, but if the pandemic is going to be with us for some time and circumstances are such that there is, as described, another wave of the disease, surely the Government must have plans in place to cater for the delivery of curriculum over a longer period
1140 of time to our students. Although the world stopped turning for a few months, we do need to have – and would he agree with this? – provisions in place for the delivery of curriculum in the way that has been described in this House. I would be eager to learn more about what the Minister's plans are in relation to that.

1145 **Hon. G H Licudi:** Mr Speaker, I have not said the 'impossibility of delivering the curriculum', I have referred to the impossibility of replicating a classroom environment and the difficulty that that creates for particular children, and therefore had we simply sought to deliver the curriculum then we would have had children being left behind. That is what we wanted to avoid.

1150 So, it was a deliberate policy decision, so as to prevent certain children being left behind, that there was an activity-based programme for the primary sector and a different kind of programme for the secondary sector in order to stimulate the children, provide them with the necessary resources, the mental abilities that are required, in order to be able to continue with the curriculum and resume normal education in the future.

1155 As to what might happen in the future, the hon. Member referred earlier to me not having a crystal ball – none of us do and none of us know what is around the corner with this particular issue, but that does not mean that we do not have plans. We do have plans as to what we intend to do in September. There is a question on the order paper as to that, which I propose to answer in a moment or two.

1160 **Mr Speaker:** Next question.

Q332-34/2020

Return to full education programme in schools –

Timing; social distancing measures; arrangements in event of return to full or partial lockdown

Acting Clerk: Question 332/2020, the Hon. Ms M D Hassan Nahon.

1165 **Hon. Ms M D Hassan Nahon:** Will the Education Minister confirm if all school years will recommence their full educational programme, class-based or online, in September; and can he offer a guarantee for a seamless transition, in the case of a return to a full or partial lockdown, to online, teacher-led, curriculum-based learning?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

1170 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 333 and 334.

Acting Clerk: Question 333/2020, the Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Is Government considering extending the school day in the future, for example by providing more than one school shift, should there still be a need to adhere to social distancing requirements come September, in order to secure minimal disruption to students' learning time?

1180 **Acting Clerk:** Question 334/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government looking to incorporate any added locations to separate students while continuing with curriculum-based learning in the event of a resurgence of COVID-19 within our community?

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Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

1190 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, it is the Government's intention to open all schools for all children in September. This will be done in full compliance with advice from the Director of Public Health and in consultation and partnership with the NASUWT.

1195 Naturally, the circumstances relating to COVID-19 that we find ourselves in nearer the time will have to be taken into account. However, given the low numbers of coronavirus infections which we have had in our community, and based on current figures, there can be no justification in keeping children at home. Our intention is therefore to operate schools normally in September but in what will still be an abnormal scenario.

1200 As we have done for the phased and gradual reopening of schools as part of the Unlock the Rock process, the Department of Education will issue guidance on measures which will need to be applied in all schools. This is expected to include staggered entry and exits for different year groups; staggered breaks to the extent possible and, where the curriculum allows, keeping the same classes together throughout the day; special arrangements for lunchtime to avoid large gatherings; limiting access to schools to children and staff except by appointment; using thermal scanners; and using one-way circulation routes, where possible. Face masks and face shields will be made available to all staff who wish to use them. We do not envisage the need to extend the school day.

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Gibraltar generally, including with regard to education, is now better prepared to deal with any resurgence of COVID-19 in our community than we were in March. We were able to react quickly and put measures in place to protect our community. We went from normality to

lockdown in a very short space of time. We have then experienced a gradual easing of restrictions through six different phases, the last of which is expected to end on 1st August. Given our experience since March, we are naturally now in a better position to deal with any resurgence of COVID-19. It is impossible at this stage to know what any such resurgence will look like, if it ever happens. A resurgence does not necessarily mean a return to lockdown; it could mean reverting to a previous phase, as we have seen in other countries.

The manner in which we continue to provide education for our children naturally depends on the type of any restrictions that might be imposed in the event of a resurgence or second wave. I am confident that our experience so far and the lessons we have learnt from this will allow us to continue to provide meaningful and curriculum-based learning for our children.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Hon. Minister for that answer.

I would like to ask him if class teachers, head teachers and heads of subjects have had the opportunity to be a part of this planning ahead for the new academic year and whether the plans take into account contingencies that may have to be applied for possible further closures ... in terms of have the teachers been engaged in this process?

Hon. G H Licudi: Mr Speaker, the Department of Education generally has a policy of discussing plans certainly with head teachers, so this will have happened. It is not something that I myself have been involved in, but I have been involved in the formulation of the policies and plans which I have outlined in my answer.

Hon. Ms M D Hassan Nahon: Thank you for that answer.

Mr Speaker, can I ask if teaching staff are receiving all the necessary training to ensure that their delivery of online lessons and use of technology may be optimised if this actually happens?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member means by training. If the hon. Member means whether there have been formal sessions during the period of lockdown, the lockdown clearly has provided a number of restrictions as to what could be done but certainly the information I have is that the Department of Education has engaged fully with the schools, and clearly with the staff, in order to maximise the use of the home learning systems and schemes which have been put in place both at primary level and at secondary level.

Mr Speaker: Next question.

Q335/2020

Private nurseries and pre-schools – Monitoring health and safety practices

Acting Clerk: Question 335/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Government currently monitoring health and safety practices in terms of prevention of infection with COVID-19 and the quality of provision in private nurseries and pre-schools?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, on Monday, 2nd March 2020 the Director of Public Health addressed all private nurseries. At this meeting Dr Bhatti offered advice, on social distancing and how to manage a clean environment,

to representatives of every private nursery in Gibraltar. The Gibraltar Government trusts that private nurseries have and will follow the advice and guidance given to them as well as to other private businesses.

I would add to that answer, Mr Speaker, that at some point in March we went into lockdown and the vast majority of the nurseries actually closed – I believe that all but one actually closed – and they resumed either on or around the time that we opened our schools or just before that, which will have been towards late May.

Hon. Ms M D Hassan Nahon: Mr Speaker, in terms of private nurseries, the Government issues licences and permits, from what I understand, for them to be able to provide childcare services. Once those permits are issued and the nurseries are open, are there follow-up inspections in place to ensure that the standards continue to be met?

Hon. G H Licudi: Mr Speaker, this is an issue that the hon. Member has raised in writing with me and she has been given a response as to what the Department of Education does.

Essentially I can say that the Department of Education monitors the registration of private nurseries and the registration process involves the assessment of the quality of provision of that nursery. The nursery needs to be registered through Companies House and be in possession of a business licence. They need to have a certificate of fitness from the DPC, Environmental Agency and the Gibraltar Fire Service. They are required to provide a business plan, list of employees, their qualifications and enhanced DBS checks for anyone working on the premises. The premises are inspected by the Department of Education to ensure that there is ample space for children, that the type of educational equipment is appropriate for the age range and that the necessary health and safety steps have been taken. An example of things to look out for is the toileting facilities and whether they are appropriate for the number of children attending, and whether the area that is used for children is kept safe from other areas of the nursery like the kitchen, the cleaning cupboards or the administrative office. When the Department of Education is satisfied that the nursery meets these requirements a certificate is issued to inform the nursery and the user that the business and the premises are officially registered with the Department of Education. Subsequent to that, there are ongoing and ad hoc discussions and engagement between the Department of Education and nurseries.

I am aware of one that, for example, happened today, where the Department of Education becomes involved in issues that arise or in advice. Specifically during the last three months we had enquiries from the nurseries as to their intentions to open the nurseries and seeking guidance from the Department of Education, and the Department of Education was able to provide the guidance as appropriate in keeping with public health guidelines for schools.

Hon. Ms M D Hassan Nahon: If I may just ask one last supplementary here, the Minister says that there are ad hoc engagements and discussions, and that is fantastic, but in terms of inspections can I ask how frequent these inspections are and who actually carries them out?

Hon. G H Licudi: Mr Speaker, I do not believe that there is actually a formal process of inspection, in the same way that we do not have a formal process of inspection of schools in Gibraltar as they have in the UK. That is my understanding of the position. That has generally been the case; it is not a new policy that has been introduced by this Government.

Mr Speaker: Next question.

Q336/2020

**Early intervention counsellors –
Number of children referred since start of COVID crisis**

Acting Clerk: Question 336/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: From the start of the COVID crisis to the present day, how many referrals were made to early intervention counsellors: (a) how many children have been referred to Mental Health Services; (b) how many children have been referred to Child Protection Services; (c) how many children have been referred to educational psychologists?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, before I answer that question can I just clarify something that I said a moment ago about inspections of schools and the process of inspections of schools? I naturally meant third-party inspections by outsiders from these schools. There are naturally inspections and contact on a daily basis between the Department of Education and all the schools in Gibraltar.

In answer to Question 336, since 24th March 2020 when the majority of Government schools were closed, there have been six new referrals of children to the School Counselling Service, seven new referrals to Mental Health Services, two new referrals to Child Protection Services, and six new referrals to educational psychologists.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for that answer.

Can I ask if the referrals are currently live and ongoing cases, and how many have been resolved, if any?

Hon. G H Licudi: Mr Speaker, the question that was asked was purely statistical. I do not have the answer for the hon. Member. In any event, sometimes when there are onward referrals to other professionals then it is a matter for those professionals to take up and deal with the case going forward. Unfortunately, I am not able to give the hon. Member the answer that she is seeking about whether any of these cases are still live or not.

Hon. Ms M D Hassan Nahon: I appreciate that answer, Mr Speaker.

Can I ask whether the Minister is able to tell us whether the number of cases of the ones I asked were a higher rate, considering the period in time or the restrictions that may have led to it, and whether maybe he can give us any information on the lessons that may have been drawn from this situation? Will there be a report for public scrutiny on what findings have come out of these stats in this, sort of, special period in time?

Hon. G H Licudi: Mr Speaker, I do not have other figures to be able to compare with these particular figures, but these are very specific figures and it is not as if we are able to say that during the last lockdown, last year or the year before, we had these referrals and during this lockdown we have had these referrals. Simply from my own observation these numbers do not appear to be too high or alarming. There is a system of referrals to the School Counselling Service which has been ongoing and I believe that on a previous occasion in this House I have given figures in relation to the referrals to the school counsellors in the past, although that I would need to check.

Q337/2020

**Reach Out and A Place to Talk initiatives –
Public report**

1345 **Acting Clerk:** Question 337/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will there be a publicly available report of the work achieved by the Reach Out and Place to Talk initiatives; and if so, when will it be available?

1350 **Acting Clerk:** Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, I am happy to report to this House on the work done by the Reach Out and Place to Talk initiatives. Both the Reach Out and the Place to Talk initiatives have had and continue to have
1355 the common aim of providing children and their families with an avenue of support during COVID. Both initiatives were launched at the end of March and are still running.

The aim of the Reach Out initiative was to put teachers directly in contact with their students, to reach out to them, offer direct support or point them to appropriate avenues of support, and to assess and mitigate risk. The Reach Out initiative's core strand was comprised of a telephone
1360 strategy. Approximately 3,000 calls have been made to families across all sectors. These have been in addition to the thousands of interactions and online messages via Seesaw, Google Classroom, Edmodo, emails and text messages through which school staff have communicated with parents and young people in our community.

At the start of the pandemic, working parties of teachers and pastoral leads identified risks and issues around our socially and emotionally vulnerable students. Using a common protocol, teachers have kept in contact with the more at-risk families and those children not accessing support through the channels available. Teachers identified families who needed additional support, who needed a different home learning provision or who required information on
1365 helplines and on the support available. Sometimes families were directed to the support, and on other occasions, where needed, teachers or the advisory team would make contact on their behalf. Most often, teachers have provided a listening ear for parents and have provided advice on children's emotional well-being, on difficulties children were facing with the interruption to their routines, or on any challenges the child or family were encountering with the home learning programme.

The two most frequent avenues of support that the Reach Out team directed families and young people to were the Home Learning team and the Care Agency Child Protection team. However, families and young people have also been directed to other avenues of support. These have included the 111 helpline, the 41818 helpline, the Care Agency Early Intervention team, the Mental Health team including contact with liaison nurses, the Civil Contingency Repatriation
1375 team and Borders and Coastguards, the school counsellors and the educational psychologists.

The Reach Out initiative also recognised that during this period of increased anxiety children who were not originally identified as being at risk might also find themselves in need of support. Teachers have been vigilant to those not engaging in the home learning platforms and have followed up, where deemed appropriate, in order to ascertain whether or not the young person
1385 or family has experienced any difficulties that they could be supported with. Any child or parent who has expressed worries and concerns through the learning platform or through initiatives such as Place to Talk has also been followed up on. The aim has been to try and maintain a level of engagement, connection and communication with families and young people who usually rely on schools and on the familiar individuals within schools for support.

Since step 1 of the Education Road Map was implemented on 26th May, when childcare facilities were offered in all school bases and years 2, 6 and 10 were brought back to school, the Department of Education itself has stepped up its support mechanisms further.
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Throughout the pandemic, the Department of Education has worked with its staff and other agencies to monitor the children in our community and identify those who were more at risk, either by staff at the start of the pandemic via the telephone strategy, or through disclosures made to the Police, school or Care Agency. As these children became known, schools reached out to families and arrangements were made with the Department of Education for them to come back to school as one of the categories for whom childcare facilities were available. One hundred and thirty vulnerable children have returned to school as a result of the communications exchanged via the Reach Out programme.

Additionally, the Reach Out initiative has recognised the need to support teachers. In particular, the emotional impact that can result from working with vulnerable children has been recognised, especially during uncertain and anxiety-ridden times. Self-care was advocated within the Reach Out strategy. After liaison with the COVID-19 Welfare team, a strategy for teachers was formulated to work in unison with the group's Frontline Resilience Management or FRM initiative. The strategy aimed to both support teachers' own mental well-being during this very emotionally challenging time and to also help teachers support children's emotional well-being. The strategy consisted of three elements: staff resilience management, self-care and active listening. Two hundred and forty teachers and learning support assistants attended the training sessions. Staff feedback on the back of these sessions was overwhelming. Individuals reported the sessions to have been extremely useful and supportive.

The Place to Talk initiative has acted as both a signposting service and a forum through which the young community as well as their parents and guardians have been able to reach out for emotional support. The initiative comes under the school counsellors. The helpline was set up on 16th March 2020 with social media platforms such as Facebook and Instagram coming into operation on 24th March. The variety and chosen channels of communication allowed for students to communicate with the counsellors in whichever way they preferred and were more comfortable with.

The 'How can I help?' form gave an additional pathway to access help. Information about this strategy was disseminated among staff and students through the Department of Education's website, via social media, fliers and also through the schools' own educational platforms. Place to Talk was also offered as a space for teachers to use as part of the wider welfare service. This could be to communicate any concerns directly related to any work being undertaken in the educational facility during lockdown or to address their own COVID-related anxieties. Teachers were invited to reach out for either a well-being check-in with further sessions organised as and when appropriate, or for some reflective practice sessions.

During the lockdown period, the Place to Talk team has actively reached out to the children and young people who they were supporting before lockdown who have been finding life difficult, not necessarily directly because of the pandemic but because their usual lines of support – school, teachers, LSAs, or GYM team at the GHA – were not available to them due to the lockdown. Teaching staff have been able to raise concerns about children and young people with school counsellors and, where appropriate, the team has forged links with these students and their families. If necessary, the team has then made any relevant referrals to other agencies.

Parents have accessed Place to Talk not just to access support for their children due to mental distress but also to access support for themselves when struggling with the emotional impact that supporting their children at home has caused. Anxieties have been appeased around the expectations of home learning, about the plans to return to school, about the education facility and the safety of children and young people in school.

Hon. Ms M D Hassan Nahon: Mr Speaker, I really thank, from the bottom of my heart, the Hon. Minister for his very long and exhaustive answer. I appreciate it, honestly.

I apologise in advance if my supplementary ... He may have already touched on it and I may have missed it because it was long, but I just want to make sure. My supplementary really was that I wanted to know, despite all the wonderful things that he says they have put in place –

1445 which I accept – if there has been any pause in healthcare services like speech therapy and other services that users have been needing and which have been paused throughout COVID. Has Government launched a plan or an incentive for these services to now resume, catch up and deal with the backlog of the pausing of those services during COVID, please?

1450 **Hon. G H Licudi:** Mr Speaker, yes, unfortunately these are some of the services that have been affected by the COVID issue, but these are GHA services rather than educational services.

Certainly I have been in touch with the GHA, specifically with the Medical Director Dr Krish Rawal, specifically on these kinds of services. I was particularly concerned that we needed to resume these kinds of services to particularly vulnerable children, for example children at
1455 St Martin's who rely on this service, and we have been working from the Department of Education perspective with the GHA and specifically with the Medical Director in order to be able to agree the resumption of these services. My understanding is that services have resumed, although they are not totally back to what they were before the lockdown happened, and it is something that the Department of Education continues to work with the GHA on.

1460 I note from the hon. Member's question a genuine concern that these services do provide something of value for the children and I genuinely agree with that concern and would hope that, working together with the GHA, we will be able to resume as much normality as possible given the present times, and the resumption of these services to children who really need them.

1465 **Mr Speaker:** Next question.

Q338/2020

A-level and GCSE students – Information provided re grading and appeals

Acting Clerk: Question 338/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: The Department of Education has stated that information has been made available to students in order to support them in understanding the process of
1470 grading and appeals, and yet this is still a common question being posed by constituents. Can the Minister please confirm that all GCSE and A-level students who are expecting their grades this year have received appropriate information; and how has this information been disseminated?

1475 **Acting Clerk:** Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Department of Education has ensured that all publicly available information on the awarding of grades and the subsequent appeals process is available on the website www.education.gov.gi.
1480 The three institutions working with GCSE and A-level students have also disseminated to their students, via their own online platforms, a letter which was published by Ofqual. The details regarding grading and appeals are provided to us by Ofqual and subsequently published on, again, the www.education.gov.gi platform when any new information is released.

1485 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

I believe that the teachers have already submitted the assessed grades to the examining boards. They are likely to know which students are going to receive what grades and which ones will need to re-sit exams in November, so is any support being put in now to ensure that students are able to polish up their skills for November? Or do we have to wait until the exam

1490 grades come out before we can give them any assistance or a leg up, as such, for when they resume and have to perhaps retake exams?

Hon. G H Licudi: Mr Speaker, the process that is being undertaken as a centre assessment is one which is directed by the examining boards and by Ofqual itself. We follow meticulously the
1495 guidance and the provisions that are given, including in particular the requirement of strict confidentiality in respect of the assessment of grades. It is simply not possible to engage with students in relation to their specific grades. The schools will have done the process. Heads of department, with their head teachers, will have completed their process and submitted through the normal channels to the examining boards the assessment grades.

1500 There is a process which the examining boards will themselves have in order to be able to then publish the grades, which will be given in the same way as they are given every year and on the dates that we would have expected this year for students who receive their GCSE and A-level results. Subsequent to that, once they receive their results, any support, any engagement or any
1505 advice that is given to them will follow the normal course in the same way as support, engagement and advice is given to many students every single year. Whether it is to do with their applications to universities, whether it is to do with GCSE students and what they can do at A-level, it is a normal process that will be engaged in this particular year as in other years.

Hon. E J Reyes: Mr Speaker, may I just ask the Minister, in case he does know ...? When the
1510 official results for GCSEs are officially released and so on, unfortunately every year we have a certain number of students who may need to repeat certain subjects in order to make the proper *[inaudible]*. Is it the Minister's intention to allow each of the three institutions offering those *[inaudible]* to devise their own repeat programme? Or will they come together, like a consortium, so that the best use of teacher resources is made available? In other words, a pupil
1515 may have sat GCSEs at Bayside School, but for the purpose of having a 'repeat year', I think we used to call it once upon a time, we may decide to concentrate it, for best use of human and teacher resources, into one of the ... Does he have an inkling of what could possibly happen? Or is it something that he will consider once the official results are known?

1520 **Hon. G H Licudi:** Mr Speaker, there are two different aspects to the question that the hon. Member has, one is a repeat of the exam and another is a repeat of the whole year. In this particular case, when it comes to exams we have not had exams but we have grades which are being centre assessed and which will be given out in the normal way, as I have described, as if the students had carried out their exams.

1525 There has already been an announcement that there will be examinations available in the autumn for all GCSE students across all the subjects, and therefore all the students who receive their GCSE grades this summer will be able to sit an exam, in November I believe it will be, across all the subjects that have been offered throughout the curriculum. In the event that they are not satisfied with the grade that they had – not so much an appeal against the grade, but if they are
1530 not satisfied – or if they believe they could do better and they want to sit an exam, they will be able to sit an exam in November and that facility will be available for all our students in respect of all institutions.

There will also, in common with other years ... I seem to recall it was known as year 12G, where there was a repeat year with certain core subjects and additional subjects, and that is
1535 expected to continue this year, as it has in every other single year.

Mr Speaker: Next question.

Q339/2020
Semester-related flights –
Reimbursement to students

Acting Clerk: Question 339/202, the Hon. Ms M D Hassan Nahon.

1540 **Hon. Ms M D Hassan Nahon:** Has Government included the reimbursement of semester-related flights to students as one of the qualifying expenses within its COVID-19 grant reimbursement criteria?

Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

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Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, as part of the Gibraltar scholarship award, students are given a flight allowance, which is separate to their maintenance grant. This allowance is intended to cover the cost of one return flight a year. The current annual allowance is £1,041. There will be no reimbursement required of any part of this amount. The exercise being conducted by the Department of Education relates only to the maintenance grant for the third term, which the flight allowance is not part of.

1555 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I fully appreciate the Minister's answer because it is obviously an issue of policy, but I think there is some confusion because I have had representations from more than one concerned parent saying that basically their children had to take extra flights, or flights that were not pre-planned, because of COVID, to come home, and that it has impacted their budget because in the amount that the Government is willing to reimburse, whether it be for apartments or rentals that they were in contract with, flights were expensive and needed to be paid for and taken to come home.

1560 I just want to – I am sorry to be repetitive – but just to ascertain from the Minister that in these circumstances these flights that were *force majeure* on the student would not be reimbursed as part of the grant balance sheet for the student and it has to come out of their own pocket?

1565 **Hon. G H Licudi:** Mr Speaker, as I understood the question relating to reimbursement, I certainly got the impression, and certainly reading the question, that the hon. Member was asking about reimbursement by the student to Government rather than the Government to the student. If the hon. Member is asking about reimbursement of flights to students, there is no question of reimbursement. There is a flight allowance which is given, which is supposedly for one return flight, which is £1,041 – and, if I may venture to suggest as an aside, it is a very generous allowance.

1570 Traditionally, the grant, the scholarship, includes maintenance for term 1, maintenance for term 2 and maintenance for term 3. There are some additional costs which are covered, like return rail fare to the university that you are travelling to and one return flight a year. That is what I understand we have all been privy to. But the current allowance for one return flight a year is £1,041. What I was trying to convey and I hope I did convey in my answer is that the Government is not seeking the reimbursement from the student of any part of the £1,041, however it may have been spent or not spent, because that is not part of the exercise concerning the maintenance grant.

1580 The question the hon. Member asks is if the students have had additional expenses this last term, because of the special situation we are in, which has involved flights to the extent that the student has been required to meet from the maintenance grant for the third term expenses in the third term which are related to their course of study, then that is something that they will normally pay from the maintenance grant and that part will not be required to be reimbursed from the students to the Government. It is, quite naturally, an expense which comes out of the

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maintenance grant which is normally paid. But this is separate from the specific flight allowance, which is paid on a one-off basis to students and for which the Government will not seek any kind of reimbursement.

1590 **Hon. Ms M D Hassan Nahon:** Okay, so, just to get this right, when a student goes away, he or she gets a maintenance grant and, apart from that, a £1,041 allowance. COVID or no COVID, the flights would have been accounted for from that £1,041, and if the parents or the student had any issues it would have had to come out of that £1,041 and it will not be accounted for in any other part of the budget. Okay. Thank you.

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Hon. G H Licudi: The hon. Member's understanding of what I have said is correct.

Hon. E J Reyes: Can I, Mr Speaker? I cannot resist it. Being a school teacher, one has to [inaudible].

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In the hon. Lady's question, which thankfully has now been clarified in the answer, she refers to semester-related flights. 'Semester'-related flights means more the European system, means every six months. That is two terms in an academic year. You will see those, studying in places like Italy, where I am one of those who had the privilege of studying. The academic year starts September/October. The first semester ends in January, the examination period starts in February and then you start your second semester, which ends in June/July. For those attending UK universities it should be referred to as 'trimesters' because there are three terms in an academic year. It just helps to clarify for any future reference we ever have in respect of questions like these.

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Mr Speaker, thank you for your patience.

Q340/2020

University scholarship awards – Confirmation of grants for new students

1610 **Acting Clerk:** Question 340/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Government confirm that all children who have been offered university places starting in September 2020 and who achieve the necessary grades will receive their scholarship grants as would have been expected had the COVID-19 crisis not taken place?

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Acting Clerk: Answer, the Hon. Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the process for the award of mandatory Gibraltar Government scholarships for the 2020-21 academic year will remain the same as in previous years. Students who meet the eligibility criteria and have successfully completed their A-level programmes of study this academic year will be able to apply for a scholarship award from the Department of Education in the same way as they would any other year.

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Hon. Ms M D Hassan Nahon: Thank you for that.

Mr Speaker, there are numerous students expecting to commence university in September 2020 and, because of the situation and their grades and all that, they may defer for a year. Can I just get a confirmation from the Minister that if these students defer entry by a year nothing will change in terms of their status in order to acquire this grant equally?

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Hon. G H Licudi: Mr Speaker, any student entitled to a mandatory award that seeks to defer the entry to university until next year because of any uncertainty that may happen this particular year will not be affected at all and will still be entitled, next year, to the mandatory award.

DIGITAL AND FINANCIAL SERVICES

**Q394/2020
Hong Kong office –
Closure**

Acting Clerk: Question 394/2020, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, is the Government contemplating the closure of its office in Hong Kong?

Acting Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

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Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the lease for the Hong Kong office, which was situated at One Exchange Square, Central Hong Kong, was not renewed when it terminated in October 2018. We therefore continue to have representation in Hong Kong but not in that office, as we did not believe it was delivering value for money.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. Just to confirm what I have just heard: the lease was not renewed in 2018. Can the Minister then advise in what way are the functions that were carried out in that office being carried out now, and are there any paid personnel in Hong Kong fulfilling that function?

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Hon. A J Isola: Mr Speaker, they are working in the same way as the rest of the world has been working for the past four months, using modern technology. Do we still have anybody employed? Yes, the Hong Kong representative is still active and working with us.

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Hon. R M Clinton: Mr Speaker, I am sorry to ask further supplementaries on this. It was obviously news that the office lease had not been renewed. At the time, was there any reduction in personnel on the payroll?

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Hon. A J Isola: Mr Speaker, we have had different people supporting the Hong Kong representative throughout his appointment, so there would have been; specifically when and on what dates I would have to get back to him on because I do not have those available to me here today.

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Hon. R M Clinton: Mr Speaker, just one final supplementary on this. How many staff, in terms of individual people, are actually currently employed in Hong Kong, whether physically or ... not in an office, I presume, as obviously we do not have an office ... are engaged by the Government fulfilling the functions of the office in Hong Kong? How many people does the Government actually currently have there now?

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Hon. A J Isola: Mr Speaker, one.

Hon. K Azopardi: Can I just ask ...? I know my hon. colleague has another question, but I think the original answer was that the Government had not renewed the lease because it did not

think, at that moment making its judgment, that there was value for money in doing so – presumably value for money in retaining the office – but it must continue to have the view that there is a purpose in having representation and personnel in Hong Kong; and if so, has the role of the representative changed and the function and scope of the activities being conducted, and can the Minister comment on future activities?

Hon. A J Isola: Mr Speaker, the role continues today as it was. We are considering and have some thoughts as to what the future will hold, not just in Hong Kong but in other jurisdictions as well, in terms of how we can best be represented in a number of countries we are targeting for our financial services community and other areas. So, the future is under review at the moment and they are continuing to do the services that they did previously very much the same.

Hon. E J Phillips: Mr Speaker, just two supplementary questions. I know that the Hon. Minister and I share an affinity for that part of the world and I just have two questions.

The first one relates to the non-renewal of the lease. Does the Minister agree with me that in that part of the world leases change, in terms of values, very significantly over a period of time and once it is up for renewal the price of it very much changes within a matter of weeks? Is that part of the decision process, that it became not valuable in terms of the money that we were spending on it? Was that part of the rationale?

Hon. A J Isola: Mr Speaker, the hon. Member is right. The location of the office in Central One Exchange was expensive. The office was absolutely tiny. It was shared accommodation. There were boardrooms that you could use as and when you wanted, which are still available today all over Hong Kong, like we have in Gibraltar, so meeting rooms are available readily to anyone. The value we were receiving for the use of that office and the increased cost that was coming we did not believe merited that expense and therefore we continue to have representation but without having the physical office, which has little impact on the work done.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer. Just in relation to the point picked up by the Hon. the Leader of the Opposition in relation to the role, function and scope of the representation that we have in the territory, of course the Hon. Minister will be aware of the extension offered by the British Prime Minister, in relation to the three million eligible individuals in Hong Kong, to British National Overseas passports. Mr Speaker, is it right that as part of that role, function and support, the Government may well also support the initiative by the British Prime Minister to look at families or indeed individuals currently in Hong Kong and, as the Minister will know, fairly affluent members of Hong Kong society who, given the current climate in Hong Kong and the actions of the Chinese government in relation to the position of Hong Kong ...? Is it something that we as a community or the Government are actively considering supporting insofar as that position?

I appreciate in the context of this question, of course, that it verges on the responsibilities of others outside of this House and therefore the answer to that question maybe needs to be tempered by that position, but would the Government support the proposition and indeed the offer made by the British Prime Minister to the people of Hong Kong who are within the eligibility to relocate to the United Kingdom?

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, and indeed will go further and support the statements by the Foreign Secretary, Dominic Raab, that China must stand by its obligations under the arrangements entered into in relation to Hong Kong and that the people of Hong Kong should have the benefit of the protections that were set out in that agreement being respected, and that indeed when the position was set out by the United Kingdom government in respect of the ability of persons in Hong Kong to reside in the United Kingdom and indeed to acquire further rights as to British nationality beyond their B&O status Gibraltar will be fully supportive

of that and would welcome people from Hong Kong who wish to come to Gibraltar who fulfil the eligibility requirements for residence in Gibraltar – and indeed not just the affluent and wealthy. There are many good, talented, entrepreneurial people in Hong Kong who will be looking for another fantastic base in which to establish their businesses, in which to develop their entrepreneurial skills, in which to share their skills and educate those whom they bring their skills to also, and the Government be fully supportive of that.

We take the view, Mr Speaker, that the position as set out by the United Kingdom government is the right one and that if this British Overseas Territory is potentially one of the places where some of the people of Hong Kong may find and build their homes in the future, we would be very welcoming of that and of the skills that they will bring.

Hon. E J Phillips: Just one further question. I am grateful for the Chief Minister's confirmation and I entirely agree insofar as the scope of individuals concerned that would merit reflection in this jurisdiction, Mr Speaker.

The Prime Minister of the United Kingdom has said quite clearly that he considers the actions taken by the People's Republic of China to be in breach of the Sino-British agreement and indeed the basic law of Hong Kong. Does the Chief Minister echo those sentiments and those statements made by the British Prime Minister insofar as the breach of those instruments that I have described?

Hon. Chief Minister: Mr Speaker, the Chief Minister of Gibraltar does not have at his disposal the information that the Prime Minister of the United Kingdom has in making that assessment. The Chief Minister of Gibraltar nonetheless has an interest in international affairs, as do all members of this House no doubt, and from my reading in the international press, which may or may not be the full picture, I would share the position of the British Prime Minister, which illustrates why it was absolutely right that the agreements done by the Foreign Office in 1984, which included an agreement in relation to Gibraltar which set us on a track which was not dissimilar to the track on which the United Kingdom set Hong Kong for eventual handover, were agreements to be deprecated, feared and ultimately eschewed as they were by eventually this House and the people of Gibraltar.

Hon. K Azopardi: Can I just ask, not on this issue but on the welcome statement that the Chief Minister made in relation to the attitude and approach that the Government would take to the people of Hong Kong were they to wish to express an interest in coming to Gibraltar – for a variety of reasons, talented or indeed for economic migration reasons: beyond the approach, would it then be the Government's intended policy or would it, after reflection, perhaps consider that it is appropriate to, through the Hong Kong office, pursue a policy of encouragement of economic migration to Gibraltar?

Hon. Chief Minister: The hon. Gentleman asks me whether that would be the case on reflection and in the future tense. That has already been the case. We have already embarked on that process. We are not in a position yet to make any statements in that respect, other than to say that we have reached out so that people understand that Gibraltar is here and has a role to play in the future of those of the people of Hong Kong who can no longer consider staying a viable proposition.

Hon. E J Phillips: I apologise and I will make this very short.

I know that the Hon. Minister Mr Isola and I had an exchange as to Gibraltar's international offices and he knows as well as I do that I have supported the Government insofar as its international offices and what it is trying to achieve in terms of economic activity, and obviously the Opposition has drilled down on the cost of that on a number of occasions. But I do recall that the Hon. the Minister was looking towards other territories, such as India, and I wonder whether

anything has come from that initial observation that he made in the last Parliament as to whether we are actively engaging with the Indian subcontinent insofar as any work deriving from there, because there was at the time, I believe, a project that he was embarking on. I think it was 2025, if I recall, insofar as opening an office in India.

Hon. A J Isola: Mr Speaker, as I hinted earlier, we are reviewing and considering the form of representation that the financial services community requires in a number of jurisdictions, including India, and I think once we finish this process through Taskforce Future in terms of our plans I will be in a much better position to explain in more detail what we are thinking and how we are going to be doing it. So, I think shortly we will be able to make some further progress in respect of our ideas.

Mr Speaker: Next question.

Q395/2020
Addison Global –
Debts to Government

Acting Clerk: Question 395/2020, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why it was that Addison Global was allowed to accumulate debts to the Government of nearly £2 million in respect of PAYE and almost £400,000 of Social Insurance for the periods 2018-19 and 2019-20?

Acting Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, we are currently engaged in discussions on the recovery of these moneys and it would not be appropriate or helpful to share this information at this moment in time across the floor of the House. I would be happy to brief the hon. Member on a private basis and answer this question fully at a later sitting where this would not prejudice our efforts to recover these moneys.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his statement and I will be happy to take up his offer.

I would just ask the Minister to take note that I have had representations from traders on Main Street who get calls from the Central Arrears Unit practically monthly making sure that their payments are up to date and it does seem to grate a bit with small traders who are being chased for payment when they are not even in arrears and yet we hear of this particular case. I would just ask the Minister to take note of that and I will happily take up his suggestion of a private briefing.

Hon. A J Isola: Mr Speaker, I take note of what the hon. Member has referred me to with small traders being chased, quite rightly, in respect of arrears, as indeed was this firm chased in respect of these arrears. The reason for my not wishing to make any comment further than that is simply because we fully expect to recover every single penny of these arrears in the fullness of time, so I do not want to prejudice that – hence my suggestion of not discussing that across the floor.

Let nobody think for a moment that large firms are left unheeded in respect of any arrears they may have with Government at the time that they occur. *(Interjection)* Yes, and obviously we would strongly advise people to be up to date. Those who have been at the receiving end of

1825 failed BEAT applications because they were not up to date will bear evidence on that. Of Course, the ability to stay up to date even in difficult times is clear and obvious to all of these small and indeed larger businesses too, as the consequences of not so doing are serious and significant.

Mr Speaker: Next question.

Q396/2020
Private Sector Pensions Act –
Anticipated commencement date

Acting Clerk: Question 396/2020, the Hon. D J Bossino.

1830 **Hon. D J Bossino:** Can the Minister for Financial Services state when it is expected that the Private Sector Pensions Act will be commenced?

Acting Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

1835 **Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, the Act will be commenced in accordance with the timetable set out in the Act.

1840 **Hon. D J Bossino:** Mr Speaker, is the Hon. Minister referring to section 4.2 of the Act? Is that what he means by the timetable set out in the Act?

Hon. A J Isola: Mr Speaker, I have not got the actual section but it is a section which deals with what type of employers the Act will come into effect for at that time. I fully take the point in terms of the commencement and implementation. There is a slight differential there, but in order not to confuse I have laid it out in this way as I thought it would be clearer.

1845 In respect of each of the employers that the Act provides for, it will be implemented for them at the date set out in the Act and we will be making a full statement in September in preparation for next summer when the first batch of employers will be impacted by this legislation.

1850 **Hon. D J Bossino:** Mr Speaker, can the Minister confirm that the Act itself has not yet commenced, is not yet in force?

Hon. A J Isola: Yes, Mr Speaker.

1855 **Hon. D J Bossino:** Mr Speaker, is there any intention on the part of the Government to delay those implementation dates? I have received representations from various interested sectors that they would be looking at making representations to the Government. He may have received them himself; he does not need to reveal that to the House – but whether the Government is considering, by way of policy, amending these implementation dates as a result of the extra expense by way of burden that will result on businesses?

1860 **Hon. A J Isola:** Mr Speaker, no, sir. The dates are set out in the Act as we intended them to be. Everyone has for some time known fully what the repercussions are for all of the employers of providing pensions for their staff in the manner that the Act sets out.

1865 I have not had formal representations made to me. It has been mentioned to me by one of our senior executives who has met with GAPFA, the pension fund association, but their interest was more in ensuring that people were ready. Hence I have just referred to a statement we made in September setting out fully the details in terms of the Pensions Commissioner and how

1870 it is going to operate – so the technical details of how it is going to work rather than any inclination of delaying the implementation dates. We believe this is good for the employees in Gibraltar, and indeed for the firms, in providing pensions for everybody within our community.

Q397/2020
DPC –
Virtual meetings

Acting Clerk: Question 397/2020, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Lands and for Financial Services state how long he expects that virtual meetings of the DPC will continue for?

1875 **Acting Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the Government is, as yet, not in a position to confirm how long the DPC will continue with virtual meetings. Until further notice, these meetings will continue to be held virtually and streamed live.

Hon. D J Bossino: Mr Speaker, I am grateful for the Minister's reply.

1885 When the fact that this was happening was announced, I think by way of a Government press release issued, it said that that was the first phase of the project but that the second phase will allow the general public and the media to view the entire meeting through its live stream as the meeting happens. Has that occurred; and if not, when does he expect that that second phase will be implemented?

1890 **Hon. A J Isola:** Mr Speaker, there has been one meeting of the DPC held in this manner. The reason we did not livestream that meeting was to ensure that the technology we were using worked efficiently for all the members of the Planning Commission. The reports we have had are that it did and there were no technical issues that prevent us from livestreaming the next meeting, which I understand is going to be on 17th July. Therefore, as of 17th July DPC meetings will be livestreamed and the public will be able to watch the proceedings as we had indicated we wanted to.

Q398-99/2020
Government Department online services –
Intention to continue; assistance for the elderly

Acting Clerk: Question 398/2020, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services state whether it is expected to continue with online services currently in force across the various Government Departments?

1900 **Acting Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 399.

1905 **Clerk:** Question 399/2020, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government taking any steps to assist the elderly when needing to make non-electronic payments at Government counters?

1910 **Acting Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

Hon. A J Isola: Mr Speaker, Government had to adapt very quickly to maintain the public sector working and delivering urgent online processes during the COVID-19 pandemic. ITLD have provided for every single Government user to have webmail access, over 700 VPN accounts set up, almost 100 laptops issued, Microsoft Teams/Zoom and Blue Jeans installed where necessary to enable virtual meetings across the Government service and to ensure that all our public servants were able to work remotely. Cabinet meetings and DPC meetings are examples of the benefits of using technology during this period. My thanks to the team at ITLD for enabling technology to support our work at this difficult and challenging time.

1915
1920 The Government is taking steps to ensure that any payment made at a Government counter can be done online, and of course we will provide a facility for those who do not work online, including any of our senior citizens.

It is the intention of the Government to continue to roll out online services and we are actively working to deliver these.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer.

I ask personally because I have had reports by elderly constituents that they are finding it almost impossible to pay and administrate their bills and there are issues because everything is online. Apparently, from what they tell me, cash payments are not accepted due to COVID measures and this is causing them a lot of anxiety because a lot of them do not have a clue how to access technology and they are limited in this way.

1930 So, will Government be taking this into account and make cash payments a normal measure in the future; and, if so, when? Mr Speaker, I tell the Minister from the bottom of my heart it really is causing a lot of members of our community, the elderly members, a lot of anxiety and they just do not know where to turn. They think they are going to be cut off. They do not know how to pay and they really have no idea.

Hon. A J Isola: Mr Speaker, of course we understand and acknowledge that. Steps, as I said in my answer, have been taken to provide such a facility where anybody who does not work online – including, of course, some of our senior citizens because many of them are very proficient in using online services, but for those who are not, there will be a facility in the centre of town to which they will be able to come and pay for any of their services with Government.

1940 What we are not going to do is ask somebody who is working with Employment to go to Employment to pay, or indeed to pay any part of any Government service where that service is delivered from. So, it will be a central point for the whole of Government, in the centre of town, where we will be inviting, hopefully next week, people to come and make any cash payments they wish to make at that one facility. Hopefully next week.

Hon. D J Bossino: And maybe looking at it from the other side of the equation, will the Minister consider continuing to provide this online service into the future, even beyond ...? Once, hopefully, the pandemic is over and the crisis is over, will the Government be minded to provide this service going forward? There are many people who, for example, may use the ETB for finding vacancies and that type of thing and will find it very useful to be able to do so by way of email as opposed to having to actually attend physically and find these things. I may have used the wrong example, but there are other Government Departments where this service has

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been approved, and whether the Government would continue to provide this duality of service into the future.

Hon. A J Isola: Mr Speaker, that is precisely what we are working towards. If I can just explain, we will be rolling out the e-services that we have been preparing for some time. Employment will be the first one, very shortly, which will have the full e-services that we have worked on for some time. As a result of COVID, what we have done is accelerate the process of digitisation across all of Government services and what we are doing there is, in the immediate term, providing what we call a 'crude' e-service by email. We have developed and will be launching very early next week the new forms for two of the Government Departments that we have worked on in the last week. That work continues in parallel to the full e-services project. So, the intention is that we will have a complete set of digital services either in the nice and automated manner for some Departments and the crude version for others, but they will all have a form of digital services being provided to people across our community.

So, the answer is yes and we will continue to roll those out week by week, as from next week, as we go along.

Hon. D J Bossino: Mr Speaker, may I ask the Minister why there is that distinction between Departments? He talks about the cruder version and perhaps the more sophisticated version – I am know I am paraphrasing what he said – but why that distinction between Departments, just so I can better understand that?

Hon. A J Isola: Mr Speaker, the crude version is the one we have done very quickly and on very short notice. The nicer, automated version is the full e-services that we will be rolling out across the entirety of Government as and when we get through all the Departments. We announced some time ago that the first one is Employment, which is imminent. Immediately after that will be Tax and then a big chunk of the GHA; and then we will be going through the OFT, CSR and all the other Departments in rolling out the digital services. Now, for those that are not ready, we are using what we call the crude services, so this is an interim measure.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may just ask one more question: I accept and appreciate the Hon. Minister's revelation that next week we will have a central place for people to go and settle their bills and, as we said, it will probably be concentrated with more elderly people who do not do things online. So, in light of the current crisis and the situation, can Government give us a commitment that perhaps there will be added measures and protocols in these centres, given that more elderly people will visit and they are at more risk to COVID – like perhaps masks and other things deployed, where maybe in other places they would not, because of the concentration of the elderly probably in these centres?

Hon. A J Isola: Mr Speaker, this is precisely the issue that we faced, in that we closed counters because we did not want that face to face, especially for our senior citizens' meetings.

On the one hand the hon. Lady is pressing, quite rightly, for senior citizens who cannot be online to be able to pay and settle whatever Government invoices they have outstanding, and at the same time saying to us that we have got to take precautions. Of course we will take precautions in light of where we are today, but it is difficult if there are going to be people queuing up to settle their cash payments and they happen to be senior citizens. Unfortunately, if you want senior citizens to be able to pay, we are going to have an accumulation of them paying. There is nothing more that we can do. I would urge them to perhaps encourage their children to teach them and help them in paying online, which may be an easier and better way for all people involved to make those payments in that manner.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

2010 I think we all now generally are in favour of e-government and making Government more efficient, but if I can ask the Minister: in terms of these measures, some of which were emergency and some of which were probably envisaged to be rolled out over time, is it the view of the Minister now that some public counters that are being closed will not be reopened in future and that there will be a new way of Government doing business, as you have already started rolling out some of these e-government measures which you then may feel makes some
2015 counters redundant, or that you may feel you do not need to open some public counters?

The reason I ask this is that there are some members of the public who have not yet grasped fully ... I am not talking about senior citizens, I am talking about ordinary people on the streets who have asked when are the public counters going to reopen. I appreciate part of it will be part of the COVID Unlock plan, but of course we are now seeing more and more businesses opening,
2020 banks operating business as much as can be usual given the protections that are required for COVID.

So, I would ask the Minister: is there an intention to open public counters that were open before, or will there be less public counters in certain areas?

2025 **Hon. A J Isola:** Mr Speaker, the provision of e-government does not necessitate the opening of public counters. When I talk about crude services what we are doing is seeking to continue to provide a service which will not be as good as the service we will be able to provide when we complete the exercise immediately, and therefore we are working full tilt to deliver crude services in order to ensure that we do not need to open public counters (1) because of COVID
2030 and (2) because it is our intention to have e-services being run across the Government service because we believe it is more efficient and will provide consumers with a far better service.

And so the answer to the question is we hope not to have to open up the counters, (1) because of COVID and (2) because of the efficiencies in terms of the service will be able to give, and we are therefore rolling out both the crude and the not-so-crude e-services as we speak.
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Mr Speaker: Next question.

Q400-402/2020

Beat COVID app and Contract Tracing Bureau – Governance and access to information; risk assessments re transparency and user confidence

Acting Clerk: Question 400/2020, the Hon. Ms M D Hassan Nahon.

2040 **Hon. Ms M D Hassan Nahon:** Can the Government confirm who has governance of the Beat COVID app, and who has access to this information and for how long?

Acting Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

2045 **Minister for Digital and Financial Services (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 401 and 402.

Acting Clerk: Question 401/2020, the Hon. Ms M D Hassan Nahon.

2050 **Hon. Ms M D Hassan Nahon:** In the interests of promoting transparency and user confidence, can the Government publish the data protection impact assessments carried out in respect of the Beat COVID Gibraltar app and the activities of the Contact Tracing Bureau?

Acting Clerk: Question 402/2020, the Hon. Ms M D Hassan Nahon.

2055 **Hon. Ms M D Hassan Nahon:** While the Government has said that the Beat COVID app does not process personal information, has the Government assessed the risk of future re-identification as a consequence of technological advances, and is there a programme to review the situation on a regular basis in order to mitigate such a risk?

2060 **Acting Clerk:** Answer, the Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the Beat COVID Gibraltar App does not require a data protection impact assessment (DPIA) as we are not capturing or processing any personal data.

2065 The Beat COVID Gibraltar app has been developed by the Digital Services team in consultation with Piranha Designs Ltd. We have also worked with Apple, Google, the Irish government and their technical team at Near Form Ltd.

The app is completely anonymous. No personal data is logged or shared with anyone at any time. The app uses Bluetooth technology within the phone and the Apple/Google API to track other phones you come into contact with. Any data captured by a phone is stored locally within each phone. The phone will hold a maximum of 14 days' worth of data. No one has access to the information held in each phone. If you have come into close contact – within 2m for 15 minutes or more – with someone who has tested positive for the virus, you will be notified via the app. This, again, is done automatically and completely anonymously.

2070 The Government does not believe there is any risk of future technology disturbing the anonymity of the app, as we do not believe Google or Apple would permit such a change and this is very much under their direct control.

2080 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Hon. Minister for his answer but he has not answered the question as to whether a data protection impact assessment was actually carried out – or maybe I misheard.

Hon. A J Isola: Mr Speaker, I said that the Beat COVID Gibraltar app does not require a DPIA as we are not capturing or processing any personal data.

2085 **Hon. Ms M D Hassan Nahon:** Mr Speaker, from my understanding, the data controller has to carry out a DPIA when you bring out new technology or when there is a potential of high risk, and also when there is large-scale use of sensitive data. I understand that they do not have to publish it, but from my understanding it has to be carried out.

2090 My question was mainly to ask about whether perhaps carrying one out and publishing it would achieve confidence in the product and full comfort so that we can maximise the number of people using it and make the product more viable. So, would publishing one not put people's minds at ease and bring in the confidence in the app and the Contact Tracing Bureau services?

2095 **Hon. A J Isola:** Mr Speaker, the hon. Member talks about data controllers and sensitive data and data processing, and the answer I have given says that we are not capturing or processing any personal data. So, there is absolutely no need to carry out a DPIA because there is no personal data being captured or processed and therefore the provisions to which she is referring do not apply to this app.

2100 We have tried to make this as clear as we can at every possible juncture in talking about and encouraging people to use the app in the absolute full knowledge that nobody is going to know who they are or where they are. There is no location on the app tracking where the individual is. It is simply tracking if you come within 2m of a phone for more than 15 minutes. That is all that it records, the number of that phone, and if you pump into your telephone the unique code that

2105 the GHA will give you if you test positive it will then notify anybody who has fallen within that ambit of 2 m for 15 minutes or more during the past 14 days. That is it – no name, no people, nobody looking or watching or reading or hearing; nothing, absolutely nothing. Therefore, to suggest that carrying out a DPIA would make people feel more comfortable ...

My suspicion is that people do not understand what a DPIA is or what its purpose is generally, and I fully understand that because until you begin to look at data protection, as I have had to, it is difficult to understand why you would need to. But I can tell the hon. Member that in respect of this app there is absolutely no need because there is zero personal data being processed or controlled by this app or anybody remotely involved with the app; and if there was, the first people who would stop it would be Apple and Google, who have created the system on a decentralised basis to precisely avoid that problem arising.

Hon. R M Clinton: Thank you, Mr Speaker.

The Minister will have to indulge me on this question. It may be common knowledge as to how apps are developed but who actually owns the app itself? There are obviously developers, and Apple may allow it on to its site or on to its platform, as would Google, but who actually owns this Beat COVID app?

Hon. A J Isola: Mr Speaker, our app is open source – the Irish government's app is open source – which means the technology behind it that enables you to operate it is made open source because there is a public good in doing so, so that others can use it and share it because the wider it is used the better it is for the public health of the world.

When you develop an app you then have to submit it to the place where that app is going to be downloaded from, Apple or Google primarily. They then carry out their own checks to ensure that it is compliant with their own internal processes and procedures. They do their own security checks and safety checks. They do all that. It takes a couple of days for each one. One is quicker than the other – I will not say publicly which one it is. It is then available to be downloaded; people can download it and people can use it.

I think the interesting thing about this particular methodology is that because of the pandemic and the world crisis that we faced with this pandemic, Apple and Google uniquely did this API which enabled one type of phone to recognise the other kind of phone, an Apple phone with a Google-use phone. They are the ones that then approached all these countries and said, 'We will support, through an API between Apple and Google, the apps that you each may want to develop.' The UK went, as you know, the different route for a centralised app, which it has now abandoned, and we followed very much more the European model.

The app is open source, so the Beat COVID Gibraltar app is our app, developed by us, but it is open source and the technology can be used by anyone who may choose to for the same purpose.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

Again, this is not my field, so I apologise if I am not familiar with the jargon, but if he could explain what 'API' means, and in terms of ... I guess if the ownership is open source then I understand, but ultimately the controller of the app is the Gibraltar Government? If he could just confirm that in terms of any changes to the colour on the download screen, or whatever, that would be something that would be initiated by Gibraltar Government as being effectively the ultimate controller of the app, although I appreciate in terms of intellectual property it is open source.

Hon. A J Isola: Mr Speaker, the app is Gibraltar Government, developed by us and designed by us, so everything you see has been done by us, including the manner in which the interface with the user is designed by us.

An API is basically a link, the bridge between two databases, two providers, in this case Apple and Google. There is a bridge between the two which enables interoperability from one to another. That is what an API is: it is a technical bridge.

2160 **Mr Speaker:** Next question.

DEPUTY CHIEF MINISTER

Q403/2020

Land frontier –

Number of locally registered vehicles leaving Gibraltar

Acting Clerk: Question 403/2020, the Hon. E J Phillips.

2165 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the number of locally registered vehicles leaving Gibraltar via the land frontier between the periods 2nd June to the 9th June 2020, and 10th June to the 17th June 2020?

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

2170 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the number of locally registered vehicles leaving Gibraltar via the land frontier in the periods specified is as follows: 2nd June to 9th June 2020 – 1,421, and 10th June to 17th June 2020 – 11,643.

2175 **Hon. E J Phillips:** Mr Speaker, the 10th to 17th June 2020 period obviously reflects, effectively – I am probably using these words incorrectly – the reopening of our usual pathway to Spain via the land frontier in our cars. Is that right?

Hon. Deputy Chief Minister: Mr Speaker, yes, the figures reflect the level of unlocking in Gibraltar but obviously also, in this case, in Spain.

2180 **Hon. K Azopardi:** Can I just ask – and I appreciate the Minister may not have this answer to hand, but does he also have corresponding figures for entry of vehicles, for the same periods, of non-Gibraltar-plated vehicles, foreign vehicles?

2185 **Hon. Deputy Chief Minister:** Mr Speaker, the answer to the question is yes, but obviously I do not have that information with me. I would be happy to supply the data to the hon. Member.

Q404/2020

Fortress House –

Negotiations to purchase

Acting Clerk: Question 404/2020, the Hon. R M Clinton.

2190 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it is in negotiations to purchase Fortress House?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, no, the Government is not in negotiations to purchase Fortress House.

Q405/2020
KGV Hospital site –

Update re building of residential care and assisted living accommodation

Acting Clerk: Question 405/2020, the Hon. Ms M D Hassan Nahon.

2195

Hon. Ms M D Hassan Nahon: What happened with the site of the old KGV Hospital tender that was awarded in 2017 to build a private residential care home and assisted living accommodation?

2200

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, outline planning permission for a private residential care home on the site of the old KGV Hospital was granted on 15th March 2019 and full planning permission was granted on 20th May 2019. However, the developer has since indicated that they no longer wish to proceed with the project and the Government intends to issue another expressions of interest for the site in due course.

2205

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Deputy Chief Minister for that answer.

2210

Is the Government looking to acquire another related project in healthcare or for the elderly? Is it pencilling that in, or is it opening up to any sort of venture?

Hon. Deputy Chief Minister: Mr Speaker, the expressions of interest will probably follow the previous model, which is that it was open to any use which is compatible with the area.

2215

Hon. Ms M D Hassan Nahon: Mr Speaker, I do not want to sound difficult here, but considering and we have been talking today about the needs of dementia sufferers and the elderly, is Government keeping at the forefront of its planning expectations demarcating areas in terms of fulfilling the priority towards the elderly? And is this a priority when looking in future for developments that come up? Will it be a featuring priority?

2220

Hon. Deputy Chief Minister: Mr Speaker, in relation to this site, which is my area of responsibility, the provision of facilities for dementia is obviously imperative for the Government but not necessarily in relation to this particular site, although the Government is certainly open to proposals.

2225

Hon. K Azopardi: Can I just ask: in terms of the origin of the 2017 decision, was there any sort of thought on the Government's side as to this is a good use for this site because specifically the Government encouraged the use of the site for that; and, if so, has thinking changed in any way because you are going to open it up to any use compatible?

2230

Hon. Deputy Chief Minister: Mr Speaker, when the expressions of interest originally came out – it was before 2017, if I remember correctly – it was open to all users, so this was a proposal made by an interested party, not necessarily a requirement of the expressions of interest.

2235

Hon. K Azopardi: And presumably the Government, once it in due course decides to issue a new expressions of interest in relation to the site again, open to any use compatible for the area, presumably in its thinking it will bear in mind that it now has a project on another site, Rooke, for some kind of elderly care home. Presumably that will be part of the thinking, will it?

2240

Hon. Deputy Chief Minister: Mr Speaker, like I said, I think the Government would be open to any expressions of interest. I do not want to predetermine or prejudge that in any particular way.

2245

Hon. R M Clinton: Mr Speaker, if I may ask the Minister two questions.

One is he indicates the developer no longer wished to proceed with the project despite having achieved full planning permission: did the developer give any particular reasons as to why they did not want to proceed?

2250

My second question, Mr Speaker, is if the Minister could perhaps give some indication to the House as to how an expression of interest is converted into an actual lease, in terms of at what point does money change hands and the Government grants a lease to the developer? It just seems, on the information that we have, that the developer obviously got to full planning permission but then seems to be able to walk away. There must be some kind of financial consequence to the developer – if the Minister could elaborate on that, I would be grateful.

2255

Hon. Deputy Chief Minister: Mr Speaker, in this particular instance the financial consequences to a developer would be all the costs of developing the project, the designs and the consultancy work that has gone on. The Government does not intend to keep the premium – for obvious reasons this not going to happen – but all the costs in relation to the project will obviously be borne by the developer.

2260

Hon. R M Clinton: Mr Speaker, I am sorry, I did not hear the Minister giving an answer as to why the developer chose not to go ahead; and also, if I understood the Minister correctly, he says the Government will not be keeping the premium. I do not understand why it would not.

2265

Hon. Deputy Chief Minister: Mr Speaker, the Government is not in the business of keeping other people's money in this way. This was a premium paid for a particular project. The developer decided to pull out over essentially a dispute over a six square metre portion of the site, and after discussions the Government is inclined to resell the premium and to reopen the site to expressions of interest.

2270

Hon. Ms M D Hassan Nahon: Mr Speaker, did the developer initially pay for the land and now has retracted?

2275

Hon. Deputy Chief Minister: Mr Speaker, that is correct, yes.

Hon. R M Clinton: So, Mr Speaker, if I understand the Minister correctly, the Government effectively sold the land to the developer and I presume granted them a lease, and now has allowed the developer his premium back. Have you bought the land back? Is that correct? Or am I missing something in my understanding of the process and there is a gap in my knowledge as to how you go from expression of interest to paying a premium to getting a lease? I do not see how the Government can allow the developer his premium back.

2280

Hon. Deputy Chief Minister: Mr Speaker, no lease was actually signed.

2285

Hon. Ms M D Hassan Nahon: Mr Speaker, did the Government not keep any percentage of this transaction as a result of perhaps the developer being the entity that was, for lack of a

better word, messing Government around, or in the process of time was taking up a piece of land that then went back? Does the Government not keep any anything of it?

2290

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government over which I preside, the GSLP/Liberal Government, in keeping with the Government that was presided over by my immediate predecessor, is not in the business of keeping people's premiums if there is a good reason why they are going to withdraw from a tender. So, we have not kept the premium here, we did not keep the premium of the Ruben Brothers in respect of the Eastside when we took it back from them after negotiation, hon. Members did not keep a penny of the premium in respect of Ephraim House at the bottom of Alameda Estate when the tenderer there decided that they did not want to proceed. The Government of Gibraltar is not in the business of simply forfeiting premiums where there is a good reason in the context of those who have tendered of wanting not to proceed either because they have decided that the project is not financially viable or otherwise.

2295

2300

If somebody just came along and wanted to land bank, they would not be making any money. The land is worth a lot more than they paid for it seven years before, so there is a loss in the capital having been tied up for that period, there was a loss in whatever plans have been designed for the purposes of seeking to obtain first the outline planning, then any subsequent planning that may be required and indeed persuading the Government with plans that this is the way it should be allocated.

2305

The attitude we have taken consistently is that we do not keep those premiums unless there is a good reason why the premium should be kept – because there has been expense to the Government or because we have believed that the party is acting in bad faith or something like that and we had to reserve the possibility of keeping a premium in that context, but not otherwise.

2310

I suppose it does fly in the face of the suggestion that the Government has no money, they have run out of money etc. Government has not run out of money and therefore does not need to forfeit anybody's premiums.

2315

We think that is the right way to act because the Government is a player in goodwill in respect of these projects going forward and we think that is the normal, appropriate and proper way for a Government to act.

2320

Hon. K Azopardi: Can I just ask ...? I certainly understand the good reason issue which the Chief Minister has indicated in terms of premium and so on. I certainly seem to recall – from some years ago, of course, since I sat on that side – that there were different ways of entering into agreement with parties that were assigned land, whether it is by licence or ... It may not have been a lease but it was loosely called, within the Department at the time, a sort of building lease, which had a kind of trigger clause which required the building to commence on a particular date.

2325

This is presumably not a situation where there was a requirement to start building on a particular date and therefore it is not a good reason therefore for a premium to have been forfeited because land has laid fallow for years on end, which might be the case, because that could be a good reason ... I am asking if the hon. Members agree whether that would be a good reason at least to consider if a developer did sit on land having had all the permissions granted and did not commence development for no good reason. Would that be a good reason to at least negotiate the premium return?

2330

Hon. Deputy Chief Minister: Mr Speaker, the agreement in this particular case was that on obtaining full planning permission the developer had to pay the premium and then lease issues would come into play. The full planning was obtained, the premium was paid, but we never got to the stage of the building lease or concluding the lease issues.

2335

2340 **Hon. R M Clinton:** Mr Speaker, just one final question. Can the Minister reveal what was the amount of the premium that was returned?

Hon. Deputy Chief Minister: Mr Speaker, as I explained earlier, the plot is going out to expressions of interest again, so it would not be helpful to alert potential entities interested in that plot as to what the premium paid was, but I am quite happy to advise the Opposition privately as to what the amount of the premium was.

2350 **Hon. R M Clinton:** Mr Speaker, in the past they obviously had no problem with talking about, for example, the premium on the Bluewater project, so I fail to see why he cannot tell the House what the premium was that was paid on this particular project.

2355 **Hon. Chief Minister:** Well, Mr Speaker, the reason here is a very simple one. We have not made an announcement about this plot, we are going to go out to tender again, so we do not want to disclose what the premium was, which is now some years old, so that that might somehow set a benchmark for people to think, 'Well, if I bid there I know I am bidding what was bid three years ago and I will add 2% per year,' or whatever.

2360 We are not saying we will not disclose it to hon. Members; we just think it is not in the common interests of the taxpayer and the constituents that we all represent to put it out there, because we might get more. When people bid for property in Gibraltar, even if they are from outside of Gibraltar, they do look at things that have been said about the plot etc. This may form a report in the local media and therefore we may be cutting our noses to spite our faces and getting less. So, I invite the hon. Member to have the discussion that is proposed by the Hon. the Deputy Chief Minister because that hopefully will mean that we get the right amount for this plot and not less than we might.

2365 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I would be grateful if the Deputy Chief Minister included me in those communications, as I originally raised this question and I have an interest.

2370 Can I just ask – and I am sorry if he has answered it, but I may have not grasped it – when did the developer pull out of this project, please?

Hon. Deputy Chief Minister: The first indications were given last year and it was after the premium had been paid.

Adjournment

2375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to Tuesday the 14th at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 14th July at 3 p.m.

2380 I now put the question, which is that this House do now adjourn to Tuesday, 14th July at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Tuesday, 14th July at 3 p.m.

The House adjourned at 6.27 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 5.16 p.m.

Gibraltar, Tuesday, 14th July 2020

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

BUSINESS, TOURISM AND TRANSPORT

Q406-408/2020

Cycling safety and promotion –

Courses available; investment in infrastructure;

Cycling Promotion Association and Ride to Work scheme

Clerk: Meeting of Parliament, Tuesday, 14th July 2020.

(viii) We continue with Answers to Oral Questions. We commence with Question 406. The
5 questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government set out what cycling safety courses are
available for adults and children?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer
this question together with Questions 407 and 408.

Clerk: Question 407, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how it intends to roll out its £10 per
capita investment into cycling infrastructure, awareness and safety programmes?

Clerk: Question 408, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what steps it has taken to establish a Cycling
Promotion Association and Ride to Work scheme?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the
Government is committed to promoting cycling and walking as alternative forms of transport in
Gibraltar, in addition to providing an ever-improving bus service and the promotion of electric or
hybrid alternatives for personal transport where the use of cars can be avoided. To this end, the

GSLP Liberals' manifesto for the General Election of 2019 contained a series of specific commitments designed to provide substance to our general commitment to the improvement of our urban environment.

The commitment on establishing a Cycling Promotion Association and a Ride to Work scheme are two distinct matters which I will address separately. It is the Government's view that the promotion of cycling in Gibraltar, along with the improvement of cycling infrastructure awareness in the community, can only be improved by taking on board the views and ideas of those who are advocates of cycling as an alternative for transport in Gibraltar and those who, day to day, make the choice to ride to work on their bicycles and, more widely, use their bicycles for practical purposes.

It is also the case that the aspirations and vision of cyclists and cycling advocates alike need to be balanced with the developing needs of our community. To that end, Mr Speaker, the Government has already brought together, within months of our re-election in October, a Transport Advisory Committee to discuss how best we can deliver on the Government's policy objectives in tandem with ensuring the viability of our road traffic network. The Transport Committee met for the first time on 5th March 2020 and discussed issues as diverse as traffic, transport and parking in Gibraltar. Part of that discussion centred around the role of bicycles in the community and how best we can help to attract more and more cyclists to the idea of using their bicycles for daily transport and not just for exercise. Mr Speaker, it is true that we might not be able to agree with every point or every idea suggested in this context by members of the Transport Committee or indeed by a wider cross-section of the community, but our commitment to making this work is guaranteed. COVID-19 regrettably has made meeting more than two times to date impossible, but I am looking forward to hosting further, socially distant, meetings in the not-too-distant future.

In relation to the part of Question 408 dealing with the Cycling Promotion Association, then I can confirm that Government is shortly to invite members of the cycling community to make representations to Government about its view of the make-up and objectives of a Cycling Promotion Association. It is the view of the Government that promoting cycling must be a comprehensive exercise of investment in infrastructure, education and awareness, and of making it easier for our people to take to the bicycle. It is not the view of the Government that dedicated and segregated cycle lanes are a panacea in the context of wider adoption of cycling. Notwithstanding that view, we have exciting plans to deliver cycle lanes which will, in effect, offer protection to our cyclists through key routes in Gibraltar over the coming months as part of plans for Line Wall Road, Chatham Counterguard, Europort Avenue and other roads in Gibraltar. The point to bear in mind Mr Speaker, is that we are planning to form this Cycling Promotion Association to assist us with promoting cycling in Gibraltar and to help us calibrate plans we already have for investment in cycling going forward.

It is in this regard that, in relation to Question 407, I can say that I am confident that the GSLP Liberals' commitment of investing £10 per capita on cycling every year will easily be met. In fact, I am confident that the investment in cycling over the next few years is likely to be significantly more than £10 per capita per annum. The investment in this regard will, as I have highlighted earlier in my answer, be in the full range of initiatives needed to make cycling a natural choice for transport in Gibraltar. This will include investment in infrastructure such as lanes and cycle parking, education and awareness.

In the education or re-education context, and in answer to Question 406, Government is examining options for the introduction of a programme of adult cycling proficiency courses, possibly via the Pedal Ready initiative announced by my predecessor, the Hon. Paul Balban, which would see the Government subsidise the delivery of courses in the community to those taking up cycling once again.

In the awareness context, the Government will, with the Cycling Promotion Association, seek to create a local campaign of TV and social media advertising relating to cycle safety and sharing

the road, something the Government considers an important component of pushing the cycling agenda.

From an incentivisation perspective, one option the Government is currently considering, and which is the subject of the second part of Question 408, is the introduction of a Ride to Work scheme along the lines of the initiative available in the UK for a number of years whereby employers would assist employees in the purchase of bicycles for commuting to work, in exchange for a series of tax advantages. I say that this is only one option because the Government is also keen to encourage employers and landlords in commercial premises to install quality cycle parking infrastructure to improve on facilities already available and actively being expanded by Government. With the use of e-bikes on the up, we are keen to encourage the deployment of covered, protected and secure bicycle parking to remove yet another potential barrier to adoption.

The £10 per capita commitment marks a watershed moment in the story of cycling in Gibraltar. It marks the first time a Gibraltarian Government has made a cast-iron commitment to promoting this healthy, safe and practical form of transport. This investment allows us to measure and calibrate our commitment locally as we move to make Gibraltar a bike-friendly city. It also allows us to measure ourselves against other cities around the world looking to become bike friendly, helping us to benchmark our efforts and tweak what we do by reference to it; and, importantly, it is a starting point, a commitment on which I am sure we will continue to build, increasing the level of funding per capita as required and, as is likely to be the case in response to what I am sure will be investment of a far higher level than the notional level of £10 ...

Mr Speaker, we are building on a vision of making Gibraltar a cleaner, greener place to live. The lockdown gave us a glimpse of a Gibraltar we did not know we needed so much, missed so much. We are building a better Gibraltar. We are building a bike-friendly city. Mr Speaker, just as we were elected to do, we are building the Child Friendly City. *(Banging on desks)*

Hon. E J Phillips: Mr Speaker, I am grateful for the answer to the questions that we put in relation to cycling.

Of course everyone in our community wants a bike-friendly city, so long as it is planned properly and deployed properly and efficiently within our community. **(A Member: Hear, hear.)**

What I would ask first of all ... There are only about three questions I would like to ask. The first one is in relation to the Transport Advisory Committee. Does the Minister have to hand the members of that committee?

Hon. V Daryanani: No, Mr Speaker, I do not have that information. Obviously I know the members, but I cannot give you the full list at the moment.

Hon. E J Phillips: I am grateful for that answer and I appreciate he does not have it before him, but does the committee comprise members of the cycling fraternity?

Hon. V Daryanani: Yes, Mr Speaker.

Hon. E J Phillips: Mr Speaker, we agree that clearly the views of cyclists need to be taken into account and obviously cycle lanes are not a panacea, but I would be grateful to understand how the Minister has taken a view in respect of Line Wall Road and the quite colourful pictures and video presented by his Ministry insofar as that project is concerned, when in fact not establishing the Association in the first place in order to provide a conduit for that information and data and views back to the Government so that they can properly plan this. Has the Government proceeded on the basis of very limited involvement of a number of people from the cycling fraternity in our community on that committee?

Hon. V Daryanani: Mr Speaker, what you see on Line Wall Road is a concept. We will have a cycle lane there. We are seeking information. We are working with members of the cycling fraternity. Obviously we are working with our own officials.

40 These are early days. The Member opposite says that we have not planned properly. Let me say that that is totally incorrect. We are taking our time. What he cannot do is one day tell us that we are rushing into announcing plans and the next day tell us that we should be telling him more about how we are doing this. This project will take approximately two years, to deliver Line Wall Road. In the meantime we will continue planning. There are lots of possibilities. The only
45 thing that we are telling you for sure at this moment is that there will be a cycle lane in Line Wall Road.

Hon. E J Phillips: Mr Speaker, I think the Minister will agree that Line Wall Road, insofar as cycling is concerned, is a limited stretch of road compared to significant roads that we have in
50 our community. Does the Minister have any further plans on how there can be – and we have discussed this, of course, in meetings that he has organised – a continuous cycle lane in Gibraltar that will provide for that thoroughfare of traffic from the border right to the end of the Rock? If the Minister can clarify the basis upon which he is moving forward, because the Minister has set out very clearly that this is the vision and that vision may well change and may well adapt over
55 time – he is taking soundings from the cycling fraternity and other members of the community, presumably, and therefore we would like a bit more information as to how this will extend further around our city.

Hon. V Daryanani: Mr Speaker, we are looking at a whole route around the Rock for cycling,
60 so, like I say, there is a lot of consultation that needs to be done at the moment and we will do that and get back to him when we are ready. This is not something that we can just give you within two or three weeks.

Hon. E J Phillips: The Minister will appreciate the concern of many members of the
65 community about this particular project, and although some support it many do not support the idea of the closure, the restriction and now the pilot study of whatever now the Government is describing this project as.

What I would say to him, therefore, is if these are early days, as he says, and he is taking his time and he will communicate the decision back to us, is it now foreseeable that this project will
70 change in substance and form?

Hon. V Daryanani: The project will be shaped by the consultation which is taking place at the moment.

75 **Hon. R M Clinton:** Mr Speaker, may I ask the Minister, in terms of transport, any cycle lanes ...? I think unless there is something I do not know about cycling, would he agree that cycle lanes are impractical in the Upper Town, and therefore what provision does he envisage making to improve access to the Upper Town for those residents there – for example, extending the bus service?

80 **Hon. V Daryanani:** Is it the bus service that you want to know about or the cycle lane?

Hon. R M Clinton: Both.

85 **Hon. V Daryanani:** Well, we have not considered the idea of a cycle lane in the Upper Town for the moment but the Government will be making an announcement very soon on the bus service regarding the Upper Town.

Hon. V Daryanani: Mr Speaker, just one final question, because obviously the Minister has raised the fact that awareness of cycling is important to the Government ... it is important for all members of our community that people get on bikes – eventually when, we say, it is planned properly, but there is opinion in relation to that.

Just from personal experience, and I know that other Members may share this, the cheapest bicycle you can buy nowadays is between £300 and £400, and the most expensive, of course, are these amazing electric bikes that go up to about £4,000. So, I wonder, if the Government is trying to encourage cycling in Gibraltar, how is the Government going to deliver that message to the people insofar as that investment that people should make in bicycling for the future? I think it is an important message because not many people on low incomes, families, will not be able to afford those types of expensive bicycles to ride on our lanes, and so I am just asking the Government how it is that that message will be delivered to the community to persuade them to make that investment into our community.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not agree that the cheapest bicycle would cost £300 and upwards ... if the hon. Gentleman says he has got one of the expensive ones ... because there are bicycles available for a lot less than £300, which I can point him to if he wishes, and indeed there are electric bicycles available for a few hundred pounds and there are a number of kits available that convert a normal bike to an e-bike, which one can get for a few hundred pounds.

Be that as it may, the Government will be rolling out different incentives for people, not just to cycle but also to walk. Indeed, we have started to roll out those incentives already, and disincentives to use vehicles, and we will be rolling out other incentives which will increase some of the incentives we have already offered in respect of hybrid and electric vehicles in the context of our wider plans. Those are usually rolled out at Budget time. There is not going to be a Budget in the usual way this month as there usually would be. We have to look at when there will be a next Budget and perhaps even introduce these measures before then.

Mr Speaker, these are all measures which are part of ensuring that we do what future generations need us to do. These are difficult decisions that have to be made to change behaviour. I hope that we will all be as one when it comes to ensuring that we look after the little bit of the planet that we are responsible for and ensuring that we live up to the commitments that we acquired in this House when we declared a climate emergency, and that we do not go off seeking to jump on bandwagons that call for the disincentives to the use of combustion vehicles to be undone and the like.

Mr Speaker, I know that all Members on this side of the House are committed. I will watch this space in relation to the Members on the other side of the House.

Hon. E J Phillips: Mr Speaker, I do not think many people would disagree that we should not create a cycling-friendly, greener Gibraltar – of course, and I think it is in the interest of everyone in our community to create that and develop that vision. Of course, the difference between the Government and the Opposition is how the Government goes about doing that and the planning that they deploy in order to achieve that objective. That is where the political debate is between the Government and the Opposition on that question.

Would the Chief Minister or the Minister for Transport be prepared to give an insight as to those types of incentives, so that normal working families can access or indeed be encouraged to buy bicycles? The Chief Minister refers to a few hundred, but when the pandemic hit and my bike was stored away from Gibraltar we had to buy a new bike and one for my son and it cost quite a few hundred pounds. I think it is important to realise that not everyone can make that expense to have that transition to cycling, and therefore if the Chief Minister could give an insight as to what types of incentives the Government would be looking at in that regard, it would be helpful.

Thank you.

Hon. Chief Minister: Mr Speaker, the thing that is foremost in the mind of the Government are ordinary working families because they are the people we represent.

The hon. Gentleman needs to know who it is he is dealing with. My prized possession when I was a child was my bicycle. It was the biggest thing my parents were able to afford to buy me. It was the thing that gave me the most joy. That may be true of many people sitting round this House today. Mr Speaker, just because some of us have done well in life does not mean we forget where we come from, even though others might like to pretend that that is the case.

Well, look Mr Speaker, the price of bicycles that the hon. Gentleman is referring to is not one that I recognise. Is the hon. Gentleman saying that ordinary working people cannot buy a bicycle for themselves or their children? I come from an ordinary working-class family and my parents were able to buy a bicycle for me, and I know many ordinary working-class people and they buy bicycles for themselves and for their children, so I do not recognise the thing that the hon. Gentleman is saying. Of course it is possible to buy a carbon-fibre bike which is not electric, which will cost many thousands of pounds, it is possible to buy a new-fangled bicycle which is not carbon fibre and which will cost many hundreds of pounds and it is possible to buy a bike which costs £100-plus or £200. I can send him the links if he likes, Mr Speaker.

The issue he is asking about he prefaces by saying that the only difference between us is how we go about planning things. Mr Speaker, I do not accept that, because I have seen Members of the Opposition, those who are in the habit of being seen as professional protesters, protesting behind those who argue for free parking at Midtown. That is all very well and I know that one particular Member of the Opposition has expressed quite publicly to the television cameras that the reason he is against all this – forgetting the climate emergency, forgetting the need to green Gibraltar – is because it cost him a few hundred quid to park his very large-engine car in the centre of our city and it is affecting his working-class pocket.

Well, Mr Speaker, the fact is that this is about changing behaviour. We think that we are planning this in the right way. We think we are doing it in the right way. We think we have a mandate to do it. We think this is not just in the interest of today's common working families; we think this is in the interest of common working families today, tomorrow and in the future. We think it is in the interest of the future generations of Gibraltarians who have demonstrated with greater passion, vigour and vehemence to No. 6 Convent Place to ask us to do something about pollution and climate change, and they and their future and we are planning for them.

Hon. K Azopardi: Mr Speaker, the Hon. Chief Minister hurled me into nostalgia when he spoke about his prize possession, his bicycle. He hurled me into the nostalgia of my red Chopper bicycle in the 1970s as we, a bunch of friends, cycled around Gibraltar on our choppers. So, yes, I share that and I also think that we must share the view that we also all represent ordinary working families and indeed those more affluent members of our community as well.

Can I just ask if, as part of the scheme that the Hon. Minister was setting out earlier, there are plans to return that set of rental bicycles that disappeared at the time of COVID because of course there were issues about perhaps the cleansing of those bicycles at the time of COVID? Is it part of the plan, as part of all this to promote cycling, that there will be a set of bicycles for rental for people who want to use them, members of our community or indeed tourists who may come in and want to cycle around Gibraltar?

Hon. Chief Minister: Mr Speaker, there you are, he and I have another thing in common: I too owned a red Chopper. The only chagrin that that used to bring to my mind was that the red chopper featured the word 'Chopper' in yellow, making it red and yellow, which to those of us who have spent our lives fighting against osmosis was immediately an issue of concern, all of which was allayed when my parents decided that I was too long for the Chopper and I got a Grifter, which was blue with a big Union Jack on the front of the liver bird for Raleigh, the producer.

Mr Speaker, it is absolutely, in the view of the Government, essential that we should have the ability for people to rent bicycles in our city in order to aid mobility. We, for reasons that have been documented, believed that the plan that we inherited was not a good one. We implemented a different plan. That plan has had to be suspended for the reasons that the hon. Gentleman knows. Given the advice that we have at the moment, it is not possible to say that those bikes will be back in September or that they will be back in the spring, but we certainly hope that the bike rental scheme, which aids mobility by providing bikes in different areas of our city, will soon be available.

And he can rest assured that however much of the Chopper lives in our collective memory and brings a smile to each of us as we remember those heady days of Gibraltar with less traffic in the 1970s, the bikes we bring to Gibraltar will not be red and yellow.

Mr Speaker: Next question.

Q409/2020

**Devil's Tower Road, Laguna, Calpe Arengo's and Old Queensway Club car parks –
Parking charges**

Clerk: Question 409, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, further to Question 274/2020, can the Government update the House on whether it will apply parking charges at Devil's Tower Road, Laguna, Calpe, Arengo's and the Old Queensway Club car parks?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, Devil's Tower Road has a total of 953 spaces, out of which only 180 do not charge a fee and are available for North District permit holders.

Laguna car park does not charge a fee and is available for North District permit holders.
Calpe, Arengo's and Old Queensway club car parks already charge a rental monthly fee.

Hon. E J Phillips: Mr Speaker, I am slightly confused by the answer because on the last occasion I asked the Minister exactly the same question he had not formed a view at that stage as to whether charges would be imposed – parking charges in respect of those particular areas. I am at a bit of a loss to understand the answer because it appeared at the time that the Government had not formed a view as to that. If the Minister could clarify, it would be helpful.

Hon. V Daryanani: Mr Speaker, if I remember correctly, the Member opposite, last time, asked me whether there was going to be an increase in these car parks, and what I am telling him is that nothing has changed. We charge what we charge, but nothing has changed from what you asked me last time.

Hon. E J Phillips: I am grateful for the clarification and the response. There is, of course – if I can just ask him a supplementary – no intention to make any further changes in line with the Government's current policy in relation to other parking?

Hon. V Daryanani: I remember, Mr Speaker, that last time he asked me this question I said that we were looking into it and that there were repairs involved and we were going through that.

Hon. K Azopardi: So, when signs appeared at the top of the Laguna car park which said ‘The top floor of this car park will solely be used for private and business rentals as from 8 a.m. on Thursday, 11th June 2020’, that does not constitute a change of policy at all?

Chief Minister (Hon. F R Picardo): No, Mr Speaker, it does not, because those private rentals include the rentals that we make available to residents of the North District in the context of that car park changing to what it was originally intended to be, which was a park and ride for visitors to Gibraltar.

Hon. K Azopardi: I am not sure I understood that answer, because there were signs that were erected in early June which indicated to people that it could only be used for business or private rentals as from a certain date. The Hon. Minister has answered to my colleague that there have been no changes. Now does that reconcile with the answer the Hon. Chief Minister has just given that from a certain date in June when signs were erected, the public were told that it was only reserved for private or business rentals? I do not understand.

Hon. Chief Minister: Because he does not seem to want to understand that members of the North District who hold a permit who park there are not members of the public for the purposes of that car park. For that car park you will be a member of the public if you come to it without a North District permit or a business parking permit for that area when that car park becomes a public car park for all those who wish to park there instead of coming into Gibraltar.

Hon. K Azopardi: So why was there a need to erect these signs, then?

Hon. Chief Minister: Because the car park is changing. It is going from a car park that has been used only for those from the North District for a large number of vehicles from a business entity that has needed storage for its vehicles in different areas, and only one – I think the lower – floor for public car parking, to the whole of the area becoming available to public parking except for those areas which are reserved to those North District parking permit holders and other business permit holders. So you would need to change the signage in the car park for that reason; I would have thought that is easy to understand.

Hon. K Azopardi: So North District permit holders are deemed to fall within the concept of private rentals – is that what the Chief Minister is indicating?

Hon. Chief Minister: Yes, Mr Speaker, that is the position that has been the case for some time, that when you are in an estate and you have a parking permit you have a right either to a parking space or to a parking area, and that is the area reserved for those who hold the permits.

Mr Speaker: Next question.

Q410/2020
Both Worlds and Media Luna –
Residents’ parking

Clerk: Question 410, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how it intends to resolve the issue of residents’ parking at Both Worlds and Media Luna?

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

285 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the Government is not aware of what the hon. member is referring to when he says 'resolve the issue of residents' parking'.

290 **Hon. E J Phillips:** Mr Speaker, I have been approached by a number of residents at Both Worlds, particularly those of an elderly disposition and young families, who find it very difficult to park their vehicles at Both Worlds. It is particularly acute, of course, during the summer periods, and I was wondering what long-term plan the Government has for those 150 residents – who clearly have cars, no doubt – to park these vehicles within a reasonable distance of their homes and whether there is any intention of the Government to make provision for parking in that specific area and perhaps amplify that to avoid problems encountered by residents vis-à-vis beachgoers, because clearly there are issues regarding that.

300 **Hon. V Daryanani:** Mr Speaker, the Member opposite says that he has had a number of complaints. I must say that my office has not had a number of complaints. There is one specific person who has brought this to my attention and we have helped that person out. We have been to see her and the area to see how we can help out.

Insofar as parking is concerned in the Black Strap Cove area, which is known as the Media Luna, that is reserved specifically for people who live in Both Worlds. People who live in Both Worlds can also park on the fifth floor of the Devil's Tower Road car park, which is for North District permit holders. The free parking includes Both Worlds. And then, during the beach season, they can actually park outside Both Worlds because that converts into one way during the summer season, so they can park on the wall right outside their premises.

I think we have done enough for parking in that area, but I understand that maybe there are not 180-odd spaces that he mentioned specifically for each and every resident of Both Worlds.

310 **Hon. E J Phillips:** Mr Speaker, again this is a question of planning and provision, and although the Government wish to make Gibraltar a greener place we know that the reality on the ground, of course, is there are 150 residents. Many of them will have cars, hopefully just one vehicle, and for the Minister to suggest that these people should park in Devil's Tower Road and walk – many of an elderly disposition – all the way to Both Worlds ... I am not too sure how the Government can rationalise that proposition to the residents of Sandy Bay and Both Worlds. I think it is important that some provision be made, or at least a long-term strategy to resolve the issue.

315 I think it is beyond one person, who may well have been a representative of the residents there. Can the Government not at least give assurances to residents of Both Worlds, and in fact the general population who enjoy the beach at Sandy Bay, that there will be a long-term strategy to avoid issues of traffic and congestion and the inherent parking problems in that area given the stretch of road? It would be wonderful if the Minister could at least give a sensible answer to the question I put forward in relation to the parking provision of the area.

325 **Hon. V Daryanani:** Mr Speaker, there is also the Catalan Bay reclamation car park which can be used when the beach season is not there, so that is another area where people in Both Worlds can park.

330 Insofar as people using the beaches, we have just introduced six new buses and a new bus route, so every 10 minutes there is a bus that goes to Both Worlds. We are providing alternate forms of transport, so it is not only a question of not using your car but you can use the bus now, a special bus route, and if you include the two other services on that route we have got eight routes in an hour. I think that is very good.

Q411/2020
Pay and display
Plans for further rollout

Clerk: Question 411, the Hon. E J Phillips.

335 **Hon. E J Phillips:** Can the Government confirm what plans the Government have for further rollout of pay and display beyond the recently announced Coaling Island pay and display?

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

340 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the Government is continuously reviewing the parking situation and will assign areas as pay and display to support residents of areas blighted by the parking of derelict or abandoned vehicles and to complement a green Gibraltar and child-friendly city.

345 **Hon. E J Phillips:** So, at this present moment in time, although the Government is constantly reviewing the position, there is no intention to allocate certain areas as pay and display? The Government does not have anything on the radar is what I am asking in the question.

Hon. V Daryanani: We are constantly reviewing the situation, Mr Speaker.

Q412/2020
St Bernard's Hospital pay and display –
Free parking for GHA essential workers with foreign-registered vehicles

350 **Clerk:** Question number 412, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain the rationale for permitting foreign-registered vehicles belonging to essential workers parking for free in the pay and display area until 1st August 2020 in the area in front of St Bernard's Hospital?

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

360 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the rationale is very simple. The Government has taken a view, as per our press release of June 2020, to extend the concession of free parking for GHA staff in the pay and display area at Harbour Views Road opposite the entrance to St Bernard's to 1st August 2020 to coincide with Rock Unlocked. The provision of this concession is for GHA essential workers who can display on the car the necessary GHA credentials and does not discriminate on nationality or with regard to country of vehicle registration.

365 **Hon. E J Phillips:** Mr Speaker, the information I have received is that a number of foreign-registered vehicles belonging to essential workers continue to park in those areas that the Government has designated free until 1st August 2020, in line with its policy to strictly enforce against those cars parked in other areas of Gibraltar and to restart the enforcement process in June 2020 as per the press release.

370 The issue, of course, is that the complaint that I have received is why should cars now being parked ...? Essential workers, effectively, working in our Health Service continue to have this made available to them. That is why I wanted to understand the rationale regarding that,

because it cannot purely be simply COVID related, given that the Chief Minister has recently stated that we are well on our way to a full Unlock the Rock, thank goodness. I am just trying to understand the rationale for not enforcing normal traffic laws.

Chief Minister (Hon. F R Picardo): Mr Speaker, because we are *on the way* to Rock Unlocked, he said it himself, and there is a confluence of the decision to enforce and the end of the period of de-escalation, which is 1st August.

I would have thought he would have wanted to get up in this House to align himself with the Government in having made available this facility for those of our essential workers, those of our health workers who have done such a magnificent job in this period of the pandemic and who would need, because of the restrictions there have been until very recently etc. and because the GHA is not yet back to normal, to have this facility for this period. I am surprised that he has not aligned himself with us.

We are perfectly relaxed about the policy decision that we have taken. We think it is the right policy decision. We think it focuses a benefit in the hands of those who need it in this period and we will not hesitate to make a similar decision if we once again have to ramp up the response of the GHA and if we find ourselves again in a situation where public transport is limited in some way or regard. The Government stands by its decision. We think it is the right decision for the right people and I am surprised the hon. Gentleman does not in fact want to get up and associate himself with the decision that the Government has made.

Hon. E J Phillips: Mr Speaker, it is not as though we do not want to associate. Of course, we commend the marvellous work done by our healthcare workers in the challenge that COVID has presented and we do not resile from that position, (*Banging on desks*) but Mr Speaker insofar as focusing the benefits, as he describes, in relation to parking, we do not see any reason why now full enforcement of our laws in relation to parking should not take place. We do not understand why there appears on the ground to be a discrimination, that foreign-registered vehicles are coming into Gibraltar, parking in specific bays free of charge until 1st August, when ultimately Gibraltar has been unlocked in respect of parking save for these specific places where GHA workers with foreign-registered vehicles continue to park for free. It is about fairness, not about focusing benefits; it is about focusing entirely on fairness.

Hon. Chief Minister: Mr Speaker, this is not about foreign-registered vehicles. This is about vehicles with GHA permits regardless of the place of registration.

I have never seen a clearer example, for which I thank the hon. Gentleman, of wanting to run with the hares and hunt with the hounds, but it is so transparent that even the shallowest political analyst who might be persuaded that somehow this xenophobic approach that the hon. Gentleman is taking to try and stoke the fire of dissent on the basis that we are enforcing against Gibraltar-registered vehicles whilst not enforcing against foreign-registered vehicles – never mind the fact that we are not doing any of that, we are just permitting those with a GHA permit to park – that somehow might enable him to curry favour with some who might decide that the terrible Government that has permitted our fantastic GHA workers, whom they bang the table for, to park without enforcement might somehow therefore need to be removed in favour of the magnificent Opposition that he and his colleagues represent.

Mr Speaker, the success of populist movements around the world is a matter of regret to those of us who actually represent a real ideology, (*Interjection and laughter*) but if in Gibraltar ... I am conscious Mr Speaker that the Hon. Mr Feetham has already got up in this House, less than four months ago, and declared that he is not a socialist, words which I will remind him of repeatedly. It does not mean that, just because he is not, the rest of us are not.

But Mr Speaker the fact that the hon. Gentleman tries to say that we should support the work done by our healthcare workers but then tries to say that we must enforce parking restrictions against them even before we have got to Rock Unlocked ... I am sure that there are

425 people shallow enough to swallow it. I have great confidence in the perception, wit and understanding of the Gibraltarian electorate, enough to see straight through it.

Hon. E J Phillips: Mr Speaker, a supplementary question. Every single member of our community is participating in trying to get back to normal in our community, not only GHA
430 workers but every worker in our community is trying their best to recover our position and to recover from the public health emergency. So, this inconsistent approach insofar as parking is, quite frankly, nonsensical and I do not understand the rationale.

We are getting back to normal, thankfully, and the Rock will be unlocked, as the Chief Minister has alluded to, and there is no reason, in our view, to retain our focus on these
435 benefits, which would seem on the face of it to be unfair. Does the Chief Minister agree with that analysis? Probably not.

Hon. Chief Minister: Mr Speaker, I obviously do not for all the reasons I have already given. It does not seem like a question which is fair in the context of a supplementary; it just seems like
440 an opportunity to respond and try and have another bite at the cherry. But given that he wants to ask me the question again, I will give him the answer again.

Because we have not yet reached Rock Unlock, which is on 1st August, because the GHA is still not in a state of normality, which it will not achieve until 1st August – although it will still have to deal with all of the backlog then – the Government made the decision to allow members
445 of our essential services who work in the GHA, whatever their nationality with whatever their registration, to have a permit which gave them the benefit of parking in that particular area until Rock Unlocked. That day is now, I think, from a basic calculation, in the region of 16 days away.

It is remarkable that, given what we have been through and what we are going through, we are spending time in this House having an argument about GHA workers being able to park for
450 another 16 days without having the full force of parking laws enforced against them.

The Government is perfectly relaxed, comfortable and convinced that what we are doing is right, it is proper and it is designed to benefit those who have worked the hardest in the context of the success that Gibraltar has displayed in respect with this pandemic and who are still dealing with the consequences and are now preparing for when it may come again.

455 Mr Speaker, frankly, I have given my views as to what the hon. Gentleman is trying to do. I do not think there is a political observer shallow enough to swallow it.

Mr Speaker: I think we need to move on now, please. Next question.

Q413/2020
Low Emission Zone Permit –
Intention to charge a fee

Clerk: Question 413, the Hon. E J Phillips.
460

Hon. E J Phillips: Mr Speaker, can the Government confirm whether or not it intends to charge a fee for those persons issued with a Low Carbon Pass?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.
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Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, Government has to this point issued no Low Carbon Pass.

Hon. E J Phillips: There is no charge to the issue of the permit, or there is no permit?

470 **Hon V Daryanani:** Mr Speaker, the Member opposite asks the question 'Can the Government confirm whether or not it intends to charge a fee for those persons issued with a Low Carbon Pass?' and my answer is 'The Government has to this point issued no Low Carbon Pass.'

Hon. E J Phillips: Mr Speaker, I am grateful for the answer but I have been shown a Low Carbon Pass issued by the Government, so unless it is completely fabricated, what was shown to me, then I am not too sure what that is.

Is it described as something else, Mr Speaker? Low Emissions Pass?

480 **Hon. V Daryanani:** Mr Speaker, he needs to make up his mind. Either he has been shown a Low Carbon Pass or he has been shown something else, and if he has been shown a Low Carbon Pass, like he says he has been, maybe he could send it to me so I can look into it for him.

485 **Hon. E J Phillips:** Mr Speaker, I am trying to be helpful and if the Minister would kindly just explain whether insofar as the access ... We all know which road we are talking about, of course, in the issuing of these particular passes. He is pointing out that I may have used the wrong words – 'Low Carbon Pass' – and if so, then I apologise for that, but I was shown this a while ago and if it is a Low Emission Pass I would be grateful if the Minister could clarify whether indeed the Government issues these passes and whether indeed it intends to charge for these passes.

490 **Hon. V Daryanani:** Mr Speaker, what the Government has issued is a Low Emission Zone Permit, and the Government is not charging for it.

Q414-417/2020

Traffic and pollution monitoring –

Line Wall Road pilot scheme; traffic volume monitoring survey publication date

Clerk: Question 414, (*Interjections*) the Hon. E J Phillips.

495 **Hon. E J Phillips:** I will refrain from commenting on that aside by the Chief Minister. Can the Government set out any results from the traffic and pollution monitoring in respect of the Line Wall pilot scheme?

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

500 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I will answer the question together Questions 415 to 417.

Clerk: Question 415, the Hon. E J Phillips.

505 **Hon. E J Phillips:** When will the traffic volume monitoring survey be published?

Clerk: Question 416, the Hon. E J Phillips.

510 **Hon. E J Phillips:** Can the Government state traffic volumes from the Upper Town via Governor's Street/Town Range into town?

Clerk: Question 417, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how it monitors the restriction of traffic on Line Wall Road?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the pollution is being monitored by a live AQ mesh pod placed by the Environmental Agency on Line Wall Road on 22nd May. Because of technical difficulties, the data did not start to get captured until 10th June. The data captured is live and can be viewed on the Gibraltar air quality website with monthly summaries being reviewed by the relevant Departments.

Traffic counters were placed at a number of locations on Line Wall Road, along with Queensway and Smith Dorrien Avenue on 8th June. The first batch of data will be collected after a full month. As previously mentioned, these traffic counters are placed in the various areas to capture the changes in traffic patterns. Two of these locations are Lover's Lane and Secretary's Lane. This will monitor the traffic that does not pass directly through the restricted area and turns back at Duke of Kent House. We intend to monitor the scheme by reviewing the data and comparing Tuesday to Friday when there are no restrictions, and Saturday to Monday when controls are put in place.

Hon. E J Phillips: Mr Speaker, insofar as Question 414 is concerned, can the Government clarify what technical difficulties were experienced in relation to the AQ mesh monitors between 22nd May and 10th June?

Hon. V Daryanani: Mr Speaker, unfortunately I cannot give him information on that, but if he writes to me some time after the session I will get back to him with more information.

Hon. E J Phillips: The Minister alluded to data that could be collected over a period of a month, so I take it that data has now been collected from 10th June to 10th July and I wonder whether the Minister has to hand the results of that data and he can provide a helpful answer to the question.

Hon. V Daryanani: Mr Speaker, we would need notice for that. This is data for over a month of cars passing by all different areas of Gibraltar, so he will have to give notice to us.

Hon. E J Phillips: The reason why I ask this question, of course, is because Question 414 asks the Government to set out any results from traffic pollution monitoring in respect of the Line Wall pilot scheme. The Government has already said that on 22nd May it experienced technical difficulties which meant that those monitors did not start collecting data as from 10th June, and therefore I do not think it is right that I provide notice of the question. The question is the same as that; it is just that I was asking whether the data from 10th June, when the Government discovered that there was a technical difficulty in the collection of that information, to 10th July now ... and whether the Government had already had the data in order to analyse it to ascertain the traffic and pollution monitoring along Line Wall Road and the pilot scheme.

I would suggest, of course, that given Government are running with this pilot scheme, presumably to demonstrate to the community that things are better now under the pilot scheme, the Government would have at least an element of data to reinforce its argument or at least demonstrate that its pilot scheme is working.

Hon. V Daryanani: Mr Speaker, this question was asked three weeks ago and the preparation of this question was perhaps 10 days ago, so the month has not elapsed yet. And anyway, this data is an internal technical document and at the moment I do not feel that the Government needs to publish this.

Hon. K Azopardi: Mr Speaker, I am not sure I understand why the hon. Member says he has got difficulty in explaining what the technical issue is behind the answer he gave that there was a problem between 22nd May and 10th June, or indeed why he requires notice for the question given that it was in his original answer. If his original answer points to the technical difficulty, presumably he asked his officials who prepared that answer what the problem was.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, if I may assist, the technical difficulty could be various. It could be a problem with the recording of the data or accessing the data; it could be various. I do not think the Hon. Minister needed to know exactly what that technical difficulty was. He has explained there was a technical difficulty. If the hon. Member wants to know the detail, then clearly that can be answered but it is not information that he or I would necessarily have here and now.

Hon. K Azopardi: I am sure the Hon. Minister is grateful for the hurling of lifejackets into the sea, but with all due respect, in his answer he is speculating: it could be this, it could be that. *(Interjection)* I have not finished my questioning.

What I am saying is it was in the Minister's original answer that there were difficulties, and one would have thought that he would have probed his officials. Presumably he did not prepare the answer but his officials did and he would have probed his officials as to what the problem was because it is an obvious supplementary. But if he has not got that information, so be it.

Can I ask the Minister: I assume that the purpose of the pollution monitoring mechanisms is to understand the pollution effects one way or the other of the Line Wall Road scheme. Can the Minister confirm that that is the purpose of those measures? And if so, can he perhaps indicate to us what pollution monitoring mechanisms there are on Queensway?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman needs to understand what it was that the Minister said before saying that he should have quizzed his officials. The Hon. Minister said, in the context of his first answer, 'pollution is being monitored by a live AQ mesh pod placed by the Environmental Agency on Line Wall Road ... Because of technical difficulties, the data did not start to get captured until 10th June'. His officials, referring to the Minister for Transport, are not officials of the Environmental Agency or the Environmental Department. They are the officials of the Minister for the Environment, who therefore got caught up, not to hurl lifejackets but to assist the House, because it was his officials that would have been relevant and indeed the officers of an independent entity set up who would have had the technical difficulties at their fingertips.

But this is all about the quality of air in different places. It is about also ensuring that pollution is dealt with appropriately. If the hon. Gentleman wants to know what mechanisms are in place for Queensway, which is not the subject matter of these questions, I invite him to put a question for the next meeting.

Hon. K Azopardi: Mr Speaker, I think it is within the scope, I have to say. First of all, the Hon. Chief Minister's answers just simply confirmed that if the original drafting did not come from the Minister for Transport's Department and came from a colleague Minister who then got up to clarify, his colleague Minister does not know either what are the technical difficulties behind it, even though it was officials answerable to him who prepared the answer. That is fine, but the question that my hon. colleague puts is directed to traffic and pollution monitoring in respect of the Line Wall pilot scheme.

The scheme as a whole does several things. One of the things it does is it pushes traffic to Queensway because you cannot access Line Wall on certain days of the week. It would have been an obvious step to take to monitor pollution in Queensway as part of the effect on pollution monitoring, which is the direct consequence of the Line Wall pilot scheme. So, as the Government always says it is so interested in Green Gibraltar, why not monitor the pollution of

that part of Gibraltar that is 75 m away from Line Wall Road, which is a direct consequence of the Line Wall Road pilot scheme?

615 **Hon. Chief Minister:** There is a problem, Mr Speaker, when people believe their own publicity. The Government is monitoring the air quality on Queensway. The hon. Gentleman does not ask us whether we are monitoring it. The hon. Gentleman, in an exercise of moving the goalposts, asks us where are the air monitoring stations on Queensway, and then, when I tell him if he wants to know where they are he should ask us at the next House, he then says ‘Why
620 are you not monitoring the air quality at Queensway?’ – Two completely different things.

Mr Speaker, this is Question Time in a Parliament, this is not cross-examination in an attempt to catch out a witness, and the hon. Gentleman needs to realise that. It is also wrong to assume that pollution is being displaced from Line Wall Road to Queensway, although I know that some with a shallower understanding of these issues have suggested that. In fact, there is very likely
625 much less pollution because people are not using their cars, which would actually be a success in the context of trying to bring about less use of the internal combustion engine, the climate change emergency and Green Gibraltar, whilst what we do is displace cars to Queensway that would not be success. And yet, as hon. Members have pointed out, there are areas for pay parking both in the Midtown car park and outside the Midtown car park, which are not being
630 used despite those areas having been full before on days when Line Wall was open and when Line Wall was closed. So, the strategy has been not to displace traffic to Queensway; the strategy has been to ask people not to get into their vehicles.

So, we are monitoring Queensway 75 m away, which was not the question that he asked in his earlier supplementary. If he wants to know where those air-quality monitoring stations are, I
635 put it to him that is not in the nature of a supplementary, because otherwise when you come here on a question on air-quality monitoring on one road you need to come with the supplementary information in respect of air-quality monitoring in respect of every other road in Gibraltar, which would be, in my view, nonsensical.

And second, we are convinced that what we are doing is not displacing pollution but reducing
640 pollution and we will soon have the evidence to show that. As the Hon. the Minister for the Environment I think has said on a number of occasions in this House, this data is live. Hon. Members can log on to see the AQ mesh monitoring data, so if they are genuinely interested in trying to understand pollution, not its displacement but the process towards its eradication, then I urge them to jump off the bandwagon they seem to be wanting to jump on and jump on
645 our Green Gibraltar agenda, the Green Gibraltar agenda that I commend to everyone in this House and to everyone who is watching. It is the agenda that deals with the climate change emergency.

Mr Speaker, this is not something to laugh about, this is not something to joke about – this is not even just our future. This is the future of our children and our children’s children, and unless
650 we start to take it seriously and unless we start to look at the faces of those who protested in front of No. 6 Convent Place, who are the young generation, the future generation, and take them seriously, we will fail to learn from history and we will fail to plan for the future. (*Banging on desk*)

655 **Hon. E J Phillips:** Mr Speaker, just in relation to the answer to Question 416, I apologise if I have missed the answer to that question but I do not believe that I have the traffic volumes from Upper Town via Governor’s Street/Town Range – perhaps more in the form of a schedule?

Hon. V Daryanani: Mr Speaker, it seems that this information has not been provided for the
660 Upper Town – in Question 416, did you say? We do not have the data on that yet. I will look into it and get it to the Member opposite in the next few days.

Hon. E J Phillips: I am grateful. That should assist, and of course if you want to formally convert that into a written response ... I am not sure it is within the rules now, given the fact that there is an answer on the record, but either way if we can get it in two days that would be great.

Q418/2020
STTPP –
Total cost to taxpayer

Clerk: Question 418, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the total cost to the taxpayer of the STTPP?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the total payment to Mott MacDonald for the preparation of the STTPP was £475,758.

Hon. E J Phillips: I am grateful for the answer. Have there been any further costs incurred in relation to that report? For example, have the Government links to this commissioned the company or the individual concerned to conduct further analysis of the STTPP in light of the Government's commitment to a greener Gibraltar and the transport policies that it is now announcing? I wonder whether the Government have engaged them further on this subject and whether costs have been incurred as a result of that process.

Hon. V Daryanani: Mr Speaker, this is the total cost up to today.

Q419/2020
Business licensing regime –
Date for revision

Clerk: Question 419, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when it intends to revise the business licensing regime?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, Her Majesty's Government of Gibraltar is already in the final stages of the drafting process of the new Fair Trading Act 2020, which will establish the new business licensing regime. It is expected that this will be duly presented to Parliament within the next quarter, having been delayed due to COVID-19.

In the meantime, the Office of Fair Trading has already been working to implement systems and procedures, to allow for the administration of the new regime, for some time. This includes the upgrading of its website to allow service users to engage electronically with the office and the implementation of a bespoke new database.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. He will appreciate that this Bill has been at an advanced stage for some time now, and that as far as I am aware ... or at least I am beginning to understand that the Chamber and the Federation certainly, perhaps towards the end of last year, had already come to some kind of working document with the Government or the Minister, with which they were happy.

Given the COVID emergency and the need to get our businesses in a fitter state post COVID, would he not agree with me that the time to implement these measures is now, as soon as possible, and unless there is any particular reason for delay they should publish the Bill immediately?

Hon. V Daryanani: Mr Speaker, I never thought I would say that I agree with the Member opposite – but yes, I agree we should have this sooner. I have said quarter three, but I think we will have it probably at the beginning.

The Chamber and the Federation of Small Businesses are on board; they are aware of the few bits and pieces that we needed to tidy up. There is no big story behind it and we will be doing it extremely soon.

Q420/2020

Individuals and entities resident or domiciled in Gibraltar – Spanish requests for information re tax and road traffic offences committed in Spain

Clerk: Question 420, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, by Question WQ73/2020, I asked how many requests for information had been received by our authorities from the Spanish government or emanations of that state in relation to individuals or entities resident or domiciled in Gibraltar in respect of (a) tax and (b) road traffic offences committed in Spain. The Minister answered (a) but not (b). Can we now have an answer to (b)?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the information requested by the hon. Member is set out in the schedule I will now hand over.

Answer to Q420/2020

Year	No of Queries
2017	338
2018	4,447
2019	3,818
2020	24

The Cross Border Exchange service pursuant to EU rules went live on 01-06-17.

Hon. D A Feetham: Mr Speaker, if it meets with your approval, I can continue with the rest of the questions whilst I analyse the schedule and perhaps return to it for supplementaries.

Q421/2020

**Plans to support hotel industry –
Details re immediate to short term**

730 **Clerk:** Question 421, the Hon. D J Bossino.

Hon. D J Bossino: Further to his reply to Question 281/2020, can the Minister for Tourism advise this House whether the Government has made any progress in formulating plans to support the hotel industry and, if so, detail what these are in the immediate to short term?

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the Government will be announcing plans on how to help businesses in the third quarter. But I would like to add that the Government has announced plans, which is the BEAT 2.0 measure, so this will cover further hotels too. Apart from that, the Government is looking at a possible Hotel Assistance Scheme.

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Hon. D J Bossino: Is there any reason, could I ask the Minister, for ...? If I can put it in these terms ... I am not being critical of him or anything of the sort. (*Interjection*) It is simply: why the apparent delay?

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The potential package for the hotel industry I think was mentioned by the Hon. the Chief Minister back in March when he announced the initial measures, and the way he pronounced himself in relation to this issue gave the impression that it was going to be more imminent. But now we are seeing that it will not be available until the third quarter. Is there any reason? Is it as a result of consultation which the hon. Member has been undergoing with the hotel industry?

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Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman I think has got the wrong end of the stick. I am not implying a criticism or in any way suggesting anything which might be imputed in the negative in that respect. When the Hon. the Minister has told him that these things will be available in the third quarter the hon. Gentleman needs to know that we are in the third quarter – in other words, now but for the third quarter.

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We have been in very close negotiations with the hotel industry. It is not like the retail industry where you might have many hundreds of people. This is a finite number. It is a handful almost. We are in very close contact with them. There are different hotels with different needs. What we need to do is design a scheme that works and that works in a way that will not fall foul of state aid rules or which falls within the existing notified schemes. In fact, I think I have recently texted the Leader of the Opposition and the Shadow Minister for Public Finance trying to fix a date to discuss with them also the measures because we have tried to have discussions about these measures, before they were announced, with hon. Members, whether we can agree them or not, but at least to have their views.

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This is a very current discussion and of course the discussion is on the basis of what is happening on the ground. How are the hotels seeing the return of guests now that the air bridges are in place, now that there is a slight loosening of arrivals in Gibraltar? Is July going to be as bad as June was? Will August be better than July or will it all be a wasted season? All of that is something that we are discussing very closely with the hotels. They are being very open with the data that they are providing to us, obviously in confidence and obviously on a siloed basis – what one hotel tells you, you cannot share with the other hotel – but you then have to make a decision to propose something which the taxpayer can back.

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What the hon. Gentleman is also being told by the Minister is that BEAT 2.0 applies to hotels also, and so there is an element of support already built into what the hon. Gentleman has been told, which is the new incarnation of the BEAT payment, which goes to the business, and

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therefore there is already a lot being done which benefits hotels, and if necessary more would be done. That is what our discussions may lead us to, but the fact that we have not reached a conclusion yet does not mean that we are not very closely working with this particular sectoral interest group.

Hon. D J Bossino: Mr Speaker, I thank the hon. Member for that reply.

In relation to the imminence of the package which was being devised, as announced by the Hon. Chief Minister back in March specifically for the hotels, I have got a section here from *Hansard* where he talks about 'to continue to fund costs' and the main concern there was to ensure that the hotels were not shut.

I am sure he will join me and the Members on this side of the House in congratulating the hotel industry for remaining faithful to Gibraltar. They have been here for many years and they have, through thick and thin, through the closed-frontier period ... My father was the General Manager of the Rock Hotel, as many people know. It was a very tough period and they have proven their mettle once again.

In relation to the timing of it, if I can just quote this to him, he says 'We will finalise a package specifically for our hotels to remain open in the coming hours'. This is why I insist on whether there is any reason for that delay. And then I have got another supplementary, but perhaps you could address that point first.

Hon. Chief Minister: Mr Speaker, I am very pleased that the hon. Gentleman has joined us on this side of the House in supporting the hotel industry in Gibraltar.

Before I carry on, I will make the small nuance of just reminding the House of the job that his father did at the time that he was the General Manager of the Rock Hotel when that hotel was a go-to place which we all enjoyed in our youth, which he ran with elan and panache and which we all remember with great joy.

But I must also tell him that the Rock Hotel is not the only hotel in town and all of the hotels have done remarkably well. The Caleta Hotel was opened not at the turn of the last century, as the Rock Hotel was; the Caleta Hotel was opened in the years running up to the closure of the Frontier, and the family that ran the hotel stuck with Gibraltar and stuck with the hotel through the thin years as well as the good years. The *Sunborn* Hotel was one that they universally reviled when it first arrived, and I am pleased to see them now included in their praise. The Elliott Hotel is an important offer to the corporate businesses that have their headquarters in Gibraltar. The Holiday Inn Express is an important part of what it is that Gibraltar offers today to a different segment of the market and the Bristol Hotel, in the centre of our city, is also an important part of what we do. It is likely that we may want to see more hotels in Gibraltar in the future. All of them are committed to Gibraltar and Gibraltar is committed to the employment they create and the wealth that they create to the businesses that they bring.

What we did within hours of my statement was to continue those discussions and to try and agree with the hotel industry what it was that we were going to do, and I do not want to socialise that with the community until I have had the meeting that I have referred the hon. Gentleman to, which is the meeting with his current leader and the Shadow Minister for Public Finance, so that we can socialise it with them, which is what we have tried to do in the past. So he will permit me to deal with the leadership of his party in this respect before I make a public announcement about that, because that is how we have dealt with this in the past with respect to the BEAT measures.

Hon. D J Bossino: If he could just clarify: is it correct that the *Sunborn* has in fact shut? That is what I heard, so maybe it should not be attributed with so much praise.

Mr Speaker, this question was asked on the back of the reply to the question I asked at the last meeting and in that answer the hon. Member said:

I had been in constant contact with the hotels during the COVID emergency, providing them reassurance and seeking their feedback on how they felt they could be assisted by HM Government of Gibraltar.

830 Can he give this House any detail at this stage, even if by way of high-level analysis or report, on what type of feedback he has been receiving from the hotels as to what type of assistance they require?

Hon. Chief Minister: No, Mr Speaker, not without actually socialising the package, which I am not ready yet to do.

835 As for his comments in relation to the *Sunborn*, as far as I understood, the *Sunborn* remained available but with no one booking. Like the other hotels, they were waiting to take guests if they needed to. We were in touch with them, as we were with all the others.

I am pleased to see that they are leopards that do not change their spots and they still take the same attitude to the *Sunborn* that they have consistently taken.

Q420/2020

Supplementary questions

840 **Hon. D A Feetham:** Mr Speaker, may I return to the question on traffic?

I am taken aback by the sheer numbers of requests from the Spanish state in relation to traffic offences that were committed in Spain by residents of Gibraltar and requests that have been made of the Gibraltar authorities, which, if I may, I will read out so that members of the public can follow the debate: 2017, 338; 2018, 4,447; 2019, 3,818; and 2020, 24 – because of course we have had COVID.

845 In relation to these requests, have these requests been made by the Spanish state or emanations of the Spanish state directly to Gibraltar authorities?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman uses the word ‘directly’, and given that they, whilst they were in Government, agreed the concept of the post box, I am unable, without notice of the question, to tell him whether the requests came or were handled electronically through an information system or whether they came through the post box that they agreed. So, I cannot answer whether that is information that was sought directly or not, for that reason; I would need notice of that question.

855 **Hon. D A Feetham:** Mr Speaker, I think it is the obvious supplementary, but of course I cannot take it further if they do not have the information.

Perhaps he can assist me with this supplementary: does the Hon. the Chief Minister or the Minister for Transport think it is fair that there have been all these requests from the Spanish state to Gibraltar authorities, either via post box or directly, which have been complied with by the Gibraltar authorities, but there have been no requests from Gibraltar authorities to the Spanish state or emanations of the Spanish state in relation to offences committed by Spanish drivers in Gibraltar?

865 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is wrong to say that his question, his supplementary, is the direct obvious supplementary to arise, because his question asked for statistics, not for mechanism in respect of which information is sought. If his question were about mechanism then his supplementary might be obvious and foreseeable. Given that it was not, he is wrong to suggest that it is.

870 Secondly, he now asks a question about fairness. I think the hon. Gentleman is wrong about that as well because the reason that he will find we do not make the requests of Spain that Spain

makes of us is because we are far more draconian in our approach. We will impound a vehicle that is involved in an accident or we will clamp a vehicle that is improperly parked if it is not a locally registered vehicle and not one of those enjoying the benefit of having a GHA pass, as we discussed earlier, and therefore we have much less need for those requests for information.

We do not have instances yet recorded, because we introduced the speed cameras recently, of offences against speed cameras which have required information from the Spanish authorities; otherwise we would have had it. So, it is not a question of fairness, it is a question of different enforcement mechanisms in place in different jurisdictions.

I know that he is keen to show himself to be the anti-osmosis champion and he does not know what to do in order to try and garner that element of nationalistic support in the way that he sees it. This is not how to do it, Mr Speaker. This is about compliance with a European Union instrument that requires exchange of information; that same European Union that we all voted to stay within when these were the mechanisms that were in play.

What he might want to do is convince the Government to take the same approach to road traffic that the Spanish take – in other words, not to clamp and then to seek information from the Spanish as to the number plates and who they belong to and send the fines later. We think that the way we do it, which is the way that successive Governments have done it, has a more direct and immediate result for the taxpayer and we think it is the right approach to take. But it does not go to fairness because some might think that we are being unfair rather than the other way round.

Hon. D A Feetham: Mr Speaker, the answer really does not stack up on a number of levels, not least because in answer to WQ73/2020 the answer that was provided by the Government to me when I asked how many requests had been made from Gibraltar to Spain ... The answer came and I will quote, so that I am not misrepresenting the position. It said:

The RGP understands from Gibraltar Licensing Department that the DVLA UK would not make requests to the Spanish state to seek out information on individuals resident in Spain in respect of traffic offences committed in Gibraltar, hence no requests have been made.

That is the answer that I was given, that the DVLA in the UK, presumably because it has got to be channelled via the DVLA in Spain, does not make requests on behalf of Gibraltar, hence no requests have been made. That is the answer that was given to me when I asked the question last time around and therefore that begs the question in this supplementary: what efforts have been made by the Gibraltar Government, bearing in mind that it has been sitting with Spain and discussing issues of mutual co-operation and the like, in order to allow for the Gibraltar authorities, in appropriate circumstances, to be able to obtain information from Spanish drivers in Gibraltar who break the law in Gibraltar and are not dealt with in the way that the Hon. the Chief Minister has indicated in answer, by clamping etc? There must be drivers who are not dealt with in that way and the Gibraltar Government would, I presume, want to be able to enforce the criminal law against Spanish drivers in Gibraltar.

Hon. Chief Minister: Mr Speaker, I do not recognise that we are in a situation where the information cannot be provided to Gibraltar, but he is right to point us in this direction. This is an issue that we have taken up on a number of occasions, and that is to undo that which we did not support when we were in opposition, which they did when they were in power, which is the post box, which was making sacrosanct the non-recognition of Gibraltar by Spanish authorities, which he sat in the Government that agreed and supported and which we are seeking to undo.

We do not accept that information should come to Gibraltar from Spain via a post box. We do not accept that Gibraltar should seek information from Spain via a post box. We think it was wrong for the GSD to agree that, we think it is retrograde to do that – in particular, in the digital age it does not work – and, Mr Speaker, I think he will now take the view that they were wrong to agree it.

920 **Hon. D A Feetham:** Mr Speaker, let's come back to what I am asking and the information that I am attempting to obtain from the Government. Does he accept that there are going to be Spanish drivers committing offences in Gibraltar that cannot be dealt with in the manner the Hon. the Chief Minister described a few months ago when he answered a supplementary, when he said we deal with it by way of clamping or on-the-spot fines? There will be a number of

925 Spanish drivers who will commit offences here and there will be a need, if you are serious about essentially enforcing our laws against Spanish drivers, to obtain information about where those people reside, so that the Gibraltarian authorities can do, in relation to those Spanish drivers, what the Spanish authorities habitually in their thousands are doing in relation to our residents in Gibraltar.

930 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to understand that there is a hook that has caught him, which he will not be able to wriggle off, and that is that the mechanism that he has identified as the problem is the mechanism that *they* agreed whilst they were in power. In other words, the hurdle that he is now alighting upon is of their making.

935 I do recognise that he will do anything possible to pretend that he can put distance between himself and that which was agreed in the time that his party was in power, and that he can now pretend that this is a problem of our making, not of theirs. Let's be very clear. If the issue he is identifying is an issue which gets caught up, as he says it is, on the basis of the DVLA being used as a post box, it is a post box they bought and swallowed hook, line and sinker.

940 **Hon. D A Feetham:** No, Mr Speaker, we may have agreed at the time the post box arrangements, but in fact this may be a completely different situation in the sense that the DVLA may essentially be saying 'We do not accept jurisdiction for Gibraltar because Gibraltar is not part of the United Kingdom,' or alternatively it may be that the Gibraltar authorities would in fact not wish to have a situation where the DVLA is accepting jurisdiction for Gibraltar. The post

945 box arrangements could in fact work outside the DVLA. The DVLA do not have to be involved in the seeking of information from Spanish authorities as to criminal offences that are committed here in Gibraltar.

950 But look Mr Speaker, he has been in power now for the last 10 years. What we have at the moment is a situation where there are requests from Spanish authorities. We do not know whether they are requests directly to the Gibraltarian authorities and whether the Gibraltarian authorities are answering directly to the Spanish authorities outside the post box arrangements – and I will ask another question next time round – but doesn't he feel at least some concern that there are thousands of requests to the Gibraltar authorities about Gibraltarians committing

955 traffic offences in Spain, that information is being provided by our authorities but there is not one request – not one, Mr Speaker – from our authorities to the Spanish authorities in relation to offences committed by Spanish drivers here in Gibraltar? And it is on his watch, not ours.

960 **Hon. Chief Minister:** Mr Speaker, despite the rhetoric and the obvious unassailable passion that he has for this and any other subject that he believes is going to garner him some electoral support, I have to once again point out that unfortunately we have not yet been in power for 10 years, we have been in power for eight and a half years, and somebody who gets that simple maths so wrong can be expected to have got a lot of the other steps in the questioning that he sought to deploy wrong also.

965 Each part of the earlier part of his supplementary was assumption and, as the hon. Gentleman knows, to assume makes an ass of you and me and therefore we must not fall into the trap of questions based on assumption, however much passion we want to inject into the way in which we ask them.

970 Even in eight and a half years we have not been able to undo some of the lasting damage, in some respects, of some areas of policy that hon. Members did when they were in Government. In some respects we build on good work that they did; in some respects we have just not been

able to undo damage that they did. The post box, in my opinion and in the opinion of those of us who are in Government today, was one of those elements of lasting damage which made sacrosanct the Spanish approach to non-recognition of Gibraltar which could lead to the sort of situation that he is postulating may – therein the assumption – have arisen, but if it has, Mr Speaker, he was the most enthusiastic cheerleader, pom-poms and all, of everything done in that respect.

I have to tell him he is fixed with the honours that he bestowed on the man who did this, whom he habitually describes as the greatest Gibraltarian of all time, however uncomfortable that may be, given the alliances he is trying to make for the future.

Mr Speaker: Final one, please.

Hon. D A Feetham: Mr Speaker, what efforts has the Government made in order to ensure that it is in a position, either directly or through the post box arrangements, to be able to prosecute or indeed fine Spanish drivers who commit offences in this jurisdiction that are not dealt with by way of clamping or on-the-spot fines?

Hon. Chief Minister: Really, Mr Speaker, that question cannot, by any stretch of the imagination, arise from the question that we are dealing with. It can arise from the supplementaries to the supplementaries to the supplementary, but it cannot arise from the question that we are dealing with. That is a question also for the law enforcement authorities where we, when asked the question, would be able to obtain the information for him if he wants to put it at the next House.

But look let's be very clear. The Government of Gibraltar which I lead believes that the laws of Gibraltar should be enforced in Gibraltar in respect of everyone in the same way, and 'in Gibraltar' means every grain of our land, every drop of our water and every breath of our air and everyone understands that to be the case.

Hon. D A Feetham: I am afraid, Mr Speaker, that I certainly do not understand that to be the case and that has been reinforced by the answers that the Hon. the Chief Minister has provided to my supplementaries.

This question that I have asked, the last question, arises from the fact that it is the Government itself that has made an issue (*Interjection*) out of the post box arrangement – bearing in mind that we do not even know in fact whether the Spanish authorities are deploying the post box arrangements in order to make these thousands of requests in Gibraltar, because they could be made directly to the Gibraltar authorities. I merely point out, Mr Speaker, that I have asked this supplementary arising out of information of the fact that it is the Government that has made it about this.

Hon. Chief Minister: Mr Speaker, I would merely point out – given that merely pointing out now appears to be something that one can do under the Rules of the House – that the hon. Gentleman is wrong to make the assumption that we do not believe in the fair and equitable enforcement of the laws of Gibraltar in Gibraltar in respect of anyone in Gibraltar, whoever they may be, because by coming to Gibraltar they subject themselves to our laws in our land, in our sea and in our air.

The hon. Gentleman is trying simply to create some xenophobic support for his position in a way that he knows will garner support from certain sectors of the social media glitterati. So be it. He has tried this tactic from 2011 onwards and it has led him to take his party to the greatest defeat since 1991. Indeed no doubt, although it did for his career for a while, he hopes to come back and give it another bash. Well, I suspect he will get another bashing.

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

Hon. K Azopardi: Mr Speaker, can I ask the Hon. the Chief Minister, the 'current' leader of the GSLP (*Interjection*) – as he has described me, the 'current' leader ... I heard what he said, that making assumptions is a mistake in some ways, but of course making assumptions in questions is more understandable than making assumptions in answers, which is less understandable because you are in possession of the facts. So, hopefully the answers that we are given on this side of the House are not assumptions but they are actually based on facts and not speculation.

I have to say as well that hearing the Hon. the Chief Minister ... and I know why he says it in this way and he puts it in this way, but for him to have said that the post-boxing arrangements made sacrosanct the non-recognition of competent authorities I think is rather to understand the post-boxing arrangement on its head. It did the reverse. What it did was deliver final recognition of the competent authorities, albeit through a conduit – the post box – a mere channel of communication which secured the recognition of Gibraltar authorities.

Or has he forgotten that just before the post-boxing arrangements were entered into we all had the big demonstration to the Frontier, where we waved our passports because our passports and ID cards were not being recognised and it was only as a result of the post-boxing arrangements that in fact our authorities were recognised, albeit through this channel of communication?

What my hon. colleague has asked, and which he has sought to deflect with this erection of the post-boxing arrangement as if it were some kind of terrible institution that is the answer to the question, where he is speculating with the same ill that he has pointed out to my hon. colleague, making the assumption that it is the post-boxing arrangement, it seems, that is the problem ... It seems to me that that does not stack up, for this very basic reason: because, as my hon. colleague has pointed out, there have been either four and a half thousand requests coming in, in 2018, from Spain, or 3,800 last year coming in from Spain, and none in the other direction. The requests coming in from Spain can only have come in one of two ways. Either they came in directly, in which case they could also go out directly and the post-boxing arrangement is not an impediment; or they have come in through the post box, in which case they could also go out through the post box and the post-boxing arrangement is not an impediment. So, what is the reason that there are no requests in the other direction, because the post box is not the impediment whether they go in directly or indirectly?

Hon. Chief Minister: Mr Speaker, as the current Leader of this House and having no expectation of being immortal or eternal, as others who have held this post have pretended to be, it is in my temporal right and obligation to answer questions in this House in the way that enables hon. Members to have the data that they require. The supplementary that the hon. Gentleman asked was based, as I indicated, on assumption and I therefore told him that I could only answer on the basis of assumption.

I could simply have said, 'We do not have the information and in order not to fall into assumption you can ask the question next time,' but in order to try to assist the House and the hon. Gentleman, who does not often deserve assistance, I attempted to provide an answer that the hon. Gentleman, the current leader of the GSD, seems to take objection to.

Because of course, I recall that he too was a Member of the Government that agreed the post-boxing arrangements, a Member who then left the party because of the joining of the hon. Gentleman now to his right, and he made no bones of saying that that is why he was going – to his left, sorry. He made no bones of saying that that is why he was going.

But Mr Speaker look, I will not resile from the fact that I think the post-boxing arrangements were a bad thing, not a good thing. We took that position at the time and we maintain that position. The hon. Gentleman reminds us that we marched at the Frontier waving our passports and our identity cards, only to have been marched up the hill by hon. Members when they were in Government and then marched down again to be told that our ID cards would change and

1075 instead of featuring the word 'Gibraltar' would feature the word 'UK' on them. That is how they got us to be recognised: by not being Gibraltar, by being UK on the card.

Indeed, Mr Speaker, let's understand what the post-boxing arrangement is. Instead of someone in authority in La Linea seeking information from someone in authority in Gibraltar, which information the European Union requires should flow between the respective competent
1080 authorities, the fellow in La Linea, under the arrangements that *they* did, sends his request to King Charles Street in London. That is what he has to understand. In our view, and we expressed this at the time, there could be no more genuflection to the colonialism of Gibraltar that a request to our competent authorities should be addressed to King Charles Street in London – and that is what they agreed.

1085 The hon. Gentleman was part of that Government, so I understand he has to defend this, but then, when he was not part of that Government and he was leading the PDP, he was the whip hand against the former Leader of this House when the Cordoba arrangements were done, and the man sitting to his left was the supreme defender of those arrangements. Indeed, the *Chronicle* was full of exchanges between them as to how the Cordoba arrangements were a
1090 concession to Spain and how in fact the Hon. the current Leader of the GSD was wrong in his analysis of what the then leader of the GSD and his cheerleaders in the GSD had agreed with Spain. This makes for fascinating reading – and I have got it always to hand because there are some choice phrases that they used about each other at the time that one will no doubt wish to remind them of at some time.

1095 I think that the hon. Gentleman is wrong in the analysis that he does. I think his history is failing him in this respect and I think it is better that if the hon. Gentleman wants to ask further questions about this instead of trying to highlight numbers in order to try and prove points – which we will now gleefully tweet over and will give them his own inflection to the data in the way that his staunchest supporters, all those who used to support him in the time of the
1100 disgraceful behaviour in respect of the LNG facility, the cutting off of the electricity etc., all of those who still support him with great vigour and great gusto – so be it. But I think the people of Gibraltar would rather have the facts. They would rather understand why it is that the post box still haunts us today and why it is that these things cannot just be fixed from one Government to another. Sometimes Governments fix us with problems for good.

1105 **Hon. K Azopardi:** Mr Speaker, I know that the Chief Minister, the current leader of the GSLP, likes to hold the stage for quite a long time, (*Interjection*) but he has not answered the question.

The question that I asked was very simple. I have shown him that the post box cannot be the impediment because either the 4,000 requests that were made by Spain have gone through the
1110 post box and trickled down to Gibraltar or they have come directly. Either route appears to work, from Spain to Gibraltar, direct or indirect. My question simply is: why cannot it work the other way, either directly or through the post box? His insistence on giving the House some kind of warped, may I say, historical analysis of the effect of the post box agreement is simply because he has no answer to the fact that there are 4,000 or 3,000 requests being made from
1115 Spain to Gibraltar directly or through the post box, but none are going in the other direction. Is that not right?

Hon. Chief Minister: Well Mr Speaker, as the current Chief Minister, the current Leader of this House and the current leader of the GSLP, all of which I hold in great honour as a privilege
1120 and temporarily, because I do not believe that I will hold them forever and I am sufficiently versed in physics to know that I am likely to hold them for less now than I have held them since I took this office ... He does not need to worry about calling me 'current'. It is different in his case because of course, as we know, he put his leadership up for grabs then nobody decided to take the step, but there was plenty of talk about what may happen, and indeed the talk continues.
1125 But never mind. He does not need to worry about my seeing myself as not holding this post

forever. It is something that I reconciled myself to the very night that I took office, as hon. Members who remember my acceptance speech at the Mackintosh Hall will no doubt recall.

1130 Mr Speaker, the hon. Gentleman believes that anyone who does not agree with him is warped, and that is a very dangerous way to see history. Because we see things in a different way does not mean that we are warped, it means that we believe things to be different. And we do not describe their view as warped. We could describe it as mistaken because it is different to our view.

1135 The Hon. the Deputy Chief Minister remembers the demonstration, remembers the issue with the ID cards and the passports, and it is a good reminder of the mistakes that hon. Members made when they were in office. I will concede one thing to him: they made bigger mistakes once he had left than they had made whilst he was there – and we can get on to those, if the hon. Gentleman likes, a little later or during the course of a debate – because of course the arrival of the man to his left did something to that party from which they will never recover.

1140 **Hon. K Azopardi:** Mr Speaker –

Mr Speaker: Just –

1145 **Hon. K Azopardi:** This is my final –

Mr Speaker: Can I ask you to resume your seat, just for a second?

Just as a reminder, and I made a note of this, I know that Members are pretty eager to say their spiel and get on with it and question the Government, but let me remind Members that supplementary questions are allowed at the Speaker's discretion. This will be the last question.

1150 **Hon. K Azopardi:** Mr Speaker, I am grateful. From a sedentary position the Chief Minister complains ... Let me say that I was calling him the 'current' leader only in jest because he first called me the 'current' leader. He understands that. He knows that we get on, so it is not an issue; I do it in jest.

1155 He said from a sedentary position that we are never going to finish. Let me say this: we are never going to finish because his answers are so long and take us not just as a meandering through every single highway and byway but through little paths and up the Rock and down the streams. It is impossible for him to actually give a straight answer to a straight question.

1160 My straight question simply was: there are three or four thousand requests going to Gibraltar that are received in Gibraltar directly or through the post box – why don't they go the other way? It is not about the history lesson; it is about answering the fact as to the reason they do not go the other way. Does he have that reason?

1165 **Hon. Chief Minister:** Mr Speaker, I really genuinely do not believe that the hon. Gentleman was paying attention whilst the debate was ongoing, and I put it no higher or lower than the word 'debate' because I think the Hon. Mr Feetham and I were erring into debate, which you – I am grateful – allowed. A lot of that he needs to read the *Hansard* for, but what I will tell him is that I do not take it in jest when he calls me the 'current' leader. If it is in jest it is because he wants me to be permanent. I do not want to be permanent and therefore I think we both understand that the roles we play today are the roles that we are required to play by dint of where our party members and our respective electorates have put us, and we must do our best whilst we hold these posts for whatever period we may hold them.

1170 It is in the nature of the beast – and I say that generically, not to the hon. Gentleman, with whom I get on very well, but is in the nature of the political beast that we have in front of us, in the political party that is the Official Opposition, that they will accuse us of giving long answers without the most minimal regard for how long their questions are. Very often our long answers are half the length of their very long questions. Far too often hon. Members do not like to hear

it, but the facts are the facts. Let's take our measuring tape out and let's look at this particular version of *Hansard*.

1180

Hon. D A Feetham: So, no answer.

Hon. Chief Minister: I have given you the answer and we had a discussion in the early part of what he said. If you look at what he read, it is in there; but you were not listening then – it was not exciting.

1185

Q422/2020
BID proposal –
Status

Clerk: Question 422, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Business state whether the BID proposal is still going ahead as planned?

1190

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, yes, sir.

1195

Hon. D J Bossino: Mr Speaker, can he indicate when it is expected to be formally launched?

Hon. V Daryanani: Mr Speaker, the last I heard from the BID task working group was that they are looking to have their business plan ready for August this year and then the ballot will take place in October of this year.

1200

Hon. D J Bossino: Mr Speaker, can the Hon. Member confirm that the Government is still committed to provide the pound for pound assistance by way of financial assistance?

Hon. V Daryanani: We are 100% committed, Mr Speaker.

Q423-24/2020
Tourism –
Visitor face of Gibraltar; assessment of loss of business

1205

Clerk: Question 423, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide further details of what he means when he refers to what the visitor face of Gibraltar should look like and how he proposes to change that?

1210

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 424.

1215 **Clerk:** Question 242, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide the results of the assessment as to loss of business between 1st March and 31st December 2020 which he said he carried out as part of the engagement with operators?

1220

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

Hon. V Daryanani: Mr Speaker, along with most of my other questions on tourism in this session, these are obviously all prompted by my reply to Question 26/2020. Much of my reply to that question was a set of thoughts and analysis of the current situation and what may happen to destinations, including Gibraltar, as the worldwide tourism industry evolves in the light of the COVID-19 pandemic.

1225

So, the hon. Gentleman opposite must give this some thought when we talk about the possible changing face of tourism in Gibraltar. This is not something that can be answered factually or with a clear vision at present, as this situation continues to change. In fact, it may evolve even when a clearer picture begins to emerge.

1230

What I meant by that reference to the changing face is that the traditional demographic of Gibraltar's visitor may change in the face of what COVID-19 has done to the tourism industry. It remains to be seen whether or not our visitor profile changes because of the pandemic. If it does, then this means that target marketing may change.

1235

Throughout lockdown, gathering the medical knowledge issued surrounding the nature of COVID-19 and those exposed as higher risk has revealed increased danger to the older segment of populations. Gibraltar's traditional customer base has historically been aged 55-plus. This is also representative in the cruise passenger profile. It is widely reported that this segment of travellers will likely find travel insurance requirements harder to satisfy, in addition to being the least likely to initiate booking overseas travel in the first wave once restrictions are removed. Therefore, in the period of operational business before a workable vaccine and/or treatment for this disease is available, it is likely that Gibraltar's mainstay audience will need to alter in line with the pool of travellers in the initial wave of travel.

1240

Mr Speaker, the hon. Gentleman opposite likes to put words into my mouth which are simply not true. I did not say that I had carried out an assessment as to the loss business operators may have had from 1st March and going forward to the end of the year as a forecast. I said that we had engaged with operators to assess the loss of business. This is a question that was posed to the industry. I cannot force members of the industry to reply on this matter and indeed I have received no replies to this.

1245

1250

However, it is clear that this pandemic has had a very detrimental effect on the local tourism, hospitality, leisure and retail industries. It is also clear that once the FCO issued advice against all but essential travel the majority of bookings across the period of the guidance would have been eligible for cancellation. What is unclear is what percentage of these would rebook for 2021.

1255

Hon. D J Bossino: Mr Speaker, to answer the last point the hon. Member makes, I really have no intention of putting words in his mouth. I was simply putting the point, asking the question on the back of the reply, which says: 'We have already engaged with operators as to (a)' and he lists five points and says 'assessing loss of business between 1st March to the 31st December 2020.'

1260

In relation to that, can he confirm that there is no statistical evidence that he could share with this House which we could analyse?

Hon. V Daryanani: Mr Speaker, I did not say that I had carried out an assessment. What I did say was, and I am going to quote from my answer of last time:

1265

I have already engaged with operators as to assessing loss of business from 1st March to 31st December.

Nobody has come back to me with any information. I have asked them whether they want to provide the information. It is up to them. It is not that I have carried out an assessment.

1270 **Hon. D J Bossino:** Mr Speaker, I would like to thank the Minister for that reply. That is the answer, so yes.

Going back to the initial part of his question in relation to the visitor face, he seems to indicate that it is driven by COVID but I got the impression that it may have been something more, that the Government may have adopted some sort of policy decision in relation to this whereby they were driving it themselves, clearly in reaction to COVID but that they had some sort of substantive firm policy decision to change the visitor face of, basically, Gibraltar visitors.

1275 In relation to that specific point, in his answer – and he is right that most of these questions arise from the very lengthy answer which he gave me in answer to one of my questions about tourism policy in the future – he says:

The future face of Gibraltar's tourism product must, in all events, be sustainable.

And then he says:

We may need to look to technologies to help us achieve this.

1280 In what way?

Hon. V Daryanani: First of all, Mr Speaker, when he says 'so be it', the reason is that he did not seem to like the fact that he seems to have made a mistake on what I actually said. But anyway, so be it. So we move on.

1285 When I speak of the changing face of the customer, what I am referring to is that Gibraltar has been used to a certain age group of visitors, which is normally the 55-plus. At the moment, in a situation where tourism is always changing, we believe if you speak to people all over the world nobody has a fine idea of where we are going. Gibraltar will have to change as time goes on. We might have a situation where, over the next six months or so, we might have people who want to visit Gibraltar who are younger. So, when I speak of the changing face that is what I mean. Face change is the type of customer we have. We might have a different kind of customer. While in the past it has been an older customer, a customer who was over 55, we might have a younger profile, a younger audience.

1295 **Hon. D J Bossino:** I really am not trying to provoke the Minister to come up with the nature of replies he is coming up with. I am really genuinely asking the questions for further particulars on the answers he has given, and he needs to rest assured that I am not trying to catch him out.

1300 In relation to that point that he makes, he also said in his answer, when he talks about more valuable volume of traffic or higher yield – and there was a question mark to that at the end of that statement, and he has not mentioned it in his reply ... Is he looking at basically perhaps maybe even fewer visitors but who have greater spending power? And if so, how is he thinking at this stage – I know it is very early stages – to achieve that?

1305 **Hon. V Daryanani:** At the moment what we are doing is trying to look at all different ways of marketing Gibraltar. Things are changing. It is not the same. In the past we have marketed Gibraltar by actually visiting trade fairs – we visited the World Travel Market, we visited other trade fairs – but things are changing and we are now looking to market Gibraltar online, as I explained in my answer at the last sitting and you have an answer here on the order paper on that.

1310 We have had to change. Webinars is one of the things that ... Everybody seems to be going down that road of where Gibraltar is virtual, virtual rooms where people visit and they see what Gibraltar is all about. It is very difficult to pin down at this moment in time how we can achieve that, because whenever we try all we hit are brick walls.

1315 People do not know what is happening, how things are changing, what will happen in two weeks' time. We do not know, so we just have to be ready and prepared to change with the time.

Mr Speaker: Next question.

Q425/2020
Virtual destination platform –
Anticipated launch date

Clerk: Question 425, the Hon. D J Bossino.

1320

Hon. D J Bossino: Can the Minister for Tourism state when he expects to be in a position to launch the virtual destination platform?

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

1325

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the virtual destination platform was launched on Friday, 5th June on the Tourist Board's website. I am surprised the hon. Gentleman was not already aware of this.

1330

Hon. D J Bossino: No, Mr Speaker, I was not aware of it and indeed I have not had an opportunity to look at it, but I will do so after this meeting.

Can the hon. Member state what the main message is in that website in terms of the marketing drive in it – unless I have misunderstood what the virtual platform is meant to be achieving?

1335

Hon. V Daryanani: Mr Speaker, I suggest he looks at it and sees what a great product we have put together, but the main thrust of it is marketing. We are marketing Gibraltar: new videos and new products that we have aimed primarily at the UK market because that is what we are targeting at the moment.

1340

Hon. D J Bossino: Can he say in what way? I know that he and I have had a discussion during the lockdown in relation to this. Is the main thrust or drive of the marketing campaign that Gibraltar, for example, has done well throughout the crisis and therefore, for that reason, is a safe destination to visit?

1345

Hon. V Daryanani: Of course, remember that people like to see new pictures, people like to see new products. I am not sure how long we have had the older version on our website or when was the last time we changed it. It has not changed since I became Minister for Tourism, so I wanted to give it a revamp, especially with COVID, when there was less work within Tourism, so we took that opportunity to change things and make it look a lot better.

1350

Hon. D J Bossino: I am grateful for that answer. Is the Minister able to give me an indication as to what the cost of the launch of this platform has been to date, and indeed if there are any ongoing costs to that?

1355 **Hon. V Daryanani:** Mr Speaker, I would not want to give a firm answer. I have got an idea but I would not want to give a firm answer to Parliament. If he wants, I can write back to him and let him know what the exact cost was.

Q426/2020
Marketing drive in Spain –
Launch date

Clerk: Question 426, the Hon. D J Bossino.

1360 **Hon. D J Bossino:** Can the Minister for Tourism state when he expects to be in a position to launch the marketing drive in Spain?

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

1365 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the marketing drive in Spain is being launched in July, this month.

Hon. D J Bossino: I thought he was going to say it has already been launched! Mr Speaker, he says in July – does he have a precise date?

1370 Secondly – and this is an important supplementary question – in relation to the cost, does he have an idea or does he have that information available?

Hon. V Daryanani: Mr Speaker, I do have an idea but I cannot give you specifics because we are doing a few things. We are doing TV, social media and radio.

1375 **Hon. D J Bossino:** And can he state how long he expects this marketing drive to continue for?

Hon. V Daryanani: The initial idea, Mr Speaker, is two months.

1380 **Hon. D J Bossino:** And, similar to the other virtual platform question, can he state whether there is any uniformity as to the message? Is it the same message: come to Gibraltar, to the same place, new products? Or is it another message which is more specifically driven to the Spanish market?

1385 **Hon. V Daryanani:** Mr Speaker, what I have been told is that the Gibraltar Tourist Board has not previously marketed Gibraltar in Spain because they have thought that perhaps people come to Gibraltar anyway – based on that. But because of COVID and the staycation idea, with people in Spain staying in Spain, I thought that perhaps it would be good to encourage those people who might come from further afield and come down to the Costa or come down to the Campo de Gibraltar, that they could visit Gibraltar at the same time. There are many people who
1390 actually have not visited Gibraltar. They live in the nearby area but actually have not visited Gibraltar, so we thought it would be a good idea to encourage them to visit Gibraltar.

Hon. D J Bossino: Mr Speaker, presumably as part of that marketing drive – again, I will see it when it is launched, no doubt – the shopping experience also will also feature as a central aspect of that drive?

Hon. V Daryanani: Well, actually, not, Mr Speaker; it is just part of it.

1400 My main emphasis in this campaign is our Britishness, because I think it is important that the Spaniard can see the difference – because we are different, we are British. We wanted to sell the idea that they are visiting Gibraltar and they are visiting part of Britain. They are coming here to see the apes, they are coming here to see the Union Jack, they are coming here to see the changing of the guard, they are coming here to see the bobbies and they are coming here to see our red telephone boxes; they are not coming here to have tapas.

Q427/2020

**ANTOR virtual exhibition –
Level of interest shown in Gibraltar**

1405 **Clerk:** Question 427, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide evidence of the level of interest that was shown in Gibraltar as a travel destination at the virtual exhibition hosted by the Association of National Tourist Offices and Representatives (ANTOR) on 8th June?

1410 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, 187 agents took part in the first virtual exhibition hosted by ANTOR on 8th June. Gibraltar was one of the 27 destinations with virtual rooms available on those days. The Tourist Board was joined by Sunborn Gibraltar and was able to present face to face with 10 agents across the session time. A further 140 agents downloaded Gibraltar's fact file and viewed the video, and from this pool of interested agents a further destination webinar slot for a 30-minute destination presentation is scheduled to take place in the near future to further discuss the product and how Gibraltar is opening up post-COVID-19 lockdown.

Hon. D J Bossino: Can I just receive clarification in respect of two figures, Mr Speaker? There was one where he said that there were some views. He mentioned a number but I did not quite catch it.

1425 Secondly, can he confirm that there were 187 agents? Presumably they are travel agents. And then, if that is confirmed – I see that the Minister nods – how that tallies with the answer which he gave at the last meeting, that invitations were sent out to over 3,000 travel agents. Would he be disappointed with that result, or is he happy with it?

1430 **Hon. V Daryanani:** Mr Speaker, this is hosted by ANTOR. The invitation was not really sent out by us. We would have wanted more agents to take part, but I suppose, at the end of the day, in the middle of a pandemic people have not wanted to participate as much as we would have preferred.

1435 I think the other question that you were asking was ... Gibraltar was one of the 27 destinations with virtual rooms.

Q428/2020

**EasyJet –
Resumption of services to Gibraltar**

Clerk: Question 428, the Hon. D J Bossino.

Hon. D J Bossino: Is the Minister for Tourism in a position to now state when easyJet will resume its services to Gibraltar?

1440 This question was filed, as Mr Speaker will know, before it was announced in the press.

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

1445 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, as I already announced, easyJet will resume some flying from Manchester on Monday, 20th July, and London Gatwick on Saturday, 25th July.

Q429/2020
BEAT COVID measures –
Assistance for retail businesses

Clerk: Question 429, the Hon. D J Bossino.

1450 **Hon. D J Bossino:** Again, this question I think has been superseded slightly by events. I will read it out.

Can the Minister for Small Businesses advise this House what plans the Government has to assist retail businesses in the immediate term after the BEAT COVID measures end?

By the 'BEAT COVID measures' I was referring to the initial ones and not the ones which were announced by the Government recently.

1455

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

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, I did not get your last bit. I will read out the answer as we have it.

1460 The Government, in consultation with CELAC, is constantly reviewing the measures by which it can continue to generally assist retail business. As Gibraltar unlocks and the rest of the world unlocks, we will need to monitor how the economy starts to pick up.

I would just like to add that, as you know, we have announced BEAT 2.2 and that will assist retail businesses.

Adjournment

1465 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to Monday, 20th July at 4 p.m.

Mr Speaker, I now propose the question, which is that this House do now adjourn to Monday, 20th July at 4 p.m.

1470 I now put the question, which is this House do now adjourn to Monday, 20th July at 4 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn to Monday, 20th July at 4 p.m.

The House adjourned at 5.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.02 p.m. – 4.58 p.m.

Gibraltar, Monday, 20th July 2020

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The Gibraltar Parliament

The Parliament met at 4.02 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q179-84/2020

Gibcorp Ltd –

**Beneficial owners; NatWest House lease, effective date, availability of copy;
details of rental rate and analysis provided to Government**

Clerk: Meeting of Parliament, Monday, 20th July 2020.

(viii) We continue with Answers to Oral Questions. We commence at Question 179 and the questioner is the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, further to Question 85/2020, can the Government please provide the full names of those individual members of the Peralta, Hassan, Levy and Provasoli families who are the ultimate beneficial owners of Gibcorp Ltd?

10

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 180 to 184.

15

Clerk: Question 180, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 86/2020, can the Government please explain how it was able to acquire a lease of the sixth floor of NatWest House from Gibcorp Ltd while Hassans, namely its individual partners, still had a lease with Gibcorp Ltd for the same premises that had not yet expired?

20

Clerk: Question 181, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 86/2020, can the Government please advise the effective date of the lease between Gibcorp Ltd and the Government of Gibraltar signed by the Chief Secretary on 19th December 2019?

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Clerk: Question 182, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, further to Question 86/2020, can the Government please provide a copy of the lease between Gibcorp Ltd and the Government of Gibraltar, signed by the Chief Secretary on 19th December 2019, as this is not as yet available at the Land Registry?

Clerk: Question 183, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise why it was unable to negotiate a better rental rate from Gibcorp Ltd than the £31.50 per square foot that Hassans was previously paying for its offices?

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Clerk: Question 184, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a copy of the office premises market rental rate analysis provided by LPS, or any other property specialist, to the Government prior to entering into the lease with Gibcorp Ltd?

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Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 179, these are family trusts, the terms of which are not reflected in the corporate register. The Government is therefore unable to provide the information requested by the hon. Gentleman.

In answer to Question 180, the lease was negotiated directly by the Director of Public Prosecutions with the landlord, as a result of which the existing lessee negotiated a deed of surrender and release in relation to its legal obligations vis-à-vis the landlord.

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In answer to Question 181, the effective date of the lease is 19th December.

The lease is in the process of being registered. Once registered, the hon. Gentleman can obtain a copy of the registered lease from the Land Registry at Land Property Services. A copy of the Government's unregistered lease, as negotiated by the Director of Public Prosecutions and agreed by the Chief Secretary, is provided to the hon. Gentleman now to ensure that he cannot suggest there is anything untoward in the agreement entered into by the Director of Public Prosecutions and the landlord, Gibcorp.

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In answer to Question 183, the Government considers that the rent was very successfully negotiated by the Director of Public Prosecutions. The rate was not increased and stayed at the same rate as the previous tenant had. As the hon. Gentleman knows, or should know, office rents in Gibraltar have been on the up for years. For the Director of Public Prosecutions to have been able to negotiate to keep the previously agreed rent is an indication of a very successful negotiation indeed.

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And finally, Mr Speaker, in relation to the answer to Question 184, the Government is and was aware of other commercial premises that command much higher rental rates that are not as near the courts. This formed the basis of a rental analysis done by Land Property Services at the time. If the hon. Gentleman believes that there were more affordable options of such office space available in the vicinity of the Supreme Court, we would be grateful if he could share the information or his own analysis with me, the Director of Public Prosecutions and the Chief Secretary. The Director of Public Prosecutions and the Attorney General could find no such alternative options and they do not believe such options exist or existed and that it would be unfair to pretend that cheaper or more affordable or attractive options existed if they do not exist at all.

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Finally, I want to highlight that these premises have helped the men and women of the Office of Criminal Prosecution to start afresh and leave behind the many problems inherent in their earlier facilities. Through the Director of Public Prosecutions, they were the ones who identified these premises, negotiated the lease and agreed it. They originated the concept of the move and it was agreed for reasons already set out in the myriad answers to the myriad questions put on this subject in the past meetings of the House.

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[Answer to Question 182/2020](#)

Hon. R M Clinton: Mr Speaker, I beg your indulgence as I analyse the answers.

Mr Speaker: [inaudible]

Hon. R M Clinton: Thank you very much.

Mr Speaker, coming to the Hon. Minister's answer to Question 179, she talks about family trusts. Can she indicate which particular family has a trust?

Hon. Miss S J Sacramento: Mr Speaker, as I recall, a company profile indicating the structure of the company with which the lease has been entered into was discussed in a previous session of the House, and if I recall ... I cannot remember precisely, but I seem to recollect that I provided a copy to the hon. Gentleman.

Hon. R M Clinton: Mr Speaker, I certainly have not received anything from the Minister in this respect; and the previous discussion on the matter of leases, Mr Speaker, you will remember had nothing to do with this particular lease or this particular group of companies. Therefore, I ask the question again: which family trust is she referring to?

Hon. Miss S J Sacramento: Mr Speaker, we are indulging the hon. Gentleman today as we were since December when this issue first arose. The hon. Gentleman may not recall, but this is not the first time that we deal with questions in relation to this particular lease. The first questions were asked in the Parliament session of December and then subsequent questions on this particular lease were asked in the Parliament of February, but because I was away on parliamentary business –

Hon. R M Clinton: Will she give way?

Hon. Miss S J Sacramento: Mr Speaker, perhaps I will finish and then the hon. Gentleman has the opportunity to ask whatever supplementary questions he may wish.

For the avoidance of doubt and in case anyone is questioning what I am saying, I have a copy of *Hansard* from the Parliament session of Wednesday, 18th December 2019, and the record shows that questions in relation to this particular lease were asked on that occasion.

These questions, Mr Speaker, arise from questions that were asked of me in a previous Parliament session in February, where I did not attend because I was on parliamentary business in the Falkland Islands. The opposite side were given the option of a written answer or carrying the questions forward on an oral basis, and these particular questions have been carried forward – but that is by the by.

The hon. Gentleman is asking me for information that is a matter of public record. There is a copy of the company profile in relation to the structure of the parties in relation to the lease. That is a matter of public record. We have discussed that already.

In relation to his further question, the answer remains Mr Speaker as per my answer to Question 179. This is in relation to a family trust, Mr Speaker, but, for clarity, the corporate structure is available through a company profile and is a matter of public record.

Hon. R M Clinton: Mr Speaker, she still has not answered my question: which family trust? Can she not at least tell me that? I have the company profiles in front of me and I know which entity ends up in a law firm. Can she at least tell me which family trusts are involved? Or does she not know?

135 Mr Speaker, I have asked a simple question. Yes, we have ventilated the subject before. These questions are further to the questions in December. She was not here in February, we all know that. Her history lesson on what happened since February we all understand.

I have come to this House with a specific question. I would just like an answer. If she just does not want to give me the answer, fine, I will accept that; but to say it is a family trust is not good enough. I just want to know which family trusts, or trusts in the plural. Does she have the information with her? Can she advise the House? Maybe the Hon. Deputy Chief Minister will have the information with him, but I think, Mr Speaker, I am entitled to an answer.

145 **Hon. Miss S J Sacramento:** Mr Speaker, I appreciate that I have answered a number of questions on this subject together. In order to assist the hon. Gentleman opposite, I shall repeat my answer to Question 179. The answer Mr Speaker is these are family trusts, the terms of which are not reflected in the corporate register. The Government is therefore unable to provide the information requested by the hon. Gentleman. Mr Speaker, question asked, question answered.

150 **Hon. R M Clinton:** Well, Mr Speaker, I have the profiles in front of me. Two entities, one of which has named shareholders, are obviously not trusts. Another one, that has ... I am going to say it now in Parliament, since the hon. Lady has not volunteered the information. The other one ends up in Line Holdings Ltd as one shareholder, and Line Nominees Ltd as the other shareholder. Now can she at least tell me the names of the trusts that hold those shares? Or does she not have the information? I know that from one side of the organisation it is the Peralta family and that is fully disclosed at Companies House. The other side is not disclosed. Does she have the information, or not?

160 **Hon. Miss S J Sacramento:** Mr Speaker, the question has been asked, the question has been answered. Further information in relation to what is not on the corporate register is not something that I have on me, and it is not further information that I am able to provide.

165 **Hon. R M Clinton:** Mr Speaker, I thought my question to Parliament was pretty clear – and they were able, in the last session, to identify those individual members of the families, right, but now they cannot identify the family trusts. Could the hon. Lady at least do me the favour of going back and finding out which of those families are the trusts? That is all I would ask for, Mr Speaker. Would the Hon. Minister be willing to do that for me?

170 **Hon. Miss S J Sacramento:** Mr Speaker, we were here in December, where a question was asked. The hon. Gentleman himself says that I informed him of the names of the family members that were referred to in that question. What else does the hon. Gentleman want?

175 These questions that have been asked today and have had an answer are further questions to previous questions which already have an answer, and in fact answers which he already knows. We are going round in circles answering the same question that we have already answered. There are a number of questions in relation to the same subject matter on this occasion, in the same way that we have had in previous Parliament sessions, Mr Speaker. I am afraid that we are just going round and round in circles.

180 **A Member:** Hear, hear.

Hon. R M Clinton: The hon. Lady obviously has no intention of answering my question. Had we been going round in circles, Mr Speaker, you would have disallowed my question in the first place, because this is further to a question –

Hon. Miss S J Sacramento: Point of order.

Hon. R M Clinton: No, this is further to my question – (*Interjections*) No, I am on my feet, but if she wants to raise a point of order, I will sit.

Hon. Miss S J Sacramento: Point of order, Mr Speaker, because the hon. Gentleman is trying to insinuate that I am not going to answer the question. What I have said on numerous occasions is that I have already provided the hon. Gentleman with the answer to today's question. I have provided him with information in relation to previous questions. It is the same information in relation to the same lease. The information is not going to change. He has a substantial amount of information Mr Speaker already. It is just not right for the hon. Gentleman to say that I am not answering his question. I have answered.

Hon. R M Clinton: Mr Speaker, I have a point of order.

Mr Speaker: Yes, okay, let's listen to your point –

Hon. R M Clinton: She is not answering my questions. (*Interjections*)

Mr Speaker: The point here is that she has answered the question. You have asked today a question and the Hon. Minister has answered the question. Now If that is the position that she has stated, then you have to accept what the Minister has said.

Hon. R M Clinton: I do not accept it.

Mr Speaker: I know that, but you have to. We just cannot go on and on talking about whether she or the Hon. Minister has or has not. She has said in her answer that she has answered the question. I understand and appreciate that you may not be happy with the answer, but she has stated that she has given the answer to the question.

I will allow you just one final supplementary. Thank you.

Hon. R M Clinton: Mr Speaker, my own point of order: if the Minister alleges that she has given me an answer and I have not had information ... She said she gave me information about the trust. I have not had that information given to me. She then says that she is giving us the answer, but she has not answered my question specifically. Either she wants to give us the information or not, but I cannot be forced to accept what she says just because she says it

Mr Speaker: By the same token, I cannot force the Minister to answer a question which you allege has not been –

Hon. R M Clinton: But she has alleged she has answered it.

Mr Speaker: So, We will allow the Minister to respond and then we will move on. Thank you.

Hon. Miss S J Sacramento: Mr Speaker, thank you for your indulgence. Before I move on with the further answer to the supplementary, perhaps I could remind the hon. Gentleman opposite of a little lesson of etiquette in this House and we will refer to each other as hon. Members. Certainly on this side of the House we always try to be very courteous and respectful to the Members opposite, particularly in how we address them.

In relation to the substantive question, or supplementary question, perhaps I could remind the hon. Gentleman of my answer to Question 85. That is what I was alluding to earlier. Question 85/2020 by the hon. Gentleman – no one else, Mr Speaker – asked who the landlord and the beneficial owners, if a corporate entity, to the premises were. At that time the answer was very clear. The answer – and I will read the text of *Hansard* – was:

Mr Speaker, the landlord is Gibcorp Ltd. The beneficial owners are the Peralta family, the Hassan family, the Levy family and the Provasoli family through their respective holding companies.

Mr Speaker, that is from *Hansard*. We have already been down the road of asking this question and very much answering this question.

Hon. R M Clinton: Mr Speaker, I will move on, since it is obviously impossible to extract any information from the hon. Lady.

Can the Minister provide us with the qualifications of the Director of Public Prosecutions in terms of negotiating leases and property? Is he a qualified estate agent? What qualifications does he have in respect of property? She is telling us – (*Interjection and laughter*) What was that? I will give way. What was it he ...?

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, for the hon. Member to get up and suggest that the Director of Public Prosecutions does not have the ability to negotiate a document, a contract, is absolutely absurd. What I said to the hon. Member is that the DPP, in my view, has very much more experience than he does.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his contribution, but if he listened carefully I was not talking about his capacity to negotiate or examine a legal document; I wanted to know what experience the Director of Public Prosecutions has in terms of property, property prices and negotiation of property rentals. If he is going to tell me that everybody who is a lawyer is an expert in property negotiation, well I think that is a bit of a generalisation. And when you talk about my experience, my experience does not come into it. I would not dream of negotiating a lease personally without taking independent advice on property prices. So, when the Minister says that the Director of Public Prosecutions directly, himself, negotiated and identified these premises, I just want to know what his experience is and what his qualification is in property.

Hon. A J Isola: Mr Speaker, the hon. Member seems to have this ability not to listen to answers when they are given to him. The Director of Public Prosecutions is the head of the department for whom the offices were and led the negotiations in respect of his unit, but of course he does so with the benefit of advice, which is what we do every day of the week in whatever we are doing. We take the benefit of advice and we negotiate, and in my view, as I said earlier, the DPP is more than able to negotiate the terms of a contract in respect of property on the basis of the property advice that he has and his own ability, as a senior officer in Government, to do this particular function.

Hon. R M Clinton: Mr Speaker, can the Government then advise whether it is their policy that heads of department are free to negotiate leases for their own office space?

Hon. A J Isola: Mr Speaker, what has that got to do with anything we said in response to our answer? Who said anything about a policy? You have asked a question – Mr Speaker – as to whether the DPP negotiated the contract. He was told he did, on the benefit of advice, and that is it. Who is talking about policy or change of policy?

280 **Hon. R M Clinton:** Well, Mr Speaker, the Minister mentions ‘on the basis of advice’ – could he
provide a copy of that advice or explain where the advice came from? And before he shakes his
head and says I have not heard the answer to the question, the Minister, the hon. Lady, did refer
to LPS and higher valuations etc., but of course there are lower valuations on other properties. Is
285 the Minister suggesting then that the DPP acted purely on advice from LPS and other, possibly
unidentified, persons?

Hon. A J Isola: Mr Speaker, the hon. Member needs to listen to the answers because the hon.
Lady has already given specific details of why that particular property was suitable and why
there were no others close to the courts. I heard the answer; I do not understand why he did not
290 hear the answer, bearing in mind he asked the question. The answer has been given in detail as
to why that particular property was suited best and why there were no other competitive prices
or cheaper prices within the area the DPP requested.

Therefore if the hon. Member cares to listen to the very answers to his questions, I think we
will be able to get through business a lot quicker and more efficiently, sir.

295 **Hon. R M Clinton:** Mr Speaker, I still have not heard who the adviser was.

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman may not have heard because it
seems that he asks questions but does not listen or want to understand. It seems that he asks
300 questions just to ask further questions and is clearly just asking questions for the sake of it.

What I said in my answer to the question – and anyone with a little bit of economic common
sense would understand – is that the people negotiating this contract, a commercial contract,
were able to agree the same terms as the original lease. So, if I break it down in very simple
language for the hon. Gentleman to understand ... I thought he was a man of figures. I am a
305 woman of words but I thought that he was a man of numbers, but I will explain the numbers for
him. If someone in the past negotiates a lease ... Terms of leases, value of commercial leases,
tend to go up, but on this occasion Mr Speaker, when this agreement was entered into – as I said
in the answer to the question, if he was listening – the commercial terms of this agreement are
the same as the old terms. So, to anyone who understands anything about the commercial
310 world, that in itself is a success. That is the first point.

Now In relation to the second point, as I said, having discussed the matter with LPS – and I
discussed the matter with LPS subsequent to the agreement being entered into, because this
had nothing to do with me; this happened before my time as the Minister for Justice.
Nevertheless, for the purposes of the parliamentary questions on the same topic that have been
315 asked in December, have been asked in January and have been asked in February – and still here
we are on the same topic – I asked for quotes generally of a commercial lease in the area, and
quotes that I have been given are much higher than the value of this commercial agreement,
much higher. I invite the hon. Gentleman, if he thinks that this is not good value for money, to
present to me commercial premises close to the courts of Gibraltar that can house 18 officers
320 for a rent that is cheaper than this one and that is suitable for purpose.

Hon. R M Clinton: Mr Speaker, I will give her an idea for free, and that is (*Interjection*) Town
Range. St Mary’s School, I think, is going to be moved – perfect premises there for law offices if
the Government had any imagination or forward planning before entering into commercial
325 agreements. But it is not my job to tell the Government how to do her job. It is my job to –

Hon. Miss S J Sacramento: Mr Speaker, a point of order. I am not asking the hon. Gentleman
how to do my job –

330 **Hon. R M Clinton:** But she asked me. She invited me to give her suggestions.

Mr Speaker: Let's focus on the important issues here and let's not [inaudible] please, if you have a –

Hon. R M Clinton: I am grateful for the copy of the lease and I thank the Minister for that.

335 Just one final supplementary, Mr Speaker: in terms of the unexpired portion of the lease, which is in relation to Question 180, how was it that it came to pass that the Director of Public Prosecutions was able to negotiate for the landlord to effectively terminate the existing lease so that the DPP could effectively take possession of the premises early?

340 **Hon. Miss S J Sacramento:** Mr Speaker, it was, as I would imagine, part of the negotiation – I think quite standard practice for someone who is a skilful negotiator.

Mr Speaker: Next question.

Q430/2020
Halfway house for men –
Government plans

Clerk: Question 430, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, in the light of the answer to Question W75/2020, has the Government abandoned its previous plans for a halfway house for men?

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Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, support for men is being provided in a different way.

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Hon. D A Feetham: Mr Speaker, does that mean that the Government has abandoned its plans for a halfway house for men?

Hon. Miss S J Sacramento: No, Mr Speaker, it means that men will be helped in a different way.

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When I looked at this at the very beginning, my initial view was to have one single building only in relation to men. When we were talking of a halfway house, what we were looking at was mirroring the arrangement that we have for Women in Need, for example, which predominantly is supposed to provide shelter for women who are victims of domestic abuse but will also extend its services to women who may be homeless in exceptional circumstances and for limited periods of time. We were looking at mirroring this in terms of structure, in terms of building and in terms of management, but after advice and a lot of consultation, particularly with people who run Women in Need, and looking at the various implications, we thought about providing the need for men who are homeless, or victims of domestic abuse and need shelter, in a different way.

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The predominant objective Mr Speaker was ensuring that we provide for these gentlemen, so instead of having a building which is similar to Claire Borrell House, for example, what we have done instead is had various arrangements to provide housing, shelter, for men who find themselves genuinely homeless or men who need a roof over their heads because they are victims of domestic abuse and need to leave their premises. What we have been doing over the

375 years is identifying premises. A lot of these premises are actually managed by the staff at Women in Need, for men. We have quite a number of these homes available and we have other premises available as well, and these are managed by another Government Department and managed by the hostels.

380 That is how we are providing for men at the moment and that was as a result of a lot of thought and a lot of consultation. So, whereas we may not have one building which is a halfway house for men, we have many buildings which meet the same purpose, so the hon. Gentleman can rest assured that men are being assisted. That is number one.

385 You may be aware, Mr Speaker, that in my time as Minister for Housing I was looking at progressing this even further, possibly under the auspices of the Housing Department, and you may have heard the hon. Gentleman, the Minister for Housing, announce last week a shelter for homeless people that he has in his plans. This is something that would also alleviate and meet this need, and the Minister and I will be working very closely together to make sure that any needs that are required in the community are met. So, the hon. Gentleman can rest assured.

390 **Hon. D A Feetham:** Can the hon. Lady inform the House how many properties have been allocated for the scheme that she has just announced to Parliament? In other words, for people who are in need of a halfway house – and the Government is no longer building those – how many properties have been set aside for that purpose?

395 **Hon. Miss S J Sacramento:** Mr Speaker, the scheme currently in place has already assisted 11 gentlemen, some of them alone and some of them with their families. I am confident that the scheme, as it is, is working well and meets the criteria that we would have implemented had we done it in the way that we first envisaged it, but possibly in this way I would dare say it is easier to manage and probably also managed in a more cost-effective way.

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Hon. D A Feetham: How many properties have been set aside for this scheme?

Hon. Miss S J Sacramento: I have 11 flats, Mr Speaker, for that.

405 **Hon. D A Feetham:** So, there are 11 flats and I thought that the hon. Lady said that the Government has assisted 11 people, or 11 families. How many are currently vacant?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is right. I am confident that we have 11 flats from the schedule that I have here. It may be that we have assisted more than 11 families because I know that more than one family have been in these flats, but it is not reflected in the schedule. So, in order to give an assurance, I can certainly say that there have been 11 families because there are 11 flats, but because I know that more than one family has been in more than one flat before they have been rehoused by Housing I know that there are more, but I cannot give the figure as to the additional ones.

415 In addition to that, recently and over the last few years some of the procedures at the Housing Department have also been worked on in order to be able to identify people who are in desperate, urgent need of housing and who are eligible and who apply and who meet all the necessary criteria, in which case their cases are expedited.

420 Mr Speaker, you may also be aware that I embarked on a consultation process on parental alienation towards the end of last year to identify issues that specifically may impact certain sectors of our community, and particularly men, in particular in relation to marriage breakdown, and housing has been identified as something that they need. I know that now, as a result of the consultation process – but I was certainly very much aware of it before the consultation process; in fact that was one of the motivations for having such a thorough consultation process – so it is something that is very much on the Government's radar.

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Hon. D A Feetham: Mr Speaker, I apologise for insisting but the hon. Lady has not provided me with an answer to the supplementary: how many vacant properties does the Government have at the current moment under the scheme? Vacant properties.

430 If I may ask another supplementary so we do not have to ... The other supplementary is: what does somebody who is homeless have to do in order to apply to be housed under this particular scheme? And can she also provide the criteria that would be applied to determine whether somebody is successful or not?

Hon. Miss S J Sacramento: Mr Speaker, working in collaboration with the Housing
435 Department in this regard, which was the practice in the past – obviously it was easier before because it was the same Minister, but that does not mean that because there is a different Minister with responsibility for Housing we do not work very closely indeed – these flats that we identify and are managed by Women in Need, for men, are Gibraltar Government rental tenancies that become vacant and the tenancy is passed on to Women in Need for them to
440 manage for the purpose of assisting these individuals. So, as and when we identify flats they are passed on. In addition to that, the Housing Department will also help individuals for as long as they meet the eligibility criteria for housing, which is a requirement for people to be housed by Women in Need in any event.

I am aware that there are potentially four further flats available for this purpose, but in any
445 event someone who genuinely finds themselves in a situation of homelessness and desperation can apply for housing to the Housing Department in the normal way and there is now a procedure to assist in finding them suitable accommodation in their own right. This is sometimes used as a halfway measure if a property cannot be identified, but because the mechanisms over the last few years at Housing have been improved, going down that route is usually successful as
450 long as the applicant is entitled to apply.

Hon. D A Feetham: So, Mr Speaker, as I understand it ... Because I would not want to go away from this Parliament getting the wrong impression, can she confirm that, at the moment, there are four vacant flats under the scheme? That is what I am asking: how many vacant flats, at the
455 moment, are there under the scheme? The answer that she has given me could be interpreted as 'Well, there are a number of flats but we also have an additional four flats that are also coming in.' What I am asking is: how many vacant flats are there at the present moment in time? The reason why I am asking that is to assess whether the supply is sufficient to cope with demand and make further assessment and perhaps even ask further questions in the future.
460 That is one.

Secondly, I am still unclear as to where an application for emergency housing under the scheme that the hon. Lady has outlined to Parliament is made. Is it made to the Housing Minister, or the Principal Housing Officer, or the Housing Manager; or is it made to those who manage these flats, which the hon. Lady said was Women in Need? I would like clarification in
465 relation to that, please.

Hon. Miss S J Sacramento: Yes, Mr Speaker, these 11 flats – (*Interjection by Hon. D A Feetham*) 11 existing flats, are managed either by Women in Need or by the hostel, but these are not flats within the hostel but rather flats elsewhere and managed by the hostel manager;
470 but certainly, in terms of the latter, managed by the Government.

In addition to the vacant flats that I have referred to, these are four vacant flats that exist over and above this quota that has been allocated to Women in Need and the hostel for this purpose. In relation to those four vacant flats, at the moment those flats belong to the Housing Department. Anybody who is eligible for Government housing – and that is a prerequisite for an
475 allocation to these flats ... Whether it is through the housing procedure as normal or whether

you want to apply through Women in Need, you still have to be eligible for Government housing in any event; that is a precursor for both.

480 Depending on the competing demands ... In the first instance, as the hon. Gentleman is asking, for as long as the person is an entitled applicant, they should apply to the Housing Department. If the person meets the criteria and is generally a homeless case, and meets all of the criteria, then the Housing Department will allocate them that tenancy as a normal tenancy which they would be entitled to.

485 In the case that it is not, and also given the location of the flat, it may be a consideration by the Government to allocate the tenancy to Women in Need, and Women in Need would then grant a licence to the individual for a short term while their turn on the housing list arises, but the first point of call would be the Housing Department for as long as the person is eligible and meets all the criteria required.

490 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for her information. I recognise that this question by my hon. Friend to my right comes as a result of a question that I had put to her, which then got answered in written format and her answer was that ... I had asked about the 2015 manifesto commitment for a halfway house and the hon. Lady correctly said that they do not need to honour the 2015 and that we have a new legislature, which is indeed correct. But the fact of the matter is – and we are talking about new plans and proposals – that the Government, or the party campaigning at the 2015 election, had a plan for men in need, effectively, and that plan has not been delivered between 2015 and 2019 or from 2019 to date.

500 So, would the hon. Lady acknowledge that to date, since that commitment that they came to in 2015, men in need have not been catered for or helped in that way and that we are still waiting for this to materialise?

505 **Mr Speaker:** I think that the answer has already been given as to why there has been a change of plan. I think the hon. Member is asking a question which has already been answered. If the hon. Lady wishes to go over that, I am quite happy to listen.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because I do find the latest supplementary quite regrettable, given that I have explained at length that the outcome is the same; we just have a different methodology. This methodology was felt to be quicker, faster, more appropriate to help people, and better value for money.

510 Just because there is not, as I said earlier in relation to previous supplementary questions, a building that is called Men in Need does not mean that the needs of homeless men have not been met since 2011. They have very much been met. I do not know if the hon. Lady heard me explain that we have identified flats for them and indeed during this time have helped a lot of men, whether with their families or by themselves.

515 **Hon. D A Feetham:** Can I ask a question, again about the criteria? Of course, you could have a situation whereby someone says, 'I am homeless because my mother and my father don't want me to live there, in their house.' We have all heard them because they come to my surgeries and have probably gone to all of the Hon. Ministers on that side of the House. The hon. Lady basically said if somebody is genuinely homeless, then the Housing Department steps in and gives them a tenancy. How do you distinguish between a situation where the Housing Department gives them a tenancy or the Housing Department decides that actually what we need really is the halfway house flats scheme, if I can call it that? How do you decide which one is what?

525 There is the propensity here, of course, for people to also skip the housing queue if they were to be allocated a tenancy on the basis that they are homeless because their father and their mother have basically said 'I don't want you to live here,' for example.

530 **Hon. Miss S J Sacramento:** Mr Speaker, the idea for the men's refuge when it was initially referred to in the first manifesto, as the hon. Lady said, was for it to be a shelter for men in need, in the same way as women in need – for people who are victims of domestic abuse – so that there was no inequality in terms of men and women. But invariably, as happens in these situations, it is extended to how you help people, and not everybody who is in either of these flats, whether for the men or for the women, is a victim of domestic abuse.

535 In relation to who is eligible for these properties, the baseline – really, the starting point – is people who are victims of domestic abuse. If we want to extend it further, it will depend on the circumstances, but it does not mean that had we had a building which was a halfway house for men, someone who found themselves in a situation as described by the hon. Member would have been accommodated there either. As the hon. Gentleman rightly says, there are 540 circumstances where everybody comes to a clinic – whether it is his clinic, my clinic or our clinic – who may purport to be homeless because they do not want to live with their parents or because they say that their parents do not want them to live there. But, Mr Speaker, in most cases where somebody is an occupier of a Government tenancy, first of all, for us to have that as a starting point, everybody would have to go through the process of removing someone from 545 the Government tenancy in the first place. It is not as easy, as the hon. Gentleman will know, for parents to say, 'I don't want my child to live here anymore' and kick them out on the street. It will be part of their contract, part of their tenancy, because their children will in most cases be registered as occupiers of the premises, and they will have to go through formal procedures in order to remove them as occupiers because they will have certain rights.

550 If it were the case where someone genuinely wanted to kick somebody out for a genuine reason, I have no doubt that the Housing Department would consider such a case appropriately, but in relation to the example that the hon. Gentleman has mentioned, that is how it would be dealt with, in the normal course of things.

555 **Hon. D A Feetham:** Just one final supplementary, if I may, Mr Speaker, because I think it is an important topic for a lot of people out there who face a situation ... that they are looking for ... both those who are on the housing waiting list and those who are in an emergency situation, because of course one impacts on the other.

That brings me to my final supplementary. Will the Government consider publishing transparent guidelines and criteria for how these flats are allocated? There is the propensity for 560 this to be questioned. Gibraltar is a very small community and of course you may have officials who may allocate for what they consider to be good reason, but then that starts the chitter-chatter outside about whether in fact there is a political decision that has been taken by the Minister in order to help somebody he wants to help. Indeed, in any democracy, I am not saying that it is happening but in a democracy we need to institute robust structures in order to 565 prevent that sort of thing happening, and publishing criteria so that everybody knows where they stand in terms of an application of this nature would, in my respectful view, be a step forward and I wonder whether that is something that the Minister would consider.

570 **Hon. Miss S J Sacramento:** Mr Speaker, I thank him for the lesson in transparency – I can assure him that we do not need it.

The procedures if entry were to be through Women in Need are very clear. (*Interjection*) Procedures for entry through the Housing Department are very clear, but because this is all part of a bigger picture there are changes that are in the pipeline and there are documents – which, in fact, I already have in draft – which will be published and will, I think, be of greater assistance

575 to people who may have questions and will certainly be a very helpful guidance for anyone who
may be interested in the matter. But he can rest assured that anyone who makes an application
will be given a copy of the application and the process, and the process will be explained and an
answer will be given to them – before the hon. Gentleman starts making any side allegations.

580 **Mr Speaker:** Next question.

Q431/2020
Contact Tracing Bureau –
Personal data

Clerk: Question 431, the Hon. Ms M D Hassan Nahon.

585

Hon. Ms M D Hassan Nahon: On the basis that the BEAT COVID app does not process
personal information and is therefore outside the scope of the General Data Protection
Regulation, the Contact Tracing Bureau, by contrast, does process personal data – that is
information about individuals or from which they can be identified. Given that this is a relatively
590 new type of processing brought about by COVID-19, can the Government confirm whether a
specific privacy notice or policy has been issued which applies to the processing undertaken by
the Contact Tracing Bureau?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community
595 Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, yes, the Contact Tracing Bureau, in conjunction with the Government
Data Protection Officer, has carried out a thorough Data Impact Protection Assessment in
600 accordance with GDPR. A privacy notice is available on the Public Health website.

Hon. Ms M D Hassan Nahon: Mr Speaker, does the Contact Tracing Bureau share data with
third parties?

605 **Hon. Miss S J Sacramento:** No, Mr Speaker, the Contact Tracing Bureau will only trigger this
information in the event of a positive case, in which case they will need to contact either the
people the positive individual says that they have been in contact with or the establishment they
may have visited in the case of the contact tracing process. The only third party that would know
the information would be anybody they may contact to tell them that they may have been in
610 contact with someone who is positive, but at no point will they be told who the individual who is
positive may be. That information is not shared. That is the only way that the information leaves
the Contact Tracing Bureau in the event that someone is tested and gives us a positive result.

Hon. Ms M D Hassan Nahon: Mr Speaker, I was asking more towards finding out whether no
615 data actually leaves us or the European Union. Technically, for example, we could be hosting
information on a cloud that could be in Japan or anywhere else, and this is why I was asking
whether any data is shared with third parties from the point of view of any technological hub
that could be holding this data.

620 **Hon. Miss S J Sacramento:** No, Mr Speaker, because the Contact Tracing Bureau itself does
not actually hold this data. The Contact Tracing Bureau will only obtain the data once the

contact tracing is triggered, and that is triggered through a positive result. This is the Contact Tracing Bureau; it should not be confused with the contact tracing app. That certainly does not hold any data whatsoever and I think that that is clearly understood by everyone.

625 The Contact Tracing Bureau is essentially now a department that is tasked with contacting people who may have come into contact with anyone who has tested positive and the person ... If I can extend the procedure: someone tests positive, so they receive a personal phone call from someone who is working in the Contact Tracing Bureau saying, 'You have been swabbed today and you have a positive result. Please tell us where you have been for a particular period of time and let us know who you think you may have been in contact with, so that we can call them and tell them that they are infected.' So, it is not until that point that the people at the Contact Tracing Bureau receive that information, and that information will then go on to third parties and stop there.

635 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the question that I submitted was dated 19th June and, from what I can see, the privacy policy was published on 23rd June, but the Contact Tracing Bureau was live before that date. Does this mean that the privacy policy was published after the Bureau went live?

640 **Hon. Miss S J Sacramento:** It may be that it was uploaded after the Contact Tracing Bureau went live but it was most certainly a document that was very much worked on before the Contact Tracing Bureau was established. In any event, I do not think that there were any positive cases within the intervening period, so there was no data actually kept.

Adjournment

Clerk: The Hon. the Deputy Chief Minister.

645

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that this House do now adjourn to Monday, 27th July at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 27th July at 3.30 p.m.

650

I now put the question, which is that this House do now adjourn to Monday, 27th July at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Monday, 27th July at 3.30 p.m.

The House adjourned at 4.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.35 p.m. – 7.05 p.m.

Gibraltar, Monday, 27th July 2020

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The Gibraltar Parliament

The Parliament met at 3.35 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q432/2020

G1 vehicle –

Maintenance and repair costs since purchase

Clerk: Monday, 27th July 2020, Meeting of Parliament.

(viii) We carry on with Answers to Oral Questions. We commence with questions answered by the Chief Minister. Question 432 – the questioner is the Hon. E J Phillips.

5

Hon. E J Phillips: Mr Speaker, can the Government state the total maintenance and repair costs of G1 since its purchase and provide a breakdown of the costs of the specific repairs?

Clerk: Answer, the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, the total cost of repairs and maintenance to G1 since March 2015 has been €3,403.02. The cost of visits by Tesla technicians is charged at approximately £90 per hour.

The vehicle was first registered, by the way, in 2013, not 2015, but this was the first cost incurred, I understand.

15

Q433/2020

Gibraltar identity and civil registration cards –

Measures to deal with influx of applications

Clerk: Question 433, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what measure it has put in place for the influx of applications for Gibraltar identity cards and civil registration Cards and what the average waiting time is?

20

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, staff at the Immigration section of the Civil Status and Registration Office (CSRO) are currently working additional hours in order to process an inordinate amount of applications for the renewal of identity and civil registration cards. The staff are doing so within an environment that has space limitations and whilst observing public health guidelines on social distancing.

The upsurge in applications has had an impact on processing times and the average waiting time for an identity card is currently 10-15 working days, whilst the average waiting time for a civilian registration card is between 35 and 40 working days.

Hon. E J Phillips: Is the Chief Minister aware of any recent complaints in relation to the delay in issuing these types of cards?

Hon. Chief Minister: Mr Speaker, yes, sir, this is an inordinately long period of time to have to wait. We are seeking to bring that down but there are constraints which do apply to this process, not least because of the security measures that the cards require and the printing systems.

The hon. Gentleman may recall – I do not know whether he was in the House at the time, but when we introduced the new cards ... we do not always get a card the first time. It takes, sometimes, a couple of imprints to get the card right with all the security measures. So this is not a straightforward process and the delays do not arise from the staff being dilatory or in any way of failing to provide the assistance that they would wish to provide. The machines in question have to be kept in a particularly safe environment. We cannot simply add a machine because we have a backlog. Bringing one of these machines in is a fairly complex thing which would take more time than it is likely going to take us to clear the backlog. But we are alive to the fact that this is an issue.

Again, I do not want to use COVID as an excuse but it is a reality. There has been a build-up of people not renewing, and therefore all of the renewals that we might have expected to see over a period have come at the same time and these are the difficulties that we experience as a result.

Hon. E J Phillips: Insofar as the comments made by the outgoing Ombudsman, insofar as complaints made against the CSRO in relation to these types of documents and others, where I think the comment was that not only the delays but the processing of applications were verging on the unconstitutional – I think that was the comment that he made to GBC – is there any link between these types of delays we are experiencing and the comment made by the Ombudsman in relation to the unconstitutionality or the potential unconstitutionality of some of the practices that were being seen at the CSRO?

Hon. Chief Minister: Mr Speaker, it is the CSRO.

I have not linked the two. I have not noted such comments might be related to this process. There are processes in place which pre-date us, which frankly, in my view, could operate in a different way and we hope to be able to bring a different sort of operation to them, but it is not easy. The hon. Gentleman has to understand that there are also issues relating to due diligence etc., all of which relates to applications. The applications are then sent to my office, in some instances, and other areas for information and then, rather than being sent as individual applications, they are put together as what are known as 'books'. So, that also, I think, is causing delay. Finding a different way of dealing with these issues is very much at the top of my agenda in respect of my Ministerial responsibility for status.

Hon. E J Phillips: Just one final question; I do not want to labour the point too much. Insofar as the Government's understanding of what would appear, from the comments made by the outgoing Ombudsman, systemic problems within the service – and although I can understand the Chief Minister saying these are longstanding issues that may have crossed over many,

potentially, administrations and that would give the Government cause for concern, especially where comments such as those emanating from the outgoing Ombudsman should be of real deep concern to members of our community, and indeed the Government on how to rectify the operations and practices of this particular office, particularly where 56% of all the complaints received by the Ombudsman relate to those types of practices – can the Government give any reassurance as to how it will deal with the complaints being received by the Ombudsman and the recommendations made back to it to try and reform the system so that we can weed out those issues that arise in that particular department?

Hon. Chief Minister: Mr Speaker, I confess I have not seen the interview that the hon. Gentleman refers to, but anything that Dilip Dayaram Tirathdas says is something that the Government is going to take very seriously because, having worked very closely with Dilip when he was Financial Secretary, I know that he is a person of seriousness who will not be making points unless they are valid points. That is why the Government appointed him as Ombudsman, although unfortunately it did not enjoy support across the floor of the House.

He can rest assured that even before Mr Tirathdas had said the things the hon. Gentleman says he says – I just have not seen them, so I have to rely on his version of what he said – the Government was seeking to work not just alongside the office of the Ombudsman but other agencies within the Government to ensure greater agility is brought to the process to which the hon. Gentleman is referring in the course of his questioning.

Mr Speaker: Next question.

Q434/2020

Statue of Sir Joshua Hassan – Delay in completion

Hon. E J Phillips: Mr Speaker, can the Government state the reason for the much delayed completion of the erection of a bronze statue of the late former Chief Minister, Sir Joshua Hassan?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this excellent project has fallen victim to delays arising from Brexit. I do hope it will come to fruition soonest.

Hon. E J Phillips: My understanding is that the Office of the Chief Minister may well have received certain designs concerning this particular statue. I think the commitment was made in 2015 and has been repeated a number of times by the Government insofar as displaying a statue of the former Chief Minister. Insofar as delays incurred by Brexit, I am not too sure I quite understand how that would have affected erecting a statue to one of Gibraltar's former Chief Ministers. I do not particularly understand the response to my question as to how that was delayed.

Hon. Chief Minister: Well, Mr Speaker, for a simple reason: because before COVID hit and before we had the upset of the General Election we had spent a lot of time, unfortunately, concentrating on the outcome of a referendum that went the way neither of us wanted to see it go, and I have not been able to turn my attention to the more pleasant things that one might like to do when one is in office – like the recognition of probably the man we would all universally agree is the greatest Gibraltarian of all time and indeed the father of the

Gibraltarians. So, spending time looking at the different proposals and determining which should be the one to go ahead is something I look forward to being able to do.

125 He will forgive me, Mr Speaker, in the context of the exchanges that we are having today, if I just say that it is a little brass-necked of those who have been in government for a little longer than we have and who did nothing in that period to say that we are delaying this. I accept a *mea culpa* in this respect because, as I have said, it is our fault that we have not approved designs, but we want to get this right and we want to do it in a way that is fitting; and although I have had many opportunities to talk to the hon. Lady about many things, we have not had the opportunity to consult with her and with other members of her family, once we have seen the
130 designs, which ones we would recommend to them, because we would want them to, of course, approve any effigy of a relative of theirs that is going to be put up.

So, it is not a simple process. Of all the things that I have done and will do in the time that I am in office this will be among the most pleasant, but it is not something I have yet been able to do. But it was our idea, and so therefore the hon. Gentleman will forgive me for using the
135 reference to the type of statue that we expect when I make the reference to his brass neck.

Mr Speaker: Next question.

Q435-6/2020

Public Services Ombudsman –

Revision of Act re own motion investigations; applications for vacancy arising from retirement

Clerk: Question 435, the Hon. R M Clinton.

140 **Hon. R M Clinton:** Mr Speaker, can the Government advise when it intends to revise the Public Services Ombudsman Act 1998 to allow for own motion investigations?

Clerk: Answer, the Hon. the Chief Minister.

145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government expects to see changes to the Act in question published in coming months. The process of appointment of the new Ombudsman ... (*Interjection*) Oh, I am sorry. Am I answering with? I will answer this question together with Question 436. Sorry, they are both Ombudsman related.

150 **Clerk:** Question 436, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, does the Government intend to invite applications for the post of Public Services Ombudsman, given the retirement of the current holder of the position?

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

Hon. Chief Minister: Mr Speaker, the Government expects to see changes to the Act in question published in coming months. The process of appointment of the new Ombudsman will not change before that legislation is ready and I expect to consult the Leader of the Opposition on a new appointee in coming days.
160

Hon. R M Clinton: Mr Speaker, if I may, in relation to Question 436, my understanding is that the position is vacant for the moment – or is there somebody acting in a temporary capacity to undertake the functions of the Public Services Ombudsman? I would be grateful if the Chief

165 Minister could clarify what the status of the Ombudsman's office is without an appointee, as far as I am aware.

170 **Hon. Chief Minister:** Mr Speaker, I confess I am not sighted on whether or not there is somebody acting up or whether the deputy assumes the role of the Ombudsman in the period of the absence of the Ombudsman. Certainly the Government is looking to have an appointment made as soon as possible. Even if there is a deputy who assumes the role, I think the sooner we are able to see a new Ombudsman take his or her post the better, so that we can then see the office progress with the complaints that there may be for investigation by the Ombudsman etc.

175 **Hon. R M Clinton:** Mr Speaker, can the Chief Minister then confirm, if I have understood him correctly, that there will not be any advertisements for applications for the post and that it will be pointed in the manner as was done before?

180 **Hon. Chief Minister:** Mr Speaker, at this stage, before the House has had an opportunity to consider any changes to the Act, I propose to act entirely in keeping with the manner in which hon. Members opposite acted when they were in government, when they introduced this legislation and they commended the method of appointment to the House and the people of Gibraltar.

185 **Mr Speaker:** Next question.

Clerk: Question –

190 **Hon. K Azopardi:** Mr Speaker, can the Chief Minister...? He indicated he is going to consult me on the potential appointee in the next few days, and I am not asking him to reveal that across the floor of the House but does he have a view on when he would wish there to be an appointee in post, with effect from when, cognisant of the procedure that we have in the Act and so on?

195 **Hon. Chief Minister:** Mr Speaker, given the statement I have made, I would propose that the consultation should take place as I indicated, before the end of the month we are in, so that the House might then consider the process of appointment, which is done by motion at the next sitting of the House thereafter.

200 **Mr Speaker:** Next question.

Q437/2020

Tobacco products –

Licences for manufacture in Gibraltar

Clerk: Question 437, the Hon. R M Clinton.

205 **Hon. R M Clinton:** Mr Speaker, can the Government advise if, further to Legal Notice 214/2020, does it envisage issuing any licences for the manufacture of tobacco products in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are presently no plans to issue licences for the manufacture of tobacco products in Gibraltar.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. Can he advise, then, what drove the drafting of that specific piece of legislation? Was it a European requirement that we had to have something that covered that eventuality? Or was there perhaps something that had been mooted in the past, in which case he wanted to cover that base?

Hon. Chief Minister: Mr Speaker, the drafting of the legislation is based on the obligations set out in European legislation but in particular the Seoul Convention, which we agreed to implement in Gibraltar which provides not just for how tobacco is sold but also how it is manufactured, and it would have been an imperfect transposition of the obligations not to have a regime for production. But as I understand it – there might be some in somebody else’s desk, but it would have to come to me – there are no extant or envisaged applications for the purpose of the production of tobacco.

Mr Speaker: Next question.

Q438-39/2020

Community Care –

Government contribution; Government advice re payments to community officers

Clerk: Question 438, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise does the Government intend to make a contribution to Gibraltar Community Care in this financial year?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 439.

Clerk: Question 439, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the trustees of Gibraltar Community Care sought their advice prior to changing the policy on payments to community officers on 17th February 2020?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, at this point the Government does intend to make a contribution to Gibraltar Community Care in this financial year. However, as is the case each year, this matter will be considered at the end of the financial year in the light of all factors, including the overall cost of the COVID-19 pandemic.

Finally, Mr Speaker, the trustees of Community Care are totally independent. They do not seek our advice.

Hon. R M Clinton: Mr Speaker, if I may ask the Chief Minister in relation to the Community Care change of policy in respect of committee officers, would he not think it appropriate, given

that the Government of Gibraltar is a major stakeholder in that it is the major contributor to the charity, that at least by courtesy any particular changes of policy in which beneficiaries are identified should at least be discussed with the Government or communicated to the Government before coming into effect?

Secondly, is the Government content with the changes that Community Care brought into effect?

Hon. Chief Minister: Mr Speaker, Community Care is an independent trust. It is run by entirely independent trustees. If it were otherwise, the consequences for Community Care – or indeed, if anything said or done could be read in a different way, the consequences for Community Care and all of those who receive the household cost allowance – would not, in my view, bear thinking about. So, the hon. Gentleman will accept, I hope, that I am going to be fairly circumspect in dealing with the questions that he is asking.

I think the work that the trustees of Community Care have done, now for I think in excess of 30 years, has been extraordinarily favourable to the people of Gibraltar and I do not think that my being drawn further in respect of this matter in this House is in the interest of anyone who is receiving or may in future receive Community Care.

Hon. K Azopardi: Mr Speaker, we understand, of course, the intricacies and delicacies of the scheme, but my hon. colleague asked what I thought was a relatively simple question. The Hon. Chief Minister said, in answer to his question about whether they had sought their advice, that they were independent and they had not sought the advice ... ‘the trustees do not seek the advice’ – I think he said words to that effect. What my hon. colleague is asking and I repeat is: they may not have sought the advice, but were there discussions with the Government ahead of 17th February 2020 in relation to the changes that they announced after that date?

Hon. Chief Minister: Mr Speaker, what would be the purpose of such a question, other than to potentially bring those who might not have, of course, the honest animus that hon. Members opposite clearly have in respect of Community Care and the goodwill that they bring to this charity these days, and they decided that it is not a ticking time bomb that we have to get rid of, in order to permit them to interpret my answer in a way that might vitiate the obvious clear and genuine independence of the trustees?

And so, Mr Speaker, I am not answerable for the actions of the trustees for that purpose, and unless the hon. Gentleman is simply trying to play a political game to try and fix me with knowledge of something which he might think is unpopular with some, I would rather simply allow myself not to be drawn further on the subject because I do not think it is in anyone’s interest – neither those people now receiving Community Care nor those who might in the future want, wish or need to receive Community Care – for me to be drawn any further in this respect.

Mr Speaker: I think, with due respect to the Opposition, this will be the final question on this issue.

Hon. K Azopardi: Mr Speaker, we have only asked a few supplementaries on this, but let me ask –

Mr Speaker: But the Leader of the Opposition must understand what the Chief Minister is trying to convey, and I know he understands.

Hon. K Azopardi: Well, of course I understand, Mr Speaker, and with all due respect to the Chair, which of course I respect, I do not need guidance in that respect. I certainly understand that.

The hon. Member asks, I think, a rhetorical question whether I was playing political games. Of course I am not playing political games.

I would have thought that it would be sensible, if someone is contemplating a decision that may or may not have financial implications one way or the other, that they would have had a discussion with the Government on it. So, that is really what I was trying to ask the hon. Member, and his repeated unwillingness to answer that question may baffle people who are listening who have legitimate questions in relation to how that decision was brought about. Indeed, some of them may have sought meetings with the Government and perhaps the hon. Member may have been more willing to be frank with people who have discussed the matter with him privately than he does across the floor. I do not know because I am not sighted on whether or not meetings have been held or indeed those discussions have been held, but is the hon. Member really saying to this House that he is not willing to say whether there were any discussions at all held with him before 17th February?

Hon. Chief Minister: Mr Speaker, I am very happy to speak to the hon. Gentleman if he wants to have a conversation with me about this issue; I am just not happy to have that conversation across the floor of the House. If he is not playing a political game he will want to accept that and we can have a discussion about the whole thing, but if he is playing a political game he will press me.

Mr Speaker, he has asked me whether I have had meetings with others about Community Care and that there are legitimate questions being asked. If I have had meetings with people who are not the persons responsible, I do not see what relevance that would have, and frankly...

Let me just take his first point. He says surely somebody who is going to take actions which have financial consequences will want to meet the Government before they take those steps. Well, that might be the case in the context of somebody who is going to take action which has a financial consequence which increases the cost. It might not be the case in the context of somebody taking an action which has a financial consequence which is to reduce the cost.

Mr Speaker, as I have said, I am happy to have a discussion with him, if he wishes, behind your Chair.

Mr Speaker: Next question.

Q440-442/2020

COVID-19 crisis –

Effect on revenue streams; fair application of restrictions; BEAT COVID measures

Clerk: Question 440, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is the estimated effect of the COVID-19 crisis on its revenue streams for March, April and May 2020?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 441 and 442.

Clerk: Question 441, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government accept that any COVID-related restrictions should be applied fairly and equally regardless of the identity of individuals and businesses?

Clerk: Question 442, the Hon. D A Feetham.

Hon. D A Feetham: What BEAT COVID measures does the Government intend to introduce post the end of June 2020?

This is the subject of the Ministerial Statement post the filing of this question.

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the *Hansard* of 28th May 2020, in respect of Question 440, where I read out my letter dated 14th May to the Leader of the Opposition advising that this information would be provided to them on a confidential basis. This still remains the case. The information has now been provided to them. Any restrictions applicable are fairly applied and equally applied, regardless of the identity of individuals and businesses.

Question 442 has been answered by various statements I have made in the House in the run up to today.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer in relation to Question 440. The letter he refers to is, of course, a 'side letter', as they are known, to the Leader of the Opposition in terms of ongoing information in terms of key performance indicators and other matters that are referred to in the letter. But the Chief Minister is aware there have been statements made – my memory fails me whether by himself or by others – that there is a negative effect on the income stream of Gibraltar, and of course there are COVID Fund regulations that make provision for publication of information on that fund.

I would be grateful if the Chief Minister would indicate when he would intend to gazette that information so that the general public has an idea of what the cost of this crisis has been to this community.

Thank you.

Hon. Chief Minister: Mr Speaker, can I just gently say to the hon. Gentleman the cost of this crisis 'is being' to this community rather than 'has been', because, as he may have seen today, we are not out of the woods yet and the months in which, for example, our retailers would be doing well are the months we are in: the loss of revenue is ongoing.

So, the Government's intention is to publish the numbers in relation to the special fund as soon as the Financial Secretary is comfortable that they are properly in a fit state to be audited. But I think he and I will agree that what the public is going to see there, as is the case in every other nation in the world, is the brutal effect that COVID will have on Government revenues and that this will be an ongoing effect, not just in the months in which we are now but probably in future months also, and that what we hope to do is to ensure that the effect, although it may be brutal on the balance sheets of the Government and various businesses, will not be brutal on the lives of anyone who lives in Gibraltar, who works in Gibraltar or for whom Gibraltar is an economic engine that puts food on the table.

That is what I hope this House together has achieved to date in the context of the work that we have done to bring about the BEAT 1.0, so to speak – the first part of BEAT – the second part of BEAT, on which I am grateful to the hon. Gentleman for having written to me ... once I have the opportunity of consulting with him and the Leader of the Opposition, and I hope to be able to respond in respect of that communication soon ... and that all of us together have to ensure that the action that this House takes, in the context of the administration of the public purse, is designed to provide that protection to those who live and work in Gibraltar.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer, but if he could perhaps discuss with the Financial Secretary as to when he might be able to publish, sooner rather than later, because, as he is aware, questions in the media ... we are getting information piecemeal and I think it would be helpful to the general public to get the whole picture rather than, for example, individual costs such as protective equipment – all the costs will be one, then.

Thank you.

Hon. Chief Minister: Mr Speaker, I do not disagree with the hon. Gentleman, but the difficulty is that if we publish information too soon it will only be piecemeal information; and in order to know that we have a consolidated picture of what the position is, the Financial Secretary's advice is to publish when we have that and then to publish with regularity to update that picture. I think it is important that everyone in this community understands what we are talking about in terms of the loss of revenue and how we are going to be able to deal with that going forward.

I think you have said many things in this House in the past five months since this process started in March, in the context of the statements in this House. We have said this is a life-changing event etc. I genuinely believe that, the more that I observe what has happened and what is happening, this is actually a civilization-changing event. I think the events of the past months have, are and will change the planet, and part of what will be changed is our understanding of economics, and what money is for and what money is not for.

Mr Speaker: Next question.

Q433/2020
Deaths in Gibraltar –
January to May figures since 2015

Clerk: Question 443, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state how many people died in every month from January to May for every year since 2015, including the current year?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested by the hon. Member is provided in the schedule I now hand over to him.

Answer to Q443/2020

2015	No of DEATHS
JANUARY	27
FEBRUARY	26
MARCH	18
APRIL	21
MAY	18
2016	
JANUARY	31
FEBRUARY	29
MARCH	22
APRIL	18
MAY	16
2017	
JANUARY	26
FEBRUARY	22
MARCH	17
APRIL	13
MAY	28
2018	
JANUARY	39
FEBRUARY	29
MARCH	25
APRIL	27
MAY	27
2019	
JANUARY	36
FEBRUARY	25
MARCH	26
APRIL	22
MAY	15
2020	
JANUARY	34
FEBRUARY	27
MARCH	24
APRIL	21
MAY	12

435 **Mr Speaker:** We can continue with the next question, and then hon. Member will be allowed to ask a supplementary.

Q444 and 470/2020
Consultancy work for Government –
Arrangements with former Government Ministers; fees involved

Clerk: Question 444, the Hon. D A Feetham.

440 **Hon. D A Feetham:** Mr Speaker, what consultancy agreements are there in place between the Government, any public authority or Government-owned companies and former Government Ministers?

Clerk: Answer, the Hon. the Chief Minister.

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 470.

Clerk: Question 470, the Hon. Ms M D Hassan Nahon.

450 **Hon. Ms M D Hassan Nahon:** Has Government or any of its agencies or authorities entered into any sort of consultancy arrangement or contract with any law firm where any previous

Government Minister is an associate or partner; and, if so, what are the level of fees paid under such a contract/arrangement?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, former GSD Government Minister Fabian Vinet is contracted as a director of the Government's digital audio-visual system, Freeview. The sums paid to Mr Vinet are posted on the Government's information portal.

Separately, the Government pays legal fees to several law firms in which former Government Ministers are associates or partners. Those fees are also set out on the Government website.

Hon. D A Feetham: Mr Speaker, is there any truth in information that is reaching us that a former Government Minister who retired at the last election is now being retained by the Government on £18,000 per month?

Hon. Chief Minister: Mr Speaker, former Government Ministers Peter Caruana, Daniel Feetham, Peter Montegriffo and Keith Azopardi are members of law firms that receive work from the Government.

If the hon. Gentleman wants to put a question about a specific retainer, he should do so. I do not have any information here to confirm or deny that, but the information is all published on the website and if he goes to the website he will see the amounts paid to each of those relevant law firms. He seems to only want to refer to Neil Costa; he does not seem to want to refer to the law firms of others, including his own.

Hon. D A Feetham: Mr Speaker, bearing in mind that the Hon. the Chief Minister has mentioned the former Government Minister by name, it surprises me that he cannot answer the question more directly, which I will repeat: is Mr Neil Costa being paid £18,000 per month in a Government retainer?

Hon. Chief Minister: Mr Speaker, it is not that I mentioned Mr Costa by name and he did not. There is only one person who retired at the last election who is a lawyer who fits the description that he made, so he almost mentioned Mr Costa by name and it would be, in my view, improper to pretend to dance around the subject.

If the hon. Gentleman wants to ask a question about a particular individual, I do not see why he is surprised that I do not have the information about that particular individual when his question is much wider. If he goes on the Government website he will see the amounts that are paid to the law firms that fit the description that his question alerted us to. His question is about former Government Ministers; it is only his supplementary that is about former Government Ministers who retired at the last election.

There are fees paid to Peter Caruana and co, which, if you divided them by month, might reach the sort of figure that the hon. Gentleman referred to, to Hassans, of which he and Peter Montegriffo are members, both of them ex-Government Ministers – or, if you divided the amount per month it might exceed the amount that he refers to. I, of course, am a partner on sabbatical of that firm, but I am not a former Government Minister, although I know he would like me to be.

TSN – Mr Azopardi of course is a former Government Minister and they receive fees per month. If you divided per month you might reach the sort of figure the hon. Gentleman is referring to.

Mr Speaker, I know why he is making the point, I know what he is trying to do, I know that this is the sort of politics that he wants to pursue, but going back to the question that he asked us about the distribution of BEAT fairly and equitably, actually if the hon. Gentleman looks at the

fees paid by the Government to law firms, not just the ones I have referred him to but to all law firms, we think that distribution is being done fairly and equally.

505 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as the Chief Minister will know, it is also me that put in a similar question. I think it is rather telling when two opposition MPs from different parties bring something to the table.

Clearly there is, as the Government like to say, 'rumourology', but again, behind smoke there is often fire – not that anybody is saying there is anything wrong with paying fees to ex-
510 Government Ministers, but if the Chief Minister is talking about being fair and equitable and naming certain past Ministers, why are we not getting a mention of the previous Minister in question, for the sake of inclusivity? And the Chief Minister has not answered whether this ex-Government Minister is receiving any consultation fees or whether he is involved in any contract arising from fees paid to him in terms of working for Government. Why is it that we are not
515 getting the answer? And is there any truth in this arrangement?

Hon. Chief Minister: Mr Speaker, I do think the hon. Lady has understood a word of what I have said – of course not, because she asks why am I not mentioning the Minister. I have just faced the question, a moment before, that I am the one who mentioned the Minister. In other
520 words, neither she nor Mr Feetham identified the Minister they are obviously trying to get at in their question. I identify him and I am accused by Mr Feetham, gently, of having identified him, and the hon. Lady now gets up and says 'Why aren't you talking about that Minister?' I am talking about that Minister in the context of the supplementary that Mr Feetham put. In the context of the question that she put I have disclosed the arrangements in respect of Mr Vinet
525 and every other one of the Ministers in question.

If the hon. Lady wants to know the information about that Minister, or at least that Minister's firm, it is on the website. In other words, it is not that we are not talking about it; it is that we are telling the whole of Gibraltar, the whole of the community, the whole of the world, because it is on the website – so, the hon. Members can go to the website and see what amounts have
530 been paid.

Mr Speaker, the hon. Lady can pretend that I am not answering, even though I am answering. The hon. Lady can pretend I am not mentioning the Minister, although I am the one who mentioned it, as *Hansard* will show. And the hon. Lady can pretend I am not giving the information, although I have told her where the information is and she and everyone else can
535 look at it.

So, there is no attempt here not to give information. There is just frustration that hon. Members do not even get the information that is available to the general public.

Hon. D A Feetham: Mr Speaker, does he not accept that there is a fundamental distinction
540 between the Government retaining or giving work to law firms and paying a law firm on a case by case basis, and a situation, which is what we are asking, whether there is a retainer in place in respect of one former Government Minister for £18,000 per month. That is what we are asking. Does he not accept that that is a valid distinction to draw?

545 **Hon. Chief Minister:** Mr Speaker, some of the fees that I am referring the hon. Gentleman to may be arising from retainers, but if he wants to know about retainers he should ask about retainers.

Instead of pussyfooting about with questions that actually expose him, the Leader of the Opposition, the former Chief Minister and the former Deputy Chief Minister, Mr Montegriffo, to
550 be the subject of the question or the answer to the questions – and Mr Vinet – because he has asked so generically that it covers everyone, he should have had the courage of his convictions and asked that question. If he asked that question, we would provide the answer. It is that

simple, Mr Speaker. But what he obviously wants to do is to come to this House on the basis of a generic question when in fact he is seeking a specific answer, as he has now disclosed.

555 But, if it is the case that such a retainer exists – and if he writes to me or if he asks next time round, we will be able to determine whether it does or whether it does not – it might be lower than some of the other retainers or amounts that we have paid to former Members of the GSD. So, is it that it's all right, Jack, if you are a former Minister with the GSD, but it's just not on if you are a former Member of the GSLP? Because that would be totally contrary to the principle of
560 fairness and equality that he was putting in his earlier question. That, of course, does not mean that when he says one thing he means the opposite. We all know that is who he is.

Hon. E J Phillips: Mr Speaker, I may not be plagued by the same difficulties that the learned the Chief Minister says that others are – not that I say they exist in the first place – but one thing
565 that strikes me from this exchange in relation to this question is that there are many millions of pounds of taxpayers' money each year spent and paid to law firms of Gibraltar that deal with matters which the Government clearly are not able to deal with internally – civil or commercial matters or indeed conveyancing; the list is probably endless. But has the Government given any real thought as to how we can cut the cost of doing this externally by paying out taxpayers' money of many millions of pounds? In fact, over June itself alone I have calculated that about
570 £800,000 was paid to local law firms in relation to legal fees. Is there a way that we could actively look at in-building talent within our Government legal services and creating the ability of lawyers within the service to provide that service at cost to our community rather than farming out all of this legal work to other law firms when there really could be a benefit to the community of hiring and engaging lawyers within the service potentially? I just say thinking
575 about it as to whether we could cut the cost of that in the long run.

Hon. Chief Minister: Mr Speaker, I entirely agree with the hon. Gentleman that the Government should continue to invest in its own legal talent, which will then enable the
580 Government to do more of its own legal work without having to brief that out.

In the time that I have been in office the hon. Gentleman will know that we have not just divided up the Chambers of the Attorney General into criminal prosecutions, civil advice and advice to the Government generally and parliamentary drafting; we have also grown the number of individuals employed by the Government in each of those offices. I am very keen to continue
585 to pursue that. I agree with him that this can result in a wholesale saving for the Government in the long term.

I have been very pleased to see the level of expertise that has been developed by counsel employed by the Government in the Government legal offices in each of the respective areas of responsibility. I believe that we have one of the best drafting teams available in Gibraltar now. I
590 believe that we have an excellent prosecutorial team and the problem with our advisory team is not that they are able, because they are extraordinarily able; it is that unfortunately they are so busy it is sometimes impossible for them to be able to deal with the additional burden that would come to the Government.

If we were to push to its conclusion the position that the hon. Gentleman is taking we would
595 have to employ many tens of lawyers in the Government service, which would, of course, have a knock-on effect. We are very busy now; we might be less busy in the future. We are not very litigious as a Government, so a lot of what we do is not instructing on litigation, it is instructing on ... As the hon. Gentleman knows, we have been described as being hyperactive as a Government. We have a lot of agreements to put in place etc.

600 So, I am very keen to pursue that position. It is a position that I pursue with the Minister for Justice and with the Attorney General, and more recently also with the Director of Public Prosecutions in the context of the staffing of his office. I think it is the right approach going forward and I think by investing in the salary of Crown counsel or senior Crown counsel we will make more for the taxpayer than we do by paying the hourly fee – which I am not criticising –

605 which is rightly charged by those in private practice, and the reason they charge it is because they are not charging the Government, they are charging somebody else that amount. I am obviously preaching to the converted – the hon. Gentleman knows that – but I think it is a better investment of our time and money and we are in the process of growing each of those offices, but perhaps not enough that we might be able to do without briefing things out.

610 The fact is there will still, even then, be instances when we might have to brief things out, because there are some things which are very specific and in that context we might have no choice but to brief out. The one thing that obviously comes to mind is the issue of right to light, where there are a few experts in the common law world, and when you have got a right to light claim a claimant tends to instruct one of the experts and a defendant tends to instruct another
615 of the experts, and that is about you done for, for experts in right to light. So, we would still see briefing out having to happen in more specific circumstances but not generic briefing out, as has been the case until now, because you just have not got the human hours to be able to provide the advice that the Government needs.

620 **Mr Speaker:** One final one.

Hon. D A Feetham: Thank you very much, Mr Speaker, for your indulgence.

Is the Chief Minister aware of any other retainer agreement that his Government may have reached with any other lawyer in Gibraltar? And does he not accept that a retainer for £18,000
625 per month with a former Government Minister who has stepped down as a Government Minister barely less than a year ago will raise eyebrows within the community?

Mr Speaker: The Chief Minister does not need to answer that question. He has ventilated that question sufficiently. If he wishes...

630 **Hon. Chief Minister:** I really appreciate that, Mr Speaker, because the hon. Gentleman is not trying to ask a question; the hon. Gentleman is trying to grab a headline and he is doing it by suggesting that something exists which our Government has told him we are not able to confirm exists.

635 I do not know of any other retainer agreement. I do not know even if what he is saying is something which is extraordinary, even if it is true, because it may have happened in their time – although given the way that he is describing things it would appear that when others receive these amounts it is fine, and yet when somebody is alleged to receive this amount who is close to us it is not fine.

640 The hon. Gentleman is doing something which is transparent. It is always ever thus with him. But if he wants to have a real answer to that question and he does not want to simply propagate the possibility that maybe in a way that produces prejudice ... I put it to him that he should write to me or that he should put the question specifically at the next House.

645 **Hon. Ms M D Hassan Nahon:** Mr Speaker, maybe I can get something out of this because I am not a former Government Minister with the GSD and I am also not a lawyer, so I have no conflicts of any sort.

What I want to ask Chief Minister is: was my question not clear enough? I asked: what is the level of fees paid under such a contract or arrangement to any former Government Minister?
650 Should the Chief Minister not have provided this side of the House with a schedule on what fees are paid to what previous Government Ministers? I think the question is very clear. Why can't the Chief Minister simply answer the question?

Mr Speaker: The information is already in the public domain, I think.

Hon. D A Feetham: No, Mr Speaker, that is not the case. What is in the public domain is what law firms receive. That is what is in the public domain. What is not in the public domain is specifically what the hon. Lady asked, which is a matter of record.

660 **Hon. Chief Minister:** I am sorry, Mr Speaker, but the hon. Gentleman does like to jump up before he thinks, and the hon. Lady has not properly described her question. I will read it to him and to her: has Government or any of its agencies or authorities entered into any sort of consultancy agreement or contract with any law firm where any previous Government Minister is an associate or partner; and, if so, what are the level of fees paid under any such contract or
665 arrangement? That is about a contract with a law firm where a person is an associate or a partner. That information, as you have rightly pointed out, I have already said is publicly available, and it is publicly available.

Mr Speaker, if the hon. Members want to try and construct an argument over something which the hon. Gentleman says will lead to questions being asked, questions might be asked.
670 Frankly, it is important that people should know these amounts. That is why we used to ask when we were in opposition, and as soon as we were elected into government, instead of requiring hon. Members to ask, we published all of this. There is one arrangement, which is the one I have singled out, which is the arrangement with Mr Fabian Vinet – which, by the way, was entered into in the months after he stopped being a Government Minister, immediately after he
675 stepped down.

But Mr Speaker the Government thinks that this is entirely proper. That is why we publish all of it. That is why everyone can see the amounts in question. It is very easy, in the context of legal fees, to try and blow them out of proportion, but I think we are doing the right thing for Gibraltar. I have instructed the former Chief Minister, the man who said that I was not fit to lead
680 our community, but I think he has ability which it is important to harness for the benefit of this community, and therefore, when necessary, we instruct him, even though at a cursory look people will see that there is over £300,000 paid by a GSLP Government to Peter Caruana & Co. And we have instructed the firm of the hon. Member, and indeed, Mr Speaker, before the hon. Member became leader of his party we instructed him because we think he has legal ability. I
685 might disagree with him politically but I do not denigrate the fact that he has legal ability. We think it is right to use the best brains available for the benefit of the taxpayer, even though they may be expensive.

As I have told the hon. Gentleman, I think it would be a better investment for the taxpayer to employ our own lawyers and, where possible, we will do that and spend the money in that way,
690 but transparency of what is being done in this House today is clear and obvious, and not just what is happening in this House today.

Mr Speaker: Next question.

Q445/2020

Unlock the Rock COVID-19 Road Map – Need for document to be responsive to changing situation

Clerk: Question 445, the Hon. K Azopardi.

695 **Hon. K Azopardi:** Mr Speaker, does the Government agree that the Unlock the Rock COVID-19 Road Map needs to be a dynamic process responsive to where Gibraltar finds itself at any particular time?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. The document itself actually sets out that position.

705 **Hon. K Azopardi:** Mr Speaker, of course I filed this question for the House some weeks ago now, and indeed wanted an indication from the hon. Member, which I think in part he may have given this morning already and in the press conference, because we are now days away from what the document called 'full unlock' on 1st August.

710 There may be people who did not hear the hon. Member this morning, and the hon. Member may wish to indicate the Government's current thinking on the process leading up to full unlock, and indeed as I understood it, what he had said is that the Government is reluctant to press the button on full unlock given the surrounding circumstances primarily outside our shores, as I understood what he said this morning – but he may wish to provide that indication, as we are days away.

715 The reason I put the question ... The hon. Member will know that this was some weeks ago, but there was at the time, some weeks ago, because this is a swiftly moving position, of course, COVID moves quickly in different directions from day to day and from week to week. About a month ago when I filed the question, I think there was a concern that the Government was moving too slowly in respect of the rollout of some of these measures. Hence we had an exchange, I think, of press releases some weeks ago, and I did want to remind the hon. Member
720 that the document itself says it is dynamic. Dynamism goes in both directions and I am sure – I ask him to agree – dynamism means that when you have a road map that indicates a particular direction, measures may need to be taken which are either more liberal or sterner, depending on the circumstances prevailing at the time. Does he agree?

725 **Hon. Chief Minister:** Mr Speaker, I certainly hope that the statement that I made this morning has been well understood by members of our community. I would have wished, of course, today, to have been able to say that we were going to move to unlocking the Rock entirely. Instead, not out of any reluctance, as the hon. Gentleman has suggested in the way that he has posed his question, but on advice, I have set out that we require some more days to be
730 able to consider what the position will be as from 1st August and that it is very likely that we will be continuing at a modulated phase 6 – in other words, that we may be able to make some changes which are positive in the context of loosening restraints. At the same time we may have to keep some things the same or we may indeed have to make some changes which might require us to tighten restraints in some respect. But I think the important thing is to be cautious
735 and to understand that we must continue to work together as a community in the context of dealing with COVID-19 and not expect that we will simply be able to move in the direction of further loosening the restrictions that we saw implemented in March.

740 The hon. Gentleman and I have worked very well together in the context of the period from March to June. We had a disagreement in public in recent weeks as to the direction of travel, where he wanted to move faster – and in those circumstances it might not have been imprudent for him to suggest that – whilst we were not convinced that we should move faster, despite the evidence at that time not suggesting that there was a need not to consider that. But the advice we were receiving was to continue to observe the periods of pause.

745 In recent days, as the hon. Gentleman has indicated and has understood from what I have said this morning, it is not so much the circumstances in Gibraltar but the circumstances around Gibraltar that are causing us concern, especially if Gibraltar were to be completely unlocked, given what is happening in the United Kingdom, in Spain, in Portugal and in Morocco, all of which are areas to which we have exposure.

750 For that reason, Mr Speaker, I welcome the hon. Gentleman's opportunity to reaffirm the Government's position that this is a dynamic situation and that that dynamism can lead us to have to exercise more restraint than any of us might like to see, but the restraint that we advise

is the right and prudent course of action before we head into the autumn period, which I think is going to be potentially extraordinarily difficult.

755 **Hon. K Azopardi:** Mr Speaker, yes, and the Hon. Member knows that we will share that desire to work together on this issue because we have done so before and indeed it is an important area where we would work together in the public interest if so required; and if we are not required, that is fine too, but to the extent that it is necessary to work together we are, of course, happy to do so.

760 Can the Chief Minister indicate perhaps to those members of our community who are running businesses and so on out there, who of course will have read the documents that were gearing up in the hope for full unlock and who of course understand that there are things happening out there that make it difficult ...? But for people running bars and restaurants and so on, who were hoping to see further liberalisation and may understand that that is not possible, 765 would at least hope to receive from the Government some indication of a new road map, given that this document that was published, 'Unlock the Rock' – which was part one, after all – envisaged further road maps. I think the hon. Member gave an indication this morning that he might be in a position later this week to give an indication. Will that indication contain an element of detail, or perhaps a new road map? Or is it too early for the Government to establish 770 a road map beyond 1st August for businesses or for people, on social gatherings and so on, businesses that might be hoping that their current occupancy levels, the usage of tables and so on, might be shifted in the future?

I am sure many people out there listening to these exchanges will understand that, given the prevailing European circumstances, it might not be possible to make radical adjustments, but 775 they might welcome knowledge that the Government is working on a road map and might give an early indication of when that will be – although we fully appreciate on this side of the House that the period leading up to August and September will be crucial for everyone in Europe.

780 **Hon. Chief Minister:** Mr Speaker, I think that what the hon. Gentleman has asked me to say is exactly what I said this morning. In other words, I said this morning that I hoped by Friday to be able to say more and to say more beyond August. I think I have already given an indication also this morning that those are exactly the things that I hope to say more about, namely the number of people who might be able to gather, the number of people who may be able to book tables at restaurants, the percentage of a restaurant's space that may be used. But it is not possible to 785 predict with any degree of accuracy what is going to happen in the autumn. Therefore, what I am expecting to be able to do, for exactly those same reasons which the hon. Gentleman has indicated, which are exactly the same reasons I expressed during the course of my press conference this morning we would wish to do so, is what the direction of travel is, how we expect things will materialise, but with the caveat that we cannot be held to any of that as the picture develops in the United Kingdom, in Spain and Portugal, or in Morocco, or indeed if there 790 were changes elsewhere that were to have an effect on Gibraltar.

So, I think we need to combine the need to tell people as quickly as possible what we can and to remain also able to change the direction of travel dynamically, where necessary. That is what we, I think, did successfully in the period from March onwards, although there we were moving 795 to restrictions which amounted to a total lockdown, and I have said today that I certainly hope that we will not get back to a lockdown situation. We do understand the virus a little better than we did in March. We do know that medical science is now able to provide care, if not treatment, to people in a way that is better understood, and we have been able to build up our resources in a way that we were not ready and resilient to deal with in the first weeks of March when we had 800 five ventilators.

So, Mr Speaker, I do hope that I will be able to, as I said this morning and as the hon. Gentleman has entreated me to do, give considerably more information on Friday. The effect of what I will be able to say I cannot say will be up to the middle of autumn or until the end of the

year, but we are certainly trying, through the advice that we receive, to be in a position to say as much as we can as soon as we can.

Hon. K Azopardi: I am grateful for that answer and I am sure people will be interested to see what the Government says on Friday.

Can the Chief Minister also and I appreciate it is not precisely within the scope of my question, but will the Chief Minister comment on the emerging situation and any possible impact on Gibraltar, if any, in respect of the decision by the UK government to now place quarantine rules in respect of returning people from Spain? There are all sorts of rumours out there, and of course rumour is never a good bedrock for asking a question but there are all sorts of fears and concerns that people will have as to how decisions are reached in respect of that.

I saw the Spanish Foreign Minister, just an hour or so ago, say that the health officials of the United Kingdom government and the Spanish government had met and they had put a big case to the British government because the Balearic Islands have a lower incidence rate than the United Kingdom, so they wanted to create some kind of air bridge. I saw the Deputy President of the Junta de Andalucia say something similar in relation to Andalucia and so on, which may be a more complex situation, of course, to manage, given that there is no ability to stop anyone coming from the north down to the south in August on holiday.

Can the Chief Minister assist in commenting on whether he expects or indeed has had contact with the UK government in relation to this emerging situation and whether there will be any possible impact on the air bridge that we have with the United Kingdom?

Hon. Chief Minister: Mr Speaker, if I may start, of course, by agreeing wholeheartedly with the remarks the hon. Gentleman has made that rumour is never a good bedrock for asking a question, and commend the approach that he brings to asking questions to some others.

There has been contact between the Government and the United Kingdom government. There was contact before the United Kingdom announced the suspension of the air bridge with Spain. 'Air bridge' is the term I think the hon. Gentleman and I are using to explain an air link after which one is not required to quarantine. There may be air connections in other places but they do require the individual arriving, in the United Kingdom in this case, to quarantine for a period. So in that context the Government was in contact with the relevant officials in the United Kingdom.

Mr Speaker, the point that the Government made – which is one I made today also in the context of my intervention and when asked by one of the local journalists present – is that Gibraltar would have zero cases were it not for arrivals from the United Kingdom. I think it has been said during the course of the past week that of the five active cases in Gibraltar, four arrived in Gibraltar on the aircraft to Gibraltar from the United Kingdom and one was exposed to them. Therefore, our current cluster is in respect of arrivals from the United Kingdom, something on which we are taking detailed advice. It would therefore have been perverse for the United Kingdom to have imposed on arrivals from Gibraltar a quarantine because we had five cases.

It is also true that neither the Government of Gibraltar nor anyone in Gibraltar will want to see Gibraltar Airport used as a back door to avoid regulations in the United Kingdom. For that reason, I understand that travellers are required, even when arriving from Gibraltar Airport, to declare whether they have been in Spain in the preceding 14 days. If they have been in Spain, then even though they are flying from Gibraltar they will be required to quarantine for a period, which I understand is a shorter period of 10 days, depending on when they were in Spain; and those who are arriving from Gibraltar and have not been to Spain will not be required to quarantine.

Now a lot of this, of course, is unpoliceable. The United Kingdom Home Secretary herself has said that quarantine in the UK can only be dealt with on the basis of spot checks and people's honesty, and the filling in of these questionnaires is also something which is subject to the

honesty of the individual filling them in to comply with regulations that the United Kingdom is putting in place for reasons of public health. Of course one should always honestly answer a requirement on a form from the government when you are arriving in their location honestly. I think people might just want to reflect that if you are the case that is picked for checking, one
860 does leave a digital trail these days and if you say you have not been in Spain but you might have used your credit card and you might have stayed in a hotel room etc., that may actually show up on the system and then the offence of misleading on a government form might be worse than simply having to stay home for a few days. So, I would always encourage people to be open and honest when filling in these forms. They are there for a purpose. These rules are no joke. They
865 are there because of the assessment and the advice given by medical professionals to the United Kingdom government.

But in the context of Gibraltar the position at the moment is that the air bridge will continue in place without a requirement for quarantine when you arrive if you are an arrival from Gibraltar that has been in Gibraltar and not into Spain in the preceding 14 days.

870 Of course, Gibraltar Airport is not the only airport that could be used in this way. There could be access to Portuguese airports, to French airports, or other ways into the United Kingdom where people might, in that way, avoid flying from a Spanish airport and might then access the United Kingdom without having to comply with quarantine.

And so, Mr Speaker, I think the position is a fluid one and I can only describe the position as it
875 is today, and if DFT or Public Health England make a different decision, that could have repercussions not just on Gibraltar but on other jurisdictions also.

Hon. K Azopardi: Mr Speaker, I am grateful for that extended answer. As I understand the answer the hon. Member has given then, it is important for people to understand in Gibraltar
880 that if they are going to fly to the United Kingdom they will be asked if they have been to Spain in the last two weeks; and, if so, they will have to go into quarantine.

It would be important, for example, for as long as this quarantine rule regime is in place, for our students returning to university to be aware that they are going to face that kind of question and requirement, so they would probably be well advised to stay in Gibraltar for two weeks
885 before they have to fly to the United Kingdom. Does the hon. Member agree?

Hon. Chief Minister: Mr Speaker, with the following caveat I do agree. This is not a form that is required to be filled in for people arriving from Gibraltar; this is a form that is, as I understand it, required to be filled in by all arrivals into the United Kingdom. The fact is that the United
890 Kingdom has suspended its air bridge with Spain and therefore it has become particularly poignant on arrival from Gibraltar, but if you were flying ... For example, if you had spent a week in Spain and then a week in Italy and you were flying back to the United Kingdom from Italy, you would be caught by the rules in the same way.

The only thing I would also say, in respect of advising those going back to the United Kingdom
895 to pursue their studies, is that the last time the United Kingdom had a quarantine requirement on Spain I believe it lasted 16 days. I think the United Kingdom does not want to keep these restrictions in place longer than they need to, and it may be that by mid-September or late September, when people tend to be flying to the United Kingdom, these requirements are no longer in place. I have no doubt whatsoever that if it is possible for these requirements to be
900 lifted on the basis of prudently following the medical advice, they will be.

So, with those caveats, Mr Speaker, the short answer to his question is that I do agree.

Mr Speaker: Next question.

Q446/2020

**E-visas for entry into India –
Problems experienced by holders of Gibraltar-issued passports**

Clerk: Question 446, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, is Government aware that holders of Gibraltar-issued passports were, before the pandemic, encountering problems obtaining electronic visas for entry into India?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is fully aware that holders of Gibraltar-issued passports were, before the pandemic, encountering problems obtaining electronic visas for entry into India. This problem did not only affect Gibraltar but also Jersey, Guernsey and the Isle of Man.

According to the Indian High Commissioner in London, the Indian government has now agreed to undertake the necessary changes to their e-visa system and is now working on adding Gibraltar and the Crown Dependencies passport holder categories to their e-visa service.

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Hon. K Azopardi: I am grateful, Mr Speaker.

Does the Chief Minister have an indication of when these administrative processes will be carried out in respect of all these territories?

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Hon. Chief Minister: Mr Speaker, this is, I understand, already in train and I refer the hon. Gentleman to a press release issued by the Government on 9th January this year which alerted people to these difficulties and how the e-visa system might be able to process applications from Gibraltar passport holders.

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Hon. K Azopardi: Mr Speaker, I am aware of that. It is just that a case was brought to my attention that occurred after that, just before the pandemic – it must have been around February or so – so I thought it was appropriate to ask this question in the House because people were still encountering problems. That was the message that I was receiving from a few people. Certainly it was before the lockdown. I did not put this question earlier because of course we had agreed, on both sides of the House, to postpone question and answer sessions, but certainly in March it was the position that these problems remained.

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If the hon. Member has not had an update, perhaps he could seek an update from whoever drafted that answer that indicated that administrative processes were being put into train.

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Hon. Chief Minister: Mr Speaker, I have not had an update, as the hon. Gentleman puts it, but as I understand his question the answer provided to his question is correct to the past seven days. I also have not – and he, I understand, also has not – had more complaints. I do believe, therefore, that the matter may have been resolved, or there may not have been that much travel to India in the period. But we did have – I use the word lightly – an undertaking from the Indian High Commissioner that this was being dealt with, but many things, even here, have not been dealt with that we expected to be dealing with in this period.

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If the hon. Gentleman has any indication that this continues to be a problem, he should please bring it to my attention so that I can pursue the matter.

Mr Speaker: Next question.

Q447/2020

**Media monitoring services –
Explanation re services provided**

950 **Clerk:** Question 447, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, will the Government explain in detail the services provided to it described as media monitoring services in head 2, 6 Convent Place, sub-head 12, which was expected to cost £465,000 this financial year and cost £460,000 last financial year, and provide a
955 full, itemised breakdown of the cost and nature of those services, by whom they are carried out and, if under contract, the names of contractors?

Clerk: Answer, the Hon. the Chief Minister.

960 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I refer the hon. Gentleman to Press Release 790/2012. Grupo Albi3n continue to provide this two-way service to Her Majesty's Government of Gibraltar. The service monitors the Spanish and international press distributed in Spain and translates press releases ensuring they are available in the Spanish media. The service does not involve the monitoring of any Gibraltar media or any Gibraltar online forums on any of the social
965 media accessible from Gibraltar.

Hon. K Azopardi: I understand from the answer the hon. Member has just given that the entire sum is paid in relation to one contracting party in respect of media monitoring outside our shores – is that correct?
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Hon. Chief Minister: Yes, Mr Speaker.

Hon. K Azopardi: And that the media monitoring services concerned relate to translations, in effect – is that right? Or do they entail other duties beyond translation?

975 And perhaps the hon. Member can also assist – I am not sure I caught it in his original answer, but in respect of which particular countries are we talking?

Hon. Chief Minister: Mr Speaker, not translations. The hon. Gentleman I think has confused two parts of the answer I gave, so if I can just clarify that: so the media that is reported to us is everything that is reported in Spain about Gibraltar. That means that we will get articles published in any language which are published or available in Spain about Gibraltar. Given the nature of our ability to understand Spanish, we do not require that those be translated into English if they are published in Spanish; we simply have them provided to us in Spanish. They might be translated if we needed to refer those documents to third parties who did not speak
980 Spanish, namely to colleagues in the United Kingdom.

Also, our press releases are translated into Spanish. That is a translation process and that information is made available to the Spanish media. That includes information which is not political information, which is cultural information, as we want to ensure that what is happening in Gibraltar culturally is also understood beyond our shores, not just here.
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I think I have answered the aspects of the question that he put now.
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Hon. K Azopardi: Yes, I think so. As I understand what he is saying, it is only in relation to activity within Spain but in respect of articles that might have, for example, appeared in the Danish press that somehow are picked up by Spanish outlets. You want to check out the original article or something, so it may require some kind of translation. I may be wrong, and if so perhaps the Chief Minister could clarify.
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The other question I had was: beyond this kind of collation/translation service, does this group provide any kind of media liaison in Spain or any other kind of media communications service to the Government?

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Hon. Chief Minister: Mr Speaker, just so that we understand ourselves, this is publications about Gibraltar that are available in Spain. So, if a Danish article – to pursue the example the hon. Gentleman gave – is published in Danish in Denmark but it is accessible in Spain, about Gibraltar, then it will be brought to our attention because it is something which is accessible in Spain; and if it is in Danish, it will also be translated so that we are able to understand it, not into Spanish and then into English – it will be translated directly into English. That is the first part. In other words, anything which is available in Spain about Gibraltar is picked up and is referred to us, not just Spanish newspapers.

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And in terms of media liaison, I do not know that I understand the hon. Gentleman's question. Let me put it this way: any arrangements for interviews etc. which might happen in Spain in respect of my office or any other Gibraltar official will, nine times out of 10, originate from contact with the Media Director in Gibraltar, Mr Golt. There may be some instances where media who know that Grupo Albi3n represent us may get in touch with Grupo Albi3n and Grupo Albi3n will refer them to the Media Director in Gibraltar for arrangements to be made for interview etc. I do not know whether that is the sort of media liaison that the hon. Gentleman was referring to.

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Hon. K Azopardi: Yes, I was really trying to understand what the remit of the contract was: whether it was simply this sort of collation/translation service; or, if the Chief Minister decides to go to Madrid, say, for example, would they co-ordinate meetings with journalists? I am not sure if they are providing those kinds of services.

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Can the Chief Minister also comment on a couple of other observations – if I may, just questions – on this whole situation? Can he help us by explaining how many people would provide services within this contract by Grupo Albi3n to the Government and who the principal of Grupo Albi3n is with whom the Government has a contract? And can he comment on whether he believes that this contract is value for money?

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Hon. Chief Minister: Mr Speaker, the question of whether or not they would co-ordinate meetings if I were going to a particular Spanish city ... Certainly, for me, the person I would be in touch with would be the Media Director in Gibraltar. That is who I would seek the arrangements should be made with, but I do know that he would be in contact with his own media contacts and very likely with those who are running this contract.

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The principal we deal with is Mr Miguel Vermehren, whom he may have met, and he is the person who proposed this to the Government of Gibraltar. I do not know how many people are employed in Grupo Albi3n, but it is a large entity.

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Mr Speaker, as I told him in the context of the first answer that I gave, the press release that I referred him to is a press release of November 2012, so we have now been running this since 2012. That is almost eight years. We think it is being run very successfully.

He might recall that in that period we have faced an onslaught against Gibraltar on a number of occasions, not least when Sr Margallo was the Spanish Foreign Minister and Grupo Albi3n were seeking to correct information put out about Gibraltar almost on a daily basis, which was information improperly put out. The work that they do is very helpful in the context of dealing with factual errors that we can point to in the context of reporting in Spain, not always successfully. There are mechanisms which have to be followed by Spanish reporters. They are not always followed, but in many instances there are corrections.

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I can give him an example: only this weekend there was a reference, I believe in *France 24*, to an issue relating to drug trafficking from Gibraltar. The whole of the report was actually about the Campo de Gibraltar and the south of Spain, and after a lot of pressing I understand *France 24*

changed their report to take Gibraltar out of the headline. The rest of the article, I am told, was not a reference to Gibraltar; it was a reference to the Campo de Gibraltar.

So, we certainly do believe that it is value for money. That is why we have maintained it for eight years. We would not have done so otherwise.

Hon. K Azopardi: So, for my final question: how does that work? Is it that they have got a general leeway under the contract to reach out and correct these matters? Or is there a process where they tell the Government, 'Look, we have spotted this error – what do you want to do about it?' I imagine that would be lengthier, more bureaucratic and slower, but on the other hand it has the virtue of you being aware that the contracting parties are not reaching out on the Government's behalf and seeking to correct the public record. How does it work?

Hon. Chief Minister: Mr Speaker, it is a bit of a hybrid of those two.

So in other words one of the things that we constantly have to see is references to 30,000 companies or 300,000 companies incorporated in Gibraltar, which is just a Spanish journalist relying on an earlier report that is wrong. And so the number of companies incorporated in Gibraltar – and the hon. Gentleman will forgive me, I did not know the exact figure today because it does change – is one which Albi3n have and which Albi3n are updated on by Mr Tipping from the Finance Centre Director's Office. Whenever they spot a number in an article which is wrong, they will be in touch in respect of that because we made a policy decision with Albi3n that we wanted to push back against the use of numbers which were artificially inflated to try and pretend that the numbers of companies in Gibraltar exceeded the population. The hon. Gentleman will not be surprised to hear that in some instances we might find a reference to 300,000 companies incorporated in Gibraltar, then 30,000 companies incorporated in Gibraltar, when the number is half that, and active I think one third of that. So, having established that this was something we wanted to push back against, we asked Albi3n, every day that there was a reference which was incorrect, to immediately push back on those issues.

Otherwise, the hon. Gentleman rightly identifies that there is a communication back to the Government about what is spotted which may be inappropriate and then an agreement with the Government as to how to approach what has been reported which is incorrect or inappropriate.

Q448-49/2020

Victoria Keys development – MoD objections; impact of COVID-19 pandemic

Clerk: Question 448, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, are the MoD objecting to any part of the intended development known as the Victoria Keys; and, if so, what is the objection?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 449.

Clerk: Question 449, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, has the Government revised its views on the Victoria Keys development, its timing, financing or its extent, because of the effect of the COVID-19 pandemic?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, the Government has not revised its view on the Victoria Keys development despite the COVID-19 pandemic. The design of the project is ongoing, with further geotechnical investigations of the seabed having been contracted in order to provide more information. These works were delayed by a few weeks due to the construction lockdown but they have now been completed.

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The environmental impact assessment scoping report for the creation of the land for this project has been submitted to Planning for comment from the statutory consultees. These include the Ministry of Defence, who has not objected to this reclamation project, although there are still some issues to address arising from their comments, as indeed there are from other consultees. These are the subject of further assessments and consultations.

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Hon. K Azopardi: Mr Speaker, I am not sure if the hon. Member answered the question in respect of the issue of the financing – whether the Government's views of the financing were going to be revised because of the pandemic. He may have done, but if he can just refresh my memory when he stands and does that.

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In respect of the whole issue of timing itself, given that the EIA scoping, the environmental impact assessment, has gone out to stakeholders and the geotechnical studies of the seabed have now been completed, can the hon. Member comment publicly on the proposed timing of the development insofar as the planning process and where they are in terms of the arrangements that the Government were finalising last time we had questions on Victoria Keys?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman asked me about financing in the context of the Government's views, where he asked the question about timing, financing or extent, and I gave him the answer that the Government has not revised its views.

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On timing, Mr Speaker, I do not want to be drawn on what timings may be relevant because there is a planning process going on and I do not want anything to be said by the Government that suggests that we expect the process to which the Government submits itself should move in one particular way or the other.

I know that there are many applications before the DPC. Many of those have been delayed. The DPC is trying to deal with the backlog of applications. It is meeting by Zoom, something I understand has met with the hon. Gentleman's approval. The Government is an applicant there and I therefore do not want to create any hostages to fortune by seeking or expressing a view as to how the timing may develop.

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Hon. K Azopardi: Mr Speaker, when the Hon. Member answered the question in relation to the MoD, I thought he couched his answer in relation to the environmental impact assessment almost as if the MoD has not objected as part of the consultation on the environmental impact assessment, as part of the statutory consultation. But my question is rather wider: has the MoD raised any objection in relation to the Victoria Keys development at all; and, if so, what?

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Hon. Chief Minister: Mr Speaker, the time for the MoD to raise any objection has not yet come, because it would come in the context of the different stages of application. In the context of this stage of the application I gave him the answer. In the next stage of the process they can, as a statutory consultee, also make objection, but we will have to see how that develops. I have nothing to report to the House at this stage in that respect.

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Hon. K Azopardi: Mr Speaker, I was not tying up my question in respect of the planning process or any particular statutory processes that might be followed as part of a DPC process. The question that I put at Question 448 is rather wider than that. I know from my time on that side of the House that the MoD may formally express a position when it comes to a discussion in

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the planning process, but they may do so informally as well. They may intimate to the Government that they have certain objections to proposed development and that may not necessarily have to await a statutory kind of process being followed.

1150 What I am asking is: has the MoD intimated to the Government any degree of objection in respect of its Victoria Keys development; and, if so, what is the nature of the objection? Is it technical? Is it because of the proximity to military facilities? What is it?

1155 **Hon. Chief Minister:** Mr Speaker, the only thing that would be relevant would be if the MoD expressed an objection in the context of the planning phase. In other words, the MoD is a statutory consultee for a reason: so that if something is going to affect it, it can put its view – now publicly because, as the hon. Gentleman knows, once we were elected we made the planning process public – and in that context it can put a view that will have an effect on the determination that is made by the representatives of this community on whether a project should proceed or not proceed. Other than that Mr Speaker, the MoD – which is not an individual, it is a corporate ... Individuals in the MoD may express views to individuals who are technical officers of the Government. What matters is what they put down on paper, and in the context of what they put on paper this is what I have expressed to the House and this is the stage of ... I always get this wrong ... environmental impact assessment scoping report. When it gets to a different sort of planning, the MoD will continue to have an input as an interested stakeholder and those are the things that are relevant, not the things that people might say to each other in the gravy aisle at Morrisons.

1170 **Hon. K Azopardi:** Yes, and reading between the lines of what the hon. Member has just said, although the conversation may not have happened in the gravy aisle at Morrisons ... I do not know if there is a gravy aisle at Morrisons; last time I went there was no gravy aisle.

1175 Perhaps the hon. Member had something specifically in mind. What I take from the hon. Member's answer is that the Government may take the view that the MoD has not elevated any kind of intimation of concerns through the statutory planning process but that there must be some expression of concern behind the scenes, and the hon. Member may or may not wish to express that to the House.

1180 **Hon. Chief Minister:** Mr Speaker, he is wrong about all of that. There is an aisle where you get your Bisto and your Oxo, and that is what I refer to as the gravy aisle. *(Interjection)* Mr Speaker, he seems to be reading between the wrong lines and between the wrong aisles.

Mr Speaker: Next question.

Clerk: Question –

1185 **Hon. R M Clinton:** Mr Speaker –

Mr Speaker: This will be the final question on this subject.

1190 **Hon. R M Clinton:** Sorry, Mr Speaker, I was absorbed with images of gravy aisles, and distracted somewhat.

1195 Coming back to the answer to Question 449 and in light of the expenses that the Government is incurring with the COVID crisis and the additional borrowing that we know the Government has recently obtained a facility for, in terms of the financing of this project, which was originally, I believe, £50 million, can the Government advise whether this financing ...? Does it have any discretion over it, or is it now contractually committed to provide this £50 million financing?

1200 **Hon. Chief Minister:** Mr Speaker, the COVID emergency, as I told the hon. Gentleman before, or the Leader of the Opposition, concentrates, I hope, the minds of everyone in this community on what money is and is not for. A project which will increase the landmass of Gibraltar, which will add to its GDP, which will produce a return to the Government in respect of the investment that we will make, which will multiply the amount invested, is exactly the sort of investment the Government would want to see proceed. We think it is good for Gibraltar. We think it is good for the public purse.

1205 **Hon. R M Clinton:** Sorry, Mr Speaker, I have just the one supplementary to that. I did not hear the Chief Minister say whether it is contractually committed or not. Does the Government have any discretion at this stage? Or is it a document signed, on which the Government has to provide this financing?

1210 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman's question is very specific. It is about whether there is now probity of contract between the parties. I cannot give him the answer to that question today about whether or not documents have been executed or not executed. I know that there were agreements, that those agreements have been reached in principle, that there were drafts of agreements, but I cannot confirm to the House – and I do not want to
1215 mislead the House – whether or not those have been now executed or not.

Q450-69/2020
Former Commissioner of Police –
Circumstances surrounding retirement

Clerk: Question 450, the Hon. K Azopardi.

1220 **Hon. K Azopardi:** Mr Speaker, was the Government sorry or surprised to see the former Commissioner of Police retire?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 451 to 469.

1225 **Clerk:** Question 451, the Hon. K Azopardi.

Hon. K Azopardi: No surprise, Mr Speaker.
Has there been any discussion between the Government and the former Commissioner of Police as to his retirement, the terms of it, or any agreement entered into with him in respect of
1230 his standing down from his post?

Clerk: Question 452, the Hon. K Azopardi.

1235 **Hon. K Azopardi:** Has a compromise agreement or confidentiality agreement been entered into with the former Commissioner of Police?

Clerk: Question 453, the Hon. K Azopardi.

1240 **Hon. K Azopardi:** Had the former Commissioner of Police lost the confidence of the Police Authority or the Chief Minister?

Clerk: Question 454, the Hon. K Azopardi.

1245 **Hon. K Azopardi:** Did the Police Authority consult with the Chief Minister in relation to a possible or actual request to call upon the former Commissioner to retire in accordance with section 34 of the Police Act, any other provisions of that Act or otherwise; and, if so, when?

Clerk: Question 455, the Hon. K Azopardi.

1250 **Hon. K Azopardi:** Was the Government or the Chief Minister asked to express a view as to whether the Commissioner should retire, be dismissed or be asked to resign or be disciplined?

Clerk: Question 456, the Hon. K Azopardi.

1255 **Hon. K Azopardi:** Mr Speaker, when did the former Commissioner of Police communicate a request to retire, and to whom?

Clerk: Question 457, the Hon. K Azopardi.

1260 **Hon. K Azopardi:** Is the Government aware of when the Police Authority discussed the possible retirement of the former Commissioner and the circumstances that led to the former Commissioner tendering a request to retire?

Clerk: Question 458, the Hon. K Azopardi.

1265 **Hon. K Azopardi:** Have the Government or the Attorney General disagreed with the former Commissioner of Police on any policing, operational or investigative matter during 2020; and, if so, what?

1270 **Clerk:** Question 459, the Hon. K Azopardi.

Hon. K Azopardi: Has any policing, operational or investigative matter during 2020 led to, or been directly or indirectly the cause or a factor in the early retirement of the former Commissioner of Police; and, if so, what matter?

1275 **Clerk:** Question 460, the Hon. K Azopardi.

Hon. K Azopardi: Does the Chief Minister know the reasons or causes for the early retirement of the former Commissioner of Police; and, if so, will he set these out?

1280 **Clerk:** Question 461, the Hon. K Azopardi.

1285 **Hon. K Azopardi:** Did the Chief Minister discuss the retirement, resignation or continuance in office of the former Commissioner with the then Governor prior to 11th June 2020; and, if so, when, on how many occasions, and what was the nature of those discussions?

Clerk: Question 462, the Hon. K Azopardi.

1290 **Hon. K Azopardi:** Did the Government have any concerns as to the conduct of the former Commissioner of Police in respect of any matter?

Clerk: Question 463, the Hon. K Azopardi.

1295 **Hon. K Azopardi:** Have the Chief Minister or Attorney General discussed issues relating to the former Commissioner of Police, his retirement, resignation, conduct or discipline with the Police Authority; if so, when and what was the nature of those discussions?

Clerk: Question 464, the Hon. K Azopardi.

1300 **Hon. K Azopardi:** Is the Chief Minister aware of (1) any concerns expressed by the Police Authority or to the Police Authority in respect of the former Commissioner of Police, and if so by whom and in respect of what; and (2) whether the former Commissioner of Police has made any representations to the Police Authority in respect of such matters or in respect of his post, tenure, conduct, retirement or resignation?

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Clerk: Question 465, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, was the former Commissioner of Police asked to resign or to consider his resignation or retirement by the Police Authority, Governor or Chief Minister?

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Clerk: Question 466, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, did the Police Authority hold the former Commissioner of Police to account on any matter under the power vested in it by section 5 of the Police Act; and, if so, on what matter and when?

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Clerk: Question 467, the Hon. K Azopardi.

1320 **Hon. K Azopardi:** Mr Speaker, has the Chief Minister been informed by the Governor or provided any report by him in respect of the Governor's exercise of a power under section 13 of the Police Act during 2020; and, if so, what was the nature and extent of the exercise of such power?

Clerk: Question 468, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, has the Chief Minister exercised any power under section 15 of the Police Act; and, if so, what power, describing what he has required the Police Force or Police Authority to do and the dates and nature of any meetings held with the former Commissioner to discuss matters under the Police Act?

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Clerk: Question 469, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, is the Chief Minister aware whether the Police Authority issued guidance to the former Commissioner of Police under section 23 of the Police Act or otherwise; and, if so, what was the nature of the guidance and in respect of what issue?

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Clerk: Answer, the Hon. the Chief Minister.

1340 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has asked a number of questions about the retirement, performance or other aspects of a contract of employment of an individual. The Government believes that it is not appropriate for the House to be considering any matter related to the personal circumstances of a retired individual formerly in the Government service. This is not a question of not wanting to answer, but a case of what it is appropriate to address in this House.

1345 For the avoidance of doubt, however, the Government can confirm that there are no compromise or confidentiality agreements entered into with the former Commissioner, other than the usual arrangements for early retirement of any government officer.

1350 Additionally, some of the questions the hon. Gentleman has asked are out of order as they relate to matters which are public or matters for which the Government is not answerable. For example, the Government is not answerable for the actions of the Governor or the Police Authority. Another example relates to the hon. Member's question about whether or not the Chief Minister has exercised any power under section 15 of the Police Act. This is entirely contrary to the Rules, given that I have already answered, in Question 292/2020, that I exercised the power in section 15 of the Police Act. I refer the hon. Gentleman to that answer, which made the exercise of that power public and which was provided in the last six months.

1355 Finally, Mr Speaker, I would refer to the House and commend the recent statement from His Excellency the Governor appointing Mr Richard Ullger as Commissioner of Police. I very much look forward to working with Commissioner Ullger – as I have with all Commissioners of Police with whom I have coincided in office – in the areas of overlap of our constitutional responsibilities, on which we will jointly endeavour to apply our respective offices to delivering the safety, security and prosperity of our people.

1360 **Hon. K Azopardi:** Mr Speaker, that answer is a monument to trying to sidestep questions that the public legitimately has over the retirement of the former Commissioner of Police, who holds a privileged and important position in the constitutional architecture of this community.

So, I will ask the hon. Member some supplementaries, if I may, notwithstanding his attempt to obfuscate the answers and the clarity that should be forthcoming on an issue such as this.

Will the Chief Minister tell this House when he became aware of the proposed retirement of the Commissioner?

1370 **Hon. Chief Minister:** Mr Speaker, I do not have a note in my diary, or anywhere else, which might tell me when I became aware of the indication of the former Commissioner that he wished to retire.

1375 **Hon. K Azopardi:** Will the Chief Minister confirm to the House how many meetings he has held with the Commissioner in the last three months?

1380 **Hon. Chief Minister:** Mr Speaker, if I have a meeting with the Commissioner of Police which is recorded in my diary, and if I have notice of a question which asks me to tell the hon. Gentleman how many times I have met with him, then I may be able to provide to the House that information. But I also meet with the Commissioner of Police when it is not provided for in my diary, and therefore any answer I may give may not be accurate.

1385 **Hon. K Azopardi:** Mr Speaker, the hon. Member, in his attempt not to answer anything today, and in particular in this range of questions, should go back to consult the 20 questions he has cobbled together in one answer and he will see that I asked specifically about when he had met the former Commissioner of Police and give an indication. The hon. Member has had that question, so he can give the answer – he has had it.

1390 **Hon. Chief Minister:** Mr Speaker, I have consulted the list of questions that I have from the hon. Gentleman: none of them ask me the question he says he has asked me.

1395 **Hon. K Azopardi:** Mr Speaker, let's try again, shall we? I have specifically asked the question when the former Commissioner of Police communicated a request to retire, so he does not need to consult his diary. I have asked the question: when did that happen?

Hon. Chief Minister: Ah, Mr Speaker, full retreat, to be expected. The question the hon. Gentleman has just asked me is how many times I have met with the Commissioner of Police. I said if you ask that question, it may be in my diary and then I will be able to tell you, and if I have met him outside and it is not in my diary my answer may not be entirely accurate. The Hon. the Leader of the Opposition says, in response to that, 'That's not right, I have given notice of that question – it's in the 20 questions you have cobbled together.' In fact, I have not cobbled them together; he has cobbled them together. I have just bunched them together because they all deal with the same subject. When I have looked carefully again at those 20 questions, none of them ask what he said a moment ago – as *Hansard* will unfortunately show – he had asked me. He has now gone back to a question before, where he asked when the Commissioner had given an indication that he wanted to retire, and I told him I kept no note of that. That question I have answered: I have no note of that.

Hon. K Azopardi: Mr Speaker, the hon. Member will, I predict safely, give very long answers to very precise questions that I am about to put. I am not going to play the game that he wants me to play, which is a game of hide and seek. I am going to ask him precise questions and he can answer them if he wishes to, or everyone can hear that he is not answering them.

Was the retirement date with the former Police Commissioner agreed?

Hon. Chief Minister: I refer the hon. Gentleman to an answer I gave a few moments ago.

Hon. K Azopardi: Mr Speaker, when the Government found out that the former Commissioner wanted to resign or retire, did they seek to persuade him to stay?

Hon. Chief Minister: Mr Speaker, I will neither comment in this case or any other to such a question.

Hon. K Azopardi: Mr Speaker, did the Commissioner retire for personal reasons?

Hon. Chief Minister: Mr Speaker, if somebody retires for personal reasons, I am certainly not going to be the one answering in that vein in this House.

Hon. K Azopardi: Mr Speaker, did the former Commissioner of Police retire for reasons other than personal reasons?

Hon. Chief Minister: Mr Speaker, a retirement is a retirement, and if the hon. Member looks up the definition it is expressed to be not for reasons of the type that the hon. Gentleman seems to be referring to. But I am reminded of what he said earlier, when he said that rumour was no bedrock for questions in this House.

Hon. K Azopardi: Is the Chief Minister saying to the House that he does not know precisely when the former Commissioner of Police intimated that he wanted to retire? And if so, can he tell us approximately when he found out?

Hon. Chief Minister: Mr Speaker, I can tell the hon. Gentleman approximately when I found out, because he has now asked that I should do something approximately, which means that they are not fixed with the requirement to give this House information of the accuracy failing which I would be accused of misleading it – and that answer would be in the context of the 72 hours before it happened.

Hon. K Azopardi: Did the Chief Minister find out from the former Commissioner of Police or from someone else; and, if so, whom?

Hon. Chief Minister: Somebody else: His Excellency the Governor.

1450

Hon. K Azopardi: Did the Police Authority discuss the matter of the prospective retirement by the former Commissioner of Police with the Chief Minister?

Hon. Chief Minister: Yes, sir.

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Hon. K Azopardi: What was the nature of that discussion, and when did it happen?

Hon. Chief Minister: That is not a discussion that I am prepared to disclose. It is a discussion between the Chief Minister and the GPA.

1460

Hon. K Azopardi: When did it happen?

Hon. Chief Minister: Approximately five days before the Governor communicated to me the retirement I have indicated in this House before.

1465

Hon. K Azopardi: Mr Speaker, did the Chief Minister, the Government or the Attorney General have any concerns about the conduct of the former Commissioner of Police?

Hon. Chief Minister: Mr Speaker, that question asks me to express my views as to the conduct of an individual who is no longer employed by the Government of Gibraltar, so I have no intention of giving a response in respect of somebody who is no longer employed.

1470

Hon. K Azopardi: Did the Chief Minister express conduct concerns to the former Commissioner of Police at the time that he was still the Commissioner of Police?

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Hon. Chief Minister: Mr Speaker, I do not think it is appropriate for me to refer to this House the content of conversations I may have or may have had with any former Commissioner of Police or the current Commissioner of Police.

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Hon. K Azopardi: Is the Chief Minister really saying to this House and the people who are listening that when he has conversations with a Commissioner of Police...? I am asking him directly and specifically if he had concerns about the conduct of the Commissioner of Police. Is he really not going to be willing to answer that question given the very special position that the Commissioner of Police holds with operational responsibility over an institution that delicately sits in our constitutional architecture? This is not the head of the refuse collection service; this is the Commissioner of Police. If he had conduct concerns, why is he unwilling to say so?

1485

Hon. Chief Minister: Mr Speaker, the first part of the hon. Gentleman's premise belies the second. Because the individual that we are talking about, as an office holder, holds such an important role in the constitutional architecture of Gibraltar and the application of the rule of law in this place, there are issues – no doubt which affect relationships generally going forward – where comment would not be in the public interest of Gibraltar.

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I am going to go further and I am going to say that to give more detail in the context of the questions I am being asked by the hon. Member is not in the interest of Gibraltar or the Gibraltarians today, even though it may be in their interest in terms of it being an interesting thing to find out about. The person who, in the constitutional architecture of Gibraltar, is the Chief Minister needs to think about what the consequences of providing more detail on things are to Gibraltar as a whole, especially given the political moment internationally in which we find ourselves. I refer the hon. Gentleman to the answer I gave him about section 15 of the Police Act and why I exercise that power.

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1500

Hon. K Azopardi: Mr Speaker, had the former Commissioner of Police lost the confidence of the Government?

1505 **Hon. Chief Minister:** Mr Speaker, there are provisions in the Police Act which bite in the event of the Government having lost confidence in the Commissioner of Police or indeed the Governor having lost confidence in the Commissioner of Police. The Commissioner of Police retired, Mr Speaker.

1510 **Hon. K Azopardi:** Mr Speaker, did the Government put pressure on the Commissioner of Police, in respect of any matter, on how he should do his job?

1515 **Hon. Chief Minister:** Mr Speaker, the Government that I lead has never put pressure on any police officer to do his job in a particular way or another. I already expressed the view that it would be inappropriate for the Government to put pressure on a Commissioner of Police in a set of exchanges in this House some years ago, and therefore nothing that the Government has ever done whilst I have been the leader of Government business and the Leader of this House can fairly be interpreted as putting pressure on a police officer to act one way or another.

1520 **Hon. K Azopardi:** Did the Chief Minister or Attorney General discuss or raise any issue with the Commissioner in respect of the handling of any particular investigation in the last three months?

1525 **Hon. Chief Minister:** Mr Speaker, I am answerable for myself, not for any other individual in this House. I have not raised with the Commissioner any operational issue.

Hon. K Azopardi: Mr Speaker, how many times did the Chief Minister discuss issues relating to the former Commissioner of Police with the then Governor?

1530 **Hon. Chief Minister:** Mr Speaker, it is impossible for me to answer that question about the Commissioner of Police or about any other office holder in Gibraltar. The then Governor held the post, I think, for three to four months and we discussed many things and many office holders in the normal run of the relationship between a Governor and a Chief Minister.

1535 **Hon. K Azopardi:** If I can be more precise, during the months of May and June, how many times did he discuss the issue of the former Commissioner of Police with the then Governor?

1540 **Hon. Chief Minister:** Mr Speaker, it is impossible for me to tell the hon. Gentleman how many times I discussed a particular office holder with the then Governor over a period of two months or over the period of a week. I have a very fluid relationship with an individual who is Governor. I work very closely and very well with them and I discuss many office holders – including the Leader of the Opposition, but I would not be able to tell him how many times I have discussed him.

1545 **Hon. K Azopardi:** Mr Speaker, did the Commissioner instruct lawyers in respect of any matter relating to his retirement or concerns expressed, or were representations made to the Police Authority or the Governor or the Government by the former Commissioner?

1550 **Hon. Chief Minister:** Mr Speaker, I understand the former Commissioner did instruct counsel and those who were instructed by him raised issues with the Gibraltar Police Authority.

Hon. K Azopardi: Mr Speaker, in respect of what matter did the Commissioner of Police raise issues through lawyers with the Police Authority?

Hon. Chief Minister: Mr Speaker, am I really expected to answer in this House for things which are raised by third parties with third parties? So, the things that the lawyers for the former Commissioner of Police raised with the GPA are the things that I am to give information about in this House? That is not my interpretation of the Rules.

The hon. Gentleman can raise this issue with the former Commissioner or with the former Commissioner's lawyers, and then he can make up his own mind whether there was any merit or necessity for the former Commissioner to instruct lawyers. It is a matter entirely for him. It is not for me to be commenting about what others have done and why they have done it.

Hon. K Azopardi: Mr Speaker, has the Chief Minister seen the letter drafted or written by lawyers on behalf of the Commissioner of Police?

Hon. Chief Minister: Yes, I have seen it.

Hon. K Azopardi: Well, given that you have seen it, can you tell the House what matters it relates to?

Hon. Chief Minister: No, Mr Speaker, because the fact that I have seen something does not make me any more or less answerable for it.

Hon. K Azopardi: Mr Speaker, in what capacity did the hon. Member see this letter?

Hon. Chief Minister: As Chief Minister, sir.

Hon. K Azopardi: And who was the letter addressed to?

Hon. Chief Minister: The Chairman of the Gibraltar Police Authority.

Hon. K Azopardi: Mr Speaker, the hon. Member is aware, no doubt, of the duties in the Police Act and indeed the flow of information from the Police Authority sometimes to the Chief Minister and Governor, and so on. In that context, is he unwilling to explain to the House what was the content of this letter?

Hon. Chief Minister: Yes, Mr Speaker, I am unwilling to explain the content of the letter, first of all because it is not my letter, and second for the reason I set out before – because there is an issue here of sensitivity where I think it is not in the interests of Gibraltar or the Gibraltarians that I provide more information in respect of the questioning that the hon. Gentleman is pursuing, which he is going to continue pursuing if he wishes, but he is not going to change the answers that I am going to give.

Hon. K Azopardi: Mr Speaker, what was the date of this letter?

Hon. Chief Minister: Mr Speaker, I do not have the letter with me. I am therefore not able to give the date.

Hon. K Azopardi: Mr Speaker, anyone listening to this debate may be puzzled by the fact that the former Commissioner of Police, who apparently intimated that he wished to retire two years ahead of schedule, had instructed lawyers to write to the Police Authority and the letter had somehow made its way to the Chief Minister, and the Chief Minister continues as I understand his answer, to be unwilling to elucidate any information in respect of that. Does the Chief Minister really believe that in the context of all that, people will think this is a normal retirement?

1605

Hon. Chief Minister: Mr Speaker, the Government of Gibraltar has an obligation to act in keeping with the best interests of the people of Gibraltar. The Police Act, as the hon. Gentleman has said, sets out where the flow of information is in respect of things that may or may not engage under it. The Government is satisfied that we have acted entirely properly throughout in the context of the operation of the Police Act and the Constitution and that it is in the interests of Gibraltar to say no more about this issue because of the sensitivities that are engaged.

1610

If the hon. Gentleman does not want to accept that, he can continue to ask questions, of course, but he knows me well enough that I would not be using the public interest of Gibraltar as a shield for any interest other than the interests of the people of Gibraltar and the nation that we both love.

1615

Hon. K Azopardi: Mr Speaker, I am not going to fall into the trap of commenting on those last assertions by the hon. Member. If I may, I just want to continue asking him the questions to try to get information about this.

1620

Did the Police Authority consult the Chief Minister on whether the former Commissioner should retire, or in respect of the retirement, or any concerns that it had in respect of the former Commissioner?

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Hon. Chief Minister: Mr Speaker, I am not setting a trap for the hon. Gentleman. Neither should he think that when the Leader of this House puts it to the Leader of the Opposition that the public interests of Gibraltar, of our nation and of the Gibraltarians is engaged he should believe for one moment that I do that in order to set him a trap. The hon. Gentleman needs to understand that this is not a courtroom and he is not cross-examining a witness; he is asking questions in a Parliament and the interest of the nation is what is to be protected here.

1630

The short answer to his question is that I was consulted by the Gibraltar Police Authority on the issues that he has raised now.

1635

Hon. K Azopardi: Yes, Mr Speaker, we are not in a court of law. If the hon. Member was a witness under cross-examination, the judge would probably have intervened to rule against him by now.

Mr Speaker, as the hon. Member knows, section 34 of the Police Act says:

(1) The Authority acting after consultation with the Governor and the Chief Minister and with the agreement of either of them, may call upon the Commissioner to retire...

And:

(2) Before seeking the approval of the Governor and the Chief Minister ... the Authority shall give the Commissioner an opportunity to make representations and shall consider any representations that he makes.

Were the representations that the former Commissioner of Police wrote, via lawyers, in respect of that particular provision?

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Hon. Chief Minister: Mr Speaker, if I was in a court of law I would not be entitled to pray in aid the public interest of the people of Gibraltar because I would be there as a witness and not as the senior elected representative of our people, which is what I am in this Parliament. The nature of the answers that I give are in the nature of the Rules of this Parliament and not in the nature of the Rules of Court, as the hon. Gentleman knows. Indeed, if I were able to explain to a judge the reasoning behind my determination – as I am happy to explain to him, if he wishes – then he and the judge would very likely agree that I am making the right decision in the public interest.

1645

The short answer to his question is yes.

1650

Hon. K Azopardi: If the short answer to my question is yes, then the representations received from lawyers acting on behalf of the former Commissioner of Police were in relation to the power that the Authority had to seek the former Commissioner to retire with the agreement of the Governor or the Chief Minister. Did the Police Authority subsequently, having considered the representations, seek the approval of the Chief Minister?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman should note that the Gibraltar Police Authority was represented by his firm. I do not know whether he was aware of that.

The Gibraltar Police Authority was in contact with me in relation to that letter.

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Hon. K Azopardi: Another smokescreen from the hon. Member. Yes, they may have been in contact with you, but the question that I asked is: having considered the representations, the Police Authority has the right to ask the Commissioner to retire with the approval of the Chief Minister or the Governor – did they seek your approval with a view to seeking the retirement of the Commissioner?

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Hon. Chief Minister: Mr Speaker, there is no smoke screen in the truth. The hon. Gentleman needs to realise that simply because he does not get the answers that he wants in the way that he wants, he is not entitled to call an answer a smokescreen.

1670

The answer to his question is yes.

Hon. K Azopardi: Did the Chief Minister approve the Police Authority to ask the Commissioner of Police to retire?

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Hon. Chief Minister: Mr Speaker, I understand the Governor and I both agreed.

Hon. K Azopardi: Mr Speaker, what was the basis upon which the Governor and the Chief Minister – or the Chief Minister, because I cannot ask the Governor, but what was the basis on which the Chief Minister granted his approval for the Police Authority asking for the Commissioner to retire?

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Hon. Chief Minister: Mr Speaker, as I have told the hon. Gentleman before, there are issues here of sensitivity which I am not prepared to go into because I believe it is not in the interest of Gibraltar or the Gibraltarians that I should do so. It is important that the hon. Gentleman know that he is getting answers to the questions that he is putting which are circumspect, not because of any desire of the Government not to provide fuller answers but because the Government takes the view, after careful consideration and advice, that it is not in the interest of Gibraltar or the people of Gibraltar, given the circumstances in which we find ourselves in, for me to give fuller answers.

1685

I have already referred the hon. Gentleman to section 15 of the Police Act and the answer I gave at the last meeting of the House.

1690

Hon. K Azopardi: Before the hon. Member gave his approval to the prospective request by the Police Authority to ask the former Commissioner to retire, was there a conversation with the Governor? Or was the Governor's approval given in a sort of separate form to the Chief Minister without the benefit of a discussion between them?

1695

Hon. Chief Minister: There were constant discussions between the Governor and the Chief Minister on this and on many other matters.

1700

Hon. K Azopardi: Mr Speaker, was the former Commissioner under threat of being disciplined for any particular matter?

1705 **Hon. Chief Minister:** Mr Speaker, there is no provision in the Police Act or the Constitution, as I understand it, for any Commissioner to be disciplined.

Mr Speaker: May I interject just for a moment?

1710 **Hon. K Azopardi:** Yes, Mr Speaker.

Mr Speaker: Can the Leader of the Opposition say how many more supplementaries he proposes to ask?

1715 **Hon. K Azopardi:** Mr Speaker, I have got a few more, not many more, but Mr Speaker will appreciate that we have rolled up 20 questions. There are normally a few supplementaries per questions. I will be well within the normal parameters.

1720 **Mr Speaker:** Whilst I accept what the Leader of the Opposition says, we are now on something like 33 or 34 supplementaries and there have been 19 questions. I appreciate that it is important that he continues, but not indefinitely.

1725 **Hon. K Azopardi:** Well, not indefinitely – I am not Fidel Castro, Mr Speaker! And of course your mathematics is not far wrong. I had been keeping a tally myself, just in case this was raised, and there are 20 questions, so I have not even reached two supplementaries per question. Normally there are five or six, but Mr Speaker will hear the welcome news that I certainly do not intend to ask a hundred supplementary questions, which would be five per question. It will be much shorter than that because I only have a few more to ask.

1730 Mr Speaker, in the representations that the Commissioner made in respect of the prospective call that he should retire two years ahead of the appointment that he had, was he seeking to continue in office?

Hon. Chief Minister: I said before I am not going to make any comment in respect of those representations.

1735 **Hon. K Azopardi:** Mr Speaker, presumably the representations were not of the nature of 'Thank you very much for telling me that you might ask me to retire, and I have instructed lawyers to tell you that I am happy to go,' were they?

1740 **Hon. Chief Minister:** Mr Speaker, the representations were from a third party's lawyer to a third party and I am not going to say anything about those representations. The hon. Gentleman is going to get me to say nothing about the representations where I describe them, or answer a list of multiple-choice questions about what the representations were or were not ... that he can get to the same conclusions.

1745 **Hon. K Azopardi:** Mr Speaker, was the letter of representations by the former Commissioner of Police's lawyers provided to him by the Police Authority or by the lawyers of the former Commissioner of Police?

1750 **Hon. Chief Minister:** By the Police Authority, Mr Speaker.

Hon. K Azopardi: And again, Mr Speaker, if it was provided by the Police Authority, presumably it was so that the hon. Member was aware of the content of the former

Commissioner of Police's representations in respect of the matter under section 34, and given that the legal representations that were being made are, in terms of statutory process, before the Police Authority then turned round having considered the representations and asked the Chief Minister and the Governor for approval in asking the Commissioner to retire early, why is the hon. Member so reluctant not to be a bit more forthcoming about the content of those representations – not the precise content but as to whether the former Commissioner of Police was seeking to continue in office?

Hon. Chief Minister: For a simple reason, Mr Speaker: because I do not want to start down a process where I do not intend to continue, for the reasons that the hon. Gentleman has to understand.

I have said repeatedly already that I do not believe it is in the interest of Gibraltar or the people of Gibraltar that I go further into this matter. I think the Governor himself said almost the same thing in the context of a recent interview on Gibraltar television, where he talked about the sensitivity of this matter.

Unfortunately, sometimes it is not possible for one to be able, in the context of holding the office that I hold, to say everything one might want to say, because our responsibility in Government is not to ourselves but it is to our nation, and for that reason, in the interest of Gibraltar and of the people of Gibraltar, I am advised and believe it is not appropriate for me to go down the route of providing any further information as to the substance of this matter.

Hon. K Azopardi: Mr Speaker, we know that crossroads only had two roads: either the former Commissioner of Police asked to remain or asked to go. If he asked to go, I would venture to suggest it is unlikely he would have instructed lawyers to make representations; he might have done so if he asked to stay. But what we do know is that, whether he asked to go or to stay, the Chief Minister then subsequently gave his approval to the Police Authority asking him to retire.

The hon. Member really wants to maintain the position that it is in the public interest that people should not be told whether that power was exercised in a responsible manner, indeed in the interests of the people in Gibraltar?

Hon. Chief Minister: No, Mr Speaker, I do not expect that. It is just that the hon. Gentleman has not thought this through. I would not be asked for my consent for the GPA to ask somebody to retire if the person had written to the GPA saying that he wanted to retire. My consent is not required in those circumstances.

Hon. K Azopardi: Yes, precisely, Mr Speaker, and because of that, clearly the representations can only have been because the former Commissioner wished to stay. So, in that context of a former Commissioner who clearly was enthused by his job, that was prominent, for him to retire two years early in the context of making representations to the Police Authority indicating that he wished to remain, and for the hon. Member to rise and say, 'Yes, I approved that the Police Authority should, contrary to the former Commissioner of Police's desire, call on him to retire' ... For him to rise and say, 'Well, it is in the public interest of Gibraltar' ...

Look the public interest of Gibraltar needs to be scrutinised and tested and it needs to be objectively, correctly applied. The hon. Member, by not responding or giving further detail as to the exercise of those powers, is putting himself in the position where many people listening to this think that there is something untoward.

Hon. Chief Minister: Well, Mr Speaker, I do not think the hon. Gentleman has quite wanted to hear the answers I have given him, because if he had he would not have made the last point.

First of all, the Chief Minister has no power to ask the Commissioner of Police to resign or retire. The Chief Minister is asked by the GPA, as the Governor is asked by the GPA, whether the

GPA should request or require that an individual who holds the post of Commissioner should retire.

When the hon. Gentleman asked me earlier whether I had given my consent, I told him that I had given my consent and the Governor had given his consent. So, what is a statutory provision that requires either the Governor or the Chief Minister to give consent to a retirement request from the GPA elucidated the answer that the GPA should proceed to ask the Commissioner to retire, not just from me – in the context of the question that he has put, the hon. Gentleman has said that people will think there is something untoward because I gave my consent – but also from the Governor.

I put it to him, therefore, that when he continues his questioning he may want to do so having reminded himself that it was not just the Chief Minister who agreed with the GPA that they should ask the former Commissioner to retire but also the Governor, and that not getting into the letter and whether that is or is not in the public interest is not a matter for the general public, it is a matter for the persons who hold, or persons who hold the respective offices which are engaged.

Now In this context, Mr Speaker, the hon. Gentleman might be surprised to be reminded that leadership is sometimes lonely, because one does not lead from the crowd; one has to make decisions which are in the public interest and one has to make them alone. Not by referring backwards to what the people of Gibraltar as a whole might think does one get to the right conclusion. And in this context in particular – with both the GPA, who originate the process, the Governor and the Chief Minister agreeing that the circumstances were such that those two office holders that had to be consulted both agreed that the former Commissioner of Police should be asked to retire – the hon. Gentleman might think that his views as to the energy of that individual, the enthusiasm of that individual etc., might not be relevant to how a decision is made or explained.

Hon. K Azopardi: Mr Speaker, I am well aware of the answer the hon. Member gave, that it was both his approval and that of the then Governor – the then Governor just a few days before the new Governor arrived. But of course the section 34 power, which gives the Authority ‘acting after consultation with the Governor and the Chief Minister and with the agreement of either of them’, is that they can call upon a Commissioner to retire ‘in the interests of efficiency, effectiveness, probity, integrity, or independence of policing’. These are fairly narrow and well-defined circumstances. Indeed, as I understand it – and I think the hon. Member said it earlier as well – the Police Act specifically carves out certain issues of discipline in respect of the Commissioner. So the Commissioner can only be removed under these very well-defined circumstances – probity, integrity or independence – so there needs to be a serious matter asserted against the former Commissioner of Police.

Was the hon. Member satisfied when he gave the approval that there were sufficient grounds complying with the statute for the Police Authority to call upon the former Commissioner of Police to retire?

Hon. Chief Minister: Mr Speaker, the statute sets out, in section 34, areas in which the Commissioner of Police must have failed for those tests to engage. The hon. Gentleman has asked me whether I believed that those were engaged. I gave my consent to the GPA acting as it did on the basis of having taken advice and believing that to be the case, but I will not go into which it was or why it was because that would be to get into the substance, and on the substance I refer the hon. Gentleman to the remarks I have made about the sensitivity of this matter and the interests of Gibraltar and its people.

Hon. K Azopardi: Mr Speaker, the Chief Minister has repeatedly said he took advice. Who is he alluding to? Who did he take advice from in relation to this matter?

Hon. Chief Minister: Sir Peter Caruana.

1860 **Hon. K Azopardi:** Mr Speaker, the hon. Member is aware, I am sure, that under section 5 of the Police Act the Police Authority can hold the Commissioner to account for matters which are the responsibility of the Authority. Was there a discussion with the Chief Minister in respect of the exercise by the Police Authority of that power in respect of holding the Commissioner to account on any matter; and, if so, what matter?

1865 **Hon. Chief Minister:** Not with me, sir.

Hon. K Azopardi: Mr Speaker, the Police Act, in section 13, makes clear that the Governor can call for the suspension or resignation of the Commissioner, but if he does so he needs to keep the Chief Minister informed. Did the Governor intimate to the Chief Minister that he intended to exercise any power under section 13 in relation to the Commissioner?

1870 **Hon. Chief Minister:** Yes, sir.

1875 **Hon. K Azopardi:** When did the former Governor – I am assuming it is the former Governor and not the present Governor, because he was not here – indicate this to the Chief Minister?

1880 **Hon. Chief Minister:** Mr Speaker, before I answer that question I want to caveat my answer by simply referring the hon. Gentleman to the fact that section 13 involves the Chief Minister only in subsection (2) as to information. In other words, it is a requirement to keep the Chief Minister informed. So, I believe that my discussions with the then Governor in respect of this section would have been approximately 72 to 96 hours before the retirement took effect.

1885 **Hon. K Azopardi:** And was this conversation with the Governor, in relation to the potential exercise by the Governor of the powers under section 13, before or after the representations letter under section 34 had been sent by the former Commissioner of Police's lawyers?

Hon. Chief Minister: I think the hon. Gentleman has lost track of the chronology: after.

1890 **Hon. K Azopardi:** Mr Speaker, was it before or after the Police Authority sought approval from the Chief Minister and Governor under section 34?

Hon. Chief Minister: After.

Mr Speaker: I need to interject again. (*Interjection*) Just allow me to say a few words.

1895 Whilst it is the Speaker's duty to allow MPs to effectively scrutinise and challenge the executive, I do not think it is right that the House should be turned into a sort of court of law. I am alluding to what the Chief Minister said earlier, where he is now being subjected to cross-examination as if he were a defendant in the dock. I do not think it is quite parliamentary, to be very honest, so –

1900 **Hon. K Azopardi:** You know, Mr Speaker, that I respect your rulings, of course, but with all due respect I am not doing so. What Mr Speaker is seeing now is what perhaps Speakers have said before, that we should ask short, precise questions. I am asking short, precise questions without a big intro. I am asking short, precise questions. It is entirely parliamentary for me to elicit information in respect of matters of public interest and it will be for the court of public interest out there, the electorate, to decide whether or not they are satisfied with the answers.

1905 If I may, I just want to have a few more supplementaries, but I am rounding off now, Mr Speaker.

1910 We now know, clearly from the Chief Minister's answers, that the Police Authority had already sought the approval of the Chief Minister to ask for the retirement of the former Commissioner of Police, but subsequent to that the Governor had had a conversation with the Chief Minister on possibly using his section 13 power, which is to suspend or call for the resignation of the Commissioner. Was that because the Commissioner, having received communication from the Police Authority asking him to retire, was unwilling to do so?

1915 **Hon. Chief Minister:** Mr Speaker, I did not have a conversation with the Governor, as the hon. Gentleman refers to it, in the sense that two people who are equals in respect of a particular matter might do. I had a conversation with the Governor in keeping with the provisions of section 13(2), which I referred the hon. Gentleman to earlier, where the Governor was complying with his obligation under statute to keep me informed of what was happening.

1920 The engagement of section 13 would only happen because a Commissioner has not agreed to go under the provisions of section 34 where the GPA, having sought the view of both or either, or consent of both or either of the Governor or the Chief Minister, have asked him to go. It can only happen, chronologically after in that context.

1925 **Hon. K Azopardi:** Yes, Mr Speaker, I understand that there may have been a discussion, indeed because the hon. Member says that issue is only a matter of information, because if the Governor has decided to suspend from duty or call for the resignation of the Commissioner it is at that stage, of course, I assume, that the Governor triggers the section 13(2) power, which says:

The Governor will keep the Chief Minister informed of any exercise by him of a power under this section

1930 – Not an intended exercise, as I understand it, but an exercise by him of a power under this section –

and shall provide to the Chief Minister a copy of any report produced as a consequence thereof.

1935 So, chronologically, where we have it is that the section 13 power would have been triggered because the former Commissioner of Police would have intimated clearly that he was unwilling to retire early. That is correct, is it not?

Hon. Chief Minister: Mr Speaker, the Hon. Gentleman is adding words to the way that he presents things. This is not a statute which sets out anything about retiring early. It is about being invited to retire.

1940 If an Authority exercises its power to invite an individual – as the law specifically sets out – to retire and he retires, then there is nothing for section 13 to apply to. So, in the context of the way the hon. Gentleman has put it, it must have been that the Commissioner of Police did not accept the invitation that both – and I think it is important to emphasise that: not either but both – the Governor and the Chief Minister believed it was right that the GPA should invite him to take.

1945 **Hon. K Azopardi:** When the hon. Member says it must have been that the Commissioner did not accept, surely he must know whether the Commissioner did or did not accept, so there can be no 'must have been' about it. Or is the Chief Minister not in a position of saying to this House whether he knows that the Commissioner was reluctant or not reluctant to go?

1950 **Hon. Chief Minister:** No, Mr Speaker, it is not that I am not in a position to say; it is that I have tried to do the exercise for the hon. Gentleman of what the logical consequences of steps

under the Act are and illustrate to him that if he has got to section 13, the Commissioner must not have agreed to go under section 34.

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Hon. K Azopardi: Yes, exactly, Mr Speaker. So, the answer to the question, in that roundabout way, is the former Commissioner was not willing to go early and, it was only faced, presumably, with the exercise of a mandatory power from the Governor, who could suspend him or call for his resignation, that he then submitted his so-called request to retire. Is that not what happened?

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Hon. Chief Minister: Mr Speaker, giving the hon. Gentleman a breakdown of the logical steps set out in the law is not to be 'round about' anything. The hon. Gentleman does that exercise and he thinks it is to put questions in a short, sharp and distinct way, and yet when he is responded to in that way he thinks it is a roundabout way of dealing with things. I do not accept that.

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Mr Speaker, the hon. Gentleman has now reached the conclusion that the Commissioner, not having accepted the invitation to retire under section 34 and my having had a conversation under section 13 with the Governor, who would be engaging section 13(2), the former Commissioner would have retired faced with the possibility of the powers in section 13 having been exercised. Well, I would have thought that that is to take to a logical conclusion the exercise of the powers under the Act, yes.

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Hon. K Azopardi: Mr Speaker, apart from the instance when the Chief Minister called for a section 15 report which he gave in answer, in respect of this House, the collision at sea incident in March Apart from that matter, has he called for another section 15 report in the last three months?

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Hon. Chief Minister: No, sir.

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Hon. K Azopardi: Mr Speaker, there has been quite a lot of speculation about this case. I am not one to ask questions on speculation and I have been trying to probe the hon. Member in respect of these to try to get to the heart of what happened. Some of the ways that he has answered help and some of the ways that he has answered deliberately do not do so in any search for trying to understand what happened.

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But, Mr Speaker, this matter was a long trailed. On 3rd June, one of the dailies in Gibraltar, *Panorama*, talked about a serious spat over the handling of an ongoing and protracted police investigation unconnected with a fatal accident at sea. The former Commissioner then suddenly tenders a resignation, a retirement. The *Chronicle* of 10th June talked about a backdrop of speculation, of tension between the Commissioner and the Police Authority and the Government. All of this gets bagged and hastened and announced one day before the new Governor arrives, in an indecent haste, or at least a perception of indecent haste out there.

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You then have the comments of the Commissioner himself. Having apparently tendered a request to retire – which we now understand was against this backdrop of the Police Authority not wanting him to stay and the Governor potentially exercising his powers under section 13, which would have either suspended him or called for his resignation – he says that the only thing that has not changed in all his career were his ethics and morals, and he stands by it, and those remain untarnished. He made those comments as if he they were under threat.

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So, when the hon. Member reflects on the public interest, what we have seen in the context of the retirement of the Police Commissioner is that he has made powerful statements that point to the possibility that the issue that he highlights ... his ethics and morals were somehow under threat. That is why the public interest deserves clear answers. The further backdrop is that we then face bland statements, on the eve of the arrival of the new Governor, in this indecent haste to deal with a spat.

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2005 Does the Chief Minister really think that against that backdrop he wants to maintain his position that the public interest of Gibraltar requires him not to be much more explicit about what went on, who said what to whom, and the reasons why the former Commissioner of Police was asked to retire, or that the Governor shared with him he was going to ask for his suspension or call for resignation?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman started this afternoon well. He said that rumour was no bedrock for asking questions in this House. He ends the afternoon telling us that he wants to bring together rumour and speculation in order to put a question in respect of something which has some considerable importance.

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Of course, when we address issues of considerable importance, in particular, rumour and speculation, as he will know having been a Minister, are often far removed from the reality of what is underlying, but that does not mean that we can give all of the detail given the sensitivities that may be in play, as I have said for some time. It also does not mean that we might not like to give all of the detail and unfortunately we may be deprived of being able to do so.

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I would put it to the hon. Gentleman that I think he needs to address his mind to the circumstances which I have made clear this afternoon in this House, and that is that the Gibraltar Police Authority sought and obtained – not from one of its statutory consultees but from both, one of whom is not an elected Member of this House – consent to seek the retirement of the Commissioner of Police, that absent that retirement the Governor, who is the second of the consultees and the one who is not a Member of this House, had a conversation with me informing me about his potential exercise of his powers to require the Commissioner of Police, under section 13, then not to retire but to resign – and there is a difference between those two terms – and that if there were not a resignation there would be a suspension.

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The hon. Gentleman says that there is a reference to ethics and morals in the retirement statement of the Commissioner of Police. Well, Mr Speaker, I think we all need to reflect on the fact that if a Governor and a Police Authority are engaging these powers the issue does not have to be ethics or morals, because the hon. Gentleman read to us before the criteria that would be engaged before the GPA sought the consent of both or either of the Governor or the Chief Minister, which are effectiveness etc., as set out in the statute. But if the public interest is to know what happened, and if those of us who are elected are saying that we cannot say more, people will at least take something from the fact that section 13 is a power not in an elected official of this House and that I have told the House that that individual had a conversation with me about exercising that power.

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I am sure that this community will want to reflect on the fact that they have heard that the Police Authority, the Governor and the Chief Minister thought it was appropriate to ask the Commissioner to retire under the provisions of section 34 and that, absent that acceptance of the invitation to retire, the thing escalated to section 13, where the power is in the Governor alone and we move from retirement to resignation with a potential use of the power to suspend.

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And so, Mr Speaker, anybody who might fall for the ideas, rumours and speculation that the hon. Gentleman might be referring to – those are in his mind, not mine – will want to reflect on who would be engaging the final power – it is not an elected Member of this House – and that if there is a conspiracy theory out there, it is a conspiracy theory that would have to involve a Police Authority and a Governor, not just a Chief Minister.

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Mr Speaker: We now need – *(Interjection)* No, there will be no more questions. *(Interjection)* No, this matter has been aired at length. *(Interjection)* No, we are not; we are going to move to the next –

Q471/2020

**Import duty on vehicles –
Removal over COVID-19 lockdown period**

2055 **Clerk:** Question 471, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government explain the rationale within its policy to remove import duty on vehicles over the COVID-19 lockdown period?

2060 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as stated in my speech on 20th March 2020 for the Appropriation Act (Amendment) Bill, the rationale was to create continued confidence in the sector, which employs a large number of people. The aim was for people who work in these industries to keep their jobs and continue to keep their pay so that there is a stimulus for those who are in the motor trade. It is also an important element of restoring confidence in the economy as the economy opens up. Having people spend on high-value items creates a positive feeling at a time when this is much needed.

2070 I think I also said other things and the hon. Lady will have heard me put those arguments. I do not know whether that statement was made after she put her question. I think it may have been, because I think I opened the House with that statement and a question would have been put before.

Hon. Ms M D Hassan Nahon: Mr Speaker, although we still do not have the figures exactly, dealers are reporting a big spike in the sales of motor vehicles, far beyond the reasoning if you like of the Chief Minister's answer where he says that we have to keep the economy alive.

2080 My question is: doesn't this reality brought on by Government expose its green agenda from the 2019 manifesto as a total hypocrisy? How does the Chief Minister expect people to believe that more cars on the road is a good thing, in contrast to the green Gibraltar that he and his administration want to build?

Hon. Chief Minister: It does nothing of the sort, Mr Speaker. It exposes her lack of understanding of how the market economy works and indeed how a vehicle fleet is regenerated, which I have already explained – and I thought that the hon. Lady would have wanted to pick up on the things that I said.

2085 We already indicated, I think, that 15% of the vehicles which had been bought in that period were hybrid or electric, and indeed we already indicated that this was part of how you ensure that you get newer cars on the road and those newer cars are less polluting cars than the vehicles that might already be on the road.

2090 The way that the chain of ownership of vehicles works and the context of the understanding of the Government is that when somebody changes a vehicle for a new one, they may be changing a relatively old vehicle. It is more likely they are changing a relatively new vehicle. They will then sell their relatively new vehicle either back to the dealer or privately. That vehicle will be bought by somebody who has an older second-hand vehicle and it is very likely that older second-hand vehicle will be bought by somebody who has a much older third-hand vehicle and that older third-hand vehicle will be disposed of, and so therefore you are slowly getting rid of the older cars in our economy.

2100 This is not about having more cars; it is about having more efficient, less-polluting cars, therefore playing directly to our agenda to ensure that the vehicles on our roads are less polluting, which is part of our agenda to make Gibraltar greener, which plays properly into the work that we are doing to make Gibraltar greener and to make Gibraltar a child-friendly city.

It appears to me, Mr Speaker, that I am not going to be able to persuade her of that because she simply wants to make the political point that is being made by those who do not think these things through, that our policies are somehow in contradiction when in fact they are very well thought out, they are joined up, and this is the process by which to achieve the change that can be delivered in the appropriate way.

So, Mr Speaker, I commend to her reading my statement, understanding the economics of it and understanding why we think this is actually exactly what needs to be done.

Hon. Ms M D Hassan Nahon: Mr Speaker, yes, I do want to make the political point that more cars on the road is completely in conflict with wanting a greener Gibraltar, a more pedestrianised Gibraltar and a cleaner atmosphere for all.

The Chief Minister previously bragged about the cars at 20% being hybrid and now he is telling us they are 15%, but in any case, bragging about a percentage of these sales being hybrid is the same as slashing the price of tobacco and then bragging about some of those sales being of the lighter brand. They are still bad for you, so the difference is the same. He might brag about 20% or 15% being hybrid or electric, but what are the stats for the other 80%? Are they diesel? Are they cleaner? He says, very vaguely, cleaner, but what exactly are the statistics? If we have a statistic of 15% or 20% for clean, what are the statistics for non-clean? And how many of these cars have been disposed of or recycled?

These are the statistics we need to know in order to form a proper view on whether this increase in cars is actually good for our environment or not.

Hon. Chief Minister: Mr Speaker, despite my affection for her, I do sometimes worry that the hon. Lady falls into the trap of utter nonsense. She calls out for statistics and says that she wants to know how clean or dirty the other percentage of the vehicles is. If I said 20% last time, it was 20%; I was just not able to look at it from the statement. It is not that it has gone down to 15%.

She starts by saying that there are more cars on the road. How does she know that? There are more new cars on the road, but the hon. Lady is not able to say that there are more cars on the road. Indeed, it may be that by the end of this process there are fewer cars on the road. She needs the statistics for that, I agree, but she is making the bald statement that there are more cars on the road without the statistics to support it. Simply because you see more new cars being sold does not mean that there are more cars on the road. There are more *new* cars on the road.

And in the context of the remaining 80% of the vehicles, a diesel vehicle bought in 2010 is more polluting than the identical diesel vehicle produced and sold in 2020 because the emissions requirements across the whole of the EU have changed, and so new vehicles are better than old vehicles *simpliciter* as long as those vehicles that are being replaced are from the period before the rules changed.

It is not possible to give the hon. Lady all of the details because the period of the import duty waiver does not end until Friday, and so therefore it is not possible to do an analysis of all of the vehicles bought in that period until after Friday. And it is not possible to see how many other vehicles are sold on for some time thereafter because the hon. Lady will know that you can buy the vehicle before Friday but it may not be imported for some time; therefore the trickle-down effect on the sale of vehicles and vehicles being removed from our roads, all of which is being assisted by the other policies that we are pursuing, will not be immediate and we will be able to do that reflection in time.

But let that not stop the hon. Lady making the points that she is making, which roll off the tongue and which many who are short sighted will want to agree with and will want it to sound as if they have clanged a gong of victory against the Government on a massive political point, however wrong and illogical they may be. Mr Speaker, no one is getting used to hearing that sort of thing.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have to say the affection works both ways, but it is such an insult to people's intelligence to just completely try to spin that there are more cars on the road, which is a whole bunch less than there used to be, and yet our roads are going to be filled up with fewer cars. It just does not stack up.

He says that I am making statements. I am not here to make statements, Mr Speaker; I am here to ask questions. The statements are all coming from that side of the House.

He assures us that it does not mean that there are more cars on the road, but like I say, where are the statistics to prove there are fewer? How can he, in his position, stand up and assume there are fewer without giving us any of those statistics? Are we getting rid of them? Are people buying fewer second-hand? From what I understand, and to answer the Chief Minister directly, it is the dealers and the shop assistants in these shops who are amazed by the number of sales that they are making – many more than if this incentive had not been offered.

I would like to ask Government what extra incentives are Government going to be giving buyers over and above this zero tax amazing incentive, I have to say, to buyers of specifically hybrid and electric cars? From what I understand, they are now at their lowest. At one point it was £750, then it went up to £1,000 and now it is £250. Electric cars are at £2,000, from what I understand, but, again from what I understand, hybrids are the more appropriate ... not appropriate, but the more widespread choice to buy, especially in Gibraltar – we do not have enough electric points, but let's leave that out. What incentives are Government giving to buyers now, as opposed to the blanket 0% for any and every car?

Hon. Chief Minister: Mr Speaker, people watching will think it is a good thing that we have affection for each other, otherwise the whole thing might degenerate further.

Let's be clear, Mr Speaker: she is the one making the assumptions when she starts her question. She is the one saying there will be more cars on the road. What I am saying to her is that is not an obvious conclusion. It is a conclusion that you cannot reach being so shallow in your analysis, and when you look at this in the longer run of play you may find that you have got it completely wrong. That will not be immediate but it will be part of this process as the cars that are replaced with new cars are sold as second-hand cars that replace third-hand cars, and eventually you see, at the bottom of the pile, the scrappage of the older cars. That is part of the programme now.

We believe we are doing the right thing. We believe that we are achieving that. One of the ways that we are achieving that is that, other than in this window where we have waived import duty, as from next Monday you go to a situation where it is only your hybrid or your electric vehicle that will engender a cashback or a duty advantage. That is what we set out to do. I have set out in a series of different Budgets how we were doing that. In the early days I was criticised for doing it, then I was criticised for not doing enough. I am just pleased that our evangelisation of things that hon. Members opposite did not used to find attractive has had the effect of turning them into converts on the way to the hybrid and electric car showroom.

Mr Speaker: One final supplementary.

Hon. Ms M D Hassan Nahon: Just a yes or no question: is the Chief Minister calling me shallow for assuming that when you buy cars under this new scheme of 0% it is shallow to assume that there will be more buyers of those cars at that amazing reduced rate?

Hon. Chief Minister: That is, Mr Speaker, first of all, not a question that requires a yes or no answer, because it does not elicit a yes or no answer.

Second, I am not calling her shallow; I am calling her analysis shallow.

And third, I am calling her counter analysis absolutely and completely wrong. What I am trying to say to her is that when you create the incentive that we created for people to buy new vehicles you will see older, more-polluting vehicles fall off the ownership platform, the

marketplace in vehicles in Gibraltar, and that that will also likely mean that you will have either the same number of vehicles or potentially even fewer, but we will not be able to tell that in three months or in six months because we have to allow that cycle to go through entirely.

2210 Just to explain the cycle again: somebody buys a new car, they sell their existing car to the dealer or to an individual privately, the person who buys that car is likely getting rid of a car which is third-hand, and that third-hand car is either sold to somebody who buys it fourth hand and the fifth-hand car gets thrown away or it happens in that process. What you end up with is a fleet of less-polluting vehicles. That is what we have to achieve.

2215 Just to give the hon. Lady a final example, if every vehicle in Gibraltar were changed for an electric vehicle instead of the vehicles that we have today, and you added 10 – in other words, more cars but all of them electric, none of them diesel, none of them petrol engines, not even hybrid – we would be in a better position in terms of pollution. Although you might still have the same traffic jam, you would not have the emissions.

2220 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just ask: why didn't the Government think of putting a special import duty incentive for hybrid or electric cars if the Chief Minister believes so much in this new way of travelling? Why was it a blanket 0% for anything – diesel, unleaded, hybrid, electric, all the same? Why didn't we categorise this and incentivise people?

2225 **Hon. Chief Minister:** Well, Mr Speaker, we did, and that is exactly what I am telling the hon. Lady. We did it, I do not know how many years ago, and we have had that system, which we have graduated and modulated in every Budget, and in this short period we put everything at import duty zero but with cashbacks only available in respect of some vehicles – electric, and hybrid as well. That is exactly what is in place and that is exactly what the hon. Lady is asking us
2230 to have done. We did it.

Hon. Ms M D Hassan Nahon: Mr Speaker, does the Chief Minister think that £250 cashback for a hybrid is a good incentive?

2235 **Hon. Chief Minister:** Mr Speaker, it was higher. It was reduced when the uptake of hybrids was going up, and in fact the reduction was added to those that were electric vehicles.

Because instead of just listening to people who might give me advice on the street as I walk past, I take the advice of the experts, who are looking at how things work around the world, and decide therefore on policy based on prudent analysis of the advice that is given. For that reason,
2240 we now have 20% of all the new vehicles bought in the last four months either hybrid or electric. Not bad. Actually, quite a good result; perhaps better than in most places, other than Norway or Finland, where the hon. Lady might like to know that the way that they have ensured that everybody buys an electric vehicle is by adding a duty of 100% – I see her nodding her head; she is obviously in agreement with it – to every diesel or petrol vehicle. We do not think that is a
2245 good idea. We think that actually delays the fleet being renewed and cars staying around to pollute for longer.

Hon. E J Phillips: Mr Speaker, I am grateful for the opportunity to ask a question in relation to this area raised by the hon. Lady.

2250 Insofar as the point that the Chief Minister has made about the cycles of replacement of vehicles – and clearly he has become an expert in this particular area – when we talk about 80% of these vehicles being diesel or otherwise, does he not accept therefore that in the short to medium term there may well be more vehicles on our roads because if those other cars are being sold to third parties, or indeed to the garage in part payment for other vehicles, there are
2255 still more cars on our roads?

How can he justify the Government's policy on road closures, encouraging people to walk, and encouraging people to take up cycling in our community, when what he has done effectively

is entirely inconsistent with that approach: encourage the population to buy expensive cars and at the same time, in the short to medium term, populate roads with vehicles? How on earth can the Chief Minister of the day consistently stand up in this House and say that he is promoting a child-friendly, safe community when he is putting more cars on the road?

Hon. Chief Minister: Really, Mr Speaker, is that the sort of question that the Opposition are going to come up with? They are going to ride the coattails of the hon. Lady to make a point that if they were so serious about they would have made themselves?

Let's be very clear. The hon. Gentleman has not worked out even the percentages that he is giving as an example of the point he is trying to make. If we have replaced 20% of the fleet with hybrid and electric in respect of those vehicles purchased in the past four months, doesn't he understand that we may have 80% of new vehicles in the past four months which are diesel but we may have replaced 90% of the same amount and therefore there may be fewer diesel vehicles out there, fewer petrol vehicles out there, fewer polluting vehicles out there? Doesn't he understand that, the way I have expressed it, we may be getting rid of at least the same number of cars that we have seen imported, or will see imported in respect of this period, or more?

If the hon. Gentleman were to take a different approach, and indeed if the hon. Lady were to take a different approach, and were to say, 'Well, look, the jury is out, let's come back in a year' – they should make a note of it, Mr Speaker – 'and let's look at whether the number of vehicles in Gibraltar has gone up or down, and then I would say to them, 'Very well, then we are not going to have an argument, we are going to have an empirical analysis – we are going to look at a number today and a number in a year's time and then we can look at the number of vehicles that are diesel over 10 years old, the number of vehicles that are diesel over five years old and the number of vehicles that are diesel which are over four years old and having their MoT.'

I believe that we are doing exactly what we have to do in order to bring about that green Gibraltar and that child-friendly city by bringing less pollution to Gibraltar. We are having other policies in play which are dissuading people from using their cars. So, the hon. Gentleman can put it with the vehemence and passion that he wants. In fact, I must make the point that he usually makes his best points when he is calm and collected and not when he is allowing himself to fly off his own handle.

But if we were to do an analysis of this in a year's time we, might find that neither of us are right, or that the Government was right to pursue the policy pursued. We would not have pursued this policy other than to continue to bring about a green Gibraltar and a child-friendly city, because that is what we have committed to do, not to make a political point, not to win another General Election: we think it is the right thing to do, and I hold my hand out to him and to her to help us to deliver that green Gibraltar, that child-friendly city, not to side with those who want more and free parking in the centre of town but to side with those who understand that what we have to do is to change behaviour, to really take seriously the climate emergency that we all voted was happening and we had to address.

I will tell him one thing, Mr Speaker – he at least started with a good word: cycle. Now, there's a word I like and enjoy talking about.

Mr Speaker: Next question.

Q472/2020

BEAT payments in May –

Total amount paid; numbers of employees and employers receiving payments; number of rejected applications

Clerk: Question 472, the Hon. Ms M D Hassan Nahon.

2305 **Hon. Ms M D Hassan Nahon:** Can Government provide details of (a) the total amount paid out to BEAT applicants; (b) the number of employees receiving these payments; (c) the number of employers receiving these payments; and (d) the number of rejected applications for the month of May?

2310 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the total amount paid out to BEAT applicants for the month of May 2020 was £4.9 million.

2315 A total of 5,164 individuals received these payments, including both employees and self-employed persons.

A total of 923 employers received these payments.

There were 286 individuals in respect of which their application for the month of May 2020 was rejected.

2320 Can I just tell the hon. Lady by way of caveat that that is the data correct as at 23rd June 2020. We will not have an update until after the fifth week of this month. That will then roll over and update and may have a slight knock-on effect on those figures for May. I think this is as close to final as necessary, but there may have been one or two adjustments in the period of June – if she just wants to make a note that that is correct to 23rd June 2020.

2325 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for his answer. His explanation is sort of relevant for my supplementary because what I wanted to ask was if Government is aware that there are several applicants still waiting for payments for May and April, who have not been rejected but are simply pending. Can the Government give us any indication of when they will be up to date with payments? Obviously they affect people's cashflow and people are very keen, and in some cases desperate, to understand when these payments will come through.

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Hon. Chief Minister: Mr Speaker, when we designed BEAT, one of the things that the Government and the Opposition were keen to do was that these payments should be not subsumed in red tape. I think, from the figures, the hon. Lady will have seen we have dealt with just about all the applications which were relevant and all of the individuals and companies who might have been entitled to these payments.

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My understanding is that we are dealing with a very small number of instances where there might still be disputes or appeals. Most of those would likely be disputes or appeals as to amount – in other words, not entitlement. In some instances an individual may have been paid a part-time contribution rather than a full-time contribution because the mechanisms that were set up were designed to ensure that people who worked part time did not claim full time. There are some real instances where people might have been working two years part time and might genuinely have started working full time the month before, so the system simply just has to wash through those, if there are any still outstanding, to make sure that that was a genuine case of somebody moving to full time and not somebody trying to pull a fast one.

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If I may also say, Mr Speaker, during the course of my early interventions when I announced BEAT and I said in this House, and in the context of my public statements elsewhere, that we would come down like a ton of bricks on anybody who tried to play a game with the systems we

2350 were putting in place and tried to pull a fast one and claim amounts that were not due to them, today I have to tell the House that we should commend the vast majority of people in our community. We have found, actually, no instances of people trying to pull a fast one that have required prosecution. We have found instances, because this was a new system, of people making genuine mistakes, but people I think were understanding of the need to show social
2355 solidarity and I am very pleased and proud not just of the product that we designed together but also of the way that people in this community have taken to BEAT 1.0 and the claims that were made. Indeed, we have found people who were entitled and who did not claim, and some who have specifically got in touch to say, 'Of course it is not easy to do without this amount, but we are specifically going to push ourselves harder and work through this emergency without
2360 claiming this amount from the Government.' I have been greatly touched by that and the way that our business community has approached this, and in the same way as it was necessary and appropriate for me to be clear that we would be tough on people who made inappropriate claims, it is absolutely right that I should also recognise the fact that there has been no such instance of that and people have behaved with a great sense of social solidarity.

2365 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask the Chief Minister – and I thank him for his explanation – in absolute good faith: would it help him if I made the representations on behalf of people waiting, or does it make no difference because it is in the system and it is just a matter of time?

2370 **Hon. Chief Minister:** Mr Speaker, I genuinely am not sighted on any still outstanding instances. There may be instances where the Government has made a final decision and people are not satisfied with that decision, but I am not sighted on anything which is pending decision from the Government. So, I would take up the hon. Lady on her invitation in case the
2375 Government is not aware of anything that somebody thinks is pending. It is absolutely possible that, given the numbers of claims that we were dealing with, something might literally have fallen down the side of someone's desk or disappeared out of someone's inbox, and the individuals who are talking to the hon. Lady may have incurred in the sin of patience and have not got back to those whose decision they are awaiting and therefore that may simply have
2380 fallen off the cliff. I am very happy if the hon. Lady writes to me to seek from the Treasury, the Commissioner of Income Tax and Department of Employment whether decisions have been made in those cases she is referring to, or whether they are still pending for some other reason.

Q443/2020
Deaths in Gibraltar –
Supplementary question

Mr Speaker: The Hon. Daniel Feetham.

2385 **Hon. D A Feetham:** Mr Speaker, may I return to the answer provided to Question 443? That is in relation to the mortality rates for the last five years.

In 2020, from January to May, the mortality rate actually fell from the previous two years, 2019 and 2018. Does the Government have any statistical information that might go to show whether in fact COVID-19 was present in Gibraltar prior to February of this year – for example,
2390 any analysis or statistical information as to over-60s or over-70s in-patient admissions into hospital suffering from flu, which may be a spike on previous years; any kind of information that may shed a light as to whether the disease was in Gibraltar prior to February 2020?

Chief Minister (Hon. F R Picardo): Mr Speaker, we do not have that information. We have a
 2395 plethora of statistical speculation and there is nothing that I do more with the Hon. the Deputy
 Chief Minister, the hon. Lady and the Director of Public Health than speculate about whether
 COVID was here, trying to seek the information, referring back to the very bad cold I had in
 January, when I lost my sense of taste and my sense of smell – and smelled as well, probably, at
 2400 that stage, because I was having a particularly bad week. But we do not have that information at
 the moment.

The immunology tests are not reliable – as the hon. Gentleman knows – unfortunately. I think
 that this is still an issue which is work in progress, and we will hopefully have greater
 information in the future.

He will know, Mr Speaker, that there is a suggestion that in Barcelona there was COVID in
 2405 2017, because of analysis of the sewage system there. There is now a view that it is very likely
 that that was actually because of contaminated samples in the lab where the testing was being
 done and that it is very unlikely that there was COVID in Barcelona in 2017. So, we will not be
 able, I think, at this stage to have any clear view of what was happening.

If I may just refer the hon. Gentleman to the mortality rates, as he looks at them he will find
 2410 that actually, in 2020, the number of deaths to date is lower than the number of deaths in other
 years, which is really quite remarkable. That is not because we believe that the mortality rate in
 other years does not reflect COVID being here, but ironically it is also about people's exposure to
 other diseases. The way that we have protected ourselves from COVID has also protected
 ourselves from other diseases. People may find that this year, if you had not had a cold by March
 2415 you were very unlikely to get a cold between March and June because you were shielding
 yourself from all of the things that would usually give you coronavirus. Let's remember that
 coronavirus is the cold virus. It is COVID-19, which is a strain of coronavirus, which gives you
 COVID-19. So, all of the things we are doing to avoid getting COVID-19 also avoid us getting
 other coronaviruses.

2420 Whether COVID was here before the end of the year, or not, at the moment I think is a
 relatively moot point. We have just got to make sure that we keep it at bay for the rest of this
 year.

The question the hon. Gentleman is asking us is one that I ask myself repeatedly. My own
 view is that we will not have a clear view of what the effect of COVID-19 has been in terms of
 2425 mortality rates in each nation until we have full years to compare with. In other words, when
 you have got a full 2020 and you compare that to a full 2018 and 2019, you will then be in a
 better place to understand what COVID has done. One of the things that the hon. Gentleman
 will have read could have happened is that COVID has taken what you might call the low-lying
 fruit very quickly and a lot of the people who have died in the vulnerable category are people
 2430 who would likely have passed away in the six to 12 months after they have passed away with
 COVID. Not true in every instance, but to really understand what mortality rate increase we are
 dealing with we will only be able to do that once we have a full year effect. And so I think this is
 not just for the epidemiologists; I think this is also going to be one for the anthropologists and
 we will not have real clarity, I think, until we are 24 months hence.

Questions for Written Answer

2435 **Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W77/2020 to W86/2020.

2440

Order of the Day

BILLS

FIRST AND SECOND READING

Civil Aviation (Amendment) Bill 2020 – First Reading approved

Clerk: Bills – First and Second Reading.

A Bill for an Act to amend the Civil Aviation Act 2009. The Hon. the Deputy Chief Minister.

2445 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time. Those in favour? (Members: Aye.) Those against? Carried.

2450 **Clerk:** The Civil Aviation (Amendment) Act 2020.

Civil Aviation (Amendment) Bill 2020 – Second Reading approved

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that the Bill now be read a second time.

2455 This is a short Bill which seeks to amend the Civil Aviation Act 2009. It is proposed to amend section 25 of the Act to include a reference to an updated plan of Gibraltar Airport which now includes property which was transferred to the Government by the Ministry of Defence, namely a fire station, in the boundary of the civil Airport. In the past, the plan has been published in the Gazette as a legal notice. However, it is now set out in schedule 4, for ease of reference. There is also a proposed amendment to section 29. This included a description of the old civil air terminal building. The section now makes reference to the aforementioned plan where the new terminal building is delineated.

2460

If these amendments are approved, the Civil Aviation Act 2009 will include a more accurate representation of the boundaries of Gibraltar Airport and the civil air terminal.

Mr Speaker, I commend the Bill to the House. (*Banging on desk*)

2465 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2470 **Hon. R M Clinton:** Mr Speaker, I just have one observation and no doubt the Deputy Chief Minister can clarify for the House, and that is looking at the plan I note that RAF Gibraltar seems to have continued control of the area in which the proposed tunnel would be. Is that, in fact, the case, or the intention of the Government, that the tunnel effectively becomes the property of the RAF?

2475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the area on top of the tunnel is the area of the runway and the approach to the runway, so that is still a restricted MoD area, but the ownership of the tunnel below is very much in the control of the Government of Gibraltar. I do not think the hon. Gentleman can see that, quite, from there, but we still accept that the operation of the runway, which is on top, the approach to it, is RAF.

2480 **Hon. R M Clinton:** I am grateful to the Chief Minister for his clarification.
The current access across the runway, which is – I am not sure what colour that would be (**A Member:** White.) – White: who does that actually belong to? It is not clear on the key.

2485 **Hon. Chief Minister:** Mr Speaker, that is not an area that is changing. It stays as it is, and it has traditionally been accepted to be in the control of the Government of Gibraltar. It is the access to it that is policed by the MoD. It is Winston Churchill Avenue because it is a Gibraltar Government road. I think historically that was always the case, even before there was a runway there, although I do not think it was called Winston Churchill Avenue then; I think it might have been called Hippodrome Road or something like that.

2490 **Mr Speaker:** The Hon. the Deputy Chief Minister?
I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2495 **Clerk:** The Civil Aviation (Amendment) Act 2020.

COMMITTEE STAGE AND THIRD READING

Civil Aviation (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2500 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

In Committee of the whole House

**Civil Aviation (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: Committee Stage and Third Reading.

2505 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Civil Aviation (Amendment) Bill 2020.

Clerk: A Bill for an Act to amend the Civil Aviation Act 2009.
2510 Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.
2515

Mr Chairman: The long title stands part of the Bill.

**Civil Aviation (Amendment) Bill 2020 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

2520 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Civil Aviation (Amendment) Bill 2020 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Civil Aviation (Amendment) Bill 2020 be read a third time and passed. Those in favour of the Civil Aviation Bill (Amendment) Bill 2020?
2525 **(Members: Aye.)** Those against? Carried.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I now move that the House should adjourn and return on Friday, 31st July at 3.30 in the afternoon.

2530 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 31st July at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 31st July at 3.30 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

The House will now adjourn to Friday, 31st July at 3.30 p.m.

The House adjourned at 7.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.35 p.m. – 7.53 p.m.

Gibraltar, Friday, 31st July 2020

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The Gibraltar Parliament

The Parliament met at 3.35 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Statements

Clerk: Meeting of Parliament, Friday, 31st July 2020.

Suspension of Standing Orders. The Hon. the Chief Minister.

- 5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with two Government Statements.

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

Public Inquiry under the Commission of Inquiry Act in respect of retired Commissioner of Police, Mr Ian McGrail – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the House will recall that Questions 450 to 469, which were asked and answered on Monday, related to the retirement of former Commissioner of Police Mr Ian McGrail.

- 15 The following day, on Tuesday, the lawyers representing Mr McGrail issued a statement on his behalf in relation to the exchanges in this House. In that statement Mr McGrail's lawyers said that he now firmly believes that the circumstances leading up to his early retirement require a definitive, well-informed and detailed assessment. Mr McGrail's lawyers said that without an independent judicial assessment there is a real risk to the reputation of Gibraltar as an advanced parliamentary democracy under the rule of law. He called for a judicial inquiry by a high court judge from the United Kingdom to be convened without delay. He added that they thought that there could be no reasonable or rational objection to this. He said that the standing and reputation of Gibraltar required it.

- 20 The Government does not consider that it is necessary to convene an inquiry into why Mr McGrail retired early. We do not agree at all with the statements made by those representing Mr McGrail, on his behalf, about the effect that his retirement and the circumstances of it might have for Gibraltar. In fact, we consider that the opposite is the case.
- 25 The Government is satisfied that all aspects of that matter, insofar as they relate to the actions and decisions of the Gibraltar Police Authority (GPA), the office of the Governor and my own involvement, have been entirely proper and based on the legal advice received. Indeed, the Government would not have said anything further than was set out in our statement of 9th June 2020 in which we wished Mr McGrail well in his retirement.

30 The only further statements made by the Government have arisen from the questions put by
the media and the questions in this House by the Leader of the Opposition. That is to say the
Government had no wish to expose that Mr McGrail's career ended as it did. Whilst
acknowledging that there may be public curiosity about the surrounding circumstances, even
rumour and tittle-tattle, we felt there was nothing to be gained by further exposing the facts and
35 matters that arose and led to the retirement of Mr McGrail; but neither would the Government
not answer questions put in this House on the subject other than truthfully in order to avoid the
reality of how Mr McGrail came to retire early.

What the Government is not able to do at this stage is say any more of what is related to the
detail of the information available to the Government behind the views and decisions of the
40 Gibraltar Police Authority, His Excellency the then Governor and, indeed, my own views in
respect of the exercise of my powers under the Police Act. And let us be clear, Mr Speaker, it is
not that we do not want to give every detail; it is that we are advised that to do so is contrary to
the public interest at this stage.

The reason we are unable to provide details at this stage relates principally to sensitive
45 criminal investigations which relate to the recent incident at sea resulting in the death of two
Spanish nationals. It is indisputably not in the public interest to prejudice that investigation as
much in the interests of the police officers who are being investigated as for the families of
those who died at sea as a result of the incident.

This issue obviously also has significant political and diplomatic connotations outside of
50 Gibraltar. No one can fail to see that or doubt that. Additionally, it is one thing for foreign
newspapers and commentators to ignore rules about potential prejudice to live criminal
proceedings or investigations; it would be quite another for us to do so directly or indirectly by
making public comments which tangentially might affect criminal investigations.

It would be particularly unfair for the Government to speak out in its own defence to quash
55 some of the totally unfounded rumours that may abound in this matter if in doing so – and in
that way fully exonerating ourselves of the more outlandish allegations that may have been
conjectured – we might create even the slightest prejudice to those of our police officers under
investigation, or indeed prejudice the rights of the families of the deceased whose interest is to
have an untarnished investigation and outcome thereof.

60 Mr Speaker, in order, however, to ensure that there can be no suggestion, however spurious
and ill-founded, that there is anything untoward about the exercise of powers under the Police
Act that culminated in the retirement of Mr McGrail, the Government is minded to convene an
inquiry under the Commissions of Inquiry Act.

This is an inquiry that is not necessary but that we will convene to ensure that it is not
65 suggested that anything is being covered up. It is an inquiry that has been made relevant only by
the call for it by Mr McGrail. In convening such an inquiry, the Government will seek to ensure
that all aspects of all matters that might be relevant to the formation of views of each of the
GPA, the office of the Governor, Mr McGrail and the Government are provided for. We will not
seek to exclude anything that Mr McGrail might wish the inquiry to review, but we will also not
70 agree to exclude anything that Mr McGrail might not wish the inquiry to review. We will not
seek to cover anything up. Neither will we tolerate any attempt by anyone else to cover
anything up.

We consider that our actions have been proper and that they will stand the test of scrutiny. I
hope all others who may come before the inquiry feel as confident. We shall therefore now
75 commence the process of formulating the relevant questions and parameters for the inquiry.

Mr Speaker, there will be considerable public cost as a result of the convening of this inquiry.
The cost will likely ascend to the millions. This is money that could definitely be spent in many
other – better – ways, but it is a price we are prepared to pay so that the truth, the whole truth
and nothing but the truth comes out. The Government and the office of the Governor will not
80 tolerate any suggestion from any quarter that there has been any impropriety in the manner
that we have acted in this matter. The cost will not stand in the way of this attempt to tarnish

Gibraltar's reputation. We will not tolerate any suggestion that in Gibraltar there is anything other than the highest regard for adherence to constitutional principles and observance of statutory rules and the rule of law in every single respect.

85 We are unable to say more at this stage, but our inability to say more is precisely because of our commitment to the rule of law. We do not want to prejudice the rights of police officers who are themselves the subject of a criminal investigation. We do not want to prejudice the rights of the deceased and their families in that case who await the fair and proper outcome of that criminal investigation, but an inquiry led by a senior judge from outside the jurisdiction, a high
90 court judge or higher, will properly be able to ensure the protection of those competing interests. A judge in an inquiry will be able to decide what can be said now, what can be said in camera and what can be stayed pending the outcome of other proceedings, but most importantly Mr Speaker an inquiry will reach conclusions that will quash the gossip, the rumour and the tittle-tattle. The conclusions of the inquiry will ensure that all the truth will out. For the
95 Government, there is no inconvenient truth here.

And so, in the circumstances, and despite it not being necessary, other than as a result of the call made by Mr McGrail himself which purports to establish that Gibraltar's reputation would be tarnished if it is not agreed to, the Government will convene an inquiry into his retirement and then the whole community will know all of what lay behind it.

100

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

Hon. K Azopardi: Mr Speaker, we welcome the announcement that there will be a public inquiry. Indeed, if the Chief Minister had not announced today that there would be such a public
105 inquiry we would have been minded ourselves to call for it, for the Government to have reflected on our call that there should be a public inquiry in the circumstances, because we feel strongly that indeed the circumstances are such that there should be such a public inquiry into the entire circumstances of what led to, and the reasons for, the retirement of the former Commissioner of Police.

110 There were indeed major questions that were left unanswered on Monday. At the close of Monday's session there was a lengthy session which dealt with a number of questions that I had tabled and significant supplementaries, but when we walked away from that session people who would have watched or listened to it may have been entitled to believe that there was an unwillingness of the Government, for whatever reason, to answer those questions. Indeed,
115 against the backdrop of what had happened up to that point and the bland statements that I alluded to on Monday from official circles – the Police Authority's lack of comment, the Governor's bland comments, the bland press releases issued by the Government – and silence from the former Commissioner of Police, we were left with a situation where it seemed, to us at least and many people who might view the issue, that there was a reluctance from all sides to be clear about the circumstances of what had transpired. Indeed, if I can loosely describe it, it
120 seemed to me as if there had been a pact of silence, for whatever reason, that had led to no statements other than the bland ones that we had seen.

That pact of silence was, of course, broken because some of the comments and answers given by the Chief Minister must have been a direct contributor to the former Commissioner of
125 Police issuing the statement on the following day as to the withdrawal of the request to retire issued by the Police Authority under section 34. And while the Chief Minister has made a lengthy statement – which he had said to the media, before this session of the House, he would make in response to Mr McGrail's statement – nowhere in today's Statement has he replied to the specific assertion by the former Commissioner of Police that the request to retire issued by the
130 Police Authority under section 34 of the Police Act with the approval of the –

Mr Speaker: Can I ask the Hon. Leader of the Opposition to resume his seat, please?

135 I need to say a few words about the way that we are conducting the response to the Chief Minister's Statement. I need to read this out to you because I have properly anticipated that this might well crop up.

140 It is a well-established practice when a ministerial statement is made that the hon. Members of the Opposition may ask questions for clarification purposes. In so doing, this should not be made a pretext for a debate. Furthermore, Members of the Opposition are not permitted to make political statements in the course of their questioning.

I am going to give a number of examples where my predecessor had to make clear what the position was. My ruling is in keeping with the position taken by the former Speaker, Adolfo Canepa, on numerous occasions in the past.

145 On 29th June 2016 he said:

I would invite Members of the Opposition, in particular the Leader of the Opposition and the hon. the independent Lady, to ask questions for clarification purposes.

On 20th October 2016, the Speaker said:

I explain for the benefit of the virtually new Members of the Opposition that it is the practice, when a ministerial statement is made in Parliament, to allow the Members of the Opposition to ask questions for clarification, if they so wish.

On 20th September 2018, the former Speaker said:

In keeping with established practice, when a ministerial statement is made hon. Members of the Opposition may ask questions for clarification purposes. They may ask questions but are not entitled to make a political statement.

On 31st January 2019, again on a point of order in response to a ministerial statement, he said:

You can ask a question on points of clarification.

150 By way of further explanation and in light of Standing Order 55(1), I shall quote from *Erskine May* and House of Commons procedure. *Erskine May*:

Questions may be asked and brief comments made upon ministerial statements, but they should not be made the occasion for immediate debate.

Again, on the matter of procedure, from the House of Commons, it says here:

What is a ministerial statement? Government Ministers may make oral statements to Parliament which usually address major incidents, government policies or actions. These take place after Oral Questions and any granted Urgent Questions.

The important thing here is that after making a statement the Minister responds to questions on its topic from MPs. That is the House of Commons.

155 Something quite interesting: I sought guidance from the Principal Clerk of the Table Office on 17th February 2020 and he says to me, in response to the email:

Whenever a Minister makes a statement, any Member of the House may ask questions afterwards. The Official Opposition and the second largest opposition party spokesman have reserved slots to do this. Others are called by the Speaker. The only limit is time. The current Speaker generally restricts the statement and questions afterwards to 45 minutes in total.

Those are statistics but the point I am trying to make here is that the Hon. Leader of the Opposition has the right to pose questions on the Statement for clarification purposes. He cannot go back and make a statement regarding what took place in a session on Monday about the answering of the questions by the Hon. the Chief Minister and the way that he did so. That is a question and answer session; this is a session where a statement is being made and I would urge the Leader of the Opposition, yes, to question the Chief Minister for clarification purposes on what he has said in the Statement. Beyond that, I have to rule that you cannot make a statement – that you have just made – covering all the ground that was covered for the time of the question and answer session. That is my ruling.

Hon. K Azopardi: Mr Speaker, the extracts that you have kindly reminded the House of in fact point to the ability to make comment and ask for clarification. So, in the context of a statement that we have heard it is entirely usual and within parliamentary practice to make comment.

I am leading up to clarification questions that I am going to ask the Chief Minister, but everything that I have said so far is merely comment on the Statement made by the Chief Minister, which is relevant to the Chief Minister's Statement because the Chief Minister's Statement has referred to Monday's question and answer session, so I am commenting on that and am entirely able to do so. He has also referred to the context – which he referred to as tittle-tattle – of the background and 'rumourology' that is out there, so again I am entirely able to comment on that.

I certainly respect Mr Speaker's ruling, but I am just simply trying to say that everything I have said so far – and Mr Speaker does not need to be concerned – is, I would say to you, within the parliamentary rules and entirely within what is the norm when commenting on a lengthy ministerial statement, in a lead up to normal questions for clarification that I will get to very quickly.

That is all I would say to Mr Speaker. If Mr Speaker is willing to indulge me on those issues then you will see that I am merely commenting on the substantive content of the Statement, together with relevant context which derives entirely from the Statement, and clarification questions which are derived entirely from that Statement.

Mr Speaker: I am happy to accept the Leader of the Opposition's response.

Hon. K Azopardi: Mr Speaker, I am grateful.

The point about the section 34 issue and why it arises is because in asking a question for clarification I would like clarification from the hon. Member as to purporting to reply to former Commissioner McGrail's statement, which is what he has said he is doing, he has not sought not to respond to that part of the statement which asserts very plainly that there was a withdrawal of the request to retire under section 34. Perhaps he would be kind enough to indicate to us whether in fact he is prepared to give an answer on that point because serious matters do arise for this House given what was said on Monday and the impression that Members of this House, and indeed the public out there, were left with, which is that we all walked away thinking that there had been a live and pending request to retire for the former Commissioner of Police that was extant, only to hear that it might be the case that it was in fact withdrawn. It would be serious if that fact had been withheld from the Parliament by the Member opposite on Monday.

We certainly welcome, as I have said, the Chief Minister's announcement on the public inquiry, and we agree, respectfully, that there are a number of questions that are outstanding. And we note that the hon. Member says that he feels that the Government in due course will be able to ventilate its position and indeed vindicate it and the reasons why he says they have not been more explicit so far.

The public inquiry is indeed important also, in making brief comment about the context of it, because despite everything that has been said before by people perhaps who have indicated otherwise, this is indeed a serious matter and unprecedented, at least in my knowledge, where a

Governor and Chief Minister have openly said that they have sought the retirement of a serving Commissioner of Police, who is central in the constitutional architecture of our community as the Chief Minister himself has recognised; and indeed the backdrop is serious where there has been quite a lot of chatter about the tensions and so-called obstructed investigations or not, and disagreement on the causes as to whether or not the request to retire was withdrawn or not, and indeed what I have described as the indecent haste of the apparent moving out of the Commissioner in the chronology that was described to us on Monday.

There are a number of questions that I would ask the hon. Member and perhaps he could assist this House. He has announced a public inquiry but it is not plain from the Statement that he has read what the timing of that inquiry will be. Perhaps he would assist us in our understanding as to the likely timing for the public inquiry. This is an issue that is important and the sooner a public inquiry is convened the better, but obviously we note what the hon. Member has said as to the particular timing that may affect and the circumstances that may affect the convening of the public inquiry.

He has also talked about the questions for the inquiry. The context is relevant here. There is significant inability to understand what really went on: whether the democratic institutions were undermined or not and why there was such an indecent haste before the new Governor arrived, and what were the definitively established reasons for the early departure of the former Commissioner of Police.

So, in scoping the inquiry, can the hon. Member assist the House in telling us how the questions for the inquiry will be scoped? Is it something that the Government intends to do on its own? Or is it going to open up that exercise to a wider process that involves more independent involvement of parties in that process of scoping the inquiry? This, I would say to the hon. Member, would be quite important in the context of convening a public inquiry. *(Interjection by Hon. Chief Minister)* The hon. Member needs to know that when he makes asides of that nature in this small House of ours we can perfectly hear it, and the answer to that is yes, that we would be quite happy –

Hon. Chief Minister: You are the only person who is [inaudible]

Hon. K Azopardi: – to go to Convent Place and assist the hon. Member, not because we are the only people who are independent but because we are not satisfied that the hon. Member is independent in this process. *(Banging on desks)*

Hon. Chief Minister: [inaudible] some people who are [inaudible]

Hon. K Azopardi: Yes, well, the hon. Member can continue to say that, Mr Speaker, from a sedentary position.

Hon. Chief Minister: For the next three years.

Hon. K Azopardi: He will continue to say it for the next three years but that will not be an answer; it will simply be a smokescreen to the concerns of the people of Gibraltar. *(Banging on desks)* **(A Member: Hear, hear.)** *(Interjection)*

I am trying to continue, Mr Speaker. If hon. Members, from a sedentary position, are going to respond, then –

Mr Speaker: I think the Hon. the Chief Minister cannot proceed along those lines, but allow the Leader of the Opposition to continue, please.

Hon. K Azopardi: I am grateful, Mr Speaker, for that.

Those are the issues that I think concern people when hearing the hon. Member make his Statement, which we welcome because we do welcome a public inquiry; we are just eager to ensure that in the process it is convened as soon as possible, as soon as practicable, and that the scope of the inquiry ensures that everything is put properly before it, so that matters are determined clearly, so that everyone can see what went on and how.

Mr Speaker, the final question of clarification I would have: the hon. Member has mentioned that it is important that ... I think he said a Supreme Court judge or a judge of a higher nature. I do not know if he could clarify whether he had anybody ... not a particular individual in mind but whether he is saying to the House that he agrees that there should be a judge drawn from outside Gibraltar for this purpose. I am grateful.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does seem to me sometimes to be playing an extraordinarily serious issue for the political benefit that it could bring to him in the way that he might misunderstand the circumstances and even misunderstand the situation after I answered his questions on Monday in this House.

The hon. Gentleman has referred to the Government having made bland statements. Well, I do not think by any stretch of the imagination anybody could describe the Statement I have made today as bland. I know that he was not referring to today's Statement, he was referring to the statement that we made at the time of Mr McGrail's retirement, but the hon. Gentleman knows that the Government has said already that it could not say much, and I have already indicated as much in the answers to questions in this House on Monday and in the course of my Statement today. I have indicated why we could not say much. I have indicated that the reasons why we could not say much are not political in the partisan sense but they relate to an ongoing investigation, and yet the hon. Gentleman wants to continue to play this issue for the purposes of seeking to make political capital.

It is perhaps not unusual that a Leader of the Opposition might seek to do that, except, of course, there are issues and there are issues, and when the issue has been expressed by the Chief Minister of Gibraltar to cut across the lines of an investigation which involves the death at sea of two foreign individuals and, in a criminal investigation, into the actions of police officers, the Government is not saying more for that reason. I think when people look at what happened in this case, historically, they will look at the fact that, despite that, the Leader of the Opposition wanted to continue to put his finger in the wound, so to speak – to bring a biblical reference to it – regardless of the facts that had been put to him in the context of the answers given to him.

I can hear him laughing from a sedentary position. Of course, Mr Speaker, he thinks it is wrong to make sounds from a sedentary position when it is anybody other than him making them, but given the seriousness that he says he attributes to this matter, to hear him giggle does his office absolutely nothing positive. It is less than edifying.

There is no pact of silence, which is what the hon. Gentleman has suggested there is, in circumstances where the Government believes that it is contrary to the principles of the rule of law to avoid the prejudice of an ongoing criminal investigation, for Government to say little or nothing. I actually specifically allude to that in my Statement to the House. I say that although a foreign newspaper might feel at liberty to say something which might be contrary to the way that we would report things in Gibraltar about a live criminal investigation, the Government is not going to make that mistake. If the hon. Gentleman elevates that proper regard for the rules to a pact of silence, then everything else that he has said is tainted and tarnished with that mistaken interpretation of an obvious reason why the Government does not want to say more.

And then the hon. Gentleman refers to a part of retired Commissioner McGrail's remarks on Tuesday about an aspect of this which goes to substance. It is about the interpretation of section 34 and about whether or not a live request to retire ... what happens when a Commissioner decides not to accept that invitation. That is one of the things that will have to be

looked into by a commission of inquiry and I am therefore not going to be drawn to, in this House, in answer to the Hon. the Leader of the Opposition – as if he were Mr McGrail’s counsel in this House, as if this were the place of inquiry ... I am not going to be descending to answer his questions.

But of course, Mr Speaker, I would answer questions in the inquiry. I fully expect that I shall be a witness before it, and all of these matters, and others, will be ventilated before the inquiry. It will be for the judge in that inquiry to determine all of these issues and to determine whether or not in fact what the hon. Gentleman has said today is correct, is it serious or not that there might or might not be an extant invitation under section 34 from the Gibraltar Police Authority for a Commissioner to retire – because it may have absolutely no effect whatsoever on any aspect of what happens next. Again, he might have an opinion and his opinion might be tainted by what he might wish politically were the case. We have advice, but I think that these matters are now matters for the inquiry.

I am sorry if to the hon. Gentleman and to others what the convening of the inquiry does is deprive them of another stick with which to beat the Government unfairly. Well, look, Mr Speaker, although I do not think it is necessary to convene an inquiry into the retirement of someone, because they are the ones who have retired, certainly it will have the use of depriving the hon. Gentleman of the stick with which to unfairly beat the Government on this subject. Or is it that in addition to inviting the Government again, despite what I have said already, not to respect the fact that there is an ongoing criminal investigation that we do not want to prejudice by saying anything more, he now wants to ignore the fact that we have said that we are convening a commission of inquiry and he wants to continue to have the debate and game as if that were not now and almost all of these matters were now not almost a *sub judice* matter, in the widest possible sense of that terminology, to be determined by the commission?

I do not know whether the grin on his face is a grimace because he notices that actually he is left without that stick because now that there is an inquiry, the inquiry will be the right place to determine whether something is serious or not, whether something has consequence or not, and all of the other innuendoes that he has sought to inject – all of which I have picked up – into the way that he has put his remarks will also be dealt with in that way.

Because Mr Speaker to refer to something as being done in indecent haste can only be to prejudge that it was done too quickly, but in the inquiry a different view may be taken by the decision makers, and indeed by the public. Mr Speaker, that is not a matter for us, but neither is it a matter for the hon. Gentleman, because he has already said that there is or was indecent haste, thereby prejudging (a) whether there was haste and (b) whether it was decent or not. There may neither have been haste; and, if there was, it may or may not have been decent.

So, Mr Speaker, the hon. Gentleman seems to not care about the consequence of what he has said in respect of Mr McGrail, the Government or any of the other entities involved. I say he does not care because of the respect I have for him. If I thought he did not realise that by using the terminology ‘indecent haste’ he was trying to put the imprimatur of impropriety on something that is going to be objectively determined to have been proper or improper ... I am sure it will be determined to be proper; of course I would say that, but it will be up to the Commission to decide. I respect his intellect too much to believe that he would not see that.

Mr Speaker, the issue of timing will be a matter for the inquiry. The Government expects to be able to set up the inquiry quickly. It may take some weeks. This is something that requires proper establishment. There is a Commissions of Inquiry Act which will have to be complied with. We have only had one inquiry in the time we have been in office. The person who represented the Government in that inquiry was the Hon. the Leader of the Opposition, so I will not be able to rely on his advice in the context of the setting up of this inquiry; we will have to seek other advice in that context and we will ensure that the Government acts in keeping with the provisions of the Act. But in doing so – now dealing just with the issue of the timing – the matter will be up to the person running the Commission of Inquiry, who will be the judge in the inquiry, and he or she will be able to determine whether proceeding at a particular pace will

create hostages to fortune, whether it would cut across other proceedings, whether it would offend *sub judice* rules in any other respect, and whether there are provisions that can be put in place to continue with the inquiry whilst protecting those aspects of other ongoing investigations.

So Mr Speaker, the short answer to the issue of timing is that the timing of the convening of the inquiry will not be too long: that will be done as quickly as possible by the Government. The timing of the running of the inquiry is a matter for the inquiry, and the Government will not seek to intervene or interfere in the context of the timing other than in the usual way of making representations as a party before the inquiry.

Mr Speaker I say that because the hon. Gentleman suggested that the Government was not able to set a question for the inquiry without being accused of somehow being not independent in the context of setting such a question. Well, Mr Speaker, if anybody looks at what I have said in the Parliament today, in my Statement about the convening of the inquiry, they will see that I have been at pains not to suggest that the inquiry is going to be narrowly focused in a way that somebody might suggest is pointing away from anything that might tangentially, because of the rumours and the tittle-tattle, affect the Government. No, Mr Speaker, I have not done that. I have said the inquiry will be as broad and as wide as possible. That is why I thought it particularly inappropriate of the hon. Gentleman to suggest that the Government would not be setting a question that is independent. But it is not the Government's intention to set the questions or question alone, because there are other parties to this inquiry, not least the person who has called for it, and the Government anticipates, through its representatives, being able to hear the views of them in the context of setting the question for the inquiry. That is why I have referred also to how the questions will be set – not by politicians on the other side but by those who do actually represent Mr McGrail with those in the Government who will be convening the inquiry.

Mr Speaker the hon. Gentleman then goes into a reference about whether the democratic institutions have been undermined – again, an attempt to taint what has happened by raising a question which, in the context of the things that are being said, is for the inquiry. But let us be clear, the democratic institutions are the Government, the Parliament and even the office of the Governor plays a role in the hierarchy of this Parliament and of our Government, just as Her Majesty the Queen herself is the head of government in the United Kingdom and her representative here is the head of Government here. None of those have been undermined.

Of course, the hon. Gentleman seems to take the view that his role is to undermine us, but we do not consider ourselves undermined by him in any way and neither do we think that the inquiry will be looking into whether we have been undermined. I have not called the inquiry because I think it would be a good idea to protect myself; I am going to call the inquiry because the person who retired said on Tuesday that he wanted the inquiry called. Given not the democratic institution that that person represented – because he does not represent a democratic institution; he represents an institution which is a law enforcement institution – but given the importance of it, that is why, as I have explained in terms, we have agreed to the inquiry being convened. But all of that will now be for the inquiry.

Mr Speaker, the undermining of democratic institutions can only happen when a Leader of the Opposition, eight months out from a General Election which he lost rather spectacularly, says that referring to the result of that General Election is a smokescreen. Well Mr Speaker look, I know that when one loses an election a reference to that election is always considered an attempt by your opponent to rub salt in the wound. I am not trying to do that, but it is a reality and it is what gives us not a smokescreen but a majority in this House, and that majority is the maximum representation of the democratic institutions of this nation, namely the Government and executive of this nation – as much as hon. Members are too, as being a part of the Parliament of this nation. So, when he says that he asks whether the democratic institutions have been undermined he should not be surprised to see a reference to the result of the General Election, the maximum expression of the democratic will of the people.

Hon. K Azopardi: On a point of order, which of the questions of clarification that I have asked is the hon. Member addressing when he makes that point?

420 **Hon. Chief Minister:** Yes, Mr Speaker, very simple: he said that one of the questions that the inquiry should deal with, and one of the things he was saying that we would not independently do, was whether the democratic institutions have been undermined. That is exactly what I am dealing with in replying to his point.

I know that he had not thought it through and that he did not realise that the democratic institutions of this nation are its Government, its Opposition, its Parliament and the head of its
425 executive, and therefore what I am dealing with now is to flesh out for him what it was that his remarks would have dealt with.

Now from a sedentary position he says that he did not ask a question about that. Well, if he did not ask a question about that, he should not have said it because, as you reminded him, Mr Speaker, he is entitled to ask questions to seek clarification of my Statement. From a
430 sedentary position he said this was not something he sought clarification on, so frankly it was something he should not have said in the context of the application of the rules. But, fine, Mr Speaker, I have already answered what I thought his question was and said that this was something for the inquiry, not for him.

He then asked me whether a Supreme Court judge or a higher judge would be appointed. I do
435 not think the hon. Gentleman understood what I said. I was very clear that it would be a judge from outside of Gibraltar, therefore it cannot be a Supreme Court judge. It will be a judge from outside Gibraltar who will be of the level of a high court judge in the United Kingdom or higher is what I have said. For that reason I am surprised that the hon. Gentleman has asked me that, because I thought it was clear in my Statement. I thought it was clear in particular because I was
440 answering that part of what had been said by the retired former Commissioner of Police through his lawyers on Tuesday, who in their statement called for a high court judge from outside of Gibraltar to be brought in. What we are saying is a high court judge or higher from outside of Gibraltar.

Mr Speaker, I think that deals with all of the issues that the hon. Gentleman raised, and in
445 fact it appears I have even dealt with some that he did not want me to deal with.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the way that this saga has unfolded is truly
450 unfortunate. The management of what should be one of the most independent and secure posts in Gibraltar, and indeed a key figure in our often challenged separation of powers, has become a political, media and public opinion affair. There is speculation on the streets. There are theories and conspiracies on social media. Some political parties have even manoeuvred to fan the flames of controversy and score points on the issue. We have witnessed a comedy of errors and
455 miscommunication in the management of this very public fall-out, as well as an exchange of veiled accusations and criticism from both sides.

This situation has to end and it must do so in a way that sets speculation to rest once and for all. It is for this reason that I welcome the Chief Minister's announcement of this public inquiry in the hope that it will bring clarity and any damage done to our reputation mitigated, because it is
460 important that we realise that these events do real damage to our democracy. Every occasion on which one of the fundamental tenets of our system is questioned, such as the independence of law enforcement and the separation of powers, our people become a little bit more disgruntled and dissatisfied and this fuels the rumblings of extremists and conspiracy theorists.

465 **Mr Speaker:** May I just interject?

Hon. Ms M D Hassan Nahon: Mr Speaker, I am just getting –

470 **Mr Speaker:** Yes, you need to ask the questions. Thank you.

Hon. Ms M D Hassan Nahon: Yes. Thank you.

I also want to make clear that this inquiry will be as good as the autonomy of those executing it. Unless it is carried out with real rigour, independence and transparency, this will do nothing
475 to allay the concerns of our constituents.

So, Mr Speaker, on a point of clarity, I ask the Chief Minister if this inquiry will provide real answers to the fundamental questions posed so far, as it must. I ask if it will shed light on the reasons that led the Governor and the Chief Minister to lose confidence in the Commissioner and whether this amounted to a breach of his duties under the post. It must be made absolutely
480 certain that there is no political motivation between this seemingly forced resignation. I ask for clarification on whether there will be special emphasis on the unorthodoxy of this process, particularly into why a pretend retirement is considered a suitable way to deal with the avoidance, effectively, of a suspension and the reasons behind it in such a crucial post, instead of an investigation at the time followed by disciplinary action. Timing also, Mr Speaker, as the
485 Leader of the Opposition has said ... I echo his questions on timing of this inquiry because timing is of the essence and understanding issues related to COVID-19 and how that may affect when an inquiry is conducted, but some kind of ballpark date, all being well. The Chief Minister did say soon and promptly, but a timeframe would be appreciated.

So, Mr Speaker, all these questions must be thoroughly and transparently addressed because
490 we live in uncertain times and we must make sure that we protect both the actual integrity of our democracy and the public perception of it. In order for this to happen, all public figures must. So follow due process scrupulously and transparently, particularly those making the decisions that will often be very demanding of our electorate.

I hope that the Chief Minister clarifies all these questions and doubts about how this
495 investigation inquiry will be conducted.

Thank you.

Hon. Chief Minister: Mr Speaker, I thank the hon. Lady for the tenor of her remarks. I think she is absolutely right to point to political parties that might have been seeking to fan the flames
500 of this matter that might otherwise not have come to this.

The question of the autonomy of those carrying out the inquiry I think is not one that we need to concern ourselves with greatly, because if the inquiry is going to be carried out by a judge then autonomy is, in my view, entirely guaranteed. My view of the autonomy and independence of the British judiciary – the judiciary in the United Kingdom and the judiciary in
505 Gibraltar – is that they are entirely untarnished and therefore there would be no question of them being anything other than entirely autonomous.

In the context of the hon. Lady talking about the concerns of our constituents, I do not know that I entirely agree. I will conflate some of what I say to the hon. Lady in respect of some of the things that she has said about the integrity of our democracy and the public perception of it with
510 her earlier statements in that respect, because I do not think that there are concerns about the integrity of our democracy and I do not think there is a public perception of concern of the integrity of our democracy in any way, shape or form.

I think that there are high-profile references by some who are high profile on social media who might or might not be saying things about these issues, but the Gibraltarian, our
515 community, in my view, does not have these concerns about the integrity of our democracy. It is something, Mr Speaker, that I do think is extending itself. In the United Kingdom there is a reference to the Westminster ‘bubble’ and the things that people in Westminster think not necessarily being the things that concern people in Cumbria, in Cardiff or in Edinburgh. I think there is in Gibraltar also what you might call the ‘political class’. The political class extends into

520 social media and those who are very interested in politics and the commentary and non-commentary and views and non-views.

Does the ordinary Gibraltarian believe that there is a problem with the integrity of democracy in Gibraltar or the perception of integrity in Gibraltar? I generally think that is not the case. I certainly think it is not the case arising out of this particular matter. Neither do I think this
525 is a matter for the inquiry. This is perhaps for our continued concerns, for all Members of this House, about how our democracy works and how we understand how our people really believe our democracy works.

Certainly all of the issues that the hon. Lady raises about independence etc. I think are issues that can be dealt with by the inquiry also, but neither do I think there are other issues here
530 about unorthodoxy, pretend retirements etc. This is not a pretend retirement; this is a retirement. It is not a pretend retirement, but I do understand why the hon. Lady presents it in that way and I think that is one of the issues that the inquiry will be able to deal with.

In the context of the reference by the hon. Lady to timing, I have said what I have said already in answer to the Leader of the Opposition. We will convene the inquiry as quickly as possible. We will need to take advice, we will need to liaise with the lawyers representing
535 Mr McGrail, and then the inquiry will have a life of its own.

The inquiry will determine when it meets. The inquiry will determine what it could hear at what stage. It will determine what it cannot hear at what stage. It will determine whether or not it is possible to create a mechanism to hear things that might cut across other investigations' inquiries that may be going on, if that is possible, in order not to delay itself. All of those things
540 will be for the inquiry, and the autonomy that the hon. Lady refers to therefore means that I cannot give her a ballpark – because the inquiry is autonomous as to the establishment of its procedure and how it will deal with those issues.

The hon. Lady said that we live in uncertain times. *[A mobile telephone rang]* Well, there are some things, Mr Speaker, that always happen. Like, for example, the Hon. the Father of the House's phone going off, there are some things that you can take for granted.
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Hon. Sir J J Bossano: The only reliable thing!

Hon. Chief Minister: The only reliable thing! But, Mr Speaker, the fact is – and I will take this point generally – you might think that we live in uncertain times when it comes to COVID and whether it is going to come back or not, or Brexit and how we may or may not be able to resolve those negotiations etc. There is a lot which people in Gibraltar today will be concerned about, there are things that people around the world will be concerned about, but let us not allow
550 ourselves to do one of two things: let us not allow ourselves to think that things are more uncertain than they are, nor talk ourselves into greater uncertainty. That is fundamental and I think it is the role of all parliamentarians both to exercise the scrutiny that we do of each other and discharge our separate functions but not to add to uncertainty.

Mr Speaker, I commend my Statement to the House and I look forward, in the terms I have set out in my Statement, to the convening of the Commission of Inquiry.
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Mr Speaker: One more, Chief Minister. There is a further ... The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I just have two questions; I think they arise from the Statement, if not from the underlying topic.
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We know, from statements that have been made in the public, that the Commissioner commissioned a report from the Met in London in relation to the incident that occurred at sea. Has that report been received by either the present Commissioner or alternatively the Attorney General?

Also, in the context of the inquiry, obviously we have officers ... Things may in the inquiry that may impact on them in a very real way because they are facing investigations elsewhere. Will
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they be represented at public expense so that they are properly represented and their interests are properly protected?

575 **Hon. Chief Minister:** Mr Speaker, the questions that the hon. Member raises are not about the inquiry; they are about the investigation and I have said the Government will not comment. I will not comment further on it.

I commend my Statement on the inquiry to the House.

580 **Mr Speaker:** Does any other hon. Member wish to question the Chief Minister?

Mr Speaker: The hon. Chief Minister.

Import duties – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, I will now make a Statement on import duties.

585 Today marks the end of the import duty waiver for motor vehicles. We have already started to see the fruits of this measure, with new, cleaner vehicles roaming our congested streets. As I have now mentioned on several occasions, this is a measure that has done more than simply put newer, cleaner petrol and diesel cars on our roads; it is a measure that has also encouraged the sale of hybrid vehicles.

590 There is also a positive business story to tell. As a measure, it has empowered the larger motor vehicle dealers in Gibraltar to fend for themselves without having to claim direct government support, the BEAT support that would have been available to them. This has allowed Government to focus its support on those businesses that really need it.

595 The new 10% duty on personal importations has also yielded positive results generally, as it appears to be encouraging local spending amongst our community. There are, however, two additional categories of goods that will be exempted from this duty.

600 The first is musical instruments. As a Government, we have always wanted to encourage budding musicians to explore as many instruments as they might wish. Given there is a limited offer for anyone wanting to buy a musical instrument in Gibraltar, any person importing a musical instrument into Gibraltar will not have to pay duty on that import as from midnight tonight. I should reflect that this measure comes as a result of representations made to the Government by the Musicians' Association of Gibraltar.

605 The second issue is bicycles. The Government considers that cycling is the cornerstone of any modern city's transport infrastructure; and, as we reposition our transport infrastructure to make it more bicycle friendly, we want to see more bicycle is on the road. The lockdown has served to reignite cycling passions and we have seen a large number of bicycles imported into Gibraltar – don't my legs know it, Mr Speaker! There are a number of retailers of bicycles in Gibraltar, but the Government is persuaded that members of the public wish to import some types of brands which are not available in Gibraltar, such as own-brand cycles from some sports shops and others outside of Gibraltar. This is a trend that we want to see continued for its positive impact on traffic, health and the environment. There will, therefore, be no import duty on the personal importation of bicycles into Gibraltar as from 1st August 2020. That is to say as from midnight tonight. And before anyone jumps, Mr Speaker, let me clarify that I bought my bicycle last month.

615 **Mr Speaker:** Does the hon. Member wish to respond?

Hon. K Azopardi: Mr Speaker, we welcome the Statement made by the Chief Minister on these issues.

620 There was one issue of clarification that I was going to ask him on in particular. Of course we agree that we want to encourage cycling as much as possible, but on the musical instruments I noticed that there was a date from which the importation of bicycles is exempt, which is 1st August, tomorrow, but in relation to musical instruments there does not appear to be a date, so perhaps he can clarify that for everyone.

625 I think my hon. colleague also had a question of clarification, so perhaps, in the interest of speed, if I pass on to him it might be just quicker.

Hon. E J Phillips: I am grateful and of course I would just repeat that we welcome the initiative by the Government insofar as bicycles. I think that the Hon. the Chief Minister will recall we had a short ding-dong on the question of value of bikes at the time, but it is a welcome measure. Of course, if we are going to see a deluge of bicycles on our streets, one of the points of clarification I would like to know more about is whether or not the Government is sufficiently advanced insofar as health and safety of our roads, particularly for children and adults in respect of riding these bicycles that will be now imported and sold to our community, because of course whilst the Government rightly introduces this measure one should have a very keen eye on the safety of our citizens when cycling on our roads.

Mr Speaker: The hon. Lady.

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

640 As is well known in this House from a few days ago, I myself quizzed the Chief Minister on the logic of removing duty on cars when he did and on the conflicting message, environmentally, in providing more cars bought, for people to buy gas-guzzling vehicles while at the same time we are announcing closures on roads to encourage fewer cars and banging that environmental drum. So, needless to say, I welcome this move and I would also welcome some clarification on statistics, whenever those are available, as soon as available, on exactly how many cars and polluting vehicles we have bought over this duty-free period, as well as the types of vehicles bought and how many of the old ones have been condemned, recycled, disposed of, so we can really get a picture of the effect that this policy has had.

650 I also welcome the duty slashed on cycles, for the obvious environmental benefits this incentive will bring, as well as slashing duty on instruments, given that we do not have any music stores, if I remember correctly, and the education that it brings to society in general.

I would ask the Chief Minister, for clarification, to give us some information on if he intends to implement any more categories eligible for import duty, given the current climate, in the next few months.

655 Thank you.

Hon. Chief Minister: Mr Speaker, may I thank hon. Members for those points to clarify. It is so much more edifying when hon. Members play the harp rather than the snare drum in the context of the clarifications that they seek.

660 On the issue of musical instruments – I know it is not in my written statement, which I let the hon. Gentleman have a copy of just before I sat down, and I noted that myself – I did say in my remarks to the House that the application of the personal import duty reduction for musical instruments would start as from midnight tonight. So also as, from 1st August, namely as from tomorrow, these new provisions would apply.

665 I do not think the Hon. Mr Phillips is right to say that we had a ding-dong on this issue. He might have had tried to have a ding-ding, but we did not go back with a dong because he is still here to tell the story politically. The fact is that the question he has asked today we already dealt

with in the context of Question Time. The Hon. the Minister for Transport, Mr Daryanani, already clarified where we were on cycling proficiency and the extrapolation of that going forward. We are very keen that people should not just cycle – they should cycle safely and in safety, which are two separate things. One thing is to cycle safely, the other thing is to provide a safe system for people to cycle in, and that is why we have two strands of this issue live. One is to provide the training for those who want to learn how to cycle safely – the cycling proficiency, so to speak. The other is the infrastructure of cycling, which are the cycling lanes. This is what people will see on Line Wall Road and Walk the Wall and the other places in Gibraltar.

The hon. Lady seeks to agree with us provocatively. This is, I think, different to violent agreement; this is provocative agreement. She agrees but says that we have allowed the importation of gas-guzzling vehicles to taint her agreement with provocation, if I may put it that way. We do not agree. What we do agree on is that the statistics will determine whether or not we have been successful. This is the point I put to her – and, I think, to the hon. Gentleman, Mr Phillips – during the course of Question Time, that we should not have an argument about whether the policy was right or not; we should all keep under review the statistics, so that the numbers determine empirically whether we were right or wrong. That is something I very much look forward to doing with them, but I have told them that the argument will not be settled in the first month that they have the statistics, that we need to look at this over a period of months and I would say 12 to 24 months is the correct period as you see the trickle-down of cars that have been ordered under the new regime on duty trickling through into second-hand replacing third-hand replacing fourth-hand and then some vehicles going out to scrap or recycle.

So, we passionately agree that there is a value in keeping these statistics under constant review and we passionately do believe that there will be less polluting vehicles on our roads or polluting vehicles that are less polluting than the ones that they have replaced on our roads. Indeed, one could make an argument even about an electric vehicle – that it pollutes when it is created and it pollutes when it is recycled and therefore it is still a polluting vehicle. If we are talking just about emissions, then the renewal of the fleet is always going to be a net positive thing in the context of reducing pollution, because the new – to take the hon. Lady's provocative remarks – 'gas-guzzling' cars are less-emissions-emitting gas-guzzling cars than the ones that they are likely to be replacing.

I do not believe that there are no music stores in Gibraltar. I do believe that there is a music store in Gibraltar. Very recently, Gibraltar rightly mourned the passing of Mr Valverde, who operated The Studio, but I believe that that particular music shop still operates. I think that all of us will want to send our best wishes to his family because of his recent passing. He was really a Gibraltarian talent. I understand that the shop continues to operate, but it is a very restricted offer there is in Gibraltar and there are therefore good reasons why the Musicians' Association has made these representations to Government. That is not the only store that sells some musical instruments. I understand there are others that sell some musical instruments as well. Some electronic musical instruments are provided by others, I think to order principally rather than available in Gibraltar. But anyway, I hope that answers the hon. Lady's points.

As to whether or not we will be reducing or otherwise calibrating other duties in the future, the Government continues to receive representations. In respect of these subjects, where the representations are considered to be meritorious on the advice of the Collector of Customs and the Financial Secretary, the Government will act to either reduce or increase import duties. If there are things which are being imported into Gibraltar which are a particular nuisance or cause a particular problem because the duty is at 10% rather than at a higher rate, we will increase the rate. If there are good reasons – like the ones we have evinced in the context of these decisions for bicycling and musical instruments – to lower the duty for personal importations, we will do so. I will, of course, come to the House and inform the House. We will do that, as is traditionally the case in the context of import duties, where that is possible and when there is a meeting of the House in the timing which is required.

Mr Speaker, I commend my Statement to the House.

PAPERS TO BE LAID

720 **Clerk:** Papers to be laid – the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table a letter from myself of 31st July 2020 – that is to say today – recording in writing the agreement between me and the Hon. the Leader of the Opposition to extend the time provided for in section 8 of the Appropriation Act 2020 to the last day of September 2020.

725 Mr Speaker, if I may, just by way of shorthand, clarify for those who may be watching these proceedings or listening to these proceedings, that is the provision that allows me, in consultation with the Leader of the Opposition, to amend primary legislation for the purposes of dealing with the shorthand BEAT matters and we are extending the period from the end of July
730 by 62 days to the end of September.

Mr Speaker: Ordered to lie.

Order of the Day

BILLS

FIRST AND SECOND READING

**Smoke-Free Environment (Amendment) Bill 2020 –
First Reading approved**

Clerk: Bills – First and Second Reading.

735 A Bill for an Act to amend the Smoke-Free Environment Act 2012. The Hon. the Minister for Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Smoke-Free Environment Act 2012 be read a first time.

740

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Smoke-Free Environment Act 2012 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

745 **Clerk:** The Smoke-Free Environment (Amendment) Act 2020.

**Smoke-Free Environment (Amendment) Bill 2020 –
Second Reading approved**

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

This is a minor amendment in order to pass the responsibility for this Act from the Minister with responsibility for Health to the Minister with responsibility for the Environment. This was

750 always the intention when this Bill was passed. I held both portfolios. It had not been amended
and this is in order to rectify that, so it is a very simple amendment just to correct that.
I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general
755 principles and merits of the Bill?

Hon. E J Phillips: Mr Speaker, from this side of the House we will clearly support this
amendment. It does make sense, given the presence of section 11(6) of the 2012 Act, which of
course provides for the hon. Gentleman to consult with the Director of Public Health, for which
760 he is responsible; it therefore makes absolute sense for that transition of the two Ministers.

Just one thing I would mention: if the Minister, now in his new role, under this piece of
legislation would look into one aspect concerning Harbour Views Road. The Minister will recall
that regulations were made recently to ban smoking in that particular area, which I think led
from some exchanges in this House and remarks by members of the public as to smoking
765 immediately outside the Hospital. I visited that area yesterday to find quite significant volumes –
again – of tobacco butts all over the Harbour Views section, the gravelled area, which the
Minister is familiar with given that we have had this discussion in the House before. I actually did
not see anyone smoking – of course, that would be an offence – but I did see quite large
volumes of cigarette butts on that area and it would be helpful if the Minister could take this up
770 as to what can be done to prevent ... not only by enforcement but to monitor the situation,
because of course the regulations are there to prevent this type of activity in the first place, and
I just wanted to bring it to the hon. Gentleman's attention.

Mr Speaker: Does any other Member wish to speak?
775 Minister.

Hon. Prof. J E Cortes: Mr Speaker, I beg to give notice that the Committee Stage and Third
Reading of the Bill be taken today.

780 **Mr Speaker:** Do you –?

Hon. Prof. J E Cortes: No, I have no comment other than assuring the hon. Member that this
will be looked into.

785 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Smoke-Free
Environment Act 2012 be read a second time. Those in favour? (**Members:** Aye.) Those against?
Carried.

Clerk: The Smoke-Free Environment (Amendment) Act 2020.

**Smoke-Free Environment (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

790 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):**
Mr Speaker – as I was saying! – I beg to give notice that the Committee Stage and Third Reading
of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the
795 Bill be taken today?

Members: Aye.

**Animals (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Animals Act. The Hon. the Minister for Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Animals Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Animals (Amendment) Act 2020.

**Animals (Amendment) Bill 2020 –
Second Reading approved**

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

What this amendment to the Animals Act wishes to achieve is the forbidding of personal contact with a Barbary macaque. At the moment, feeding is prohibited, but touching in itself is not, and with the exceptions that are laid out in this amendment the intention is to prevent this. Not only does touching the animals interfere with their natural behaviour but it also is potentially dangerous for the transmission of disease. The Barbary macaques have been known to carry or to have suffered from human measles and human hepatitis A. Clearly, with the COVID pandemic, they are animals that are susceptible to this and we wish to avoid any kind of contact that could result in the animals being infected with COVID. Not only would this be a potential source of reinfection to human visitors but it also could lead to situations where consideration would have to be given to closing the Upper Rock or even to putting down potentially a large number of animals. We need to do whatever we can to prevent this happening, and therefore we wish to make direct interference and close contact with the macaques something that is prohibited.

I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. E J Phillips: Mr Speaker, insofar as the general principle, course we would support a piece of legislation that would prevent the deliberate touching of any of our macaques.

The only issue that we have with some of the language of the Bill, which may well be able to be catered for in the context of the Committee Stage, is in relation to 'interfere' with the natural behaviour of a macaque. Many of us who have been on our magnificent Rock, running, walking or indeed cycling, as the Chief Minister frequently does, knows that on occasion – and I suspect it has not happened to him yet, given the speed that he travels up our glorious Rock – the macaques interfere with the humans, in terms of jumping on their heads and their shoulders. I was just wondering, insofar as the interference is concerned, if one would look at Charles V Wall. Many people continue to walk up that stretch of the Rock, and there are, of course, practical difficulties of stepping over a macaque, for example, in which there may well be interference.

840 I just want to understand the Government's thinking on that type of language in the Bill and the enforcement of this particular provision.

Chief Minister (Hon. F R Picardo): Before the hon. Gentleman gets up, Mr Speaker – on a point of clarification, my speed only happens on the way down, not on the way up, unfortunately.

Mr Speaker: Does any other Member of the House wish to speak on the Bill?

Hon. Prof. J E Cortes: Mr Speaker, I thank the hon. Member for his support.
850 This Bill does not bind the macaques, of course, if they choose to interfere with him or indeed the Chief Minister.

I do understand what the hon. Member says, but I think we have to understand that deliberately interfering presupposes an action which is intended to cause some kind of disturbance or harm to the macaque.

855 **Hon. E J Phillips:** One point – I can clarify exactly the point I was trying to make: insofar as to deliberately touch a macaque or in any way interfere, the word 'deliberate' does not necessarily link to that reference to 'interfere'. It is in 'any way interfere' with the natural behaviour of the macaque. That is the point I was making, because 'deliberate' is not linked.

860 **Hon. Prof. J E Cortes:** Mr Speaker, my interpretation is that deliberately qualifies the 'in any way'. You can interfere with a macaque in many ways; it has to be deliberate. This is my interpretation and that is why I am not minded to make any changes, and I think when it comes to enforcement, or even to prosecution, that would be borne in mind in a court of law.

865 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Animals (Amendment) Act 2020.

**Animals (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

870 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the
875 Bill be taken today?

Members: Aye.

COMMITTEE STAGE AND THIRD READING

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Smoke-Free Environment (Amendment) Bill 2020 and the Animals (Amendment) Bill 2020.

In Committee of the whole House

**Smoke-Free Environment (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Smoke-Free Environment Act 2012.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Animals (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Animals Act.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Smoke-Free Environment (Amendment) Bill 2020 –
Animals (Amendment) Bill 2020 –
Third Reading approved: Bills passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Smoke-Free Environment (Amendment) Bill 2020 and the Animals (Amendment) Bill 2020 have been considered in Committee and agreed to without amendment, and I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that the Smoke-Free Environment (Amendment) Bill 2020 and the Animals (Amendment) Bill 2020 be read a third time and passed.
Those in favour of the Smoke-Free Environment (Amendment) Bill 2020? **(Members: Aye.)**
Those against? Carried.

Those in favour of the Animals (Amendment) Bill 2020? (**Members:** Aye.) Those against?
Carried.

910

PRIVATE MEMBERS' MOTION

**Disability benefit –
Debate commenced**

Clerk: Private Members' motion. The Hon. D A Feetham.

A Member: Hear, hear.

915

Hon. D A Feetham: Yes ... (*Laughter*) Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House welcomes the introduction of the Disability Act in 2017 as a significant breakthrough in enhancing the rights of disabled people and is committed to continuing to break down barriers by constantly striving to secure equal opportunities and equal rights for all people with disabilities in Gibraltar.

Consonant with that aim this House:

(a) welcomes the assurances of the Minister with responsibility for Social Security in answer to parliamentary questions from the GSD Opposition that he is prepared to consider placing on a statutory footing the qualifying test for the award of disability benefit;

(b) considers that a wider review of the law and administrative practice relating to the grant of disability benefit should take place.

RESOLVES that that review should be conducted by a Working Group set up by the Minister with responsibility for Social Security with cross party participation, to report to this House with recommendations within the next six months.

920

Mr Speaker, it is sad, I have to say, and depressingly predictable that this motion is unlikely to prosper, not because the issues that form the subject matter of the motion and the sentiment it expresses are not, and indeed should not be, capable of unanimous support, but because the Government will not allow a motion from this side of the House to prosper unless agreed by them before the motion is filed.

925

No self-respecting Opposition properly discharging its functions could, in our view, agree to a Government veto of that sort. I am not suggesting that in some cases attempting to agree a motion beforehand is not an appropriate way of proceeding, because of course it is, but people want to see the Opposition of the day raising the issues that affect them and are important to their families, and if it is voted down it is voted down.

I see the Hon. the Minister responsible for Social Security smiling and nodding away, saying no. Well, I hope that I am wrong and I would be very gladdened if I am wrong.

930

Chief Minister (Hon. F R Picardo): It wouldn't be the first time!

Hon. D A Feetham: Well, yes, indeed, it wouldn't be the first time. I will vocalise the joke by the Hon. the Chief Minister: it wouldn't be the first time that I am wrong.

935

But joking apart, Mr Speaker, it is an important motion that is positive, that is constructive, that attempts to vocalise – as we will see when I make my address and I go to the detail of my address – the difficulties experienced by some disabled people in respect of disability benefit, which has led, unfortunately, to some disabled people with very profound disabilities not

receiving disability benefit. Indeed, it is a motion in which I will attempt to suggest ways in which the administration of the benefit can be more open, can be more transparent and can be fair. When I say open and transparent, I do use the words in the sense that we use the words on this side of the House in order to criticise their handling of the public finances of Gibraltar. What I mean is clarity: clarity for panels that advise the Director of Social Security; clarity for the Director of Social Security; and, above all, clarity for those affected.

It is not surprising that there is a lack of clarity. This is not a statutory benefit with a clear statutory basis and a clear statutory test, so there is no law effectively underpinning the disability benefit. These are administrative arrangements where the benefit is in the discretion of the Director of Social Security on advice of a panel which is in itself a panel whose identity – the components of that panel – is confidential, it is said, because Gibraltar is a small community and there is a desire to protect the identity of those on the panel who provide that advice, and where the qualifying criteria are not actually published anywhere.

As we will see, there is a significant inconsistency in approach in relation to the test that is being applied, as the hon. Member told this House in December ... the test that he told Members ought to be applied. Indeed, it may be recalled that what the hon. Member, Minister Licudi, told this House in December was that there was one overarching test. There is one test, not a number of tests but one test, and the test, he said, was does the applicant's disability severely and adversely affect his or her daily life. That is the test. There may be different factors that are taken into account to determine the issue of whether someone is severely and adversely affected in his or her daily life – autism cases clearly cannot be dealt with in the same way as paraplegic cases – but the overarching test is exactly the same for everybody. That is the view that the Minister expressed.

Mr Speaker, I have seen sufficient evidence to suggest, as I will demonstrate during the course of my intervention, that the test that the Hon. Minister told this House was being applied is not being applied and that the answer the hon. Member gave me does not reflect the reality on the ground. This is not just a case of one overarching test and what varies is the application of the factors that are to be taken into account by the panels advising the Director of Social Security; in fact, different tests are being applied in relation to different cases.

The lack of published guidelines certainly does not help, but I have found it very surprising when people have come to my weekly surgeries – and indeed I think the experience from other Members of the Opposition is also similar – that their applications are being dealt with in such a different way and that we are seeing such disparity of applications in relation to applications that constituents are making. It is sad that genuine cases are being rejected because panels are misdirecting themselves as to the proper test to apply.

I would ask the Hon. the Minister when he replies ... One other reason, not the main one but one other reason why the answer that he gave this Parliament is not entirely reflective – it may be how he believes it ought to be done, it may be how the Director of Social Security believes it ought to be done, but it is not reflective of the reality on the ground; it is also causing confusion and animosity, it has to be said, amongst those who are being rejected – is that the test appears to have changed in 2015, as again I will demonstrate during the course of my intervention, to make it a more stringent test. So, there was a less stringent test before 2015, it became more stringent, and those who were previously on benefits prior to the change had been grandfathered but it leads to a situation ... For example, I will give you a very real situation of children who participate in sports as part of the Special Olympics: one of those children obtaining disability benefit, because they were assessed and they made the application prior to 2015, but another child, with very similar disabilities it has to be said, post-2015 not receiving disability benefit because the test had changed.

There are five propositions that I make to this House as part of this motion. The first is that we need to place the test for disability benefit on a statutory footing with published guidelines and criteria which will allow both panels and disabled people to know precisely what it is that they need to demonstrate to qualify. That is my first proposition.

Secondly, that the test should be one overarching test – I do think the Hon. Minister disagrees with me – for everyone, with different factors to be taken into account in relation to different disabilities, so that there is flexibility but there is also certainty.

995 The third proposition is that there ought to be a consultation process as part of placing the test on a statutory footing, and also the issuing of guidelines as to what factors panels ought to be taking into account when advising the Director of Social Security whether disability benefit ought to be paid out. Just to give hon. Members an idea of the paucity of guidelines here in Gibraltar – and I do not criticise the present Government in relation to this, because this is something that is historical, so it is not something that I lay the blame for at the door of the
1000 Government, because this is historical. This is the Disability Rights Handbook that is issued by UK authorities to UK disabled people in the UK, and it is phenomenally detailed in relation to their rights not only to benefit but in relation to other issues that affect disabled people. If I may pass that up to the Hon. the Minister. I have got the 2020-21 edition; this is the 2019-20. Perhaps this may also assist the Hon. Minister in anything that he may do with all this after this motion.

1005 The fourth proposition is that there is no reason why the test should depart from the definition of ‘disabled’ in the Disability Act, and indeed we will see that the definition of disabled in the Act mirrors very closely the test for qualifying for disability benefit that the Hon. Minister Licudi told this House in December is applied; and if that is so, then there is no basis, in my respectful view, for refusing disability benefit to anyone who is considered disabled for the
1010 purposes of the Disability Act. All the Government then needs to do is to publish regulations expanding upon the factors to be taken into account and to be considered by panels when they advise the Director of Social Security whether somebody qualifies for disability benefit – and I will come to the Act in a moment, Mr Speaker.

1015 The fifth proposition is that we ought to maintain a register of disabled people for the purposes of the Act and those on the register then qualify for disability benefit. In relation to the register, there is no composite disability register of disabled people in Gibraltar. There are different registers for different things – disability benefit, blue bay parking badges, learning disabilities. There are 10 departments from which a disabled person can avail themselves of different services. Certain individuals may deal with one department and certain disabled
1020 individuals may deal with different departments. That is understandable and understood by this side, but we certainly feel that there ought to be a central register. Everybody who qualifies under the Act as being disabled would go on that register and that is something that then would entitle that person to qualify for disability benefit.

1025 Mr Speaker, there were 388 people in receipt of disability benefit in Gibraltar in 2019. In the last five years, on average, 89 applications per year were successful. On average, 33 applications per year were rejected. These are not numbers that are going to bankrupt the Government, but they are important to those people who are affected.

1030 The culture of entitlement has become the byword, or the by-term, for the Government in relation to what they advocate, which should be a new approach going forwards, but we are not talking about the culture of entitlement here; we are talking about helping genuine cases and genuine people. As a society we have spent, over the last few years – if the House may permit me one small political point – millions of pounds on, for example, parties and the mega concert, and I think that we can spend a little bit more in ensuring that those genuine cases that I believe the net is missing come within that safety net (**Two Members:** Hear, hear.) (*Banging on desks*)
1035 and that they and their families have that peace of mind, and the starting point is the Disability Act.

1040 Mr Speaker, as I say in the motion, the Disability Act is a seminal piece of legislation. Our longstanding position is that it does not go far enough in terms of the implementation of the UN Convention on the rights of disabled people but nonetheless it is a quantum leap, and we accept that on this side of the House. But for the purpose of this debate I would draw the attention of the House to the definition – of disability for the purposes of the Act. ‘Disability’ is at section 4.

'Disability' means:

a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out day to day activities as further defined in Schedule 3.

1045 Pausing there, what is the difference between the test that the Hon. the Minister told us applied for disability benefit and the definition of disability for the purposes of the Act? The only distinguishing feature is that the test that the Hon. the Minister outlined before this House used the words 'severely' and 'adversely'. 'Severely' does not appear in the definition of disability; instead, there is the use of the word 'substantial'. But on the other hand, the test that the Hon. the Minister outlined before this House did not refer to any requirement for long-term impairment, and yet the definition of disability for the purposes of the Act does refer to long-term impairment.

1050 The point that I make, as we will see from further provisions in this Act, is that we believe that the definition of disability and the test that the Hon. the Minister outlined to this House are sufficiently close in proximity that in fact we could safely, without overtaxing the taxpayer and the public purse, simply rely on the definition of disability in the Act and say if anybody is disabled for the purpose of the Act, falls within this definition, they qualify for disability benefit.

If we then turn to Schedule 3, paragraph (2), Mr Speaker will see that 'long-term effect' is defined in paragraph 2:

The effect of an impairment is long-term effect if:

- (a) it has lasted at least 12 months;
- (b) the period for which it lasts is likely to be at least 12 months;
- (c) it is likely to last for the rest of the life of the person affected.

Where an impairment ceases to have a substantial adverse effect on a person's ability to carry out normal day to day activities, it is to be treated as continuing to have that effect if that effect is likely to reoccur.

1060 The Act also then makes provision for regulations to be introduced which in fact could also be regulations where the Minister, for example, could introduce regulations that deal with disability benefit and placing disability benefit on a proper statutory footing, so that everybody knows where they stand and there is legal certainty in relation to the issue.

1065 And then, in relation to normal day to day activities – and remember, Mr Speaker, that the test for disability benefit is 'severely and adversely affects' that person's daily life; that is the benefit – disability is defined also by reference to normal day to day activities, and in paragraph (4) of the Schedule it says:

An impairment is to be taken to affect the ability of the person concerned to carry out normal day to day activities only if it affects one of the following:

- (a) mobility;
- (b) manual dexterity;
- (c) physical co-ordination;
- (d) continence;
- (e) ability to lift, carry or otherwise move everyday objects;
- (f) speech, hearing or eyesight;
- (g) memory or ability to concentrate, learn or understand; or
- (h) perception of the risk of physical danger.

1070 Again, there are regulations that can add to those factors. So, you have the basis for making statutory benefit. The way that the test that the hon. Gentleman explained to this House adversely severely affects that person's daily life ... You have got the template already and the possible underpinning provided for in this Act. And again, there are also regulations. The Minister can also make regulations in relation to substantial adverse effect and what that means, and that is in regulation 5.

Having attempted to show this House that the test that the hon. Gentleman outlined in December is very similar to the definition of disabled for the purpose of the Disability Act, I am now going to go through a number of very real cases, on a no-names basis – either first name basis or anonymised. I have consent, of the cases that I am going to be referring to in this House, from the people who are affected, but the point of this exercise is to try and be the voice for these people in this Parliament so that hon. Members in this House can hear very directly from those people, because I am going to be reading letters and testimonies of those people in relation to their condition.

The first person I am going to refer to is somebody I will refer to as Lisa. Lisa is in her 30s. Her husband left her, so she is a single mother with two children. She used to run a café, so she was a businesswoman. She unfortunately contracted a tumour in her spine and as a consequence of this she could not work and she lost her business. She also contracted fibromyalgia and a herniated disc. She has got degenerative spine disease, arthritis in her neck and she suffers from depression. As a result of the above she suffers from back pain, loss of balance and, on occasion, requires assistance of a walking stick, as she finds her legs hard to manoeuvre. She relies on a mobility vehicle for transport, as she struggles to walk long distances or stand for a long period of time. I am just going to read to this House a letter that this this lady wrote. These are her own words.

First of all, she made a point which I would also like to make to the Hon. Minister: that the forms for the application for disability benefit do not actually provide sufficient space for many of these people to provide their full stories so that their full stories are taken into account by the panels. It is a point that has been made by her and it is a point that has been made by others who have come to see me as well. She said this, and I quote:

As for getting dressed and undressed, this proves to be a problem and I will give you an example. Last weekend my back went, just because I sneezed. The pain is similar to that of having sciatica, but more severe. My parents had to mind my children so I did not have to tend them, and on the Monday I tried to get an emergency appointment at the PCC, but I was unable to leave the house due to having 96 steps from the bottom of my block to my front door, thus resulting in me being housebound, and this is not the first time, nor is it the first time for my parents to look after my children, sometimes for a few days.

With me being able to have a little more rest than I normally would, I dosed up on medication and I made it to my GP on a Tuesday with thanks to my children coming back to help me pull my trousers up and put my socks and trainers on, because there was no way that I could manage it. My GP was sympathetic and I got an injection for the pain, but I was told it is a chronic problem and it won't go away. I will have good days and bad days. The best that I can do is manage my pain with medication, and I was told that when I have a flare-up and the tablets don't work, to call an ambulance, where the hospital can give me pain relief by injection.

With that mentioned above I consider myself to be unemployable. I was previously self-employed and I wouldn't employ anyone with my condition, not knowing if they were going to turn up for work from one day to the next or having to leave work mid-shift because of being in pain, let alone time off for my quarterly MRI scans – and there will be physiotherapy, but I have been waiting for almost a year because of the waiting list – as well as not being able to sit or stand for an extended period of time. What kind of work am I expected to do?

It is not nice being in discomfort and pain every day. Degenerative spine disease is usually associated with old age or having an accident or trauma, which heals quicker if dealt with the right way. I was informed that my tumour grew over many years, so a lot of the damage has already been done and I definitely feel a lot of discomfort, especially arthritis in my neck on the days we have a levanter.

She goes on and she also talks about the fact that, because she has found herself as a single mother in this kind of situation, she is now seeing a psychiatrist and that obviously adds to the general cloud hanging over her life.

Mr Speaker, on 1st July 2019 this lady applied for disability benefit and the response came back essentially saying:

Your condition does not currently impact severely on your activities of daily living.

That was the decision. She was also told, in a letter to her, that the test had changed in 2015, but focusing on the test, the test that she was told applied was the test that the Hon. Minister told this House applied. That is what she was told.

1105 I saw her in one of my surgeries. I then said to her, 'I am a lawyer. I am going to represent you. What we are going to do is apply for legal assistance so that you can get an expert to report on whether your condition adversely and severely affects your daily life.'

1110 This lady has asked me – I must not forget – to publicly thank the Hon. the Minister for Social Security, Mr Licudi, because I got in contact with Minister Licudi, I explained the situation and I said, 'Is it possible for us to obtain this report in the time that I need to file a claim for judicial review?' which is three months from when a decision is actually taken, and the Hon. Minister agreed to extend the time by another three months to allow me to instruct an expert and obtain this report.

1115 We went to an expert, and the expert in fact happens to sit on one of these panels, so sits on the panel advising the Director of Social Security. She wrote on 17th December 2019 and this is what she said:

I managed to speak, on a no-names basis, to Erica Felices of the DSS about Lisa, as I needed to understand exactly what we can achieve with this process.

That was not on instruction from us; she just took it on herself to make that approach.

I discussed disability benefit and it is clear that their definition

– in other words, the DSS definition –

and the definition that we have to work to when we make decisions on the DSS board that I currently sit on

1120 – she is one of the people who sits on this panel –

expects that the affected person is permanently incapable of work.

So she comes back to us and says the test is that somebody must be permanently incapable of work.

I would be able to write a report stating that Lisa has two medical conditions, but I am afraid – or should I really say I am delighted? – to report that neither of which is permanent. It is reasonable to expect, from a medical perspective, that she will recover sufficiently to be able to work again in the future.

1125 Mr Speaker, as a consequence I wrote to this lady and I said, 'That is not the test. I have been told by the Minister in Parliament that is not the test, and it is not the test.' She came back and said, 'That is the test. That is the test that I have been told by the DSSS should be applied and that is the one that we apply on panels. I know the hon. Gentleman – and he is not doing it with any malice – shakes his head, but I am telling him this is the email that we have received and I
1130 am going to further examples in a moment. This is a person who is sitting on these panels and she is telling a QC instructed to act for this lady, 'No, that is not the test because we have been told that this is the test.'

1135 And that is not an isolated incident; it is not an isolated example. Of course, that is wrong, they are misdirecting themselves, because the Hon. the Minister has told this Parliament what the test is, but there are panels that are advising the Director of Social Security in accordance with a test that does not apply, and the confusion, in my respectful view, is that because this is an administrative benefit that is not underpinned by any kind of statute, or there are no guidelines that have been issued by anybody in writing in relation to this, this unfortunately is not an isolated example.

1140 I turn to another example. I turn to the example of a seven-year-old boy. I will call him child 'R'. Child R has autism spectrum disorder. On 27th September 2018 the Department of Education wrote to his mother and said that the child had been assessed by a multi-disciplinary autism assessment panel and a fully extensive individual assessment by the professionals found that:

1145 The panel is in agreement that child R satisfies the criteria for autism spectrum disorder in that he presents persistent deficits in social communications and social interactions across multiple contexts. There is evidence of restricting and repetitive patterns of behaviour which may include unusual sensory processing.

Then he was also assessed by the educational psychologist on 22nd November 2019 and that assessment placed him as:

requiring substantial support, i.e. marked deficit in verbal and non-verbal social communication skills, social impairments apparent even with support in place, limited initiation of social interaction or reduced abnormal response to social overtures from others. Also, substantial support in relation to RRBs. These are restrictive repetitive behaviour and/or preoccupations and/or fixated interests appearing frequently enough to be obvious to the casual observer and interfere with functioning in a variety of contexts. Distress or frustration is apparent when RRBs are interrupted, difficult to redirect from fixated interests and severe, requiring very substantial support, very difficult to redirect from fixated interests or returns quickly to it.

1150 The mother of this child wrote and said, 'There are other children the same as my child and they receive the benefit, and you are rejecting me.' This is what the Department said to this lady on 9th July 2019:

Disability benefit is not awarded on the basis of having a particular illness or disability but takes into consideration the severity of the impact of the illness or disability on the applicant's everyday life.

Fine, but then it says:

Regarding the issue on other children in receipt of disability benefit, I would like to inform you that this panel was set up in July 2015 and that any person in receipt of the benefit previous to that date was approved following a different criteria.

So the criteria changed in 2015, according to the letter that I am reading from the Department of Social Security to the mother of this child.

1155 In the letter rejecting the disability benefit, these are the grounds. It is dated 2nd January 2020 and it says:

The panel acknowledges that [child R] has complex needs and requires additional support. However, the panel considers that your son's current level of functioning does not meet the threshold for a profound disability in that he does not (1) require round-the-clock medical support and care,

1160 Mr Speaker, what on earth does that have to do ...? And how is that placed in the context of the test that the hon. Gentleman said applied to disability benefit? (*Interjection*) No, I know it has nothing to do with that. I am not criticising him. I am not criticising the Government and I am not criticising the Minister. It is just that there is confusion in relation to this benefit and I am just –

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Will the hon. Member give way on one particular point?

1165 **Hon. D A Feetham:** Of course.

Hon. G H Licudi: I have made the point previously and I just raise it now so that the hon. Member is aware: there are two different tests, one for adults and one for children. What he cannot say is a particular test which is for adults was not applied for children. He knows it because I have given him details in his House on what the test for children is.

Hon. D A Feetham: Mr Speaker, to the extent that that is so, my understanding was there is one overarching test. What there cannot be is a test for children that is more stringent than for adults. That cannot be right. I am reading a letter that has gone to the mother of a seven-year-old child. If what the hon. Gentleman says is correct ... The test for adults is 'severely adversely affects that person's daily life' and the test for a child is 'requires round-the-clock medical support and care'. That *cannot* be right.

And then it says:

(2) or depends on others for all aspects of day-to-day life and (3) have extremely limited communication, mobility and independent skills.

Again, Mr Speaker, that is a more stringent test than the one that he outlined to this House, and to the extent that he says there is a different test for children, surely it cannot be right.

I am not blaming him. I emphasise again that I do not want this to turn into a party-political, partisan debate. I am not blaming him. What I am saying is I am bringing to the attention of this House what are inconsistencies in the way that this benefit is being administered.

I now turn to a different case, and this is a four-year old girl. I will call her child 'A'. The reason why I am dealing with different cases is just to give this House a flavour of different conditions. So, a four-year-old girl, child A, born with cerebral palsy. On 11th June 2019 the GHA wrote a letter to the mother recognising the condition, that it affects mainly her right side, hand and leg. She has difficulties walking and has some shortening and neurological problems with her right leg. This is a four-year-old child. The letter that comes back rejecting the application for disability benefit reads as follows, and I quote:

The panel acknowledges that [*child A*]

– it does not say 'child A', it says the name –

has complex needs and requires additional support. However, the panel considers that your daughter's current level of functioning does not meet the threshold for a profound disability in that she does not (1) require round-the-clock medical support and care, (2) depend on others for all aspects of daily life and (3) have extremely limited communication, mobility and independent skills.

That is the second example of where a letter rejecting disability benefit has gone out to the mother of a child, setting out a test which on any view is a more stringent test than the test that the Hon. the Minister, in good faith, outlined to this House applied to disability benefit. That, of course, begs the question ... This is happening. There are three cases – and there are more, but I am not going to be going through many more examples and taking more of the House's time when I have made my point. But when you consider these cases and the disparate ways in which this is being applied, in my view at least there ought to be a review of the issue, and the Minister ought to review it.

I have said that there ought to be across a cross-party review. I know that the Hon. Minister is never going to agree to that, but – (Interjection) No, I think that the hon. Gentleman would benefit from any input that I or some other Members on this side – and the hon. Lady no doubt will make a contribution in due course – can bring to the table in relation to this, and a working group is one way of dealing with it. But if that is not agreeable to the Government, at least they ought to take these points on board and perhaps we can have a meeting and I can go through it

with the Minister and assist the Minister in any way that he thinks that certainly on this side of the House we can assist, because this ought not to be a partisan political issue.

1210 Mr Speaker, this is on a different point. I turn to the case of Danny. Danny is a paraplegic. He suffered very severe injuries as a consequence of a motor vehicle accident. He is in a wheelchair – paralysis of one side. The complaint that he made to me – the hon. Gentleman knows, because we have had exchanges across the floor of the House – was, ‘When the GSLP got elected my disability benefit got reduced to 25%.’ The Hon. the Minister has explained, ‘Because we raised what trainees, cadets and others were being paid to the Minimum Wage, we then
1215 reduced...’ – that disabled person was in employment – ‘the disability benefit to 25% of what they were getting if they were doing more than 20 hours a week.’

The answer that I quote, the answer he gave me, was this:

Of the 70 persons employed who are in receipt of disability benefit, 42 are employed for over 20 hours a week and receive 25% of the benefit, 28 are employed for 20 hours or less a week and receive 62.5% of the benefit.

Danny is employed for more than 20 hours a week and therefore his benefit was reduced to 25%. I want to read to this House what Danny has told me by email. I just want it to be his words
1220 on what he feels about this – not my words, not the words of a politician, but the words of a person who is affected by this. He said:

Hi Danny

We need to make them understand what disability allowance means. They do not understand that point. Disability allowance is for your needs, disabled or with long-term health condition. I am spinal-cord injured with a high level of disability. Not every disabled person is the same as me. I have to pay for my wheelchair spares, medical equipment, electricity due to charging my wheelchair and hoist every day and my adapted van. The Government doesn’t pay for my equipment or spares. How can they say I earn a minimum wage and how can I have to work for my disability allowance? It doesn’t work like that. You work to have a life, not use me as cheap labour because I am earning a minimum wage and disability allowance together. How can you, in the UK, Germany, Spain, and the rest of Europe and even the world, have a quality of life with your wage and your disability allowance and in Gibraltar you can’t get your full disability allowance because you work over 20 hours? It’s ridiculous.

Mr Speaker, disability benefit is there to allow people to have an element of independent living, and what the policy of the Government fails to take into account is that these are people who are earning the minimum –

1225 If the hon. Gentleman wants me to sit down, I will and give way. No? Okay. I am very grateful, Mr Speaker.

What the Government is failing to realise with this policy is that if you have somebody like Danny, who is a paraplegic, is in a wheelchair, paralysed on one side, and he is earning the Minimum Wage, how far is that person going to go in his job, in terms of progression, in the
1230 same way as every able person can? His potential has been cut short, Mr Speaker. He is going to be on the Minimum Wage or above the Minimum Wage for most of his life. Not everybody is going to be like that, but unfortunately for somebody with that severity of disability the opportunities that ... What I am getting at, inelegantly, is that the opportunities that person gets in terms of employment are far less. In addition, he has more expenses than we would have
1235 because, as I read in that email, he has got other expenses in relation to his equipment, and to actually cut his disability benefit ... Mr Speaker, I know that they will say ‘his disability was not cut because we increased his wage – because cadets were earning £450 a month and now they are earning the Minimum Wage, which is substantially more than that’, but the reality is that yes, of course they increased the wage, but they cut the disability benefit, so you are giving with
1240 one hand and taking with the other.

Mr Speaker, I do not want this to be, again, party political and partisan, because of course ... Look, if they want me to make the concession that it was a jolly good thing to increase what these people were getting from £450 per month to I think it was £1,100, when they got in, per

month, I make the concession. I have no difficulty in making that concession, it was a great thing that they did, but what I am now suggesting is let's look at this again. The past was in the past, but let's now look at this again and let's not deduct 75% from the disability benefit of people like Danny, who have all these expenses and who really need the money. That is the only point that I am making.

Mr Speaker, I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Daniel Feetham.

Hon. G H Licudi: Mr Speaker, the hon. Member brings a motion which clearly raises important issues, and I am in fact grateful for the manner and tone in which the hon. Member has brought this motion. Although there are one or two political undertones in some of the comments that he has made, I will try and steer clear as much as possible. It is never impossible, but as much as possible I will try and steer clear of those political undertones.

The hon. Member started in a very bad way. The hon. Member says it is very sad and very depressing that this motion is not going to see the light of day, these people are never going to support this – and then he goes on to say, 'The reason they are never going to support it is because I am proposing a cross-party working group which is unachievable.' So he answers his own point. He says this is very sad, but if he had brought a motion ... If he brings a motion that he knows and admits from the outset is 'something that you can never agree, but it is very sad and depressing that we cannot get unanimous support for this motion' ... Also, having started in that vein, Mr Speaker, is it that he is so lacking in his own confidence to persuade the House to vote for his motion that he starts by saying 'This is very sad and depressing because I am never going to be able to persuade you'? That is what is sad and depressing: that somebody comes to this House and does not have the confidence in himself to say, 'I am going to persuade you because my arguments are correct.' (*Interjection*)

So, the hon. Member will see what we will be doing, but when the hon. Member says 'because they have a veto', it is not that we have a veto – it is that we have been voted into government. We have a majority and therefore we are able to vote in the manner that we consider appropriate. But the hon. Member should not confuse that with an ability by us as individuals, and indeed by any of them, including the hon. Lady, to propose any amendments to the motion. That is not to say that it is sad and depressing because the original motion does not get passed. We can propose amendments which actually – and I hope it may happen – improve the motion. That is a possibility. But at least the hon. Member should recognise as a possibility that amendments that are proposed by hon. Members, of whichever side of the House they may be, can possibly improve a motion that he or I or anybody else might bring to this House.

Mr Speaker, what I propose to do today in response to the hon. Member is to answer a lot of the points, or most of the points that he makes, but I believe that it would be useful to set the whole thing in the motion in a proper background and context. Therefore I believe it would be useful for all of us to understand, in terms of what we are talking about on disability benefit and the various changes, including some changes that the hon. Member has alluded to ...

The hon. Member talked about 2015 bringing about certain changes. It is important not to go back in history and tell a whole tale, but to go over the background to the award of disability benefit. Disability benefit used to be called disability allowance, and we have changed it to disability benefit so as not to create confusion between the allowance that is given for Income Tax purposes, which is the disability allowance. Some people were using the terms interchangeably. Therefore, we now refer to it as disability benefit.

This is in fact a benefit which was introduced many years ago. I have asked for the earliest records to be checked and the earliest records go back to something like 1978 when the disability benefit was given. At the time, it was created as a benefit to be given on an ad hoc basis for people who had permanent and severe disability by physical or mental reasons from

birth. It had to be permanent, severe physical or mental, and it had to be from birth. There was a residual discretion given to the Director of Social Security. My understanding, going back all those years, is that that discretion was hardly ever, if ever, used. The test that was applied was permanent and severe disability from birth. That excludes, of course, as an aside, anybody who has a motor vehicle accident and ends up paraplegic or disabled and needing support. That goes back to 1978.

It was the test that was applied throughout the 16 years of GSD administration. It is not a criticism because I know the hon. Member is entitled to say 'Well, that was wrong. That was then. That was a view that was taken then. What do we do now? Is the test that we apply now the right one, or should we change it going forward? Have we applied the right test since 2011 or changes made in 2012 and 2015, and is it right to review the position now?' But it must be said that when one understands everything that the hon. Member has said and some of the criticism that he has levelled – and he has made it clear it is not a criticism of me personally but generally of the circumstances of the scheme as to how this works – there used to be a very stringent test of permanent and severe disability from birth which did apply throughout the 16 years of the GSD administration.

Originally, throughout all this period, the benefit was part of the wider social assistance allowance. It came out of the Social Assistance Fund and subsequently it came to be paid out of something which I would say was inelegantly named the Gibraltar Handicapped Fund. Eventually, as happens now, it became part of the recurrent expenditure of the Department of Social Security, with its own subhead in the Estimates that we approve each year in this House.

As the hon. Member has indicated, it is not a statutory benefit, but it is also not a benefit which is means tested and it is not a benefit which is contributory. So, we do not have a statutory scheme whereby we get contributions from Social Insurance payments and apply that to a statutory scheme which includes entitlement in certain circumstances, whatever the criteria is, to disability benefit. It is non-contributory. That may have contributed – and I do not know whether this is correct or not – initially as to why it never became a statutory entitlement, but it is certainly not means tested and it is certainly non-contributory.

In 2006, before we came into government in 2011, two new clauses were introduced into the arrangements providing for social assistance in relation to disability benefit. I will read out the two clauses. This is a new provision in 2006:

The payment of this allowance shall be suspended if the disabled person is employed in full time employment.

In other words, in 2006 somebody decided that it was a good idea that if you became employed or were employed then 100% of the benefit would be gone. That was introduced in 2006.

The second provision was:

Notwithstanding the provisions of the paragraph above, any allowances paid under the Government Training Scheme shall be disregarded.

This is essentially what the hon. Member has addressed before, that where you had trainees under that Government Training Scheme who obtained and were being paid the disability benefit, notwithstanding that that may have been considered work or being in work for over 20 hours a week or full time employment, then ... It certainly was not employment; it was different. It was separate from employment, but notwithstanding the provision that if you were in employment, the whole of the allowance became suspended because if you then became unemployed or you left your job then it could be reactivated. That is the reason for the use of the term 'suspension', I expect, but notwithstanding that, any allowances, and to avoid confusion as to whether you were employed or not, it was clear that if you were paid under the Government Training Scheme those allowances were disregarded.

The effect of these clauses was that someone who had a permanent and severe disability from birth, who was in receipt of the benefit and became employed, lost 100% of the benefit. That was the effect of what was introduced in 2006.

I know the hon. Member has mentioned a particular case. I really do not want to go into individual cases, and the hon. Member I hope will understand the reasons why, but the reality is that somebody at the time, as from 2006, who was on a Government Training Scheme and was paid ... the hon. Member has mentioned £450 a month, did not have disability benefit suspended. At the time that we came into office, in 2011, disability benefit was £304.50 per month – that was the full amount of the benefits – and that meant that if you were at that time, prior to us coming into office, on the Government Training Scheme and in receipt of the allowance you got for that plus the disability benefit, you would be getting something just over £700 per month. It also meant that if you were not in the scheme and you obtained full-time employment you lost the entirety of the £304.50 per month, notwithstanding that you had a permanent and severe disability from birth. You must have had that to have been in receipt of the £304.50, and notwithstanding that you had that disability from birth you still lost it if you went into full-time employment.

As we know, in 2011 we had a change in Government – something that some people have described as a new dawn, but I do not want to make political points this afternoon – and in 2012 the Government replaced the suspension of the benefit for persons who were in employment with a policy instead to reduce the benefit to 25%. So, the elimination to 0% was replaced with a policy of a gradual reduction over a period of three months – 25% each month reduction, getting to 25% at the end and then leaving it at 25% percent. That meant that those who were in receipt of disability benefit who found employment could nevertheless keep the disability benefit at 25% of the rate that applied, which contrasted to the reduction to 0% of the benefit prior to the introduction of that arrangement in 2012. That necessarily, by definition, is a good thing. It has to be a good thing, because if previously you lost 100% and then you lost a maximum of 75%, you were better off. If, on top of that, or separately from that, you are on a scheme getting £450 and suddenly you find yourself on the Minimum Wage at just over £1,000 a month, it means that notwithstanding the reduction to 25% of those persons who previously got 100% because they were on the scheme, a person who was on the scheme would then be on the Minimum Wage and would get 25% and would be better off by over £400 per month. That is the effect, the reality.

The hon. Member criticises the fact that there was a scheme to reduce to 25% the disability benefit if somebody found full-time employment, but what the hon. Member needs to understand is what is the overall effect of that. Previously, if you were not in the scheme it was reduced to 0%, so you were 25% better off. And if you were a trainee, you had the other amount increased and you were still better off by around £400. Whichever category you were in you were definitely better off by hundreds of pounds as a result of the changes that we made, so it is not something that should be seen as a negative thing or something which should be worthy of the criticism 'You reduced it to 25%'. No, we increased it from 0% to 25%.

Therefore, it is clear that everybody on disability benefit who was either employed or in the scheme was better off in 2012. But that is not all that happened in 2012. In 2012 the Government also extended the disabled individual's tax allowance to provide an allowance against earned income of an individual with disabilities. This allowance was on top of all other existing allowances and the effect was to bring an individual with disabilities, who was in receipt of the whole or part of disability benefit and was in employment, totally out of taxation – completely, entirely out of taxation. That, again, can only be a good thing for anybody with disabilities who was on disability benefit.

So, in 2012 we had the retention – not the removal, because the removal had happened previously to 0%; we had, in 2012, the retention – by those in employment of 25% of disability benefit, whereas previously the whole of the disability benefit was removed. We had an increase, effectively, of around £400 per month for those on disability benefit who previously

were on the Government Training Scheme. And we had the taking entirely out of taxation of those individuals in employment who were on disability benefit. That happened in 2012.

1395 As from 2012, as a result of a manifesto commitment that we had in 2011, we were looking at the arrangement whereby the test was permanent and severe disability from birth. We had committed ourselves within our first term of office to change that and remove the requirement that it should be from birth. As a result of a review undertaken in 2015 there were a number of changes made.

1400 The first change was that a distinction was drawn between those who were in full-time employment and those who were in part-time employment. Previously it was just if you were in employment you got 25% of the benefit. So, those in full-time employment would continue to receive the 25% of the benefit, but those in part-time employment, 20 hours or less, would now get 62.5% of the benefit. I am corrected by the Father of the House, who was involved at the
1405 time and says that this was in fact part of the arrangement that was made in 2012, the distinction between full-time employment and part-time employment, so I am very happy to correct that.

The other significant change that was made is that up until 2015 applications were considered on the strength of a medical letter or certificate for adults, and on the
1410 recommendation of the Special Education Needs Assessment Panel for children or persons under the age of 18 years. This is a panel that came and still comes under the Department of Education, made up of officers of the Department of Education and the Gibraltar Health Authority, for the purposes of assessing educational needs of children with learning difficulties, and that panel supported at the time the Department of Social Security on the award of
1415 disability benefit to children. But it was clear that that arrangement was not ideal, as that was not specifically the remit of the panel, which was to consider education needs of the children.

As a result of that review that was undertaken in 2015, it was highlighted that the requirement that the person had to be permanently and severely disabled from birth was very stringent and unfair, as many people who were applying for disability benefit and whose
1420 disability was severely impacting their daily lives were not severely disabled from birth but from something, a disease or an accident, that happened subsequently. As a result, it was decided that disability benefit would no longer be awarded on the basis of having a particular health condition or impairment but on the impact of the condition or impairment on a person's daily life activities. So, when the hon. Member in his speech says there was a change in test in 2015,
1425 yes, that is correct; it was not just permanent disability from birth, but the test became the severity of the impact of the condition or impairment on the person's daily life activities. That naturally opened up the availability of disability benefit to many people who would not previously have qualified – all those people who had a substantial disability or had a substantial impact as a result of his condition or impairment on the person's daily life activities – and since
1430 2015 that has been the criteria for the award of disability benefit in respect of adults, with the focus being on the outcome and the impact of the health condition or impairment on the individual's ability to carry out the range of activities which are fundamental to everyday living. The reality is that up to 2015 there had really been no formalised or consistent system to award this benefit and that was changed as a result of the review which was carried out in 2015.

1435 One of the aspects that was changed was that a multi-disciplinary assessment panel was introduced whereby qualified professionals would bring the necessary expertise and understanding on disability, the scope of disabilities and the ability to perform certain functional capacity evaluations which the panel was able to undertake and which was not the process that happened previously. As a result, essentially two panels were introduced from professionals in
1440 the relevant field, one to process applications for children and the other for adults. The role of the panels was, has been and continues to be to consider impact, not diagnosis. The panel does not make a medical diagnosis. It looks at the medical evidence and the condition that exists but it assesses the impact of that condition on the ability of the applicant to carry out normal functions in everyday life. These panels make recommendations to the Director of Social

1445 Security on whether disability benefit ought to be awarded to the applicant or not. That is the formal process. The panels consider the matter and make applications to the Director. I do not know of any case where the panel has said 'This person is severely impacted and the benefit should be paid' and the Director has said 'No, in the exercise of my discretion I am going to disregard your recommendation.' So, although technically the discretion is exercised by the
1450 Director of Social Security – he is the head of department – the Director essentially follows the recommendations made by the panels.

With regard to the adult applicants – and this is where the distinction is drawn – the criteria are focused on the outcome and the impact of the health condition on the ability of the individual to carry out a range of activities which are, as I have said, fundamental to everyday
1455 life. The activities which are looked at are preparing or eating food, washing, bathing, using the toilet, dressing and undressing, reading and communicating, managing medicines or treatments, making decisions about money, engaging with other people, planning and following journeys, and functional mobility both indoors and outdoors. So, there is a process, there is guidance, there is a test and then there are factors that are taken into account in deciding whether the test
1460 is met or not.

The process for children, as I indicated earlier, is slightly different. It is whether the attention, guidance and supervision required by a disabled child is substantially in excess of that usually required for a child of the same age, so their care needs with personal care – things like eating, washing, getting dressed, going to the toilet – must be substantially greater than the care and
1465 attention needed by a child of the same age.

Hon. Members will recall that in 2019 we had an exchange, and the Hon. Mr Feetham read something earlier which I had said in relation to the test previously. We had an exchange in this House and that particular question related to children with autism, the hon. Member will recall. This is what I told the House at the time. I am quoting from *Hansard*, Mr Speaker:

There is not a criteria for the granting of disability benefit with either autism spectrum disorder or speech impediment or visual impediment or any other kind of disability. What the assessment panel will look at in assessing the individual and making recommendations to the Director – and in particular when we talk of autism spectrum disorder we are primarily dealing with children – is whether the needs of the child are substantially in excess of that usually required by a child of the same age, and in considering whether the child will qualify for disability benefit the needs of that particular child are compared to those of a child of the same age or similar age with no disability. For example, if the child with disability needs substantially more attention because the care needed is different on issues of toileting, being able to eat on their own, dress themselves. Those are the sorts of issues that the assessment panel will consider and when you come to an assessment as to whether the impact is substantially different to that of a child of the same age without a disability, and based on that assessment the panel, which is made up of professionals, may then make an appropriate recommendation to the Director of Education.

1470 – *Hansard* says the Director of Education; it should be the Director of Social Security –

The same essentially applies for adults, where their criteria are not related to a specific ailment or disability but the criteria are simply the impact of the health condition or disability and the impairment of that individual's ability to carry out a range of activities which are fundamental in everyday life.

– in other words, whether there is a severe impact in everyday-life activities as a result of the disability, and that is essentially the broad criteria which the assessment panel considers.

So, Mr Speaker, the tests themselves are clear. The hon. Member says that one of the reasons why we should put this on a statutory footing is that then the tests will be clear. The
1475 tests are clear. The fact that you write it in a statute or give it as part of guidance in a leaflet to the Director of Social Security or the assessment panels does not provide for greater clarity. The tests themselves are clear, and when the hon. Member has read some of the letters that the hon. Member has read, essentially they reflect that those tests are being applied. What they also reflect are perhaps the reasons why the panel considers that the disability benefit ought or

1480 ought not to be given, but the reasons ought not to be confused with the test itself, as the hon. Member will know.

It is clear, in our view, that the reviews that were undertaken in 2012 and 2015 ... It is clear beyond peradventure and beyond argument that these reviews have provided support for the needs of a wider range of individuals with disabilities. In other words, more people benefit and there is more to benefit from by those people moving away from a very stringent, unfair and inconsistent system to a formalised and consistent system where the impact, not the diagnosis, of the disability is assessed by a panel of experts and qualified professionals and no longer on the basis of a medical letter or certificate alone, which was the process which was applied previously.

1490 The fact that these changes have benefitted a greater number of individuals with disabilities necessarily, and it follows from that, has had financial implications for the Government. The more people who benefit and the more they are able to keep, the greater the expense for the Government. It is interesting to see – looking at the approved Estimates for 2011-12, which are the Estimates that we inherited for that particular year when we came into government in
1495 December 2011 – the Estimates of Expenditure approved by this House in 2011-12 was £503,000 for disability benefit, half a million pounds. The amount approved by this House for disability benefit in the financial year that was supposed to expire on 31st March, taking the whole year 2019-20, was £1,675,000. That is an increase in the yearly amount that is paid of £1.2 million in eight years, so we are now spending £1.2 million more in each year than was being spent when
1500 we came into government in 2011. That represents a more than 200% increase in the overall budget for the benefit in eight years of government, and that is substantially in excess of inflation. It is not, clearly, linked to inflation, it is because of the changes and the wider net that is cast now than was previously the case, and it shows, in my view and I would suggest to this House, the Government's commitment to improve the system of disability benefit and to widen
1505 the range and the number of applicants who are now eligible and in receipt of disability benefit, many of whom could not even have applied prior to 2012. They could simply not have applied. They were excluded altogether, taken out of the system – many of those, including one of the examples that the hon. Member has given ... and I say that just to show that somebody who has an accident and becomes disabled is able to benefit from the payment of disability benefit.

1510 So what does all this mean, Mr Speaker? Does it mean that the system is perfect? Does it mean that it cannot be improved? Absolutely not. As with any system, you can always look at improvements and it is always desirable to review how things work in order to ascertain whether changes or improvements can be made.

The hon. Member has talked of issues which possibly touch ... I am not sure that he used the
1515 word 'transparency', but confidentiality issues or clarity. So there are certainly things that can be looked at and can be improved, and as a result of that, in December 2019, before the date of the motion by the hon. Member ... I just mention that in case the hon. Member does not look at the date of his motion and does not realise that this was before the date of his motion, (*Interjection by Hon. D A Feetham*) but in December 2019 I asked the Director of Social Security to carry out a review of the disability benefit system. Unfortunately the review had not been completed by the time we had locked down, by the time we had issues. The Department of Social Security was one of the ones that was clearly impacted in terms of workload, changes on payment of benefits and how all that was going to be done, with staff in lockdown and some shielding. So, as a result of that, we did not complete it but I did have, by that time, some preliminary comments by the
1525 Director of Social Security which we discussed and I asked for some further work and further research to be done which had not been completed at that time. What I can say is that – and I hope the hon. Member will be pleased to learn, given that he is calling for a review – there is a review which is ongoing and which will result in recommendations made to the Government and I expect will result in improvements to the system. I do not want to anticipate what the result of
1530 the review will be and say we will do A, B, C or D, or X or Y, but I do anticipate that there will be some changes and some improvements to the system.

Mr Speaker, the hon. Member has made a number of points, including in relation to the tests. I have set out our position in respect of what the test is and what that test should be or how that test should be applied, but it is a matter for professionals.

The hon. Member has mentioned a couple of individual cases and I hope that the hon. Member will understand why it is not considered, certainly on this side of the House, desirable to go into discussing the merits of individual cases or whether individuals have particular ailments, impairments or disabilities, or not, and how that should impact on an application for disability benefit. That is, quite simply, because it is not a matter for us, as politicians, to express an opinion on whether ... We can set out policy steers, we can set out parameters, we can set out tests and conditions which need to be satisfied, but whether a particular individual with particular impairments, disabilities or ailments qualifies or not is for professionals to assess, and although I do understand where the hon. Member is coming from in using some cases as illustrations of how he says the system should be improved, we have got to understand – everybody has to understand – that in respect of those cases, or any others that the hon. Member may raise, we do not have the medical evidence, we do not have the medical files, we are not medically qualified to assess the impact and how that has affected the particular individuals or other individuals in those same circumstances. We may have opinions, we may say ‘Well, this appears to be unfair’, but it cannot be right for us, as politicians, to make assessments on these things – and the hon. Member knows that because the hon. Member has mentioned a couple of cases on which he has corresponded. One was the extension of time for the judicial review, on which I happily agreed to the suggestion by the hon. Member, and there was another case that he wrote to me on and which he asked me to look at, and the hon. Member will recall, because he wrote to my colleague Mr Balban on this and the letter then came to me from Mr Balban’s office and I told him quite clearly that individual cases are not something I get involved in.

It cannot be right for politicians to start to look at individual cases and start to assess these things or express opinions when they are not medically qualified, when they do not have access to all the information, when they do not have the evidence that supports a particular recommendation, and least of all when they do not have the recommendation at all. It cannot be right. It cannot be right for politicians to get embroiled in the detail of who gets a benefit and who does not get a particular benefit. That is something that I explained to the hon. Member, and I wanted to repeat that today because I know – or I hope – that the hon. Member will understand that.

The hon. Member has referred to the Disability Act, which is an Act we introduced in 2012. He has referred to the test for disability, and the hon. Member quite rightly has remarked that the test is not very dissimilar from the test which I had indicated previously to this House was the one that was being applied, which was ‘substantial and long-term adverse effect on a person’s ability to carry out day-to-day activities’. In other words, it focuses on the impact of the impairment on the person’s day-to-day activities. It also talks of long-term effects. I have never talked of long-term effects in any of the tests that I have set out. So, if anything, our test, or the test that is being applied, is wider than the definition that the hon. Member has commended that we should adopt, because this restricts it to somebody who has a long-term (**Hon. D A Feetham:** Permanent.) effect. The hon. Member is right that ‘long term’ is defined in Schedule 3 as being at least 12 months. That restriction – and it is, of course, a restriction or a qualifying condition – does not apply to the tests which are applied for disability benefit. So, if anything, it is more restrictive under the Act than it is under the test that is being applied at the moment.

The hon. Member also talks of a register of disabled persons and anybody on that register should be entitled to disability benefit. If that were the case, then you would not need a statutory test and you would not need assessment. You would simply say ‘Is somebody on the register, or not?’ (*Interjection by Hon. D A Feetham*) Yes, but then who decides who goes on the register? And what do you go on the register for? Do you go on the register for a blue badge? And does that automatically entitle you because you then pass the test and –?

1585 **Hon. D A Feetham:** Will you give way?

Hon. G H Licudi: Yes, I am happy to give way.

1590 **Hon. D A Feetham:** Mr Speaker, that is not the point that I made. In fact, I recognised that there are different departments dealing with different things in relation to disabled people, and blue badges was an example that I cited.

What I said was that what you do not have is a central register of disabled people pegged to the Act. And of course if the Government follows my recommendation, which is that anybody who is disabled for the purpose of the Act ought to then qualify for disability benefit, then your register automatically is your register of people in receipt because I am linking one with the other, but it is different to the point the hon. Gentleman was making.

1600 **Hon. G H Licudi:** Mr Speaker, I understand that, but the Minister responsible under the Act and dealing with – I know that it has been raised previously – the issues of registers or disability is the Hon. Minister for Equality and I understand that she will make a contribution where she can address that particular issue. The bottom line is that there needs to be a test, there needs to be an assessment made. How it is made is another matter.

The hon. Member has included in the motion a provision which welcomes the fact that I did tell this House previously, in answer to a previous question, that we are prepared to consider placing this on a statutory footing.

I am grateful to the hon. Member for giving me the Disabled Rights Handbook, which applies in the UK. What we definitely have to do ... and I agree we need absolute clarity, we need a clear guidance and test which I suggest to the hon. Member applies as regards the Department of Social Security, but the perception might be that that is not what actually exists, because there is not a handbook, there is not a set of guidance notes, and we do need that.

1610 Part of the review that is being undertaken, or one of the things that I have asked for, is precisely what literature and what guidance note needs to be issued, so that people are clear as to what the test is, what the process is, what the form is, what you need to say, what you need to provide. So, we need absolutely clarity in respect of that, and that is something that is being considered. I have said the result of the review will be that some improvements will be made and I expect that one of the improvements will be that there will be that element of clarity from a wider public point of view rather than from what happens internally in the Department of Social Security, and that public information, whether it is in the form of a leaflet or a booklet, that certainly is something that is being not just looked at... What is being looked at is the detail as to what needs to be included.

1620 Mr Speaker, I go back to the original point made by the hon. Member, which was what will be the outcome of this particular motion, will it be success or not for the hon. Member, and I dare say, having regard to a lot of the things that I have said, there will be a large measure of success if the hon. Member accepts the amendments which I will propose –

1625 **Hon. Chief Minister:** Even if he doesn't.

1630 **Hon. G H Licudi:** – or perhaps, as I am reminded, even if he does not, because we do have a majority (*Interjection by Hon. D A Feetham*) except that I am still openminded enough to accept that when I propose amendments the hon. Member will be entitled to speak to the amendments, will be entitled to himself propose amendments and have the ability to persuade us that he is right. Whether he will do or not is another matter. I am prepared to make that concession an issue and not be as defeatist as the hon. Member started this afternoon. (*Interjection by Hon. D A Feetham*) We certainly will not gag the hon. Member. (*Interjection by Hon. Chief Minister*)

What I am proposing, Mr Speaker, is to amend the motion to keep the elements that he has included in his own motion: the reference to the Disability Act; the assurance that I gave to Parliament to consider placing this on a statutory footing – and it is an assurance to consider placing it on a statutory footing, it does not necessarily follow from this that it will be placed on a statutory footing but we will certainly consider; and there is a reference to the review – it cannot be a reference to a new review or a working group because a review is already ongoing.

But what I will propose in the amended motion is also to record the changes that have been made, which are simply factual statements, not political statements, in respect of the changes that were made in 2012, because if we are made to talk of a motion on disability benefit welcoming certain things and seeking a review or asking for the ongoing review to be completed, we also have to recognise that there have been some changes already and some changes and improvements which have been made, notably in 2012, also in 2015 and also the vast increase in the amount of expenditure that is now happening on disability benefit as a result of the amounts now voted in this House, which as I mentioned amount to £1.2 million per year more than what we inherited in 2012.

Therefore, Mr Speaker, I am proposing to amend the motion so that it says – and rather than say delete this or add that I am going to read the amended motion:

This House

(a) welcomes the introduction of the Disability Act in 2017 as a significant breakthrough in enhancing the rights of disabled people and is committed to continuing to break down barriers by constantly striving to secure equal opportunities and equal rights for all people in Gibraltar;

(b) welcomes the changes to the award of disability benefit made in 2012 as a result of which:

(i) those persons in receipt of disability benefit in full-time employment no longer had their disability benefit suspended but were able to receive 25% of the disability benefit

(ii) those persons in receipt of disability benefit who were in employment were taken entirely out of taxation in respect of their income;

(c) welcomes the further changes made in 2015 removing the requirement that only those persons with a permanent and severe disability from birth could claim disability benefit, resulting in many individuals with disabilities that arose subsequent to birth being able to claim and receive disability benefit;

(d) notes that in the financial year 2011-12 the sum of £503,000 was approved by this House for disability benefit, whereas the sum approved for the financial year 2019-20 was £1,675,000;

(e) welcomes the assurances of the Minister with responsibility for Social Security in answer to parliamentary questions from the GSD Opposition that he is prepared to consider placing on a statutory footing the qualifying test for the award of disability benefit;

(f) welcomes the announcement of the Minister with responsibility for Social Security that a review of the disability benefit system is already taking place;

RESOLVES that the Minister should report to this House within the next six months with the result of the consideration of placing on a statutory footing the qualifying test for the award of disability benefit and the review of the disability benefit system which is currently taking place.

Mr Speaker, I hope that the hon. Member accepts that I have kept the various elements which he had included in his own motion. I have added to that motion the factual scenario of what has happened since 2011 and naturally now record, rather than calling for a review, record that a review is already taking place.

Mr Speaker, I commend the amended motion to the House. *(Banging on desks)*

1660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before we continue with the debate, I note it is already almost 20 to seven and you and others have been in the House without being able to move in and out, as Members can, for now three hours. I wonder whether this might be a convenient moment to break for 10 minutes as a short recess.

*The House recessed at 6.40 p.m.
and resumed its sitting at 6.50 p.m.*

1665

**Disability benefit –
Debate continued –
Amended motion carried**

Mr Speaker: I now propose the question in terms of the amendment moved by the Hon. Gilbert Licudi.

The Hon. Daniel Feetham.

1670 I beg your pardon, the hon. Lady. I must remind the hon. Lady that we are speaking to the amendment.

Mr Speaker: I should remind the hon Lady that we are speaking on the amendment.

1675 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I welcome this motion as presented by my hon. Friend to my right and now the amendment as it stands for debate in this House.

I also welcome the assurances from the Minister with responsibility for Social Security confirming that he is prepared to consider placing on a statutory footing the qualifying test for the award of disability benefit and a wider review of the law and administrative practices relating to the award of disability benefit.

1680 Mr Speaker, these measures are imperative for an equal and transparent system where everyone who is entitled to the benefit knows exactly what they are entitled to and whether they qualify. This is particularly important for single, non-working parents and the elderly, for whom the current system of tax relief does not work.

1685 In Gibraltar, those living with a disability are disproportionately likely to be living in poverty. They are generally left without an income for the months at a time they wait for an assessment from a shadow committee which is not required to openly justify its decisions. As a society, we need to be able to trust that the assessments will be fair, consistent and considered and that claimants are not left not knowing why their claim has failed.

1690 The payments are designed to support the most vulnerable in society through tailored support and these vulnerable people should be assured when their payments will be provided and what they will earn. We recommend that target times are introduced so that individuals are not left without a vital income for a prolonged period.

1695 More important, I would like to see individuals who face disability being given dignity to be in supported employment based on individual needs. The local social model currently focuses on the ways in which the social and institutional barriers are organised and restrict those people with disabilities opportunities. Both physical and mental impairments can be a barrier to opportunity and both need to be accounted for in a transparent statutory capacity.

1700 We would like disabled individuals to be able to access the same opportunities as their able-bodied counterparts, without discrimination. In this we need to be able to provide vocational profiling tailored to the individual by supported employment based on individual needs and recognise the human right of the disabled person to live with dignity and respect.

We wish to see reasonable adjustments in healthcare and in the workplace and the right to request flexible working to fit around the individual's needs to further support them in

employment. The individual must be seen first and foremost not by their impairment. Every individual has a right to earn a dignified living, be it in limited capacity or in full employment, in every sector, supported by trained officers.

Eligibility should not be based on a person's condition rather than the way that that condition limits their ability to undertake daily activities. This needs to be actioned from the very first day of their sick note.

Government and employers must take steps to ensure that disabled people who want to work are able to do so and to address the pay gap for disabled workers.

Employers should record time off because of a disability separately from non-disability sick leave. This would recognise the fact that some disabled people may have different and higher forms of sickness absence, including no seen illness such as mental illness.

Statutory provisions also need to be introduced for families who support vulnerable children to enable them to work to their full capacity while still caring for their children at home.

We would like assurances that employees with hidden disabilities feel able to disclose their disability without fearing discrimination in the workplace.

Liveable allowances for the disabled who cannot work are also needed for a fully functional society.

Appropriate emergency provisions must be introduced for terminally ill individuals to support themselves and their families through the last stages of their lives.

St Martin's School capacity is increasing, but there is no current provision to increase capacity in St Bernadette's, for example. We want to see supported learning environments so education and life skills are available up until the age of 18. This will then lead on to a supported employment with mentorship programme and skills for life suited to the individual and taught in a suitable manner dependent on the individual.

Barriers can make it impossible or very difficult to access jobs, buildings or services, but the biggest barrier is people's attitudes to disabilities. Removing the barriers is the best way to include our disabled community in our society.

Mr Speaker, a constituent came to see me only a couple of days ago, coincidentally, who is an amputee, and she assures me that she does not get any benefits or disability provisions. This is just one example of the people slipping through the net who need it the most. On this subject I will be writing to the Chief Minister and the Minister for Social Services but I wanted to raise that there are people who are very needy, who still do not have rights pertaining to them.

We need to do more to recognise the human rights of the disabled person and the dignity and respect that they should be provided with. Reasonable adjustments in healthcare and in the workplace are important for this to be achieved, so I welcome the opportunity to work in a cross-party working group that reviews not only the provision of disability benefits but also to change the fundamental discrimination to access to everyday life and work that a disabled person and their family currently face in Gibraltar.

Mr Speaker, finally, I am pleased to note that my hon. Friend to my right the initial mover of this motion will, from what I can understand, come to some sort of consensus with the Minister for Social Services in his amendment in order to deliver a motion of unity to this House and to our community, particularly to those suffering with disabilities who will today no doubt take comfort from the willingness of this House to show, as a first step, that we here are willing to work together for their rights and their improved quality of life.

So, I will be happy to support the amended motion, Mr Speaker.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, we will be supporting the amended motion. The amended motion effectively deletes my motion and replaces it with an entirely new motion. It really makes no difference to us on this side of the House. What we are interested in is to see some sort of progress for disabled people, and if that means that we have to agree to the list of

achievements of the Government, we have no problem in doing so. They can have their gold star. The hon. Gentleman can have his gold star, but really what is important is that the Hon. the Minister for Social Security with responsibility for Social Security is not only agreeing to consider whether the Government places the test for disability benefit on some statutory footing but that there is a review afoot and that he undertakes to report to this House. That is what is important. Our concern is just simply to see that there is substantial progress and I am glad that we have been able to agree a motion by both sides of the House. *(Banging on desks)*

Mr Speaker: The Hon. Sir Joe Bossano.

Hon. Sir J J Bossano: I do not want to break the agreement, *(Laughter)* but I have to put the record straight, Mr Speaker, given that in the past we have had this debate across the floor as to what happened in 2012 – and I happen to be the guy who was there in 2012. My memory is good enough to remember what happened in 1972, so I have no problem remembering what happened in 2012.

We had a manifesto that did not commit us to retain the disability allowance which was being removed on achieving employment. We had had representation from people before the 2011 election, which was reflected in the manifesto, which was about the fact that when somebody who was getting the disability allowance found a job – whether or not they were in the scheme, because there were people with disability and not in the scheme and people with disability allowance and in the so-called Vocational Training Scheme ...

When I took over I found that there were people there who had been eight, nine or 10 years ... and then I was told by members of the staff that it was not that they were caring for somebody ... that was so complex and sophisticated that 10 years was not enough, it was that in fact it was people who had problems in obtaining employment, some of them with the kind of disabilities that gave them the disability allowance and some with the type of problems that did not give them disability allowance. There would be problems related to perhaps some form of mental illness which was not then covered by disability allowance at all.

So, in that context and in the representations we had before the 2011 election that resulted in us becoming the Government, what we committed ourselves to in that manifesto was that we would not remove the disability allowance overnight. What was happening before 2011 was if somebody got a job, immediately after getting the job they went from disability allowance to zero immediately when they got their first pay packet. All that the people who were making representations were asking us was to have a transition where we would do it in stages, and what the manifesto said was that we would remove the disability allowance of people getting employment in four stages: 25%, then 50%, then 75% and then 0%.

Once I was in government I decided to not do the third stage – that is the movement from 25% to 0%. I decided that although we had that in the manifesto I would not go to the zero point and I would retain 25% for people in full-time employment, and for people in part-time employment the retention was going to be higher to make sure that they were better off, even in part-time employment, under the new Minimum Wage company that we had set up. The Member will remember that originally would put everybody into the Training Scheme and we kept them where they were.

So, the individual the hon. Member opposite mentions was doing the same thing for the £400 as he was doing for the Minimum Wage a month later. It is not that he actually went into full-time employment which was different from what it was doing before. He was doing exactly the same thing in exactly the same place, and at the end of the day he was earning more, which in the first stage was that he went from 100% to 75%, then from 75% to 50% and then from 50% to 25%, but he never went the whole way, as he would have done if I had not changed the system, and the system originally that we were keeping was the one that they had and only doing it in stages.

So, the idea that people were allowed to work and keep their disability allowance is simply not correct. It is not accurate and it is not true. We all are on the same side and wanting to help people, but if we are going to make an issue of what was happening in 2012, the record has to be put straight, and that was issue. We decided not to go the whole way and stopped there. I took the decision and I went back to the Cabinet and said 'I want to go further than we are committed to because I think that we are closing the gap too much between what people get in working and with a disability allowance.'

One of the issues at the time was before we put the Minimum Wage as the payment to all trainees there were people before who had been on disability allowance, lost 100% of it and then got into a job in the normal job market, and frankly the difference between the two was not worth the fact that people with disability allowance, for example, who were not in the scheme or people with disability allowance in the scheme were doing very little, and the gap between that and the Minimum Wage at the time was insignificant. There was no real incentive to move into real employment.

The concept in the UK and the concept here is that what we want to do is make it possible for people with disabilities to be integrated into the community, and that means also integrating them into jobs which they are able to do and, if necessary, encourage employers to create an environment which takes into account their disability so that within the limitations of their disability they can do a normal job and have the satisfaction of being in a normal job, being treated as a normal worker with normal employment rights.

We gave all those employment rights to people by simply shifting them into a company, SEC. There were 48 at the time I came in. There are something like 78 now, and even from those 78 occasionally we are able to have a situation where people apply ... There have been some people who have applied for public sector jobs that have come out and, in open competition with people from the rest of Gibraltar, have been successful and have been recruited into the Government.

Ideally we should not have a company that has to act as a safety net for people with disability. We should have a system that enables them to be fully integrated into the jobs market with the employers doing what is necessary to accommodate their difficulties in delivering work. A difficulty is not necessarily a limitation. In the UK, the safety net does not exist. There is no equivalent of SEC in the UK or anywhere else. Everywhere else, people are put into the jobs market and a lot of the support comes from private sector employers. I do not think enough of that is happening in Gibraltar and I think that is also an important message that should go from both sides of the House – that employers should have a social responsibility to take the opportunity, where it can be done, where it is safe for the individual because of his limitations or because of his health or whatever, but where the environment is adjusted. There are some people within SEC who are doing work in the private sector, who were doing it previously for the £400 a month and have continued doing it for the Minimum Wage, and not only have they benefitted from not having it reduced to zero but they have also benefitted from the fact that the Minimum Wage has gone up faster since 2011 than it did in the eight years before 2011.

Mr Speaker: The Hon. Gilbert Licudi. (*Interjection*)

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, my intervention will be short because the main points have already been covered, but I wanted to address a small point that was ... Not a small point. Quickly, I want to address the point that the hon. Gentleman opposite made in relation to the Disability Act in the context of the disability benefit, because he does not seem to know the difference and I just wanted to clarify the position.

It seems that the hon. Gentleman has totally misunderstood what each represents and the connection between them both. Someone may meet the criteria in the Disability Act but this does not mean that they are automatically entitled to disability benefit because of their

disability, because it is a different test. Not everyone with a disability will qualify for disability benefit, and indeed there are people who have a disability as defined by the Disability Act and will not apply for it. Someone may, say, have a physical disability and they may qualify for a blue badge because of their mobility restrictions, but that person can work and therefore would not be eligible for disability benefit.

He speaks about the disability register. The point that the hon. Gentleman makes on the register has already been aired at length in this House in the context of parliamentary questions and I have already told him that this is a significant and complicated task where a lot of progress has already been made, but on the importance of a central disability register we are agreed and that is work in progress. What is not correct is for him to say that anyone on any disability register may automatically be entitled to the benefits – for the simple reason that I have just given, the example that I have used.

Mr Speaker, I reluctantly go down this route, and I did not want to, but when the hon. Gentleman opposite gets up and says that he is the voice for the people with disabilities in this House you would not expect me to accept that and say nothing. He seems to forget that he used to be on this side of the House and, significantly, that he was the Minister for Justice. So, all these things that he is saying about putting things on a statutory footing he could have done then but did not. When he had the chance to be the voice for the people with disabilities these issues do not seem to have been important.

Mr Speaker, finally, I am glad to see that he welcomes the introduction of the Disability Act, a Bill which we passed in 2017. I am glad to have led on this important piece of legislation and yet another example of something we have done in government and something which he could have done when he was Minister for Justice. But I do not want to make this party political. *(Interjections and laughter)*

Hon. D A Feetham: We'll be here until 12!

Mr Speaker: Let us listen to the hon. Lady.

Hon. Miss S J Sacramento: As someone who brought the Disability Act to this House, or someone who worked very hard on bringing this very important piece of legislation into the House, I am sure that no one would expect me to accept the fact that the voice for people with disabilities in this House is the hon. Gentleman, who could have done this himself when he was a Government Minister.

But I will continue because I do not want to make this party political. It is for all of us to want to improve the lives of people with disabilities and it is important that we do so in this House. Certainly that is what we on this side wanted to do.

But, Mr Speaker My hon. Friend the Minister with responsibility for Social Security has already taken us through the significant improvements that have been made in relation to the benefits, but as with everything that we do there is always room for improvement and that is why, notwithstanding that a review had taken place in 2015, the Hon. Minister asked for another review last year. My hon. Friend and I have discussed this already and we will continue to work together, as have our respective Departments. Obviously the Department of Social Security is leading on this and, as you would expect, they are working closely with the Ministry for Equality.

Mr Speaker, on that basis I support the hon. Gentleman's amendment to the motion.

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Gilbert Licudi.

Hon. K Azopardi: Just on the amendment if I may, very briefly because my hon. colleague to my left has already indicated our position on this.

I only rise because I do enjoy the Father of our House's historical interludes, as he often is keen to give us, because clearly, as Father of the House, he has been here a long time and indeed it is instructive to listen to him on things that happened after 2012 – which I entirely accept, by the way; I am not taking issue with the motivation or indeed the scheme as he explained it in 2012.

I only rise to make this point, which is not a combative point in relation to what the Father of the House said, but I think it is important in the context of what we are doing today, which is that the motion that was brought by the hon. Member to my left was intended to bring to public attention and for debate a need to have a review of the system of disability benefit because we are getting quite a lot of people coming to us who have hardship foisted on them by the current system – or at least that is what they tell us – through a variety of circumstances, and indeed the hon. Member has indicated very tellingly, with very poignant cases, how that happens.

We are not taking a partisan view of it. We are bringing it to the attention of the House, hoping for a review, and we are glad that we have reached a consensus position. In doing so, we note that the hon. Member, in moving his amendment, is putting forward amendments asking us to recognise things that were done in 2012 and in 2015. I rise to say that indeed I recognise the value of changes that were done in the last few years and the Disability Act I think was an important piece of legislation that has enhanced our statute book. But like everything in life, when hon. Members suggest that lots of things were done in 2012 to improve and that the GSD could have done things or not done things when in government, I think it is important, as someone who did history at university, not to take an arbitrary point of the commencement of history. History did not start in 2011, it did not start in 1996, it did not start in 1988 and it did not start in 1972. These are historic situations. (*Interjections*) The disability system, for the reasons that the Hon. Minister presented (*Interjections*) in his explanation of the system back to 1978, which I think is when he started his review ... There have been successive ways of dealing with it, with successive improvements on the way, and hopefully we will get to a stage where we will have a better system and that this review does that.

So, yes, we will accept these amendments – which are rather partisan in nature – to the motion. We do so because we are not going to take a partisan view of this matter, because we think that the system needs changing for the benefit of families and people who are disabled, who do need change. (*Banging on desks*)

A Member: Hear, hear.

Mr Speaker: The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, naturally we welcome the fact that there is consensus across the House on the motion as proposed to be amended, so I am grateful for the hon. Lady's confirmation that she supported the original motion and the motion as amended.

The hon. Lady has mentioned some matters relating to disabilities and rights and equality generally which go beyond the issue of disability benefit, and I can understand all that. She mentioned supported employment. There are so many things, not just the introduction of the Disability Act, which happened in 2017. There has been a lot that has been introduced in support of people with disabilities and not just in relation to the motion on disability benefit, which is what we have been debating this afternoon. Reasonable adjustments are made at work whenever you have people with disabilities, and that is a requirement.

There was one thing which caught my attention in the hon. Lady's intervention, which was that what was needed – or words to this effect – were assurances that those with disabilities are able to disclose them without having detrimental effect or without being discriminated against, as if people in some way in Gibraltar are afraid of showing their disabilities because they would be subject to discrimination. We do not agree at all. We do not perceive or believe there is any climate of fear of anybody being discriminated against on the basis of disability, whether at work

or otherwise, and if there are any specific examples that the hon. Lady is aware of relating to that fear of disclosing disabilities because of discrimination, or actual discrimination, that is something that we want to know about because we are ... and the hon. Lady, my colleague the Minister for Equality is really a champion of people with disabilities, not just because of the Disability Act but because of everything that she does on a day-to-day basis assisting people with disabilities and striving for equality across the board, not just in areas of disability but in all other areas.

Of course I welcome the statement by the Official Opposition – by Mr Feetham, who brought the motion originally – that the Official Opposition will support the amended motion, but he mentioned that I can have the gold star. The hon. Member knows that this is not about who takes the gold star and the hon. Member also needs to recognise that in the amended motion we have included all of the elements which were in the original motion – the reference to the Disability Act, the reference to consideration of placing this on a statutory footing and the reference to the review. That was what the original motion was about and all of that is recorded.

Now I turn to the Hon. Leader of the Opposition, who describes the further amendments that we have made as partisan. They are not intended to be partisan, but they are intended to reflect the reality of what has happened in relation to disability benefit since 2012, so that anybody who sees that does not just say Parliament has passed a motion to review something which did not work. It is something that was working. There were some improvements which were made which can be improved further, and that is why the review is ongoing.

Mr Speaker, finally, although we have had a long session this afternoon there is one small amendment that I would propose to my own motion. It is something that the Hon. Mr Feetham has brought to my attention in paragraph (c) where it says ‘welcomes the further changes made in 2015 removing the requirement’. I did mention in my earlier intervention that there was this requirement about disability from birth but that there was a residual discretion in the Director of Social Security, and therefore what the motion should say is ‘welcomes the further changes made in 2015 removing the general requirement that only persons’. That shows it is a general requirement that was not exclusive because there was a residual discretion left to the Director of Social Security.

With that, Mr Speaker, I can only say that the hon. Member should not have been so sad and depressed when he started the afternoon on this, should not have been so defeatist and should not have been so pessimistic, because essentially everything he wanted from the motion – and in fact more, as the amended motion shows – he has got. *(Banging on desks)*

Mr Speaker: I now put the question in the terms of the amendment proposed by the Hon. Gilbert Licudi. Those in favour? **(Members: Aye.)** Those against? Carried.

What is now before the House is the amended motion. Does any hon. Member wish to speak on the amended motion? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I will be very brief.

The reason why the motion has prospered is because on this side of the House we really have just simply said have your gold stars, have your paragraphs on your achievements, because ultimately what we really want to do is to attempt to make some progress. The reality is that my motion has been deleted in its entirety and replaced by a new motion. It is not true to say that all that we sought in our motion has been included in the new motion, because we genuinely wanted to work with the Government in relation to this issue and we called for the establishment of a working group chaired by the Minister. That is not in there, and I note from the contribution made by the Hon. Minister that he has not taken me up on the invitation, perhaps because it has slipped his mind, of perhaps having a meeting where we can further discuss this, so that we can – Yes, of course.

Hon. G Licudi: Mr Speaker, the hon. Member gives way on that. I did not specifically address that, but naturally I will be happy to have a meeting with the hon. Member, and although this is not part of a formal consultation process I will be happy to receive any recommendations or suggestions that the hon. Member would like to make to us or would like us to take into account as part of the review that is ongoing. I am always amenable to have a meeting and hearing the suggestions of the hon. Member.

Hon. D A Feetham: Yes, and indeed it applies equally to the hon. Lady. I do not speak for her, but she does not have a right of reply.

Mr Speaker, very briefly – I do not want this to be over-controversial and I do not want to take advantage of my right of reply as I have on other occasions, and indeed as on that side of the House they do very often, but the hon. Gentleman during the course of his intervention has provided some clarity in his last intervention. Prior to 2011 it is not that anybody who was not born disabled did not get the benefit under the GSD Government or indeed any Government that came before the GSD Government. I hope I am not misleading the House, and indeed I will give way if the Father of the House's recollection is different. I think that the exceptions to the rule that only those who were born disabled obtained the benefit through this additional discretion the hon. Gentleman explains ... that discretion was exercised for the first time post-2000 in actual fact. I will sit down if anybody wants to correct me but I think that is the position, and in fact by 2015 the so-called general rule – it is called a general rule in the amended motion – that those who were born disabled got it, whereas there was a residual discretion, was no longer the general rule in practice because there were more people actually getting it who were not born disabled than the other way round. In actual fact, one of the examples that I cited during the course of my intervention, Danny, was in receipt of disability benefit in 2011 prior to a change of government. So, really the position was not in absolute terms, which I thought was the impression the hon. Gentleman gave during his first intervention, which he has corrected.

Coming to the contribution of the Hon. the Father of the House, I echo the words of the Leader of the Opposition that it does not matter what happened before. We are all here to attempt to improve the lives of Gibraltarians and the lives of vulnerable people in particular. That is what we are here for. It is not surprising that situations like this are an evolving situation. When they got into Government in 2011 they continued with the situation where those who were in employment did not get the benefit, except for the ... It was graduated – 25%, 50%, 75% – with the position now being that for those who are in employment for more than 20 hours a week it is 25%, for those who are in employment for less than 20 hours a week I think it works out at 62-point-something per cent of what they would get. When we were in government, trainees, for example, used to get their training allowance. It was less than when they got in because they increased it to the Minimum Wage. At the time, for cadets it was £450 but on top of that they got their disability benefit. They took the decision and said, 'We are classing everybody, even trainees, as employed, and hence, because they are all employed, we are going to treat everybody equally and we are going to essentially reduce their disability benefit.' But simply because that was a decision that was taken in 2011 it is not a decision that has to withstand the test of time and has to be in perpetuity the position.

In the United Kingdom disability benefit is paid irrespective of income and it can be paid to a stockbroker who is earning millions in employment because the decision... and indeed here it is also not means tested, as the hon. Gentleman said quite rightly, but the reason for that is because it is a benefit to help people live independently over and above what you earn in your employment. I have given the example of the way that it works detrimentally to somebody like Danny, who has to buy all that equipment and has that additional expenditure. Of course we cannot lose sight of the fact that for all the good intentions in the words of the Father of the House that yes, we ought to be moving towards a system where we integrate as much as possible the disabled into the mainstream, disabled people, particularly those like Danny with profound disabilities, who are paraplegics in wheelchairs, face a huge disadvantage in the labour

2065 market. And to then, on top of that, reduce their disability benefit, in my respectful view and the
view of everybody on this side – and I hope that I speak for the hon. Lady as well – is not right
and is something that ought to be considered in that review so that at least it is not a zero sum
game and at least we are looking at some disabled people. In other words, you look at the type
2070 of disability and you say – it an extreme example – for somebody who is a paraplegic, who is in a
wheelchair, who has these handicaps in the labour market and has these expenses with the
wheelchairs etc., we are not going to reduce it and we are going to give them the full disability
benefit. I hope that is something that the hon. Gentleman opposite, the Hon. Minister, takes on
board and it forms part of the review.

The hon. Gentleman also said, in relation to the test, that the test is applied correctly. He said
2075 the test, as in some of the correspondence that I read out during the course of my intervention,
is the test. It cannot possibly be so, taking into account what the hon. Gentleman has said to the
House today. It cannot be the test, in relation to children, that a child is only entitled to disability
benefit if they require round-the-clock medical support and care or depend on others for all
aspects of day-to-day life, or have extremely limited communication, mobility and independence
2080 skills. That letter, which in the same form has been sent to two constituents – and in fact has
been sent to more because I have got other examples, but to two that I have read in this in this
House – is not reflective of the test that the hon. Gentleman has outlined to this House in
relation to children, it is more stringent, and there is therefore a fundamental disconnect
between the test that the hon. Gentleman sets out before this House and what is being applied
2085 on the ground, and that again ought to form part of the review.

I am grateful to the hon. Gentleman for ... I am happy that he has said that he has accepted
that there needs to be more clarity and that at the very least there need to be guidelines so that
everybody knows where they stand – the disabled people, panels and everybody else – but I do
think ... and we still do stand upon the fact that it would be very beneficial if there was a
2090 statutory test that could easily be done by way of regulation under the Disability Act, and I will
explain some of these ideas when I meet up with the Hon. Minister.

Finally, with respect to the hon. Lady, I think the hon. Lady has been the one contributor who
has struck the wrong tone, completely out of sync with the contributions of everybody else, but I
am in this instance going to follow the advice of my mum. She is a great fan of the hon. Lady and
2095 she says to me, 'Please don't criticise Samantha,' so I am going to be restrained and I am not
going to do so on this occasion. *(Interjection by Hon. Miss S M Sacramento)*

Mr Speaker, those are my submissions. *(Banging on desks)*

A Member: Hear, hear.

2100

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. Daniel
Feetham, as amended by the Hon. Gilbert Licudi. Those in favour? **(Members: Aye.)** Those
against? Carried.

Tribute to Monsignor Coronato Grima

Chief Minister (Hon. F R Picardo): Mr Speaker, it is always a pleasure as we come towards
2105 the end of a period before a long vacation that the House is able to end on a concordant note
rather than a discordant note.

Before I move the adjournment, however, I would ask if the House would join me in
remembering Father Coronato Grima, who passed away last week in his beloved Gozo, in Malta.

He was much loved in Gibraltar. When he passed away, Father Grima was 70. I thought that
2110 Bishop Carmel Zammit very eloquently reminded us of him in his comments reported in the local
media upon Father Grima's passing, when he described Father Grima as a man who knew how

to look after his flock. He was certainly someone whose death will be greatly felt here. He arrived here in 1975 and by 1982 he was made parish priest at St Joseph's Church, where he remained for the time that he was in Gibraltar before returning to his beloved Malta.

2115 Many of us will have fond memories of Father – or as he used to say 'Fadder' – Grima. My own experience of him, as an ex-altar server with him, was always of a very generous and kind man. Later he would come home to give communion to my grandmother, my uncle and my mother, and I am sure that that is the sort of memory that so many people in Gibraltar have.

2120 I know that Coronato Grima was somebody who reached out across the cultural communities in Gibraltar, so he will not just be missed and loved by members of the Catholic community in Gibraltar; he was well known and much loved across the cultural communities in Gibraltar.

I would invite the House, perhaps after others have said a few words, to take a minute to just reflect and keep a moment's silence for Father Grima.

2125 **Hon. K Azopardi:** Mr Speaker, yes ... I did not know the hon. Member had been an altar boy, by the way. I will have that image stuck in my mind now for a while.

Hon. Chief Minister: I was the best.

2130 **Hon. K Azopardi:** I am sure.

Certainly for the Members I speak for on this side of the House I join the hon. Member in expressing our regrets on the passing of Father Coronato Grima. He was indeed quite a fixture of our community.

2135 As a proud Gozitan – someone from the island of Gozo, which has a population not dissimilar to Gibraltar – he understood the people of Gibraltar and its size and indeed its aspirations, and he made our home his home. He was here, as the Chief Minister says, since 1975 and was well loved not just by the Catholic community but known and loved by the entire people of Gibraltar. It was fitting that he was the parish priest for many years of the Church of St Joseph's, which had been built by Maltese immigrants originally, and was indeed acknowledged ... I do
2140 remember some years ago when we had a Malta-Gibraltar heritage conference and there was a plaque that was placed there, at St Joseph's, and he was very happy that that association with Malta and Gibraltar and St Joseph's had been acknowledged.

2145 He was someone who reached the hearts of many members of this community and I certainly join the Chief Minister in everything that he has said about the loss that many people in Gibraltar will feel on the passing of Father Grima. (*Banging on desks*)

Mr Speaker: The Hon. Damian Bossino.

2150 **Hon. D J Bossino:** Mr Speaker, as a parishioner of St Joseph's for pretty much all my life I feel dutybound to say a few words after the passing of Monsignor Grima. I am grateful to the Hon. the Chief Minister for making the *en passant* comment that he would be saying some words. It has given me some time to gather my thoughts as to what I want to say about him.

2155 He was a quintessential parish priest. He was a very kind, honest and loving individual. But perhaps, I think, one of the most important features of Monsignor Grima is how he was totally committed to his ministry as a Roman Catholic priest. He assiduously attended to the spiritual needs not just of his parishioners at St Joseph's but beyond by way of administration of the sacraments.

2160 Mr Speaker, I think at this moment I would like to read an excerpt of Mr Tony Lombard's obituary of Monsignor Grima in Monday's *Chronicle*, where he states as follows – it is under the subheading 'Wider Ministrations':

Throughout the years, Monsignor Grima's priestly ministrations extended throughout the diocese as a whole and were not solely limited to St Joseph's parish. For example, he was a constant and weekly visitor to the hospitals and the prison and would similarly and constantly come into town to visit numerous housebound individuals and administer the sacraments to all those requiring the same.

That was, I think, Monsignor Grima to a tee.

Mr Speaker, one of the enduring memories that I have of him is how with so much respect and reverence he treated the Eucharist, which we Roman Catholics consider and believe is the body of Jesus Christ himself. I think it is absolutely crucial and important that in the way that a priest treats this is reflected in how he administers it and how he respects it, especially for those of us who consume it at least once a week – as I know the Speaker does, as a fellow parishioner of St Joseph's himself.

I think it has been alluded to by my learned friend the Leader of the Opposition, and also by the Chief Minister and Leader of the House, that Monsignor Coronato Grima, although a Gozitan, became very much one of us and became very much a believer in Gibraltar and a Gibraltarian. As a result, and for all of these reasons, I join both gentlemen in giving my condolences to those members of his family who remain, and I know that he will be sorely and sadly missed by all of us here. *(Banging on desks)*

Mr Speaker: As a lay reader at St Joseph's Church and a good friend of Coronato Grima, I should also like to associate myself with the sentiments expressed by Members of the House. *(Banging on desks)*

Hon. Ms M D Hassan Nahon: Mr Speaker, unfortunately I never met the late Father Grima. Obviously, as people will know and expect, I have never been near any church altar or been an altar girl, whatever that entails, but I have always heard Monsignor Grima's name mentioned in the fondest and most respectful manner.

I always think that spiritual leaders who work to mentor and inspire their community and their congregants spiritually, spreading values of love and tolerance, deserve the utmost respect, and I believe this man was all of those great things that we hope for from our spiritual leaders. I therefore take this opportunity to thank him for all his good work, albeit posthumously, here in Gibraltar, and I extend my condolences to his friends and family.

Thank you. *(Banging on desks)*

Hon. Chief Minister: I now ask all hon. Members to take a minute's silence.

Members observed a minute's silence.

Adjournment

Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker.

I am sure that Father Grima would find it amusing to see this rabble silent in his memory. It is not lost on me, as I stand to move the adjournment, that the GSLP that I lead today has had two leaders of Genoese extraction and the GSD is on its second leader of Maltese extraction, so we should not be surprised that they know the terminology for people of Gozo and their population etc.

Hon. D A Feetham: Mr Speaker, my Ancestry DNA test came back with 31% DNA for Malta, *(Interjections and laughter)* so I feel extremely offended that the hon. Gentleman has left me out.

Hon. Chief Minister: Mr Speaker, I, for once, will genuinely apologise to the hon. Gentleman. I had not realised to what extent his comeback campaign had gone ... that he had given blood to have his DNA tested in order to ensure that he could pave his way back. There you go: the lengths to which people will go!

Mr Speaker the first half of this year has been dreadful. It has been dreadful for the whole world and it has been dreadful for Gibraltar too. I think none of us could have imagined what 2020 was going to be like. I want to thank hon. Members on all sides of the House for the work that we have all done together. The hon. Lady in particular, as Minister for Civil Contingencies, has been working every hour that God sends on legislation and has been in the forefront of the major incident in this first half of the year. We, I think, have worked together. We have worked to keep each other in check, which is what people require us to do, and I think we have shown in that context, with our arguments and our ups and downs, the best of what a parliament should represent for its people. So I thank all hon. Members for their respective contributions during the course of the first half of this year.

Hon. Members will have heard me say today that we were not able to move to Unlock the Rock, we are staying in phase 6, and I explained why that was going to be the case, but I do hope that with caution and with hard work we will be able to return to a slightly easier autumn and an early winter towards the end of this year.

Perhaps we are hoping against hope. COVID is still there, Brexit is still there, the possibility of a hard Brexit is still there. All of these things will be conspiring against us as from today as we start our journey towards the end of the year, but I do hope that at least in the long vacation hon. Members will be able to get some time to relax with their families and will come back for all of us to contribute as we have in the early part of this year with our respective responsibilities and obligations in this House .

And so, Mr Speaker, without more I move that the House should now adjourn *sine die*.

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

The House adjourned at 7.53 p.m.