



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 6.46 p.m.

Gibraltar, Friday, 26th June 2020

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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
5 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.

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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?

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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'?

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Clerk: Question 344, the Hon. R M Clinton.

35 **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?

Clerk: Question 345, the Hon. R M Clinton.

40 **Hon. R M Clinton:** Can the Government advise the balance on the General Sinking Fund on the following date: 1st May 2020?

Clerk: Question 346, the Hon. R M Clinton.

45 **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?

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 Gibraltar 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 £½ million 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 year 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 £150 million 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 £147 million, not £150 million. 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 £15 million 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.
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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 £150 million. 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?

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
215 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
220 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.

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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
230 correct in that summary?

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.
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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
240 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.

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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
250 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.

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
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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.

275 This is a very competitive market. We are now operating with people who are able to place 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?

360 **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.

365 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.

370 **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.

375 **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.

380 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?

385 **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.

395 It may have happened before 2011, I do not know. I would need to look at all the other coins that were there.

400 **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?

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.
540 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.

At the end of the day, we have got a joint venture company here that is going to be delivering
545 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.

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
560 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.

565 **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.

570 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.

575 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
580 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?
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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.
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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.
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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.
605 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.
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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,
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(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.

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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.

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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?

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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.

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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.

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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.

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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
735 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
740 whether it is or it is not and I am giving him the answer. The answer is no.

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
745 answer he gave to Question 357 in respect of, it appeared, the Rooke site for the nursing home?

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
750 will eventually make the Savings Bank capable of continuing to maintain the level of interest that
it pays its depositors.

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
755 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 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]

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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 save some time in the House.

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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 beneficial owner is, or is he just simply not interested?

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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 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.

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Hon. Chief Minister: He is too young!

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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 entity that is going to build this facility?

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Hon. Sir J J Bossano: Well, I have no reason to believe that the architect was lying, so it must be true.

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?

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Hon. Sir J J Bossano: I am not prepared to either confirm or deny that.

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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 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.

835 I have given the original answer. Nothing that the hon. Member asks is going to persuade me to change the position of the original answer.
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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.

850 What the hon. Member originally answered, which is what I am asking a question on as 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.

860 On Question 357 – (*Interjection by Hon. Sir J J Bossano*) I will keep you young, Joe – the 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!

870 What is going to be the relationship between GSBA Limited and the developer – being 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?

875 **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 1,000 m² 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
880 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,
885 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.

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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,
895 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
900 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.

905 **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.

910 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
915 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
920 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
935 know and he did not care. Perhaps he can understand that maybe the people of Gibraltar will
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.

980 **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?

985 **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.

990 **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?

995 **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.

1000 **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.

1005 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.

1010 **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.

1020 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.

1025 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

1030 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.

1035 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.

1040 **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.

1045 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?

1055 **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.

1060 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.

1065 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 –

1070 **Hon. Chief Minister:** We stopped it.

1075 **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.

Diamond Sea Limited: the shareholders are Diamond Earth Limited and LJM Limited; the directors are Joseph Pilcher and Nigel Acris.

1145 Minimarkets Limited: Joseph Luis Cassaglia, shareholder and director; Nicole Louise Manning, shareholder and director; Edward Borg, director; Dominic Hernandez, director; Liam Kenny, director.

1150 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.

1155 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.

1160 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.

1165 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.

1170

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
1175 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.

1180 Alfred Swantex provided breathing filters and surgeons' gloves.

Asset provided surgical masks.

Audibert: FFP2 masks.

Caterpac: surgical gloves.

1185 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.

1190 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.

1195 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.

1200 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.

1205 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.

1210 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
1215 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.

1220 **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?

1225 **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
1230 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
1235 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?
1240

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
1245 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
1250 in the UK.

Hon. E J Phillips: Does the Minister know the value of the PPE purchased from Pioneer Health
Care Group?

1255 **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,
1260 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
1265 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
1270 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
1280 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
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
1285 have and if he has it I would have thought, in the interest of the taxpayer and the community, he
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
1315 person as to the source of information. That is quite a normal position and we are not being
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
1320 same position. There are some aspects when they give similar answers where we do understand
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.

1325 **Hon. Chief Minister:** Yes, Mr Speaker, I am absolutely clear about that. The position has, for
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
1340 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
1345 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.

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
1350 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
1360 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.

1390 **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?

1400 **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.

1415 **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?

1420 **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.

1425 **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.

1485 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?

1490 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.

1500 **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.

1505 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.

1510 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?

1520 **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.

1525 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.

1530 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.

1605 **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.

1615 **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.

1620 **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.

1675 **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?

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 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 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 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.

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.

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.

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.

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.

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.

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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?

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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?

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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
you?
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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
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
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
over the phone ask for phlebotomy, for blood tests, for chemistry, and based on those results it
may be necessary to arrange an appointment.
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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
further, that is always arranged and it is arranged quickly.
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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?
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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
that people might have had historically just simply getting through to make an appointment?
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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,
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
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
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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.

1925 **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.

1930 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.

1935 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.

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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.

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1950 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?

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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.

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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
1970 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
1975 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.

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
1980 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.

2060 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.

2065 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.

2070 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.

2075 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.

2080 **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?

2085 **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.

2090 **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
2095 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 ...

2100 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.

2135 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, 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 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?
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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 positive report and then it goes to address certain things. There are positives and there are things to act upon.
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2150 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 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.

2210 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.

2215 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.

2220 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.

2225 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.

2240 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.

2250 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

2260 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.

2265 **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.

2270 **Hon. K Azopardi:** Well, it is a question and answer.

Mr Speaker: All right, okay.

2275 **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)*

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Hon. E J Phillips: Hear, hear.

2285 **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.

2290 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'.

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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.

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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.

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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.

Hon. Chief Minister: Thank you, Mr Speaker. I will take that under advisement, as the
2320 Minister for Public Finance.

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Hon. Minister for Health answered a lot of
2325 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
remember to make an appointment with their GP. This can often happen weeks after the
2330 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
these guidelines with immediate effect, obviously to ensure minimal risk to patients instead of
2335 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 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.

2370 **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 reply that was given to me is the one that has been provided.

2375 **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 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

2380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to 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.

2385 I now put the question, which is that this House do now adjourn to Wednesday, 8th July at 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 Hillside?

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.

30 **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.

35 **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.

40 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.

45 **Mr Speaker:** The hon. Lady.

45 **Hon. Ms M D Hassan Nahon:** Mr Speaker, regarding the Hon. Minister's answers about Mount Alvernia and the refurbishments 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?

50 **Hon. P J Balban:** Yes, Mr Speaker.

55 **Hon. Ms M D Hassan Nahon:** Mr Speaker, within the plans for refurbishment and the agenda for further refurbishments, does Government acknowledge that much of that, as well as being the hardware work ...? Will a lot of the refurbishments 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 refurbishments, but will it have a dementia- and Alzheimer's-friendly design in order to bring it up to the standards of the other ones?

60 **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.

70 **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.

75 **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.

220 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
225 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.

230

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
235 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
240 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
245 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
250 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
255 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
260 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
265 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 had, then please let us investigate it, let us not pretend that one Minister for Health is better
280 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?

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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.

375

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?

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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?

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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?

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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?

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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?

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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.

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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.

410

In relation to Question 100, this is currently being reviewed and an announcement will be made in due course.

415 **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?'

420 **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.

425 **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.

430 **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?

440 **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.

445 **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?

450 **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.

455 **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.

490

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
600 resumed until recently and even then not entirely, but she is encouraging us to do that which we
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.
605

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.

620 **Hon. E J Phillips:** Mr Speaker, the standby basis – is that a permanent status?

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.

630 **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.

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.

635 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
640 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
645 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.

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
650 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.

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 800 kW. 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 800 kW 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 4.6 MW 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.

710 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.

715 **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.

720 Secondly, if there is anyone who is provocative in this House he sits on the other side of this 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 –

725 **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.

730 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 –

735 **Mr Speaker:** Please resume your seat.

Hon. Chief Minister: – in the time that I have been here.

740 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.

750 **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.

755 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
Starts Tuesday 1 st September 2020	Starts Thursday 7 th January 2021	Starts Tuesday 6 th April 2021
Ends Tuesday 22 nd December 2020	Ends Friday 26 th March 2021	Ends Thursday 8 th July 2021
Holidays National Day: Thursday 10 th September 2020 Mid-Term: from Monday 26 th October 2020 to Friday 30 th October 2020	Holidays Mid-Term : 15 th – 19 th February 2021**	Holidays 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
Starts Tuesday 1 st September 2020	Starts Monday 4 th January 2021	Starts Tuesday 6 th April 2021
Ends Tuesday 22 nd December 2020	Ends Friday 26 th March 2021	Ends Wednesday 14 th July 2021
Holidays National Day: Thursday 10 th September 2020 Yom Kippur: Monday 28 th September 2020 Sukkoth: Thursday 1 st October – Monday 12 th October 2020	Holidays Mid-Term : 15 th – 19 th February 2021** Purim: Friday 26 th February 2021	Holidays 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.

850 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.

860

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?

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.

880

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
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?
905

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
935 March which is set by someone; I am not sure who, but it might be Her Majesty or it may be
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.

960 **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?

965 **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.

970 **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

975 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?

980 **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
985 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.

990

Mr Speaker: Next question.

Q330/2020

Notification of vacancies registration fee – Commitment to remove

Acting Clerk: Question 330/ 2020, the Hon. D J Bossino.

995 **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.

1000 **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.

1005 **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.

1010 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
1015 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.

1020 **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.

1025 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.

1030 **Hon. D J Bossano:** Sorry, has the Minister answered the point in relation to the legislation? Will he confirm and look into it?

1035 **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

1040 **Acting Clerk:** Question 331/2020, the Hon. Ms M D Hassan Nahon.

1045 **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.

1050 **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.

1055 **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.

1185 **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?

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.

1205 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

1210 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.

1215 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.

1220 **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?

1225 **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.

1230 **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?

1235 **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
1240 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.

1245 **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.

1250 **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,

1255 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 bar 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.

1305 **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.

1310 **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.

1315 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.

1320 **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?

1325 **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.

1330 **Hon. Ms M D Hassan Nahon:** I appreciate that answer, Mr Speaker.

1335 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?

1340 **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 helplines and on the support available. Sometimes families were directed to the support, and on
1370 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 team and Borders and Coastguards, the school counsellors and the educational psychologists.
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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 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.
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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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1395 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.

1400 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.

1410 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.

1420 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.

1430 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.

1435 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.

1440 **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.

1455 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 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.

1470 **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 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.

1480 **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. 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 advice that is given to them will follow the normal course in the same way as support,
1505 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?

Hon. G H Licudi: Mr Speaker, there are two different aspects to the question that the hon.
1520 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.

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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.

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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?

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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.

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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.

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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.

1595 **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*].

1600 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
1605 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.

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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1625 **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
1630 change in terms of their status in order to acquire this grant equally?

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

1675 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?

1680 **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.

1685 **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.

1690 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?

1695 **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
1700 having the physical office, which has little impact on the work done.

1705 **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
1710 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?

1715 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?

1720 **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
1725 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.

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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.

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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.

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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?

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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.

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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?

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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.

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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

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1780 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.

1785 **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.

1790 **Mr Speaker:** Next question.

Q395/2020
Addison Global –
Debts to Government

Acting Clerk: Question 395/2020, the Hon. R M Clinton.

1795 **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.

1800 **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.

1805 **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.

1810 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.

1815 **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.

1820 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.

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?

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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.

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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.

Hon. D J Bossino: Mr Speaker, can the Minister confirm that the Act itself has not yet commenced, is not yet in force?

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Hon. A J Isola: Yes, Mr Speaker.

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?

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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.

1875 **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?

Acting Clerk: Answer, the Hon. the Minister for Digital and Financial Services.

1880 **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.

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Q398-99/2020
Government Department online services –
Intention to continue; assistance for the elderly

Acting Clerk: Question 398/2020, the Hon. D J Bossino.

1900 **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?

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.

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1935 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.

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1945 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.

1960 **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
1965 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.

1970 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
1975 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
1980 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.

1985 **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
1990 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?

1995 **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
2000 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
2005 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
2015 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
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.

2075 **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,
2110 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
2115 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
2120 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
2125 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
2130 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
2135 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.

2140 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.

2145 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
2150 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
2155 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.

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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?

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

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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.

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Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Deputy Chief Minister for that answer.

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?

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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.

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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?

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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.

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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?

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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.

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?

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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.

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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.

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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.

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Hon. Ms M D Hassan Nahon: Mr Speaker, did the developer initially pay for the land and now has retracted?

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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?

2345 **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 Gibraltar 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, 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
60 within two or three weeks.

Hon. E J Phillips: The Minister will appreciate the concern of many members of the 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.

145 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.

150 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.

155 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.

160 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.

175 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?

185 **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?

240

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.

245

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.

250

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.

255

Hon. K Azopardi: So why was there a need to erect these signs, then?

260

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.

265

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?

270

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.

275

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?

280

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.

Hon. E J Phillips: Can the Government confirm what plans the Government have for further
335 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.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the
340 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.

Hon. E J Phillips: So, at this present moment in time, although the Government is constantly
345 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

Clerk: Question number 412, the Hon. E J Phillips.
350

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?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.
355

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
360 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.

Hon. E J Phillips: Mr Speaker, the information I have received is that a number of foreign-
365 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.
465

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.’

475 **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.

515 **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.

520 **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.

525 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
530 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
535 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.

540 **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.

545 **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
550 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
555 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
560 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
565 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.

665 **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?

670 **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.

675 **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
680 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.

685 **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.

690 **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.

695 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.

700 **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.

705 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?

710 **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.

715 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.

720 **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)?

725 **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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780 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.

785 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.

790 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.

795 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.

800 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.

805 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.

815 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.

825 **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.

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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.

860 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

875 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.

880 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.

885 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 be 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.

900 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.

915 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
925 he said we deal with it by way of clamping or on-the-spot fines? There will be a number of
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 Gibraltar 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.

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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.

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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.

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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
945 fact not wish to have a situation where the DVLA is accepting jurisdiction for Gibraltar. The post
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.

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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 Gibraltar authorities and whether the Gibraltar
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.

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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.

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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.

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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

975 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.

980 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.

985 **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?

990 **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.

995 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.

1000 **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.

1005 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.

1010 **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.

1020 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.

1025 **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
1030 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
1035 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
1040 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.
1045 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
1050 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?

1055 **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.
1060 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
1065 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.

1070 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.

1080 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
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.

1110 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
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?

1120 **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
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?

1150 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.

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.

1175 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

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.

1250

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.'

1255

In relation to that, can he confirm that there is no statistical evidence that he could share with this House which we could analyse?

1260

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.

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.

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.

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.

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.

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.

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?

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 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.

1390 **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.

1415

1420

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.

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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?

Clerk: Question 181, the Hon. R M Clinton.

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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.

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?

45

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

50

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.

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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.

In answer to Question 181, the effective date of the lease is 19th December.

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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.

65

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.

70

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.

75

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]

90

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?

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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.

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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?

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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 –

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Hon. R M Clinton: Will she give way?

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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.

120

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.

125

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.

130

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.

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.

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?

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.

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?

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?

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.

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 –

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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.

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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.

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Hon. R M Clinton: Mr Speaker, I have a point of order.

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Mr Speaker: Yes, okay, let's listen to your point –

Hon. R M Clinton: She is not answering my questions. (*Interjections*)

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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.

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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.

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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

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Mr Speaker: By the same token, I cannot force the Minister to answer a question which you allege has not been –

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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.

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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.

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240 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.

245 **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 ...?

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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.

255 **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.

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265 **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.

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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?

275 **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.

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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?

350 **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.

355 **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
410 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
425 something that is very much on the Government's radar.

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 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 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.

445 I am aware that there are potentially four further flats available for this purpose, but in any 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 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 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 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; but certainly, in terms of the latter, managed by the Government.

470 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 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.

495 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?

500 **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.

505 **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.

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 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 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.

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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.

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 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 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.

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.

570 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.

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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.

650 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 27th July at 3.30 p.m.

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.

25 **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.

30 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?

35 **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.

40 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.

45 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?

60 **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.

65 **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?

85 **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.

90 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.

95

Mr Speaker: Next question.

Q434/2020

Statue of Sir Joshua Hassan – Delay in completion

100 **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.

105 **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.

110 **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.

115 **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
120 universally agree is the greatest Gibraltarian of all time and indeed the father of the

Gibraltar. 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 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.

130 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 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.

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.

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
170 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?

Hon. Chief Minister: Mr Speaker, at this stage, before the House has had an opportunity to
180 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 –

Hon. K Azopardi: Mr Speaker, can the Chief Minister...? He indicated he is going to consult
190 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.

Hon. R M Clinton: Mr Speaker, can the Government advise if, further to Legal Notice
205 214/2020, does it envisage issuing any licences for the manufacture of tobacco products in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there are presently no plans to issue licences for the manufacture of tobacco products in Gibraltar.

215 **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?

220 **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.

225

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.

230 **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.

235 **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.

240 **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.

245 **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.

250 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

255 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?

260

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
265 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
270 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
275 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
280 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
285 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
290 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
295 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
300 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
305 that.

The hon. Member asks, I think, a rhetorical question whether I was playing political games. Of course I am not playing political games.

310 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
315 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?

320 **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.

325 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.
330 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.

335

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.

340 **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.

345 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 441 and 442.

Clerk: Question 441, the Hon. D A Feetham.

350 **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
355 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
360 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
365 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
370 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
375 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.

380

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.

385 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
390 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.

395 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
400 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.

405 **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.

410 **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
415 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
420 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

425 **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?

430 **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
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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.

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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.

460 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?

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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.

470 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.

475 **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?

480 **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.

485 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.

490 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.

495 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.

500 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'
570 money of many millions of pounds? In fact, over June itself alone I have calculated that about £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
575 community of hiring and engaging lawyers within the service potentially? I just say thinking 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...

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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.

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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

695 **Clerk:** Question 445, the Hon. K Azopardi.

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.

Hon. Chief Minister: Mr Speaker, I think that what the hon. Gentleman has asked me to say is 780 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 790 picture develops in the United Kingdom, in Spain and Portugal, or in Morocco, or indeed if there 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

805 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.

810 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.

815 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.

820 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?

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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.

830 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.

835 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.

845 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.

850 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

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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.

875 And so, Mr Speaker, I think the position is a fluid one and I can only describe the position as it 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 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
895 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 lifted on the basis of prudently following the medical advice, they will be.
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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 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 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?

970 **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 Spanish, namely to colleagues in the United Kingdom.

985 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.

990 I think I have answered the aspects of the question that he put now.

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.

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*

1050 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.

1055 **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?

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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.

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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

1080 **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?

1085 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 449.

1090 **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 his standing down from his post?
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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.

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?

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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.

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.

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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?

1400 **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. 1405 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.

1410 **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.

1415 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.

1420 **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.

1425 **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.

1430 **Hon. K Azopardi:** Mr Speaker, did the former Commissioner of Police retire for reasons other than personal reasons?

1435 **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.

1440 **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. 1445

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.

1455

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.

1480

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?

1555 **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.

1560 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?

1565 **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?

1570 **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?

1575 **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.

1580 **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?

1585 **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?

1595 **Hon. Chief Minister:** Mr Speaker, I do not have the letter with me. I am therefore not able to give the date.

1600 **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?

1640

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?

1655

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.

1660

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.

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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

1755 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?

1760 **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.

1765 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.

1770 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.

1775 **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.

1780 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?

1785 **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.

1790 **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' ...

1795 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.

1800 **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

1805 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.

1815 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.

1820 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.

1830 **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.

1840 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?

1845 **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.

1855 **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?

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Hon. Chief Minister: Yes, sir.

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?

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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.

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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?

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Hon. Chief Minister: I think the hon. Gentleman has lost track of the chronology: after.

Hon. K Azopardi: Mr Speaker, was it before or after the Police Authority sought approval from the Chief Minister and Governor under section 34?

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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.

1985

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.

2045

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.

2050

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.

2065 **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.

2075 **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?

2085 **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.

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.

2155 **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.

2160 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.

2165 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?

2175 **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.

2180 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.

2185 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.

2195 **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?

2200 **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.

2205 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 to have done. We did it.

2230 **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

2260 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?

2265 **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?

2270 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?

2275 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.'

2285 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.

2290 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.

2295 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.

2300

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.

2335 **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.

2340 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

2345 of somebody moving to full time and not somebody trying to pull a fast one.
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
2355 making genuine mistakes, but people I think were understanding of the need to show social
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?

2395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we do not have that information. We have a
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.

2405 He will know, Mr Speaker, that there is a suggestion that in Barcelona there was COVID in
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.

2410 If I may just refer the hon. Gentleman to the mortality rates, as he looks at them he will find
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.

2425 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
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
2430 fruit very quickly and a lot of the people who have died in the vulnerable category are people
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.

2510 **Clerk:** A Bill for an Act to amend the Civil Aviation Act 2009.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

2515 **Clerk:** The long title.

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.

2525 **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? (**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.

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
15 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
20 reputation of Gibraltar required it.

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 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 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
125 Police Authority under section 34 of the Police Act with the approval of the –
130

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

210 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
215 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
220 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
225 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
230 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
235 is yes, that we would be quite happy –

Hon. Chief Minister: You are the only person who is [inaudible]

240 **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]

245 **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.

250 **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 –

255 **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.

260 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.

265 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.

270

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.

275 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.

285 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.

295 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.

300 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.

305 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

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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.

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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.

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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?

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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.

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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.

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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.

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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

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365 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.

370 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.

375 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
380 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
385 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.

390 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
395 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
400 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.

405 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
410 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
415 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 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.

425 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 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 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.

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He then asked me whether a Supreme Court judge or a higher judge would be appointed. I do 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 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.

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440 Mr Speaker, I think that deals with all of the issues that the hon. Gentleman raised, and in 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.

445 Mr Speaker, I think that deals with all of the issues that the hon. Gentleman raised, and in fact it appears I have even dealt with some that he did not want me to deal with.

Hon. Ms M D Hassan Nahon: Mr Speaker, the way that this saga has unfolded is truly 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 miscommunication in the management of this very public fall-out, as well as an exchange of veiled accusations and criticism from both sides.

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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 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.

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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
535 possible. We will need to take advice, we will need to liaise with the lawyers representing
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'
540 inquiries that may be going on, if that is possible, in order not to delay itself. All of those things
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
545 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.

Hon. Sir J J Bossano: The only reliable thing!

550 **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
555 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
560 set out in my Statement, to the convening of the Commission of Inquiry.

Mr Speaker: One more, Chief Minister. There is a further ... The Hon. Daniel Feetham.

565 **Hon. D A Feetham:** Mr Speaker, I just have two questions; I think they arise from the
Statement, if not from the underlying topic.

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?

570 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

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.

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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.

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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.

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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 we 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
765 from some exchanges in this House and remarks by members of the public as to smoking
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
770 volumes of cigarette butts on that area and it would be helpful if the Minister could take this up
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.

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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.

805

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.

810

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.

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I commend this Bill to the House.

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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.

830

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.

835

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, 845 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.

885 **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**

890 **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.

895 **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.
905 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.

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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.

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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
940 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.

945 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
950 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
955 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
960 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
965 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
970 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
975 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
980 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
985 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
990 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.

1055 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.

1075 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
1080 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
1085 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
1090 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
1095 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.

1100 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.

1170 **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.

1175 **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.

1180 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.

1185 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.

1195 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.

1200 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

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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.

1220 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 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.

1230 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 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

1245 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*)

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Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Daniel Feetham.

1255 **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.

1260 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*)

1265 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.

1270 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 ...

1285 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.

1290 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

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1300 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.

1305 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 1310 16 years of the GSD administration.

1315 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.

1320 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.

1325 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.

1330 The second provision was:

Notwithstanding the provisions of the paragraph above, any allowances paid under the Government Training Scheme shall be disregarded.

1335 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 1340 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.

1345 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, 1350 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 1355 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 1360 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 1365 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 1370 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 1375 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 1380 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 1385 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 1390 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 time and says that this was in fact part of the arrangement that was made in 2012, the
1405 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.

1485 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.

1515 The hon. Member has talked of issues which possibly touch ... I am not sure that he used the 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
1520 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
1525 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.

1535 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
1540 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 –
1545 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
1550 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
1555 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
1560 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.

1565 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
1570 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
1575 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
1580 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.

1595 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.

1605 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.

1610 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.

1615 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*)

1635

1640 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.

1645 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.

1650 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.

1655 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

1705 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.

1710 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.

1715 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.

1720 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.

1725 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.

1730 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.

1735 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.

1740 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.

1745 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.

1750 **Mr Speaker:** The Hon. Daniel Feetham.

1755 **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

1760 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*)

1765 **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.

1770 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 ...

1775 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.

1780 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%.

1790 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.

1800 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.

1810 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.'

1815 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
1820 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
1825 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
1830 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
1835 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
1840 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*)

1850 **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
1855 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

1860 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.

1865 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
1870 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
1875 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
1880 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)*

1885 **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.
1890

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.
1895

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.
1900

Mr Speaker, on that basis I support the hon. Gentleman's amendment to the motion.

Thank you, Mr Speaker. *(Banging on desks)*
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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.

1910 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.

1915 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
1920 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
1925 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
1930 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,
1935 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,
1940 who do need change. (*Banging on desks*)

A Member: Hear, hear.

Mr Speaker: The Hon. Gilbert Licudi.

1945 **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
1950 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
1955 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
1960 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

1965 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.

1970 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

1975 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

1980 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.

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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*)

1995

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.

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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

2005 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.

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2015 **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.

2020 **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.

2025 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.

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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.

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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
of disability and you say – it an extreme example – for somebody who is a paraplegic, who is in a
2070 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.

2165 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.

2170 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)*

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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)*

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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.

2185 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)*

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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.

2195 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.

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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.

2205 **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!

2210 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
2215 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
2220 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
2225 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*.

2230 **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.

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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.

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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.

15 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 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 coming months. I will endeavour to keep the House and the public abreast of all developments. 20 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.

25 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.

30 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.

35 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.

40 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.

45 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.

50 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.

55 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.

60 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.

65 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

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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
80 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
85 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
90 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
95 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
100 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
105 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
110 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
115 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
120 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.

125 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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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

180 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.

185 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.

190 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
195 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
200 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
205 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
210 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
215 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
220 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
225 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
230 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.

335 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
340 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
345 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
350 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
355 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
360 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
365 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
370 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
375 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
380 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
385 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.

390 There are some serious concerns about a level playing field and how that is going to work. 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

440 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*)

445 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
450 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
455 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.

460 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
465 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
470 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
475 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
480 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.

485 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
490 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

595 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
600 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
605 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
610 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
615 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
620 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
625 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
630 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
635 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
640 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
645 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.

700 **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.

705 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.

710 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.

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735 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.

740 **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,

750 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
 755 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
 760 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
 765 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.

770 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
 775 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
 780 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.

785 **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
 790 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
 795 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.

800 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

805 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.

810 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
815 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.

820 **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.

825 **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.

830 **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?

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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.

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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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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.

930 **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.

935 **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.

940 **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.

945 **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.

950 **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?

955 **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.

960 **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?

965 **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.

970 **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
985 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 'pension
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
995 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?

1005 **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
1105 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.

1130

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.

1135

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.

1140

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

1145

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?

1150

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.

1155

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?

1160

Hon. S E Linares: The hon. Member can rest assured that the Government will not pay for this defect.

1165

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?

1170

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.

1190

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.

1205

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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1215 **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.

1220 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*)

1225 **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.

1235 **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.

1240 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.

1245 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.

1255 **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?

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
1285 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
1290 matched up some of us here you might get a few athletes, but I have not seen any triathletes 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.

1315 **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.

1320 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.

1325 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.

1335

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.

1340 **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.

1345 **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.

1350 **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
1370 electricity that we would require.

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.

1385 **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
1390 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!

1405 **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.

1410 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.

1415

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?

1420

Hon. Chief Minister: We are combining it with the extension of the runway.

1425 **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.

1430

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.

1435 **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?

1440

1445 **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.

1450

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
1465 I do is intended to set out the full context of the reason why the Government is right about a
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?

1470

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'?

1500 **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.

1505 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.

1510 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.

1520 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

1525 **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?

1530 **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.

1535 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.

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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.

Q312-13/2020

**Clean Air Bill and Air Pollution Control Plan –
Timescale for introduction**

Clerk: Question 312, the Hon. E J Phillips.

1555 **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?

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

1560 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** I would love to know whether you got it right.
I will answer this question together with Question 313.

Clerk: Question 313, the Hon. E J Phillips.

1565 **Hon. E J Phillips:** Can the Government confirm when it will introduce an Air Pollution Control Plan?

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

1570 **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.

Q314/2020

**Queensway green lung –
Update on progress**

Clerk: Question 314, the Hon. E J Phillips.

1575 **Hon. E J Phillips:** Mr Speaker, can the Government update the House on its Queensway green lung commitment?

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

1580 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Delighted to do so, Mr Speaker.

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.

1585

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?

1590

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.

1595

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.

1600

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.

1605

Hon. Chief Minister: I assume that there was a question in there – because it is Question Time, after all.

1610

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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1625

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
1660 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.

1675

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?

1680 **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.

1685 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.

1690 **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

1695 **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?

1700 **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.

1705 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.

1710 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.

1715 **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.

1770

Mr Speaker: Next question.

Q318/2020

**Midtown car park –
Noise pollution re vibration of louvres**

Clerk: Question 318, the Hon. E J Phillips.

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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.

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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.

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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.

1790

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.

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Q319/2020

**Europort Avenue –
Loud construction work during the night**

Clerk: Question 319, the Hon. E J Phillips.

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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.

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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
1810 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
1815 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?

1820

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
1825 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.

1830

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
1835 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):
1840 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
1845 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
1850 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.

1875

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.

1895

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,

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
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.

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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.

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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 groynes. 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 groynes 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.

1990 **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.

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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?

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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.

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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?

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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.

2055 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.

2065 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.

2085 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,
2090 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
2095 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.

2100 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?

2105 **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
2110 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
2115 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.

2120 **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.