



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 3.35 p.m.

Gibraltar, Wednesday, 16th September 2020

Contents

Prayer	2
Confirmation of Minutes	2
Suspension of Standing Orders	2
Standing Order 7(1) suspended to proceed with Government Bills	2
Order of the Day	3
Bills	3
First and Second Reading	3
Public Health (Amendment) Bill 2020 – First Reading approved	3
Adjournment	3
<i>The House adjourned at 3.35 p.m.</i>	3

The Gibraltar Parliament

The Parliament met at 3.30 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, Wednesday, 16th September 2020.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 26th June and 2nd, 8th, 14th, 20th, 27th and 31st July 2020.

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

Mr Speaker signed the Minutes.

SUSPENSION OF STANDING ORDERS

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

Clerk: Suspension of Standing Orders, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

Order of the Day

BILLS

FIRST AND SECOND READING

Public Health (Amendment) Bill 2020 – First Reading approved

Clerk: (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Public Health Act to control the emission of smoke by vessels and for connected purposes.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Health Act to control the emission of smoke by vessels and for connected purposes be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Health Act to control the emission of smoke by vessels and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Public Health (Amendment) Act 2020.

ADJOURNMENT

Clerk: Adjournment – the Hon. the Minister for the Environment.

30

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Chief Minister has been called away at short notice on a Brexit-related matter. He has been in touch with the Leader of the Opposition and the hon. Lady and I have the honour, therefore, in the circumstances to move that the House do now adjourn to Thursday, 24th September at 11 a.m.

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Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 24th September at 11 a.m.

I now put the question, which is that this House do now adjourn to Thursday, 24th September at 11 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 24th September at 11 a.m.

The House adjourned at 3.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.02 a.m. – 11.04 a.m.

Gibraltar, Thursday, 24th September 2020

Contents

Adjournment	2
<i>The House adjourned at 11.01 a.m.</i>	2

The Gibraltar Parliament

The Parliament met at 11.02 a.m.

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

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

ADJOURNMENT

Clerk: Meeting of Parliament, Thursday, 24th September 2020.

Order of Proceedings – adjournment – the Hon. the Minister for the Environment.

- 5 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Yes, Mr Speaker, as the Opposition knows, because the Chief Minister spoke to the Leader of the Opposition and also communicated to the Hon. Marlene Hassan-Nahon, the Chief Minister and the Deputy Chief Minister have been delayed in Madrid during their technical talks. It has been mutually agreed that we would propose that we adjourn, and I therefore have the honour
- 10 to move that this House do now adjourn to tomorrow, Friday, 25th September at 11.00 a.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 25th September at 11.00 a.m.

- 15 I now put the question, which is that this House do now adjourn to Friday, 25th September at 11.00 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.
- This House will now adjourn Friday, 25th September at 11.00 a.m.

The House adjourned at 11.04 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.10 a.m. – 2.40 p.m.

Gibraltar, Friday, 25th September 2020

Contents

Wearing of facemasks in Parliament	3
Suspension of Standing Orders	3
Standing Order 7(1) suspended to proceed with Government Statements	3
Racist and anti-Semitic comments on social media – Referral to Royal Gibraltar Police for investigation – Statement by the Chief Minister	3
Brexit negotiations – Update on progress – Statement by the Chief Minister	7
Papers to be laid	13
Order of the Day	13
Bills	13
First and Second Reading	13
Appropriation Act 2019 (Amendment No. 2) Bill 2020 – First Reading approved	13
Appropriation Act 2019 (Amendment No. 2) Bill 2020 – Second Reading approved	14
Appropriation Act 2019 (Amendment No. 2) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	37
Committee Stage and Third Reading	38
Appropriation Act 2019 (Amendment No. 2) Bill 2020 – Clauses considered and approved	38
Appropriation Act 2019 (Amendment No. 2) Bill 2020 – Third Reading approved: Bill passed	38
First and Second Reading	38

Animals (Amendment No. 2) Bill 2020 – First Reading approved.....	38
Adjournment.....	39
<i>The House adjourned at 2.40 p.m.</i>	39

The Gibraltar Parliament

The Parliament met at 11.10 a.m.

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

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

Wearing of facemasks in Parliament

Clerk: Meeting of Parliament, Friday, 25th September 2020.

Order of Proceedings: (iii) Communications from the Chair.

- 5 **Mr Speaker:** The House has received a dispensation from the Director of Public Health that the wearing of facemasks in Parliament is optional given that social distancing measures are in force. However, Members have agreed that they will wear masks unless they are speaking or are about to speak.
Thank you.

SUSPENSION OF STANDING ORDERS

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

- 10 **Clerk:** 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 Government Statements.

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

Racist and anti-Semitic comments on social media – Referral to Royal Gibraltar Police for investigation – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government roundly and unhesitatingly condemns the racist and anti-Semitic comments which have been made by some on social media in respect of Together Gibraltar MP Marlene Hassan Nahon.

- 20 Based on what the Government is very clear are untruths about Ms Hassan Nahon's holding dual nationality with Israel, some people on social media have suggested that Ms Hassan Nahon should somehow not be trusted with involvement in the affairs of Gibraltar. In our view, those allegations clearly seek to bring people's estimation of Ms Hassan Nahon down not by reason of argument relating to her views in respect of any particular issue but by reason of her religion. Therefore, as Chief Minister and as Leader of this House, I have referred those comments to the

25 Royal Gibraltar Police for investigation as racism and anti-Semitism, and I am making this Statement today for that reason.

We are very clear that challenging and robust political debate about ideas and policies is what makes our nation a rich, diverse and respectful democracy, but for that reason also we must decry and denounce those of a small minority who fail themselves and all of us also by making racist and anti-Semitic statements about a Member of our Parliament based solely on her religion. This is in addition to insults apparently also relating to her ethnicity, which she has rightly countered in correspondence and which I am also reviewing.

My Government and I disagree vehemently with the hon. Lady on many things and we agree also just as violently on many others, but our debate is always about our differing policies and ideas and how we each think we can improve Gibraltar for the Gibraltarians and the residents of Gibraltar. But frankly Mr Speaker to read those comments about her and to have read similar comments recently, insulting on social media also the Minister for Transport, Business and the Port, the Hon. Mr Daryanani arising from his ethnicity, is frankly a huge disappointment.

For some to make racist and anti-Semitic remarks supposedly as part of political debate is just anathema and alien to what Gibraltar is and frankly not the Gibraltar that I know and love. I always take the view that Mrs Thatcher was right about one thing at least: that when they start to insult you and when they start to attack you and not your arguments it is because whoever is insulting or attacking you has lost the argument.

Mr Speaker, I know that everyone in this House will want to join me in solidarity with the hon. Lady and in ensuring that we send a very clear message from this place that any type of racism, and indeed in particular anti-Semitism, will not be tolerated in Gibraltar and will not be considered a part of the political debate but something happening outside it and outside the rules.

I want to thank the Commissioner of Police for telling me yesterday already that he was progressing this matter. (*Banging on desks*)

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, on behalf of the Opposition I do want to express our solidarity with that Statement. Before I do, can I just ask, because I suspect that when I rise ... Last time I spoke on a Statement you did point out to me that in speaking to a Statement there needed to be questions of clarification. I suspect that I will not be seeking clarification on this Statement or indeed another Statement that I believe the Chief Minister is going to make this morning, but with your latitude, given the importance of the issue, Mr Speaker, I would ask to be allowed to reply to those without asking questions of clarification. I am grateful.

Our position is entirely the same in relation to issues of anti-Semitism and discrimination. We said yesterday there is absolutely no place for racism, discrimination, anti-Semitism, prejudice or intolerance in Gibraltar and I made it very clear that all citizens in our community need to make sure that we strive to ensure to respect the boundaries of proper political comment and behaviour on social media. I know emotions run high sometimes, but it is important to keep within the bounds of fair, respectful and lawful comment. Anything that crosses those lines into racist, religious or any form of intolerance is entirely unacceptable and repugnant to the Members I speak for on this side of the House, and I am sure also to many members of our community.

The issue of prejudice, discrimination and focusing on differences rather than on common features that unite us, unfortunately is a global issue and not just a local one. For many centuries people have focused on differences rather than on similarities, whether those differences were religious or ethnic or other differences. You see that still present in other countries when there are other issues that hit the news. In Gibraltar we have always prided ourselves on having a homogenous, cosmopolitan community drawn from different ethnic and national backgrounds, where we have been able to develop and foster a sense of nationhood with that rich mix that makes the Gibraltarian. We have British-Moroccan Gibraltarians and Gibraltarians who are Jews, Hindus and Catholics, and none of that makes any particular sector or person less of a Gibraltarian

because they are drawn from different races originally or from different nationalities, or indeed from different religions.

80 So, we entirely express our solidarity. Ms Hassan Nahon knows that I contacted her on the day of her statement to express our views and exchange our support on this issue. I expressed my concern to her privately about the fact that there are other instances of comments on social media more generally and I gave her the example of some of our citizens of Moroccan origin who I feel also face a degree of discrimination and comment sometimes. The Leader of the House has also mentioned comments made in respect of one of his Ministers, with which we also show solidarity
85 because we think it is unacceptable for people to make comments of that type. It is fine to have robust political debate or debate on social issues, but when people do so they need to respect the boundaries of proper and lawful behaviour and not descend into comments that are either racist, prejudiced or discriminate against people on grounds that are entirely unconstitutional and entirely wrong. For those reason I also wish to express the solidarity of Members on this side of
90 the House for the comments that have been made. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, with your indulgence I shall also be asking for
95 exemption from clarification on the response to a Statement, for obvious reasons in this case.

In response to the Chief Minister's Statement and that of the Leader of the Opposition, which I am very grateful for, over the very distasteful and unwarranted attacks on my religion this week, I would like to say that these have come in the context of a wider mission, being that these comments have actually stemmed from a concerted campaign against my late father.

100 I would like to say that I have always been so proud of living in a community where diversity is celebrated, where Hindus, Jews, Muslims, Christians and people of no faith whatsoever can be friends, work colleagues and concerned citizens together. Whatever the differences of our opinions, we have always understood that everyone wants the best for Gibraltar but we have different ways of looking at things. The different political parties in Gibraltar have never been
105 divided by racial or religious affiliation. How else could a Jew have been in public service for 44 years and elected for a period of over 20 years and by a Catholic majority? It was because nobody saw colour and nobody saw religion. We are all Gibraltarian here.

My father was a patriot. Everything he did he did for his people, not for himself, and whether you agreed with him or not I do not think anyone can argue in good conscious that he did not put
110 his people first. Therefore, it was with much sadness that I found myself defending the Sir Joshua Hassan smear campaign this week that has been launched for several weeks for associated purposes. I am not here to defend my father's policies or record, I shall let history judge him for his time as Chief Minister, but I am here to defend his memory. People dredging up the past for their own political interest is wrong, especially when he has been in the grave for 25 years, so you
115 will forgive me for not allowing his memory to be tainted just so that some activist can meet their current political objectives at this very delicate moment in our history. It is this lack of generosity and gratitude for someone who gave his life for politics and people – one of the founding fathers of Gibraltar, one of the state builders of our nation – that led me to call out such an unkind and despicable campaign of slander.

120 In the end, it was the cherry on the cake of this campaign of slander that was thrown in – a dollop of anti-Semitism, which is only the side plot to this smear campaign – as I found myself accused of the age-old anti-Semitic trope of dual loyalty that has been hurled at Jews for millennia and was the foundation, in fact, of the expulsion of Jews from all over the world. This trope was used to launch the Spanish Inquisition, the Crusades, Hitler's Nazi regime, Stalin's massacres and
125 even, unfortunately, most recently in British politics the bullying and harassment of British Labour Jewish MPs by Corbyn's Labour Party, and this week I had to find myself at the receiving end of it as a Jew who happens to be a Member of this House. Is anyone here accused of dual loyalty for

marrying someone from a different nation? Is anyone here accused of dual loyalty for having a parent from a different nationality? No, I do not believe so.

130 I would never tolerate and I have stood behind condemning any attempt at discrimination toward any of the minority groups in Gibraltar. In the last few months there has been an increase in the change of tone within the political commentary that we see on social media, and my very good friend opposite on the Government benches, the Hon. Vijay Daryanani, has also been subjected to racially charged comments. I have to say I was not aware of this until the Chief
135 Minister mentioned it yesterday in his press statement, and now I wish to convey my absolute and unequivocal support and solidarity to Minister Daryanani and to tell him publicly in this House that I shall always roundly condemn any attacks on him or on members of his community.

I wish to thank the Chief Minister for his swift condemnation yesterday of such statements in response to my call for action to the leaders of the Parliament in this House. Similarly, I want to
140 extend my gratitude to the Leader of the Opposition for his condemnation as well and for both their statements today.

Mr Speaker, next Monday is the most solemn day in our Jewish calendar: it is the Day of Atonement and it is the final pleading with God for the calling of our fate for the coming year. In this coming Day of Atonement I will be praying for the help of every Gibraltarian and I will also be
145 praying that our community continues to be the paragon of tolerance, love and respect that we have all been raised in.

Thank you. (*Banging on desks*)

Mr Speaker: The Hon. the Chief Minister.

150

Hon. Chief Minister: Mr Speaker, can I thank both hon. Members for their remarks and in particular can I say that we have not been able to meet other than to adjourn in this month but we are starting this meeting in solidarity around an issue on which we could be only in solidarity. I think the statements made by hon. Members dovetail with the remarks I was making about the
155 references to ethnicity and religion really having no place in the argument about ability, policy testing and ideas.

I was simply rising now to reflect a little on what the hon. Members said – the Hon. Leader of the Opposition in particular talking about social media and how people seem to get themselves hot under the collar when at home and in front of a keyboard in a way that sometimes even
160 outdoes how in the heat of Parliamentary debate we might get hot under the collar. I do wonder whether people realise that in the heat of Parliamentary debate we sometimes say things to each other which we might not say when the Parliamentary debate is not so heated, but nonetheless when we go behind the Speaker's Chair we still continue to get on – sometimes we might even reflect that we might have gone a little too far with the microphones. On social media it is a little
165 different. What is said stays there forever – not in the way of *Hansard*, which is there to be consulted; it stays there forever. I do wonder whether people might want to reflect that the things that they might have said on street corners to their friends before, about politicians and the political debate or indeed about others, when they are said on social media, if they are racist, if they are insulting, if they are anti-Semitic they become an indelible blot on that person's
170 fingertips. The fingertips with which they have caressed the keyboard become indelibly blotted with the nonsense, the insults and the racism and anti-Semitism that they have spewed through their fingers, and it does them no credit.

I was very concerned when I saw the remarks that the hon. Lady complained about because they were direct; they were of the trope that she identified. If I may just be permitted to say
175 something about Sir Joshua, who she referred to: would that my record somehow stands like his and that 25 years after I am gone people are still talking about what I did. The character assassination of politicians in Gibraltar is starting to become a sport. Well, it is a sport where, I put it to those who engage in it, the big game is bigger than any gun that can be deployed, because the history of this place is made by those of us who are in the arena – in this place, the 17 of us

180 who are here today and those who have been here before us; all of us, not one of us who might be the Leader of the House today or any of the others. The 17 of us have stood up. We have stood in front of the community, we have asked for their vote and support, we have got it, we are here and we are making history. I would rather be one of the men or women in the arena, one of these 17, than one of the cowards sitting at home in the shadows criticising.

185 Mr Speaker, that is all I have to say in respect of these matters. I hope that we do not have to address them in this House again. *(Banging on desks)*

**Brexit negotiations –
Update on progress –
Statement by the Chief Minister**

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may now turn to the much more pressing matter of progress on the European Union negotiations – and before I start, can I just say that today is Mental Health Awareness Day and you are sitting in front of a green background, which is a magnificent way of reminding the community of that day.

190 Despite the public health emergency that is developing, unfortunately, in Madrid, on Wednesday I travelled to Madrid with the Deputy Chief Minister and the Attorney General to continue technical talks on the Brexit negotiations. I must apologise to you, Mr Speaker, and to the House for not being able to arrive in Gibraltar on time yesterday to take the business of the House. One of the difficulties that COVID has created is that where before there were trains almost every hour, now if you do make the 7.30 train you do not make it back to the south of Spain in time, so I do apologise to the House for that. In fact, Mr Speaker, as has happened twice in the past two weeks, unfortunately as these negotiations reach their zenith we may find in future that we are unable to pursue also the normal Parliamentary timetable during this autumn that we would like to be pursuing, which is the monthly meeting.

200 Let me now turn to what has been happening. I have repeatedly told Gibraltar that we will not permit that the European Union negotiations in respect of the future relationship should involve any transgression of our well-known red lines on sovereignty, jurisdiction or control over our territory. I have made it clear that we will not recommend a deal to this Parliament that crosses those red lines. That remains, of course, our position. Indeed, I will tell the House today that the Deputy Chief Minister has already stepped up a gear in the preparations of the mechanisms we will need to activate if we have no deal by the time the transitional period ends on 31st December.

205 Last Friday I spoke to the Prime Minister, the Rt Hon. Boris Johnson MP. I have issued a statement in respect of that conversation already, but it is worth reflecting on the adamant support that the Prime Minister restated for Gibraltar. We are working hand in glove with the United Kingdom. We are working like clockwork with the teams at the Foreign Office and Task Force Europe in Downing Street. We are working to try to agree a deal that brings maximum fluidity for all persons at the Frontier and we are working towards a similar deal that brings maximum fluidity for goods passing the Frontier. None of these would create a new frontier between us in persons and goods arriving from the United Kingdom, as these are already subject to immigration and customs checks and it will be wrong for anyone to pretend otherwise. We are working for such a deal in good faith with all our energy and ability and with great enthusiasm, but we are not blind to the problems we face. There are political issues, there are legal issues and there are issues, of course, of trust and confidence, but we are optimistic whilst also remaining realistic, and for that reason we are also ready for no deal. But if we are still talking Mr Speaker it is because we still believe that a deal, although complex and difficult, is still possible without any crossing of our red lines on sovereignty, jurisdiction or control.

We will continue to brief all hon. Members of this House on the progress of the negotiations. I will be briefing the Cabinet and Mr Licudi in detail on Monday morning. I expect to see the Leader of the Opposition and Ms Hassan Nahon as soon as possible thereafter.

Mr Speaker, at this stage I cannot say more because there is no more to say than we have already said, but I will emphasise this: we will not recommend to this Parliament any deal that crosses our red lines on sovereignty, jurisdiction or control and we will not stop negotiating if we believe we can get a deal that does not cross our red lines on sovereignty, jurisdiction or control. Let me be clear: as I have said before, any deal which affects our international status or our constitutional settlement would be put to a referendum of the people of Gibraltar. Let me be clear also that there is no one in the Gibraltar negotiating team who would wish to agree to any proposal that crosses our red lines on sovereignty, jurisdiction or control and neither is there anyone in our team who would be unable to see a legal measure that would have such an effect.

So, let's be clear: our red lines will not be crossed on our watch but we will continue to negotiate. We will return to this House to inform it and to inform our people as often as we are able to and as fully as we are able to.

Thank you very much, Mr Speaker.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, we are grateful for that Statement and indeed I am sure there is quite a lot of interest out there in respect of statements on the Brexit talks, or rather the post-Brexit talks.

The House knows, and indeed the hon. Member knows because I have said so to him privately and indeed publicly, that the party that I lead wants there to be a positive agreement reached in respect to our future relationship with the European Union as long as that agreement does not transgress our traditional views on sovereignty, jurisdiction and control. Of course, as we have I think both observed, the devil is in the detail of the package of agreements that may emerge – and indeed maybe no agreement emerges, and so it is absolutely right that the Government should prepare in parallel for no deal. In the eventuality of no deal, Gibraltar must be ready – and people will not understand that we are not ready if we get to 31st December 2020 because we have had four and a half years since the referendum. The Government, I am sure, appreciate that. That is not a loaded political comment; it is a comment because of the passage of time. People would expect whatever Government of whatever political complexion is in place to have ensured, while it negotiates, to also prepare for no deal because that is a potential reality.

The other day there were commentators mentioning that we were this week past the point where we were 100 days away from 31st December, so we have now less than 100 days to either crack a deal, or not. I appreciate the exercise that the Government is engaged in. I know the sensitivity of those discussions and indeed I know that it is important to have space to negotiate. The hon. Member knows that we in the Opposition have given the Government political space to conduct those discussions while he has been briefing us on progress and that we are continuing to give him space to conduct those negotiations. We understand that that is important for Gibraltar and we do so not because we are taking our foot off the political accelerator and letting the Government have a free pass, but because when we give them space to negotiate it is because we consider it to be in the interests of Gibraltar for that space to be there. Quite a different matter is to also comment, as we did this week, on agreements that have been reached, historic ones. I am not going to go into that, but I think it is important for people to understand that it is a very different matter to comment on speculation and proposals rather than to comment on agreements that are set down in black and white on paper and have actually been reached two years ago, and we have historic and consistent views on that.

That is not to say that we do not want there to be a deal, because we do want there to be a positive, safe agreement for Gibraltar in respect of the future relationship. It is important that whatever emerges, if something emerges in the next less than 100 days, for it to be safe, and as I

275 have said previously, we will scrutinise the package of agreements that emerges, if a package emerges, and then make up our own assessment of whether agreements that emerge are safe and good for Gibraltar. The Chief Minister already indicated this week that he would intend to table ... I am not sure if he said proposed agreements, so this is perhaps something he could clarify – if he would table proposed agreements or agreements that had been reached in the
280 Parliament. Whatever is the case – I imagine he meant agreements that had been reached in Parliament – it will give us the opportunity to precisely have that public debate on the issue and I certainly welcome that the Parliament should get that opportunity on an issue as important as this.

I understand the Chief Minister's tone and desire not to explain publicly in greater detail what
285 discussions they are having, because I appreciate also there will be a moving feast of positions and it probably is not helpful to Gibraltar's position. There is, I am sure, and I see it on social media, a thirst for knowledge and that is also understandable. And so it is a balancing exercise to ensure that the public are given information, which it is important that they should have, as to the kind of discussions that are happening, while not providing details that might prejudice Gibraltar's
290 interest and indeed therefore their own interests in obtaining secure, safe agreements as to the future.

So, from this side of the House we welcome the Statement, understand why it is fairly cautious and low on content, and we will continue to give the Government space in the negotiations while still playing vigorously and robustly our role as the Opposition in scrutinising anything that
295 emerges and ensuring that it is within and respects the fundamentals that we all stand for.
(Banging on desks)

Mr Speaker: Would the Chief Minister like to respond?
Marlene Hassan Nahon.

300 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

Together Gibraltar and I have been supportive of the Government in its attempts to obtain a deal that can guarantee fluidity for both goods and persons at the border come the end of December. We understand that it is vital for our community that this happens for our economy
305 and also for our health and happiness, as well as obviously for the human bonds that exist between us and our neighbours in La Linea and the Campo de Gibraltar.

We have been vocal about our support because we believe that creating a toxic political environment right now can hinder these kinds of good-faith negotiations, as we have seen in the past, but we have very clear red lines. As do Government, we do not believe that Spain policing
310 our points of entry is acceptable. It would be a clear concession of control and sovereignty that would be absolutely unpalatable for the people in our community, even when presented, if presented, with a balanced cost-benefit analysis. So, a neutral Frontex option as suggested by the Chief Minister would perhaps be a compromise, although some work has to be done to rebuild the trust and the reputation of EU institutions after the very confused messaging people have
315 been exposed to throughout the Brexit ordeal.

Mr Speaker, we are also wary of what implications entry into Schengen would bring to our economy and whether significant changes to our taxation system will actually be necessary in order to level the playing field. We would like to hear Government projections of the impact of losing VAT-free status and whether other tax and tariffs might have to be modified. Also, we would
320 like to know what plans would be in place to support our already battered private sector through these important administrative changes.

So, in sum, Mr Speaker, we continue to support the efforts to achieve a deal while remaining extremely cautious. We look forward to future briefings and we wish the Government the best of luck in these negotiations. Personally and as a party we hope that all Members of this Chamber
325 understand the predicament that we find ourselves in and live up to the moment and not fall into

the trap of exploiting this moment in time to the detriment of the people of Gibraltar, because I am sure that history would issue a harsh judgment on such manoeuvres.

Thank you, Mr Speaker.

330 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to both hon. Members for the statements that they have made. I think the hon. Lady's did request some clarification, so I will deal with that also.

335 The Hon. Leader of the Opposition is right that the people would not forgive us if we were not ready for no deal, because we have had four and a half years notice that it might happen. Of course he is absolutely right about that. The Deputy Chief Minister is in charge of those arrangements and, as I said in my Statement, he is stepping up a gear already in preparation, but we have to understand what being ready for no deal means. There is nothing that the Deputy
340 Chief Minister and the whole of the Government with him can do, if there is no deal, to ensure that 1st January is the same as 31st December, so it will not be possible for anybody to credibly say 'I cannot get my pet across in the way I used to before ... I am having to queue for an hour and a half ... I am having to have my passport stamped. What is going on? Weren't you ready? You had four and a half years.' It will not be possible to say it is the fault of the Deputy Chief Minister, it is the fault of the Government, it is the fault of the Chief Minister and it is the fault of the whole
345 Parliament.

No, it is the fault of Brexit in the absence of a deal because that is what Brexit means in the absence of a new deal with the European Union. It could mean no fresh milk in the supermarkets. It could mean no perishable goods from the United Kingdom being able to arrive in the time available for the goods to be used. That is what the absence of a deal could mean, and there are
350 no preparations that you can put in place from the unilateral position of Gibraltar to sort those things out. Let's be clear about that now. Let's not pretend on the morning of 2nd January to say as a community, 'Our administration has let us down. There is no deal and there is a queue at the Frontier, there is no deal and there is no fresh milk, there is no deal and ...' Let's understand what the absence of a deal means. We fully understand it on this side of the House and we are ready
355 for it, and we are ready to face down anyone who thinks that we will do a deal that crosses our red lines because we are not ready to face up to what no deal means. We know what no deal means and we are ready to face up to no deal, and we are prepared to do the maximum that can be done in the absence of a deal to mitigate and to provide contingencies in those eventualities. That is what we have to understand.

360 I know that the Leader of the Opposition fully understands that, and I am grateful for the opportunity, in the way that he has presented his response to my Statement today, to explain it more widely. I know that he would know that it would be lacking in credibility at a political level to be criticising the Government on 2nd January for those things, and I am not suggesting that he would be doing so but I think it is important that the community understands what it means and
365 the community understands that, as the sentinels of the red lines that all of us consider to be uncrossable, everybody needs to be ready for what the consequences of that are because that is where we are leading this community. We are leading this community to no deal if anybody dares to think that we will cross a red line for a deal. Let's be clear about that because we are ready for it and that is the direction of travel that we are embarked upon.

370 I am grateful that the hon. Gentleman also says – and I think that this is the right position for him to take – that they are giving us space to do the deal that is still possible that avoids that situation, and that that does not mean a free pass. Of course it does not. They will look at the things that we bring. They already provide comment when we show them the material that we are dealing with and we are open to further comment from them and ideas from them on all of
375 the issues that we discuss, and I absolutely get that that is not a free pass and that they of course reserve the right to criticise what we might then decide is a recommendable deal or we might decide is not a recommended deal and they may decide is a recommended deal, and they might

say, 'Well, we would have done it and people need to understand that there is no deal because the GSLP Liberals will not do it, but we would have done that deal.' This could be cut in many different permutations by the time that there is a deal on the table, or as much of a deal as there could be on the table by the time we walk away and they might say they might have continued negotiating. So I fully get that it is not a free pass.

I also appreciate his clarification that his comments this week were about old agreements and not current agreements, although he knows, Mr Speaker, that I believe that he is both legally and politically wrong when he says that it was possible and that it was negotiable in the first round to do a deal on movement for Gibraltar simply because there was a deal on movement for Northern Ireland. I think it is important that people do understand that, because the deal on movement in Northern Ireland pre-dated the European Union in the context of Schengen and mobility issues, and what is happening in respect of Northern Ireland is that the Common Travel Area is remaining because Ireland is not in Schengen. So, it is not that a deal on mobility was negotiated for Northern Ireland that we had failed to negotiate in the first stage. As he fully knows, I have too much respect for his intellect to think that he does not understand this, and I do appreciate that he has obviously decided he wants to make the point politically but what is happening in Northern Ireland is that they are reverting to the situation as it was *ante quo*, which is the Common Travel Area in Northern Ireland and Ireland and the rest of the United Kingdom – because there were never any Schengen issues there because Ireland is not in Schengen. What we are negotiating is totally different and it is only negotiable and only on the table in the context of the future relationship. So, Mr Speaker I am grateful that he has not wanted to deal with that today, but as he referred to the comments he had made and that they were about the old agreements that is what he knows is my answer to his argument in that respect.

I think his position on wanting a deal and not wanting a deal – in other words wanting a deal only if it is safe – is exactly the same position as ours. I think that it is the hon. Lady's position as well and I come and deal with what she said about these things now, but I think we all also need to agree that if we come with a deal it will be a deal that we have carefully calibrated to ensure that there are no concessions whatsoever, no crossing of red lines, and then the question will be is it safe – and the test for all of us will be not to try and pretend that there might be a crossing of red lines if there is not.

I am sure that, given the approach that he has had to date, he will not fall into those traps and neither will any other Member of this House, but what I am saying I am saying to the rest of the community – in other words to those beyond, to the commentators. This is a very serious, complex, difficult negotiation for the whole of Europe and the United Kingdom, in particular for little Gibraltar. There are clear red lines; they will not be crossed. If we bring a deal, it is because it does not cross those lines.

Of course, we cannot be the sole judges of that. Everybody needs to be able to be satisfied of that to their own standard, but it would be disingenuous for people in this community to look for concessions where they do not exist and they will need to understand the agreements in the context of the level of complexity of European law and of international treaty law because it will not be an easy thing to decipher and there will be many cross-references to be done before anybody can believe that they have understood what it is that we might be able to come back with. Anything that we do, however, will be *ad referendum* the Cabinet, the Council of Ministers. We will not agree anything unless it is approved by the whole Council of Ministers and then we will bring here that which the Council of Ministers has agreed, which is the normal way.

I am grateful that the hon. Gentleman has also understood that the reason why I am unable to say more as to substance here today – although I will say more as to substance to the Council of Ministers and to the hon. Lady and to the hon. Gentleman as soon as we are able to in the context of our of our briefings – is because we are in the middle of negotiations, but I think he will know from what he has been told more privately that I am giving the skeleton, the outline, the bones of what it is that is being discussed, with as much detail as possible. He says that he thinks there is a thirst for knowledge out there. Of course, I do understand that there is a desire to know more but

430 I think what there is is a desire to be assured that there will be no crossing of the red lines and
that there is not even a countenancing of the crossing of red lines going on in the room. In that
respect I would just refer the House and the community to a statement made in the context of
the Withdrawal Agreement by the then Secretary of State in Spain for Europe, Sr Marco Aguiriano,
435 who said, 'we are fully aware if we were to table anything to do with sovereignty the Gibraltarians
would close their files and walk out.' There is a new Secretary of State in Spain now. I can tell you
that I believe that he and all of the hierarchy of those we are dealing with fully understand that
and appreciate that we would simply close our files and walk out if anything was even suggested
to cross one of our red lines or to affect sovereignty, and so the community can have that absolute
440 assurance from us. He is right that it would not be helpful to say more at this stage, but I am very
happy to give those assurances.

The hon. Lady was gracious in lending us her support and best wishes for the negotiation, for
which I am grateful, and she has identified that we have made very clear in the context of the past
few months that anybody who thought that it would be acceptable to have Spanish law
enforcement agents – whether they are police officers, Guardia Civil or anybody else on Gibraltar
445 – would not have understood where our red lines have been for generations. That is not
something that we would ever countenance and it is not something that we would ever imagine
being able to consider agreeable, let alone that we would bring it as agreed to Gibraltar, so nobody
need have any concerns whatsoever that that is something that we would agree.

There is the issue of Frontex, which I have referred to previously and which has led to comment
450 by the hon. Lady today and by the hon. Gentleman in some recent public interventions. We are as
alive to the benefits of a potential Frontex intervention as a European institution as to the
potential dangers of a Frontex intervention and who makes up Frontex and in what capacity they
make up Frontex. We are fully alive to those issues and we would not allow our red lines to be
crossed by a back door, but there are possibilities in respect of Frontex as an agency and what it
455 might be able to do.

There are no tax implications in the context of the Schengen debate which the hon. Lady has
spoken about. There might be tax implications in the context of the Common Customs Union but
not in respect of services. There will be absolutely no consequences on services, no VAT on
services. That is not something that we would countenance. The exercise of whether or not there
460 could be a Customs Union benefit in respect of goods is a live one where we have views and we
would be prepared to consider some aspects of membership – some aspects of membership
would not be beneficial to Gibraltar and we would not propose them – and that would require a
reorganisation of our tax system, which would in itself be something which would require a very
deep consultation in Gibraltar. It would not be something that we could do now because we would
465 not know the shape of the proposed Customs Union integration until we reach the end of the
negotiation. That would be more in the nature of a proposal for consideration and discussion with
the business community in Gibraltar and there would be very long transitional provisions in
respect of that which would mean that there would be plenty of time to consider, and then, if
necessary, adjust. But you do not need to be a rocket scientist or be betraying any negotiation to
470 know that being in the Common Customs Union would potentially create some new issues for
Gibraltar which would have to be dealt with, and that could only be something that we would be
prepared to do if we believed that the benefits of that far outweighed those difficulties. The
reason I am not recommending that to the community today is because we have not made that
determination because the shape of what is proposed is not yet finalised and therefore there is
475 nothing to assess in any serious or meaningful way, but there would be definitely a consultation
with our business community in that respect.

I thank hon. Members for their contributions and I assure the community that we will put all
our energy, enthusiasm and ability into continuing to seek a negotiated new deal for Gibraltar
with the European Union after 31st December so long as it is clear that such a new deal cannot
480 cross our red lines, and we are ready on this side of the House for no deal and everything that it
will imply if we are unable to reach an agreement.

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table: a letter recording the written agreement between myself and the Leader of the Opposition as to the time period provided for in section 8(2) of the Appropriation Act 2019 such that this be extended to the last day of December 2020 – that is to say by a further 92 days, I believe – and I will say more about that in the context of my intervention now in the Appropriation Act; the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2020; the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2020; the Integrated Tariff (Amendment) Regulations 2020; the Integrated Tariff (Amendment No. 2) Regulations 2020; the Integrated Tariff (Amendment No. 3) Regulations 2020; and the Integrated Tariff (Amendment No. 4) Regulations 2020.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to lay on the table the Report and Audited Accounts of the Gibraltar Broadcasting Corporation for the years ending 31st March 2013, 31st March 2014, 31st March 2015, 31st March 2016, 31st March 2017, 31st March 2018, 31st March 2019 and 31st March 2020.

Mr Speaker: Ordered to lie.

Order of the Day

BILLS

FIRST AND SECOND READING

Appropriation Act 2019 (Amendment No. 2) Bill 2020 – First Reading approved

Clerk: (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Appropriation Act 2019. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Appropriation Act 2019 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Appropriation Act 2019 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Appropriation Act 2019 (Amendment No. 2) Act 2020.

**Appropriation Act 2019 (Amendment No. 2) Bill 2020 –
Second Reading approved**

515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Before I go into the general principles and merits of the Bill, let me just confirm to the Parliament as I have now tabled, that I have written to you, Mr Speaker, confirming that this Bill was too urgent to wait for the effluxion of six weeks since its publication before it could be
520 considered by the House and I have tabled also a letter on the extension of the period referred to in section 8 of this Bill, which I will come to in a moment.

The purpose of this Bill is to further extend the current financial year period by another six months. In fact, this Bill comes before this Parliament in the same week as the Parliament in Westminster has been advised by the Chancellor, the Rt Hon. Rishi Sunak, also that the Commons
525 in the United Kingdom will not be taking a Budget this year. The times we are living through are so extraordinary that the House of Commons in the United Kingdom, the Mother of all Parliaments, where parliamentary budgetary tradition began, will this year not consider its spending plans in its annual set-piece state of the nation Budget debate. This decision has been a surprise to many and featured yesterday as breaking news on many of the UK's 24-hour rolling
530 news channels.

Here, there should be no such surprise for Members of this House or for the businesses and members of the public who watch carefully for budgetary announcements. The Bill we are debating has now been published for some weeks and people have been aware of it – although, as I confirmed at the start of my intervention, I have certified it as urgent under the Constitution.
535 As a result, Members of the House and members of the public have had full and transparent notice from the Government of the legislative detail of our intention for some weeks now, so there are no surprises there. Additionally, Mr Speaker, you and all hon. Members opposite will recall that in my intervention in the March session of this House when we originally prorogued our 2019-20 Budget for six months, I had already highlighted the possibility of there being the need to seek a
540 further extension to the financial year, which is what we are doing today. Indeed, the Financial Secretary and I had already discussed the possibility with the Leader of the Opposition and the shadow Minister for Financial Services. I had also already alerted the Hon. Ms Hassan Nahon to the possibility.

Now, as the additional time we had permitted ourselves under the first March extension is coming to an end at the end of September, this further extension is both operationally necessary
545 and, additionally, helps this House to restore the financial year end to the historical, customary financial year end of 31st March. I am confident, given our discussions to date, that hon. Members opposite will agree this is the right thing to do, not least because of the ability to understand spending, estimates and the Budget generally when we come to debate our next full Budget
550 debate, when it will be easier also for the general public to judge our spending discipline by reference to a simple doubling of the costs of the administration, rather than having to consider performance over a multiplier of 1.5. A simple multiplier of two will be much easier for the purposes of understanding the spending over the 24-month period as well as the performance over the two 12-month periods covered by the 2019-21 Budget, as it will in effect now be.

In terms of process, we plan to return to the traditional budgetary process as from 1st April
555 2021. The effect of this will be that we will present our budgetary estimates, also known more colloquially as the Estimates Book, for the next financial year before and not later than 30 days after the commencement of the financial year, in accordance with section 69 of the Constitution. This is the traditional manner of proceeding since the change of financial year in 1971, I believe,
560 by the Integration with Britain Government and a tradition followed since then until this extraordinary year – although, as hon. Members will now see as I go into the body of this address, what a year is is about to become a flexible concept. This Estimates Book will therefore, as from April, contain the estimates for the year ending 31st March 2022 and the forecast outturn for the

two-year period ending on 31st March 2021. This latter period is the one significantly affected by the COVID pandemic, and let's hope that it is the only one affected by the COVID pandemic.

We have already set out how this might look structurally to incorporate something known as the COVID-19 Response Fund and to enable Members of this House and the public more generally to understand the costs that relate directly to this pandemic and those that relate to normal Government expenditure. We have already had detailed discussions, which include a mock-up of the Estimates Book as it will be, with the Leader of the Opposition and the Shadow Minister for Public Finance on how this Estimates Book would be presented to incorporate the COVID-19 Response Fund and on the manner in which we have set out the detail of the Fund, which will be published on a regular basis. We are going to provide full transparency and disclosure in respect of these numbers so that everyone in this community of ours can see how the spending power of the nation has been deployed in order to deal with the financial costs of dealing with the COVID-19 pandemic.

The aim is to restore normality to this process leading up to the traditional budgetary debate next June or July in the usual way. This helps in terms of expediency and administration as well as providing a consistent approach for the presentation and analysis of estimates-related statistics. This is the point I make, Mr Speaker: it is going to be far easier to make a comparison of two years with one, as opposed to preparing a book containing a forecast outturn for one and a half years, another book for a six-month year and then going back to producing books for a whole year.

As you know, the earlier Bill, which we dealt with in the Emergency Budget in March, provided Departments, agencies and authorities, other than the Gibraltar Health Authority, with an additional 50% of their 2019-20 recurrent budgets for that first six-month extension that we dealt with. The position was simply that we were adding half a year to the financial year, so we were adding 50% more to the moneys available to the Departments in that period. The Gibraltar Health Authority was provided with more than just 50%. We were then at the start of the pandemic and we therefore needed more than just 50% for the Gibraltar Health Authority, and we added that additional amount to them. We added more for the further necessary funding in order to help ensure that the GHA would definitely be able to meet all COVID-19 costs it might encounter.

In the rest of what we colloquially know as 'the Book', in the pink pages the Improvement and Development Fund allocation was limited in the March Emergency Budget to an increase of under 27% on the original 2019-20 Budget. These amounts were calculated based on a project-by-project assessment of overall requirements. This followed an unscientific assessment of indicative costs, loss of revenue and assumptions of capital projects that to an extent had to be curtailed or stopped as a result of the COVID pandemic. Therefore, in that vein the Bill being presented today broadly follows once again the line taken with the March 2020 amendment Bill. The majority of the proposed Consolidated Fund allocations have seen the same level of increase, which means that the original 2019-20 allocations have now, in effect, simply doubled to cover a two-year period, and as such have not seen any budgetary growth.

The only exceptions are head 18 for Education, head 28 for Health, and head 29, which is the Gibraltar Health Authority and Elderly Residential Services. The first of those is the GHA *simpliciter* and the second of them is the Elderly Residential Services aspect of the Health Service. The extra funding for the Gibraltar Health Authority and the Elderly Residential Services section is largely, of course, to cover ongoing COVID-related expenses, whilst the requirement for the Education Department is to cater for the estimated shortfalls, arising largely from the salary increases for teachers which happened after the original 2019-20 Budget had been debated in this House, and higher than budgeted educational grant payments, something which we consider to be demand led to the extent that we have now introduced mandatory grants for second degrees. This latter expense, alongside Health, is undoubtedly the best investment we make and is a key part of the economic strategy introduced in the late 1980s by Sir Joe Bossano and which is bearing great fruit today. We must preserve that for the future also, and in a fuller Budget address next year I hope to be able to deal with how we will create a fund for that purpose.

615 Mr Speaker, this Bill also includes provision for the £150 million contribution to the COVID-19 Response Fund. This addition is an inclusion to ensure that the format of the Estimates Book going forward can correctly reflect the interaction with this Fund. The aim is to ensure that the Book will include presentation of the reference to this Fund in such a way that the user can identify those costs that relate directly to the pandemic – I am looking at the user nodding his head, I am pleased to say – and the Departments, agencies and authorities that have incurred this necessary spending.

620 The Gazette which will be issued later today will show the spending to the end of June on the COVID-19 Response Fund. I have shared this with hon. Members opposite ahead of its publication and provided them with current and more up-to-date data. Key highlights that this community needs to understand are as follows.

625 Revenue lost or forgone by Government in the period to 30th June 2020 arising from this pandemic stood at around £59 million. That is to say we would have received an extra almost £60 million if it were not for COVID.

630 Total costs directly related to this pandemic stood at £23 million. That is to say we have had to spend £23 million we would not otherwise have spent on the cost of materials, services etc. that we have had to deploy only because of the COVID pandemic.

635 Of these costs, around £11.3 million relate to BEAT payments. This was money, in our view, very well spent, with the agreement of this House, in ensuring that everyone who works here delivering our prosperity in the good times was guaranteed receipt of at least the Minimum Wage in the months of total lockdown. We were committed to protecting working people and we did, and we continue to do so. Let me tell the House the quarterly average number of persons registered as unemployed in Gibraltar for the end of September, calculated as at the close of business today, will likely be 15. The quarterly average at the end of September last year was 42. We set out to protect jobs and working people, and we have.

640 Of the £11.3 million I referred to above in respect of BEAT, £1.5 million related to capital costs such as the set-up of Nightingale with all of its associated costs. Sorry, I have made a mistake. Of the £11.3 million I referred to – which related to capital costs, not to BEAT – £1.5 million was the cost of setting up Nightingale, a lot of money for a facility we have not yet used and we all hope we will not have to use but this was money we had to spend or we would not have been ready for the onslaught that we might have had or we might still have in coming months.

645 The balance left on the fund, £1.8 million, therefore equates to the moneys donated, raised by charitable donations or clawed back from student grants etc. A determination is being made on how best to apply these moneys, which for the moment are being kept in the COVID-19 Response Fund itself. I want to thank everyone who selflessly returned moneys or donated to this cause. I will say more about that later in my intervention.

650 In essence, Mr Speaker, the above reflects that this community has required an additional borrowing placed within the fund, which at 30th June stood at £81.8 million. To date, borrowing has needed to be increased to the full capacity of the current interim limit of £150 million, which is the facility I referred to the House in the Emergency Budget at the end of March. It is important that this House and the public should be aware and confident that the Government is well prepared to meet costs beyond this, should this be required. There will be no funding shortfall of necessary expenditure; we have the financial firepower to meet necessary expenditure.

655 I think it is important at this point just to reflect that our estimates so far have been very accurate. Estimating is not a science, it is an art, but the Office of the Financial Secretary has delivered excellent results of outturn against estimates. The prediction of £150 million for the period to the end of the Budget extension period has been bang on near target. These were figures we shared our thinking on with the Leader of the Opposition and the Shadow Minister for Public Finance and I think it is fair to say, although they will be able to speak for themselves in the course of this debate, that they could see from the data that we presented why the Financial Secretary's views suggested these would be the correct amounts. I want to thank the Financial Secretary for this aspect of his work, although I will also have something to say later in this respect of the work

being done in the Treasury; and also the Shadow Member for Public Finance for his engagement with us on this process of Budget extension and the creation and presentation of the COVID Response Fund.

670 It is important that this House and the community at large understand the financial impact of this pandemic. It means that Government finances are being squeezed from both ends, from two sides: revenue is significantly down, whereas costs – on items we would not otherwise have incurred – are significantly up. We are making less Money and we are spending more Money. This is not for a political or partisan debate or disagreement, as hon. Members on all sides have
675 properly appreciated and I thank them for it; this is about inability to trade on the one hand, and requirement to spend on essentials for our community on the other. It is too early to tell where this is heading, particularly given the impact this virus is having in other countries where different steps are being taken, all of which curtail normal activity, which impacts on economic activity and is ultimately reflected in our Government receipts, the most obvious of which is tourism. The good
680 news, such as it may be, is that we are seeing that costs necessary to be incurred as a result of this pandemic are levelling off, whereas income, whilst significantly down on a year-by-year comparison, is showing signs of some recovery. We also have other costs which are not being incurred as a result of the pandemic.

So, we are heading in the right direction. Nevertheless I want to be clear: at the end of this
685 process Gibraltar will be left with an economy it needs to reinvigorate and a debt arising from this crisis in excess of £150 million. This is not a debt of anyone's making. It is not a debt of political or partisan genesis. This is the freestanding amount of the cost of COVID for this community. We are right to have borrowed at this time in order to ensure that we continued to see our businesses and employees supported throughout this period. Indeed, at the same time as we have seen these
690 difficulties that COVID has created, we have also seen a further drop in the interest rates payable on borrowing. This is good news for borrowers and bad news for savers. We have continued the interest payable to pensioners who have deposits in the Savings Bank, which is also an injection of capital in favour of our elderly. We are also well placed to ensure that our borrowing can be at historically low rates. This means our borrowing can be cheaper and more affordable than ever,
695 even at commercial rates. But we will need to be at our most agile and most innovative if we are to re-establish ourselves at levels of activity and consequent revenue that we enjoyed before this pandemic. As ever, I remain confident that with the Gibraltarian spirit and ingenuity we will get there.

Mr Speaker, I have, this week, written to the Leader of the Opposition proposing the
700 agreement that the period provided for in section 8(2) of the Appropriation Act, which we are amending today, should be further extended for a period of days to 31st December 2020, covering the next quarter of this calendar year. Section 8 empowers me to make any regulations and amend any primary or secondary legislation as may be necessary to put in place measures to assist businesses, registered employers, employees and self-employed persons during this pandemic.
705 This is the mechanism by which I have created the regulations that provided for our BEAT measures. In this respect, I have tabled the agreement between the Leader of the Opposition and myself in Parliament today. I am pleased to have been able to agree this extension with him. I maintain my previous statement to this House that this is a power that I will use sparingly, and I continue to assure the House that I undertake to use the power only as exceptionally required.

710 As a result of that power, and in order to continue to assist our businesses through what will undoubtedly continue to be a difficult autumn, the following BEAT measures will be continued.

Discount on rents and rates will continue for the fourth quarter of this year. This provides a 25% discount on rates, which when added to the early repayment discount already in place allows traders to take advantage of a total discount of 50% on rates. On rents, the continuation means
715 that Government rents continue to be reduced by 50% and private rents reduced by a 25% discount at least. Additionally, all rental increases will continue to be suspended by the Government until 1st April 2021.

Our Tables and Chairs Licence Fees will continue to be waived by the Government in their entirety. We will continue to encourage that private landlords should provide at least a 50% discount on such licence fees.

Adjustments to Import Duty will continue at least until the end of the fourth quarter of the year.

And finally, Mr Speaker, the Government's hugely successful BEAT measures will be continued. The BEAT 3.0 measures, which provide 20% of average BEAT payments in the first part of the operation of it, will continue for October and November for those firms that have complied with the BEAT 2.0 conditions and are complying with all other relevant guidelines and rules. The Government's intention is that these payments should not continue for December. We will have to assess that closer to the time. In that context, I am convening a meeting of CELAC for next week to discuss outstanding matters of concern to unions and employer representative organisations. I had hoped to meet CELAC this week, but I had not expected to have to spend 48 hours in Madrid. CELAC meetings will become a regular, fortnightly event for the next two months at least as we monitor the autumn business environment closely with our partners in the private sector.

These are the only measures that we will provide for in this extension of the budgetary period. As in the United Kingdom, we will have no other Budget or budget measures this year of the type usually provided for during a normal Budget session.

I commend that those should be the measures that this Parliament should approve in the context of this extension, but in doing so I want to reflect a little that when we first reported to this House the result of the Brexit referendum in June 2016, it looked like that would be the biggest challenge we would face. Little did we know or imagine that in the last days of Brexit a virus pandemic would conspire with it to make the challenges we face as a community even harder than anyone might imagine. This is perhaps therefore the perfect storm of political legend.

When I rose to make my Budget address, barely 72 hours after the referendum result had been announced, I told Gibraltar one thing which has been proved right over and over again. I told this Parliament and our nation that it was time for some of our extraordinary people to do extraordinary things, and they have. In these moments of our greatest need, in these moments of our greatest challenge, in these moments of sometimes grim potential for failure, our best people have shown the best of themselves. It is thanks to that great performance by so many that we are here today able to look forward with equal measures of caution, prudence but also optimism, because surfeiting challenge we did not wither, sicken or die as a nation. We have grown, risen to the challenge and given heart to progress.

I said we would see extraordinary people do extraordinary things for Gibraltar, but little did I know how much we would ask of them. From the front line in the Health Authority to the trenches of the Treasury we have seen the best of the Gibraltar that I know and love, in the past six months, from some of the best in Gibraltar. In particular, the Civil Contingencies team, led by Ivor Lopez and based at No. 6, have done sterling, round-the-clock work. The public and civil servants and the administration of Gibraltar have risen beyond the challenge before them. Doctors, nurses, lab technicians, cleaners, street cleaners, clerks – you name it, from every level there has been support for every level. They have strained every sinew, they have gone the extra mile, they have done more than any job description can ever provide for or set out – and many not even recording or charging overtime. My team at No. 6 have charged no overtime for the work they have done, no one at No. 6 has; not because they were asked not to, but because they decided not to.

So, we may be experiencing problems with counters and other services – we are trying to deal properly and safely with an unprecedented situation – but on behalf of the people of Gibraltar, whom I represent, I say thank you to all the public servants of Gibraltar for their efforts in these extraordinary past six months. I thank you all. The respect that you have earned will rightly last for many years. As is the tradition, I give long speeches in this place, especially at Budget time, but I am speechless and humbled in the face of their efforts and their achievements. Those who regularly criticise the public sector should sit up and take notice. Those who criticise Government for the sake of it should sit up and take notice. When the history of this time and generation is

written, writ large will be the work of those public servants who went to the front line on the war on COVID and did not charge their hours. Those few, a handful, who complained, who sought extra allowances when people in the private sector were going without or seeing salaries halved or worse are no more than a footnote to the history of the great majority of our great people and our great public servants. Those asking always for more should know they are in a minority. The majority were quietly donating and helping. The selfish and the greedy were eclipsed by the selfless and committed. That filled my heart with pride, with joy and with the rocket fuel to continue even in our darkest moments – and there were many Mr Speaker moments of real darkness at the prospect of what might overcome us.

In that context the work of the private sector and the work of our entrepreneurs has also been quite remarkable: the resilience of our traders, the honesty with which the almost entire majority have claimed and handled BEAT payments, the way that stores have remained open or trading online, the way we have not had to go without anything in our supermarkets. Thank you also to the private sector for your contribution in these challenging months. We continued to provide the infrastructure of society. You continued to operate and you kept this old garrison town fed and watered, victualled and supplied. Thank you also, in the private sector, for continuing to get up early each day and continuing to provide services: news and newspaper editors, bread and cake makers, carers, grocers and suppliers, and – our modern marvel – the delivery men and women who brought these things home on bikes, come rain or shine. Our thank you to them all.

And thank you also to all those individuals and organisations who made donations to the Gibraltar Health Authority. We did not seek donations but we had to open an account to receive them because they were flooding in. That is the generosity of the Gibraltarian spirit, once again writ large.

Now we get to do it all again – without a lockdown, which we will seek to avoid at all costs. In the autumn and winter months to come we need to be alive to the danger that still lurks amongst us because, let us be clear, none of this is over, especially for the Government. As we start this autumn and career towards 31st December we have to be, and we will be, at the top of our game. We do not get to be fed up of Brexit and we do not get to be fed up of COVID. We have to address both each day between now and the end of the year at least with the same urgency and aggression as we did the first day. We have the stamina to do so; every one of us in our Community must have. We shall overcome these challenges, we shall beat the odds, we shall be ready for any eventuality, and next year we will return for a Budget session that will once again be an opportunity for this Parliament to reflect on the state of the nation, a state I know will be strong, proud and turning once again together to face the sun.

I commend the Bill to the House. (*Banging on desks*)

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

Hon. K Azopardi: Mr Speaker, in March we agreed with the Members opposite, in effect, not to have a Budget because of the COVID pandemic. It was a special time, not just for Gibraltar but indeed for the whole world. I have said publicly we had that conversation on 13th March and we were, a week later, in this House, agreeing that, in an unprecedented way, we would not have a Budget, for the first time in living constitutional memory, for this community, kicking it forward in a way that had not been done before. We did it because of the COVID emergency and it was absolutely the right thing to do.

But when we come back to this House six months later it really is not a case of where we were in March, and that is also an important factor to take account of. The reason, to a very large extent, why we now do this is more a case of administrative convenience, expedience and indeed for us to go back to what would be the traditional way of doing things next year, because, not least for the reasons the Chief Minister has said, it is important to go back to an end of financial year 31st March because that would allow comparisons in a traditional way going forward into the

future, as we have in the past. That is an important factor for us. In doing so and in supporting this Bill for this extension of six months I want the hon. Member opposite to understand that we would expect that things would revert to normality as from March next year, in terms at least of the budgetary process. He knows that we have worked together in respect of the budgetary matters, as he has already indicated, but from our position we would expect the House to revert to the normal practice when we get to the end of the staggered two-year period so that we can have a proper Budget next year.

The backdrop of what we did in March was the COVID emergency, very clearly so. We had to adjust to a new environment; Gibraltar was unprepared. We bought the Health Service time; time to invest in resources, time to invest in backup plans in fall-back areas like the Nightingale Hospital that was announced. We made sure that this community was protected, we made sure that our people were protected, we made sure that we invested in institutions so that we could take care of the worst effects of a COVID emergency, which we have been spared. That is a mark of the work of many people, but of course I also acknowledge public servants out there who worked zealously during that period and made sure that we were prepared for the COVID emergency and invested and adjusted and made sure that we were able and we were prepared, if the worst effects came, to deal with it. Luckily, all the measures that were taken made sure that we were spared; but, as indeed the Chief Minister has said, the COVID emergency is still out there.

But in reflecting on that and in reflecting indeed on the Budget and the figures that are being announced today, it is important also to understand and appreciate that lockdown took its toll. Lockdown took its toll on this community financially, it also took its toll on the restriction of natural freedoms and it may have taken its toll in issues of mental well-being, which we have spoken about before. That is not for today, but it is important to reflect and appreciate all that.

Lockdown has taken a severe financial effect on Gibraltar. When we think about that, when we look at this Budget, what we are doing and what we intend to do going forward – because COVID is still out there globally and there is no apparent end to the COVID emergency; we are just going into different phases – it is important to understand and reflect that we must now adjust to this new environment. The idea that we might gravitate ... as in some areas we are now seeing around the world second lockdowns because they have more cases and so on ... is something that we need to be careful about and shy away from. Short of a situation which, in public health terms, takes us to an environment where the Health Service is under real strain, and in a small community like Gibraltar with land scarcity it is impossible for us to contain the extension of COVID and there is real pressure on the sustainability of public services ... short of that, looking forward we should avoid a lockdown and we need to work within a new environment.

The reason I say that is because the lockdown and the COVID emergency has taken its financial toll. The Chief Minister has said that by the end of this period, the staggered two years, in effect we will have invested £150 million in the cost of COVID. There needs to be a financial reality check across the board and people need to understand that, and it is important that people do because Gibraltar has kept ticking. To a very large extent, for a long period people stayed at home, working from home in many cases, and Gibraltar kept ticking. People might now have emerged from their homes and gone back to an adjusted form of normality with their masks and with social distancing, and perhaps it is not perfect ... of course it is not perfect, because we have lost some of our freedoms and the traditional way that we used to live our lives, and people might think in those circumstances that, subject to losing some of their freedoms – their ability to go out at night and to perhaps hug and kiss – we are back to normal. But people need to understand that what we did was we bought Gibraltar stability – we *bought* it stability – and there needs to be a reality check that we cannot be buying that stability at that rate for years to come. The economy has to go back to normal. We need to stem the revenue loss, we need to grow income, and those are powerful reasons. We need to attract trade, we need to foster opportunities for our business community domestically; we need to get out there again. Government needs to get out there again to attract business internationally in a vigorous way in a new environment.

I know that is difficult and I know that we still have so many reports – anecdotally, of course, those of us who work in the private sector and have dealings with people outside will get those stories – of how the business community in other countries has a whole patchwork of experiences. We know that things are not back to normal and they may not ever be back to the normality that we knew before COVID. It is a new environment, but within the new environment you can still see and seize business opportunities. It is important for us to do so, because what we cannot afford to sustain – as a reality check in this community – is to think that, whether there is a deal on Brexit or not, we can batten down the hatches and basically buy ourselves stability for years to come without returning to some economic normality.

That is why there are good reasons why, subject to a public health crisis, we need to try to avoid a second lockdown. I say that because the number of active cases now is no different to when we had the lockdown, but of course the difference ... That is what people need to understand. If cases go up to the level they were two or three weeks ago, or cases go up a bit more, whether it is 80 or 100 or maybe even 200 cases, what we cannot do is behave how we were behaving in March, because in March the reasons why we were behaving the way we were is because, first of all, we did not have the experience to deal with it and, secondly, we did not have the fall-back position in the Health Service. Having now adjusted and having now had that experience, having now ensured that we have the infrastructure both in human terms and in terms of physical infrastructure in the Health Service, we need to try to avoid the economic strain that came with the lockdown and make sure that we get back to as much economic normality as is possible. I know my hon. Friend Mr Clinton may be asking a bit more detail on the Budget, but that, in summary, is why we will support this Budget and this measure.

I also want to explain – as the hon. Member knows because we have spoken privately about it before, and indeed I said it in this House when we came here for the March 2020 six-month extension of the Budget – that in supporting this Budget we do not abandon our traditional stance on public finances, transparency ... and the reasons that we have explained on this side of the House before I came back into this House at the last election, the reasons we have been voting against the Budget for reasons of transparency and so on that my predecessors in leadership have explained. We will support this measure because in the discussions that we had going back to March and indeed May, which are reflected in discussions in this House, we have had a level of assurances that our comments have been taken on board and transparency as to the figures and the running totals and the effect on the economy that we wanted to have. We welcomed those assurances when they were given, and I can confirm to the House that the figures that the Chief Minister and I agreed the Opposition would be getting confidentially, in his letter of 14th May to me, have been given. It is for that reason as well that we can lend our support to this continued extension in assurance that, for the next period of a few months until this staggered period ends, we will continue to receive that information, and until the COVID Fund exists and is wound up we will continue also to obtain that information. These were extraordinary times and needed extraordinary measures and extraordinary, unprecedented co-operation on financial and public health matters between the Government and the Opposition because we wanted to get this community that we love through this crisis.

We took that position in the public interest in March, and indeed it was entirely justified. People can judge the Government and Opposition going forward on a number of things, but I hope in due course, if we continue to manage this crisis in the way that it has been managed so far, it may be that we can all emerge, whenever the world emerges from this issue, having said Gibraltar was spared from the worst effects of COVID – and if that is the case we will all be happier and our families will all be happier for it.

We also do not, of course, abandon the points that we have made about the arrival point and the economic strain that might be compounded by what we call the arrival point; in other words, shorthand for our traditional criticisms that the state of public finances were such that this additional strain is not helped by the fact of how public finances were when we arrived at this point. I would make that point simply to flag it. It is not intended to spark a combative debate

today. I am sure the Chief Minister may wish to reply to it, but I will not go on about that issue; that is for another day.

What the figures do show, as I have said before, is the need to quickly restart and boost the economy, and indeed from the figures that we have seen there are some signs of recovery, although there are also some signs of glitches and a situation that can best be explained as two steps forward, one step back in some areas where we will need a bit more detail from the Government either privately or by questions in this House.

The objective for all of us must be to stop operating at this basis of a running loss of an economy, clearly. We are all invested in Gibraltar, we are all invested in making sure that Gibraltar returns to a state where the running day-to-day expenses are not as they are today, where we are, as the Chief Minister says, spending more than we are earning. We want to make sure we go back to earning more than we spend, and then we can have a debate about the prudence of that spending. We are certainly going to have a debate about prudence if we continue spending more than we are earning.

I think the underlying message from us on this side of the House is that we entirely are conscious of the fact that there needs to be a reality check, that Gibraltar cannot continue spending at this level, that we bought that stability, that it was in the interests of Gibraltar and you had our support to buy that stability because it was necessary to do so, but that as we go forward we need to adjust to normality, avoid a second lockdown as much as possible and make sure that we return to the days when Gibraltar earns more than it spends. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, as we all know, these are very difficult times for everybody, difficult for those in positions of responsibility but also difficult for those of us tasked with scrutinising the decisions made to safeguard our community. I understand, as do most Gibraltarians, that many decisions have been difficult. I understand also that the Members of this Government are human and therefore they make mistakes, like the rest of us. It is in this spirit that I bring my honest critique here today, understanding my obligations but also understanding the reality that these times require generosity and the avoidance of partisan point scoring. When I do criticise, I will not be chastising the Government for their mistakes but for any opportunities wasted.

I would also like to say a thing or two about something that has become very important in the past year and which the Chief Minister himself addressed profusely in his National Day speech. We are losing the trust of more and more members of the electorate and this ... let's call it scepticism, is only getting worse. In these complicated times it is not only policy that is important, it is not just the substance that matters, but also the style. When the Government communicates erratically, issuing conflicting statements in a tone that comes across as arrogant or authoritarian, even the best-designed policies are destined to fail. We need to get people on board with Government policies so that they will exercise their individual responsibility in the way that society needs them to, and unfortunately this Government has missed the mark quite often in this respect.

Let me start by referring to this Budget extension and the economic measures implemented throughout this pandemic. I understand that circumstances call for an extension of the Budget and that the unpredictable nature of events requires flexibility and swift action. In terms of missed opportunities I referred to, I believe we should be applying more strategic thinking in our spending plans, as the Leader of the Opposition also said, particularly when we forcefully intervene in the economy in the way we have for the last few months. Yes, we have protected our businesses. Yes, we have protected employment. Yes, we have extended a hand of solidarity and support to our cross-border workers. We have poured a substantial amount of public money into putting certain sectors of our economy in life support, and it was the right thing to do to salvage certain sectors which will rapidly bounce back once the COVID woes are over. However, could we not have

invested more strategically in those sectors able to provide a sustainable and long-term future for our economy? Could we not have provided help to those flailing industries so they may change and adapt in order to futureproof our economy?

980 The debate on the future of employment was one that we started having way before the start of this pandemic. It has been well known by everybody in this Chamber and beyond that there are certain sectors that are greatly threatened by the changes in technology, employment and consumer habits. Then there is the issue of environmental sustainability, something that our economy is seriously lagging behind on even by our own standards and objectives. We should
985 have taken this into account when intervening in our economy, investing with the vision and the foresight at that very moment and funding sustainable and viable industries and providing extra incentives for investments in these fields. This has largely been a missed opportunity but it is never too late to change course.

In connection with Brexit, do we know yet what will be the Brexit impact on the core sectors
990 of our economy? Does this Budget take the effect of a potential no-deal Brexit into account, given that the Budget now runs to March 2021, beyond the final-status Brexit?

Regarding Gibraltar's management of the coronavirus pandemic, I believe our track record so far has light and shadows, regardless of the fact that we have not suffered any deaths in our community. This fact – as happy as it is – of our success so far in beating a surge in cases has largely
995 been the consequence of a very benevolent manifestation of the virus in our territory producing an overwhelming majority of very mild cases. I would like to make clear that this assertion does not intend to undermine the sterling job of our medical professionals throughout the pandemic, to whom we are all greatly indebted, but the fact remains, however Mr Speaker, that the case count in Gibraltar is not better than other territories in our vicinity, because at roughly a thousand
1000 cases per 100,000 inhabitants it stands among the highest in the world. This detail, which would appear to be alarming at first glance, is in fact testament to what has probably been the greatest success of this administration in the management of the pandemic – a prolific, robust and efficient testing and contact-tracing operation which is managing to keep the numbers in check and is detecting many asymptomatic cases before they turn into larger outbreaks. On this front I
1005 sincerely congratulate all those involved in making this happen and I wish them the best of luck going forward, because it will also be our luck.

As for the shadows in the context of the shadows and light, I believe these are mostly in the preventative measures taken by this administration, the lack of leadership to an extent, the determination with which these measures have been applied and enforced, and the way both
1010 Government and public health authorities have communicated them to the general public. We should not be relying on cases to be mild. I share the Chief Minister's objective of achieving a clean sheet of deaths in Gibraltar, and in order to make that happen we need to put an end to the mixed messaging. We must stop recommending measures aimed at saving lives instead of mandating them. We need more mask use in enclosed spaces and public spaces. MPs should always be
1015 leading by example on this. We need better control measures in schools. We need to make sure norms regarding gatherings are strictly enforced. We need firm leadership and clear messaging to steer us through what is left of this crisis.

When looking at the Green Paper, this Budget Bill does raise many more questions than answers. By way of this extension, another period goes past where we cannot scrutinise
1020 Government revenue to the extent that we usually do. It is unclear how much of this Budget will be covered by way of borrowing in the end.

All of us here understand that all nations over the world have had to take on record amounts of debt due to the virus and the economic measures needed. After the banking crisis of 2008, where big players like the US Federal Reserve and the Bank of England had to bail out the too-big-
1025 to-fail banks with a huge bailout, Government spending obviously increased. In 2010 the strategy turned and the UK government attempted to pay back debt, causing banks to enforce sharp cuts in public spending and tax cuts. A G20 communiqué in June of that year called for the strategy with the term 'growth-friendly fiscal consolidation'. This did not work. According to the ONS, in

2010 the debt totalled £1.194 billion, then in 2018, before the pandemic, it totalled £1.838 billion. So, since the Chief Minister confirmed in a *Viewpoint* on 15th May this year, thankfully, that austerity is not on the cards, how exactly does the Government plan to invest efficiently into a green economic recovery without wastage, so that we can lower our debt as a percentage of GDP in the long term and keep a good credit rating?

With reference to the BEAT measures, was the Chief Minister saying that we are ready for an eventuality where businesses might require support beyond next summer? I think many businesses feeling the uncertainty of the COVID crisis would like to know more.

Could we get clarity on why a sum of £110,850,000 is required to fund expenditure from the Improvement and Development Fund?

Have we identified the cost per case associated with the COVID response?

There appears to be recurring expenditure identified in Part 1, Economic Development, which continues to grow despite the clear downturn in the economy.

Further clarity would be appreciated on why, for example, immigration and civil status is costing us £5 million and economic development £8.6 million.

It appears as though there has not been a reduction to Departments for the most part, yet we remain unable to have a Budget prepared. Can the Chief Minister explain the reason for the failure in the delivery of this constitutional requirement?

On borrowing, can Government offer specifics of the financial firepower that the Chief Minister has just talked about and says it has? People are thirsty for clarity at a time when there is so much insecurity over our public finances, and they ask themselves – and they ask us – is the Government running out of money, how much is left, how much against the wall are we?

Mr Speaker, in the face of increased spending to fight the pandemic, what costs containment programme has the Government deployed in other areas, meaning where have we saved the money and how much?

What impact will there be on capital projects given that projects were put on hold in light of the pandemic?

I do hope that in the last two quarters Government has come up with an estimate of the cost of COVID holistically to the Gibraltar economy, the loss of production, projects that are delayed or paused. There is a cost to this. Delaying projects does not just save money, it loses us economic activity.

With reference to Appendix B, page 171, what exactly does the £46 million relate to in relation to the Gibraltar Development Corporation?

And regarding the COVID Fund, what measures were introduced to prevent misallocation? At a time when people and businesses are struggling to make ends meet, yet hundreds of millions are being allocated by Government, can this amount be returned or assigned and not held indefinitely for the use of some other cause potentially?

The majority of heads have increased by 33.33%. What drives an essentially 33.33% increase across the board? Why are there even increases in certain heads? In Finance there are effectively two types of expenditure items: fixed costs and variable costs. As the name suggests, the fixed cost is fixed. In your household you have certainly monthly costs which are fixed – rent, mobile phone, television licence; no matter whether you use it or not, you pay for it. Then there are the variable costs, such as the water and electricity, which are dependent on their use for that particular month. There might well be fixed costs for the heads but surely there would be a reduction in the variable costs, so what drives the 33% increase?

In light of the reality that we have not had the annual exhaustive and traditional Budget that we can scrutinise with a fine-tooth comb, I hope and expect that Government does shed all the light it has on the Opposition queries over this Budget, because being robbed of a true Budget process during these serious times will always call for more accountability and not less.

Mr Speaker, I take this opportunity to thank once again and echo the Chief Minister's expression of gratitude to our people and our essential services for their exemplary outpouring of

1080 determination, commitment and hard work to help and put themselves out for the people of our
community in these very difficult moments.

Thank you.

Mr Speaker: The Hon. Roy Clinton.

1085

Hon. R M Clinton: Thank you, Mr Speaker.

First of all, I will obviously echo the sentiments of the Leader of the Opposition and identify myself with his remarks and also specifically with his reservation as to our historical position on the Budget process, but of course in terms of this particular Appropriation Bill we will, as the
1090 Leader of the Opposition has indicated, be supporting it for the reasons he has stated.

In my intervention I would like to perhaps delve a little bit deeper into the numbers. What I propose is, perhaps unusually, starting with the specific and then moving to the general. Before I do that, I have to record my thanks to the Chief Minister and to the Financial Secretary for perhaps the unprecedented access and the very productive and constructive interaction we have had in
1095 dealing with the financial consequences of the COVID crisis.

That is where I want to commence my intervention, the COVID crisis and the numbers that have been required in terms of financing to meet the COVID crisis costs. When we met in March we were facing an emergency situation, and quite rightly we have all described it as an Emergency Budget. What we are meeting today to discuss is the Appropriation Bill effectively kicking forward
1100 another six months, so that, as the Chief Minister has correctly pointed out, we will be looking at a Budget for a two-year period. In that respect, there are of course many different ways you can talk about a 'year'. We could have chosen to keep to a September year end and from hereon after September would be our new year end; but then, as the Chief Minister has correctly pointed out, it would make comparison difficult. Purists may argue it does not matter, you could always keep
1105 September for the future. However, I think it is perhaps a question of expediency that we agree that we should go back to our old March year end and therefore in years to come it will be a fairly easy matter for somebody to divide by two. And so, in that respect, I think moving the year end forward to March will have our support.

In terms of the numbers in the Appropriation Bill, the most important number that I would
1110 want people to focus on is the £150 million projected contribution to the COVID Response Fund. This £150 million, as the Chief Minister has pointed out, is effectively funded by the borrowing which the Government has entered into with the facility obtained from the Gibraltar International Bank, which the Chief Minister has confirmed today is now fully drawn down. That is the way in which we are, as a community, funding what will be this exceptional expenditure. It is important
1115 that we put this into context, in the sense that last year's surplus, which was the highest ever, was about £82.8 million, and even on the projections for 2019-20, the original Budget Book that we had last year, the surplus would have been at a conservative £20 million, but even then the balance on the Consolidated Fund would have been £135 million in total, so £150 million is way above anything that we could have met out of recurrent revenue or reserves, although we do
1120 have some reserves in the Savings Bank which we could still call upon.

When we looked at the spending of this money, certainly from the Opposition point of view I do recognise that the Government volunteered the idea of having the COVID Response Fund to act as a bucket to collect all the related information financially that this crisis is costing us, and the Government also took on board our suggestion that this should be published quarterly so that the
1125 community can see for itself what is being spent and how. I think it is critical, as soon as the numbers are gazetted today, if the ladies and gentlemen of the press will publish that statement in full because of course not everybody will have access to the Gazette and I think it is particularly important that they see how this fund is operating.

There have been some unkind comments, I know, on social media, suggesting that, for
1130 example, the donations to the GHA have gone astray, but you will see that it is accounted for in the COVID Response Fund. What you will see is the COVID Response Fund is funded from the

Consolidated Fund. It receives all the money it spends from the Consolidated Fund. The Consolidated Fund in turn receives its money from borrowing, so basically you borrow a pound and then that pound is given to the COVID Response Fund. It is important for people to understand that the COVID Response Fund – as far as I am aware, and certainly I cannot see how it could happen – will never recover this money. This money is gone: it is spent or is used in effectively reimbursing the Government for lost revenue.

When you look at the statement, when it is published, you will see receipts from the Consolidated Fund and then you will see a line that says ‘contributions to revenue’, and in that the Chief Minister has already identified that there is foregone revenue of £59 million. The Hon. Father of the House has already pointed out that it costs about £55 million just to run Gibraltar for one month, so you will see that the Government will have suffered financially in terms of its revenue, and that has to be made up from somewhere – and of course that is where the borrowing comes in.

The second line which will be seen in the statement will be the payments. These are actual payments that will have been made by various entities in Government, obviously the GHA and the BEAT payments. It also has capital payments. The way it works – and this is what has been agreed with Government, so that it makes it pretty clear to anybody reading the Estimates Book that will be produced in future – is that rather than net off any assistance from the COVID Fund against exceptional costs in saving the GHA, there will be a separate line within the GHA expenditure showing the contribution to the COVID Fund. The full expense will be in the GHA, but there will be a contribution from the COVID Fund in respect of exceptional COVID expenditure. In that way, in this COVID Response Fund there will be one go-to place where anybody who wants to know what the impact of COVID has been ... whether it is on the Government’s recurrent revenue or exceptional expenditure incurred by Government Departments and capital expenditure, you will find it is in this statement in the COVID Fund. This is the first one that will be published. The idea is that this will then be updated and published on a quarterly basis going forward, so that there is full and total transparency as to what is going on with the COVID Response Fund. As the Chief Minister pointed out, there is a balance showing at the end of June of £1.8 million, which effectively equates to the donations received by the GHA and the scholarship refunds, and that money, as the Chief Minister pointed out, has yet to be allocated in terms of use.

I think it is a testament to our ability to co-operate in exceptional circumstances that we have been able to agree on this type of presentation and format, and I thank again the Chief Minister and the Financial Secretary for actually taking on board our suggestions and being able to agree on a format.

I think it is very important that the community looks at this statement and fully understands what the impact of COVID from a financial point of view. This statement, of course, it is important to understand, only goes up to 30th June. The Appropriation Bill will go up to 31st March, so if here we are saying there has been a cost of COVID of £81 million, you can expect that the Government is effectively anticipating either further costs to be incurred by the end of the year or further contributions to revenue being necessary. Of course, as the Chief Minister points out, this is but an estimate and the outturn may be something very different.

And so, in terms of this Appropriation Bill, the important number to me is the £150 million going from the Consolidated Fund to the COVID-19 Response Fund. I think that is the highlight number that people should focus on. It will, I think, focus people’s minds in terms of what this is costing us and how we are actually funding it, because the funding of this Response Fund is effectively coming, at the moment, from borrowing, and this is borrowing that we will, as a community, eventually have to repay.

That is my specific contribution on the COVID Fund. As I say, I would encourage ladies and gentlemen of the press to publish it in full so that the public will see the detail.

Moving on to the Budget numbers themselves, I must confess I was a bit mystified at the hon. Lady’s intervention. She talked about an increase of 33%. I am looking at it now and I can just see that she may be comparing to the last Budget, but I am happy to give way if that is the way she

has calculated it. If not, all I can tell the House is that, certainly from a schedule that the Financial Secretary provided me with, all the heads are effectively a duplication – i.e. as the Chief Minister said, multiplied by two – of the original Budget book that was presented for 2019-20, so it is just each number multiplied by two plus or minus any roundings, except for, and again the Chief Minister has correctly identified them, the heads for Education, Health and the Elderly Residential Services section. On that basis, the House can be assured that the numbers are really a duplication by two, except for those heads, of the book that was presented last year.

The heads which are different, i.e. it is two plus a bit: Education is double plus £12½ million, according to the schedule ... I am not going to ask many questions of the Chief Minister, but perhaps if he can provide some comfort to the students, in that certainly I am getting feedback that there are difficulties in grant payments. Some people are being told there is no money. This patently shows there is money, in that we are voting on it today, and if he could provide the comfort and reassurance to those students that they need not worry about their grant payments, and also perhaps, for those who may be expressing some difficulty on the clawback, as to how perhaps that may be expedited in cases where there may be some disagreement. But the money is obviously there in the appropriation.

The second number I look at is the GHA number, which apart from being multiplied by two has an extra £40-odd million on top. The Chief Minister did mention it is mainly to do with COVID, although I must note that, as at June, there was £9 million, effectively, COVID-related expenditure. Is that £40 million really the expected total expenditure of the GHA on COVID, or is there something else in there that the House should be aware of? In terms of the numbers themselves, as I said, they are merely a doubling up of the Estimates Book which was debated last year, apart from those heads.

The Chief Minister mentioned that we have drawn down fully the £150 million. I am conscious, Mr Speaker, I have got questions on the order paper, so I will not repeat those questions but I would ask if he has the position as of today of what the Government's net debt is. If he does not, I understand it is probably a number he does not have to hand and I will happily leave that for Question Time; but if he has, it would be great.

There is not much more to be said about the numbers; they are what they are. As the Father of the House has said, our net debt is going to be invariably the highest ever because we have to meet the cost of this crisis and there is no other way of doing it. I think in this House we all agree that we have to act; and, in terms of how we could go about protecting the community, this was the best way of doing it.

So, enough about the numbers. I just want to talk briefly about the measures that the Chief Minister has mentioned. Certainly as we move into the next three to six months – in fact the period this Budget covers – we are going to be facing some severe economic challenges, not just because of COVID but also because of Brexit, and certainly anything that the Government can do to help the economy in general, and specifically through CELAC, I am sure will be welcomed by the business community. The introduction of BEAT 3.0 will no doubt be welcome. As to whether that will be enough, again I will leave that to CELAC to discuss with the Government, but certainly the measures will be, to a degree, welcome, and today we have, as the Leader of the Opposition has indicated, given the Chief Minister some latitude to continue in terms of his emergency powers up to the end of the year if further measures are deemed necessary.

And so, Mr Speaker, in summary all I would say is, again, we needed the lifeline of £150 million to see us through the last six months. The coming six months are certainly going to be challenging. The Government will have to make some difficult decisions, no doubt, but it is important that the message goes out from this place that although we have managed to plug the gap in the last six months it is not a sustainable way of running our economy, and that our people need to understand, from looking at the COVID Response Fund, what the cost of meeting this crisis has been. Of course this House will do what we must to protect our people and our economy, but there is a financial limit to what is physically possible in an economy the size of ours. As much as I

1235 obviously wish our economy health and wealth for the future, we need to be realistic as a community going forward and cut our suit according to our cloth.

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

1240 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

1245 **Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** Mr Speaker, I think there is a tendency when Members speak – not just in the House but elsewhere, outside the House – to interchange references to the public finances and the economy as if they were the same thing. They are two totally separate and different things.

1250 I am responsible for the development and implementation of the plan that we produced during the election and is reflected in the manifesto, which was designed to counteract the negative effect of a hard Brexit with the United Kingdom and that hard Brexit affecting us. Therefore, there is nothing in the National Economic Plan that has been put there to deal with the effect of a pandemic.

1255 The effect of the pandemic is a health issue, and therefore, when we are talking about the effect of the pandemic, it is not so much the cost of dealing with restoring the health of the people who get ill, or doing things in the Health Service; the real issue that has, in effect, put the global economy into recession has been protecting people from getting infected by locking down the economy.

1260 The result of that is that almost every country in the western world is now in a situation of running deficits on recurrent expenditure, and we are, I regret to say, in that situation, which is something that is anathema to the GSLP and anathema, by definition, to the Government that is there to implement GSLP policy. The golden rule is you may borrow to build a school but you do not borrow to pay the schoolteachers, because if you borrow to pay the schoolteachers you finish up borrowing to pay the interest on the pay of the school schoolteachers, and after that there is a cleavage.

1265 That is not where we want to be and is not where we want to go, but we need to understand that the background of the global economy limits the potential of our economy whatever we do. That is to say it is not in our gift to do things that are not possible. It is not in our gift to make cruise liners stop here if there are no cruise liners departing from the port of origin, and nothing that we do can change that. The National Economic Plan was not based on the premise that there would not be cruise liners or that there would not be people going to the Upper Rock or that there would not be coaches or that there would not be flights. None of that is something that the National Economic Plan is designed to counteract, because none of that would have had necessarily to have happened if all that we had was a Brexit without a deal that created a new relationship and therefore one which affected supplies.

1270 But of course the economic plan was designed to deal with supplies. This is why one of the important things in the National Economic Plan is the approach that requires that we do not see our economy growing by ever-increasing labour inputs. The National Economic Plan specifically projects an estimated working population of 32,000 for October 2019, which we still do not have, that that should not grow beyond that level and that the growth of the economy beyond that level should be based not on employing more people, not on doubling the input in order to double the output – because that creates, on a per capita basis, no change – but on being able to produce more with the same resources. That is what efficiency means. It means that you are using your human resources, your capital and your assets more efficiently, and it is the only way that we can generate growth in the future. There is no alternative to that. And in the process of greater efficiency we must also have as an objective making Gibraltar as self-sufficient as possible. The less we depend on having to have fluidity, the safer we are in being able to deliver results, because

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fluidity is not in our hands: there are things that we cannot deliver and which require other people to behave in a certain way, which we have no control over.

1290 So, as far as the economy is concerned, the economy is on track to deliver the National Economic Plan and increase by 15%, but it will not be by 15% of the size of the economy that was there when the pandemic started, because that is no longer there. We are going to eventually find out just how much damage there has been in the national output, but we do not know what that is today.

1295 The hon. Member opposite has asked me why can't we have more recent and more up-to-date figures: well, because, as I have told him, the way that we calculated it and the way we have always calculated it and the way we think is the most reliable way, where we have got different sources of information which do not coincide, is by looking at the report that is produced in October on the basis of showing what the earnings of the entire working population of Gibraltar was. This was about £880 million when we last calculated it, which was in October 2018, and it is likely to be higher in October 2019 but it may well be lower next month.

1300 That is the background to the economic situation. The nature of the elements in the National Economic Plan in terms of their effect on the Government's finances and the public finances is that it will not have a significant impact on increasing Government revenue but it will have an impact on reducing increases in Government spending. The elements of that is the involvement of investment from the private sector and the delivery of things by the private sector. The things
1305 that are there are there for a reason, and the reason is that the level of efficiency is going to be delivered not just by looking at how we are doing things in the Government, where there is still a return to be made on the money we are putting into e-government – which has not yet materialised but which hopefully will materialise at some stage, I hope – but also to make better use of the resources in the private sector.

1310 But the reality is that the hon. Member mentioned the figure that I have said in the past that was not sustainable, which was the annual growth that we had in the cost of delivering services. That, as we all know, amounted to £210 million over a seven-year period, an annual increase of £30 million per annum, and I have said on a number of occasions, much to the disgust of some people, that we could not carry on growing the spending by £30 million every year because we
1315 could not guarantee that our revenue would grow by £30 million every year. We are now past that point. We now know it will not grow. In fact, I do not believe we shall see the level that we had in 2018-19 of £706 million. I do not think we are going to see, for many years to come, that kind of level. And this is not if everything goes wrong, this is if enough things go right to have sustainable economic growth when other people are in recession and effective controls over
1320 unnecessary spending, and even in that circumstance I think the £706 million that we saw, which was I think the highest we had had to date, is not going to be there. I would say it certainly will not be there before the next election. That is my own view.

The message was that we need to be realistic. The realism that is required is that the state in which we are going to finish up after this pandemic is over, whenever that may be, is going to be
1325 one where the existing level of expenditure will then be not covered by the then existing level of revenue. It is difficult to see areas where we could raise revenue from our own people in the kind of numbers we are talking about. Many people may think we should raise taxation on companies or that kind of thing, but the reality of it is that we have got an economy where a big chunk of the activity that brings revenue to the Government is an activity which does not have to be here; it
1330 has to be here because we are providing a competitive environment. We have not got a choice, because it is not a question that they are captive customers. They are not captive customers, so if you increase the cost of being in Gibraltar they simply will not stay, because there is no reason for them to stay. In a situation where there is a global recession, other people may be looking to reduce their costs to try and take businesses away from us. This is going to be a very tough global market and a global market where, not just in Gibraltar but in many other places, we may have to
1335 come up with having to face the reality that the new normality is not the lifestyle of the normality that existed before the pandemic, that by comparison with the lockdown and the economic

slowdown, which has been good for the environment but not for anything else – but at least that is a silver lining in the cloud, that it has been good for the environment – that world may be one that marks a historic breaking point in what was the previous view of reality that every year everybody had more of everything and that this would go on forever. It may well be that that is not the case, it may well be that that is not going to happen and we have to be where the planet is, not where we would like to be as if nothing had intervened.

So, my message certainly is, as Minister for Economic Development, we will deliver what we set out to deliver in the manifesto but that may not be enough to deal with what was not there in 2019 when we wrote that manifesto.

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

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the debate has been going now for approximately an hour and a half. That is an unusually short time for a debate on an Appropriation Bill and is a demonstration of indeed the severity of the issues affecting our community that bring us to this debate in this way.

I am very pleased that we have had an opportunity to hear from Sir Joe on this issue of the economy – not the public finances *simpliciter*, but the economy which underlies how the public finances receive the revenue that then becomes the finances of the Government. I think it is important that people should listen to the wake-up call that Sir Joe is setting of how he envisages that the economy is going to be performing in future months and in future years, where the economy was and where it is likely to be and what the consequences on the public finances are. It is fundamentally important that people, when they return to normality, and when we return to budgetary normality, do so in the context of the new economic reality that will be facing not just us but the planet.

The words of Sir Joe in respect of how he sees the development of our economy are not dissimilar to the things that we have heard the Chancellor of the Exchequer say in the United Kingdom as to the economic prospects there. The likelihood that it will not be possible to save every job, which the Chancellor has been explicit about, tells us the story of businesses that are going to fail. Businesses that fail mean less revenue for a government, and less revenue for a government means less spending power for a government. I think that has been the theme that many of us in the context of this debate have developed today, best encapsulated in the way that Sir Joe has presented his economic outlook for the performance of the economy.

But isn't it remarkable that we have broken, knowingly, the golden rule of the GSLP to borrow to pay recurrent expenditure? It is remarkable because we knew we had to do it. We also know we cannot continue to do it. We also knew that this had to be remarkable in its exceptionality, not remarkable in marking a new reality into which we would fall and from which we would not recover, and that is going to be the way in which we approach how we deal with the consequences and aftereffects of the pandemic.

That might be a good place for me to turn to the things that the Leader of the Opposition said in supporting the Bill when he talked about wanting normal practice to return. Normal practice is what we cannot wait to see back, on this side of the House, both in terms of not borrowing to pay recurrent expenditure and indeed in the context of having greater revenue than we have expenditure. In that context, I can very proudly refer the House to the record that we have of having increased revenue more than has been increased in the past and having a bigger gap between revenue and expenditure than has been the case in any other administration in our history. That is something that we want to continue. That is the normality that we want to see return, the normality from which we parted: the normality where our revenue was going up, and although our expenditure was going up it was not going up as much as our revenue, and our revenue was growing by more than our expenditure was growing. That is the normal practice to

which we must return, and that is the normal practice which we will aim to return to in the context of smaller numbers because the economy will be smaller. That is the reality that we have to face.

The hon. Gentleman said that we have been spared the worst of the pandemic, and I would add 'to date'. I think he then subsequently accepted that proviso also himself. We have been spared the worst of the pandemic *to date*, but the pandemic is coming back and medical science is not yet able to give us a shield against it.

The hon. Gentleman, in developing his theme in that respect, said that the lockdown took its toll on people. He referred to mental health issues as well and that this was not just the financial toll, and he is absolutely right. I do feel that there is almost a post-traumatic stress that is being played out in the way that people are reacting to the lockdown and their approach to the period post lockdown, and some people are reacting in ways which just do not appear to be rational. I totally disagree with the hon. Lady when she suggests that some people are not accepting of views as to the messages from the Government because of failure of the Government to provide a coherent message. I think the message from the Government is, unfortunately, coherent and not yet able to be different to the one that we have been issuing since March. People are reacting in different ways to the end of the lockdown etc. We have to understand that, we have to accept that, we have to analyse why it has happened and we need to be understanding of people's views – coming back to the first statement I made today and the hon. Gentlemen's reaction – when they are respectful, when they are not insulting, when they are in keeping with the rules, not racist and certainly not anti-Semitic. Some people are even going over the line on those issues more regularly than one would ever expect. The effect of the lockdown has not just been financial, that is absolutely right. Indeed, some people do not have enough time to speculate on different businesses that I might own in different bars in Gibraltar, which unfortunately is not true. These days the Catering Association would not treat me to a glass of beer if I turned up thirsty, given the restrictions, I imagine.

There has to be, the hon. Gentleman said, no second lockdown if we can avoid it. I had said that myself and we are entirely agreed. That would be the very last resort. We would literally do everything else that we could before we ever again imposed a second lockdown. It is worth just reminding ourselves that our lockdown was more generous than lockdowns anywhere else and that we were always more open, but we would not want a second lockdown by any stretch of the imagination.

The reality check that he was referring to is one that I have referred to in many of my addresses, and the one that Sir Joe referred to and the one that Mr Clinton referred to. We need people to understand that this was, in the way that I expressed it I think in an earlier debate, a generational changing event, a planetary changing event, and the first thing that the pandemic took was the economy. This we have to be clear about. But by locking people up, we in effect locked up our businesses, and by locking up our businesses we locked up our economy, and therefore we must all agree that there has to be a reality check.

What I do hope is that when the time comes, when we return to normality and when we return to parliamentary normality, we do not balk when it comes to giving effect to that reality check and that we might be able to be together and not submitting ourselves to auctioneering in respect of what the consequences of that pandemic financially are. I see the smiles and the smirks. That is where politics always is. I do hope that we will be able to work together, as we have in difficult times, to prepare our economy and to prepare our people for better times. Or is it that if we say that we have to increase a cost or we have to reduce a benefit, hon. Members will say, 'No, you mustn't do that'? The reality check has to mean something if it is going to be a reality check. And if we agree that there is a need for a reality check, I hope we will be able to agree on the consequences of that reality check when the time comes.

The hon. Gentleman is absolutely right, however, to characterise what we did as having bought Gibraltar civility. That is exactly what we did. That is what we deployed the funding for, that is what ensured that people did not suffer the consequences of the businesses in which they worked being shut down, and that is why they continued to be able to buy the basics and put food on their

table. It is essential that we realise that that is what we did, and it is equally essential that we realise – and I agree with him and with the Hon. Mr Clinton – that we cannot continue to do that indefinitely and we should do as little of that as possible going forward because we should be returning our businesses to as close to normality as possible, where that is realistic. There are, of course, businesses which rely on people coming into Gibraltar, and if those people are locked down in their place of residence they are not going to be able to get on a plane or get on a train or get on a cruise ship to come to Gibraltar. These are all of the things that are in the balance.

And so yes, he is right, Mr Speaker, we must attract business internationally to this new environment, we must grow our income, we must do all that. We are already trying to do that.

One of the things that I have seen my ministerial colleagues do is start the process of trying to attract new business to Gibraltar using our record on COVID for the purposes of showing people the ability that there is to continue to do business in Gibraltar when there is not the ability to do business elsewhere: the continuity we provided through COVID, which makes us attractive. There are new applicants for business in Gibraltar. Even now there are people arriving. There are new proposals for business in Gibraltar and we are pursuing those very vigorously indeed, because if there is one thing that the Hon. the Father of the House would like to see it is that his predictions as to the growth of the economy would be wrong and it would grow faster. As much as I would certainly hope that we have wasted money on Nightingale, he hopes to get up and say, 'I was wrong: we have grown by 30% and not by 15%.' Unfortunately, he is not often wrong, and the worst thing would be that he might have to get up and say he was wrong and we have grown by 5% instead of 15%. But I am confident that what he has given us is at least very definitely a floor. That work is ongoing, principally led by his Ministry, which is the Ministry for Economic Development, but also in respect of all the other Ministries where there is the opportunity to bring new business to Gibraltar.

The fact is that we do know much more about the virus now, so we are able to deal with the virus in a different way; we are able to see not just lockdown as the way to avoid the virus. As we have discussed before, lockdown was a pretty draconian, prehistoric approach to avoiding a virus: you literally shut your door and get out of its way because medical science gives you no alternative to protect yourself against it, with a vaccination or otherwise. I think we all agree now we can be a little more sophisticated. Perhaps we have just moved from prehistory to the Stone Age in the context of our understanding of the virus and we are not yet in the Enlightenment, but we are a little bit more sophisticated in the way that we will be able to deal with the virus and avoid a lockdown.

The hon. Gentleman said that the support that they are giving to this Bill should not be considered to be them abandoning their traditional arguments and the reasons why they have voted against the Budget on some occasions. Neither, of course, should they believe that we are abandoning our positions in that respect: that these are more transparent estimates than there have ever been in the history of Gibraltar, that there is more information about the financial well-being of our economy or otherwise than ever before in the context of these estimates and in the context of what is published on our website. Those of our arguments remain valid. But I would say to him, just very gently, that although he has put down his without-prejudice marker in the context of explaining his vote today, he might, between now and the next Budget debate, want to reflect that this is also a moment which he might use as a ladder to climb down from a position which sees his party vote against estimates in this House. I put it no higher than that and I invite the Hon. the Shadow Minister for Public Finance to consider that also in the context of where the debate might be in the next nine months as we come to a new debate in June or July.

He says that of course the one thing that will be part of the debate when the time comes will be the question of the arrival point of our economy at COVID, how strong were our public finances when we arrived at COVID. He said that was not for today but he was putting down a marker. I will say I accept that is not for today, but I will put down the marker that we arrived at COVID, able to get through COVID as we have, no better than we would have got to COVID if they had been the ones in administration doing the things that they had said that they would do instead of the

things that we would say we do, and indeed perhaps Mr Speaker in a better place because we had the new schools which provide our children with the ability to social distance better than the old schools, and we have the sporting facility that enabled us to do Nightingale. If we had not spent the money on those, we certainly would not have a Nightingale. It is not for today, as he said, but he did say something about it and I would say just that as the taster for how we will be dealing with those arguments when the time comes.

So, we want to go back to collecting more than we spend, agreed. It has been our position throughout this process that we do not want to forego revenue for a moment longer than we have to, but he will want to agree with me that we want to get back to *our* levels of collection of revenue, which were higher than theirs ever were. I think there will be, as we move even to normal parliamentary debate, a large measure of agreement as to objective, and as ever, the argument will be the argument that we pick on the detail; to an extent, that is what we are required to do. I therefore would say that in the same way as he vehemently said that he thinks we need to get back to higher revenue and to get our spending into an amount which is below the revenue – in other words, that our expenditure should be lower than our revenue – I would say that we are as vehement in wishing to achieve that, but we want to achieve it in the way that we did, which was that the spread between expenditure and revenue was wider in our time than it was in theirs, and they, I hope, will agree that that should be the objective.

I have to say to the hon. Lady that, as I did when we started at the beginning of the session, I defend her right to say the things that she says and to challenge us, but she was completely off the mark today. She gave a speech which was not informed by the things that I said during the course of my intervention. She was replying to me, but she was not replying to me. In other words, she had prepared, obviously, in respect of the Bill that she had, but she had taken into consideration none of what I said in respect of that, and she gave an address which I have to say to her very gently and respectfully I do not believe was the product of anyone who has ever turned their attention to the public finances, because the questions she was asking were as if an accountant who had never dealt with public finances was looking at a public finance book for the first time.

And so I am sorry to say that I found her intervention in respect of the detail very lacking, but I must tell her that she was very gracious in the way that she addressed the way that we have dealt with things until now in the context of COVID. I sincerely appreciated that, although I do not accept the things that she was saying were of relevance. I do not believe that it is right to say more strategic thinking needs to be done, as if strategic thinking were not being done; that we have to invest in our forward-looking environmental industries, as if we were not trying to do that where it is possible, but actually what we are dealing with is a public health pandemic that we have to address and we have to invest in the guy who has the cafe on the corner, the guy who has the shop on the corner and the guy who is running the restaurant, not just in the person who has got the greatest idea for a potential environmental business going forward, because we have to save the people who are in jobs now.

And of course we were looking forward. It is very easy to say ‘twaddle’, it is very easy to say ‘We must be strategic, we must look forward, we must invest in the industries of the future and that is what you have failed to do.’ Which are the industries of the future that we have not invested in? What is the business that you think is in Gibraltar that could take that investment? When did they approach us? When did we fail to see them and approach them? These are the things that we need to be looking at in the context of the detail of these numbers if we are going to say that the numbers are not being deployed properly.

And so Mr Speaker, I must say to her that I thought that she was lacking on that. And we are not by any measure the worst nation in the world when it comes to COVID, 1,000 per 100,000 being the largest COVID per capita in the world. Nonsense, Mr Speaker! There are *barrios* in Madrid that are reporting 1,000 per 100,000 today, so she was wrong on that. I am sorry to say that I entirely disagree with her that our record on COVID is more lights than shadows but that there are many shadows.

1545 Everywhere in the world you have got to learn from how we have dealt with this pandemic, and we will have done things right and we will have done things wrong but I think few places in the world can pride themselves on the way that their public sector has dealt with COVID in the way that Gibraltar has, and I will defend that vigorously against the suggestions that we have not.

1550 Indeed, the idea that there has been a lack of leadership in Gibraltar – and I do not claim that leadership for myself but in the public service, in the GHA, in Public Health Gibraltar, the idea that there has been a lack of leadership leads me to say to the hon. Lady: come on! It is one thing to say, ‘I reckon that I would be a better leader than you.’ It is quite another to say that in the context of the past six months Gibraltar has been lacking in leadership. It is totally contrary to what our worst critics say about us. Our worst critics say that we have been dictatorial in the approach that we have taken. Well, that is a lot of leadership when you are dictatorial: it is direct-command leadership. Our worst critics accuse us of having given too much leadership – and again I do not claim it for myself because I am not the doctor who is running the strategy on COVID, I am the politician who is there, with this Parliament and with my team, to try and manage all of the parts of this that come together, and sometimes I have to give a speech to explain it. But to say that 1560 there is a lack of leadership in this context is, in my view, just wrong.

To use the example of masks is particularly wrong, in my view. There is a lot that is developing in the context of the understanding of the virus. Masks is one of the issues that changes. It is not a lack of leadership to follow the science of those things, because if the hon. Lady is going to say, ‘You should have been wearing masks before the World Health Organisation recommended it,’ 1565 then what use science and the doctors and medicine? Should we just take a view of what we think, as laypeople, works? Is that leadership? Look, Mr Speaker, it did not work in the past. One might have thought that if it is a virus, one of the best ways to get it out of us, especially if it affects the lungs, is to put a leech on the chest. They tried that 400 years ago and it did not quite work, so the hon. Lady will forgive me for leading this community only in the direction of the advice that we have from the doctors, who are the ones who advise us on this. Whether it is Public Health 1570 Gibraltar or whether it is the GHA, we will follow that advice and we think that the best test of leadership is to understand who it is that you should be taking advice from.

And so, Mr Speaker, the idea that we need firmer leadership than dictatorship, which is alleged against us, and that we need clearer messaging, I think, with respect to the hon. Lady, is 1575 completely wrong, as she is wrong to say in her analysis – and this is what belies the fact that the address is the address of somebody who does not understand public finances, and she has been here for long enough to understand it – that we need to keep our credit rating. We do not have a credit rating. We cannot keep that which we do not have. Successive administrations under successive Chief Ministers, all of them, have not sought a credit rating for Gibraltar for a simple reason: the minute you seek a credit rating you put yourself in the hands of the credit rating 1580 agencies, and then the ratings can go up and down depending on *their* subjective assessment of what you are doing, or indeed *their* subjective assessment of something that somebody else is doing and how it might affect you. So, that part of her speech, where she said ‘You need to analyse what you are doing in order to ensure that we keep our credit rating’ is a demonstration of the fact that the address was prepared without an understanding of the public finances of Gibraltar and the consequences thereof for the rest of what she said. 1585

When she asked me about what the 33% was, she said, ‘You have gone up 50% and 100% – what is the 33%?’ It is very simple. What I have explained today – and therefore that is why I am saying she was not replying to what I have explained today – is that we are going from 150% 1590 increase, which is what we did in the first six months, to 200% increase. If you take 100 and you add 50, that is a 50% increase. If you take the 150 up to 200, that is a 33% increase. That should have been understood even by the accountant who did not understand public finances.

So, there is clarity of the figures, just in the same way as she says there is no information on what the money is spent on in the GDC. Of course there is, because as I have explained to the House and hon. Members have understood, this Green Bill goes back into the schedule, which is 1595 the Estimates Book, which has a whole section on the Gibraltar Development Corporation which

explains the breakdown of the £46 million *qua* the first 100%, which was then increased by 50% and is now increased by another 50%, so the total amount spent on the Gibraltar Development Corporation, which is the £46 million times four, is explained as to the £46 million times two in the Book and you double it. That is why we are saying this is what makes sense. So, again, a complete failure to understand how the public finances of Gibraltar work in relation to something as important as the operation of the Gibraltar Development Corporation.

But Mr Speaker when she asked me that people say 'Are we running out of money?' Of course we are not running out of money, that is not how these things work, but we have explained already the need for a reality check, the limits of the public finances of Gibraltar as a small economy and why the Opposition and the Government have worked together on this.

There is not, therefore, a failure of a constitutional requirement. The hon. Lady said, 'You need to explain your failure on the constitutional requirement.' The whole process in March and now is about ensuring that there is not a failure of the constitutional requirement, because the constitutional requirement refers to the financial year but does not give the date of the end of the financial year. What we did in the first statute was push the end of the financial year to the end of September, and what we are doing now in the second amending statute is to push the financial year back to 31st March. Therefore, there is no failure of the constitutional obligation. The statute fixes that because the Parliament fixes that. We could not actually, in the first statute, because we were doing it before 31st March, say that the date of the financial year end will be 31st March, because you cannot put a year into that date and therefore you had to have a date which went beyond 31st March and then cure it after 31st March. We could have come here on 1st April with this second Amendment Bill and said 'now we are going to go to 31st March again', and we would have been able to deal with it.

So the hon. Lady needs to understand. She has been in this debate. I explained it in the first amending statute, in the Appropriation Bill 2020, which was the first amendment of the Appropriation Act 2019. This is the Amendment No. 2 Bill, and although she had not heard my speech and therefore responded as if she had not heard my speech, she had heard my first speech, which went in detail through the changes which we were making and why that was necessary in order to deal with the constitutional point. I went back and took the House to 1971 to explain how we were doing it, so I do not accept that she could have failed to understand that if she had heard and understood what I had said in March. Mr Speaker I am sorry not to have been able to be more generous in the approach, but perhaps it is a good opportunity to reflect that we can be vehemently opposing each other in the context of this parliamentary debate, just as we said at the beginning, without transgressing the lines and whilst passionately defending our right to vehemently be opposing each other.

The Hon. Mr Clinton started also with his reference to their historical position, which of course I fully understand although I do agree it, but I do want him to just reflect on whether or not there might be merit in thinking about voting in a different way when we present a different Budget Bill. I am heartened by him raising his eyebrow and turning his head to one side, because when I was inviting the Leader of the Opposition to do that they were both shaking their heads. I am heartened that at least I have shifted them from shake to eyebrow raise in the space of moments. If nothing else because they have not yet seen the Bill and they might, when they see the Bill, decide that they want to support it, it would be to prejudice in the extreme the presentation of the estimates to say that they will not accept it. We have been working very closely together in the past few months and, you never know, the ability to work together may continue. We should take the view perhaps that the virus has been the vaccine to the inability to work together, if nothing else, and that we should try and pursue working together more in ... Some are not keeping to the social distance these days, Mr Speaker, and I was starting to worry that they might infect each other with the sort of venom that I have seen go from one to the other, rather than virus. *(Laughter)*

The Hon. Mr Clinton said in the end, what we are doing is just kicking this forward six months and you can then divide by two when you do the analysis, and he then did the work himself. It is

multiply by two and add COVID to really work out the cost, so when you undo it you have got to divide by two but also take out that element of COVID, which he then explained in his intervention and I think that is just an important way of, in shorthand, understanding where we are today.

He put great store by the £150 million that I referred to. As he knows, that is an estimate. We do hope that is going to be more or less where we are. We are there at the end of September – let's see what the cost is going forward. As I said in my intervention, the cost of COVID is starting to go down a little. We have got a lot of resources, different ways of dealing with it, so let's hope that that does not increase, but that is still an estimate.

The hon. Gentleman referred to our surpluses. He has not been as generous about our surpluses in the past as he has today, so I am very pleased to see him refer to our surplus at £82 million, the highest on record, and say even if things had gone well this year the estimated surplus was going to be £20 million. The only point I would gently make in that respect is that when we reached a surplus of £82 million our estimate even then was for a surplus of in the region of £20-odd million, so we had a surplus over our estimated surplus of approximately £60 million. That is not to say that we do not always plan for this lower surplus. Our estimated surplus is what our estimate is based on. If we then have a higher surplus, so be it. So, let's just remember that even when we do record surpluses we have an estimated record surplus. Because the estimate is prudent, the surplus finally is reality such as it may have been. Indeed, reality could be a deficit but the surplus is reality against a lower estimate.

The COVID fund will now be published quarterly after the publication this afternoon of the Gazette containing the fund. The hon. Gentleman said that that fund will reflect some of their ideas as well as our ideas and changes that they proposed to our presentation on this, and is a testament to the co-operation in these exceptional times. Well, Mr Speaker, we have worked very well together and perhaps ... The default setting in politics seems to be that you have to not work well together and that you somehow, through a show of gladiatorial ability to slay the other, manage to persuade people that they should elect you to be your country's chief representative – and, in the context of Gibraltar, diplomat, ironically. I am certainly going to try and ensure that we continue to work together insofar as we are able and that we should see this only as the beginning of the ability to see both sides of the House co-operate. Indeed, if I may say so with respect to others in this House, Mr Speaker, the historic inability of the GSD and the GSLP to work together has been slayed by the virus and I think that is hugely important and it is something to take as a positive from these days.

When the hon. Gentleman did the analysis, which I had done also, which was to say the areas which have gone beyond the doubling are the GHA, Education and ERS, I was struck, myself, actually, when he said it – not when I had written it, but when he said it – that this demonstrates what really matters to this community, our health and the health of our people, the education of our young people and the care of our elderly, and there could be no better manifestation of that than in the way that we spend our money. Everything has to continue running, so the administration is doubled, but more for the care of our people in health, for the education of our children and young people and looking after our elderly people.

Mr Speaker, I have been very concerned about the fact that grant moneys have not yet reached all students. He has raised the point today. The Hon. Minister for Education and I have been dealing with these issues. There are, as he rightly says, no issues here of not having the money available. These are mechanical issues aggravated, unfortunately, by the pandemic. You have had later acceptance of people at universities, you have then had the difficulties that have arisen as a result of what can only generously be described as that bleeding algorithm that affected A-level results and GCSEs, which meant everything was delayed. People have had offers and then counter offers, and then decided to go for the first offer after they accepted an earlier offer. It has been chaos and I entirely sympathise with the people in our Department for Education because they have had a lot less time to deal with a lot more people. The numbers of people in higher education have gone up every single year since 1988, so more people go away every year for undergraduate degrees, and then some more, additionally, especially since our election in 2011, for second

degrees, which are also mandatory, so the numbers have just increased and we have fallen down in being able, mechanically, this year, to deal with the payments. As students give us their bank details – that also takes time – we then have to input things. It is wrong that we should have not been able to deal with that in the shorter time available, although I understand why it has not happened, and it must not happen again, but it is a mechanical failure and all students can have the security and safety that it is a mechanical failure and that they will soon be receiving their grant money, if they have not received it already, because of course the money is there.

The hon. Gentleman asks what the difference is between the £9 million and the £40 million that he has seen: £9 million is the cost of COVID to June; £40 million is the extra over that we are putting into the GHA. I will venture where angels fear to tread and say that in Health every year you exceed the Budget, so when you throw into the normal run of Health, which is to every year exceed the Budget, and you add COVID, that is where you are getting more or less to those numbers, but there will be a better breakdown at the end of the 24-month year that we will now be dealing with. That is the key issue: we are dealing with a 24-month year. That is what we are voting to create in this House. If we could vote to make the earth flat and it would be meaningful, we might be persuaded to do so. It is meaningful that we are going to vote for a 24-month year, because it means that we can continue the expenditure that we provided for the Departments for 12 months over the 24 months, although it will be one global financial year. It is only the definition of 'year' that will change. We see examples of this in other parliaments where estimates are prorogued. The Spanish parliament is caught in a vice of being able to agree majorities based on not being able to vote for a new budget, so they are constantly proroguing their appropriation equivalent of 2017, I think, or 2016-17. They are still stuck in that financial year, extending and proroguing, not related to COVID. Here, we are doing it because of COVID.

Mr Speaker, I welcome his support for the work that CELAC is doing. I have announced that CELAC is going to be meeting again next week and then regularly every two weeks after that. And I entirely agree with his view that there is a financial limit to what this community can do; we are a small community, we are a small economy. The Father of the House then developed that theme further: we have to cut our suit to fit the cloth that we have. That is a financial reality that we must always deal with, more now than ever.

And so, Mr Speaker, in commending this Bill to the House and thanking all hon. Members for their contributions, what I would say is that the next Budget is when we are going to have to really stretch every sinew and work together to ensure that that reality check is one that we, together, present to our community as the one that they need to understand is the new reality in which we operate. I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Appropriation Act 2019 be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Appropriation Act 2019 (Amendment No. 2) Act 2020.

Appropriation Act 2019 (Amendment No. 2) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): 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 Bill be taken today? **(Members: Aye.)**

COMMITTEE STAGE AND THIRD READING

1745 **Clerk:** Committee Stage and Third Reading – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Appropriation Act 2019 (Amendment No. 2) Bill 2020.

In Committee of the whole House

**Appropriation Act 2019 (Amendment No. 2) Bill 2020 –
Clauses considered and approved**

1750 **Clerk:** A Bill for an Act to amend the Appropriation Act 2019.
Clauses 1 to 3.

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

1755 **Clerk:** The long title.

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

**Appropriation Act 2019 (Amendment No. 2) Bill 2020 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

1760 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Appropriation Act 2019 (Amendment No. 2) Bill 2020 has been considered in Committee and passed.

Mr Speaker: I now put the question, which is that the Appropriation Act 2019 (Amendment No. 2) Bill 2020 be read a third time and passed.

1765 Those in favour of the Appropriation Act 2019 (Amendment No. 2) Bill 2020? (**Members:** Aye.)
Those against? Carried.

FIRST AND SECOND READING

**Animals (Amendment No. 2) Bill 2020 –
First Reading approved**

Clerk: We now return to Bills – First and Second Reading.

1770 A Bill for an Act to amend the Animals Act in relation to service animals. The Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for 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 in relation to service animals be read a first time.

1775

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Animals Act in relation to service animals be read the first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1780

Clerk: The Animals (Amendment No. 2) Act 2020.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise now to move that the House should adjourn to Friday, 16th October at 3.30 in the afternoon.

1785

The reason I am fixing the House for that date is that it is anticipated at this time that there should be a meeting of the European Council on 15th October and that is the date that the Prime Minister of the United Kingdom and the President of the European Commission have given as the date by which they expect, if possible, that there should be an agreement between the United Kingdom and the European Union on what you might call the main Brexit deal. I anticipate that there will be a lot of activity between now and then which will prevent the Deputy Chief Minister and me from being in Parliament, and I anticipate to be working closely to brief Members of the Council of Ministers and the Leader of the Opposition and Ms Hassan Nahon between now and then. For that reason, in order not to have to let the House down again, I am proposing that we should meet on that day.

1790

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 16th October at 3.30 p.m.

1795

I now put the question, which is that this House do now adjourn to Friday, 16th October at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday, 16th October at 3.30 p.m.

The House adjourned at 2.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 3.32 p.m.

Gibraltar, Friday, 16th October 2020

Contents

Adjournment	2
<i>The House adjourned at 3.32 p.m.</i>	2

The Gibraltar Parliament

The Parliament met at 3.30 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*]

ADJOURNMENT

Clerk: Meeting of Parliament, Friday, 16th October 2020.

Adjournment – the Hon. the Minister for Digital and Financial Services.

5 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, the Chief Minister and the Deputy Chief Minister continue to be heavily engaged in the ongoing negotiations for a future trading relationship between Gibraltar and the European Union. As Members will know, this work has intensified over the last week, when negotiating teams have met here in Gibraltar and also nearby in Spain.

10 Unfortunately, the situation means that it becomes necessary once again to adjourn the House. The Government is grateful, of course, to the Leader of the Opposition and the Hon. Marlene Hassan Nahon for having agreed the adjournment today. The Chief Minister will be updating both the hon. Lady and the Leader of the Opposition on Monday, after briefing the Cabinet in respect of this matter.

15 Mr Speaker, in the circumstances, I have the honour to move that this House do now adjourn to Friday, 30th October at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 30th October at 3.30 p.m.

20 I now put the question, which is that this House do now adjourn to Friday, 30th October at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 30th October at 3.30 p.m.

The House adjourned at 3.32 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.32 p.m. – 6.12 p.m.

Gibraltar, Friday, 30th October 2020

Contents

Suspension of Standing Orders	3
Standing Order 7(1) suspended to proceed with Questions	3
Questions for Oral Answer	3
Housing, Youth and Sport.....	3
Q473/2020 Laguna Estate play park – Usage and restrictions	3
Q474/2020 Housing waiting lists – Number of applicants by category	4
Q475-478/2020 Emergency housing – Future provision and allocation	4
Q474/2020 Housing waiting lists – Supplementary questions.....	6
Q479/2020 Government rental homes – Investigations and costs re unlawful occupation..	10
Q481/2020 Government rental homes – Non-emergency repairs and outstanding works ..	11
Q482/2020 Laguna Estate – Completion of refurbishment works.....	12
Q483 and Q493/2020 Housing rent arrears – Amount outstanding since June	13
Q484/2020 Senior citizens’ residential blocks – Revised warden facilities	17
Q485/2020 Homes tendered for sale in 2018 – Details of those not yet sold	18
Q486/2020 Co-ownership housing schemes – Illegal sub-letting	20
Q487/2020 Gibraltar Football Association – Memorandum of Understanding.....	21
Q488-89/2020 New sports facilities – Completion dates for remedial and completion works; repair to rugby pitch	22
Q490/2020 Housing – Comprehensive review	25
Q474/2020 Housing waiting lists – Supplementary question	27

Q491/2020 Government rental homes – Properties tenanted but unoccupied	28
Q492/2020 Housing stock – Pre-war properties.....	29
Employment, Health and Safety and Social Security	31
Q494/2020 Notices of Termination of Employment and Terms of Engagement – Numbers filed since December 2019	31
Digital, Financial Services and Public Utilities	32
Q496/2020 Water supply – Energy cost of production	32
Q497/2020 Global Forum on Transparency and Exchange of Information for Tax Purposes – Government intentions following OECD review	32
Q498/2020 Review of Development and Planning Commission – Conclusions and recommendations	34
Q499/2020 Online Government services – Improving customer experience	34
Q500/2020 Development Plan – Reasons for delay in implementation	36
Deputy Chief Minister	37
Q501/2020 Gibraltar House, London – Effect of COVID on operations, management and finances	37
Q502/2020 Both World South – Details of proposed development.....	37
Q503/2020 Northern Defences – Expressions of interest	38
Q504/2020 Vehicles crossing border into Gibraltar – Numbers in June to August 2020 and June to August 2019	40
Q505/2020 Vehicles crossing border into Spain – Numbers in June to August 2020 and June to August 2019	40
Q506-07/2020 Pedestrians crossing the border in each direction – Numbers in June to August 2020 and June to August 2019.....	41
Questions 504-05/2020 Supplementary question	42
Q496/2020 Water supply – Supplementary question	43
Adjournment.....	44
<i>The House adjourned at 6.12 p.m.</i>	44

The Gibraltar Parliament

The Parliament met at 3.32 p.m.

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

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

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Questions

Clerk: Meeting of Parliament, Friday, 30th October 2020.

Order of Proceedings: 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 Questions.

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

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q473/2020

**Laguna Estate play park –
Usage and restrictions**

Clerk: (viii) We now proceed with Answers to Questions.

- 10 We commence with Question 473/2020, and the questioner is the Hon. E J Reyes.

- 15 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Questions 128 and 306/2020, can Government confirm that the children's play park between St Anne's and Notre Dame Schools at Laguna Estate is now fully operational, together with details of times when the park is open for public use as well as any age usage restrictions?

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

- 20 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I am glad to announce that the children's play park at Laguna Estate was opened on Monday, 14th September 2020. There is no age restriction, and the park will be open daily, like all other parks and playgrounds, specifically from 9 a.m. to 9.p.m. during the summer period and 9.a.m. to 7.p.m. during the rest of the year.

Q474/2020
Housing waiting lists –
Number of applicants by category

Clerk: Question 474, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide this House with updated details as to how many applicants are on the housing waiting lists, showing the date they first joined the waiting lists and providing a breakdown by category – that is general, medical and social lists, and by reference to room composition and entitlements by applicants?

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 now hand over to the hon. Member opposite a schedule with the information requested.

Answer to Q474/2020

Information of applicants on the Housing Waiting Lists with breakdown by category is as follows:

1RKB, 504 active applicants of which, 64 have a medical category and 29 have a social category.

2RKB, 73 active applicants of which, 20 have a medical category and 1 has a social category.

3RKB, 102 active applicants of which, 19 have a medical category and 17 have a social category.

4RKB, 70 active applicants of which, 7 have a medical category and 5 have a social category.

5RKB, 4 active applicants of which, 1 has a medical category.

6RKB, 1 active applicant.

Further information in relation to dates can be obtained on the HMGoG's Statistics page, Housing, Table H.1

Q475-478/2020
Emergency housing –
Future provision and allocation

Clerk: Question 475, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 223/2020, can Government confirm that the same 16 tenants are still residing at the emergency homes they were allocated in May 2020, and what housing provisions are planned for them for the future?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 476 to 478.

Clerk: Question 476, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how many applicants currently on the housing waiting lists would be entitled to emergency housing if using a similar criterion to that used in May 2020 for the allocation of emergency homes?

Clerk: Question 477, the Hon. E J Reyes.

55 **Hon. E J Reyes:** Has Government, since May 2020, made any further emergency homes available to applicants on the housing waiting lists using a similar criteria as those allocated and explained through the answer given to Question 223/2020?

Clerk: Question 478, the Hon. E J Reyes.

60 **Hon. E J Reyes:** Does Government have intentions of making any more emergency homes available to applicants on the housing waiting lists on a similar basis to those allocated and as explained in answer to Question 223/2020?

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

65 **Hon. S E Linares:** Mr Speaker, the Housing Department will continue to work with Civil Contingencies and other agencies, as part of the multi-agency team, to provide any emergency accommodation, as required.

70 I would like to thank all the officers who were involved initially in successfully providing free accommodation in the Retreat Centre, and the staff, and all those providing free food and other free amenities during the lockdown period, and all those also involved in successfully relocating those who were housed at the Retreat Centre. Every single person was relocated and we will continue to work and support them, to be able to meet their needs.

75 It must be understood that there are many who genuinely become homeless in these difficult times, and for those we will work tirelessly to help them as much as is humanly possible. Unfortunately, there are a few who make believe they are homeless to try to abuse the system in order to jump the queue, so to speak, in order to obtain Government rental accommodation through the back door, using the COVID-19 pandemic as an excuse. This is unacceptable and unfair, and those supporting them should understand that they do so to the detriment of those
80 who genuinely are waiting for a Government rental house. Our Government will not tolerate this sort of behaviour and will call it out, as I am doing now, every time this happens.

On a positive note, I am glad to say that my staff have managed to help many in all circumstances and that in these difficult times their true nature is demonstrated.

85 In respect of Question 475/2020, these 16 flats were allocated to applicants on the waiting list as a result of the COVID-19 lockdown circumstances. Of these, 14 will remain in their homes and two will remain there for the time being, until they are able to return to their accommodation.

Hon. E J Reyes: Mr Speaker, I am going to try and get a couple of clarifications. With specific reference to Question 475, the Minister has just said that 14 of these applicants remain in their
90 homes. I do not know what the outcome has been for the other two. And when he says that 14 remain in their homes, does he mean they are going to be there now on a permanent basis, or is it just a temporary set-up?

95 **Hon. S E Linares:** Mr Speaker, as I stated, these were people who were high on the list at the time, and therefore, due to COVID, we have accelerated them to be able to get them accommodation, so they will stay in those houses. It is the other two that will stay in the accommodation while COVID-19 is still around, because they are having issues.

100 **Hon. E J Reyes:** Thank you, Mr Speaker, it is now clear that 14 are staying permanently and for the other two it is a temporary thing.

In respect of Question 476, I was asking how many applicants on the housing waiting lists would be entitled to emergency housing if we were to use the same criterion. I do not think I have had a figure back – in reply to that, because there could be applicants and they have not been given because the accommodation is available; there were only 16 available at the time.

105 **Hon. S E Linares:** No, Mr Speaker, that includes the 14. All of the 14 were the people who had the problem, so we have looked at the lists, we have upgraded them due to COVID, and these are included in that 14 that I am stating.

Hon. E J Reyes: So, there is no one waiting to be allocated using the same criterion – is that the correct interpretation? I thank the Minister for nodding yes.

Mr Speaker, in Question 477 I asked if the Government had been able, since May, to make any further emergency homes available. At first, there were 16. Have any more been made available?

115 **Hon. S E Linares:** No, Mr Speaker.

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

Looking towards the future – that was Question 478 – does Government have any intention to make any more of these emergency homes available? Perhaps the Minister can expand on that.

120 **Hon. S E Linares:** Well, Mr Speaker, I think it will be on a case-by-case basis as they make an application. We do not know. At the moment, we do not have any, so I think it is hypothetical at this stage for me to state whether we will be able to house them or not, depending on their circumstances. We are at the stage, at the moment, where we have no application, but should there be someone, or a family, whatever, who are in need, we will then deal with it as and when necessary.

125

Q474/2020
Housing waiting lists –
Supplementary questions

Mr Speaker: Did the hon. Member wish to follow up from the list given to you, which contained number information?

Hon. E J Reyes: Thank you, Mr Speaker. Let me have a quick glance at this.

130 The information seems to be here, Mr Speaker, except perhaps the Minister could clarify something – for example, where he says that a certain number have a medical category, I believe within that category there is A and A+, and so on. Would he happen to have that information to hand? Or perhaps it is something he can pass on to me at a later date.

135 **Hon. S E Linares:** Mr Speaker, I do not have any problem with passing it to him at a later stage, but I think if you have four active applicants ... I think he is mentioning the 5RKB. Is that correct, that 5RKB is the one he is honing in on? It says four active applicants, of which one has a medical category. Well, the one medical category ... Yes, there are two categories in the medical category, which are A and A+. I have not got it with me now, but it is easy for me to give him whether it is A or A+. Whichever one it is, that person is one of the five and we would have to look for 5RKB. If we have a 5RKB, then whether it is A+ or A, it would not really make much difference because we would allocate that 5RKB to the medical category.

140

145 **Hon. E J Reyes:** I am grateful, Mr Speaker, that the Minister will try to [inaudible] these. It is just for clarity. I was not referring to the 5RKB; I was referring to all of them in general. For example, the 2RKB has 20 applicants in the medical category and one is in social. Because there are 73 active applicants, if you are on the medical, are you medical A+, or not? That would help to get a better picture of the sort of priority, but I can wait a few days for the Minister to provide that information.

150 **Hon. S E Linares:** No problem. I will do so, Mr Speaker.

Hon. E J Phillips: Mr Speaker, can the Minister be slightly more helpful in his answer in relation to 1RKB? It is well known, of course, since the last session, that over a hundred of those applicants looking for 1RKBs, who were on the list, had been waiting from 8th December 2011 to be housed in 1RKB. Does the Minister know how many of the 504 have been waiting for that length of time?

160 **Hon. S E Linares:** Well, Mr Speaker, first of all the hon. Member could look at the website. All this information that he is asking me for now is there, on the Government website. If he goes to statistics/by topic/housing and clicks the tables there, it will tell you exactly the information you are asking for. But, to be helpful, Mr Speaker – *(Interjection by Hon. E J Phillips)* Pardon?

Hon. E J Phillips: It would be helpful –

165 **Hon. S E Linares:** Yes, okay, but the hon. Member should know that he should not be asking questions which are in the public domain. But I will do so. *(Interjection by Hon. E J Phillips)* No, Mr Speaker, because I have not got the information with me – it is on the website itself – but I can tell the hon. Member that the people who apply usually get on to the 1RKB automatically. That is why the number is so high usually, because it is after that, when they are assessed and they go home, whether there is overcrowding, dampness, and all the points system comes into play ... that is when they are then relocated, whether it is 2RKB or 3RKB. Remember that a 1RKB is just a studio flat.

175 **Hon. E J Phillips:** One final question: given the fact that many people approach us complaining that they have waited a year, two years, three years, sometimes eight years – and that is often a complaint that we receive from our constituents in relation to housing more generally – does the Government have any information as to when the 754 applicants on the list of the 1RKB and 6RKB – 754 families – will be housed, Mr Speaker?

180 **Hon. S E Linares:** Mr Speaker, the answer to the Question was 504 for 1RKB, not seven hundred – *(Interjection by Hon. E J Phillips)* Right, but the hon. Member must understand that we also stated that we will not be issuing 1RKBs for the precise reason I have just told him, that people, when they apply, automatically go to the 1RKB, which is a studio flat, and after being reassessed – which is what we do constantly – if somebody just stays on the list and does not do anything at all, just signs every year that they want to stay on the list, we just leave them in the 504. Then they progress when they are assessed. Every single person is assessed. They go and they sign up, they are assessed, and whether they are 1RKB, 2RKB or 3RKB, they are moved to wherever their needs are.

190 **Hon. K Azopardi:** Can I understand the hon. Member's explanation that he has just given? Does it mean that, for example, if someone fills in a form and lists dependants – so it is obviously someone who is hoping to get on the housing list for a three- or four-bedroom house – on arrival of that form, that person is put on the 1RKB, and then it is reassessed? Is that how it works, irrespective of the family composition?

195 **Hon. S E Linares:** Yes, it has always worked like that, Mr Speaker.

Hon. K Azopardi: So, in effect, the 1RKB list is composed of people who genuinely want a 1RKB, and it is also a holding pen, as it were, of other applications pending reassessment and redeployment to other lists, depending on what their needs are?

200 **Hon. S E Linares:** Yes, Mr Speaker, as it has always been.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just add to that? In that case, how many people on the 1RKB list are awaiting assessment?

205 **Hon. S E Linares:** Mr Speaker, I do not have that information. If the hon. Lady wants to ask that question, she may do so.

Chief Minister (Hon. F R Picardo): If I can be of assistance to the hon. Lady, and perhaps even to the hon. Gentleman, that number will be a moving feast. There are assessments happening
210 every day.

The reasoning behind this, as I understood it when it was explained to me – because it had been maintained in the time that hon. Members' party was in government, and before them, and before them – is that this enables you to have the date on which a person comes on the list, and therefore that is the date you will go back to once you have made the assessment, so the person
215 does not miss out. If they write in to go on the list on say 1st of January and the assessment happens on 5th May, and the assessment tells them that they are entitled to a different composition, then that composition is provided for them, in points terms, from 1st January. That is why I had understood that is the date on which they are included on the list, so that you have the date of inclusion. That is when the process of assessment begins, and when the assessment is
220 made it is taken back to that date as the date from which they would have been entitled to start accumulating points in respect of that composition which they have been determined to be entitled to.

Hon. K Azopardi: Just for clarity, so I can understand the process, my hon. colleague has asked
225 how many people were on the housing waiting list and the hon. Member has given this information, but as I had understood the answer, it was not that there are 504 applicants on the ... This is not the pre-list, this is the list, so why doesn't the assessment process get done when you apply to get on the pre-list? If you fill in your form, as I had understood ... I am going to give the hon. Member the understanding that I had of the procedure, and if it is wrong, perhaps he can
230 clarify. I had understood that a housing applicant can fill in a form. You would submit it to the Housing Department. At that point, the person goes on the pre-list. (*Interjection by Hon. S E Linares*) Yes. If you are on the pre-list, surely the assessment gets done then. At some point after a period passes, the person passes from the pre-list to the actual housing waiting list, which is the statistic that my hon. colleague has asked for. He has given the figure 504, but surely the
235 assessment has been done by then. Is that not the case?

And secondly – I will just roll up the questions, so that he can answer them together – if that is not the case and there are two assessments, the assessment when you first ask to be put on the pre-list and then the assessment you pass on to the main list, how many of the 504 are actually active applicants for 1RKB?
240

Hon. S E Linares: First of all, Mr Speaker, if you are on the pre-list, you do not get assessed; you wait for a year. This was created by the GSD, by the way. You get on to the list, you wait a year, and then after a year you are assessed and you are put on a 1RKB and given 150 points in the letter. So, the official letter you get, once you make the application, is ... You make the application,
245 you are answered with a letter saying you are now on the pre-list for 1RKB, which is on the pre-list but not included here, and then you get 150 points. After the year, you are then put on the 1RKB with 150 points, and then you are assessed. Once you are assessed, you are put in whichever category or position you go into. If you have a family, four, five or even 15 children ... Obviously, if you have 15 children, I think you will go very much higher on the list because you would be
250 overcrowded. That is how the system works and has always worked, and we are actually reviewing the system to see if it is fit for purpose, quite frankly.

255 **Hon. K Azopardi:** I am grateful for that answer, for that clarification. Does the Minister have, then, the figure of how many of those people ...? Because five hundred and four cannot be people who are all pending assessment. Some of them will have been assessed and actually need a 1RKB, so how many of those actually need a 1RKB?

260 **Hon. S E Linares:** I have not got that figure because it has to be assessed. The figure might have been 2,000 or 1,000, but 504 are the ones that are now in the 1RKB. Those need to be assessed. They are in the position of being assessed. You could have asked the question how many are on the pre-list, and I could have given it, but the question has not been posed.

265 **Hon. Chief Minister:** They can ask you the question with a particular date and you can give it for that particular date, but it will change.

Hon. S E Linares: Yes, it will change on a daily basis.

Hon. Chief Minister: The same question to you.

270 **Hon. K Azopardi:** Mr Speaker, I do not think the hon. Member is understanding my question. It cannot be that there are 504 applicants who have not been assessed, surely. Some might have been assessed and want a 1RKB.

275 **Hon. Chief Minister:** Yes, that is true.

Hon. K Azopardi: And that is what I am asking.

Hon. D J Bossino: He does not have it.

280 **Hon. K Azopardi:** That is what I am asking: how many of those actually need a 1RKB?

Hon. D J Bossino: Or have been assessed?

285 **Hon. Chief Minister:** Mr Speaker, this is the point I was making to the hon. Lady before. He is asking exactly the same question that she asked; he is following her question and asking it again.

The point is this: that number will change because, every day, assessments are being done. And so he is right to think that number is a composite number, made up of both those that are actually assessed as needing 1RKB and those that are in the process of being assessed for a determination of whether they need a 1RKB or a different composition. But because the assessments are happening every day, it is one of those typical parliamentary questions where you need either to give us a date on which you want the answer, or we need to give you a date so that the answer we are giving you is correct.

290 I put it to the hon. Gentleman that if he were to put that question for the next meeting – and to the hon. Lady – with the date of the question, or ‘as at today’, or when we reply to it we say ‘as at today we are replying to it’, then he will be able to have the number, which is a moving feast, of those pending assessment and those assessed as requiring a 1RKB. If we were giving it on the day that the hon. Member got the number that he is giving, you should then have those two factors – the actual 1RKB assessments and those to be assessed, some of which may end up being one 1RKB assessments also.

300 **Mr Speaker:** We need to move on now. *(Interjection)* No, we need to move on now.

Clerk: Question – *(Interjection by Hon. E J Reyes)*

305 **Mr Speaker:** Yes, of course.

Hon. E J Reyes: Sorry, Mr Speaker, in Question 474 I used the plural. I wanted the number of applicants on the housing waiting *lists* – in the plural – and the Minister, in his answer, has alluded to, I think, *[inaudible]* The number on the pre-list is missing from the schedule he has handed out.
310 Does he have the overall number of people on the pre-list?

Hon. S E Linares: No, Mr Speaker.

Q479/2020

**Government rental homes –
Investigations and costs re unlawful occupation**

Clerk: Question 479, the Hon. E J Reyes.

315 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 302/2020, can Government update this House in respect of the outcome of the five investigations into illegal occupations of rental homes, together with individual corresponding details of the legal fees paid and to whom for each of these investigations?

320 **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 480.

325 **Clerk:** Question 480, the Hon. E J Reyes.

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

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

Hon. S E Linares: Mr Speaker, of the five cases of unlawful occupation, three were dealt with by the Housing Department, incurring no extra costs. Two cases are currently being investigated and costs cannot be determined yet.
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Hon. E J Reyes: Mr Speaker, I do not want to sound a bit silly, but in answering Question 480 he is confirming that there are only currently two, which happen to be leftovers from the other one – yes?

340 **Hon. S E Linares:** Yes.

Hon. E J Reyes: Thank you.

Mr Speaker: Next question.

Q481/2020

**Government rental homes –
Non-emergency repairs and outstanding works**

345 **Clerk:** Question 481, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 222/2020, can Government indicate to this House the date when non-emergency repairs will be recommenced in respect of rental homes, together with details of any special arrangements which may need to be undertaken in order to catch up with pending/outstanding works?

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

355 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, non-emergency works have already commenced. There is a significant pool of contractors who have been working tremendously hard in order to catch up on routine jobs, working through the more urgent jobs first. We are nearly there. I must remind the hon. Member that emergency works were exempt from the COVID regulations from day one.

360 **Hon. E J Reyes:** Mr Speaker, we have had some tenants saying that the Housing Works Agency has told them that they are only dealing with emergency repairs. The Minister has confirmed that they have started a programme now as well for non-emergency. Who is deciding the priorities for those that are not classified as high emergencies?

365 **Hon. S E Linares:** Mr Speaker, since this question was posed we have moved back to emergency works. Therefore, what has happened is that when this question was posed we were doing non-emergency works, but now, due to COVID again, we have had to restrict it to only emergency works. We were hopeful that during this time we could change again, back to having the companies working, and we would do it as and when. If the house is empty, we can get the companies in and do the work; but if there are people inside the House, how can we have people working, with masks and all the problems that COVID would bring with it? We are very cautious as to the work, and that is done by the Housing Works Agency itself. They decide, but they are restricted at the moment to only emergency works.

375 **Hon. K Azopardi:** Mr Speaker, can the Minister clarify when they went from doing non-emergency works to just emergency again?

Hon. S E Linares: If I remember correctly, it was last week.

380 **Hon. K Azopardi:** Last week, presumably because of the rate of COVID active cases and so on. Given that the rate of active COVID cases today is lower than it was last week, when would that decision be reviewed again?

385 **Hon. S E Linares:** Mr Speaker, the Housing Works Agency is dictated to by Civil Contingencies. It is Civil Contingencies who decide when we move from non-emergency to emergency, so the Housing Works Agency is waiting for the phone call to say 'Stop the works,' as in normal, 'and go back to emergency works.' It is not the Housing Works Agency's decision.

390 **Hon. K Azopardi:** I understand that; I was not saying it was necessarily a Housing Works Agency decision. When would Civil Contingencies review these decisions on a case-by-case basis?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has not understood what we were saying. The Civil Contingencies Committee does not review on a case-by-case basis the houses to be worked on; it gives direction to the Housing Works Agency as to what types of works they can do. The Civil Contingencies department is – as he knows, I think – in permanent session at the moment. There will be further meetings of the relevant COVID committees next week and the following week after that.

But I should say to him and to the whole community that the way we are expecting to deal with COVID over the autumn and winter period is not that if you have numbers go down, suddenly everything goes back to near normality. Numbers are going down because we are changing the posture, we are adopting the controls, and we need numbers to stay down.

He gives me an opportunity to deal with the point that, not just in relation to the Housing Works Agency but generally, when the numbers go down, no one should expect that we will simply remove restrictions. We will want to keep the numbers down. That assessment is an assessment that will be done based on ... He will have heard Dr Bhatti say on a number of occasions the raging fire is around us and we have to be careful that we do not suddenly see a surge in Gibraltar.

So, there will be a lot of factors involved, and we should not for one moment be creating an expectation in people, either wittingly or unwittingly, that if numbers go down on two days running, the measures that we have taken, which we hope will have the effect of bringing numbers down, are going to be undone.

Mr Speaker: Next question.

Q482/2020
Laguna Estate –
Completion of refurbishment works

Clerk: Question 482, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer given to previous questions, can Government provide updated details of when the refurbishment works at Laguna Estate are expected to be fully completed?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, further to my previous parliamentary answer, I am glad to say that we have practically completed the 34 blocks within Laguna Estate.

There are only two out of the 34 blocks that still have pending items, mainly electrical, which unfortunately, due to some tenants not co-operating, the GEA have been unable to complete. In addition, there is a third block which is practically and finally complete from the building element side of things, with only the lifts pending to be commissioned. These are programmed to be commissioned by the first week in November, i.e. next week.

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

Of those blocks that have been completed, I am told that there are quite a substantial number of snagging repairs to be carried out. Does the Minister have a hopeful completion date for that?

Hon. S E Linares: Mr Speaker, from the day the blocks are given to the Government by the contractor, it is up to the Housing Works Agency to go round and do what he calls ‘snagging’, but it has already been done. It is now a constant of maintenance that needs to be done. There are

issues of other things, workmanship that might not have been done properly, and therefore the Housing Works Agency is, together with the contractor, making sure that all these are done.

440 I am glad that I have people on social media who alert me about many other things that have not been done correctly, and it is good for us to know because then we can go and fix it, and that is exactly what we are doing. But we are working very closely with the tenants' association within Laguna Estate to make sure. I have already been to Laguna Estate four times to do recces, to make sure that all the works are complete.

445 **Hon. E J Reyes:** My question was does the Minister have a date by when, hopefully, the defects identified through snagging will be carried out – that was what I asked in the supplementary, Mr Speaker.

450 **Hon. S E Linares:** Yes, Mr Speaker, I am hoping by the end of the year the whole of the Laguna Estate will be complete. We are talking about then the commissioning of the lifts that I have mentioned and the electrical works that have to be done with the co-operation of certain tenants who do not want to co-operate, and that is a problem in itself. We are hoping that by the end of the year everything is complete.

455 **Mr Speaker:** Next question.

Q483 and Q493/2020
Housing rent arrears –
Amount outstanding since June

Clerk: Question 483, the Hon. E J Reyes.

460 **Hon. E J Reyes:** Can Government provide details to this House in respect of the total amount of housing rent arrears outstanding on a monthly basis for the months of June 2020 to the present date?

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

465 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 493.

Clerk: Question 493, the Hon. Ms M D Hassan Nahon.

470 **Hon. Ms M D Hassan Nahon:** At what level is the arrears on Government housing? How much is the total owed? What action is government taking to recover the debt? How many repayment agreements are in place? How many have defaulted?

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

475 **Hon. S E Linares:** Mr Speaker, the figures for the months up to and including September are available online.

The figures for October 2020: as per my previous answer on the same subject, the total amount of housing rent arrears owing in the month we are currently in can only be calculated once the month is completed. Therefore, the October figure cannot be provided just yet.

480 With regard to the action being taken, the Housing Department has an arrears strategy, which includes the setting up of meetings and repayment plans. Since the commencement of this

strategy, the Housing Department has entered into 697 arrears agreements, of which 306 have now been completed and tenants have fully paid their outstanding rent.

485 There are currently 391 agreements in place, of which 203 are defaulting in payment. Of these 203 tenants ... the Department is actively engaging with the tenants in order to rectify their position.

Hon. E J Reyes: Mr Speaker, the Minister, in his answer to my Question 493, has said that the figures for the months of June to September are available online. Those figures were not available
490 online at the time when I posed the question, therefore I think it would be only fair that I get an answer today.

Hon. S E Linares: Mr Speaker, I must not agree with the hon. Member this time. I have Table H.8, which he wanted, which I actually saw today, but it was updated on 7th October.
495 *(Interjection)* Yes, but the question was posed in September. I would not have the figures for September until the end of the month. If the hon. Gentleman had looked in the list, the September figure would not have been there – because he asked the question in September. Therefore, if he looked after September, the September figure, after September, is there. It was updated on 7th October.

500 What I am saying is it is there, and the one that is there now is even more updated, which is the September one. I cannot give him October because we are still in October.

Mr Speaker: Does the hon. Gentleman have that information?

505 **Hon. S E Linares:** Mr Speaker, I can pass him the sheet, which is what is on the website. I got it out for him today because I knew the question was coming. I have no problem with giving it to him.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask a supplementary: what debt recovery mechanisms is Government applying via the legal system in order to ensure some sort of enforcement for these arrears?
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Hon. S E Linares: As the hon. Lady knows, we have different strategies which have been working and will continue to work. As I stated in the answer to my question, we have 203 tenants with whom we are actively engaging, which means that we try and convince them to pay their rent, and if they do not, there are mechanisms – as we all know, taking off the garages and privileges that they might have – so that we are forcing them to pay. We try to extend as much as we can those strategies until ... It depends on how much the arrears are. If we do not, the consequences are that if we take legal action and they are evicted, that brings a lot of
520 consequences to us all, as in society, so we have to be very careful on how we deal with it. We will be dealing with it and I continuously will be dealing with it. We are thinking of other strategies that might come to the fore in order to obtain ...

We do believe that these arrears should be paid, and I think we all are in agreement that they should be paid, but it is how we do it and also the people who owe. We have to be very careful as
525 to who the people are. There are people who might be able to afford it and do not want to pay, but there are many who probably could not afford it – they are social cases; they are in situations where I will not be the Minister evicting them.

Hon. K Azopardi: Can I ask the hon. Member ...? I do not know if he has it in front of him, but one of the questions was how many repayment agreements were in place, and he gave a figure
530 for the repayment agreements. Indeed, he even said how many had been concluded – I think 697 arrears agreements, and so on. I appreciate that the Government would not have entered into arrears agreements in relation to every sum on that list of the schedule that he has just passed,

which is approximately £4.7 million in terms of arrears, but how much do the arrears agreements represent in terms of the £4.7 million, and how much is pending discussion with other tenants?

Hon. S E Linares: Mr Speaker, I do not have the information to hand – if he wants, he can specifically ask me the question – but the knowledge that I have is that, of the £4 million that is owed, as I stated in the answer to my question, we have made 697 arrears agreements, of which 306 have now been completed. That means that they have paid up. That is half. But also you must take into consideration the £4.7 million could well be people who owe six months, five months or four months of rent, and we chase them up, but then they come and pay the four months of rent. So, it is money that is owed which is not necessarily long-term arrears. So, the current arrears is that: there are long-term arrears, which is the one that we chase up, but then there are others who owe two months, and that is included in the £4.7 million.

Hon. D J Bossino: Mr Speaker, is the hon. Member able to elucidate and give us information as to what other strategies his Department and his Ministry are considering in relation to those who are defaulting? He mentioned other strategies.

Hon. S E Linares: No, I am not willing to disclose that now, because I am sure that it would not be right for me to do so until we tackle it. We might not be even legally entitled to do it. I might want to do it in some ways that might not even be legal, so I am getting together with the officials to see how we can do it in a legal way. We are not going to go to people with a gun to the head to get the rents, if the hon. Member understands.

Hon. Ms M D Hassan Nahon: Mr Speaker –

Mr Speaker: *[inaudible]*

Hon. *[inaudible]*

Hon. Ms M D Hassan Nahon: It is my question – gender balance.

Hon. *[inaudible]*

Hon. Ms M D Hassan Nahon: No, that is fine, don't worry.

From the research I have quickly done, the arrears have gone up in a year, between September 2019 and September 2020, from £4.709 million to £4.792 million. Is this something that the Government can justify, in terms of it increasing instead of decreasing as time goes by?

Hon. S E Linares: Yes, Mr Speaker, because that is precisely what I was explaining about people owning three or four months' worth. Because we have taken the counters off, and some people used to come and pay at the counter ... There is no counter now, so we have done it by appointment and this is why we are recouping the moneys slower, probably, but more efficiently, by asking them, 'Can you come in at such and such a time to pay rent?' rather than have the counter open and them coming at whatever time they want. It is actually a better strategy, because we are seeing that people are even coming to pay some in advance, as opposed to being in arrears, which is music to all our ears.

Mr Speaker: Mr Phillips.

Hon. E J Phillips: Mr Speaker, just one simple question, which has been helpfully expanded on by the hon. Lady when she talked about the figures two years ago. It will be recalled that this House had an extensive exchange on this question of housing arrears back in 2016, when it was

said by the former Housing Minister that arrears had peaked at £6 million – much to the annoyance of many in our community, in fact, and there was a lot of public debate about housing arrears. But in June 2017 it was said by the former Minister for Housing that there were 450 arrears agreements in place, which led to a 17% overall reduction in housing arrears to a total of a sum just under £5 million. That was in 2017. What appears to be the case here is that the arrears level is stagnating at that £4.7 million figure and we are no further forward than we were in June 2017.

I appreciate what the Minister says about families being unable to pay their rent and that arrangements need to be put in place, but quite clearly not working, if there were 450 arrears agreements back in 2017 and a similar figure now, the system for recovering those debts to the Government is simply not working, and the question that has been posed to the House is what is the Government doing about that. Subject to the concern that he has raised, that ‘I will not be the Minister who evicts people’, what is the Government going to do about recovering those arrears in a less hostile way, as the Minister just said, given the fact that we seem to be stagnating and gravitating around that £4.7 million figure?

Chief Minister (Hon. F R Picardo): Mr Speaker, on behalf of the Government and in respect of the public finances of Gibraltar, I think this is not a year in which we can make assessments about stagnation or otherwise. In other words, the events of the past eight months are such that judging the performance of arrears, or indeed anything else, against the backdrop of the past eight months I think is not to compare apples with apples.

We have a situation where the administration has almost ground to a halt because of the pandemic, let alone the fact that a lot of people who are our tenants have not been at work, or, if they have been at work, have not been earning what they would have been earning. So, I would say to the hon. Gentleman I think he needs to look at these numbers in the context of this year and not make a judgement against other years as if normal service had been resumed throughout this year. And so a judgement on whether or not arrears are increasing as he is suggesting I do not think can fairly be made for another 24 months.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

I have been following the discussion with interest. Could I ask the Minister: the numbers that have been presented ...? I believe he has made the point in terms of current debts versus historic debts, but can I ask him: does he actually have what we would, in accountancy speak, call an age-to-debt analysis of, for example, the £4.7 million, so that he would know how much is, for example, a year old, how much is six months old – or not? And, if not, would he be willing to obtain that information should we ask a direct question in respect of an arrears number in a particular month?

I think it would be helpful for the House to know, of this £4.7 million, how much has been outstanding for more than a year, so we get a sense of the stickiness of the number.

Hon. Chief Minister: Mr Speaker, I think we have shared that figure as it was at the time that the Hon. Member Mr Phillips referred to the wider debate that we had in respect of arrears. I agree with the hon. Gentleman and I think it would be a useful number to have in the public domain, so either by way of their asking a question at the next House which asks us for that aged analysis, or otherwise, I think it is a figure to be kept in the public domain so that people can look at how the numbers are being churned.

I think there is a lot of old debt there that, because it takes time to write off, we have not yet been able to write off. It takes time to write off because, as he will know, writing off requires the sign-off of the Financial Secretary, in keeping with certain accounting rules, which is then obviously going to be looked at by the Principal Auditor to ensure that all the right filters have

been gone through, and an element of that debt is therefore what we might call unrecoverable debt. I think we were in the process of doing all those things when other issues got in the way.

640 Can I just, Mr Speaker, before I sit down, congratulate the hon. Lady on having asked a question that has led all – I think – Members of the Opposition to follow with supplementaries?

Mr Speaker: Next question.

Q484/2020

**Senior citizens' residential blocks –
Revised warden facilities**

Clerk: Question 484, the Hon. E J Reyes.

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Hon. E J Reyes: Can Government furnish this House with details of its revised warden facilities being provided to all Housing Department residential blocks for the elderly?

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

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Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, in order to provide both cost savings and a better overall service, GJBS is providing warden duties for the four existing senior citizens' residential blocks, namely Bishop Canilla House, Charles Bruzon House, Sea Master Lodge and Albert Risso House, the latter of which was not serviced by GJBS but rather a security company. As a result of this change, the existing wardens, under the auspices of GJBS, providing a service to Bishop Canilla House, Sea Master Lodge and Charles Bruzon House, will be providing the same service to Albert Risso House.

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Hon. E J Reyes: And could I have the details of the service?

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Hon. S E Linares: Mr Speaker, the details are as has been there since Bishop Canilla House opened, which I think was when the hon. Member was a Minister, which is having two wardens from, if I remember correctly, 10 o'clock to eight o'clock in the evening from Monday to Friday. So, whatever was in Bishop Canilla, and has been in all the other pensioner flats, is now the case in the four.

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Hon. E J Reyes: Mr Speaker, I accept that the Minister is trying to be honest in his answer, but – for the sake of the parliamentary record – he says, 'I believe it was in place.' There is no record in this Parliament of what the arrangements are. Could I ask the Minister – if he does not have it with him now, I do not mind waiting patiently for a couple of days – could we have, please, something written, so it is not just hearsay what the facilities are, but we actually have a record that could be referred to at a future date? With your leave, Mr Speaker, can we negotiate on that?

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Hon. S E Linares: Mr Speaker, there is no need. I can tell the hon. Member that we have nine wardens, of which there are two in each and every single one of the pensioner flats, and one is a floating warden. The floating one replaces anybody who is on sick leave, and also, in the downtime, when everyone is in place, that warden goes round doing maintenance work. That is the regime that has been there over time. The only thing is that Albert Risso House was not included in this, and now is.

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Hon. E J Reyes: That is most helpful, Mr Speaker. Can we clarify the actual times? The Minister said before that he thought those were the times. Perhaps he has more specific details of the actual times when these wardens should be in situ.

685 **Hon. S E Linares:** Mr Speaker, it is from eight o'clock to seven o'clock ... no, eight to eight during the winter period, and eight to 10 p.m. in the summer period, from Monday to Friday.

Hon. E J Reyes: The Minister has said that is from Monday to Friday. Are there any provisions at all for the weekend?

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Hon. S E Linares: Security is in place, which has been negotiated with the tenants' associations, or the people in the pensioner flats themselves.

Hon. E J Reyes: And security is in place during exactly the same times, or do the times change on a Saturday and a Sunday?

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Hon. S E Linares: The same times.

Mr Speaker: Next question.

Q485/2020

Homes tendered for sale in 2018 – Details of those not yet sold

700 **Clerk:** Question 485, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of how many homes, inclusive of room composition, remain unsold from those that went out to tender in 2018, namely 104 at Europa Walks Estate, 30 at Trafalgar Heights, 10 at Naval Hospital Hill, five at Lake Ramp – that is in Buena Vista – and 12 at Prevost House and Phillimore House, together with confirmation that these homes are to be resided in by their respective owners and are not permitted to be sublet through hire, etc?

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

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Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the remaining ex-MoD properties that have not yet completed their purchase are as follows: Naval Hospital Hill, one four-bedroom House; Lake Ramp, two three-bedroom houses; Trafalgar Heights, nine three-bedroom flats; Europa Walks Estate, eight two-bedroom houses, five three-bedroom houses, and four four-bedroom houses; Prevost House and Phillimore House, 12 three-bedroom flats. These properties are sold for owner occupation. The terms of the under-leases do not allow sub-letting.

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Hon. E J Reyes: I believe, Mr Speaker, that those that remain are because those who were at first successful through the tender, for a variety of reasons may not have been able to complete and they have been going down the list and offering them to the next one on the list, and so on. Is the Minister aware if the list of those who reserved has now been exhausted and perhaps [*inaudible*], or is he still going through the list of possible successful tenderers – I take it as long as they meet the minimum reserved price the Government has set?

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725 **Hon. S E Linares:** Mr Speaker, I would like to emphasise at this point that it is not me or my
Department that does it or my department that does it – it is LPS that is doing the sales, through
GRP – so I do not have that information with me. The policy has always been that, yes, people
apply; if the number-one person or family cannot complete, then they go to the next one, and so
on. The way I see it is that they are going to carry on with the process because there are still
730 properties to be sold. There are still people on the list, so they should continue offering different
people different houses as and when they are rejected by one and then picked up by another.

Hon. E J Reyes: Yes, I fully understand what the Minister is saying. My question, which I may
not have explained clearly, is can the Minister ...? If he does not have it now, can he obtain the
735 information ... that those lists have not been exhausted, so they are still going through the lists,
because otherwise they would have to reissue for tender, or whatever? An update in that respect,
either now or in the next few days, would be extremely helpful to all of us.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the position with the flats that are not
740 occupied but have been allocated is exactly what the hon. Member has said. That is to say they
go to the original tenderer, the highest bidder. That person is given time to complete. If they are
not able to complete, for whatever reason, then they move on to the next one and carry on down
the list – and they are still going down the list.

The situation at Prevost and Phillimore is slightly different, because those are still, I believe,
745 occupied by the MoD. Although they have been earmarked to the highest bidders already, that
process has not commenced there.

Hon. E J Reyes: Mr Speaker, I thank the Deputy Chief Minister. That has certainly given me
clarity now that there is a distinction between Phillimore House and the others, and I think the
750 Deputy Chief Minister, in the best way he possibly can, has confirmed that they are still going
down the list.

Can I just ask the Deputy Chief Minister: is he aware that, due to the unfortunate delays in
some of these sales being completed, I understand he is not quite allowing a certain percentage
from the whole area? Let's take, for example, the Europa Walks Estate. The management
755 company cannot actually carry out certain works because, until they have x number of the houses
sold and, therefore, x number of shareholders, they cannot put it into effect. Can the Deputy Chief
Minister confirm that he is aware of the difficulty they are experiencing, and – because I know he
is a man who tends to keep a lot of his work – can he please help to expedite this as soon as
possible, because there are residents in Europa Walks who have been there for quite some time
760 and cannot progress with certain essential works that need to be carried out?

Hon. Deputy Chief Minister: Mr Speaker, yes, I am aware of the situation – that is to say that
the management company has not yet taken over responsibility – but I am also assured, on the
other side, that Land Property Services are very keen to hand over that responsibility to the
765 management company. I know they are working hard to be able to achieve that in the quickest
possible time.

Hon. S E Linares: Mr Speaker, I would just like to clarify from the previous question, because I
have realised that I had a supplementary sheet behind the question. It was to do with the timing
770 of the wardens, and I can be more exact because I would not like to mislead the House.

It says that there will be two wardens in each block. Only one warden will be on duty at any
given time, except for half an hour per day from 1.30 p.m. to 2 p.m. The offices will be manned
from 7.30 a.m. to 8 p.m. every day from Monday to Friday, and from 7.30 a.m. to 1 p.m. every
Saturday and Sunday, so it includes also Saturday and Sunday. Wardens would be there half an
775 hour ... and they will be opening the estate at 8 a.m., so they are there by 7.30 and opening by

eight. I think that more or less clarifies. I wanted to make sure that the House gets the correct ... because the hon. Member might find out that I am misleading the House, and I am not.

Q486/2020
Co-ownership housing schemes –
Illegal sub-letting

Clerk: Question 486, the Hon. E J Reyes.

780 **Hon. E J Reyes:** Can Government provide details of what actions it is taking against home owners within co-ownership housing schemes, who are illegally sub-letting their homes?

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

785 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, I am glad to say that our Government will not allow any Government-owned company, agency and/or authority to indulge in breaching the terms of any head lease. The contrary was the case during the time the hon. Member was a Minister of the GSD administration, where the Gibraltar Health Authority was allowed to rent accommodation in Harbour Views, amongst other estates.

790 Any breaches of the underlease of any estate should be tackled by the management company of the respective housing estate as the holders of the head lease. Property owners of these estates are automatically members of the management company, and therefore it should be incumbent on them to report this to the management company to take the relevant action against those breaching the underlease. However, as and when Government is made aware of any such
795 properties being sublet in contravention of the terms of the underlease, Government will liaise with the relevant management company with a view to any such breach being addressed accordingly.

Hon. E J Reyes: Mr Speaker, my understanding is that the contravention, of sub-letting the
800 house, goes against the rules set from the outset by Government, as the developer or co-developers. Why the shift in the responsibility for monitoring and policing that ... should now rest with the management company? I do not fully understand why legally it should now become the responsibility of the management company, even though the underlease may have been passed to them.

805 Am I correct in thinking that, despite whatever terms and conditions through which Government sold those homes in co-ownership schemes, if the management company were to turn round and say, 'We are now, through agreement with the shareholders, going to allow these houses to be rented out on the open market,' or whatever, that would be valid – or not?

810 **Hon. S E Linares:** No, Mr Speaker. How can that be valid if every purchaser has an underlease? There is a head lease, which is owned by the management company. Once the houses are done, the head lease passes to the management company, but as I said in the last sentence, if such properties are made aware to the Government, we will make representations to the management company and say, 'What are we going to do about it?' But legally it is not a responsibility of
815 Government; it is the responsibility of the management company to follow that up, because the sub-lease is being broken and the management companies should not allow the sub-lease to be broken. It is their responsibility and therefore ... But if things come to light to the Government, we will make representations to the management company to say, 'There are people renting places there, and they should not: what are you going to do about it?'

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Hon. E J Reyes: Mr Speaker, the Minister has confirmed that the responsibility lies with the management company. However, when you have areas like, for example, the Europa Walks – where the Chief Minister and I exchanged before and we are both equally keen that the management company get this up and going – in the absence today of a management company owned by the shareholders, I am being told ... I have not carried out a proper search because I do not have the legal authority to enter the premises, but I am being told that there are already those who are sub-letting out. What happens in this case? Where there is no management company, who will be responsible for trying to sort out whether illegal subletting is occurring or not?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has answered his own question. Because there is not a management company, the Government is still in control.

Unfortunately, I will say to him, it is not enough for us to hear from him, as he will accept, that this *may* be happening. He needs to give us a little more than that, so that we can determine whether it *is* happening and whether we can therefore act immediately to restrain those who are acting in that way, because that would be contrary to not just the spirit of the basis on which we sold those homes, but the price that we set for them.

I can tell the hon. Gentleman we would have sold those homes for up to two and a half to three times more than we sold them, if they had been available on what you might call the complete open market with the ability of acquiring them to rent them or to redevelop them. And so, what the taxpayer is not going to do is sit idly by while somebody pretends to purchase for owner occupation and then abuses the mechanism that has permitted them to buy for that price, and indeed, in that way, lets down the whole of the community.

If there is any evidence that this is happening, the hon. Gentleman needs to give us an indication of which property it is happening with, so that we can act immediately – and we will act immediately to even rescind the sale. We take it that seriously. We will rescind the sale. We will not stand idly by and see people abuse the opportunity that they have been given to become homeowners, at an advantageous rate, in a way that is just entirely unfair on all the others.

Hon. E J Reyes: I am very grateful to the Chief Minister for that clarification.

What I hope to do now, Mr Speaker, following that, is ... Those who are giving me that information, if I go to them further and am able to at least obtain an address more specifically, who would the Minister recommend I forward that information to for pursuing?

Hon. Chief Minister: Me, Mr Speaker.

Hon. E J Reyes: I look forward to doing that, and let's curtail this practice, which we both agree should not be happening.

Hon. Chief Minister: *If* it is happening, Mr Speaker, because we all know what people tell us, and then, when we check it out, it is not quite what they had wanted it to appear to be.

Hon. E J Reyes: Yes, Mr Speaker, the Chief Minister is right. We have been here long enough to know what happens between here and reality.

Q487/2020

Gibraltar Football Association – Memorandum of Understanding

Clerk: Question 487, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answers provided through previous questions, namely Question 149/2019 plus Questions 123 and 305/2020, can the Minister for Sport finally 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.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, unfortunately COVID-19 has delayed many items, with the memorandum of understanding between the Gibraltar Sports and Leisure Authority and the Gibraltar Football Association being one of these items.

The MoU has still not been signed, as the remaining points that are being investigated are yet to be finalised. Amongst these, the GFA have also continuously changed the start date of construction of the new stadium. The MoU also needed to be tighter when considering timeframes, i.e. the time between Lathbury being ready and the stadium construction. Discussions have also taken place in respect of other items, like the responsibility for stewarding and being caught up with events during the UEFA return to play issues.

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

I know the Minister is probably dying for this COVID thing to be over, to be able to get some of these things done.

The Minister has, in part, answered. I was a bit concerned that perhaps, because the GFA say that the works on the stadium are imminent and about to start ... Can the Minister confirm to us that we certainly hope to have the MoUs fully signed, sealed and completed before any of these works commence? It is, I think, a proper way of putting perhaps some pressure on the Gibraltar Football Association to have things done properly and above board.

Hon. S E Linares: Mr Speaker, the issue here is also, as I mentioned in my answer to the question, Lathbury. Everything is going to be done properly and finished. The hon. Member should not assume that the works are not going to be completed and be done properly.

The issue here is, as the hon. Member knows, we have not finished Lathbury yet. We are still using the Victoria Stadium. The GFA, yes, should start with their works, but that is not up to us, and COVID is not helping because they can play football, but then they cannot play football. There are protocols; they have to follow protocols. Who follows the protocols? How do we manage what is now their stadium? Who manages it? All these are the issues around the MoU, so it is virtually impossible to have an MoU together whilst we have COVID-19.

What we are doing with the GFA is work very closely with them, and I must admit that there is a lot of co-operation between the GSLA and the GFA, not only on this issue, which is part and parcel of the MoU, but other issues which will be in the MoU, which is COVID-19 now. How do we manage it? Who manages it? Who does the protocol? Who sits where? These are the issues that all the time arise whilst we have COVID-19. Therefore, having a signed document which then has to change due to our circumstances I do not think is wise at this moment anyway.

Q488-89/2020

New sports facilities –

Completion dates for remedial and completion works; repair to rugby pitch

Clerk: Question 488, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answers given to previous questions, namely Questions 1 and 308/2020, can the Minister for Sport update this House with details of which facilities still require remedial or completion works at all the newly built sports facilities, together with details of revised expected completion dates?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 489.

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Clerk: Question 489, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 125/2020, can the Minister for Sport confirm that the dip at the southern end of the rugby pitch at Europa sports ground has now been satisfactorily repaired?

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

Hon. S E Linares: Mr Speaker, as previously stated, the sports facilities are already in use at the Europa sports complex, notwithstanding COVID-19 restrictions and the current occupation of the facility by the GHA Nightingale Hospital as well as the Contact Tracing Centre.

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Items remaining to be completed at Europa are as follows. Small areas of the artificial turf remain to be completed and another small area is being repaired, as well as the cricket match wicket, which is defective and will be replaced. The specialist contractor was interrupted by the COVID-19 shutdown and is having problems arranging for a crew to return to Gibraltar. The renewable energy system is being tested and commissioned. Ball-stop netting has been ordered and is to be installed by specialist contractors. The large multi-purpose sports hall, which was converted into a Nightingale field hospital, will be restored when no longer required by Civil Contingencies. Remaining external items, including the bin store and University wall, are progressing and are expected to be completed before the end of the year.

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Since recommencement of the construction works at the Lathbury site post-COVID-19 shutdown, works have continued, albeit hampered by emergency measures, as well as the lack of availability of external contractors in Gibraltar. Outstanding works are as follows. Repair and completion of the athletics track is dependent upon the return of the specialist contractor. Similar to the Europa works, the contractor was interrupted by the lockdown and is having problems arranging for a crew to return to Gibraltar. Fitting out and finishing of the pool hall and ancillary buildings, including changing rooms and offices, continues. The specialists fitting out the swimming pool have now returned to Gibraltar and are progressing with their installations. External works, including roads, public parking, landscaping, pavilions, storage and café buildings, are all also progressing. Please note it is difficult to commit to times for completion of these works due to the uncertainty of availability of external contractors in Gibraltar, which continues to be a concern.

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In respect of the repairs to the dip at the southern end of the rugby pitch at Europa sports ground, work was about to start in March this year when the COVID-19 emergency was declared. Indeed, the specialist contractor's labour, equipment and materials were already on site and ready to start when they were forced to leave Gibraltar. Due to continuing difficulties with travel since the relaxation of lockdown, it has not been possible for the specialist contractor's labour to return to Gibraltar. Although no travel dates have been agreed due to COVID-19 restrictions, the contractors have plans to return in November.

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Hon. E J Reyes: Mr Speaker, the Minister has obviously given us the reasons. It is unfortunate, I think we can all agree, that COVID-19 has set back certain works to such an extent, and I understand that we are trying to get this up as soon as possible.

970 Mr Speaker, may I ask you, with your leave – because it is the end of October now and if I were to wait a full six months then we are talking about almost the summer period – would you perhaps be flexible enough to allow me, in three or four months’ time, to pose a question to ask the Minister if we have a further update, so that we can take stock of what the COVID situation is then?

975 **Mr Speaker:** The matter is sufficiently important for you to be allowed to submit a further question in three or four months.

Hon. E J Reyes: I am most grateful, Mr Speaker.

980 **Chief Minister (Hon. F R Picardo):** If I can be of assistance to the hon. Gentleman, we would happily take that question, but in any event, as long as he formulates it slightly differently, he will be able to. If he asks whether there is an update to the position set out in answer to Question 489/2020, that question could not have been asked before the answer to Question 499/2020 had been given.

985 **Clerk:** Question 490, the Hon. Ms M D Hassan Nahon.

Mr Speaker: There is a supplementary to come from the Hon. Damon Bossino.

990 **Hon. D J Bossino:** Mr Speaker, on Question 489, the Hon. the Minister says that the specialist contractors are expected here at the end of November, or maybe in November. Can he tell the House when he expects that those repairs will actually be completed, everything else being equal?

995 **Hon. S E Linares:** Mr Speaker, as far as I am concerned, they are supposed to be coming ... or trying to make their travels, because again it is all to do with COVID and how they get here. They say that they want to be here by 9th November. I am being specific here because we only had meetings a couple of days ago. Again, the hon. Member can tie me to that date, but it is not me, it is COVID that decides whether they come on the ninth or not.

1000 They do have a programme of work. They want to come around the ninth to complete the works because, as I stated, most of the machinery and the materials are here. They are the specialists and they can come and do the works, but we need specialists from Germany, from Croatia and from France. These are people who are specialists in what they are doing, and therefore we are hoping that they can get the team together to come around 9th November and complete the works. This is what they are telling us. I would not want to be held ... If they cannot
1005 come, then the works cannot be finished, and that is where we are at the moment.

So, I am quite optimistic that hopefully by at least the end of the year, if not the end of January ... because there is another caveat here – contractors do not work during Christmas, and therefore it might get to a point where all the teams come here and they finish and they have to go home for Christmas. *(Interjection)* And it is also weather dependent, because the track is
1010 dependent on whether the weather is humid, dry, wet ... raining, sunny. It all depends on this, mainly the track, not so much the artificial turf. The artificial turf is different, they can lay it out, but the track is very specific and therefore we do have a programme with works. I am keeping my fingers crossed that they can come and they can complete.

1015 **Hon. D J Bossino:** Mr Speaker, if he could be helpful to me – as I said, everything else being equal, subject to the weather, COVID and all the rest of it, can I glean from his reply that the expectation is that this will be ready by December 2020/January 2021?

Hon. S E Linares: Yes, that is the desired date. I would have liked it to have been way back, but that is the desired date.

1020 Again, even if we had it ready tomorrow, there are still issues with the Victoria Stadium and the moving and all that sort of thing. I just desire that it will be complete. I am the one who is most keen to see the whole thing finished.

Mr Speaker: Next question.

Q490/2020
Housing –
Comprehensive review

1025 **Clerk:** Question 490, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When will Government carry out, or is Government currently carrying out, a full, comprehensive review of housing need, to be able to inform a revised development plan and create a long-term housing strategy for our whole community?

1030 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the Government is continuously carrying out this review. Some of the long-term plans have been the construction of affordable homes as well as the construction of the purpose-built flats for the elderly.

1035 It is expected that once the allocation of the new wave of affordable homes and elderly flats is completed, we will have a clear view of the remaining core, which will allow us to tackle this with clear knowledge of what is required, looking forward.

1040 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Gentleman for his answer.

It seems, when he says it, it is a continuous review; it is not some kind of purpose-built report that we can sort of keep into the future to shape the ever-changing housing needs of our community. Will there be some kind of solid report that the Minister will be able to share with the community, to give us an idea of what its vision is for the future? He speaks a lot about housing for buyers, but not so much for the actual rental market and how that is going to shape in the future.

Hon. S E Linares: Mr Speaker, this is a debate that we had in June last year. This debate has gone through the whole issue of how we, as Government, view our housing policies.

1050 I repeat what is in my answer: once we have completed how many people are buying affordable homes, that will determine a lot on the availability of rental accommodation, because there are different categories that we give priority to. First, people who release rental accommodation. There will be a core of people, who are pensioners, who live now in rented accommodation, and, quite frankly, some of them live in quite big houses – 4RKBs and 5RKBs – and once we offer them a pensioner flat, they will release those. Then we can tackle the housing lists. Be that as it may, once we do that exercise, we will be in a position to see what the needs are from then on.

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So what I am saying is that we need to wait. We do not have to wait for the houses to be complete. We will have to wait to see how many people buy, and see the composition of what they want and what we sell, to do with the housing list. There might be some people who live with their parents and want to buy, and therefore, if they buy and they have also been on the list wanting a house or rented accommodation, they will be suspended, to wait for their houses.

It is all these combinations which will determine how we look at the housing in a couple of years' time.

Hon. Ms M D Hassan Nahon: Mr Speaker, does this mean that once these estates are sold or taken up, the Minister will commit to a new, concrete review, with the new parameters as they will be? Will that be a commitment that he will give us?

Hon. S E Linares: Mr Speaker, every single day, I am committed. I am saying I am continuously reviewing. The hon. Lady says 'commitment' – of course we are committed. My commitment is not to see a single person on the housing list, if I can. That is my commitment. Our commitment is to try and not have anybody on a housing list waiting for a house, but we have to be realistic. It changes all the time, because people's circumstances change. People divorce, people marry, children are born. It is a very live issue. Circumstances in housing change from day to day, every time somebody applies – then, the next day they say, 'Excuse me, I have just divorced my wife and now I want another house.' All this is a very live issue and what I am saying is that we will be able to assess, at least at the time when it comes to selling all the affordable homes, to say let's take stock – excuse the pun – of where we are with the housing, and then we will decide future policies.

Hon. E J Phillips: Just one question arising out of the hon. Lady's question and the answer by the Hon. Member. It is quite clear that the housing needs of our community are very complex. There is huge demand for affordable housing, demand for owner-occupier and for rental. We have heard today that, insofar as the ex-MoD properties are concerned, there is a difficulty in selling them, because they were announced two and a half years ago and they have not been snapped up, as the Government, I assume, would have liked insofar as moving people into them.

But on the overall Government strategy question that was asked by the hon. Lady, is it the Government's overall strategy to try to move as many people as possible into co-ownership in our community, given what he is trying to do insofar as rental stock is move elderly people occupying those properties? I just would like to have a bit more information about the Government's overall housing strategy insofar as creating more opportunities for people to buy, and whether the strategy is to move people into co-ownership.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think it is important that I refer hon. Members to the fact that just over a year ago we had a debate about this in front of the whole electorate, and we set out our strategy in that respect. Our strategy is clearly that those who can afford to buy should buy. I think the position is as clear as can be that we believe we should be making available property for rent for those who are unable to buy, as long as we are also able to provide property at affordable prices which people can buy – and we are not going to change that position.

I think the hon. Lady and the hon. Gentleman, in my view, a moment ago were in quite violent agreement about the fact that an assessment about the housing needs of our community can only really be done when we have got through the sales – not necessarily the handing over, as the hon. Gentleman said – of all the affordable housing that we are putting on the market now.

I would simply want to say to the hon. Gentleman that I do not agree with him that we have had a difficulty selling the MoD properties and that they have not been snapped up. The hon. Gentleman might be entitled to take that view if we had not had so many more applicants for the MoD properties than we had properties. We did have a lot more applicants than we had properties. Unfortunately, some of those who wished to snap up those properties have not been able to do so; or, indeed, it might appear to be that, but in some instances what is happening is

1110 that people who were going to buy an MoD property have decided that instead they want to buy one of the new properties – because they are prepared to wait for a little longer, they have decided to do that instead.

1115 So there is an element of allowing people to make the best choice for their family, which means that the Government is then not selling as quickly as we had expected to. We do not need to sell quickly; we want to sell right, and we want to sell to the right family composition in the right way, so that we work through the housing list better and we ensure that we are providing for Gibraltarian families, going forward, in the best possible way.

1120 This is a complex, non-binary issue, where you are not just dealing with a vendor or a developer who is putting properties on the market and needs to sell them quickly to pay off his development finance. Luckily, the Government is working a different way, trying to ensure that we provide for the needs of the community in a way that is the most effective to ensure that as much housing is available to as many people as possible in a way they can either afford or they can rent, if they need to rent.

1125 **Hon. E J Phillips:** I am grateful for the Chief Minister's intervention in relation to that question. What confuses me is that if people are putting in offers to purchase MoD tendered property, and then they take a view further down the line that, 'Actually, I might hang on for Bob Peliza,' for example, it strikes me that what we are trying to achieve here is to allow people to buy at the right price and to accommodate family composition, as the Chief Minister said, but really, if
1130 someone could afford to buy an MoD tender, for them to then reassess their position because it might be cheaper to maintain a house that may well go to a couple who might not be able to get the tender in the first place ... I am just wondering how that works through in the minds of the Government when they are assessing the real need of families who would otherwise have been able to buy a tendered property.

1135 **Hon. Chief Minister:** Mr Speaker, I think he is making sweeping assumptions. For example, there are ex-MoD flats available where the amount that you might have expected to receive at tender and the value of 100% of a Government property, not 50% on the affordable side, is more or less the same. So there are those issues, and there are other issues about people not being able to obtain a mortgage or not being able to sell their properties, or having other life-changing events.
1140

The hon. Gentleman has seen the numbers that we have given of the properties that have not completed. He has not asked for the other number, which is the number that have completed, and that is many hundreds. I would say it is fewer than 10% that have not completed. Prevost and
1145 Phillimore have not completed because they were being held over by the MoD as Britannia House while they were building a new Britannia House at the Airport. I think if the hon. Gentleman sees it through that filter, sees the numbers in that way and makes a reassessment of what he has said, he will understand that actually things are moving as we expected them to move.

Q474/2020

Housing waiting lists – Supplementary question

1150 **Mr Speaker:** The hon. Gentleman wishes to table a supplementary, I think.

Hon. E J Reyes: Yes, Mr Speaker, thank you for allowing that, because you allowed me before to come back with supplementaries on my previous question, which was Question 474, which the Minister answered with a schedule and you kindly allowed me to ask him later.

1155 In the Minister's answer, he says that further information in relation to dates can be obtained
on the Government's statistics page, housing, Table H.1, because my question requested that he
provide the date when the applicants first joined the waiting list. I have a copy of Table H.1 as
updated on 7th October. There is the number of applicants breakdown, which is what I was asking,
but it does not give me any indication of the dates when they first joined the list. I am wondering
1160 whether the Minister has that information today, or whether he can provide it later, across the
floor of the House, so it is attached to his answer. If I just left this schedule in the answer, one
would presume that the information is there, when it is not, and we want the record to be
complete.

Hon. S E Linares: No, Mr Speaker, I do not have the information the hon. Member is asking for,
1165 but I can go back and obtain it for him, if that is possible.

Hon. E J Reyes: I appreciate that.
Thank you, Mr Speaker.

1170 **Mr Speaker:** Next question.

Q491/2020
Government rental homes –
Properties tenanted but unoccupied

Clerk: Question 491, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What number of Government properties are tenanted but
unoccupied? (1) How many of these are in the process of repossession? (2) How many are in the
1175 early stages of investigation? (3) How many calls have come into the Government's dedicated
hotline since 1st January 2020, and how many are now under repossession proceedings?

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

1180 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Housing
Department is aware of four flats that are tenanted and currently unoccupied. All four of these
are in an advanced stage of investigation and are in the process of repossession. There are none
in the early stages of investigation.

1185 The Housing Department's hotline has received a total of 21 phone calls relating to tenanted
unoccupied flats since 1st January 2020. None of these are under repossession proceedings, as
these have either been unfounded reports or appropriate action had already been taken by the
Department.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer.
1190 What is the average length of time it takes for a report, from when it gets submitted to the
Housing Department by either a member of the public or a housing officer suspecting a property
is not in regular use as per the requirements of the tenancy agreement, to an investigation or
deeper review being conducted or instigated?

1195 **Hon. S E Linares:** Mr Speaker, there have been 21 phone calls, and as soon as we get the phone
call the investigation starts. For example, if somebody on the hotline gives us the address, we go
immediately to see the address they are talking about. It is in our interests to have any empty flat
given to a tenant to lower my housing list. It is unfortunate that we only get 21 calls. I wish we got

more, so that people can then highlight empty flats that are unoccupied and see whether they are genuinely empty flats.

There might be empty flats that we are turning over. There are flats that are given to us and we have to repair them and then give them to the next tenant, again depending on the condition of the flat, depending on how much time it takes. But if there are empty flats because people are living abroad or misusing them, or whatever, it is in our interest ... That is why we have the hotline. As I said, it is unfortunate that we only get 21 calls; I wish we got more.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank him once again for his answer.

Also, once the eviction has taken place, can we have some kind of average number of days or months between the eviction and when the property can actually be returned to the Government's housing stock in order to float it out to the next person on the list, some kind of idea of the time – months, weeks, days?

Hon. S E Linares: Mr Speaker, it is virtually impossible to do that. We do not know the condition of the flat. Once we repossess a flat, an assessment is done on what is needed to be done inside. Therefore, how can anybody say, 'I get this flat and within a week I can give it away'? Maybe the flat has a lot of issues – dampness, or it might have been shut up for a couple of months or a year. *(Interjection)* Yes. There is no average. Every single house has a different time that it takes to churn, so we cannot average how long it would take from repossession of the house to giving it to somebody else.

Hon. E J Phillips: Just one hopefully simple question and answer to that question. Insofar as part (3) of Question 491, the Minister said there were 21 calls, of which some were unfounded, and, in relation to the others, appropriate action was taken. Am I right to say that, of the number where appropriate action was taken, they were well-founded complaints made by people on the telephone and therefore appropriate action was taken? And how many of those were well-founded complaints?

Hon. S E Linares: I do not have the exact number. There were 21 calls, and the repossession proceedings ... As these were either unfounded ... They were empty for a reason – that is the unfounded ones – and with the others, the Department goes there and says, 'This is one that we are churning, that we are working to turn over,' and it could be that the contractors are coming in two days' time to start the works for the next tenant to come in. So it is very difficult to know exactly. It is the turnover, and it depends ... Everything is individual. You cannot assess it.

Mr Speaker: Next question.

Q492/2020
Housing stock –
Pre-war properties

Clerk: Question 492, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Given that the pre-war property rent cap is directly responsible for poor-quality housing and numerous empty properties across Gibraltar, while hundreds of people are in housing need awaiting affordable accommodation to rent, when will Government complete its review of this situation and facilitate the return of these pre-war rentals to the private rental housing stock?

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

1245

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the Housing Act 2007 is currently being reviewed and we are making good progress. The matter of controlled rent falls under Part 2 of the Housing Act 2007.

We are working very closely with relevant stakeholders such as private landlords, the Landlords Association, Action for Housing as well as the Rent Assessor. All going to plan, I envisage that this review will be completed by the end of March 2021. There has been a delay, due, again, to COVID-19.

Hon. Ms M D Hassan Nahon: Mr Speaker, is the Minister able to highlight any of the review findings so far, by any chance? Is there anything notable that we can understand, so far? He talks about a good relationship and he is collaborating with landlords at the moment – are any arrangements being put in place in order to generate a better variety of decent-quality rental at the moment, as things unfold in terms of this review?

Hon. S E Linares: Mr Speaker, the way I am proceeding is I am asking all the tenants' associations, Action for Housing, the landlords, whoever ... They are submitting suggestions as to what they think we should do in Part 2. That does not mean that the Government is going to actually implement what they are saying, but I am in the process now ... As I said, we worked really hard on Part 1, which mainly deals with all the public housing. We went through, clause by clause, looking at the Housing Act 2007. I was going to start Part 2 when the issue of COVID lockdown, and all that, happened. Unfortunately, also it is very difficult for us to obtain legal help, because of COVID-19; many lawyers are working on Brexit and COVID-19. Therefore, we have stopped it for a while, but I am in the consultation process. Only a week and a half ago, I met the Landlords Association, and I have been meeting other landlords independently. My office is always open to suggestions from landlords and Action for Housing, whom I met last week as well and they are giving me suggestions on how they see ... There are two sides to this coin and it is difficult to see ... All I am doing is getting representation from all of them, in order to then go through, clause by clause, Part 2, to see how we can improve the situation.

Mr Speaker: One final question.

Hon. E J Phillips: Yes. I note that the former Minister for Housing announced that they were conducting a review, back in June 2018, of the Housing Act 2007. Is the Minister quite honestly saying that he has only managed to review – or at least at this stage, from 2018 to now – Part 1 of the Housing Act, and he is now moving quickly to Part 2?

Hon. S E Linares: No, Mr Speaker, I started the review from scratch. The previous Minister did a lot of work on the Housing Act. I inherited the work that had been done, and then we went through it again because some officers left and she was no longer the Minister. I got the whole Act, and I thought I would start with her views and all the views of the lawyers she had engaged to do the review, in order to start again. That is why I think, in a way, we worked very hard to do it. I was Minister from October, and by December/January we had already done Part 1, so there is no delay at all. We worked really hard to get Part 1 done. Part 2 is the one that has been delayed due to COVID, and I cannot do much about that. So, I am telling the hon. Member that I am very happy that we have done Part 1 pretty swiftly and now we are going to move to Part 2.

Mr Speaker: Next question.

EMPLOYMENT, HEALTH AND SAFETY AND SOCIAL SECURITY

Q494/2020

**Notices of Termination of Employment and Terms of Engagement –
Numbers filed since December 2019**

Clerk: Question 494, the Hon. E J Phillips.

1295 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of Notices of Termination of Employment filed with the relevant authority for every month since December 2019 to present?

Clerk: Answer, the Hon. Minister for Employment, Health and Safety and Social Security.

1300 **Minister for Employment, Health and Safety and Social Security (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 495.

Clerk: Question 495, the Hon. E J Phillips.

1305 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of Notices of Terms of Engagement filed with the relevant authority for every month since December 2019 to present?

Clerk: Answer, the Hon. Minister for Employment, Health and Safety and Social Security.

1310 **Hon. P J Balban:** Mr Speaker, the total number of Notices of Termination and Terms of Engagement forms filed with the relevant authority for every month since December 2019 to present is as follows.

Notices of Termination: January 1,175, February 1,021, March 882, April 361, May 486, June 466, July 697, August 1,514, September 1,224.

1315 Terms of Engagement: January 932, February 798, March 800, April 265, May 342, June 878, July 738, August 533, September 845.

Monthly statistics for Notices of Termination and Terms of Engagement filed with the Department of Employment are available online on the Government website. It should be noted that these figures relate to documentation filed within this period, of which many may not pertain to the calendar months in which they were filed.

1320 These figures are not a measure of employment growth or decrease. Between January and September of this year a total of 7,420 new contracts of engagement were registered with the Department of Employment, reflecting a total of 862 more jobs created than contracts terminated during the same period. This, therefore, demonstrates that in the first nine months of 2020 the number of jobs created was 12% higher than the number of jobs lost. Gibraltar and its economy continues to see the number of people in employment grow, despite these difficult times.

1330 **Hon. E J Phillips:** Mr Speaker, the Minister has helpfully gone beyond the remit of the question, to make the point, of course, that there were over 7,000 more contracts registered at the relevant authority. Does he have the figure for the Notices of Terms of Engagement during that same period, the first nine months of the year? He has said 7,420 – he has handed that figure to me now – but I wonder whether he has, conversely, the figure for terminations.

1335 **Hon. P J Balban:** No, Mr Speaker, I cannot see that figure here.

Chief Minister (Hon. F R Picardo): Mr Speaker, from the answer I see, which is the one that has been provided, I think the hon. Gentleman simply needs to take 862 away from 7,420.

Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES AND PUBLIC UTILITIES

Q496/2020

Water supply –
Energy cost of production

1340 **Clerk:** Question 496, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the energy cost – kW used – to produce a year's supply of water for Gibraltar?

1345 **Clerk:** Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, the hon. Member will be delighted to learn that today we use less energy for the production of water than ever before, and we fully expect this trend to continue. Similarly, the cost of such fuel is also reducing year on year.

In 2015 we consumed a total of 10,393,553 kW at a cost of £1,340,768. In 2019 we consumed a total of 8,554,607 kW at a cost of £1,103,554. This has led to a decrease in energy consumption of some 28%. I am sure the hon. Member will welcome this.

I now also provide him with the details for each of the years 2015-19 inclusive.

1355 I have to say, Mr Speaker, as I pass the information, that although it is my privilege to stand and give you this good news today, it is obviously due to the work of my predecessor, the Hon. Prof. John Cortes, and the Chief Minister, who introduced this new plant, giving the Authority the ability to make the cost and energy savings I have just described.

Answer to Q496/2020

Year (Jan-Dec)	2015	2016	2017	2018	2019
Total Energy Consumption (kWh)	10,393,553	9,656,151	9,440,216	8,662,385	8,554,607
Total Energy Cost (£)	1,340,768	1,245,643	1,217,788	1,117,448	1,103,544
Total Production (m ³)	1,515,360	1,524,730	1,605,236	1,698,587	1,732,177
kWh/m ³	6.86	6.33	5.88	5.10	4.94
£/m ³	0.88	0.82	0.76	0.66	0.64

kWh/m ³ Change from 2015 to 2019	-28%
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Q497/2020

Global Forum on Transparency and Exchange of Information for Tax Purposes –
Government intentions following OECD review

Clerk: Question 497, the Hon. D J Bossino.

1360

Hon. D J Bossino: Can the Minister for Financial Services state what measures the Government intends to introduce following the review conducted by the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes?

1365 **Clerk:** Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, first of all, I would like to take this opportunity to restate how delighted I am with the rating 'largely compliant' that was achieved following this latest in-depth review. This is the third review carried out by the OECD, and each time we have retained the same rating.

1370 I cannot stress enough how much work goes into the preparation of these reviews, which are hugely detailed and require constant interaction with the evaluators as they probe our systems for effectiveness. I would therefore once again like to thank the Finance Centre Director, James Tipping, and the Commissioner of Income tax, John Lester, and their colleagues for all of their efforts in this process.

1375 As regards future measures that may be introduced, the hon. Member will be aware that OECD reviews include recommendations for action. These recommendations are contained both in-box and in-text and represent globally agreed standards. As we have done with previous reviews, therefore, the Government is currently reviewing the recommendations contained within the latest review with the intention of actioning them. This is critical to our success at the next
1380 evaluation.

Hon. D J Bossino: Mr Speaker, this is precisely what I would like the Minister, if he can, to be more specific about. Is he able to provide us with more particulars as to what it is the Government is looking at in order to respond to the recommendations made by the peer review and hopefully reach a 'compliant' assessment? (*Interjection by Hon. Chief Minister*)
1385

Hon. A J Isola: Mr Speaker, to be in a team with, as the Hon. the Chief Minister has just alluded to, the United Kingdom, Germany, France and many other countries rated as largely compliant ... It is a club that I think we are happy and aspire to continue to be a part of.

1390 The report is a 123-page document which delves into enormous detail, both in-box and in-text, as I mentioned in my answer, with suggested recommendations which we should be considering, and that is exactly what we are doing. The introduction of these changes and the recommendations that we will take up actually do not happen quite as quickly as I think the hon. Member is inferring. They take a considerable period of time, in tandem with the work of the
1395 regulator, ourselves, and indeed the private sector, whom we consult with, as we will these recommendations, many of which will actually involve legislative change.

So this is a long-term process. We are not ready to go into detail now and tell the hon. Member which are the ones we will and which are the ones we will not. This is an ongoing process in order to ensure that in three or four years' time we are fully up to speed and ready for the next
1400 recommendation. None of the recommendations envisage immediate action, and therefore that is what we propose to do, as I mentioned in the answer to the original question.

Hon. D J Bossino: I am grateful for the Minister's helpful reply and understand that he cannot give me a particular timeline in relation to specifics, and he cannot even provide me with specifics as it is something that is an ongoing process. But in relation to that specific reply, as he will know, in paragraph 8 of the executive summary it states:
1405

A follow-up report on the steps undertaken by Gibraltar to address the recommendations made in this report should be provided to the peer review group no later than 30th June 2021 and thereafter in accordance with the procedure set out under the 2016 methodology.

Is he not bound by that particular timeline? Perhaps I have misunderstood.

Hon. A J Isola: Mr Speaker, we comply with all the timelines that the OECD sets us. The initial
1410 response by June is actually a reaction to what we view their recommendations as stating and our intention. At that stage we give intentions, nothing more than intentions, in terms of what we will be doing during the next period, and that is what we will do. Of course we will comply with the OECD report in its entirety. I am not quite sure what the hon. Member was asking.

1415 **Hon. D J Bossino:** Mr Speaker, would the hon. Member be willing to share that report, setting out the intentions that the Government is intending on embarking upon in response to the OECD peer review report?

1420 **Hon. A J Isola:** Mr Speaker, I am happy to consider that, and I will be happy to speak to the hon. Member once I have taken advice from the team, particularly now the Commissioner of Income Tax will be moving the OECD recommendations forward.

Mr Speaker: Next question.

Q498/2020

**Review of Development and Planning Commission –
Conclusions and recommendations**

Clerk: Question 498, the Hon. D J Bossino.

1425 **Hon. D J Bossino:** Can the Minister for Planning state whether the review of the workings of the DPC has been conducted; and, if so, what its conclusions and recommendations are?

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

1430 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, we have commenced with a review of the Planning and Building Control Departments and will proceed thereafter to the DPC. At this stage there are no conclusions or recommendations.

1435 **Hon. D J Bossino:** Is the hon. Member able to provide me with a timeline as to when he thinks he will be able to have those recommendations and conclusions available to him?

1440 **Hon. A J Isola:** Mr Speaker, I am not sure what recommendations the hon. Member is hoping for, but of course the review will be completed during the lifetime of this Parliament and I fully expect his conclusions and recommendations to be implemented by that time.

Mr Speaker: Next question.

Q499/2020

**Online Government services –
Improving customer experience**

Clerk: Question 499, the Hon. Ms M D Hassan Nahon.

1445 **Hon. Ms M D Hassan Nahon:** Is the Minister for online and digital services willing to commit to focusing on improving the customer experience when dealing with online Government-related matters by providing quick and easy links to feedback forms on each page of the website and by committing to a tailored reply within 24 hours?

1450 **Clerk:** Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, yes, sir. The Government will be providing a customer service facility which will be embedded within the gov.gi portal.

1455 The support facility will allow users to raise issues online with Departments directly. The support facility will encompass all modern forms of working, including text, mobile, phone, email, live chat and social media. During normal working hours, we expect interaction to happen during the course of the day. Any interaction outside working hours will be dealt with the following working day or as soon as possible thereafter.

1460 **Hon. Ms M D Hassan:** Mr Speaker, I thank the Minister for his answer.
I may have missed it, but did he give us a date by when this will be active up and running?

1465 **Hon. A J Isola:** Mr Speaker, that was not in the question, but obviously the facilities will be coming online with the first major new service – the Employment Department – and two other Departments coming along very shortly afterwards, within the next month. In terms of the support services that you referred to, those will come with them, but in respect of all the other services, ‘during the lifetime of this Parliament’ I believe is the safest answer to give.

1470 **Hon. Ms M D Hassan Nahon:** Mr Speaker, a supplementary, which obviously the Minister may tell me ... I do not know if it is allowed or related, but I am going to ask anyway and he can tell me.
Regarding the status of the Digital Enterprise Resource Planning Platform, which was hailed in its time as a quantum leap for Government at successive Budget speeches, we know that it has been outsourced and it cost up to £6 million last year. Is there any way that we can have an update on this service to the taxpayer?

1475

Mr Speaker: The Hon. Minister does not have to answer that question.

1480 **Hon. A J Isola:** Mr Speaker, as I have just mentioned, within the next month I expect the first of those services, the Employment Service, to be launched to the public. Thereafter, I would expect Tax and the GHA to be the two Departments that will follow quickly on as we continue to work through all the other Departments.

At the same time as I say that, the hon. Member may be interested to learn that during this COVID period, over 7,000 uses have been made of what we call the basic e-services, with fees paid in excess of £150,000 during that period. So there is no question that people want to use these services, and as we continue to roll these out there will be more and more take-up amongst the community, and so I am pleased to see that.

1485

Mr Speaker: The Hon. Roy Clinton.

1490 **Hon. R M Clinton:** Thank you, Mr Speaker.

If I could pick up on a theme the hon. Lady in her question talked about, focusing on improving the customer experience when dealing with online Government-related matters, and if could bring to the Minister’s attention to the e-Government service for the renewal of GHA cards, which I had the – (**A Member:** Pleasure.) well, I had experience of using in September ... The process is simple enough, but once you press the button you do not even get an acknowledgement of receipt. You do not get a number. You do not get any kind of information saying, ‘This is the expectation ...’ you will get something within eight weeks, an email – the process. There is absolutely nothing that happens once you press the button.

1495

I called the Department and they said there is an eight-week backlog, but I think it would be helpful if the Minister would look into at least having some kind of customer service experience whereby the customer at least gets an acknowledgement of receipt of the information, is given a unique identity number and a number to call to chase and follow up to see where the process is.

1500

It may then eliminate the probably hundreds of phone calls the GHA are getting unnecessarily, if people's expectations were at least managed at that point in time.

1505

Hon. A J Isola: Mr Speaker, I agree entirely and take that in the spirit that it is intended. That has been implemented and there now should be automated emails acknowledging applications made, together with a reference number to enable the follow up. So, I am grateful for that.

1510

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just add one supplementary, please?

Mr Speaker: It has to be directly as a result of an answer given by the Minister.

1515

Hon. Ms M D Hassan Nahon: It was just leading on from the interchange with Mr Clinton. Basically, we know that people are meant to now renew their international driving licences, and there has been a technical notice issued. There is a lot of concern about the fact that they are all in a confined space in the post office because of COVID-19, so I just wanted to ask the Minister – leading on – if he can find a way of ensuring that there is a priority system, so that maybe even another location can be allocated for this renewal. As time goes by before the end of December, more and more people are going to conglomerate in the post office and therefore it poses a health concern, so I wanted to put it to him, given that he is reallocating these services.

1520

Thank you.

Hon. A J Isola: I am not sure whether that is a question or a request, but thank you.

1525

Mr Speaker: Next question.

Q500/2020
Development Plan –
Reasons for delay in implementation

Clerk: Question 500, the Hon. Ms M D Hassan Nahon.

1530

Hon. Ms M D Hassan Nahon: Can the Minister kindly explain the delay in the implementation of the new Development Plan?

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

1535

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, the ambition of a new and current Development Plan was never going to be a quick and easy process. These things, at the best of times, take time, and with a General Election and COVID this has become even more complicated.

1540

Bids for the preparation of the new Development Plan closed on 25th September 2019 with some 12 Bids having been received. The bids have been considered by the Tender Board in the usual manner and I am told a short list of some five of these bids is presently at the next stage of consideration. I expect that the Tender Board will conclude its deliberations and engage the successful applicant before the end of this year.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q501/2020

Gibraltar House, London –

Effect of COVID on operations, management and finances

1545 **Clerk:** Question 501, the Hon. D J Bossino.

Hon. D J Bossino: Can the Government state what effect the COVID pandemic has had on the operations, management and finances of Gibraltar House in London?

1550 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

1555 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, Gibraltar House in London reopened last month with a phased return of staff through the month of August. It previously operated with staff working from home and was visited by management from time to time. There has been more work done remotely, virtually and by telephone with Members of Parliament and others. The savings made while the office was closed have been balanced by the costs incurred to prepare for its opening.

1560 **Hon. D J Bossino:** Mr Speaker, there is an article which appeared in the *Gibraltar Chronicle*, which said at the end:

The Government said they will keep the situation in London and Brussels under review and act accordingly going forward.

1565 I just wanted to press the Minister in relation to that more specifically. Is the Government intending to take a perhaps wider review of the operations of the London office – it arises from the question; I only ask in relation to the London office – which is beyond the things which are directly relevant to addressing the COVID restrictions?

1570 **Hon. Deputy Chief Minister:** Mr Speaker, the comments to which the hon. Member referred were comments made in the context of the COVID-19 pandemic and how things have changed in both London and Brussels, how we are keeping under review the development of the pandemic and how that would impact on our operations in both of these capitals.

Hon. D J Bossino: Would the answer be that there is no intention to conduct a wider review, in terms of costs and staffing and things of that nature, beyond those that are directly relevant to dealing with the COVID pandemic, Mr Speaker?

1575 **Hon. Deputy Chief Minister:** Mr Speaker, there is no intention at the moment. There are a number of fluid things, as the hon. Member knows – one of them is Brexit, the other one is COVID – so we need to wait and see.

Q502/2020

Both World South –

Details of proposed development

Clerk: Question 502, the Hon. D J Bossino.

1580 **Hon. D J Bossino:** Can the Minister for Lands provide details of the proposed development described as being constructed at Both Worlds South by ABCO (International) Ltd?

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

1585 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the information requested is public information which has already been published online on the website of the Development and Planning Commission. The Government is not the direct landlord, as the lease is held by ABCO (International) Ltd, but I can confirm from a lands perspective that the proposed development is within the demise of their lease.

Q503/2020
Northern Defences –
Expressions of interest

Clerk: Question 503, the Hon. D J Bossino.

1590 **Hon. D J Bossino:** Can the Minister for Lands state what the Government's thinking is behind subjecting the Northern Defences to an expression of interest?

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

1595 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the purpose of advertising an expressions of interest in the Northern Defences is to establish whether there is any private interest for managing, operating and investing in the site.

1600 **Hon. D J Bossino:** Mr Speaker, can the Deputy Chief Minister advise whether that was the intention from the word go?

1605 **Hon. Deputy Chief Minister:** Mr Speaker, yes. This is the second time an expressions of interest has been issued for the site. There was one in 2014, the hon. Member may recall. At that time we negotiated with different entities and were unable to arrive at a conclusion. Therefore, a second expressions of interest was issued this time which clarified perhaps a number of points that had been in doubt in relation to the first one. The Government has already received three expressions of interest from commercial entities and will now be considering how to take those forward.

1610 **Hon. D J Bossino:** I think the hon. Member said 'issues which raised some doubt', or words to that effect. If I am correct in that analysis, can he provide the House with details of what those issues were?

1615 **Hon. Deputy Chief Minister:** It is really one main issue, Mr Speaker. The Government was not prepared to transfer ownership of the site to a private entity. So, while we were happy to do some kind of management agreement, we did not want to transfer the ownership. That has now been clarified in the advert for the second expressions of interest.

1620 **Hon. D J Bossino:** Just by way of clarification – again, I think he has provided the answer – did he say that he has had three expressions of interest? Is that correct?

Hon. Deputy Chief Minister: Yes, Mr Speaker, there are three.

1625 **Hon. D J Bossino:** And can he advise us when he expects the Government will be making a decision in relation to those?

Hon. Deputy Chief Minister: I have to say that, given all the other issues the Government is dealing with, this is not going to happen immediately, so it is going to take some time. However, this is not going to stop the work which is still ongoing on site, in terms of clearing and restoring the site. That continues irrespective of the time the Government will take to consider these three expressions of interest.

Mr Speaker: I will allow one final question.

Hon. E J Phillips: Insofar as that question and answer session relating to this particular question on the Northern Defences, is the Government considering lumping this in with the agreement – as far as I understand the position – for the maintenance of Parson's Lodge, the Gatehouse at Moorish Castle, the Stay at Home Cave and other sites in Gibraltar? I understand there is one provider who deals with all of those. Is the Government considering using the same company, group of companies, or entity, to administer and maintain the Northern Defences?

Hon. Deputy Chief Minister: Mr Speaker, this is not something the Government is considering at all. I am not sure who the three entities are, on my feet here, but it may be that there is one that is also responsible for those areas. I cannot even confirm that, at this stage. Once I have more detailed information and I am able to look at the three submissions in some more detail, I will be able to answer the hon. Member's question.

Hon. K Azopardi: Mr Speaker, with your indulgence – I know you said one, but I have one on my mind, if I may?

The hon. Member said that the expressions of interest are in relation to seeing if there is any interest in respect of investment. Clearly, this is an important heritage site, and while I think the expressions of interest mentioned touristic development, can the Government assure us that whatever is allowed in terms of investment, he will respect the heritage significance of the area and there will not be building on the Northern Defences as part of this investment? Is it within the parameters of what the Government have set out clearly to the parties that have expressed interest?

Hon. Deputy Chief Minister: Mr Speaker, yes. That is not only set out to the parties, it is set out in the actual advert itself. It makes it clear that the monuments are listed under the Heritage Act and that therefore all proposals must integrate the sensitive use of the monuments, tunnels and the natural environment, and then the conception and creation of a first-class tourist attraction and the full or partial retention of open land for use of the community as an amenity or for leisure activities. Those are the three things we want to blend in, and certainly heritage is a very important consideration in all this.

Hon. K Azopardi: I was trying to tease from the hon. Member something a bit further. I understand that the expressions of interest invites parties to integrate sensitively the heritage assets that exist, but there may be open land. When we were talking about touristic development, they are not going to site, presumably, with Government permission, some kind of hotel next to these heritage assets, and I just wanted an assurance from the hon. Member that the Government, in terms of setting parameters, is clear that, in terms of investment and management, what is happening is management of the site for the purposes of heritage and tourism generation, but there will not be some kind of development adjacent to heritage assets that really undermines the significance of the site.

Hon. Deputy Chief Minister: Mr Speaker, I am pleased to confirm there is absolutely no intention on the part of the Government to allow, as landlord, the construction of a hotel or any other such entity on the site of the Northern Defences. In fact, there is a hotel being built where

the old Bank of Scotland was, which is quite near the Northern Defences but obviously it is not on the site.

1680

Mr Speaker: Next question.

Q504/2020

**Vehicles crossing border into Gibraltar –
Numbers in June to August 2020 and June to August 2019**

Clerk: Question 504, the Hon. K Azopardi.

1685

Hon. K Azopardi: Mr Speaker, how many vehicles crossed the border into Gibraltar in June 2019 and June 2020, in July 2019 and July 2020, and in August 2019 and August 2020?

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

1690

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the number of vehicles that crossed the border into Gibraltar in the months requested as follows: June 2019, 277,755; June 2020, 148,797; July 2019, 311,303; July 2020, 239,002; August 2019, 349,660; August 2020, 235,500.

Mr Speaker: Next question.

Q505/2020

**Vehicles crossing border into Spain –
Numbers in June to August 2020 and June to August 2019**

Clerk: Question 505, the Hon. K Azopardi.

1695

Hon. K Azopardi: Mr Speaker, How many vehicles crossed the border into Spain from Gibraltar in June 2019 and June 2020, in July 2019 and July 2020, and in August 2019 and August 2020?

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

1700

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the number of vehicles that crossed the border into Spain from Gibraltar in the months requested are as follows: June 2019, 229,925; June 2020, 90,753; July 2019, 251,935; July 2020, 135,033; August 2019, 246,398; August 2020, 132,766.

1705

The hon. Member should note that these figures are collected automatically through the ANPR/CCTV system, and I am told that they are supplied with the proviso that they are less accurate than the manually taken entry figures.

1710

Hon. K Azopardi: Thank you. That is helpful, but in terms of an accuracy – or lack of accuracy – margin, can the hon. Member help us in terms how inaccurate these figures are?

Hon. Deputy Chief Minister: Mr Speaker, I asked exactly the same question. Just to give him an example, the discrepancy on vehicle exit, because they are taken automatically by machines, could relate to partial plates being taken due to motorcycles, bicycles or pedestrians getting in the

1715 way, or indeed law enforcement blocking the camera that takes the picture. It is that kind of situation.

By and large, I would say the figures are accurate and reliable, but they are not as accurate as counting them one by one manually. That is the point, I think, that was being made to me and the answer I was given when I made further inquiries.

Q506-07/2020

**Pedestrians crossing the border in each direction –
Numbers in June to August 2020 and June to August 2019**

1720 **Clerk:** Question 506, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many pedestrians crossed the border into Gibraltar in June 2019 and June 2020, July 2019 and July 2020, and August 2019 and August 2020?

1725 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer the question with Question 507.

1730 **Clerk:** Question 507, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many pedestrians crossed the border into Spain from Gibraltar in June 2019 and June 2020, in July 2019 and July 2020, and in August 2019 and August 2020?

1735 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister: Mr Speaker, the number of pedestrians who crossed the border into Gibraltar from Spain in the months requested are as follows: June 2019, 257,941; June 2020, 88,786; July 2019, 305,676; July 2020, 143,805; August 2019, 335,194; August 2020, 144,297.

The number of pedestrians who crossed the border into Spain from Gibraltar in the period requested are as follows: in June 2019, 177,612; in July 2019, 303,135 and in August 2019, 305,927.

1745 These figures are collected through CCTV cameras which are installed at the border, given that the DCA do not themselves control exit points.

I am told that the figures requested for 2020 cannot be supplied because the Spanish side of the border changed the point of exit of pedestrians into Spain at the onset of the COVID-19 pandemic. This has meant that persons exiting Gibraltar on foot are no longer within shot of the camera that takes the pictures.

1750 **Hon. K Azopardi:** Mr Speaker, I wonder when the Government became aware that these statistics cannot be taken because of the matter that he has just mentioned, firstly. And secondly, will the Government take steps to ensure that these valuable statistics can be taken, especially at a time like this, when we want to compare what happened before and who is coming in and how many people are coming in?

Hon. Deputy Chief Minister: Mr Speaker, I would add that this particular issue affects only pedestrians exiting. Normally the Government keeps very close tabs on people coming in, whether they are coming on foot or whether there are vehicles coming in. This refers to people going out.

1760 On investigating the situation, I have already asked for it to be rectified. My understanding is the camera will be moved so it can take account of pedestrians exiting Gibraltar going forward.

Hon. K Azopardi: Can we assume, therefore, if we were, in future months, to ask a statistical question of this nature, the Government would be in a position to have this information say from 1765 November or December? Or will the Government require time to rectify the situation logistically?

Hon. Deputy Chief Minister: Mr Speaker, when I inquired, I was told that it is not as simple as redirecting the camera. Apparently, there are some cables that need to be moved so the camera can be repositioned to take shots of the new exit points. I expect that to happen quickly, and I will 1770 certainly follow it up to make sure that it happens, so that we will be able to supply the information to the hon. Member and, indeed, for the Government's own records.

Questions 504-05/2020
Supplementary question

Mr Speaker: Just one final question.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, but if I can just go 1775 back to the stats he gave for Questions 504 and 505.

If I run quickly through the ones to Question 504, just to make sure I have the right numbers for June 2020, July and August, and I will just talk about round thousands: 148,000, 239,000 and 235,000; and then for Question 505, again for June, July and August 2020, 91,000, 135,000 and 132,000. Are those number correct, as I took them down?

1780 The reason I ask, Mr Speaker, is if I total up those three months I come to a number of 623,000 vehicle movements between June and August, and going into Spain, for the same period, 358,000, which would suggest that somehow 264,000 vehicles remained in Gib. I would ask the Minister perhaps to check the accuracy of these numbers, because it does logically seem to indicate something is not quite right.

1785 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is a number relating to vehicle movements, not vehicles –

Deputy Chief Minister (Hon. Dr J J Garcia): Could be the same vehicle.

1790 **Hon. Chief Minister:** – or indeed the same vehicle could be moving more than once. It is about vehicle movements, not individual vehicles. (*Interjection*) Yes, unless, for example, one of us drives in and stays here and then we do not drive out – (*Interjection*) But it is movements.

1795 **Hon. R M Clinton:** Mr Speaker, I appreciate the Chief Minister's point about movements, not vehicles, but if the movement is a vehicle coming in and then it does not go out, it stays in Gibraltar. If it goes in and out, then there is a self-cancelling movement. What I am saying is there should ... As he says, on balance there may be people who come in and do not go out, but I would not expect a discrepancy that big.

1800 **Hon. Chief Minister:** There would be, for example, from one day to another, 15,000 or 20,000, potentially. We are quite happy to look at it, Mr Speaker, but these are not numbers that one expects to tally.

1805 **Hon. R M Clinton:** No, and I accept the Chief Minister's point that this is not an accounting exercise, but I would expect that within the bounds of what is reasonable you would expect perhaps a discrepancy of maybe, as he said, 10,000 vehicles from month to month, but I would not expect a cumulative 264,000. I will accept the suggestion that it will be looked into. That is fine. I am just making an observation.

1810 **Hon. Chief Minister:** I am grateful, Mr Speaker, but the cumulative aspect I think is impossible to bring into the equation. The aspect that would be relevant, for example, would be to compare 277,000 with 229,000, 148,000 with 90,000, and 251,000 with 311,000; not the cumulative aspect.

1815 It is worth looking at in the context of the numbers we gave, the accuracy we said there could be, the fact that vehicles might be coming in one direction then at the end of the month ... a vehicle may go home the next day, all that and Gibraltarians moving at weekends, holiday periods, people going only out in one direction in one month and coming back in another. I think there are so many imponderables here that you would expect there to be differences.

Q496/2020
Water supply –
Supplementary question

1820 **Mr Speaker:** The Hon. Mr Phillips wants to ask a supplementary on the schedule to Question 496.

Hon. E J Phillips: I am grateful, Mr Speaker.

1825 Before I accept the invitation by the Minister to warmly congratulate the Government on the £1.8 million saving from 2015-19, can I ask whether or not the Government has thought about whether this saving of money in relation to the total energy cost to produce one year's water is going to be passed on to consumers? I just thought I might ask whether the Government has a view on whether the saving they are making on this is passed on to the consumer directly.

1830 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, the hon. Member should know that the cost we are referring to is the reduction in cost in energy, in other words electricity, which the hon. Member should know is very heavily subsidised by the taxpayer already.

Is the hon. Gentleman suggesting that we should reduce the cost further? It would be alarming if that was the suggestion coming from the Members sitting opposite.

1835 **Hon. E J Phillips:** Mr Speaker, I am not used to answering questions from the Minister – but obviously we would like to do that in due course, in the next couple of years; I will answer his questions then. I would just like to understand the figures, because there is a saving insofar as [*inaudible*] He is asking what my view is, but I think that is the wrong way round.

1840 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I can tell him that my view, as Minister for Public Finances, is that we are subsidising the production of water and the supply of water, the production of electricity and the supply of electricity, and that subsidy will continue but it will not be increased. If the hon. Gentleman is saying we should be reducing the cost of water and electricity, I think it flies in the face of some of the things they have said in the past.

Hon. E J Phillips: Just to clarify, Mr Speaker, I am asking what the Government's position is on it, not stating our position.

1850 **Hon. Chief Minister:** Mr Speaker, I have got used to them not having a position.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can now move that the House should adjourn to Thursday, 19th November at 3.30 in the afternoon.

1855 The reason for the long adjournment is that, as hon. Members will know, we expect an even greater acceleration of the activity in relation to our discussions about our future relationship with the European Union as 31st December draws nearer.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 19th November at 3.30 p.m.

1860 I now put the question, which is that this House do now adjourn to Thursday, 19th November at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 19th November at 3.30 p.m.

The House adjourned at 6.12 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 3.32 p.m.

Gibraltar, Thursday, 19th November 2020

Contents

Adjournment	2
<i>The House adjourned at 3.32 p.m.</i>	2

The Gibraltar Parliament

The Parliament met at 3.30 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*]

ADJOURNMENT

Clerk: Meeting of Parliament, Thursday, 19th November 2020.

Adjournment – the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

5

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, good afternoon.

As Members are obviously aware, 31st December is fast approaching, which is the end of the transition period for departure from the European Union. Obviously discussions are intense, and I have been asked by the Chief Minister, who I know has reached out to the Opposition, to move an adjournment so that that business can continue and then our business can continue with more time.

10

I therefore have the honour to move that this House do now adjourn to Thursday, 10th December at 3.30 p.m.

15

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 10th December at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 10th December at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

20

This House will now adjourn to Thursday, 10th December at 3.30 p.m.

The House adjourned at 3.32 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 8.02 p.m.

Gibraltar, Thursday, 10th December 2020

Contents

Prayer	3
Suspension of Standing Orders	3
Standing Order 7(1) suspended to proceed with laying of papers.....	3
Papers to be laid	3
Suspension of Standing Orders	4
Standing Order 7(1) suspended to proceed with Government Statements	4
Ongoing negotiations for a future relationship with the EU – Statement by the Chief Minister.....	4
New £500 million facility with NatWest – Statement by the Chief Minister	11
BEAT 4.0 – Statement by the Chief Minister	27
Suspension of Standing Orders	35
Standing Order 7(1) suspended to proceed with Government Bills	35
<i>The House recessed at 6.20 p.m. and resumed its sitting at 6.35 p.m.</i>	35
Order of the Day	35
Bills	35
First and Second Reading	35
Nature Protection (Amendment) Bill 2020 – First Reading approved.....	35
Nature Protection (Amendment) Bill 2020 – Second Reading approved.....	36
Nature Protection (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	38

Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 – First Reading approved	39
Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 – Second Reading approved	39
Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	40
Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 – First Reading approved	40
Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 – Second Reading approved	40
Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	42
Competition Bill 2020 – First Reading approved.....	42
Competition Bill 2020 – Second Reading approved.....	43
Competition Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	53
Committee Stage and Third Reading	53
Nature Protection (Amendment) Bill 2020 – Clauses considered and approved	54
Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 – Clauses considered and approved	55
Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 – Clauses considered and approved	55
Competition Bill 2020 – Clauses considered and approved.....	55
Nature Protection (Amendment) Bill 2020 – Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 – Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 – Competition Bill 2020 – Third Reading approved: Bills passed.....	57
<i>The House adjourned at 8.02 p.m.</i>	58

The Gibraltar Parliament

The Parliament met at 3.30 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

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with laying of papers

Clerk: Thursday, 10th December 2020. Meeting of Parliament.

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 documents on the table.

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

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table: pursuant to section 12 of the Public Finance (Borrowing Powers) Act, the revolving facility agreement for £500 million sterling for Her Majesty's Government of Gibraltar, as borrower, arranged by National Westminster Bank PLC and the Royal Bank of Scotland International Ltd, trading as NatWest International, with National Westminster Bank PLC acting as agent, dated 3rd December
10 2020; the Income Tax (Allowances, Deductions and Exemptions) (Amendment No. 2) Rules 2018, published as Legal Notice 282/2018; and the Electric Vehicle Charger (Deductions) Rules 2018, which was published as Legal Notice 283/2018.

15 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

20 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to lay on the table a Command Paper

on a draft Bill for an Act to make provision in relation to domestic abuse and for connected purposes.

Mr Speaker: Ordered to lie.

SUSPENSION OF STANDING ORDERS

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

25 **Clerk:** 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 Government Statements.

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

Ongoing negotiations for a future relationship with the EU – Statement by the Chief Minister

30 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to thank you and the House for its indulgence in recent months as we have conducted the detailed and intensive negotiations on our future relationship with the European Union. We have asked colleagues, on a number of occasions, to adjourn the House without dealing with business. We have been unable to deal with ordinary business on the ordinary timetable that we would wish to be adhering to and to the rhythm that we introduced after our first election nine years ago. The work of Select Committees
35 has not been able to get underway in earnest, either. This is obviously something that we very much regret on this side of the House. Members are aware of the reasons for the need for such unusual and repeated adjournments. I am grateful to Members on both sides of the House for the latitude that they have shown us in that respect.

40 All hon. Members and all citizens will, no doubt, have been following the rolling news channels reporting on the state of the current negotiations between the United Kingdom and the European Union on ‘the future relationship’, as it is known. Given that we have always been clear in our views in this House – and the overwhelming result of the referendum in 2016 was certainly, if nothing else, very clear – I think it is equally clear that Gibraltar and its people would consider a no-deal outcome for the United Kingdom, and for Gibraltar, to be sub-optimal.

45 For Gibraltar, we are continuing to negotiate. The issues we are dealing with are as important as they are sensitive. I want to be clear that we have approached this from the point of view of not ceding on sovereignty, jurisdiction or control. We will not do so. It is also important that I should highlight that there is great complexity in the issues that arise, and that the complexity reaches beyond the issues that I have just referred to, of sovereignty, jurisdiction and control.

50 There are issues of great complexity in respect of matters of the future immigration relationship we will enjoy with the EU. Schengen is not a binary choice when you get into the details and weeds of it. There are issues of great complexity in respect of matters related to the future economic relationship we will enjoy with the EU. The Customs Union or a customs union, or a bespoke free trade agreement that suppresses or minimises the need for customs friction, is
55 an extraordinarily complex set of issues. These are the things that relate to the potential for maximum fluidity and the things that we have to work on, as are matters relating to the level

playing field and non-regression in certain respects, and there is a balance of benefits and responsibilities that we have to undertake in respect analysing every step of these negotiations.

60 The reality, however, is that we are still talking. We will continue to do so, in order to reach an agreement, if an agreement is possible, until the last moment. We are optimistic that we will be able to reach an agreement, and we are optimistic that our negotiating partners desire the same outcome.

65 All of us are, of course, hostages of the history that has brought us to this moment. As is true in so many areas of international diplomacy, the past has long defined options for the future. But we are – at least on the Gibraltar side, which I speak for – inspired by the possibility that we may be able to deliver a result that itself delivers a better future: a future that does not condemn us to a worse relationship with our neighbours; a future that provides for the protection of mutual rights of enhanced mobility of persons and potentially also of goods.

70 We continue our exhausting work and we refuse to give up – there is too much at stake – because we have a stake and an obligation in respect of the development of this part of the world for our children and the generations to come. That means that we must be ready to seize the opportunities that this moment brings and to see beyond the past in order to stake a claim to that better future. In the event that we were not to reach agreement, we will have done as much as it is reasonably possible to do, and we will be ready for that undesirable eventuality too.

75 But let us be very clear that the very best contingency measures which we have in place will not equate to no change. Those contingency measures will also have to have a European dimension, despite our exclusion today from those measures announced by the European Commission, most of which are not relevant to Gibraltar. EU contingency measures will have to be bespoke for Gibraltar. We are discussing those issues also in the course of our negotiations.

80 Mitigation or no mitigation, there will be many and negative changes the day after we leave the EU with a deal, if we are able to do a deal. There will be many more, and more negative changes the day after we have left the EU if we do so without a deal, and they will affect us and those who come in to work here also. We will all suffer the consequences of leaving the European Union with no deal, if we are unable to find an agreement that sets out to mitigate those consequences.

85 The Deputy Chief Minister has made and issued a number of excellent Technical Notices which address these issues in a very clear and easily understood manner, for which I know the House will want to commend him. I know that he wishes, as I do, and no doubt all Members do, that his work in respect of the worst possible outcomes will all be wasted time.

90 To achieve that, we continue, in lock step with the United Kingdom, our positive engagement in the negotiations which relate to Gibraltar. We continue to plan for the worst outcome and we continue to negotiate for the best possible outcome. Remarkably, such is the politics of Brexit at the end of the second decade of the 21st century.

95 Additionally, in our bilateral relationship with the United Kingdom we have already announced the steps taken to preserve the market access between us and the United Kingdom and the arrangements in relation to health, education etc., which are so important to us. On those, we really have demonstrated the strength of the bilateral relationship between us in a way that many naysayers doubted when we initially announced how we saw the post-EU bilateral relationship developing. Her Majesty's Government of Gibraltar is indeed pleased with the manner in which
100 those aspects of the relationship, post Brexit, with the United Kingdom have developed. The naysayers will be as disappointed as ever, but they will, no doubt, have moved on to naysaying pastures new, as ever.

105 Finally, Mr Speaker, the Deputy Chief Minister and I have been briefing Cabinet colleagues, the Leader of the Opposition and the hon. Lady throughout this process as often as we have been able to. I expect we will be asking to brief them again tomorrow on latest developments, which we expect and anticipate overnight.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I am grateful for that Statement from the Chief Minister. Indeed he has been briefing us from time to time on matters, and the last time we spoke was about three weeks ago, so a new briefing would certainly be welcome in terms of us being updated on matters where we have given the Government space but are somewhat disconnected from recent developments. I am sure that if a week is a long time in politics, three weeks in the context of a post-Brexit negotiation on a future relationship will have seen plenty of toing and froing and plenty of developments that the Chief Minister will, I am sure, share with us in the detail that he can when we discuss it.

He has made a public Statement, which I welcome, and I want to ask some questions – mindful, of course, of the fact that there are sensitive negotiations happening.

He knows that he does have the support of the Opposition for a safe and beneficial deal for Gibraltar. Indeed, the desire for a new relationship with the EU is largely supported in Gibraltar, cognisant and consistent with the outcomes of the various votes that we have participated in. We will – and I have said so publicly as well – judge any deal that emerges on its merits. When and if a final agreement is reached and is put in front of us, then of course we will make a judgement as to whether, in our view, it is beneficial and safe for Gibraltar, but he knows that he does have – and we have said so publicly often enough – our support in obtaining a safe and beneficial arrangement for Gibraltar, a new relationship with the EU that does not involve any concessions on sovereignty, jurisdiction and control.

The hon. Member has spoken about the intricacies which are well beyond sovereignty, jurisdiction and control and in respect of immigration relationships and economic relationships, and I wonder whether he would be prepared, at least in public, to explain a bit more what he meant by those various intricacies that, at the moment, face Gibraltar in the various dimensions.

I wonder also whether he would clarify, in the context of an economic relationship and various options that might be available to Gibraltar in the context of this deal, or proposals that might be being discussed, whether he is consulting with the private sector and unions, in particular in relation to things like options in relation to the future trade agreement or a customs union option or a tailor-made customs union.

The hon. Member also says that he will negotiate until the last moment, and of course we support him in talking to the very last moment and exploring the possibilities of a safe and beneficial deal until the very last moment. I do not know, and perhaps the hon. Member would be prepared to say what the last moment is – whether he means the very last moment on 31st December – but I suspect that is not the last moment, because everything that I have read suggests that the last possible moment to reach an agreement is somewhat removed from 31st December because of the various ratification processes that need to be followed. I wonder whether he would indicate whether he has any visibility of what the last possible date for reaching an agreement is. I know that the UK has just gone back into talks with a tentative limit of Sunday, although I suppose that may be extended if everyone agrees, but it would be helpful to understand. We, on this side of the House, understand that often European negotiations go down to the wire. We would have preferred, of course – everyone – that we would have had clarity and a safe and beneficial deal by now, but in Europe often that is not the case.

But the Government can rest assured it has our support and the space that we have been giving them to try to secure the best deal possible for Gibraltar without our abandonment of the position that we will separately evaluate whatever emerges and that we have privately also communicated to him what we think the red lines are.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman's remarks. He knows that we have tried to be in contact as often as is possible and relevant. One man's 'from time to time' is another man's 'as often as possible', and we do need to keep that in mind. If I may say so,

160 it is a better comparison than one man's terrorist is another man's freedom fighter. It shows that the relationship across the floor of this House is better than it might be in other places.

The fact is that he is right that a week is usually a long time in politics, but that it would appear that the Brexit negotiations are defying all the logic of politics, even that simple logic. When I see him – I hope tomorrow, because I have said that I expect developments overnight, and therefore expect to be briefing Cabinet colleagues and the hon. Gentleman and the hon. Lady tomorrow – a lot of what we will tell him he will not be surprised by, because it has been the same issue that we have been dealing with, and unfortunately we have not yet been able to make any progress that I have been able to report either to Cabinet colleagues or to the hon. Gentleman and the hon. Lady, to take their views on what the next iteration of the proposal might be. I very much regret that and I do wish that we had been able to move quicker, but the best negotiation for Gibraltar is not ever going to be the quickest negotiation for Gibraltar or the easiest negotiation for Gibraltar. For that reason, it is not that we have not wished to see him – and the hon. Lady – to give him a flavour of what is happening, it is that there has not been anything in detail to take his views on and to brief him on, and I would not want him to think anything else.

175 The hon. Gentleman has asked that I try and give him the details that we can. He should rest assured – and I will say here publicly, as I have told him privately – that we give them all of the details that we have. There is nothing that we are not telling – obviously – our Cabinet colleagues, and nothing that we are not telling hon. Members. Of course, the telling of what may be 30 hours of negotiation in 30 minutes of explanation and then a discussion cannot be the same as being in the room and cannot be that level of detail, and it is true that therefore hon. Members have an overview of the negotiations as much as Cabinet colleagues have an overview of the negotiations, but he should rest assured, as I am sure the hon. Lady will too, that we are not trying to in any way withhold detail in respect of what is happening in those negotiations, and indeed they are seeing the output – where there is output – of those negotiations and we are taking their views on that.

185 He tells us that he is giving us support for a safe and beneficial deal for Gibraltar. I would not seek his support for anything other than a deal that is safe or beneficial for Gibraltar, because obviously the opposite of that would be a deal that is unsafe and unbeneficial for Gibraltar, and on the many things on which we may be divided on the detail or on policy approach etc., if there is one thing that I am very clear on it is that the hon. Gentleman, the hon. Lady and the Hon. Deputy Chief Minister – each of them the leaders of the other political parties, apart from the Socialist Labour Party, which I lead myself – all of us, are interested in the protection and security of Gibraltar and the benefit of the people of Gibraltar, even though we might have different views, which is what a pluralistic democracy is all about. Therefore, I am grateful that he expresses the support that he is giving us in this way, and he would not expect me to seek his support for an arrangement that was not safe or beneficial for Gibraltar, because I would not recommend an arrangement that was not, in my judgement and in the judgement of my Cabinet colleagues, safe and secure and beneficial for Gibraltar.

200 The important thing here is that this should not just radiate around the principle of sovereignty, jurisdiction and control. That is one of the principles that we need to judge the element against, but the arrangements that we are making – and this is why I said to the hon. Gentleman and to the House that there are issues of immigration and there are issues of customs relationship ... Those issues are the live issues, because on sovereignty, jurisdiction and control we are all very clear what our positions are, but this is also a future trade relationship and therefore the complexity comes from the assessment of the immigration issues that arise and the customs issues that arise. Interestingly for Gibraltar, in photographic terms, what is being proposed – and this is not in any way a secret; this is to reflect the things that have been said publicly throughout this process – is almost a negative image of the relationship as it has been until now. Gibraltar has not been in the Schengen area in the period of membership of the European Union and since the Schengen area arose in the late 1990s, Gibraltar has not been in the Common Customs Union since 1972 when we joined the European Economic Community as it then was, and what is being

proposed is a relationship in relation to goods, because those are the two key things. Those are the physical manifestations of mobility, and what we are looking to ensure is provided for is mobility.

215 I know this is not a surprise. I am not saying anything new about the negotiation. I am just explaining that the negotiation's complexity arises not in relation to the issue of sovereignty, jurisdiction and control, the complexity of which is clear beyond peradventure and understood in our community; it is the complexity that arises in matters relating to the commerciality of the arrangements and the immigration circumstances which we are seeking to ensure apply in a way
220 that delivers the maximum possible benefit, and in understanding the responsibilities that will come with it. All of these things can also have an angle which touches and concerns sovereignty, jurisdiction and control. So, all of that is connected, and that is the complexity.

The hon. Gentleman knows that we are in contact with the private sector in the context of discussions about the aspects of this which are commercial, and also with the unions, and indeed
225 also with the cross-Frontier group that represents all of those entities.

The negotiation will be, as far as the Government of Gibraltar, not over until there is not a negotiating table to sit at. As far as the Government of Gibraltar is concerned, this is something that we want to get right, and there is no deadline to which we believe we must be made beholden. It is true that we will be leaving the European Union by 31st December *de facto*. We
230 left *de jure* at the end of January.

The consequences of departure for Gibraltar are different to the consequences of departure for the United Kingdom, because of the example I gave earlier. The United Kingdom is in the Common Customs Union today. There will therefore be a physical manifestation of the end of the transition period in a way that there would not be for Gibraltar. So, just to put it into terms that
235 people who may be watching on television may have heard other politicians in other jurisdictions say, we already trade on Australia terms with the European Union when it comes to goods. We are already in a WTO, almost, type relationship with the European Union when it comes to goods. It is our physical interaction in immigration that will change – because of the Schengen Border Code applying in respect of a third country rather than in respect of another Member State, where
240 the Schengen Border Code still applies but applies in a different way – and in a metaphysical way because of the market in services, but we all know that the market in services is principally, for us, the market in services in the United Kingdom, and we are not seeking access to the market in services *simpliciter* in these arrangements that we are negotiating, as we have repeatedly announced.

245 So, for us, what we want to achieve – what we have always wanted to achieve – is to resolve these issues, at least in principle, with text stabilization of treaty text to follow as soon as possible thereafter, by 31st December, which is the date that is set in transition stone. But that is no reason why we should consider that there is not the space to negotiate thereafter, although that would be suboptimal because we want to achieve this in time, and I think all our negotiating partners
250 want to achieve it in that time also.

Just in terms of where we are, today I suppose is D minus 21, and tomorrow, the 11th, will be D minus 20 – departure minus 20. What the United Kingdom has announced with the European Union is that by Sunday they will make an assessment of the negotiations – not that that is the day by which an agreement must be done, and not that that is the day by which the negotiations
255 will end, but that they will make an assessment of the state of the negotiations on Sunday. If the negotiations are advanced or advancing, they may decide to continue negotiating. If the negotiations are not advancing, the parties may decide, in the context of what I might call the main UK-EU negotiation, not to continue negotiating. We will have to make a similar assessment, but we will continue to make those assessments always with a view that the glass is half full, to
260 try to achieve a successful outcome to the negotiations before 31st December, if that is at all possible.

Mr Speaker, just as the hon. Gentleman reflected, I do think he knows, in the way that he expressed it, and I think demonstrated that we would all have wished to have been able to

conclude this negotiation favourably earlier. But, as I have said, I think it is clear that the best negotiation and the safest negotiation for Gibraltar is obviously not going to be the quickest or the easiest negotiation for Gibraltar, and that is why we continue at the table, optimistic, ready to continue the work to deliver a deal that works for Gibraltar.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, on a point of clarification, I would like to enquire to the Chief Minister about the status of the ongoing negotiations regarding the Frontier between Gibraltar and Spain, and the status of preparations in the case of a no-deal Brexit scenario unfolding on 1st January.

I would also like to take this opportunity to convey the electorate's strong desire for an agreement that will allow fluid Frontier flow, and that will allow good neighbourly relations and prosperity to come about in the new post-Brexit scenario that none of us desired. With this desire, I do wish to encourage the Chief Minister and his team, so that they may be bold, unerring and eventually successful in this existential moment for Gibraltar.

Regarding the status of post-Brexit arrangements, we just found out in the last few days, via the press stories, that arrangements for a ferry to bring goods to Gibraltar in the event of a no-deal Brexit were near conclusion. I must say that this announcement caught me and many others off guard, as I, and I am sure most Gibraltarians, would have expected these arrangements to have been in place a long time ago, particularly when no deal was a real threat before the last extension of the negotiations. That is why we were led to believe, before the last election, that all preparations were in place for us to have a smooth transition into a hard Brexit scenario, which we have since found out was not exactly so.

The business community continues to have great concerns regarding the flow of goods and the operational impact this will have on their businesses, concerns that they convey to me, and, I am sure, to most other Members of Parliament on this side of the House, and which I believe Government would do well to allay as soon as possible.

Effectively, we are 72 hours away from the final deadline of final deadlines, or at least that is what we are being told to believe, despite the Chief Minister just saying that the consequences of us not being bound, perhaps, to this general deadline, but still I think we are all still asking ourselves, in the wise words of Winston Churchill, will this be the beginning of the end or the end of the beginning.

In any case, Mr Speaker, we sincerely hope and wish all the best to the Government, so that we may secure the chance of a promising future for this community in the coming years.

Thank you.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, it was Churchill who dreamt of a united Europe to prevent the sort of difficulties that we saw in the 1940s, and that the hon. Lady should quote him is therefore apposite to all those of us who, like me at least, continue to be remainers in our hearts. But I want to deal with the substance of what the hon. Lady has said in relation to a number of the issues that she has raised, before I come to the issue of the deadline in respect of the negotiations.

The first issue is that the issues that relate to Frontier flow are the issues that most concern us, and I am sure most concern businesses and individuals who live in this part of the world or do business in this part of the world, and they are what are spurring us on. So, I am honestly, genuinely and sincerely grateful to the hon. Lady for her words of encouragement in the context of the negotiation. She should have absolutely no concerns that we will be bold and [inaudible] and, I sincerely believe and I sincerely hope, eventually successful. It is my most ardent hope to

315 be able to deliver a successful outcome to the negotiations that produces a safe and beneficial deal for Gibraltar, and that is what the Hon. the Deputy Chief Minister, myself and other members of the negotiating team, in particular the Attorney General and the Financial Secretary, and all Cabinet colleagues will want to see.

320 On the issue of the press statement on arrangements for the ferry, I must say I am surprised that the hon. Lady was caught off guard. There have been similar arrangements made before and there have been similar press statements made before. The deadlines have changed. We were ready for a departure from the European Union on 31st October, without a deal and without a withdrawal agreement, last year. We moved forward to a departure from the European Union not on 31st December by the end of the year, but 31st January this year – but by then we had a deal. 325 So, the arrangements in respect of a ferry cannot have been ... and I am sure the hon. Lady did not pretend to suggest this, that we should have had a ferry chartered before the date when it was going to be necessary, because the chartering of a vessel is an extraordinarily expensive concern, especially if we were to charter it exclusively for Gibraltar, and we would have been accused of not employing taxpayers' money in the best possible way if we had done that.

330 The next deadline for which a ferry has to be available is the end of this year. That is the next opportunity for a, what you might call, 'cliff-edge' Brexit without mitigating arrangements or contingencies put in place, which might require, because of some aspects of some foods from the United Kingdom arriving in Gibraltar, that there should be different routes into Gibraltar as alternatives, and for them the ferry will be in place, if it is necessary, but it would not make sense 335 to have arrangements in place.

340 So, when the hon. Lady says that we should have had those arrangements in place long, long ago, we did have them in place long, long ago when the cliff edge was last potentially going to affect us, and we would have had them in place if the cliff edge had come forward. But I am sure that what she wanted to ensure had been the case is that, in the event of the cliff edge happening on 31st December, even though we might continue negotiating etc., we will have in place those arrangements and that ferry will be in place. That is what we have told the public: that they will be in place for that date. I think that is the only sensible way to deal with this issue to ensure that we make the best possible use of the public finances of Gibraltar, so that we are not chartering a ferry before we need it and we are not entering into arrangements short of charter in relation to 345 a ferry before we need to have those arrangements in place.

350 The hon. Lady tells us that she is contacted by many businesses and the Government would do well to allay their fears. I can assure the hon. Lady that we are contacted either by the same businesses or by the same and more businesses, who are raising with us, and in particular with the Deputy Chief Minister, detailed concerns and general concerns, and that we are allaying their fears where it is possible to allay their fears. But the one thing that we will not do is to veneer over what Brexit means. There are some things that it is simply impossible to provide against. You cannot contingency plan for some of the things that will be lost as a result of a deal Brexit or a no-deal Brexit. There are some things it is just absolutely impossible to replace, other than through membership of the European Union. Most businesses that have been in touch with us I think have 355 understood what we are doing in respect of their particular areas of concern, or, where it is impossible for the Government of Gibraltar unilaterally, or, together with the United Kingdom, bilaterally to be able to provide for them.

360 The hon. Lady says we are 72 hours away from the final deadline. I think she has heard me say that the wording of what the Rt Hon. the Prime Minister and the President of the European Commission said yesterday, about Sunday, was about the negotiation; so it is about an assessment of the state of the negotiations on Sunday, not that the negotiation must end on Sunday, although I think there are circumstances in which the negotiation between the UK and the EU may end on Sunday, but it may continue if progress has been made.

365 Mr Speaker, I hope that that has dealt with the issues the hon. Lady has raised. Of course, she knows that if she has any other concerns she can raise them with me privately.

I hope to have developments to report to Cabinet colleagues and to the hon. Gentleman and to the hon. Lady tomorrow.

Mr Speaker: Does any other hon. Member wish to ask a question?

**New £500 million facility with NatWest –
Statement by the Chief Minister**

370 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do feel I am putting on and taking off my mask more than the Phantom of the Opera in the play that is, unfortunately, not running at the moment.

I have, today, laid before Parliament a copy of a new £500 million credit facility agreement with NatWest International Gibraltar. NatWest UK, who were brought into the transaction by the
375 local NatWest team, is also a party to the agreement. The facility is split equally between these two lenders. As I make this address, we have published a joint press release with NatWest, where I have recorded my gratitude for their continued support.

As hon. Members will know, I have written to Mr Speaker to explain that, at NatWest's request,
380 the agreement that I have laid before Parliament has had the lender's signatures and personal details redacted.

This facility is the fruit of our strong and ever-growing relationship with NatWest, one that has been nurtured by Government and the bank over recent years. It is rewarding to see that a bank that has stuck with us continues to demonstrate its commitment to our community at a time
385 when, undoubtedly, we need it the most, as do most communities around the world. This is not a bank that has been ready to lend us an umbrella in the blazing sun, only to take it away in the rain; it is a bank that has been there when the hail has started and the rain has fallen. The cold November rain has not broken our relationship; it has sealed it.

I would like to take the opportunity to thank Andrew McLaughlin, Gordon Paterson, Kim Slater
390 and Mark Stevens, all of whom have made an invaluable contribution towards closing this deal. Through this facility, NatWest have cemented and reaffirmed their commitment to the local community.

As I say in our joint press release, this facility marks the turning of a new leaf. We hope that, as we see mass vaccination in 2021 raise the prospect of an imminent economic and health recovery,
395 we can use this facility to kick start our economy back to normality.

This facility is backed by the UK government's £500 million guarantee that was announced on 19th November. It is clear now, I hope, to all, that we have built an exceptional relationship with the United Kingdom since we took office, and it is at times like these when we can leverage on our relationship to obtain a timely facility on better terms than we would have obtained had we gone
400 to the market without the backing of a guarantee from Her Majesty's Government of the United Kingdom.

The market conditions are right for public borrowing, for the right purposes, with interest rates at a record low 0.1% and with central banks seriously contemplating negative interest rates – I should pause there, simply to reflect that today, for the first time in 10 years, Spain has issued a
405 bond at negative interest rates – and this makes our borrowing cheaper and more affordable than ever.

The guarantee is a show of support from Her Majesty's Government, and they have assessed the risk of the guarantee being triggered as very low indeed. I think it is important for the House to just pause and reflect on that. The guarantee is clearly a show of support from Her Majesty's
410 Government of the United Kingdom, and they, in the United Kingdom, have assessed the risk of the guarantee being triggered as very low. That is exactly what they have said in the statements

they have made in Parliament in the United Kingdom. That is a demonstration that when we have been considered and X-rayed as a covenant by the United Kingdom and by Her Majesty's Treasury in the UK, they have decided that they are confident in our ability to bounce back after this pandemic and deliver on all our repayment commitments.

That is a hugely important note for this House. Too often, we hear about the ability of the Government to sustain its borrowing. Very often, the statements we hear are based on party political considerations, no doubt. But this statement, the statement by Her Majesty's Government of the United Kingdom, is not infected with party politics, and neither could anyone suggest that we might have knobbled Her Majesty's Treasury to get them to say what we might want them to say. And despite that, they are making a clear statement of confidence in our public finances. I think that is extraordinarily valuable for Gibraltar PLC. It is extraordinarily valuable for our community. It is extraordinarily valuable for us as a nation, genuinely hugely valuable for the whole community, putting aside party politics because these moments through which we are living are too important for party political games.

Therefore, I want to thank hon. Members opposite for having suspended what I have previously called 'politics as usual' as we have dealt with these extraordinary times, because our common interest as a people is to have got this right now. Arguments can come later, but right now, to have this facility on the back of the guarantee that we have secured is exactly what we needed and exactly the confidence that our economy needed, at exactly the right time, and it is objectively ascribed confidence.

Mr Speaker, due to our size and our talent pool, our economy is one that is agile and innovative. We can channel our productivity and reinvigorate, so that we see the levels of economic activity and consequent revenue that we saw before the pandemic come back as soon as possible. I am confident that we will be able to do so and that our economic actors will achieve that. The timeline of that return of activity, productivity and profitability will become clearer as the timeline for the full vaccination of our community and the rest of Europe and the world also becomes clearer.

It is important to note that this credit facility agreement has been entered into by Her Majesty's Government of Gibraltar. It is direct borrowing and it is in full compliance with our statutory borrowing limits, as I explained during the Emergency Budget session in March, where I set down our calculations and that we had the ability to borrow a further £½ billion. The Hon. Roy Clinton, the Opposition spokesperson for public finances, commented at the time that he was in agreement with these calculations. It is not often that I quote Mr Clinton with approval, but I will do so today. In the relevant extract of *Hansard*, Mr Clinton can be read to have said, that in terms of numbers and this is a direct quote:

in terms of numbers, the Chief Minister's calculations are correct in terms of his headroom. On a number of £2.4 billion or £2.5 billion of GDP he can indeed borrow 40% of that, which would give him £940 million. He says he has headroom of £500 million and I would agree with that calculation and can assure the House that that is correct.

Hon. Members will note, for the record, I was quoting Mr Clinton with approval because he was actually confirming I was right and quoting me with approval – but at least it is an opportunity to see the suspension of party politics actually in action and set out in our *Hansard*. Given the state of international politics today, we should perhaps permit ourselves a momentary slap on the collective political back of this place for having had the ability and foresight to permit agreement to break out when our nation most needed it. That is not to suggest that there are not some who might have wished it to be otherwise, Mr Speaker.

In relation to the facility itself, whilst the borrowing under this facility will be within our current statutory borrowing limits, the effect of this pandemic on the economy remains unknown and it may be that we have to adjust our borrowing limits or metrics at a future date. This is also something we highlighted at the time of the Emergency Budget. However, for the time being, I can categorically confirm that our intention is to stay within the borrowing limits. I am sure hon. Members will agree that that should be our aim.

Indeed, we can already see some signs of recovery as our income receipts move in the right direction, but there is still some way to go. With some sectors, such as tourism, heavily reliant on a return to normality, there continues to be a need for some Government intervention – and I will say something about that in a few minutes, Mr Speaker, in a further Statement. We are committed to supporting viable businesses that we expect to be able to hit the ground running as and when the crisis recedes.

Perhaps it might also be useful for me to explain, for the record and in *Hansard* – I am sure that hon. Members do not need me to do this for their benefit, but for *Hansard* and for the rest of the community – the difference between a credit facility agreement and a loan agreement. In a loan agreement, the lender requires that the full amount of the loan is drawn down and paid for, in interest terms, upon the signing of the agreement. A credit facility – which is what we have here – on the other hand, gives the borrower the ability to draw down on the facility in various tranches. That is to say the borrower only borrows the part of the facility that they need to use when they need to use it.

One of our first drawdowns against this £500 million facility will be used to repay our £150 million facility with the Gibraltar International Bank. As I announced in September, this has now been drawn down in full. As a short-term facility, its expiry falls in April 2021, and I can confirm that we will repay this facility in full before its expiry. But before we repay the £150 million facility with the Gibraltar International Bank, we will need to draw down to cover other expenses and a loss of revenue arising, because the costs of responding to this pandemic have now exceeded £150 million.

I have to reiterate that this is not a debt that can be stained with politics or partisanship; it is not a debt of anyone's making. I note the Official Opposition's concerns with the purposes to which the facility will be applied, in Statements that hon. Members made I think at the last session when we considered these matters. I want to make clear that we are fully committed to using the facility towards financially stimulating our economy, but we will do so when the conditions are right, so that the stimulation can have its maximum and most efficient impact.

We have recently published the second set of accounts for the COVID-19 Response Fund, up to 30th September 2020, which showed the cost of this pandemic running at £110 million, with BEAT running at a cost of £18 million. This has increased further since then, and it will continue to increase due to the other business support measures that I will announce later today. The COVID-19 Response Fund covers all costs of the pandemic, including recurrent costs such as PPE, additional staff costs such as the costs of taking on additional healthcare workers and nurses, and spending on furlough costs. It also covers capital costs, such as setting up the Nightingale facilities or spending on ventilators. The COVID-19 Response Fund is ultimately, of course, funded by borrowing specifically for the purpose of supplementing revenue that is lost or deferred to allow Government to continue to function and meet its recurrent and committed costs, and in great measure that will be the first utilisation of this money in replacing the borrowing from the Gibraltar International Bank by April. Additionally, we expect that we will be able to discern the right spending to target with these available funds in coming months.

I commend this Statement to the House, Mr Speaker.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, the Chief Minister has already remarked on the fact that we supported the economic measures that had to be taken at the time of the COVID emergency, and supported the Emergency Budget and the various steps that had to be taken at the height of the grappling by this community with the pandemic. In doing so, we also made very clear, in all our contributions, from the outset, back in March 2020, that we did not abandon our traditional positions and concerns in respect of the economy, borrowing or public finances, and we always reserved our position to revert to those and indeed to observe, as we have observed, in respect

510 of where the economy and public finances were when we arrived at the time of the COVID-19 emergency.

Having said all that, we did set aside those issues and recognise that there was a need to come together as a community, and supported the Emergency Budget and took a number of steps, together with the Government – less so now, but then, certainly at the height of the emergency
 515 between the period March and June, took quite a number of steps, not just economic ones but in respect of the COVID-19 public health aspects, together and hand in hand with Government – in acknowledgement of the need that there was to face down that challenge to the community together. I think we did that successfully, following, as we did, the policy that I have always set out that we would be robust but also constructive when we deal with issues of public interest.

520 In saying all that, of course we have also said that we support the fact that the UK government has provided a guarantee to enable the Government, if necessary, to borrow money on sovereign terms because it is economically in our interests for that to be the case. While we welcome that, and we welcome that it is possible so that we can all save money and the taxpayer can save money, it does not mean that we become cheerleaders for borrowing, because we have the opposite
 525 policy. We are cautious on the issue of borrowing and extending any pressure on public finances. That continues to be our view. We understand that it may be necessary, however, to continue funding the financial difficulties that are faced by Gibraltar, as indeed is the case with other governments around the world because of the COVID-19 emergency.

The Chief Minister says, and I noted from the purpose of the loan document, that the purpose
 530 is twofold, and I wanted to ask him a couple of questions in relation to that. I notice from clause 3 of the loan agreement that the purpose of the loan is twofold. One is to direct financing for the management and assistance of the COVID-19 emergency, but the other is to support any other capital expenditure, investments, public services or economic policy of the Government.

The two questions are these. He indicated to the House that the costs of the COVID-19 Fund
 535 have now exceeded, I believe, £150 million. Can he give us a more specific figure of where things lie now, a more public figure? And what is the date of the figure that he has, where the costs are now in excess of £150 million? Secondly, can he explain in greater detail the kind of purpose, what kind of projects they are envisaging directing the funding for? It is quite a wide clause under the purpose clause.

540 The hon. Member mentions that he might, at some point in the future, come to the House and seek an adjustment, may have to contemplate an adjustment to the borrowing limits, although he quickly then said that as a matter of policy he would like to keep to the borrowing limits, which we welcome, obviously. We would reserve our position in respect of any attempt to extend by resolution or by legislation the borrowing limits, and that is something we would have concerns
 545 about, given our traditional concerns that we have voiced about the extent of direct and indirect borrowing of the Government.

We make the point, as we have always made, that the money that is being borrowed now is hugely significant – *(Interjection)* Yes. We make the point – as we have always made, and certainly we have made recently, and the hon. Member Mr Clinton has made – that this kind of borrowing
 550 is very significant. It will be partly used to refinance the £150 million – that is clear from the Chief Minister's Statement – but of course it adds another layer, £350 million, which provides the Government some degree of leeway, but combined with indirect borrowing makes the position rise significantly. We have always made this point, and we continue to make it, that this is not a licence now for reckless spending. The Chief Minister can take that point as he wishes. It is not a
 555 party political point. He might think it is a party political point, but it is a point made by someone who believes that prudence and caution in the context of the management of the public finances of a small community is what is desirable most of the time.

Lastly, Mr Speaker, can I ask the hon. Member to clarify one thing that, on a quick review of the loan agreement, struck us on this side of the House, which is that the termination date is
 560 defined to be three years. What is that intended to mean? That there will be a new financing package put in place at the end of that period, or that the Government intends ...? I suspect the

Government is not intending to repay these sums within three years – or is it that that is the intention, that this is a short-term facility because the Government does not envisage using the bulk of these funds and that these are emergency funds? Perhaps it would be useful to get some clarity from the hon. Member as to how he envisages that is all going to dovetail at the expiry of three years.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for his remarks, and in particular the tone of them.

The hon. Gentleman started by referring to the way that they had supported this society's response to the pandemic and the fact that the money that we are now seeing by this facility is available to this community, with the guarantee of the United Kingdom, is to be used for this society's response. I entirely accept the point that he is making, except that I would ask him also to take a step back and see how every society around the world is being afflicted by the same need to deal with the economic consequences of the pandemic. This is not an issue that is in any way exclusive to Gibraltar or is in any way something that arises from any aspect of the management of Gibraltar, what the hon. Gentleman calls the point of arrival at this crisis.

The United Kingdom is finding itself with, I think, its highest debt since the Second World War, or even higher, the most meaningful recession since figures were kept in the past 320 years. It is a salutary but important point to make that every society in the world is being afflicted in almost exactly the same way by the pandemic in the consequences that the pandemic is having on the economic activity of each of those nations. It may be that we have become almost inured to the meaning of what we are hearing, but the largest debt since the Second World War, the worst recession in 310 years – these things have a meaning, and not just in economic terms. There is a meaning here in human terms because the consequence is that many societies will have to suffer once again, perhaps in a worse way, the sorts of austerity that we have seen have a severe effect in nations around us. I think it is hugely important that we bear that in mind. The human consequences of the figures that we are hearing bandied about, particularly in international news broadcasts, are important to remember, and to understand, Mr Speaker that it is not just this society's response that we need to keep in mind; we need to look at how the whole of the world is responding to this issue.

I do appreciate that the hon. Gentleman has said throughout this debate – if I can go back to March when we had our first Emergency Budget – that the support that they were giving the Government was not in any way an abandonment of the position that they had taken in respect of the finances of Gibraltar. Neither has the Government asked them to abandon that position.

Mr Speaker, we have to argue over something at some stage. I do not think he was in this House, but as I analysed in the context of my Budget contribution, I think in 2019 before the General Election – or 2018 – the debate on the Estimates has radiated around the unaffordability of Gibraltar's debt since 1972. I was able to trace – and I commend to the hon. Gentleman if he did not follow it – how the debate has, unfortunately, become a little stale when all that you see is the same argument being put year after year, and all you need to do is change the names of the persons making the submissions against the persons in Government receiving the submissions, some of whom had been making their submissions on the opposite side before.

I would not, for one moment, want us to break the habit of a parliamentary lifetime by asking the hon. Member to abandon that point, but I think it is important that we do reflect that the hon. Gentleman's support is given with that caveat. I have absolutely no difficulty with that, in the same way as he knows that I am going to defend the position of the Government in the way that I have done, until that time also with the additional reflection that when the perfect storm has come we have been able to demonstrate our ability to deal with the financial consequences of the perfect storm with none of the wreckage to our collective ship, *HMS Gibraltar*, that some had predicted would afflict us in the perfect storm, that some people say they predicted. It would have been helpful if they had been in touch with the World Health Organization and warned them that this

was coming, but anyway – there are some people who believe that they are prophets in their own Twitter feed.

615 The important thing, in my view, is that when you look at the consequences of what the debate has been, when the issues in debate have manifested themselves in reality, Gibraltar has been able to respond even in the context of the worst perfect storm than we might have imagined. That is certainly the case in particular because of the guarantee that has been provided by the United Kingdom, because that brings the cost of borrowing down in the way that the hon. Gentleman has
620 understood and reflected in his response to me, but also because the cost of borrowing is down generally. That is to say the cost of borrowing is down to a low which made borrowing affordable, even in the absence of a sovereign guarantee from the United Kingdom that made the borrowing even cheaper and more affordable, and I think that is important to reflect on also.

But Mr Speaker, What I will say is that he is absolutely right to say that he supported us in a number of steps, not just in relation to the Budget but also in respect of the issues which related to the health crisis that we were facing, even in respect of the issues that related to the unfortunate need to affect people's civil liberties, in a way that I know he and I agonised over with my fellow Cabinet colleagues, at a time when national unity was essential. As I said in this House, and I have seen already reflected in the *Hansard*, I was ready to extend to him the possibility of
630 joining us in Government as a Minister and I had cleared with the then Governor, Nick Pyle, that it was possible under purposive interpretation of the Constitution to have a Chief Minister and 10 Ministers, which would have enabled him to become a Minister without any Minister having to step down for the period that the Leader of the Opposition would become a member of the executive.

635 Mr Speaker, if I may say so for a moment – because I think it is apposite that I should, given the reference he has made to those times – although he was criticised for that, he was absolutely right to take that stance. When he and I are retired from this place, and probably not retired from our other profession and we are still crossing friendly swords, and, I hope, enjoying the odd cup of coffee or tea, we will reflect that his actions at that time were absolutely the right response that Gibraltar needed and something for which I certainly will always be grateful, although no
640 doubt we will go brickbats at each other at different times and on other issues.

Mr Speaker, obviously the support from the United Kingdom government is important, not just for the reasons of the lower costs of borrowing, as the hon. Gentleman has said, but also because, as I said to him also – not trying to make a party political point, and I hope he does not take it that way – because of the demonstration of the confidence in our economy and our public finances and our ability to repay the amounts that may be taken pursuant to that guarantee. Absolutely I accept that he therefore should not be seen by anyone, because of that support, to become a cheerleader for borrowing, and we would insist that neither are we, however much they might like to characterise us in that way, because the one thing that is clear, if I may say so – again, I
650 hope he does not take it as a partisan point – is that we believe that this is a demonstration of the fact that we have been right in the way that we structure Gibraltar's borrowing, because when the time came we have been able to take this additional borrowing in the name of the Government, supported by the United Kingdom government. The United Kingdom government would not have supported borrowing of a Government-owned company ... when the United
655 Kingdom government is giving a sovereign guarantee in respect of a government, like the Government of Gibraltar. So, if I may simply gently say that I think this is a demonstration that we were right to have the headroom available on the Government's balance sheet, and not have all the borrowing that may have been taken for projects, which can live in the Government companies, as it does, in a way that gives the headroom available for the purpose of public
660 borrowing.

I think this dovetails also towards the important point of the borrowing limit. We certainly do not want to exceed the borrowing limit. We would only come here to exceed the borrowing limit with a resolution or a change in the Public Finance (Control and Audit) Act if it became absolutely necessary – and absolutely necessary, as far as we are concerned on this side of the House, can

665 only mean life and death. In other words – and the hon. Gentleman and I had this discussion I
 think in March, and I think we reflected here – if we are unable to finance the healthcare of our
 community in a way that can put lives at risk because we have a rule that says we cannot borrow
 more than 40% of GDP – which is a positive rule and was a rule that we made based on advice
 670 from the Foreign Office, which gave the same advice to all the Overseas Territories – and we
 cannot borrow an extra £10 million at that stage, at a time when it will come to life and death,
 then I think we would all agree that we should simply have a resolution of the House or amend
 our law. We will *not* come to this House to change the borrowing limits unless it is a question of
 life and death, and I think it is important that we should express that again. I have expressed it
 before, but I think it is important that we should express it in that way. But if it comes to life and
 675 death, I think every person in this community would expect us to come here and change the
 borrowing limit.

If I did come to change the borrowing limit or seek a resolution, it would not be the first time
 that it was countenanced. It would be the first time it was countenanced by us, but it would not
 be the first time that it was countenanced, because as I sat here, almost nine years ago to the day,
 680 after we were elected on the glorious dawn of 9th December 2011, the former Chief Minister, my
 predecessor and his former leader, in his response to my Statement at the Ceremonial Opening,
 told us – in a way that left us rather flabbergasted – that if they had been returned to office in
 December 2011, they were going to come to the House with a resolution to change the borrowing
 limits – it is all there in *Hansard*, Mr Speaker – not for reasons of life and death.

685 And so, Mr Speaker, I give him an undertaking and I give this community an undertaking not to
 pursue the course of action which the GSD – on the lips of its former leader it lies – was considering
 taking in December 2011. We will only come here to change the borrowing limits, in the context
 of this pandemic, if it is necessary as a matter of life and death, which is where I expect that they
 will give me their support, and indeed the whole of this community would give us their support.
 690 But that is not countenanced. Neither do I think it has to be countenanced. I think we will be able
 to continue with the course that we have charted out of the perfect storm once again into the
 sunny uplands of normality without having to change to the borrowing limits, as was expressed
 to have been countenanced by the GSD in 2011.

The hon. Gentleman asked me about the purpose, so before I move on to that point ... and
 695 when it comes to the point of arrival in the debate that the hon. Gentleman gently says he would
 want to have then, I will very much look forward to hearing from them, Mr Speaker – and I tell
 them so that they can prepare, because I think it is intellectually important that they should
 prepare. I very much look forward to hearing what it is that they would not have spent on: which
 of the homes they would not have built; which of the refurbishments they would not have carried
 700 out of the housing estates, which they sometimes tell us we have taken too long to do and
 sometimes tell us have been too expensive; which of the schools they would not have built; which
 of the health facilities they would not have developed. Those Mr Speaker are really the key factors.
 And who in the public service they would dismiss, or who in the public service should see their
 salaries decreased. Those are the key issues that, if we are going to have a serious debate about
 705 the point of arrival, we will no doubt, at that point, be dealing with.

In relation to the borrowing, the hon. Gentleman said to me, ‘You have got the direct financial
 costs of COVID-19 and you have got the other potential needs of the community,’ and as I said to
 him during the course of my introduction, we will be discerning where we think it is necessary to
 spend this money and we will be making statements and coming to this House for the purposes
 710 of the spending of that money.

The hon. Gentleman asked me what the specific figure was today, in respect of spending. The
 hon. Gentleman knows that the last published figure in the Gazette for the fund is £110 million.
 The last up-to-date figure that we have, that we would want to rely on, is £143 million as at the
 end of October, which I understand is the figure that we have already shared with them, and that
 715 therefore indicates to us, on our estimate, that when we do have the figures for the end of
 November it will be in excess, therefore, of £150 million. As he knows, we will be sharing those

figures, and I read into *Hansard*, I think in March, that we would be sharing those figures as we have them.

Mr Speaker, this is very significant borrowing if we draw it down, and we will be very careful with how we draw this money down. This money must be used very carefully. This must represent not just a turning of a new leaf in the context of the opportunity to see the back of the pandemic, as we hope we will, probably in tandem with the end of the financial year. I imagine that the first quarter of next year is the quarter when we expect to see vaccinations widely available in Gibraltar, and around Europe and most of the world, and therefore a return to activity; also, I think – we hope – the end of pandemic cost and therefore an opportunity to see the economy revitalise itself and therefore minimising any amounts that we would have to draw down, other than potentially to draw down to refinance where we are advised by the Financial Secretary that that is the prudent course to take.

Of course, therefore, we will not consider this credit facility a licence for reckless spending, because we have never done reckless spending and we would not want a licence for reckless spending. The hon. Gentleman knows that our view is that, in particular, the key factor in ensuring the security of our community is ensuring the affordability of our community, and with the United Kingdom's backing and support as the sovereign guarantee I think we do have an opportunity to put on an even firmer footing our public finances going forward. He is right to see that the term of the facility is three years, and indeed I think he will not be surprised to see that we would want to ensure that we are able to control the capital that we take under the credit facility so that we control how long we need to have that facility, and we would want to see it for as short as possible. These facilities are not usually granted for longer, they would require renegotiation in about that time, and that is another reason to be very cautious on how we draw down in respect of that money. He can be assured that the Government's efforts will be to reduce the amounts drawn down, and indeed to reduce the amounts taken in respect of the credit facilities as much as possible in the period in question.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, my party and I welcome the news of the £500 million loan guarantee provided by the UK government last month, and there can be no doubt that the ability to borrow with favourable conditions at this time of international crisis is a positive step. Bringing down Gibraltar's cost of borrowing will benefit our economy and our finances, as well as provide us with a measure of financial security during the ongoing pandemic. I do sincerely hope that this Government does not see this as an excuse to borrow more and continue to spend on unnecessary vanity projects and costly maladministration. If it is to be believed that the state of our public finances was healthy and robust before the last election, with the much trumpeted rainy day fund in place, then it should not be necessary to borrow further at this time.

So I must say that I am very pleased to see that, as suggested by my party in a recent press statement, £150 million of the new borrowing is being put towards refinancing existing debt with the Gibraltar International Bank, but we would like to know if any other moneys will be destined to refinancing loans, and the exact details of those transactions. This I think would surely ease some of the pressure on the coffers that our children and our grandchildren will inevitably inherit in the future, and it is a smart financial move for Gibraltar.

The question is what will be happening with the £350 million, which will only be used in exceptional circumstances, as has been said. Considering vaccinations are already starting, what exactly would constitute exceptional circumstances in the eyes of this administration?

I also believe that it is great news for the electorate that this new borrowing will actually appear on the Government books, rather than obscured through a web of Government-owned companies, as is the case with other Government debt, and I would like to take this opportunity to, yet again, ask the Government to address the lack of transparency that surrounds parts of our public finances. This does not constitute playing political games, as the Chief Minister just advised

us not to do, especially if the Government does not believe that it, itself, was not playing political games when it made its own electoral campaign in 2011 out of scaring the community on the level of net debt accrued by the GSD at the time. The opacity of Government finances is one of the most significant failings of our democracy presently, and one that does need to be immediately corrected if this administration is to have any credibility on this matter.

It is important to be extremely responsible with our borrowing, at this juncture, for the welfare and the health of our citizens today and the ability of future generations to respond to crises like we have with the necessary resources.

Thank you.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, so fair and foul a speech I have not heard. It started so well with the hon. Lady commending us, and then I am afraid that part of what she said almost reminded me of her as a candidate for the GSD, so I will try and take those things in turn.

Of course it is remarkably positive that we have the ability to borrow on these terms when these conditions have manifest themselves, but we only have the ability to borrow on these terms when these conditions have manifest themselves because we have not been spending on vanity projects, there is no costly maladministration, and we have rainy day funds. In other words, the analysis that is done of our ability to repay is an analysis of our public finances done by the professionals at the Treasury and done by the professionals who are lending the money, which leads to a conclusion that is different to the party political analysis that has been done by her – and that is obvious.

What are the other vanity projects? One has got to really try and break down some of the statements that hon. Members are making, because if the vanity projects are the homes that we built at Mons Calpe Mews, at Beach View Terraces, or that we are building elsewhere, the homes that we built at Charles Bruzon House or at Sea Master Lodge, we should tell those residents of those homes that hon. Members opposite consider them vanity projects and we consider them essential projects in the development of our community. If we consider the children's PCC or the new PCC to be vanity projects, we should tell the patients that the hon. Lady, or Members opposite – whoever; I do not want to ascribe it to them, if it is just her – consider those to be vanity projects and that the hon. Lady believes we should not have built them. If the hon. Lady thinks that the vanity projects are the new schools, the hon. Lady should tell the children who are going to go to those schools – instead of the schools that we inherited when we were elected, including Bayside, which she was constantly telling us we had to rebuild – that they were vanity projects and that we should not have spent on them, because it was just vanity to spend on them.

Which are the vanity projects, Mr Speaker? Hon. Members need to understand that the statements that they make are going to be analysed. Frankly, I think it is impossible to point to a vanity project. The hon. Lady has made the statement and she is responsible for it.

I genuinely do think that, in the approach she was taking when she started her statement, she had understood the importance of the availability of these funds demonstrating the opposite of what it is that she went on to analyse and what I have seen other Members and individuals say. I am almost put in mind of the rediscovery of Dr Livingston – or was it ...? I am getting the wrong literary reference ... *The Return of Sherlock Holmes*: 'Reports of my bankruptcy were greatly exaggerated.' The idea that we are somehow in a situation which is economically akin to bankruptcy when, in fact, there is no costly maladministration, the rainy day funds are still intact, there are no vanity projects and the external assessment of our public finances is that we can borrow £½ billion and not be at risk of being unable to repay that amount, I think speaks volumes. It speaks volumes because it is a little like a general election all over again – whatever is said in the campaign, there is a guillotine moment. Dominique Searle, when he was the editor of the *Gibraltar Chronicle*, called it the cold steel of election night, in 2003. There is that guillotine moment when an external assessment – in the context of an election, the electorate – is made,

which delivers a result which is unquestionable. Here, the external assessment is by Her Majesty's Treasury and by a commercial lender who say yes, you can have this money, because I do not doubt that you will be able to repay it. Of course, the hon. Members have the difficulty that there is after a general election when you have lost – and I have lost plenty, Mr Speaker. There is no shame in losing a general election, because that is what democracy is about, but when you have lost, all of your arguments really need to be reconsidered, because the arbiter of argument, which is the electorate, has taken the view that you were wrong. And here, in the context of the things that the hon. Lady is saying, and others have said, the external assessment demonstrates that they were wrong.

Anyway, I am very pleased that at least we have a meeting of minds in respect of using part of the credit facility for the repayment of the £150 million that we have taken from the Gibraltar International Bank – not because the hon. Lady said it in a press release, unless she is suggesting that we are going to do it because she had a great idea that she put in a press release. I do not think that she believes that we make our financial planning decisions based on what is contained in the Together Gibraltar press releases. In fact, it would be remarkable if she thought that, because I should refer her to the statement I made in March in this place, when I had spoken to the Financial Secretary to the Treasury the night before I came to this place, and I said, 'We are taking the £150 million short term from GIB, but we expect to be able to repay it with the credit facility we will obtain, which will be supported by what we hope will be a UK sovereign guarantee.' So, perhaps I can put it to her that I am very pleased that she reflected in her press release the things that I had said in this House some months before. But I am sure that in the same way as we do not take our cues from her press releases, she will say that she did not take her cue from the things that we had said and that I have said in this House. Therefore, I am very pleased that she sees that this is a smart financial move, planning positively for the future of this community.

When she has asked me what it is that we would consider to be exceptional, given that vaccinations are starting etc., I am going to make a different Statement now that will deal with some of the measures that we will be providing going forward, because this crisis is not yet over and there are many businesses badly affected, and we have said that this money will also be used to provide fiscal, or rather financial or economic stimulus for Gibraltar as we go forward.

Certainly I will not accept the point – and this is where I think she also strayed back into the positions that she used to take when she was a candidate for the party of hon. Members opposite – that we have obscured borrowing through Government-owned companies, in particular when we have spent time with her and hon. Members opposite taking them through the structure of that borrowing, in my office, with flow charts, so that they understand it before we have drawn it down.

So, the hon. Lady will forgive me for saying that hon. Members in this House have had more transparency than has ever been the case in history, although they love the shorthand of saying that we are not transparent. I was never called, when I was a Member of Parliament, by the former administration ... Indeed, I do not think any Government, including the GSLP Government of 1988-96, ever called Members of the Opposition into the Chief Minister's office to give them a detailed breakdown, with flow charts, of how money was going to be borrowed in the corporate structure – yes, in the corporate structure, but not in a way that is not transparent. It is just not fair to say that. It is not fair. There are basic rules of fairness, and when you take somebody – the hon. Lady and Members – into your confidence, in your office, and you say, 'This is the structure of this borrowing,' it is not fair for them to then turn around and say, 'This is obscured and lacking in transparency,' because they have had more transparency than has ever been given before.

That they might have structured in a different way, I fully accept, that they say they would have structured in a different way, because it is not as if we invented borrowing through companies. Borrowing through companies was something that we found when we were elected. It was already in place, and we have continued it, yes, because we have taken the view that what was good for the goose is good for the gander, unless the goose can convince the gander that, either because one is a goose or one is a gander, one is better able to do borrowing through companies.

Mr Speaker, I am almost yearning for the opportunity for a normal debate in the old style in this House, because I think we can demonstrate that there is no obscured Government debt through companies – unless she is referring to the debt that related to the car parks company, for example, just to name one, which was the funding that we found in companies when we were elected; or the funding for the new power station in companies, which we found when we were elected. All of this in the party that she defended when she stood for election for the first time in 2015 – in 2013, sorry, because the hon. Lady stood in the by-election. So, I do not accept those points, and I do fear that it is just falling into the shorthand of politics, and that is not edifying.

Yes, the question of the debt level in 2011 was an issue in that General Election. It was an issue in the early days of social media. I said things which have been described as ‘grubby’ in this House by the former Chief Minister in respect of the Government debt. Let’s be very clear: the size of the economy in 2011 was very different to the size of the economy as we went into this pandemic, hugely different. We have grown this economy in the past nine years in a way that speaks for itself – almost, on average, 10% a year. You would not seriously expect the size of the debt to be the same in an economy at £2.4 billion, £2.5 billion, to an economy at £1.4 billion, so I think the hon. Lady needs to re-evaluate that argument in this respect, because of the questions which relate to borrowing through companies etc., all of the myriad questions that have been raised.

The hon. Lady has been here now for a number of years, but she needs to remind herself of the things that are said in the context of the Budget debate, because those are the defining moments of the debate when it comes to the economy and the public finances. I think it is important that she should refresh her mind in respect of some of the things that were said, in particular in March of this year, because, as we move forward, it is important for the purposes of the debate that we all have those issues fresh in our minds and we are not re-litigating the same points in the context of those discussions. My contributions to the Budget debate will hardly be described as being akin to *The Wealth of Nations* when it comes to being authoritative, at least by Members opposite, but if nothing else, the hon. Lady should read the Father of the House’s contributions, because those, I think, will demonstrate to her what I am saying is right.

Mr Speaker: The Hon. Roy Clinton

Hon. R M Clinton: Thank you, Mr Speaker.

The Chief Minister will forgive me – I guess he suspects that I will ask for more technical points of clarification. I will try to go slowly, so as to make the experiences as painless as possible.

Starting at a macro level, I of course fully recognise the comments which the Chief Minister read back to me as to what I said was the Government’s available headroom in March, in terms of borrowing capacity based on 40% of GDP, as we knew it at that point in time, without the need to come back to this Parliament for a resolution. In that respect, I would like to make two points to the Chief Minister.

First of all, he really needs to keep an eye on GDP, because, of course, we had a level, I think, in 2019, of about £2.3 million or £2.4 million. That number, as we have heard, in the United Kingdom, in terms of their GDP, is probably going to suffer a reduction. So, in that respect, I would urge the Chief Minister to consider ... or I will perhaps ask him whether he has considered building in a margin of error in terms of GDP for the next couple of years, in that it may actually reduce; and if it reduces, proportionately, therefore, our headroom is going to reduce.

Of course, whereas I confirmed he had £500 million of capacity, it is not to say I suggested he go out and borrow it in full. I am conscious of the words I used at the time, which were ‘we need to do what is necessary’, and in that respect I would again urge the Chief Minister to consider what is necessary. Obviously what is necessary is, as he has already said, what we have spent to cover the necessary expenses of the COVID crisis and, of course, the shortfalls in Government revenue. I am sad to hear that we are already at a level, in October, of £143 million, whereas in the Emergency Budget, or the second Budget we had this year, it was projected to be at a level of £150 million estimated to 31st March next year. So, by his assessment it sounds like – and we will

925 hear, no doubt, shortly, about the BEAT 4.0 measures – we are likely to exceed £150 million and therefore will need to draw down additional borrowing to cover shortfalls.

In that respect, I am reminded of Sir Joe Bossano's golden rule, which is not to borrow to meet recurrent expenditure – which he has accepted and we hear that, in this particular case, it has been necessary to break that golden rule, but I think on both sides of the House we would be of the same view that it is unwise to do that, and therefore the shortest possible time for which we have to borrow to meet recurrent expenditure would be best. In other words, we need to plug that hole first, before we consider doing anything else.

In that respect, Mr Speaker – as an aside, if I may – the Chief Minister made great reference to the position in December 2011. I would gently remind him that the limits he was referring to then were abolished by him in 2016, and those limits, again approved by the Foreign Office, were 80% of recurrent revenue from the previous years. It was two tests, and we are now left with 40% of GDP, which is obviously a much higher number. I think the Chief Minister has to accept that he is comparing apples and pears if he goes back to 2011, because we are talking about two different limits. In any case, in 2011 the gross debt level was £530 million, and the net debt was £290 million. I think you will find, Mr Speaker, from the official numbers now, that number is much higher, but we do not have that lower limit of 80% on recurrent revenue. And so, on a macro level we need to be conscious of the legal limit. Of course, there is provision in the Borrowing Powers Act for this House to exceed the limits by way of a House resolution, but the limit is now 40% of GDP, whereas before the limit that had been set was a much lower amount.

945 Going on to the the loan itself, it is important to get into the technical details of the loan. The first question I would ask the Chief Minister is ... He claims that the three-year period is actually desirable because he wants to use as short a period as possible and reduce the amounts taken, but I would suggest to him that perhaps it is the opposite view that would be preferable, that the Government should have the use of the facility for as long as possible rather than as short as possible. I would remind the Chief Minister that certainly as recently as last year the loan facility with NatWest for £75 million was for five years. Indeed, the facility with GIB was, yes, for one year. But now we have a three-year facility. In days of old, and perhaps in better days, the facilities we had with Barclays were certainly longer than five years and, by memory, I would say at least 10 years. So, to say that three years is a term we should be happy or comfortable with ... I would suggest that perhaps we would need, ideally, more time to consider what needs to be done, because on a three-year term, just on the £150 million which he proposes to use to refinance the GIB, we have to set aside £50 million a year to repay it. That is a lot of money per year to repay it. So I have to ask him again, is three years the term that he sought, or is that all that we could get? Ideally, in this position, we would have wanted anything between 10 and 20 years in a facility.

960 On the back of that, I must ask whether the UK sovereign guarantee is only for three years. Is it that the UK has given us a sovereign guarantee to match this facility agreement, which expires at the same time as this facility agreement, i.e. is only for three years? Or is it that the United Kingdom has generously given us, for example, a 10-year guarantee for any type of borrowing, of which this is the first type? It is very important that we understand that point, because it has very great significance for our public finances going ahead. I would ask the Chief Minister if he can tell the House whether the UK's sovereign guarantee is only for three years, and that is it – i.e. that is all we are going to get from the UK, a three-year sovereign guarantee. I think that point is critical.

Also, I would like to know whether there are – and again, he may not have the information with him – any covenants attached to that UK guarantee of which this House should be aware. Again, that will have significance on our public finances going forward.

970 At the risk of being accused of doing the Chief Minister's job for him, the one elephant in the room which nobody has mentioned so far is the rate. It has been said that it is a great deal, but we have not heard what the rate on this deal is. I am sure the Chief Minister will be able to give that information, because if he is talking of a loan which is backed by a UK government guarantee, you expect it to be a very fine rate. The rate that was obtained from NatWest last year was 0.875%, and that is just the margin over base. So, if base is 0.1%, the total interest cost is 0.975% per

annum. In the loan agreement which has been tabled today, the margin is worded: “‘Margin” means 0.35 per cent, per annum.’ That could mean there is a typo in here and it actually means 0.35%, or it is what we call, in banking terms, three and a half basis points, which is like 0.035%, which is then added to base, so on a base rate of 0.1% you would have a total cost of 0.135%. It is critically important to understand that, and I say that because you need to compare it to our existing borrowing.

The Gibraltar International Bank, who lent us the £150 million, their margin was 0.15% plus base, so the borrowing cost was 0.25%, or ¼% for the one-year facility. The NatWest facility at 0.875% plus the base for five years is 0.975%, and of course the NatWest facility of £500 million – you either read it as 0.35% plus 0.1%, i.e. 0.45%, or 0.135%. It makes a huge difference in terms of comparability. Obviously, if you are talking about three and a half basis points, then that is a very fine rate indeed over the market, and obviously then it makes sense to repay not just the Gibraltar International Bank, but the Chief Minister might even consider repaying the NatWest facility of £75 million. Again, it may be a bit rich to use money that we are borrowing from NatWest to repay NatWest, but they signed the loan agreements, and it would appear, on the face of it, that they are lending money to us at a much cheaper rate than we are borrowing from them, so I would encourage the Chief Minister to consider whether he would want to look at that. It is a five-year facility on a revolving basis, so in the same way as you do not have to draw down all of it in this facility, you can repay part of the £75 million facility and draw down indeed, after three years, if needs be, on the old rate. As I said, that is the elephant in the room and we need to understand and have clarity on what the cost of this facility is.

Talking about the cost, I did ask earlier this year about the £75 million facility. The Father of the House, in answer to Question 96/2020, when I asked him what the arrangement fee was for the £75 million facility with NatWest that is not in the agreement, told the House that the arrangement fee was £637,500. If NatWest are using the same formula or rate, on that basis £500 million would mean there would be an arrangement fee of £4¼ million. I would be grateful if the Chief Minister could advise whether that is or is not the case. Again, it goes towards the affordability of this loan. I must remind the House that the £150 million which is being repaid to GIB ... Obviously all we are doing is substituting one bank for another, and it will have to be repaid – not at the end of the year now, but perhaps at the end of three years – and therefore we need to find £50 million a year, based on these numbers, to repay that amount, and this is not a small amount.

Mr Speaker, those are the more technical questions that I have for the Chief Minister, and I think he will appreciate that they are important.

In terms of the use and refinancing, I have heard that he says, ‘I have to repay the International Bank,’ but again, depending on what the margin actually is, he may want to consider holding on to it, because it might be cheaper, and no doubt the Financial Secretary will advise the Chief Minister in that respect. The one thing, however, that, in terms of refinancing, the Chief Minister may or may not be able to do – and he has made a great play of the use of borrowing through Government companies – is refinance the £300 million mortgage, which is costing us 8.5% per annum. Ideally, of course, if that were on our books ... we refinanced it, but that cost will be with us for the duration.

I am heartened to hear him say that this is company borrowing, because he will remember how he tried to convince the community that this was an investment, whereas, as he said quite clearly minutes ago, this is borrowing. Everything that is borrowed through the company is borrowing. We can call it indirect borrowing, we can call it anything he wants, but it is borrowing nevertheless. And based on what he calls the company borrowing, there are at least the £300 million mortgages and the £165 million that has been raised recently – that is *at least* – plus, of course, financing the power station, about another £70 million, plus other bits and pieces. So, there is at least another £500 million, minimum, that has gone through a corporate vehicle, not to mention Credit Finance – another £400 million.

We cannot just wash away the company borrowings: they are there. What we are looking at now is on-balance-sheet borrowing of the Government and its capacity to borrow more and at what rate. It is evident that although the Chief Minister will describe this as a great show of confidence in Her Majesty's Treasury in Gibraltar, the mere fact that he has had to go to the UK government to ask for this sovereign guarantee is in itself an indication that the Government does not have the ability to go to the market and borrow in its own name without the support of the United Kingdom.

I think that covers all the points that I wanted to raise, and I look forward to the Chief Minister's answers in due course.

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I thank the hon. Gentleman for his contribution. He is right that he has raised many more technical points than he has raised political points. He really, I think, does not want to take my job; I think he wants to take the Financial Secretary's job, to tell the truth, given the technical detail that he likes to get into. But it is absolutely right that we should focus the debate in respect of answering his questions from the points of view that he raises.

He is absolutely right that we need to keep an eye on GDP, not just in relation to this borrowing but generally. In fact, in my prepared remarks, I said that one of the key things for us is to ensure that we are keeping an eye on GDP. In answering generally the points that he has made, I would refer him to the statement I made about this not being a £500 million *loan* agreement. In other words, I think we have agreed that we do not think it is prudent to go and get ourselves £500 million. What we have got ourselves is the ability to borrow up to £500 million, and that is based not on where we are today. It is based on where we were when this started and the work that we started, the guarantee that we sought and obtained – even though it has only been signed recently – and the negotiations we entered into in the context of a credit facility. But it would not be our preference to have to draw down £500 million in respect of this credit facility, not least because of the connection to GDP and wanting to keep headroom in that respect, but also because we would obviously wish to see this economy firing as soon as possible on all cylinders, people being able to stand on their own two feet producing revenue and income for the Government, and the Government not needing to subsidise them. On that, I know that he and I, and indeed the Leader of the Opposition, are on the same page.

The question is what that margin of error has to be, and what we have done is ensure that we have the widest possible margin for error, should it become necessary. It is very difficult to put ourselves in the situation that we were in, in March, but it is not often that governments and oppositions, especially in Gibraltar, decide that they need to work together. Those were very trying days. Indeed, who would have imagined that, thank goodness, by now there is a vaccine that is being rolled out and hopefully will be administered to as many as want it in the first quarter and second quarter of next year, not just here but around the world? It was not possible to discern when the end would come, although all of us hoped that the end would come; indeed, now it appears that we know when the end will come, but I think we have all learnt enough in the past nine months to forget predicting anything with any certainty – except for those who think they predicted everything with great certainty.

So, the hon. Gentleman knows that he is pushing at an open door when he is saying to us that he is not encouraging us to take this amount of £500 million in full, although he rightly says, as I think I have also indicated is our position, that it may be that we take down moneys in respect of this facility where we are replacing borrowing in respect of other facilities.

The hon. Gentleman should not be concerned too greatly about the fact that we have reached the £150 million, because if he looks back at what I said, I said that the anticipated borrowing would be in the region of £150 million, so that is more or less where we think we end up, although we may need to take short-term provision for a little more, and then what we do is not just related

1080 to the drawdown that we have had to make to pay for the COVID-related fund, but also the lack of revenue that has arisen.

I think we all agree that golden rules are there to be maintained – that is why they are expressed to be golden – but they are golden rules in the context of what is the predictable reality in which they operate. I do not think anybody, other than [Inaudible], would pretend to have been
1085 able to foresee circumstances such as these. Certainly no economist in the world says that they knew and were planning for a pandemic and the economic effects of a pandemic. You might find people who are in epidemiology who were warning about pandemics and the health effects of pandemics, but there was not any economist worth his salt standing up and saying, ‘There is a pandemic potentially coming and we have to plan for the economic effects of pandemic,’ which
1090 is, in effect, to plan for the sort of situation that has afflicted the world today and for which there is no planning to be done. So, I think he agrees, in the way he expressed the wholesale agreement that the golden rule had to be broken in this context, that this was what is in the law referred to as a *novus actus interveniens*, as a new act which interferes and cuts across the logic either of liability in the context of analysing an incident in law, or in the context of analysing the economics
1095 of the situation that we were dealing with.

When I turn to deal, therefore, with the point that he makes in respect of the December 2011 rule, he is absolutely right, we did change the borrowing rules under the Public Finance (Control and Audit) Act. There is the record in *Hansard* of why we raised it. But the reason why I maintain the point I was making in respect of the GSD’s position in 2009 is very simple. What we were told
1100 by them in 2011 was that the rule they were going to breach is the rule we have maintained, namely the rule of 40% of GDP. There were two rules then: 80% of recurrent revenues or 40% of GDP. What we were told by the former Chief Minister in the Ceremonial Opening – if he looks back, he will see – was that the rule that was going to be broken was the rule that we have maintained. So, he will forgive me for saying that I was actually comparing apples with apples,
1105 although I take the point from him that I might have been comparing Granny Smiths with Red Delicious, because the rules have changed, but we were still comparing the issue of the 40% of GDP. If we can park it at pears, I think he and I can, once again, as we have been doing for most of this year, snatch agreement out of the jaws of dispute.

Why is there a three-year term here? There is a three-year term because that is – he is right –
1110 the limit of the sovereign guarantee from the United Kingdom. Again, one would not expect that this would be a sovereign guarantee that would not be reviewed. It may be that in three years’ time we ask the United Kingdom to renew that sovereign guarantee, and the best way to make the argument in that respect would be to demonstrate that we have not seen them called upon in any way to make any payment in respect of that guarantee, and that we are no doubt then still
1115 dealing with the problems that have arisen in the context of COVID and trading out of something which was not of our own choosing, called Brexit. But in my view, there should be nothing read into the fact that it is a three-year guarantee, other than that the period of a guarantee of that sort for the purpose that it was sought – which was the COVID-19 pandemic, not Brexit – would be something that we would have a clearer view on by then. Why? Because the hon. Gentleman
1120 is right to say this sort of money is money that you would want for 10 years or 20 years, but you would not then be asking for a credit facility for that period. You would very likely be asking for a loan for that period. I refer him to the analysis that I did. You would not say I want a floating capability to up and down the amount that I am borrowing; you would say, very likely, at the end of this exceptional period I now know what this has cost, and I want to crystallise it.

Let me just take a simple figure – which I will not be held by, because there is too much at large, but let me just take a figure in the middle. It is £150 million now, and there is £500 million headroom. Let’s say that we want to find ourselves, at the end of this exercise, having borrowed £250 million. Again, it may be £500 million or £450 million that we may have to borrow, or it may be £150 million that we may have to borrow, but let’s just, for the purposes of the argument,
1125 hypothetically take the figure of £250 million. You reach the end of the three-year period saying COVID cost us £250 million. You then say let’s now crystallise that over a period of 10 years, or
1130

20 years, or a longer period. You then know what the amount is and it is crystallised. You are not seeking a facility for that period, you are seeking a loan for that period, where you have a definite interest rate payable over a definite period and you have crystallised the cost. I think that is the difference, Mr Speaker.

On the issue of the covenants, the hon. Gentleman will see the covenants in respect of the loan agreement, because the loan agreement is now a document that is before the House. There are no covenants to speak of in the context of the loan guarantee; simply, obviously, the main covenant, which a guarantor always requires of the person they are guaranteeing, that you should pay the loan. The main covenant that is sought from you is that you should do everything you can to ensure that the guarantee is not called upon. Other than that, the hon. Gentleman should not believe that there are any strings attached, which is what 'a covenant' I interpret to mean in layman's language from him.

The rate, Mr Speaker, I am asked by the Financial Secretary to express in this particular way, so that it is in keeping with the exercise the hon. Gentleman sought, so I am going to read it out exactly: it is 0.35%. And the arrangement fee is £1.125 million, not the order of £4 million that the hon. Gentleman would have referred to.

In the context of the GIB borrowing, if I may say so to the hon. Gentleman, I think he does need to understand that what we did with GIB at the time is not something we would have been able to persuade GIB to do if we had asked them to do it for three, five or 10 years. We were able to persuade them to give us that rate for that period, and I doubt we would be able to persuade them to give us that rate for a longer period.

In the context of company borrowing, he needs to understand I was not making a point, I was replying to the point that others were referring to that borrowing as company borrowing. I think what he will accept from me is that – and this is not to make a partisan point at this stage, although so many of us have spent time saying we are not doing that, that we might end up being interpreted as having done it – if all of those borrowings which are in the corporate entities which he refers to as borrowing were not in the corporate entities, then it would not have been possible to have the extra headroom now. So, if the theory of public finance which had been adopted had been successfully that of hon. Members opposite, if their interpretation of what is investment or borrowing were to have prevailed, and if their interpretation of what is investment or borrowing were to have prevailed, and if their interpretation of that all being borrowing and all of it coming on to the Government's balance sheet had prevailed because they had won the General Election, then, by their own definitions, they would not have had the headroom on the Government balance sheet to seek the extra borrowing when it was necessary. The hon. Gentleman, I assume, intellectually will accept that and will not shy away from that.

Mr Speaker, it is not for one moment that we had to go to the UK to have the ability to deal with these additional and exceptional costs. The hon. Gentleman ended on what I can only interpret as a party political point, but he has not made many of them and I will not hold it against him that he has made at least this one. He made the point that we could not have had the ability to have the additional borrowing that we have needed, now, if it was not because we had not gone to the United Kingdom for the sovereign guarantee. That is plainly wrong. It is plainly wrong. We have gone for the sovereign guarantee to try and make the borrowing cheaper in the medium term, not because we needed to go to the United Kingdom for the borrowing. The reason that is plainly wrong is self-evident, because there is a facility from GIB that we took before we had the guarantee from the United Kingdom, and we could have had a facility from NatWest also, even without, no doubt, the guarantee, but the rates might have been different. This is not about ability to borrow, which is the point he made in his last intervention; it is about cost of borrowing. So, he will forgive me for respectfully disagreeing with him in the way that he made his last point.

And, indeed, this is not a question of rainy day funds, which the hon. Lady was referring to before. The rainy day funds are there. We have our definitions of rainy day funds and, for us, the success here is that we have not touched them. In other words, I have not done what the former Chief Minister did in the context of the Savings Bank fund. The Savings Bank fund is intact. Good

1185 luck to me if I tried, Mr Speaker, and rightly so, because we are protecting the rainy day funds
even on rainy days, and when the assessment is made and the judgement of history delivered as
to the management of our public finances, in particular the long-held argument about the rainy
day funds, I think one of the ways that we will rightly have been shown to have pursued the right
course is that not only did we have the ability, without even the United Kingdom, to have sourced
more lending at the time when it was necessary, but we have done so without touching the rainy
1190 day funds, which means that as we sail out of this and we repay that borrowing, we do so intact
as to the rainy day funds. I am reminded of the fact that even the Chancellor of the United
Kingdom has had to go to the Bank of England. These are extraordinary times. If we sail out of this,
as I sincerely hope, and I am sure all Members hope we will without having to dip into the rainy
day funds, repaying this facility with the confidence of Her Majesty's Treasury and the United
1195 Kingdom government, then I respectfully submit that we will have done a darn sight better than
anybody ever expected, and I do believe ... because, in the work that we have done together in
the past nine months, more in the earlier part of those nine months ... but I do believe that hon.
Members, in their heart of hearts, and indeed perhaps in some of what they would say, would be
very pleased indeed – as pleased as we will be, as pleased as all citizens should be – because then
1200 we will have navigated together this perfect storm in a way that is enduring and allowing us to
have as many arguments as we might wish to in the future, having left the worst behind us and
having left to future generations of Gibraltarians not an unpayable debt but actually a very healthy
set of public finances.

Thank you very much.

Mr Speaker: Does any other hon. Member wish to raise a question?

BEAT 4.0 – Statement by the Chief Minister

Mr Speaker: The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): We really are making up, Mr Speaker, for all the months
1210 when we have not been here.

The long-term economic consequences of the COVID-19 pandemic to our community are highly
uncertain, and so I rise now to make a Statement on what we will call the BEAT 4.0 measures.

This is a unique crisis where our health and economy are under serious strain, for all the
reasons we have already debated. Indeed, it is as uncertain for Government as it is for our crucially
1215 important business community, but against this backdrop of extreme uncertainty the package of
direct financial support I am announcing today provides a degree of certainty, and strikes, in our
view, the right balance in protecting jobs and our economy as best we can.

We had originally hoped to allow our businesses to gradually work themselves out of this
financial assistance, as we anticipated seeing the return of some normality in August – no doubt
1220 something all Members will also have wished to see. That was clearly, unfortunately, wishful
thinking on our part, and no doubt on the part of everyone in our community and indeed the
world, as we hoped against hope that the worst effects of the pandemic might have been
mitigated by science, medicine or divine intervention – depending on our respective creeds – by
then.

1225 As hon. Members and all our citizens now know, that has not been possible. We therefore now
need to look at our economy in the whole, and balance what some of our business community
needs to survive against what we consider we are able to sensibly and prudently do until we
commence our economic recovery in earnest. It is truly a challenging time, but we hope that this
latest round of BEAT measures will go some way to easing that burden and enabling our firms to

1230 work through this pandemic with us. Most importantly, we hope that this 'leg up' that we are announcing today will mean the difference for many businesses and will help them continue to survive as employers in coming months.

1235 I am therefore pleased to announce the outline of the new business support measures that will apply from 1st December 2020 to 31st March 2021. These measures are timed to assist business through what we hope will be the last period of serious disruption as we turn a new leaf and emerge from the pandemic-induced slump. The main staple of the new measures will be BEAT 4.0. This is a scheme that has been developed organically following the three preceding BEAT schemes that Government implemented, starting on 1st April 2020. I will broadly summarise the various stages for the House, as follows.

1240 The original BEAT 1.0 was a scheme for employers to assist inactive employees, where we targeted the financial support directly at the employees. We practically eliminated wage costs for businesses, which are normally the highest direct cost facing a business. BEAT 1.0 was a three-way collaboration, an alliance between Government, employers and employees: Government paid employees their new wages; inactive employees sacrificed their contracted wages through
1245 their employer; and businesses paid their reduced business expenditure, despite the hit to their revenue. Government also sought to mitigate these business expenses through various other measures, from PAYE and Social Insurance waivers and deferrals schemes, to rental discount schemes and rates waivers and the various Import Duty mechanisms we introduced to support businesses.

1250 Throughout, the Government has done as much as we possibly could in a small economy such as ours. The total cost of the BEAT 1.0 scheme saw Government pay out around £14 million directly to businesses and their employees over the second quarter of this year. Money well spent. This lifeline meant that businesses were able to retain their employees and have them firing on all cylinders as soon as they tentatively reopened after lockdown.

1255 Once employees were allowed to return to work, we redesigned the BEAT scheme. Instead of a contribution strictly for employees, the subsequent BEAT schemes, BEAT 2.0 and BEAT 3.0, were paid out as a grant to the businesses themselves. This was an amount of money that was paid to businesses to support them in meeting their business costs. They were not directed to use this grant to pay employee salaries. They could use it for any purpose the entrepreneur considered
1260 appropriate. The BEAT 2.0 and 3.0 schemes have been simple and effective. Businesses have welcomed the support to help them through these very difficult months.

Both the BEAT 1.0 and BEAT 2.0 schemes were designed in close consultation with CELAC, who have provided constructive and practical feedback throughout the entire process, and also hon. Members of the Official Opposition, who have also contributed greatly to the discussions. The
1265 BEAT 3.0 scheme that we rolled out for October and November was simply an extension of BEAT 2.0. It simply repeated the grant payments that we had made during the month of September 2020.

We have recognised the simplicity of this grant scheme, but we also recognise that businesses will need more assistance as we close the year and begin what are traditionally very quiet months
1270 in the first quarter of each year. May I just record, Mr Speaker, for the purposes of *Hansard*, that the references I am making to 'year' are to calendar year and not financial year. There will be no bumper Christmas for anyone, this year. That is a painful reality that we must, unfortunately, all accept. Strong Christmas takings normally help our businesses, and businesses around the world, navigate the first months of the next year. This year, the takings will, no doubt, not be so strong
1275 in the hospitality industry. There will be fewer tourists coming to visit, to eat, or to shop. Our retailers will likely be less active, despite the local captive audience – although, as a father, I can tell the House that any retailer who has PlayStation 5s available will do a roaring trade! Consumer confidence will, no doubt, not be what it was last year.

Our new scheme, BEAT 4.0, will continue to be paid as a grant. It will be just the same as BEAT
1280 2.0 and BEAT 3.0, but the amount of that grant is now increased from 20% to 30%. Why? Because we recognise that the longer the pandemic goes on, the harder trading has become for those of

our businesses that are in the scope. Additionally, the life of BEAT 4.0 will be to the end of the current – 24-month – financial year. That is to say BEAT 4.0 will be paid up to 31st March 2021. What we are doing now is essentially giving businesses further certainty in terms of the guaranteed cashflow that they can rely on up to 31st March 2021.

The amount of the grant will continue to be based on the average payment that the business received under BEAT 1.0, from April to June – *[Interruption by mobile telephone.]* No prizes for guessing whose phone that is, Mr Speaker, as assiduous followers of our parliamentary sessions will know! Businesses will therefore be able to calculate the amount that they will be receiving over the coming months, and they can plan accordingly.

Businesses that were able to participate in previous BEAT schemes will be receiving emails as I speak, or during the course of this afternoon, so that they can confirm their participation for BEAT 4.0. These businesses will have until midnight on Friday, 18th December to confirm their participation in the scheme, and we expect the first round of BEAT 4.0 payments to be made to businesses in the week commencing 21st December. Save for the December payment, all remaining payments will be made at the end of each relevant calendar month, as was the case with previous BEAT payments.

We are well aware that this increased grant is being paid during December whilst most businesses will see an increase in trade activity – and indeed it is being paid early in December, because all Treasury payments are made early in December – but we hope that these businesses will use this grant conservatively and prudently, so that they are as prepared as they can be to weather the first quarter of 2021. We anticipate that the first quarter in 2021 will be slow, as has traditionally been the case in previous years, and this slowdown is likely to be compounded by the effects of the pandemic.

Businesses in receipt of BEAT grants are required to keep any terminations within a fixed threshold, to avoid any BEAT grant payments being converted into interest-bearing loans. That is a characteristic of the existing system. The employee termination threshold that was previously 30% is now being increased to 50% for the wholesale, retail, hotel, bar and restaurant sectors only. This is in response to the feedback that Government has received from business representative groups within these sectors. These representations have explained that these sectors traditionally experience a high turnover of employees, and they have sought an increase in the threshold to give them greater flexibility with the management of their staff in a way that does not penalise them from converting their grant into an interest-bearing loan. We recognise that no business wants to make its staff redundant, but we are acutely aware that, in some circumstances, redundancy may be inevitable, and we do not want to strip the financial aid from those businesses at this challenging and difficult time.

Mr Speaker, I will pause from my prepared remarks to also say that in these particular sectors we have found, traditionally – and I know hon. Members who have been in Government will also have found – that there is, unfortunately, a lot of illegal labour. The thing we have found is problematic is that, in these sectors in particular, those who do not engage in the employment of illegal labour, those who act properly and have everyone on their books, are actually more at risk of breaking the 30% threshold than those who unscrupulously take on illegal labour. Just to give hon. Members an example, if an individual had 100 employees, under the existing BEAT rules they can make 30 redundant before their grant becomes a loan, but if they make 31 redundant, then the amounts they had taken as grant are automatically converted to a loan. Hon. Members need to bear in mind that the scrupulous and proper businessman is registering his 100 employees. He can make only 30 redundant under the scheme. The unscrupulous businessman may have only 50 people on his books, but may have another 50 people who are not on his books. These numbers are just being used for ease of understanding. That individual would be able to make the 50 who are not on his books redundant and 15 of those who are on his books redundant. He could get rid of 65 people. It would be grossly unfair to those who are acting properly, in particular in those industries where we have seen the feature of illegal labour in the past. It is for that reason that we have, in those industries, in order to protect the scrupulous and proper entrepreneur,

increased the number to 50%, also conscious of the fact that there is a high turnover also, even of properly registered staff.

I should inform the House, however, that the quarterly average of the number of resident persons seeking employment in Gibraltar – that is to say those registered as unemployed – is currently likely to end the quarter – that is to say the calendar year – at about 25. I am using the figures at the close of business yesterday and the figure from the other two months in the quarter to calculate what it is likely to be, which is 25. When we designed BEAT – and we designed it together – we designed it to protect jobs, and we have. This Parliament should really reflect on the actions we have taken since March and recognise that the work that we have done together as a Parliament has delivered against that central overriding objective of protecting employment.

We have also adapted and tweaked some of the existing measures, following requests from these sectors that are in touch with us. Whilst Government will continue to apply an additional 25% early rates payment discount to all businesses that pay rates on time, we will, in addition, also apply a rates waiver for the period from 1st January 2021 to 31st March 2021 for all businesses in the wholesale, retail, hotel, bar and restaurant sectors only. The additional rates discount and waiver does not apply to supermarkets and pharmacies, as was previously the case. This waiver will, of course, only apply to businesses that are up to date with their rates payments.

Government will continue also to waive work permit and registration and administrative fees throughout the first quarter of 2021.

The commercial rent discount scheme will also be extended to 31st March 2021, with Government providing a discount of 50% on all rent and licence fees, and private landlords encouraged to provide a rental discount of 25%. As before, private landlords who do not extend this discount to their tenants for quarter one of 2021 will face a tax penalty, and their tenants will receive a tax credit. Our private sector landlords have supported this scheme, and we are grateful to them for this support. I must tell them that we intend this to be the last quarter for which we will introduce this rental discount scheme for private landlords. We recognise that landlords are businesses too and that they need to see light at the end of the tunnel also.

Restrictions on rental increases, the waiver of tables and chairs licence fees and the Import Duty Waiver Scheme will all continue, as I have previously announced, up to 31st March 2021.

The total cost of this package is approximately £1 million per month.

I am grateful to the Ministers for Business and Financial Services and Gaming, the Hon. Vijay Daryanani and the Hon. Albert Isola, for having worked with CELAC members, with the Catering Association and with Financial Secretary Albert Mena on the development of these measures, together with Income Tax Commissioner John Lester and his team, and Director of Employment Debbie Garcia and her team. I have been unable to involve myself in detail on these matters, as I have been involved in the detail of the BREXIT negotiations with the Deputy Chief Minister. It is for that reason that it has not been practicable for me to consult with the Leader of the Opposition on BEAT 4.0. I know that the relevant sectors need this clarity now and I do not think we could therefore delay this announcement any further. I would have wished to have been able to consult the hon. Gentleman more fully, if possible. I do hope we will be able to consult him on future stimulus measures as we move into that next phase of our economic development.

Our amendments to the Insolvency Act that introduced a moratorium period were due to expire on 31st December 2020. In line with the extension of the other measures that I have announced, this moratorium period will be extended to 31st March 2021.

Government has also sought to remind businesses that if they are in distress solely as a result of the pandemic, they may be able to take advantage of the Business Disruption Loan Guarantee Scheme, which I explained to Parliament on 26th June 2020 and 25th September 2020 and which I seem to recall was warmly received by hon. Members opposite. This scheme was contracted to continue to receive applications up to 31st December 2020, but I am pleased to announce that Government will extend this deadline to 31st March 2021, in line with the other measures that I have just mentioned.

1385 With the New Year comes new hope that the mass vaccination scheme will lead to economic recovery in Gibraltar, in Europe and the world, and we hope to see that transition occur economically from April 2021. We are starting to consider measures that we will be rolling out as from April next year, as we seek to kick-start our economic recovery. The Government is committed to assisting the business community until that recovery process commences.

1390 We will face a different problem if we allow this pandemic to scar our economy and reduce our tax and other revenues. It is by keeping our economy on this life-support system that we can avoid a longer-term increase in our welfare spending. We will continue to work together to support our business community in a prudent and responsible manner. We have many challenges to navigate, each with their own difficult consequences, and we will measure our response appropriately.

1395 Governing is never easy, but in these times it is especially difficult. But we have not faltered and we shall not falter, and together I have every confidence that we will all see much better times to come.

I commend this Statement to the House.

1400 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I think one of the first things that we said when we were discussing the Emergency Budget, back in March 2020, was that, apart from dealing with the public health issues, we needed to turn our minds very quickly to the economic issues, hence our support for the Emergency Budget, but we also said then that it was not just about funding the paralysis that was necessary during the lockdown, it was also necessary to fund regeneration and the kick-starting of the economy. So, we broadly supported the BEAT 1.0 measures; we had some misgivings about the BEAT 2.0 measures, which we set out in detail.

1410 We had an exchange of correspondence, the Chief Minister and I, on various principles, where we exchanged views. When the BEAT 2.0 measures were presented in this House, I spoke at length about a difference of opinion on issues underpinning the BEAT 2.0 measures. As the Chief Minister has indicated, the BEAT 1.0 measure was targeted at securing employment and the employee. It was then transformed into a grant. We had concerns about a level playing field and also about employees losing jobs. We also had concerns about whether they were targeted enough, in terms of what the economy needed and what businesses needed.

1415 Our position remains unchanged, because we do not have a clear statistical picture about what is happening behind the scenes, but we certainly welcome, broadly, the fact that there is going to be further assistance given to the business sector. It is obvious that, as months have gone by ... We had that period during the summer when our active COVID cases were at zero for quite a long time, when we lived a summer where we thought that perhaps we would be emerging, and yet a lot of European countries were plunged back into lockdowns. We have been, gracefully, spared the worst effects, and however much there have been effects on our civil liberties, they have not been as bad as in other countries. That is also important to reflect, however many nuances we then draw on the issue of civil liberties.

1425 In that context, clearly the effect of COVID is longer felt. The information that we have received from the Government – in accordance with the arrangements that we entered into, so that we would give support to the Emergency Budget – clearly tell us, on this side of the House, that the effect of COVID will be long, much longer than perhaps we had wished for and certainly into next year, maybe even the next financial year after that, but we will have to wait and see.

1430 We also take account of the fact that it is correct that lots of businesses do like to have an impetus to sales in the run-up to Christmas, and then everyone has what loosely, in Spanish, would be termed 'the January hill' – and it is not just a health hill, but an economic one for a lot of businesses – and so that needs to be protected, I suppose insulated, by these measures.

1435 So, broadly speaking, we may have differences of opinion as to the specifics and whether these are targeted enough or whether they provide the right kind of measures, but of course we

recognise that there needs to be financial assistance, especially to some sectors. We have said so in the past, in communiques that we have issued, and indeed identified the sectors that the Chief Minister has talked about, in the context of the directed measures of today, before.

1440 I want to ask him a few questions, for clarification. He has mentioned the scheme, broadly speaking. Can he confirm that the scheme will, once again, be open to businesses that did not participate in previous schemes but in fact may now require assistance?

Secondly, he has mentioned a deadline of 18th December. Does that deadline also apply for businesses that did not participate in the former scheme but now wish to do so because of their economic circumstances; or is this a rolling period, and businesses that did not participate and may need assistance in February, but not in January, may be able to apply?

1445 Are the details of the scheme itself going to be, in effect, based on the rules that have already been published for BEAT 2.0 and BEAT 3.0? Is this really an extension? And can we take it – can businesses take it, or anyone listening to this debate; can business owners assume – that they can just read the rules that have been published already and that those are the rules that are going to apply because, in terms of clarity, that is just easier for business?

1450 The hon. Member has indicated ... I think he mentioned that there were a number of people actively looking for employment and that it was low. Does he have statistics on the number of redundancies in the last few months? I do not know if he has that to hand – he may not; if so, it would be helpful to understand.

1455 And then, finally, he mentioned a figure of what the cost of the package would be, which is £1 million a month: is he saying that it is £1 million a month in the context of the whole package, or is he saying that it is £1 million a month in respect of rates and rent waivers only? It would be helpful to understand, in terms of our own assessment of what the package will cost. Given that BEAT 1.0 loosely cost about £18 million, is he saying that this is £1 million a month going forward for the whole package, or is it parts of it; and, if so, which parts?

1460 As I say, we are broadly supportive of the concept of targeted financial assistance that secures jobs and that secures assistance for business at this very difficult time. If this package has the support of the business community and unions, then that is a good thing. Of course, no scheme is perfect, and I imagine that there is disagreement on aspects of it, or not everyone will have the same view on different aspects of it.

1465 While we reserve our position on the detail of it and everything that I said before in respect of concepts, we certainly recognise that going forward, given that the effect of COVID on the economy will be long, and despite the vaccination programme that we will no doubt debate in the House in coming months, the return of tourism will be slow and may require further tranches of targeted assistance to particular sectors more than others in coming months.

Mr Speaker: The Hon. the Chief Minister.

1475 **Hon. Chief Minister:** Mr Speaker, I am very grateful to the hon. Gentleman for his contribution, and, as has been the case in the context of BEAT measures, the tenor of it. I think we have had one row about BEAT – which, in politics these days, is not bad.

The reality of the economic consequences of the pandemic I think becomes starker every day, because it is a cumulative effect, and I think this is the point I was trying to make and the reason why I am grateful for the hon. Gentleman's qualified support for these measures.

1480 The important point – as I said during the course of my prepared Statement, but as I want to reflect in the context of the remarks of the hon. Gentleman – is that when we were here, and indeed when we were, later, in my office, working together on the proposal for BEAT, the key issue was to protect employment. In answering his point on the numbers of people made redundant in the period, which I do not have to hand in order to give him an accurate number, I think the important number to look at is the number I shared with the House today, which is the number of people registered as unemployed and seeking employment. That is very low indeed,

and perhaps surprisingly low, but of course this is a year when we have intervened in the market, and BEAT is nothing other than a direct intervention in the market.

1490 The hon. Member might want to reflect that BEAT is the positive intervention in the market that we have made this year. The negative intervention in the market that we made, all of us together, was to close the market. We decided that businesses had to be closed in the spring, so did that negative thing; and we did the positive thing, which was to intervene to say, 'but we will pay the salaries in that period'. And then we did the thing of saying, 'Now we will stop paying the
1495 salaries, but we will give you money as a business, as long as you do not make people unemployed beyond a particular amount, in which case you can keep the money but it has to be repaid as a loan.' So, the fact that we have 25 people, hopefully, by the end of this month, on average, registered as seeking employment/unemployed I think is a demonstration that we have collectively been right in the way that we have calibrated the support that we have provided to
1500 businesses with the objective of protecting jobs, therefore having greatly been provided for.

The other criterion that we established for ourselves, which was articulated first by the Hon. Mr Clinton in this House and was a matter that he saw us see through, was that the measures that we implemented should be simple, they should be un-bureaucratic and there should be as little red tape as possible, and I think that that is what these BEAT measures actually do. And, if I may
1505 say so, the fact that we have slight disagreement on detail is not bad, given that I am one who does not believe in drafting by committee. I think it is impossible to draft one paragraph of a letter by committee, because different people achieving the same objective would use different words every time, in particular if those people are two lawyers. So, I do not think it is bad that we have conceptual agreement and support from the hon. Gentleman and the Members of the House he
1510 represents, even though we might have done the detail slightly differently. I think that is the most that this community could reasonably ask of us, even in these difficult matters.

I do think it is helpful for him to have reflected, as he has, on how we have dealt with the pandemic in the context of the civil liberties aspects. This was a point that was important to him, was important to me and was important to the Attorney General and to the Minister for Justice
1515 when we were dealing with these points in March, during the course of the initial lockdown. And indeed it was hugely important to Members of the Cabinet who were not lawyers but who have long striven to protect liberty and personal freedoms.

I think it is important, given the sometimes hysterical level of debate that some people wind themselves up into on social media, that we do reflect that the restrictions in Gibraltar are probably as light touch as they can be, and much lighter than they have been in other advanced and developed economies – indeed, in our neighbouring economy and in the United Kingdom. We have been able to do that, not because there is a witch doctor in our midst or we are somehow better or magical in the way that we deal with things, but because the size of the place enables us to put into effect measures which have epidemiological effect, in a way that is less of a sledgehammer than when you are dealing with a huge nation and you have to have one clear set of rules, which may be what needs to be relevant in the most populous areas and is utterly absurd in less populous areas. So, without claiming to have done things better than anyone, I think we have done them, insofar as possible, with the lightest touch that has been necessary in order to have effect, and I am grateful for his reflections on that because I think we have been approaching
1525 this from the same point of view, of trying to not restrict people's civil liberties any more than we absolutely have to, and constantly reviewing them.

The points that the hon. Gentleman made, that he wanted answers to... I will go through each of the questions in turn. The first one related to whether individuals who had not participated before would be able to participate now in respect of BEAT, and the answer to that would be yes,
1535 we will have the same rules, as a threshold to permit new claimants, as we had in the past. We have always wanted to ensure that we have not penalised people for wanting to carry the burden themselves without relying on the taxpayer for longer, and therefore, when those people who are in scope of the rules say 'I did not claim before, but now I do need to claim', we will deal with

1540 applications for BEAT 4.0 in the same way as we dealt with applications for BEAT 2.0 and 3.0 in respect of those who had not made the claim in respect of BEAT 1.0.

1545 The 18th December is a date which must be set in stone for payments to be received in the following week, but if an individual entity wants to continue to try and deal with this themselves without claiming, and they want to claim later because they find themselves having to claim later, of course we will be able to entertain that and exercise discretion in the right circumstances – always, however, insisting that that latitude should not result in laziness in submission of applications by 18th December, in particular by those who have already submitted and want to re-register.

1550 Will the new BEAT be based on the rules that the old BEAT was based on? Yes is the answer. You can read the existing rules and that will determine eligibility, but with the tweaks that I have announced today, and the rules will be published to convey those additional areas of benefit and the extended period of waiver, deferral or benefit which is provided for, and the new sector that we are providing specific provisions for, which, as the hon. Gentleman knows, is the wholesale, hotel, catering, etc. sector that I referred to a moment ago.

1555 The cost of £1 million a month is the cost of the BEAT payment, not the cost of the additional parts of the package, like the discount on rates etc. That, we will see better calculated in the numbers as they come out, because those will be against claim.

1560 I agree with him that as the programme of vaccination advances across the world, we will not see the end of the economic effect of COVID. Indeed, when it comes to, for example, corporate tax, those hits on the balance sheet of profit will manifest themselves in less tax paid in the next financial year. So, there is a trickledown consequence of COVID, the economic effect it will have, which is not immediate, although the support we have to give is certainly immediate, but we may need to think of how we deal with future arrangements, and there, probably, we will be dealing more with stimulus than anything else. But I do hope that the vaccination programme will at least be the beginning of the end of the worst of this pandemic and the end of the health aspects of the pandemic.

1565 There is also some thinking that there will be pent-up demand, and so there may be an element of balance, and the way that I understand some travel companies have dealt with COVID has meant that they have permitted people to take vouchers against cancelled travel, but those vouchers will have to be cashed in for travel in a fairly short period. And so, although my instinct, like his, is that people will not come back to tourism and travelling immediately, until they are entirely secure – not just that they are inoculated, but also that the place to which they are going is safe because there has been a programme of inoculation – there is also the possibility that we will see the cruising industry return quickly because they have given vouchers to people which need to be taken quickly.

1575 In that respect, Mr Speaker, if I may say so, I think one of the key things is for us to quickly be able to say that Gibraltar is COVID safe because we have had a programme of vaccination which has covered all those in our community who want to have the jab, and all cross-frontier workers who want to have the jab, and need to have it for the work that they do, inoculated; and Gibraltar is therefore a safe place to come. That will be a hugely important part of the marketing of the future.

1580 If I may, Mr Speaker, I think we have done exceedingly well, and the Minister for Tourism is to be congratulated in particular for the work that he has done, not just meeting local hoteliers but also spreading the message of Gibraltar beyond Gibraltar. We have seen magnificent spreads in UK newspapers, of the sort that we might not have dreamt of before. We are one of, still, the very few European destinations to which people from the United Kingdom can come without having to go into quarantine in the future, and I think that will create a bank of goodwill and knowledge and information about Gibraltar that I hope will reflect in bookings going forward – and, indeed, the one thing that we might not have expected, but that Gibraltar may have become, once again, well known for its weddings and as the European capital of love and marriage, rather than being

1590 known for other purposes, and we have seen a great increase in the numbers of people considering Gibraltar as a wedding destination.

So, all of that, I hope, will help us to come back, in particular in the hotel, catering and travel industry, which is the one which has been so severely afflicted at this stage, as we have both identified and spoken to.

1595

Mr Speaker: Does any other hon. Member wish to raise a question?

SUSPENSION OF STANDING ORDERS

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

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

1600 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

1605 **Hon. Chief Minister:** With your indulgence, Mr Speaker, can I suggest, given that the House has endured my three Statements and the other contributions, and that you have not been able to shift from your chair in that time, that this might be a convenient moment to take a short break before we embark on the legislative work that we have to do this afternoon – maybe for 10 minutes, and return at half past six?

1610 **Mr Speaker:** The House will recess for 10 minutes.

The House recessed at 6.20 p.m. and resumed its sitting at 6.35 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Nature Protection (Amendment) Bill 2020 – First Reading approved

Mr Speaker: Before we go on to Bills, I wish to confirm that I have been notified by the Hon. the Chief Minister of the urgency of taking three Bills, namely the Nature Protection (Amendment) Bill 2020, the Trademarks and Patents (Miscellaneous Amendments) Bill 2020 and the Competition Bill 2020.

1615

Clerk: Bills – First and Second Reading.

A Bill for an Act to amend the Nature Protection Act 1991.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1620 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Thank you, Mr Speaker. I have the honour to move that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time.

1625 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Nature Protection (Amendment) Act 2020.

**Nature Protection (Amendment) Bill 2020 –
Second Reading approved**

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

1630 This Bill has been, as we know, certified as urgent by the Chief Minister, and I would like to explain the context in which this is required.

1635 As part of the work undertaken in connection with Brexit and the end of the transition period on 31st December, officials have been working closely with counterparts in the United Kingdom to mitigate the effects of Brexit. This Bill provides for one such mitigation in an area of the environment which has an importance that transcends the environment. The Bill represents the fruits of months of engagement on the requirements for Gibraltar to participate in the Bern Convention – the official title being the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats – signed in Bern in September 1979.

1640 In addition to the Bill, officials have been working on the administrative requirements for implementation. That work concluded only yesterday. As part of that work, a number of additional provisions and amendments were agreed and these were contained in my two letters dated 7th December and 9th December, which include amendments that we will be considering at the Committee Stage. I apologise for the late submission, but, as I say, the discussions only concluded yesterday between the Department of the Environment, the Gibraltar Law Officers and Defra in the UK.

1650 The significance of the Bern Convention is that it provides a regime for the protection of habitats and species which is parallel to the EU's Birds Directive and Habitats Directive, which form the basis for protection. Mr Speaker will be aware that under that regime Gibraltar was able to designate two sites as Special Areas of Conservation (SAC). Those sites joined part of a network known as the Natura 2000 Network. The Bern Convention provides a parallel to the Natura 2000 Network, known as the Emerald Conservation Network. In Bern Convention language, SACs are termed Network of Areas of Special Conservation Interest (ASCI). In terms of process, this also means that our SACs will roll over into the ASCIs and continue to benefit from international status.

1655 Mr Speaker, I will now turn to the Bill itself. Clause 3 contains all the provisions that are required and all the provisions therein to amend the Nature Protection Act.

Subclause (2) substitutes the long title to reflect the change in emphasis of the Act and provides the necessary *vires* to implement, in particular, international obligations. This includes the Bern Convention.

1660 Subclause (4) deletes section 2A. The section sought to disapply Part II to animals and plants of European species and no longer has a purpose.

Subclause (8) inserts a new section 8ZA. This section places a responsibility on the Minister to establish the conservation status of all wild animal species – in particular those specified in the appendices to the Bern Convention – on land, air or sea, which are either resident in, migrating

through, or visitors to Gibraltar, British Gibraltar Territorial Waters, or to both. It also provides the Minister with the power to treat an area of land or sea as if it were a European site or European marine site as already defined in our legislation, should the need arise, and places an obligation on the Minister to consider doing this if such treatment is required pursuant to the Bern Convention.

Subclause (12) inserts a new section 11ZA. This section places the same obligations on the Minister and provides the same powers, although this time in relation to all wild plant species. While these obligations and powers were largely already in our legislation in relation to birds in particular, these now extend to include wild animals and plants in accordance with the Bern Convention, and, in addition, create prohibitions on the indiscriminate means of disturbance, capture or killing of any wild birds or animals, including destroying or taking their eggs.

Subclause (9) creates a prohibition for the killing of certain species specified in the Bern Convention.

Subclause (15) inserts a new section 18ZB. This section provides the Minister with a power to make an order to provide for measures to be taken as necessary to prevent pollution or deterioration of the conservation status of species of any wild animal or plant that suffers or is likely to suffer from pollution or deterioration. It applies equally to the land as well as marine environments.

Subclause (17) extends the regulation-making powers to make provision for implementing, complying or abiding by international agreements, treaties or conventions.

The other provisions all seek to amend language in the Act to enable the provisions to be read in the light of the Convention's requirements.

I would like to take this opportunity to thank the officials in the Department of the Environment, the Gibraltar Law Officers and indeed Defra for the hard work that they have been doing, taking it almost to the wire but completing it yesterday.

Mr Speaker, I am pleased to report that I have discussed the urgency of this Bill with the Hon. Elliott Phillips and the Hon. Marlene Hassan Nahon, who have concurred with the urgency of it.

I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? Mr Phillips.

Hon. E J Phillips: Mr Speaker, I am grateful to the Hon. Minister for setting out the context of the amendments to the Nature Protection Act. I am grateful also for the explanation that he gave on the telephone to me last week, in which he explained not only the context but also the wider issue that he alluded to in this House – which is fairly sensitive, so I will not repeat that matter in the House, save to say that we understand the level of urgency and we are grateful for that explanation to the House. Therefore, we will be supporting the Bill.

I only had one question when I was doing my homework, as it were, given to me by the Minister himself last week, which was that although the United Kingdom, I believe, signed up to the Bern Convention in 1979 and ratified it in 1982, and also extended it to Jersey and the Isle of Man in the same year, perhaps the Minister could confirm why there was no extension sought or made by the United Kingdom to Gibraltar at that time – just out of interest, to clarify why the Bern Convention was not directly extended by the United Kingdom.

Mr Speaker: Does any other hon. Member wish to speak? The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, like my hon. Friend to my right, I am also grateful to the Hon. Minister for the reasons he has stated leading to the presenting of this Bill in an urgent fashion.

This Bill enshrines the principles of the Bern Convention, the first international treaty to protect both species and habitats, and does so by creating an international commitment and perspective

on the issue. The Council of Europe's Convention on the Conservation of European Wildlife and Natural Habitats, approved in 1979, was actually the first to bring countries together to decide how to act on nature conservation.

1720 As a party with a strong environmental agenda – and I believe strongly in the European project and European collaboration – we are very pleased with this amendment and the values that stem from it.

1725 In a post-Brexit world, we must not be tempted into discarding all those elements from our European Union past that have brought all this positive change to legislation that we have put forward. We must continue to embrace that which is good from our past and build upon it to reach new heights. We must continue to uphold the highest standards and protections to our environment, our health and our safety, and this appears to be a step in that precise direction, a step that we welcome and approve.

Thank you, Mr Speaker.

1730 **Mr Speaker:** The Hon. Minister.

Hon. Prof. J E Cortes: Thank you, Mr Speaker.

I am grateful for the support from the hon. Members as expressed. I agree that it is an important step.

1735 In relation to why the UK did not extend it at the time, there are a number of conventions that have not been; they are not automatically extended to Gibraltar. I worked, at the time from outside this House, to try and achieve that, and subsequently from within my ministerial responsibility, but the reasons I am not certain of. It was not that vital, because as part of the European Union most of the requirements of the Bern Convention were covered by the Birds and Habitats Directives, but now, obviously, in leaving the European Union it is important that we should have this international backing for our laws.

1740 Mr Speaker, I repeat my gratitude to the Members opposite and I once again commend the Bill.

1745 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Nature Protection (Amendment) Act 2020.

**Nature Protection (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1750 **Minister for the Environment, Sustainability, Climate Change and Education (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.

1755 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Intellectual Property (Copyright and Related Rights) Act 2005.

The Hon. the Minister for Digital, Financial Services and Public Utilities.

1760 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Intellectual Property (Copyright and Related Rights) Act 2005 be read a first time.

1765 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Intellectual Property (Copyright and Related Rights) Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Intellectual Property (Copyright and Related Rights) (Amendment) Act 2020.

**Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 –
Second Reading approved**

1770 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

1775 The Intellectual Property (Copyright and Related Rights) (Amendment) Act 2020 amends certain sections of the Intellectual Property (Copyright and Related Rights) Act 2005 to implement, in part, specific provisions in both (a) the Berne Convention – which we have just heard of – for the Protection of Literary and Artistic Works, as revised in Paris on 24th July 1971, and (b) the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, signed at Marrakesh on 27th June 2013, which are not currently provided for in our laws. These international measures will be extended to Gibraltar with effect from 1st January 2021.

1780 The Berne Convention already applies to Gibraltar and is given effect in our Intellectual Property (Copyright and Related Rights) Act 2005. The Bill tweaks the Act so as to implement a revised version of that same Convention.

1785 The Marrakesh Treaty facilitates access to published works for persons who are blind, visually impaired or otherwise print disabled, without infringing the rules on copyright. There are already provisions in the IP 2005 Act for Marrakesh beneficiaries, but some of them need to be revised.

1785 In addition to the much-welcomed benefits that the extension of these Conventions bring about to disabled persons, these Conventions are important as post-transitional arrangements following Brexit and for future free trade agreements which we will hope to be a part of.

Mr Speaker, I commend the Bill to the House.

1790 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

1795 **Hon. D J Bossino:** I am grateful, Mr Speaker – simply to acknowledge, initially, the Hon. Minister's assistance. He kindly provided me with a copy of his speaking notes, so I had advance notice of what he was going to say.

We have managed to agree a position, and that is that the Opposition will most definitely be supporting the Government in relation to this particular legislative initiative. As I understand it, what we are doing here is aligning ourselves to the UK as a result of the post-Brexit reality that we

are going to be facing in the not-too-distant future. So, the Opposition, I can confirm, Mr Speaker, will be supporting this Bill.

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, I beg to give notice that the Committee Stage ... Sorry, no, there is nothing further to add. My apologies.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Intellectual Property (Copyright and Related Rights) Act 2005 be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Intellectual Property (Copyright and Related Rights) (Amendment) Act 2020.

**Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): 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 Bill be taken today? **(Members: Aye.)**

**Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Trade Marks Act and Patents Act.
The Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Trade Marks Act and Patents Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Trade Marks Act and Patents Act be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Trade Marks and Patents (Miscellaneous Amendments) Act 2020.

**Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 –
Second Reading approved**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill for the Trade Marks and Patents (Miscellaneous Amendments) Act 2020 be read a second time.

This Bill implements, in part, specific provisions of the protocol relating to the Madrid Agreement concerning the International Registration of Marks adopted at Madrid on 27th June

1989, otherwise known as the Madrid Protocol, and specific provisions of the Patent Cooperation Treaty signed in Washington on 19th June 1970. Both of these conventions are currently not provided for in Gibraltar law and they are important as post-transitional arrangements following Brexit and for free trade agreements.

This Bill is too urgent to allow for the usual publication period of six weeks, and therefore the Chief Minister has issued a Certificate of Urgency. These measures go hand in hand with the Bill for the Intellectual Property (Copyright and Related Rights) Act 2005, which has just gone through its various stages.

This Bill amends both the Trade Marks Act and the Patents Act, and I will take the relevant amendments as they appear on the Bill.

Clause 3 implements, in part, specific provisions from the Madrid Protocol. The Madrid Protocol will be extended to Gibraltar with effect from 1st January, and it is a system that makes it possible to protect a mark in a large number of countries by obtaining an international registration that has effect in each of the designated contracting states. When you apply for international registration, you must designate one or more of the contracting states in which protection is sought. As a friendly extension of the protocol to Gibraltar, any trade mark designated in the UK will include Gibraltar, and so the Bill provides that, with effect from 1st January 2021, any trade mark which results from an international application made on or after 1st January which designates the UK would automatically be recognised in Gibraltar.

Subclause (6) amends section 3 of the Trade Marks Act by making the right to re-register a UK trade mark in Gibraltar subject to Part 3, which contains the automatic recognition in Gibraltar of international trade marks under the Madrid Protocol, as well as the UK comparable trade marks explained in more detail below. It also makes consequential amendments as a result of the insertion of the definition of the UK Trade Marks Act, which we now need to have.

Subclause (8) introduces a new Part 3 to the Trade Marks Act. The effect of the new section 17 is that the rights and privileges of the registered proprietor of an international trade mark in the UK are automatically recognised in Gibraltar for as long as the registration of the trade mark remains in force in the United Kingdom.

The new section 18 provides for the treatment and protection of any EU trade marks (EUTM) and international trade marks with a new designation that exists on 31st December 2020. These are rights that exist and are currently protected under EU Regulation 2017/1001. Once the UK and Gibraltar leave the EU, any such existing EUTMs or international marks will only cover the remaining EU member states and will not provide protection in the UK or Gibraltar. In order to ensure that these proprietors do not lose their rights on 1st January, and in order to give effect to the provisions of the Withdrawal Agreement, the UK has created a new EU/UK trade mark right for EUTMs, called a comparable trade mark, and for international marks with a new designation called a comparable trade mark 'IR' as opposed to 'EU' for the European ones.

Clause 18 provides that the rights of British providers of the UK comparable marks are automatically recognised here in Gibraltar. This protection will subsist until the date of expiry of the mark and for as long as registration in the UK remains in force.

Clause 4 implements, in part, specific provisions of the Patent Cooperation Treaty. This Treaty – PCT, as it is sometimes referred to – makes it possible to seek patent protection for invention simultaneously in each of a large number of contracting states by filing an international patent application. Filing that international patent application has the effect of automatically designating all contracting states bound by the PCT of the international filing date.

In the circumstances, Mr Speaker, I commend the Bill to the House.

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

1885 **Hon. D J Bossino:** Once again, Mr Speaker, I thank the Hon. Minister for his assistance earlier in sharing his ideas and the rationale as to why this was required; also to confirm, for the same reasons I referred to, that the Opposition will be supporting this Bill.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? Does the mover wish to ...?

1890 I now put the question, which is that a Bill for an Act to amend the Trade Marks Act and Patents Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trade Marks and Patents (Miscellaneous Amendments) Act 2020.

**Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1895 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** 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 Bill be taken today? (**Members:** Aye.)

**Competition Bill 2020 –
First Reading approved**

1900 **Clerk:** A Bill for an Act to make provision about competition and the abuse of a dominant position, and to make provision in relation to mergers to establish the Gibraltar Competition and Markets Authority and to provide it with powers of investigation and other functions.

The Hon. the Minister for Business, Tourism, Transport and the Port.

1905 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** I have the honour to move that a Bill for an Act to make provision about competition and the abuse of a dominant position, and to make provision in relation to mergers to establish the Gibraltar Competition and Markets Authority and to provide it with powers of investigation and other functions be read a first time.

1910 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision about competition and the abuse of a dominant position, and to make provision in relation to mergers to establish the Gibraltar Competition and Markets Authority and to provide it with powers of investigation and other functions be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1915 **Clerk:** The Competition Act 2020.

**Competition Bill 2020 –
Second Reading approved**

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): I have the honour to move that the Bill be now read a second time.

1920 Mr Speaker, this Bill has been certified as urgent by the Chief Minister and comes before Parliament in the context of our Brexit preparations. The reason for this Bill is that Gibraltar's participation in a UK-EU free trade agreement will only be permitted if Gibraltar has a legislative framework to promote open and fair competition. This may also be a fundamental requirement of some free trade agreements the UK may be negotiating with the rest of the world. In the circumstances, without the legislative framework, Her Majesty's Government will not negotiate
1925 for Gibraltar's inclusion in fair trade agreements.

The Bill consciously attempts to mimic the UK's competition regime, which is set out in the Competition Act 1998 and the Enterprise Act 2002 as adapted by the UK's EU exit legislation. As this Bill purports to be new law, Gibraltar has been the subject of EU rules on competition. That regime has been administered by the European Commission and enforced with a wide suite of
1930 powers, which has included dawn raids. The UK is repatriating these powers and conferring them on their Competition and Markets Authority, and this Bill achieves the same aim.

Mr Speaker, at a very high level, the UK regime provides: (a) a ban on anti-competitive conduct; (b) a ban on abuse of dominant position; (c) the criminalisation of cartels; (d) merger control. Merger controls do not need to be notified unless certain thresholds are met. However, the effect
1935 of not notifying may lead to action that can unwind the merger, proving costly and time consuming.

The Bill is divided into 10 Parts. Some Parts are further subdivided into Chapters. Parts I and II are derived from the UK's Competition Act 1998, whereas Parts III to VIII are derived from the Enterprise Act 2002.

1940 Part I, Competition. The Bill contains two prohibitions which are closely based on the corresponding prohibitions under Articles 101 and 102 of the Treaty on the Functioning of the European Union: (1) the Chapter 1 prohibition, which prohibits agreements between undertakings, decisions by associations of undertakings, or concerted practices which may affect trade in Gibraltar and have as their object or effect the prevention, restriction or distortion of
1945 competition in Gibraltar; and (2) the Chapter 2 prohibition, which prohibits the abuse of a dominant market position which has or is capable of having an effect on trade in Gibraltar.

Clauses 3 to 9. There are three elements to a breach of Chapter 1 prohibition. There must be some form of agreement, decision or concerted practice between undertakings, which may affect trade in Gibraltar and which has its object to affect the restriction, prevention or distortion of
1950 competition in Gibraltar. In addition, the effect on competition and trade in Gibraltar must be appreciable. There must be an agreement, decision or concerted practice between two or more independent undertakings. Intra-group arrangements – that is between a parent and subsidiary or between two sister companies – will generally fall outside the scope of Chapter 1 prohibition, as long as the companies concerned form a single economic unit.

1955 An agreement need not be in writing or be intended to be legally binding to fall within the Chapter 1 prohibition. A concerted practice consisting of direct or indirect contact between competitors, the object or effect of which is to influence a competitor's conduct in the market, will also be caught. The effect on trade in Gibraltar may be actual or potential.

There is limited immunity from fines for any small agreements, which are defined as
1960 agreements between two parties whose combined group turnover in the last financial year preceding the infringement does not exceed a specified threshold. Officials here have consulted their counterparts with respect to the various threshold values in the Bill. I have accepted the advice I have received regarding these thresholds and will keep an open mind as to whether to review them in the future. The threshold will be provided for in regulations that will be published
1965 in the New Year, if Parliament approves this Bill.

Supplementary Information 0.1. It should be noted that the immunity is limited because it does not apply to price-fixing agreements and because the Gibraltar Competition and Markets Authority, hereinafter referred to as the GCMA, may withdraw the immunity following an investigation. Although small agreements have limited immunity from fines, they are not exempt from Chapter 1 prohibition itself and may still be the subject of investigation by the GCMA and civil actions by third parties.

Exclusions. Certain types of agreements are excluded from Chapter 1 prohibition, notably mergers. There are circumstances in which they may cease to apply or be withdrawn. Exemption from the Chapter 1 prohibition is also possible.

Exemption. An agreement that infringes the Chapter 1 prohibition may nonetheless benefit from an exemption if, broadly speaking, the benefits to which it gives rise outweigh anti-competitive effects. For this purpose, the criteria that must be satisfied are that (1) the agreement contributes to improving production or distribution, or to promoting technical or economic progress; (2) it allows the consumer a fair share of the resulting benefit; (3) it only imposes restrictions which are indispensable to the achievement of those objectives; and (4) it does not allow the parties the possibility of eliminating competition in respect of a substantial part of the products in question.

Block exemptions. The Minister may, by order, make block exemptions for categories of agreements that are likely to be exempt agreements. The GCMA would recommend that the block exemption be made. Retained exemptions apply to agreements that fall within an EU block exemption regulation or are covered by a Commission decision stating that Article 101.1 does not apply to the agreement or that the conditions of Article 101.3 are satisfied. Agreements covered by retained exemptions are automatically exempt from Chapter 1 prohibition, but exemption is not absolute. This may be an academic exercise, as we are not aware of any retained exceptions that have affected Gibraltar.

The Chapter 2 prohibition, clauses 10 and 11. Clause 10 contains the Chapter 2 prohibition, which is, in effect, abuse of dominant position. This can be defined as a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by affording it the power to behave to an appreciable extent independently of its competitors, its customers and ultimately of consumers. The abuse may arise from a single undertaking, but in addition there are circumstances where the conduct of two or more undertakings acting together can amount to a breach of this prohibition. The abuse may arise in circumstances such as (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions; (b) limiting production, markets or technical development to the prejudice of consumers; (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage; (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts.

Clause 11 refers to Schedules 1 and 2, which provide the detail of certain exemptions: (1) mergers or joint ventures within the meaning of Part IV of the Bill; (2) an undertaking entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly insofar as the prohibition would obstruct the performance of the particular tasks assigned to that undertaking's services of general economic interest and tending to include, for example, postal services; (3) conduct engaged in to comply with a legal requirement; (4) conduct specified in an order made by the Minister to avoid a conflict with international obligations; (5) conduct specified in an order made by the Minister where there are exceptional and compelling reasons of public policy why Chapter 2 provision ought not to apply.

As with Chapter 1 prohibition, there is also a limited immunity in relation to a breach of Chapter 2 prohibition. This arises in the context of conduct which is deemed to be of minor significance. The threshold will again be set out in regulations that will be made under the Act.

Chapter 3, Investigation and Enforcement. Enforcement powers are set out in clauses 29 to 27.

In a case where the GCMA has made a decision, the GCMA may issue directions to rectify the infringement. Directions may be in respect of an agreement that infringes Chapter 1 prohibition, clause 29, or conduct that infringes the Chapter 2 prohibition, clause 30. Failure to abide by the provisions of such directions may lead to the GCMA making a court order. A penalty may be imposed by the GCMA. The amount may not exceed 10% of the turnover of the undertaking and is therefore potentially very significant. Any sum received is payable to the Consolidated Fund. An unpaid penalty is recoverable as a civil debt due to the GCMA.

Clauses 36 and 37 provide for limited immunity for small agreements other than price-fixing agreements and conduct of minor significance.

Chapter 4, Appeals and Proceedings and Settlements relating to Infringements of Competition Law. With respect to the appeals, the Bill differs from the UK in that appeals are to the Competition Appeals Tribunal. Given the anticipated volume of activity, the creation of the tribunal does not seem justified. Officials have discussed this with their UK counterparts, and they agree that this is not justified for Gibraltar. Appeals may be lodged by the party to an agreement in respect of which the GCMA has made a decision and by a third party that satisfies the court that it has sufficient interest in the decision. Regulations will prescribe appealable decisions.

Clause 49 creates a right to claim damages from infringers of Chapter 1 or Chapter 2 prohibitions. Such proceedings may be brought on a collective basis in respect of two or more section 49 claims.

Clauses 51 and 52 and Schedule 5 make further provisions as regards claims for loss and damage.

Clause 53 provides for appeals to the Court of Appeal arising from decisions made by the Supreme Court.

Clauses 56 to 58 concern redress schemes whereby infringers offer compensation in a structured manner. The terms of a scheme that has been approved may be enforced by legal proceedings.

Chapter 5 provides for miscellanea.

Clause 60, as read with Schedule 6, provides for procedural rules for the GCMA. The rules need to be consulted on, and therefore, as an interim measure, subclause (11) applies the UK's Competition Market Authority rules until such time as Gibraltar's rules are published.

Clause 61 requires the publication of advice and information about the application of the prohibitions and their enforcement.

Clause 62 is a regulation-making power that may be used to co-ordinate the functions of regulators.

Part II, Supplemental and Transitional, contains two clauses. The first deals with corporate liability, whereas the second relates to the application to the Crown.

Clause 68(6) permits the Minister to certify that certain powers are not exercisable Crown property in the interests of the security of Gibraltar. Given that the Governor retains responsibility for security, the power is to be exercised with the Governor's approval.

Part III, Information and Super Complaints, contains a number of clauses that relate to information and which direct the GCMA to provide certain information to the public and Ministers. This Part also includes clause 73, which relates to super complaints.

Part IV makes provisions with respect to mergers.

Chapter 1, Duty to Make References. The basic premise is that mergers that have the effect of substantially lessening competition are not in consumers' interests. The regime created provided for the possibility of seeking advanced clearance of the mergers permissible. The GCMA has a duty to refer mergers for an investigation where it believes it has seen a substantial lessening of competition. The reference will be internally to the Chair of the GCMA for the constitution of a group under Schedule 11.

Clause 75 defines 'relevant merger'. A relevant merger arises when two or more enterprises have ceased to be distinct enterprises at a time or in circumstances described in clause 77 and the value of the turnover in Gibraltar of the enterprise being taken over exceeds £1 million, or

2070 £25 million, as the case may. The £1 million threshold applies if, in the course of the enterprises ceasing to be distinct, a person or group of persons has brought a relevant enterprise under the ownership or control of the person or group.

Clause 76 defines 'relevant enterprise'. The £25 million applies to a merger that does not involve a relevant enterprise. A relevant merger also arises if it meets the share of supply test. 2075 Perhaps more than the monetary threshold, the share of supply test is likely to bite. The threshold is at least two-thirds of any goods or services supplied by or to a person.

Chapter 2, Public Interest Cases. A key feature of the merger provisions of the Bill is that Ministers are not involved in individual cases. Instead, the GCMA takes the necessary decisions. There are, however, instances where an investigation on a merger may be justifiable on grounds 2080 of a wider public interest than its detrimental effect on competition. In such cases, clauses 100 to 117 allow for ministerial intervention. At the present time, only mergers that concern the security of Gibraltar fall within the ambit of the public interest provisions, although this may be changed by ministerial order.

Chapter 3, Other Special Cases. An exceptional category of mergers may be referred for investigation on public interest grounds, even though they do not meet the turnover or the share 2085 of supply threshold for reference. These are special public interest cases. In the UK, mergers that fall under this Chapter include government contractors or subcontractors who may hold or receive confidential material relating to defence, amongst others. The Bill follows the UK only to the extent of Government's contractors. Mergers in these cases are not investigated on competition 2090 grounds, rather in the public interest.

Chapter 4, Enforcement. Clause 127 applies where the GCMA is considering whether to make a reference under clauses 74 or 85 and it knows or suspects that a merger has resulted. Where the GCMA has reasonable grounds for suspecting that pre-emptive action has or may have been taken, the GCMA has a power to make an order to take action to restore the position to what it 2095 would have been had the pre-emptive action not been taken, or otherwise for the purpose of mitigating its effects.

The provisions that cater for understandings in lieu are set out in clauses 128 to 133. If the GCMA has identified possible competition or other public interest concern which would normally warrant a reference, it may accept undertakings in lieu of a merger reference to remedy those 2100 concerns. The GCMA may accept any undertakings that it considers appropriate to remedy, mitigate or prevent the substantial lessening of competition or any adverse effects resulting from it. Undertakings in lieu of merger reference may be structural – for example, the divestment of a particular part of business where the merged entity would acquire an excessively strong market position or behavioral regulating the terms on which the merged entity carries on business, such 2105 as the prices it may charge. If, after accepting the undertakings in lieu, it becomes apparent that the undertakings are not being or will not be fulfilled, the GCMA has a power to issue an order against the parties to ensure fulfilment of the undertakings in lieu.

Part V, Market Studies and Market Investigations. Chapter 1, Market Studies and Market Investigation References. Clause 190 requires the GCMA to publish a market study notice where 2110 it is proposing to carry out its functions under clause 69. Market studies are examinations of the causes of why particular markets may not be working well, taking an overview of regulatory and other economic drivers and patterns of consumer and business behaviour.

Clause 191 confers a power on the GCMA to make reference to the Chair of the GCMA for the constitution of a group under Schedule 11, where there are reasonable grounds for suspecting 2115 that any feature or combination of features of a market in Gibraltar for goods or services prevents, restricts or distorts competition in connection with the supply or acquisition of any goods or services in Gibraltar.

Clauses 192 to 196 make further provision in relation to such references.

Clause 197 relates to GCMA groups and sets out the functions of the GCMA that may be carried 2120 out by the group. The GCMA group is selected from a panel of experts.

Where reference has been made, clause 198 provides that the GCMA will consider what market or markets exists in connection with the supply or acquisition of the goods or services described in the reference ‘the relevant markets’ and then determine whether any feature or combination of features of the relevant markets prevents, restricts or distorts competition in connection with the supply or acquisition of goods or services in Gibraltar. Where this is the case, there is an adverse effect on competition.

Depending on the circumstances, more than one adverse effect on competition may be found. Clauses 199 to 204 make further provisions in relation to such references.

Chapter 2, Public Interest Cases. Clauses 205 to 227 establish a mechanism that allows the Minister to intervene in cases where intervention is justified by the wider public interest considerations.

Where an intervention notice is in force, the Minister’s approval is required before the acceptance of undertakings in lieu of a reference, and the Minister, rather than the GCMA, becomes the decision taker on remedies after the GCMA investigation.

Following a decision on public interest grounds, the Minister will be able to make one of two references to the GCMA: a restricted public interest reference or a full public interest reference. Under the restricted public interest reference, the GCMA must simply investigate the competition issues referred. The Minister will consider the public interest issue under the full public interest reference. The GCMA must, alongside the competition issues, investigate and report on the public interest issues.

Chapter 3, Enforcement. This Chapter, in clauses 228 to 241, sets out the enforcement provisions.

Part VI, Cartel Offence. By virtue of clause 261, an individual is guilty of an offence if he agrees with one or more other persons to make or implement, or to cause to be made or implemented, arrangements whereby at least two undertakings will engage in one or more prohibited cartel activity, namely: (1) direct or indirect price fixing; (2) limitation of production or supply; (3) sharing customers or markets; (4) bid-rigging. The activities must relate to the supply or production of a product or service in Gibraltar.

The cartel offence only applies to horizontal agreements, agreements between undertakings operating at the same level of the supply production chain. In addition, arrangements fixing prices, limiting supplies or limiting production must be reciprocal. The last two undertakings must each be bound to fix prices, limit supplies or limit production. The offence may be committed even if the agreement is not implemented or the individuals involved do not have authority to act on behalf of their companies.

Clause 262 sets out the circumstances in which the cartel offence is not committed. It provides that a person does not commit the cartel offence if, in the case of arrangements affecting the supply of a product or service, the customers would be given relevant information before supply is agreed, or, in the case of bid-rigging, the person requesting bids would be given relevant information before the time when a bid was made, or in any case relevant information about the arrangements would be published before the arrangements were implemented in the manner specified in an order made by the Minister. It would be for the prosecution to prove that the circumstances do not apply in relation to the arrangements.

Subclause (2) defines ‘relevant information’. It is the names of the undertakings to which the arrangements relate, a description of the nature of the arrangements, the products or services to which they relate, and such other information as may be specified in an order made by the Minister.

An offence is also not committed when the agreement is made in order to comply with a legal requirement. A legal requirement in this context means one imposed by or under an enactment in force in Gibraltar or under retained direct European Union legislation.

Proceedings may only be instituted with the consent of the Attorney General, and, if successful, a person is liable on indictment to imprisonment for a maximum of five years and unlimited fine.

Conviction on a summary basis carries a maximum term of imprisonment of six months and a fine of the statutory maximum.

2175 Subclause (4) provides for a leniency process. It provides the GCMA with the power to issue an applicant for leniency with a written notice that the applicant will not be prosecuted for the particular matter under investigation provided certain contractual conditions set out in the notice are met. The GCA must adapt guidance in this regard, which, if similar to the UK guidance, would be likely to include that the applicant makes an admission of guilt, must not be the lead cartel member, must cease all involvement in the cartel, must co-operate fully with the investigation and must make a full disclosure. The notice is intended to encourage informants to come forward by providing them with sufficient comfort that they will not be prosecuted.

2180 Clauses 267 to 274 provide further details as to the legislative powers conferred under the GCMA.

2185 Part VII, Miscellaneous. Clause 275 may extend the application of clause 73 to specified regulators pursuant to an order.

Clause 276 allows a Minister to amend or add to the list of remedies that can be used in fine orders set out in Schedule 8.

Part VIII, Information, creates a new gateway and sets out general instructions and conditions for the disclosure of specified information held by public authorities.

2190 Clause 277 provides for a general restriction about specified information that must not be disclosed.

Clause 278 sets out the parameters of specified information.

2195 The provisions in this Part will enable a public authority to disclose information to facilitate the exercise of its own statutory functions and certain statutory functions of other persons and for the purposes of any criminal investigations or proceedings.

With regard to overseas public authorities, it will be possible to disclose information to an overseas authority if it falls within subclauses (2) or (3).

Subclause (2) describes the functions of the overseas public authorities exercising.

2200 Subclause (3) permits disclosure if it is required by or under an international agreement or if there is any arrangement with public authorities that has been entered into by the Minister or by Gibraltar authorities.

Clause 285 creates offences for disclosures that breach confidentiality provisions in this Part.

2205 Part IV, the GCMA. Clause 286, together with Schedule 11, provide for the GCMA to be constituted with the Gibraltar Regulatory Authority. The Chair of the GCMA will be the Chair of the GCMA board and will have the duties under the Act.

Part IX, supplementary – clause 287 makes references to ‘Minister’ in the Act to be read as references to the Chief Minister.

2210 Clause 289 has been included because there is a need to align this Bill with the Fair Trading Bill, if passed by the Parliament. Mr Speaker, that Bill is on the Order Paper. It repeals and replaces the Fair Trading Act 2015. The intention there is to give the OFT jurisdiction in cases where the sums do not exceed thresholds for small agreements or conduct of minor significance. The regulation-making power, once exercised, requires that they be laid in Parliament after they have been made.

2215 Clause 290 repeals the Fair Trading (Damages for Infringement of Competition) Rules 2016 that transposed Directive 2014/104/EU.

I commend the Bill to the House.

2220 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, this Bill is 350 pages long. It was published on 2nd December, last Wednesday. Ordinarily, the law – the Constitution – would require it not to be taken before 14th January next year. We were not notified that there was going to be a certification of urgency

or the grounds of the certification of urgency. We were informed this morning, at 11 a.m., that the Bill was going to be taken today.

This is a Bill that is extremely complex in nature. I am not going to even pretend to summarise the hon. Member's long intervention on the nooks and crannies of this legislation, which deals with highly complex provisions to prevent and restrict or distort any competition in Gibraltar, to prohibit that, to require investigative powers, to create a Competition and Markets Authority. This is a highly complex piece of legislation that requires big parliamentary scrutiny and attention to detail. We have been, on this side, deprived of that ability to scrutinise an important piece of legislation that comes before the House, and for those reasons we are going to abstain on this piece of legislation.

We hear that the hon. Member says it is an integral part of the arrangements which Gibraltar and the UK have reached on free trade. Presumably, the decision that led to this Bill being drafted must have been taken some time ago. It is not possible, in my experience, to draft a complex piece – 350 pages – of legislation in a weekend, and therefore we assume, on this side of the House, that Members opposite must have been aware that this either was a requirement or that it was appropriate – and, if so, when? – and, irrespective of when, could have given notice to Members on this side of the House that this was going to be a requirement; and, if it was going to be a requirement, that it was something that was going to come to the House urgently and have to be taken on this basis.

Again, indeed, while the hon. Member has gone through the legislation in this form, as it was published last Wednesday, in great detail – for which, of course, we are thankful – it is complex detail that we hear for the first time and we assume that not just the hon. Member but draftsmen from the Legislation Unit of the Government must have worked with counterparts in the UK to produce something as complex as this. We are told that this is, in effect, an encapsulation in Gibraltar form of UK legislation. We question the appropriateness of carbon copying English legislation to the unique circumstances of Gibraltar and the business and competition aspects of it. We do not know, because of course there has not been sufficient opportunity for there to be parliamentary scrutiny.

At the risk of sounding a note of discord today, where we have agreed on many things, I have to say that of course we have given the Government space in relation to COVID and so on, but in this instance of presenting this Bill of 350 pages today, being told this morning that it was going to be taken today, this is precisely a good example of why the procedures of this House do not work. They do not work because a parliament needs to give serious scrutiny when it is legislating. If we are going to do our respective jobs properly and look at laws and the effect they have on our citizens, we cannot simply be presented with a Bill that ordinarily would be taken in mid-January – so you would have a suitable or relevant period of time to look at the impact – and suddenly be told that it is going to be taken that afternoon and that the matter was going to be certified urgent simply through the mouth of the Speaker. One would have thought that, for certifications of urgency, at least the Opposition would be informed of it.

Mr Speaker, the hon. Members opposite know of my personal commitment to the process of parliamentary reform and governance and the willingness that we have indicated to Members opposite to participate in a constructive process leading to a reform of this House to ensure that it works better, but when you have examples of this, it rather magnifies the fact that, in some respects, it simply does not work.

That does not mean that we do not understand that the hon. Members are under pressure on a variety of things. We accept that. This is a small administration and a small Parliament, and we perfectly understand that there are pressures, but what we cannot understand is that a Bill like this is a sudden revelation. We assume that this must have been part of discussions with someone down the road and that, at some point, even if it is in the recent past, someone has said you must have legislation or it is appropriate that you have legislation, or indeed it is a requirement that you should have legislation. In any of those scenarios there must have been an intervening period between the decision, the drafting and the publication. I find it hard to believe that a 350-page

Bill is suddenly produced as if we were frying an egg. I do not believe that that can be the case; and if that is the case, then it would be even worse because that would mean that the Government itself has not had time to examine every detail of this Bill.

2280 Mr Speaker, for those reasons, and because this is an extremely complex piece of legislation ... I have to say the other thing that has not been entirely clear from the hon. Member's contribution is why it needs to be taken precisely before 31st December – if there is any degree of urgency now, why it cannot wait until January. I certainly did not get, from his explanation, clarity on that. Is it the intention of the hon. Members opposite that the Committee Stage be taken today, or is it that they are going to at least give us time for an intervening period for the Committee Stage?

2285 On a macro basis, and apart from saying that we will abstain on this Bill, I rather think that it does magnify the fact that Members on both sides of this House need to get on with a proper discussion on the reform of the procedures of this House, and, ahead of that, need to work together in a better way to ensure that we are not landed in a situation where complex pieces of legislation are simply published and Members on this side of the House are given, in effect, four
2290 hours' notice that a 350-page Bill is going to be taken today.

Mr Speaker: Does any other Member wish to speak? The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, as much as I am grateful to my good friend the Hon.
2295 Minister across the way, I have to say that I absolutely agree with the Leader of the Opposition's comments on this. It is a Bill which is hundreds of pages long. We have had hours to look at it. I think the fair thing and the democratic thing would be to have days, if not weeks, to evaluate something like this very complex piece of legislation. I will not repeat all the points that the Leader of the Opposition has made, but just say that I absolutely concur with my colleagues on their rights
2300 and therefore will be abstaining from voting on the Bill.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
2305 I obviously concur with everything the Leader of the Opposition and the hon. Lady have said, in terms of the time we have been given to consider this Bill today.

Mr Speaker, I would point out to you the Fair Trading Bill, which is on the Agenda Paper, and the Competition Bill. The Fair Trading Bill has, to my understanding, at least had some consultation with the business community and they have had some input into it. I would like to know from the
2310 Minister what consultation he has had with the business community in Gibraltar, the various chambers and the Federation, and are they happy with this Bill? It is not just us in this Chamber that we are legislating for, but for the whole of Gibraltar. Therefore, I think it is critical that the Government should at least have consulted interested stakeholders before bringing this Bill to the House, unless it is, as he suggests, merely a matter of expediency and he has no choice, and
2315 therefore we have no choice. But then, as the Leader of the Oppositions says, it does put us in a rather invidious position as a Parliament. Either we legislate for ourselves or we do not, and we cannot be presented with a piece of legislation that we are meant to pass without having had due consideration. It does raise important issues for this House in terms of how legislation is originated and comes to this place. At the end of the day, we are here to legislate for the people of Gibraltar,
2320 not to impose legislation on them which may or may not make any sense because we just do not know or we have been told to do it, whereas it may be a question of expediency, and, as the Leader of the Opposition has said, we will abstain and let the Government make the decision because we are not in a position to make a decision on this 350-page piece of legislation today.

From the very little I have been able, in the time I have had, to peruse this legislation, I would
2325 ask the Minister two more things. Why is the Gibraltar Competition and Markets Authority not a body corporate, as you might expect? And why has he chosen the Gibraltar Regulatory Authority to exercise its functions, whereas in the Bill before the House we already have a fair trading

authority? Could not Fair Trading have undertaken these responsibilities? Would it not fit better for Fair Trading than the Gibraltar Regulatory Authority? I just ask him that question.

2330 Thank you, Mr Speaker.

Mr Speaker: The Hon. Daniel Feetham.

2335 **Hon. D A Feetham:** I just want the Hon. Minister, if he could, to clarify this. I am not clear in my own mind. He said that this Bill has to be read in conjunction with the Fair Trading Bill. As I understand it, that Bill is not going to be taken this evening – unless I am wrong. Can you therefore commence the Competition Bill in the absence of Parliament essentially passing the Fair Trading Bill? And if that is so, then how can he justify the taking of the Competition Bill as urgently as the Government is taking it?

2340

Mr Speaker: The Hon. the Chief Minister.

2345 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Hon. the Leader of the Opposition has been very helpful, as I have said in the context of the earlier interventions I have made, in the matters which have related to COVID and, indeed, matters which have related to Brexit, and I am very grateful indeed for the attitude that he has shown in respect of some aspects of the way we have dealt together with those issues. But, frankly, Mr Speaker, that does not give him a licence to get up and pretend to chastise the Government because the Government is doing something which the hon. Member who has moved the Bill has said we need to do and explained why we need to do it.

2350

Does the hon. Gentleman think that the Government wishes to bring a 350-page Bill late in the evening, when we were involved in the detail of Brexit negotiations, in order to surprise them with something which is not a policy issue on which there is likely to be any difference between us?

2355 Does the hon. Gentleman think that he is somehow appealing to a constituency in Gibraltar by pretending that the Government is usurping the legislative function of this Parliament by forcing through a 350-page Bill if we were not advised it was necessary for the purposes of the business community in Gibraltar because, by extension, as the hon. Gentleman has explained to the House, it is a necessary way for us to ensure that we are in compliance with international legal obligations acquired in the context of continuity free trade agreements (FTAs)?

2360 Mr Speaker, there is no desire on the part of the Government to push through a Competition Bill late on a Thursday evening in December, no desire whatsoever, and so none of what the hon. Gentleman has said should be considered to be having unearthed on the part of the Government a desire to do so. Far from it, because, as has been explained, this is a necessary part of the jigsaw of ensuring that Gibraltar is compliant with all of the obligations that we need to be compliant with in order to emerge into the new trading world into which we are going to emerge, through no fault of our own, in the context of those continuity FTAs and the new FTAs that the United Kingdom has negotiated for Gibraltar and which hon. Members opposite say that we should form part of. They want us to form part of those new FTAs the UK is doing, but when we put in place a piece of the architecture that we have to put in place they complain that they have not had enough time to look at it. Well, Mr Speaker, the Bill was published on 2nd December, eight days ago. I am not suggesting that they should have dropped everything and read the Bill – I am not suggesting that – but the hon. Gentleman should know that the Government received the Bill on 1st December and that, therefore, it was published at the first available opportunity after the draftsman had provided it to the Government in final form. So, it is not that we have kept it under our pillows in order not to give them an opportunity to review it. The Government is moving with all due and available expedition of the size of a small administration in order to be able to provide the standard that we need to provide so we are in the larger trading deals that are being done.

2375

It is fine if hon. Members are going to abstain for all of the reasons that they have told us that they are going to abstain, because they would have wanted further time to scrutinise. Mr Speaker,

2380 we would have wanted further time to scrutinise. We may need to come back and amend this Bill if errors have crept into it, although I have confidence in the draftsmen to have done it in the time available.

Is it that hon. Members suddenly believe that we want to pass Bills under cover of Brexit and that we are the only Parliament that finds itself in this predicament? Or is it that, despite what I told the House earlier, hon. Members are actually not listening to the rolling news cycle? Haven't they heard that there is already a 600-page treaty – the total number of pages of which ascend to 1,800 pages with annexes – that is likely to be published at the earliest opportunity on Monday, and which the Westminster Parliament will pass, before the 20th, into law, and the European Parliament will adopt, having translated it into a number of languages, at the very latest on 28th December? Some of those days are holidays, as people will know.

Mr Speaker, it is tough all over and hon. Members have to realise that it is particularly tough on this side of the House in order to be able to comply with the rules that we need to have in place by the time we need to have them in place not through any choice of our own. I would happily give hon. Members as long as they need to read a 350-page text, of course.

2395 The Government, if anything, might be accused of not having pursued Bills which we could have pursued. There are Bills on the Order Paper that have been published for more than six weeks, but the priority is Brexit and getting it right in time for 31st December.

The hon. Member can pretend to chastise who he wishes, but the Government will continue to do the work that we have to do to ensure that we are in compliance with our international legal obligations, which international legal obligations are being acquired on our behalf *at our request*, because it is not being imposed on us. We all say that we want the United Kingdom to negotiate for us to form part of these new international trade arrangements. Hon. Members have even brought out press statements when they have thought that we were not moving with due alacrity in respect of that in the past. And yet now, when *they* are called upon to act and all they have to do is raise their hands or their voices to vote in support of the passing of the Bill, they decide to opt to chastise instead of support. Well, Mr Speaker, let that be the case. Let that be the attitude that hon. Members take. We will know that we have done everything that we possibly can in order to ensure compliance with Gibraltar's international legal obligations in the time available.

I have shared with the Hon. Leader of the Opposition that, as Leader of the House, I intend to adjourn the House again to December because we may have to come back with other provisions that we may have to deal with. If it were possible, we would happily adjourn the Committee Stage to that date, but given the attitude that they have displayed, and given the fact that we do not know whether we will be able to be, all of us, here with our majority, it will not be possible for us to adjourn the Committee Stage until then. I will, of course, happily received from the hon. Member any suggestions they may have to amend the Bill in the future, and if we agree with those proposed amendments, we will move a Government Bill for those amendments to be passed, because what we need to do is to ensure that our *corpus juris* – that is to say our body of laws – is in fit shape to deal with these issues that may arise in competition in the future if we are going to form part of this brave new world in respect of international trade through the United Kingdom. But unfortunately, given that I do not know that I will have a majority in this House next week when we come back, because some of us may have to travel in order to continue the negotiations, I am afraid we will try and deal with the Committee Stage today.

Hon. Members know that they can stop the Committee Stage for a day, so they can stop it until tomorrow, if they like – and we can come back tomorrow – and pull us away from the negotiations which we expect will be going on tomorrow, and pull us away from the briefing that I expect to be able to give them tomorrow, if that is the attitude that they want to take. These are the mechanisms that parliamentary democracy provides to them, in the same way as it will provide a mechanism to a Member of the European Parliament on 28th December to delay a treaty if he has to, or she has to, and in the same way as it will provide for Members of the Westminster Parliament to delay approval of a treaty, if there is one before Christmas, to be passed in time for there not to be a cliff edge on 31st December. But, Mr Speaker, there are many different types of

parliamentarian, and in this case what we are seeing is, uncharacteristically, the Leader of the Opposition choosing to go down the route of chastising and taking with him even the hon. independent Member and taking with him Mr Clinton, all of whom I would have thought would be wanting us to ensure that we have done what we need to do to, first of all, ensure that we are part of these new trade agreements, and, second, to ensure that we are not putting the United Kingdom in breach of its international legal obligations because of something that we have done.

I think the points have been made by the hon. Gentleman for the reasons that they have been made. Perhaps he will have an opportunity to reflect, now that I have given him the date on which we had the Bill available, and understand that this is not the Government failing to publish with all due alacrity or failing to give them the opportunity that we might have been able to give them to consider the Bill, but actually moving as quickly as we can in order to ensure that we do what we need to do in time for 31st December.

Mr Speaker: Does the mover of the Bill wish to respond? (*Interjections*) All right, settle down.

I now put the question, which is that a Bill for an Act to make provision about competition and the abuse of a dominant position, and to make provision in relation to mergers to establish the Gibraltar Competition and Markets Authority and to provide it with powers of investigation and other functions be read a second time. Those in favour? (**Several Members:** Aye.) Those against? The Opposition and the lady Member are abstaining.

Clerk: The Competition Act 2020.

Competition Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): I beg to give notice that the Committee Stage and Third Reading of the Bill will be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Several Members:** Aye.) The Opposition and the lady Member have abstained.

COMMITTEE STAGE AND THIRD READING

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Nature Protection (Amendment) Bill 2020, the Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020, the Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 and the Competition Bill 2020.

In Committee of the whole House

**Nature Protection (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Nature Protection Act 1991.
Clauses 1 and 2.

2470

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3, as amended.

2475

Mr Chairman: Are all Members content with the amendments previously circulated by the Hon. Minister in the letters dated 7th and 9th December 2020? (**Several Members:** Aye.)
Clause 3, as amended, stands part of the Bill.

Clerk: The long title.

2480

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

Hon. R M Clinton: Mr Chairman, have we done clause 8 of this Bill?

2485

Chief Minister (Hon. F R Picardo): It has three clauses.

A Member: Subclauses.

2490

Hon. R M Clinton: Oh, right. Maybe just for the Minister's information, there is a typographical error in (8)8Z(3)(b) – Bern Convention is misspelled, that is all.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): 8Z ...?

2495

Hon. R M Clinton: 8ZA(3)(b), where it says 'Bern Convetion' – just a small typographical error. Have I got that right?

Hon. Chief Minister: Yes, that is fine, a missing 'n'.

2500

Hon. R M Clinton: Have you got it?

Hon. Prof. J E Cortes: Which is the typographical error?

Hon. R M Clinton: Just 'Convention' misspelled.

2505

Hon. Prof. J E Cortes: We have to insert an 'n'.

Hon. R M Clinton: Yes, that is all.

2510

Hon. Prof. J E Cortes: I move that we insert an 'n'.

Mr Chairman: All Members agree, then, yes?

**Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Intellectual Property (Copyright and Related Rights) Act 2005.

2515 **Clauses 1 to 3.**

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

Clerk: The long title.

2520

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

**Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Trade Marks Act and Patents Act.
Clauses 1 to 3.

2525 **Mr Chairman:** Clauses 1 and 2 stand part of the Bill.
Clause 3 has an amendment, I believe.

Clerk: Clause 3, as amended.

2530 **Mr Chairman:** Are all Members content with the amendment to clause 3? Clause 3, as amended, stands part of the Bill.

Clerk: Clause 4.

2535 **Mr Chairman:** Clause 4 stands part of the Bill.

Clerk: The long title.

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

**Competition Bill 2020 –
Clauses considered and approved**

2540 **Clerk:** A Bill for an Act to make provision about competition and the abuse of a dominant position, and to make provision in relation to mergers to establish the Gibraltar Competition and Markets Authority and to provide it with powers of investigation and other functions.
Clause 1.

2545 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Part I, Chapter 1, clauses 2 to 9.

Mr Chairman: Part I, Chapter 1, clauses 2 to 9 stand part of the Bill.

- 2550 **Clerk:** Chapter 2, clauses 10 and 11.
- Mr Chairman:** Chapter 2, clauses 10 and 11 stand part of the Bill.
- Clerk:** Chapter 3, clauses 12 to 46.
- 2555 **Mr Chairman:** Chapter 3, clauses 12 to 46 stand part of the Bill.
- Clerk:** Chapter 4, clauses 47 to 58.
- 2560 **Mr Chairman:** Chapter 4, clauses 47 to 58 stand part of the Bill.
- Clerk:** Chapter 5, clauses 59 to 66.
- Mr Chairman:** Chapter 5, clauses 59 to 66 stand part of the Bill.
- 2565 **Clerk:** Part II, clauses 67 and 68.
- Mr Chairman:** Part II, clauses 67 and 68 stand part of the Bill.
- 2570 **Clerk:** Part III, clauses 69 to 73.
- Mr Chairman:** Part III, clauses 69 to 73 stand part of the Bill.
- Clerk:** Part IV, Chapter 1, clauses 74 to 99.
- 2575 **Mr Chairman:** Part IV, Chapter 1, clauses 74 to 99 stand part of the Bill.
- Clerk:** Chapter 2, clauses 100 to 117.
- 2580 **Mr Chairman:** Chapter 2, clauses 100 to 117 stand part of the Bill.
- Clerk:** Chapter 3, clauses 118 to 126.
- Mr Chairman:** Chapter 3, clauses 118 to 126 stand part of the Bill.
- 2585 **Clerk:** Chapter 4, clauses 127 to 156.
- Mr Chairman:** Chapter 4, clauses 127 to 156 stand part of the Bill.
- 2590 **Clerk:** Chapter 5, clauses 157 to 189.
- Mr Chairman:** Chapter 5, clauses 157 to 189 stand part of the Bill.
- Clerk:** Part V, Chapter 1, clauses 190 to 204.
- 2595 **Mr Chairman:** Part V, Chapter 1, clauses 190 to 204 stand part of the Bill.
- Clerk:** Chapter 2, clauses 205 to 227.
- 2600 **Mr Chairman:** Chapter 2, clauses 205 to 227 stand part of the Bill.

Clerk: Chapter 3, clauses 228 to 241.

Mr Chairman: Chapter 3, clauses 228 to 241 stand part of the Bill.

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Clerk: Chapter 4, clauses 242 to 260.

Mr Chairman: Chapter 4, clauses 242 to 260 stand part of the Bill.

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Clerk: Part VI, clauses 261 to 274.

Mr Chairman: Part VI, clauses 261 to 274 stand part of the Bill.

Clerk: Part VII, clauses 275 and 276.

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Mr Chairman: Part VII, clauses 275 and 276 stand part of the Bill.

Clerk: Part VIII, clauses 277 to 285.

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Mr Chairman: Part VIII, clauses 277 to 285 stand part of the Bill.

Clerk: Part IX, clause 286.

Mr Chairman: Part IX, clause 286 stands part of the Bill.

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Clerk: Part X, clauses 287 to 290.

Mr Chairman: Part X, clauses 287 to 290 stand part of the Bill.

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Clerk: Schedules 1 to 11.

Mr Chairman: Schedules 1 to 11 stand part of the Bill.

Clerk: The long title.

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

**Nature Protection (Amendment) Bill 2020 –
Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020 –
Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 –
Competition Bill 2020 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

2640 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Nature Protection (Amendment) Bill 2020, the Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020, the Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 and the Competition Bill 2020 have been considered in Committee and agreed to, with some amendments in respect of the first two, and I now move that they be read a third time and passed.

2645 **Mr Speaker:** I now put the question, which is that the Nature Protection (Amendment) Bill 2020 as amended, the Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020, the Trade Marks and Patents (Miscellaneous Amendments) Bill 2020 as amended, and the Competition Bill 2020 be read a third time and passed.

Those in favour of the Nature Protection (Amendment) Bill 2020, as amended? (**Members:** Aye.) Those against? Carried.

2650 Those in favour of the Intellectual Property (Copyright and Related Rights) (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

Those in favour of the Trade Marks and Patents (Miscellaneous Amendments) Bill 2020, as amended? (**Members:** Aye.) Those against? Carried.

2655 Those in favour of the Competition Bill 2020? (**Members:** Aye.) Those against? Abstentions: the Opposition and the lady Member abstained.

ADJOURNMENT

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

I congratulate the Hon. Mr Daryanani on having moved his first Bill in this Parliament, bringing to us a frisson of excitement in an otherwise cordial afternoon and his own baptism of fire in respect of the subject of it.

2660 I am conscious that we start, today, the Jewish festival of Hanukkah, and I wish our magnificent Jewish community all the very best for this feast. The hon. Lady who is a Member of this House will, I hope, forgive us for having kept her for so long, in particular to get her to approve a 350-page Bill published only last week, and I do hope that it will be a happy Hanukkah, despite the very difficult times in which we all live.

2665 Mr Speaker, I move that the House should now adjourn to next Friday, 18th December at 3.30. I should give hon. Members an indication that I do not expect to take questions on that day. I am adjourning the House to then in case we need to return once again to pass any legislation – which may or may not have been published yet – which may be necessary before the end of the year, depending on whether or not there is an agreement between the United Kingdom and the European Union and whether or not that agreement also is an agreement in relation to Gibraltar.

2670 I have discussed with the Leader of the Opposition that a lot of the questions that have been filed may have become rather otiose in the time since they were filed. I am likely to be able to return to the House for the House to deal with questions in the New Year, and there will be an opportunity, I hope, for hon. Members to then rationalise which questions they want to continue with, because some of them may have been overtaken by events, and what new questions they may wish to file.

I move now formally that the House should adjourn to next Friday at 3.30 in the afternoon.

2680 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 18th December at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 18th December at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 18th December at 3.30 p.m.

The House adjourned at 8.02 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.38 p.m. – 3.52 p.m.

Gibraltar, Friday, 18th December 2020

Contents

Suspension of Standing Orders	2
Standing Order 7(1) suspended to proceed with Government Statement	2
Spike in COVID-19 cases – Statement by the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.....	2
Standing Order 7(1) suspended to proceed with Government Bills	4
<i>The House adjourned at 3.52 p.m.</i>	5

The Gibraltar Parliament

The Parliament met at 3.38 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 Statement

Clerk: Meeting of Parliament, Friday, 18th December 2020.

Suspension of Standing Orders – the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

Spike in COVID-19 cases – Statement by the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, it is with a heavy heart that Her Majesty's Government of Gibraltar has found it necessary to react to the current spike in COVID-19 cases that Gibraltar is experiencing. Mr Speaker will, no doubt, have noted that in the last five days the number of active cases in Gibraltar has risen from 42 on 14th December, this past Monday, to 120 today. This is an increase of 78 active cases. The total number of new cases in that five-day period is 102.

In order to flatten the curve, Her Majesty's Government of Gibraltar – following a meeting of the Civil Contingencies Committee, which I have chaired this morning and which was also attended by Minister Cortes and by the Director of Public Health and all the other Committee members – recommended a number of immediate measures to come into force to attempt to flatten the curve during this festive season. These measures have immediate effect.

One of the motivating factors is not just to stop numbers rising, but we must also remember that the virus has an incubation period of 10 days. This brings us to Christmas Day, when many of us will be planning to visit our families and loved ones. We are putting them at greater risk if we do not curb the spike immediately.

First of all, restaurants, bars, cafes and all other establishments operating under a permit relating to the serving of food and/or alcohol on the premises will now need to close their doors at 7 p.m. each evening with regard to consumption on the premises. They will continue to be able to serve food for takeaways, as they currently can, and hotel guests will continue to be able to be

30 served in hotel restaurants. Secondly, the consumption of alcohol in public places, other than licensed premises, between the hours of 7 p.m. and 8 a.m. will be an offence. Additionally, on 24th December, Christmas Eve, no alcohol consumption will be permitted in public places, other than licensed premises, as from 4 p.m.

It is hoped that these measures will bring about a reduction in active cases so as to ensure that our most vulnerable persons are kept safe and our Health Services are able to cope without a lockdown being necessary. However, it is also likely that there may be further restrictions next week, if we are so advised.

Mr Speaker, changes in legislation and in rules can only take us so far when dealing with COVID-19. We all need to ensure that we continue to take heed of the importance of social distancing, and in particular when out and about during this time. Likewise, we should all follow Public Health guidance regarding handwashing and mask wearing, as far as possible.

Mr Speaker, it is extremely difficult for us to have to announce these measures today, particularly as we enter the final week leading up to the Christmas holidays, and we realise that they will come as a great disappointment to many, but having discussed the matter today with the Chief Minister and also with the Leader of the Opposition, who has also agreed to these measures, we all feel that, at this juncture, given the prevalence of the virus, it is the right thing to do for the safety of us all. The numbers are clear and cannot be ignored. We must do everything we can to protect others, and in particular the vulnerable and the elderly, especially those who are over 70. It is vital we do all we can to be responsible and flatten the curve and thereby save lives and bring us as safely as possible to the New Year.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, I thank the Hon. the Minister for the Statement, and we empathise with the nature of the Statement being brought to this House. It must have been an extremely difficult decision for the Government to present that Statement. We are grateful to her and the rest of the Government for reaching out to the Leader of the Opposition to explain the rationale for the decision. The direction of travel unfortunately remains clear in respect of COVID-19 and therefore the Opposition is supportive and understanding of the restrictions that the Government has imposed today.

Mr Speaker, this is a very sensitive time for our community. Traditionally, members of our community, old and young, celebrate Christmas very well up and down Main Street, in the bars and restaurants of our community, and this will indeed come as a great shock and disappointment to many members of our community, particularly the younger generation, many of whom are back from college, back from university or indeed out celebrating. As we speak in this House today, people are celebrating the end of a week close to Christmas, and this will be a disappointing Statement to be received by members of the public.

I hope that members of the public hear the Minister's words: it is a decision of the Government which is supported by the Opposition. But we are likely to have a certain amount of chaotic scenes, given that we are three and a half hours away from 7 p.m., when restaurants will indeed have to close. Those restaurants have been provided with very little notice. They have, of course, procured fresh produce, they have taken deposits for Christmas parties this afternoon from businesses, and one of the things that I would ask the Government to do is look at ways in which we can compensate those restaurants up and down town and in every part of Gibraltar, which will, with three and a half hours, suffer fairly significant losses over the next couple of days. I am sure they will understand the Minister's Statement, which is supported by Members opposite in this House, but it does bring into sharp focus the level of support that may well be required – and targeted support for parts of our business community that will suffer considerable losses over the festive season. But health must, of course, come first, and we must pull together as a community to ensure that that spike is driven in a downward direction.

I am grateful for the Hon. Minister's Statement. It is supported on this side of the House. And to all those young people who are out, as we speak, it is a big disappointment to them, and we understand that – we have all been young – but it is something that we need to do as a community: pull together and drive the spike in a downward direction.

With a heavy heart, we support the decision of the Government moving forward and it is hoped that they can look to businesses now and reassure them that the Government supports them in the next few days when there will be, clearly, financial loss to those businesses.

Mr Speaker, I am grateful.

Mr Speaker: The Hon. Minister.

Hon. Miss S J Sacramento: Mr Speaker, we are, of course, mindful of the impact that this decision will have in relation to people who have made arrangements and the impact that this will have on businesses, and the things that we will need to consider in the way that we have been very mindful of the impact that our decisions in relation to prioritising public safety have taken so far.

This is not a decision that we have taken lightly. This is something that we monitor on a daily basis. It is something that the Government would have very much liked to avoid. We would have most certainly wanted to avoid having to make this announcement at all, let alone having to make this announcement at this time with immediate effect, but on the basis of the figures, on the basis of advice and on the basis of the trends that are being predicted, we feel that it is not only the right thing to do but the only thing that we can do at this juncture.

Thank you.

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

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

Clerk: Suspension of Standing Orders – the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

ADJOURNMENT

Clerk: Adjournment – the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I am not a purveyor of any better news than we have just heard, except for those who would rather not listen to the proceedings of this House.

As we all know – and this is known to the hon. Members opposite – the Brexit negotiations continue as time moves ahead, and therefore, as on several previous occasions recently, the Chief Minister and the Deputy Chief Minister are taken up with those critical negotiations and

125 discussions. Therefore, I have the honour to move that the House do now adjourn to Monday,
21st December at 3 p.m. That is this coming Monday at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday,
21st December at 3 p.m.

130 I now put the question, which is that this House do now adjourn to Monday, 21st December at
3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Monday, 21st December at 3 p.m.

The House adjourned at 3.52 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.02 p.m. – 5.06 p.m.

Gibraltar, Monday, 21st December 2020

Contents

Recess	2
<i>The House recessed at 3.02 p.m. and resumed its sitting at 3.31 p.m.</i>	2
Suspension of Standing Orders	2
Standing Order 7(1) suspended to proceed with Government Statement	2
COVID-19 measures – Statement by the Chief Minister	2
Standing Order 7(1) suspended to proceed with Government Bills	19
Good wishes to absent colleagues	19
Congratulations to Tony Gaul MBE on fundraising event	20
Christmas message to the children of Gibraltar	20
<i>The House adjourned at 5.06 p.m.</i>	20

The Gibraltar Parliament

The Parliament met at 3.02 p.m.

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

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

RECESS

Clerk: Meeting of Parliament, Monday, 21st December 2020.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

- 5 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I propose that the House do recess until 3.30, at which time the Chief Minister will be making a Statement.

Mr Speaker: The House will now recess until 3.30.

The House recessed at 3.02 p.m. and resumed its sitting at 3.31 p.m.

SUSPENSION OF STANDING ORDERS

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

Clerk: 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 a Government Statement.

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

COVID-19 measures – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Members opposite and all those listening today, I am grateful for the continued indulgence of all Members of this House as we continue to suspend session after session as the Government works to tackle the many challenges facing the community today.

- 15 First of all, I note that we are down two Members of this Parliament, who are positive with the COVID infection: the Deputy Chief Minister, the Hon. Dr Joseph Garcia, who was diagnosed as positive yesterday evening; and, additionally, the Hon. Mr Damon Bossino, who has been in isolation and diagnosed as positive for some days now. The House will be very pleased to know

that I am in touch with both of them and both are well. We wish them both a very speedy recovery. Additionally, we have two Members of the Parliament who are in self-isolation: the Hon. Mr Edwin Reyes and the Hon. Minister Samantha Sacramento, who is the Minister for Health and Justice. Technology means that Minister Sacramento continues in full charge of her Ministries whilst self-isolating.

I wish to begin by placing on record my apology to the community as a whole for once again having to escalate measures that relate to COVID. I had certainly hoped not to have to address this community once more in this regard, especially as recent weeks had provided us with a faint glimmer of hope – with news about vaccines – that we were, in fact, rounding the corner. But we are where we are, and needs must. So, let me set out exactly where we are.

It is clear to anyone who has read a newspaper or switched on any news channel in the past 24 hours that the United Kingdom and Europe are, once again, plunged into a renewed public health crisis arising from coronavirus. A new, more infectious but not more deadly, strain of the disease appears to have emerged. I do not need to take the House through the scientific aspects of it. The key issue is that the rate of infection is in the region of 70% more virulent. It is as a result of this that it is clear that we are seeing infection rates rocket in the United Kingdom.

Like every other EU country, we cannot say with certainty that the new strain is in Gibraltar in earnest, or that it is not. I can tell the House, however, that it appears that one patient manifested with the new variant in November, but that we appear to have shut down that particular vector. It is also not clear that other vectors of the new variant will not be present in Gibraltar, or indeed in the rest of southern Europe, or in Europe as a whole.

What is clear is that the old and new strains of COVID-19 have found, at least in Gibraltar, a new ally, the most powerful ally a virus can find: apathy and irresponsibility – apathy and irresponsibility in very few, but having an effect on very many. That is what will light the path for the infection to the many who are now labouring under its effects. The majority, of course, will have been entirely responsible people who have not been assisted by those who have thrown caution to the wind and then brought the virus into the lives of others.

Happily, most people are only mildly afflicted. A few, however, will be very badly affected. Unfortunately, some of the latter may end up suffering the most lethal effects of the virus – that is death. We have already suffered six deaths with COVID in this community. We would not want to suffer any more, but I fear that we will.

As the results developed last week, we saw the numbers of new infections increase quite dramatically in Gibraltar. On 10th December, we had 47 active cases. On 11th December, we had 41 active cases, down six. On 12th December, we had 39 active cases, down another two. And on 13th December, we had 37 active cases, down two again. Yet, on 15th December, we had 60 active cases, up 23. On 16th December, we had 71 active cases, up 11. And today, barely five days later, we are up at 202 cases. That is an extra 131 cases. In five days, we have gone from 71 to 202.

Our confirmed cases are up 38 on yesterday, and that is on half the number of tests we usually carry out. So, yesterday there were fewer than 500 tests; usually, there are about a thousand-plus tests. One of those 38 is a non-resident. The total number of cases of confirmed infection in Gibraltar to date in total is 1,282. One fifth of those, almost, are active now. The total number of active cases in Gibraltar, as I have told you, therefore, is 202. Four persons only have recovered since yesterday. Out of the 37 residents who have been found to be infected today, 20 were close contacts of previously diagnosed infectees. There are now 1,365 persons in self-isolation in Gibraltar. Six days ago, that number was 222. That growth is clearly becoming exponential.

On Friday, as we received reports of restaurants fully booked and the numbers again reported reaching new record levels of infection, we had no alternative but to act. We were facing the potential for a full lockdown if we did not act, and we wanted to avoid a full lockdown if possible, so we acted to close all catering establishments within hours. We did so, as the Hon. the Minister for Justice and Health told the House on Friday, with a very, very heavy heart, and, as I have already said, we will compensate all those who followed our COVID rules in the catering industry. We have already prepared a claim form, which has been sent to the head of the Catering

70 Association for discussion. I will be meeting with him later this evening to further discuss the measures introduced on Friday and the further measures that I will refer to later in my address, in respect of which we are also, of course, committed to addressing compensation for the sector. But I want to be clear, Mr Speaker: we will compensate those who have complied with our COVID rules. Conversely, we will not compensate those who have defied our rules, those very few who
75 sought to put profit over public health. They will be specifically excluded from receiving benefit.

After Friday, as numbers continued to increase, we have seen great pressure on our services on testing, on sampling, on 111 and on the Contact Tracing Bureau. For that reason, in consultation with the Teachers' Union we took the decision to close our schools two days early, leaving the schools open only for those children whose parents could not make other
80 arrangements in time. In fact, the information I have from the Minister for Education is that we have had only in the region of 20 children in each of our primary schools, and nine and 10 respectively in each of our comprehensive schools. But now we must act more generally also, and we must do so despite the coming festive period and because of the coming festive period. The potential damage that could be done by a more virulent strain of the virus combined with the
85 social interaction we can expect to see in Gibraltar over a traditional Christmas period is obvious, and so the following new measures will apply with effect from tomorrow.

As from midnight tonight, masks should be worn in every public place. The new strain of the virus requires us to take this step now. Mask wearing will only be exempted for those with conditions that require it and when a person is exercising by running or cycling, but not when
90 exercising by walking.

As from 7 p.m. tonight, all catering establishments will have to remain closed until at least Monday, 11th January. This period may be further extended. Exceptions will be made for takeaway and delivery services. As I have already said, the Government will be funding the losses in the industry in a number of different ways for those that have complied with all COVID
95 regulations. Again, I also want to be clear that those who have not complied with all COVID regulations will not be compensated.

Restrictions will apply on entry and movement in all retail establishments also. We are not shutting down non-essential retail, but we are putting in place the same systems we put in place in April when we started to come out of lockdown: tight controls on the numbers in each shop,
100 tight controls on hygiene on entry and exit from shops, and tight controls designed to allow us to keep retail open for now.

All gyms will be closed from tomorrow. We will try to reopen them as soon as possible. All permits for other sports are cancelled from tomorrow. That will include the polar bear swim and any other organised activity.

105 It is the Government's strong advice that only three households should mix at Christmas in family homes. This is strong advice which I urge all members of our community to follow. We will not legislate to police this. We will not have police officers put in the invidious position of having to determine how many households are mixing, but members of this community must police themselves, please, because we are doing this for them, for our families.

110 I turn now to the rules that will govern our over-70-year-olds. We will not lock down our over-70s. Please remember that our greatest success against this virus was the over-70s lockdown, but I do not believe that we are able to legislate effectively or legitimately for such a legal lockdown of our over-70s now. The Government's strongest advice, in terms just short of legislation, is that our over-70s should act as if they were legally locked down. Golden hour is therefore cancelled
115 until at least until Monday, 11th January. Our over-70s should stay home unless they need to move for work, or for any other emergency or necessity. We will bring you what you need, but please stay home. We understand how difficult this will be. They will not see all of their loved ones. I know their love feels more precious than life itself, but you can only know their love if you are alive to feel it. Please, I urge our over-70-year-olds not to allow a lunch date get in the way of
120 your continued existence. Please do not go to your children's home for Christmas lunch. Do not

go to your relatives. Stay home. I know this is bad, especially at Christmas, but the alternative is worse. It is lonelier in a coffin.

We are talking to all of the religions, to have all in-person worship cancelled. We will provide alternative forms of worship through the public broadcaster, as we did in the first lockdown. GBC
125 has already confirmed arrangements to broadcast Midnight Mass from the Vatican in Rome, and other arrangements will be made for the rest of the relevant days. I am sure that our respective deities do not wish to see any of us sacrifice our lives in worship, so I ask everyone in this community, please, not to leave home to go to collective worship.

Schools will not likely reopen on Thursday, 7th January, but maybe on Monday, 11th January.
130 Parents should be ready to make arrangements now, in case they do not. We may have to stay closed for a week or two more. Arrangements will be made for digital teaching systems to operate, as they have to date, for as long as necessary in the following weeks. I shall say more about that and other arrangements on 27th December, when I will hold a live press conference from 6 Convent Place at 4 p.m.

Mr Speaker, in respect of work places, all persons who can should start working remotely as
135 from tomorrow. If anyone can, they should please stay at home and away from work completely over the Christmas break. There should also be no socialising in work places. I know that this is the last thing that people want to hear – it is the last thing that I want to say – but I ask them to please understand why we are doing this. Please, individuals should not organise parties – or
140 *comelonas*, as they are known – this year at their places of work. In doing so, they could be creating unnecessary vectors for infection and they could end up being responsible for the growth of persons infected and the growth of potential fatalities. If you cannot work from home, tight restrictions will be put in place about workplace behaviour, through COVID-19 officers in each workplace. We strongly encourage moving to Team A and Team B working systems in each
145 workplace. The public sector will be adopting that stance in respect of all utilities and all public services.

On air links, we will work with the Department of Transport in the United Kingdom on continuation of air links with Britain in a mutually agreed, safe and secure way that permits the movement of persons and goods between us. We will require arrivals from London to show a
150 current, negative test for COVID taken no earlier than in the three days before arrival, or the option will be available to take a rapid test at the Airport.

We will not impose restrictions on travel to Spain, but the Spanish government has announced, a moment ago, that their measures against the United Kingdom will include the imposition of re-enforced controls at the Frontier between Gibraltar and Spain. In any event, I am calling on our
155 people, especially our young people, not to go to Spain to do the things they cannot do here. There are many of our people who have their homes or their second homes in Spain. We do not want to restrict their plans to move between their homes. My heart goes out to the young people who will feel that they cannot socialise as they wish to this Christmas, but the young have to spare a place in their hearts for the effects that their actions can have on the elderly.

Mr Speaker, in view of the significant threat to GHA preparedness arising from the increase in numbers that we have seen to date, to deal further with a potential rapid rise in the number of admissions that we are likely to see arising from them, and for the safety of patients and the safety and resilience of GHA staff, the Minister for Civil Contingencies has sought, and I have agreed, that we should declare a major incident in the GHA. The organisation has, therefore, today, increased
165 its posture to major incident. This means that only priority surgeries, interventions, investigations and outpatient appointments will take place. Routine surgeries and appointments will, once again, have to be postponed until such time as it is safe for patients to come back into the Hospital. This also means no visitors to any GHA premises. All GHA staff leave is cancelled and staff are being actively recalled to work or redeployed to other departments. We are gearing up now also, once
170 again, for the reopening of Nightingale. I am also sorry to say that ERS visits are now closed again, unless there are end of life issues.

In summary, Mr Speaker, our advice, as from today, is to stay home. Work from home, if you can. Go out only if you have to. This is not what we want to announce, especially in the run-up to Christmas, but it is what we have to announce. No one dies from missing a Christmas party, no one dies because they were not able to go out to shop for the present they wanted to gift to a loved one, no one dies from not having a drink with friends or work mates, but a vulnerable or elderly person may die if we do not follow these rules. And that is why we are doing this, to protect the vulnerable, because we are now in a race – literally to the death, in some instances – for the vaccine to prevent these measures being required. That is what will really protect our elderly and infirm, a vaccine that ensures this virus can become water off a duck's back.

We are assured that the vaccine will arrive in Gibraltar in the first week of January. That is what is going to be the real game changer. The sun begins to rise brighter and earlier as from tomorrow. At winter solstice, we will find ourselves at the bottom of the mountain that we are together called upon to climb. This year, today, the shortest of days will also be the hardest of days, and what is to follow will be, I have no doubt, no winter of discontent but the winter of the advent of the vaccine that will wake us from this nightmare.

I have, today, the singularly unwelcome responsibility of speaking words that I simply could not have imagined ever having to say in even a lifetime of public service. I am here today to set out a new series of restrictions which, as ever, will heavily impact on the expectations and aspirations of our community at a time of year when any limitation on being with our friends and loved ones feels almost cruel. Let me assure you, Mr Speaker and all Members of this House, that if any of the measures we have taken so far, as well those we are announcing today, could be avoided, they would be, but as they cannot be avoided it is my responsibility and that of my Government to take these measures, and we will not waver in doing so.

As your Government, we are shouldered with the responsibility of balancing all these many and varied, sometimes contradicting demands in the community. I know full well that we have all lost our patience with this pandemic, but we cannot, indeed must not and we will not give up now. But the Government's protection can only extend so far. We can legislate and the Police can enforce the rules, but a determined community is the most powerful defence to the spread of this disease. The responsibility for tackling this challenge is a shared one, and our people have the most important role to play. Together we can defeat COVID-19. We can see ourselves through to the point where, through vaccination, we can protect the most vulnerable in our community and we can begin to live and love, like we used to, once more.

I know that we can do this. I know that the Government of Gibraltar I lead will get us through these very difficult times. I know that the people of Gibraltar are up to this challenge, and I call upon every one of the people of Gibraltar to rise up again, as they did in the spring and summer of this year, to the challenge of COVID-19, not just this week but as we go into 2021 together presenting a united front to an enemy that preys on the human frailty which makes us who we are, a virus that preys on our need for human contact, for a handshake, a kiss or an embrace.

In this respect, I have been desperately disappointed by the behaviour of some when we announced the measures that we announced on Friday. Protesting against our COVID rules is not going to convince us to undo something we did not want to do in the first place, running off to party in Spain is not going to convince us to change rules that we have reluctantly passed, but you may pass the protection that we are trying to put in place if you behave in this way, and you may bring the infection to people in Gibraltar.

Mr Speaker, some of our people have to stop behaving as if nothing is happening. They have to realise that we have, in reality, to confront this virus, a virus that knows no season, knows no feast and knows no religion. Just as Eid, Diwali, Passover and Hanukkah have been badly affected and restricted this year, so will Christmas be. But let us understand that we should not allow our emotions to rule our hearts on this issue. Logic must lead us to our conclusions and decisions, and with logic and science we will make better decisions than with emotions, however heavy our hearts as a result.

These are the hardest of times, yes, but we do have to take a step back and realise that in Gibraltar we do not live the hardest of lives. We will look back and see these as the proudest of times, so long as we stick together, because by sticking together we will get through these times together. And in a more sanguine, logical analysis it should be clear that we are not banning Christmas, we are not cancelling Christmas; we are changing Christmas. It will be a less commercial Christmas this year, but Christmas it will be nonetheless, with all the essentials – and calmer, even, perhaps, with more time for reflection and more time for immediate family, though with a longing for friends and family to once again be able to reunite without any controls to stop us.

Mr Speaker, with the Deputy Chief Minister attending virtually from his home and all other colleagues also signing in by video conference, I might have been alone in the Cabinet Office today, but I know we are all in this together and we are united in our community in the measures we are taking to deal with it. We never walk alone in Gibraltar.

I do not have the words to fix this problem, I do not have words that can address the concerns of so many – there are no words that can fix this problem or address all the concerns of our citizens – but I do have an unshakeable belief that we will come through this difficult time.

Mr Speaker, I commend this Statement to the House.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, no one underestimates how difficult hearing those words is, especially at Christmas and in the run-up to Christmas. What the Chief Minister has announced is nearly a lockdown, short of lockdown. It has not recreated those March lockdown rules, but it has come pretty close to it.

Of course, we have got to see where we were when we arrived at that point, and we on this side of the House, listening to that ... Although we have had a 60-minute advance warning of the measures that the Chief Minister was going to announce, and I am grateful for that, the Government has not consulted with the Opposition in relation to those measures, like perhaps it had consulted in the past. In the past, we have been privy to greater scientific information, and so therefore it leaves a vacuum of information for us to be able to judge the issues themselves.

And so I just make those observations, that it is difficult to make a judgement on the decision-making because we do not have access to the science, which the Government do, and indeed we also have said regularly now, for some time, that there is always a need for the measures to be proportional, for there to be proportionality in whatever decision-making process, whatever new restrictions, whatever liberalisations are introduced in the context of a lockdown, and perhaps there is also a greater need to explain individual measures. So, I have a number of questions for the Chief Minister by way of clarification, and perhaps he can answer.

There are, of course, well-being issues also raised by some of the restrictions. When gyms are closed – and people let off steam in gyms – those decisions also lead to well-being consequences that we have discussed in this House before, and so understanding the science that leads to that measure, because there were such different schools of thought on the issue of gyms before, would be important.

But stepping back from all those points, which are perhaps a bit more granular than where I wanted to start, I would say this. We acknowledge on this side of the House that in our own tracking of the statistics it is obvious, when you track the week by week statistics of COVID confirmed cases in Gibraltar and active cases, that something is certainly going on that has led to a vast increase in cases, especially in the last week, as the Chief Minister has said.

I am not going to repeat the stats that he has called out himself, but I was quite struck when, in our own internal tracking, we arrived at the beginning of September not far off 285 cases and we are now at a 1,282. So, there were, in effect, about 285 cases in the first six months of Gibraltar grappling with the virus, and in the last four months we have had a thousand cases, and in particular 300 in the last month or so.

That is due to a number of things. What they are is a question of speculation, whether it is perhaps a more virulent virus or perhaps whether it is a degree of assimilation/complacency that roots in after people get adjusted into a new normality, combined with, perhaps, the idea – because we have had the announcement in the last few weeks – that the vaccine is coming and therefore people think it is okay, it is all round the corner and everything will be resolved. It is difficult to put a finger on what the causes are, and perhaps the Government is in a better position – well, certainly they should be in a better position than we are – in terms of assessing causes, but it is clear from the statistics, as we stare at them, as decision makers stare at them, that there has been a very marked increase, with a record number of active cases today and a record number of people in self-isolation today. The number of people in self-isolation has only exceeded a thousand in the past few days. Previous to that, we have had them in the hundreds, and so that is quite significant too, because it can have an effect on the number of positive cases as we go forward, and it is certainly easy to see that when you are projecting where the community could be in a few weeks' time, unchecked these statistics can lead us to a very, very grim position indeed.

One of the most powerful things that the Minister for Health said to me in a phone call the other day when she rang me about the decisions of Friday, which I thought was very powerful, was the fact that, because of the incubation period, if measures are not taken you are going to then find the intermingling of family members who have socialised actively for a week with the more elderly members of the community on Christmas Day, because you are bang in the middle of Christmas when the incubation period hits. That, I thought, was powerful as an indicator of why it was necessary to look at taking decisions.

Mr Speaker, in terms of clarifications, we would ask the Government to give us better visibility on the science, the projections that have led it to take these decisions. We note, of course, that there is a big increase in confirmed cases, but luckily, for now, not in the case of hospitalisations. That is a good thing, but I wonder whether there has been any discussion with the experts in relation to that.

The Chief Minister has talked about the new strain. I am not going to ask him too much detail on the new strain. If it gives rise to sensitive issues, I am happy to have a discussion with the Chief Minister on this behind the Speaker's Chair. But I did note, before the Chief Minister started his announcement, that a spokesman of the British Prime Minister had been quoted in relation to Gibraltar and indeed the item had seen its way to the Spanish media already. I think it is important that there be some discussion on that for us to understand what work there has been to give that kind of speculative story – if it is a story, if it is speculative – some degree of evidential grounding. I do not want to get into the detail of that, and I am happy to have a discussion, if there are sensitivities on that issue because of other matters, behind the Speaker's Chair.

Mr Speaker, a lot of the measures that have been announced today will, of course, hit business at the sharp end in a very dramatic way. In the same way as last week the measures hit businesses sharply by giving them almost no notice of closures, these measures do the same and this time for quite a prolonged period.

I have to say I was slightly surprised to hear 11th January, and again perhaps the Chief Minister could assist us on this side of the House to understand the rationale behind 11th January and whether it has got to do with creating a circuit breaker of at least 14 days or 21 days, or something like that, because he also talked about 18th January in relation to schools. But, as I say, it is the business sector that will be affected sharply, and the business sector will want to know.

We welcome his statement that the Government is intending to put in place a mechanism to compensate all those who have followed the rules. The business sector would perhaps also want – and I ask him to clarify – a bit more detail in relation to that scheme and how it is going to work. I appreciate it may be embryonic, because the decision to close on Friday was taken on Friday, but it is important that the business community should be aware of what assistance there will be for businesses forced to close as a result of either positive COVID cases or indeed as a result of these restrictions announced by the Government.

Mr Speaker, also the Chief Minister talks about ... he did not use these words, but trying to get to, I sensed, the finishing line of the vaccine. It is important also, perhaps, that the Government should clarify where we are on the vaccine. We have seen that in the UK the vaccine roll-out programme has commenced, although in small measure. I think Matt Hancock yesterday was quoted as saying that they had vaccinated about 350,000 people and maybe, by the end of the year, half a million, but we have also seen that the EU has announced that the vaccine programme will start in the EU on 27th, 28th and 29th December. Where are we on the roll-out of the Gibraltar vaccine programme? I know that the Government has made it clear that their equipment was awaited, but that was almost two weeks ago, so can the House be told and can the public be told where we are on the roll-out of the vaccine?

Mr Speaker, The Chief Minister also talks about the pressure on the Contact Tracing Bureau, which is also natural, as the more cases there are the more calls need to be made, the more people want tests and so on. Has the Government looked at the resources of the Contact Tracing Bureau to ensure that we can deliver in the difficult period to come?

There have also been some news items related in this morning's press that I would ask him to comment on, in relation to food supplies coming out of the UK into mainland Europe, and I wonder if the Government is considering consultation with the business community in respect of that.

The Chief Minister has also announced the delayed opening of schools to 11th January, although perhaps, he says, 18th January. I know he said that he would announce more on 27th December. I would ask him to do so as quickly as possible, because people will need to plan, especially people who work. People will need to reorganise themselves. I am sure he will understand that.

I will express some concern on the announcement that GHA appointments will have to be rescheduled for a lot of people, and that raises, I am sure, concerns that they will have.

Those are issues of detail on which we would ask for clarification. I will say this, however, Mr Speaker, if you will permit me, on the wider issues. On this side of the House the Chief Minister knows that we have worked together in relation to battling the COVID pandemic, and we continue of the same desire, approach and attitude in relation to ensuring that together we overcome this seminal challenge for this community, because we are not alone. However unhappy and disappointed we may be – I say 'we' meaning individuals in this community – in relation to individual measures, I think it is also always important to take a step back and understand that this is not a Gibraltar issue but this is an issue that is being faced by the whole world, that very strict measures have been announced in the UK, or in Germany or in France, and that the regime of restrictions in Gibraltar has, generally speaking, been softer so far.

This package of measures, which comes very close to a lockdown, is absolutely undesirable, but it may be necessary because the science dictates that it is necessary. We, of course, do not want any restrictions on people or on business. We want liberty, we want people to enjoy their lives, we want people to enjoy them fully, both socially and economically, but we can celebrate another day. We can compensate business with money, but we cannot compensate lives. And so, if what the Members opposite are telling us is that they are in possession of scientific advice that these restrictions are necessary, then we will, of course support those restrictions. We have concerns, which I have pointed out to the Hon. the Chief Minister, and perhaps he would be kind enough to answer them.

In a few months' time, it may be that we look back on these times and we say there were not that many hospitalisations, the cases came down, but I think it is important not to fall into that temptation of reading history backwards. We are not in a position of predicting exactly where we are going to be in five months' time, and it would be bold and brave, and foolhardy indeed, to take the risk of thinking that we are prepared not to introduce further restrictions in the interests of public health and to save lives because we want to take the risk that it may be that, in a few months' time, it has not been so bad.

The reality is that when we look at the preparation that was done in the first few months, the Nightingale Hospital has not been used. That has been a good thing. If, in six months' time, it has

not been used again, it is a cause for celebration. But who is going to really take a risk in little Gibraltar, faced with these numbers and faced with the science? Only yesterday, there was a leading scientists from the World Health Organization speaking about the new, more virulent strain of COVID on the BBC. Who is really going to second guess that kind of scientific advice when we do not know where we are going to be in a few months' time? Certainly, all in all, it seems to me that there is a need for clarification, but that if there are necessary measures, then those necessary measures require us to, once again, as a community, come together and face these risks down. But what it does require is that every single member of this community has the discipline and the solidarity to ensure that this works, because if this depends on something, it depends, for its success, on every single member of the community understanding and respecting the measures and ensuring that we see it out, because we are close enough to the vaccine that hopefully can be carried out by the spring and allows us then to celebrate another day.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for his support for the measures that I have reluctantly brought to this House. He is right that there is much in what I have announced today which is similar to the lockdown that we had to announce in March of this year, but there are elements which we have ensured are different. For example, a large part of what I have said today is based on strong advice rather than legislation which we have wanted to ensure is the structure of some of what we do, in particular when we are talking about what should happen in people's homes and the situation into which we could put our policemen if we enshrined in law aspects of what it is that we are asking people to do.

But I think that it is important that when the hon. Gentleman says that he is hearing this in a vacuum of information, I do mirror that with what he said at the end of his speech, which was a reference to the scientist he saw on a BBC television broadcast. The science is not very different when the hon. Gentleman is watching it from Prof. Whitty, announced in Downing Street and analysing a strain, and when he is hearing in Gibraltar what that new strain might be, or indeed when he is seeing the increases that he is plotting for himself in the information that we are making public, or the way that we are seeing those increases and we are therefore predicting based on the analysis that he knows that we would have done the same analysis that we did with him in the earlier part of this year as to where that goes.

Exponential growth is exponential growth, and epidemiology has not changed between the analysis that we were doing in March and the analysis that we are doing now. If anything, knowing, as he knows, that there is potentially, not just in the United Kingdom – I think it is terribly unfair to say, 'Well, it is in the United Kingdom' – in Europe, this new strain, which from the United Kingdom they identify as having being imported from Holland, that is to say from the continent ... that the numbers are simply going to be going in one particular direction.

So, I would welcome his support, whilst gently pointing out to him that it is hardly in a vacuum that I am seeking his support. I am grateful that he got in touch with me this morning and at the last minute, as I was frantically trying to ensure that I had my words written down in some form that we could then make available to the media, I was able to share with him the ideas that COVID Platinum this morning had proposed to the Cabinet and that the Cabinet had, this morning, agreed we should take.

In the context of coronavirus, a lot of the science is in the numbers – the growth of cases leading to that percentage which is likely to lead to hospitalisations and that percentage which is likely to lead to fatalities.

Then the hon. Gentleman set out the test of proportionality, which is the test that, as he knows from the exercises that we did together in March and April, is the test that I apply to all of the measures in the Cabinet when we are being asked to do these things.

Broadly – just to remind the House and those who may be watching – there are constitutional rights and freedoms, and those constitutional rights and freedoms cannot be infringed, unless

430 there is a law that provides for them, and in many instances those laws can only provide for them in the interest of public health or public security. The framers of the Constitution – I know the hon. Gentleman is one of them – will have seen from the earlier iterations of the Constitution, and indeed from the Charters of Human Rights in Europe, that public health exception is one of the exceptions.

435 It is no secret to all those who are lawyers in the Chamber, but it may be interesting for those who are not to know that one of the things that you least study when you are a lawyer is what the meaning of that public health exemption is about, what it is for. There have not been great public health eventualities in Europe or the United Kingdom in the past 50 years. You had foot and mouth disease, you had SARS, but they did not lead to lockdowns which prohibited freedoms in the way that we have seen. Those who were framing the post-war conventions were looking at what happened during the Spanish flu, to look at what they might have to do in some eventualities. Mr Speaker, I think there will be many more legal experts on what the public health exemption means in charters of fundamental rights now, after coronavirus.

440 That is what gives us the ability to legislate and do these things, but we can only do so on the basis of the public health exemption if the things that we propose to do, to deal with the public health exemption, are proportional. I do not mean, for one moment, to bring levity to the subject, but it would not be proportional to do certain things in the instances of avian flu and foot and mouth disease. There were culls of those who were potentially carrying the disease. You would never be able to get over the test of proportionality on that, and the right to life does not admit of a public health exemption.

450 So, you have got to understand that what you are doing is based on ensuring both that you have the public health exemption available to you and the proportionality, the hurdle, is one that you can get over. The hon. Gentleman knows that that is the test that we went through in the time that he was not in Cabinet as a Minister but with us in Cabinet as we made decisions in March, and those other hurdles that we have put these tests through, in order to ensure that we could take these measures.

455 On his first point, I put it to him that the vacuum of information is contradicted by his own statement in respect of what he is seeing on the news programmes, which I think he accepts. And on his second point, which is the proportionality point, I think he contradicts himself also by saying that the numbers demonstrated that we would be heading for a very grim situation if we did not act. I do not mean contradict in a negative way; I think that he is rightly juxtaposing all of those things, as we were ourselves in order to be able to do that careful balance that led us to these conclusions.

460 The hon. Gentleman asks us what is it that gave rise to this increase of infections when we were doing so well. I confess I was very pleased when I was seeing the numbers come down as they were. I was really hoping that we were going to find ourselves with very few infections as we went into the Christmas festivities, and five days ago, six days ago, we were with very few infections as we came into the Christmas festivities. But if you go back five to 10 days before then, which is when the vectors were happening, which led to the increases – Black Friday, the effects of people going off to Spain immediately that Spain lifted the controls between provinces, and going off shopping there, perhaps congregating in huge numbers in restaurants and not keeping to rules in Gibraltar and in Spain. All of these things you can conjecture are the things that will have led, together with potentially this new strain in Gibraltar, and, in my view, also probably in the whole of southern Spain, as I have said, and the whole of southern Europe or, indeed the whole of the continent of Europe ... That is what is leading to this sharp increase in the numbers of infections. If people shirk responsibility you just cannot legislate for that, and therefore this is the effect.

475 It does not help that people run off, in speculation, in many directions on social media, and as we have insisted in the context of the period in March and April, I think it is fundamentally important that people understand that we will give them all of the information that we have. They do not have to spend their time wildly speculating about things. If somebody passes away with

COVID or from COVID, they will be told by us. If numbers rise sharply, they will be told by us. If there is a new strain and it is identified in Gibraltar, they will be told by us.

485 I think it is very unsatisfactory that before I got up and made the Statement I have made in this House, the Prime Minister's official spokesman in Downing Street, in the United Kingdom, has confirmed it, when we have, of course, provided that information at a Public Health level, not to be widely disseminated before it is even understood in Gibraltar. But I will accept that it is possible that the timings of statements might have been misunderstood and that people thought that the timings were given in GMT rather than CET as to when the announcement would be made in
490 Gibraltar. In the context of the way that the United Kingdom has supported us through coronavirus, I will, for one moment, not believe that there was any ill will, just an attempt to get information out in the right timeframe, but there is the evidence that we were going to tell everyone in Gibraltar that we knew that we had one case when we had identified the case.

I think it is absolutely important that we do bear in mind that people need to stop putting
495 themselves into a keyboard frenzy on issues and look at the information that is being provided by the Government. The idea that there was an emergency Cabinet meeting in Gibraltar on a Monday morning – which was propagated on Facebook, on Twitter and WhatsApp yesterday with such fury that I must have got it from 30 different sources within the same five minutes – when there is a Cabinet meeting every Monday, and our Cabinet meeting for this Monday had been set last
500 Monday when we rose from the previous one ... I do hope that people understand that they have absolutely no need for that sort of speculation. What they need to do is to be responsible and act responsibly. That is what is going to help, and I do appreciate the hon. Gentleman's support in that respect.

As we go into this difficult period, because we are going into more controls, we are going into
505 family situations, I do think it is important that people do understand that sometimes the behaviour that we are seeing on social media does enable them to actually lose contact with the truth. Social media is not leading to more information being available; it is leading to more disinformation being available, and that genuinely worries me because the Government is putting out the message of how people should act and how people, in some instances where there is
510 legislation, must act, and then there are some who are who are not assisting the cause of this Parliament in ensuring that we try and bring down the infection.

It is remarkable, Mr Speaker, and I must just pause whilst I answer the hon. Gentleman – over the weekend, all I have seen by WhatsApp Messenger, Facebook and Twitter, in some instances, where people allow themselves to run away with emotion and not logic, is lies that people want
515 others to believe, lies about things, lies about people, lies about meetings, lies about politicians, lies about the relatives of politicians. It is abysmal. It is really quite dismaying that there are some in Gibraltar who have felt that this is the right way to go through this very difficult period. What they are doing, in my view, in my respectful submission, is destructive. It is destructive of a community like Gibraltar, and it is not going to assist us to get through this difficult period unless
520 we get a grip of it. The public, therefore, will know that they will have the information on how many people are in ICU, if any, how many people are in the Hospital, if any, or how the numbers are rising or how the numbers are falling in the daily information that we send to all news media and that hon. Members and members of the public can see.

The hon. Gentleman then also raised the question of whether we had had discussions with
525 experts. I hope I have dealt with that point by telling him that we had a COVID Platinum this morning, which was attended by the Director of Public Health and attended by all other members of the COVID Platinum Group. We were able to challenge all of the propositions that were put, in order to be able to get to the bottom of the scientific thinking, and that is how we have made those decisions.

530 I know that the guys who own gyms will not be happy that gyms are closed, and I know that the guys who own restaurants will not be happy that restaurants are closed, but we are saying that we are going to make good their losses, so I do hope that they understand that, as the Hon. the Leader of the Opposition has said, and I entirely agree you can make good those losses. It is,

at the end of the day, pure economic loss, whilst the damage that will be done to people if we do not act is something that we would not be able to provide for.

Mr Speaker, in that context, when we have announced the help for the business sector in particular, it will be for the business sector that is directly affected. I have talked about the Catering Association – I have already provided the catering association with a form, which is the sort of form that we would ask them to provide answers on, to look at how we assess the loss that is being suffered. I have said already, in the course of my prepared remarks, that I am seeing the President of the Gibraltar Catering Association at six o'clock this afternoon, so we will be going through all of those issues with members of his committee also.

When he said that he was surprised that I had set out 11th January as the date by which bars, restaurants and other catering establishments will open again, I would like to just ask him to look at the calendar. That puts it almost two and a half weeks away, the sort of circuit breaker that we might expect – three weeks – but I do not discard that it may have to be longer. If I could just permit myself to say I understand from the Catering Association that after 2nd January, business is not entirely brisk, and therefore this will be the best part of the year to ask them to down tools. Indeed, many restaurants down tools in that period anyway and require staff to take leave in that period. We are going to be putting in place a mechanism to cover losses, and so I do think that we have really addressed that and will be addressing it in greater detail, in keeping with the commitment that I have given and in the meeting that I am going to have.

So, I would say, for those reasons, that the scheme is not embryonic and that we are already developing it quite considerably and will be considering developing it further – of course, for all those who have complied with all our rules on COVID. You cannot have people who waive your rules on COVID then come to ask you for benefit.

Where is the finishing line on the vaccine? The hon. Gentleman has asked me to give some clarity on when the vaccine will be here. I think I have given that clarity in my prepared remarks. I said it will be here in the first week in January. I understand that we will be seeing the vaccine arrive on 7th January. The equipment that we need for this vaccine is the ability to keep the vaccine at -70°C. That, I understand, is, if not in Gibraltar, about to come into Gibraltar. In any event, we have the capacity to keep enough of the vaccine that will be arriving from the United Kingdom in the first phase already in Gibraltar. So, we have -70° fridges to the extent that we will be receiving the dosage in the early stages. Of course, the big breakthrough that we are all waiting for is the approval of the AstraZeneca vaccine, because it is that vaccine which will be easier to transport around the world, easier to produce and will very easily reach the Overseas Territories etc.

The hon. Gentleman gave the right figures. Those are the figures that I have: 350,000 vaccinations in the United Kingdom, 500,000 by the end of the year in the context of a population of 66 million. The problem that there has been with this vaccine, the Pfizer vaccine, is that the United Kingdom has not got anywhere near the number of doses it expected to obtain by this stage in the game, because of production problems and distribution problems. Mr Speaker, I think I have given the information that I have in respect of the vaccine. Believe me, nothing could make me happier than to have more information as to when, with the arrival of the vaccine, we will be able to start the process of vaccination.

We have already, I think, said something about who will be first in scope, and of course the key issue here is those most vulnerable. Once you have got those most vulnerable covered by the vaccine and those who are in contact with those most vulnerable, you are really starting to make inroads into things and you are really starting to lose that element of proportionality in the analysis that I was doing earlier. So, if the most vulnerable, who are the most likely to suffer the worst effects, have been vaccinated, then your public health excuse for interfering with fundamental rights and freedoms starts to be less legitimate. You have less of the proportionality argument on your side, and I trust he I will probably be able to agree that as we reach down the ladder of the over-70s, the over-65s, those who are immunosuppressed etc. being vaccinated, we

then start to lose legitimacy in having in place any of the sorts of restrictions on freedom that we would have.

The Contact Tracing Bureau has been bolstered by an additional 35 people going into 111 and some of the other additional systems that we have. We are very conscious of the need to add capacity there, because we are looking at the numbers of people in self-isolation. You can imagine, if you work backwards, the number of people who have had to be rung. At home, I was rung for my son, by a lady from the Contact Tracing Bureau – Debbie, who I am happy to thank here for all her work and all the work of all the people in the Contact Tracing Bureau – late in the evening. The Deputy Chief Minister, yesterday, was rung very late in the evening as well. I know that you have a group of people there who are working dedicatedly, knowing that they are the front line of Test, Trace, Isolate, which is the key strategy in every country. They are doing a magnificent job and we will help them insofar as we are able with any resources that they need. We have already bolstered with 35 those who man the 111 CTB, I am told, this morning.

Mr Speaker, just as a further aside on the way that people are going slightly bananas when it comes to ‘rumourology’, the Deputy Chief Minister had not yet had his sample taken at the drive-through yesterday when my phone was ringing, telling me that the Deputy Chief Minister was positive. Either there is somebody out there who has a phone app that enables them, from a distance, to know who is positive or not, or there are just people wildly speculating. And sometimes speculation turns out to be right, because in the evening, when the lab had assessed the sample and they had called him, the Deputy Chief Minister immediately got in touch to say, ‘I have just been called by CTB, and I am positive – we need to tell the media,’ and we told the media because the media had been asking since five o’clock, because they thought that he was positive from then. This is just part of the ridiculous aspect of how some aspects of our society are developing.

The question of food supplies from the United Kingdom is really one that has developed in quite a remarkable fashion. I remember watching, yesterday, as France imposed these controls on the Channel Tunnel and thinking that this was almost a dress rehearsal for Brexit, and at the worst possible time, when already Dover was getting really congested with lorries, and Kent was becoming impossible to traverse this morning. On the *Today* programme, there were calls for hauliers not to try and make their way down to Kent. This is a very difficult situation indeed, and I come back to the point I have made in this House before – in the context of Brexit, not in the context of COVID – which is that the Government’s obligation is to ensure that there is food and provision in Gibraltar and to ensure that we are able to provide for that to enter Gibraltar. We cannot act in respect of what is happening in Dover and in Calais.

We are in contact with all of the food suppliers in Gibraltar. I know that they are making alternative provision for the arrival of foodstuffs for their shelves – even if it is not their own branded foodstuffs – from other places. And so, in Gibraltar, there is absolutely no need for any panic buying whatsoever, although as a Gibraltarian I am fully aware that 21st, 22nd, 23rd and 24th December are panic-buying season every year, so I will not put my advocacy skills at the level that I might think that I am able to persuade people that, on top of it being in 21st, 22nd, 23rd and 24th December in the year of COVID controls and Brexit happening, they are likely to go out and shop less. But I implore them to only shop for what they need and not as if there was not going to be toilet paper – which is the other end of this equation – or food on the shelves during the course of the next few days, because we are going to be absolutely properly provisioned without a problem.

Mr Speaker, the hon. Gentleman then asked me to say a little about why I talked about schools coming back on 11th – and maybe 18th, more likely – January. That, again, is about a circuit breaker. It is about the arrival of the vaccine. It is about how we can bring all of these elements together. I know there is nothing that could make grandparents happier in Gibraltar than to know that they can once again go to collect their grandchildren from school or receive their grandchildren at home, and I hope that we will be able to see all of these moving parts come together around this period of time to try and see whether we can lift all restrictions. We do not

know where we are going to be next week with the numbers of infections. We do not know where we are going to be the week after. As I am often told in COVID Platinum, the virus is usually two weeks ahead of us. What we are seeing today is what happened two weeks ago, so I am just being
640 very cautious about that. In fact, the hon. Gentleman has repeated the words I used. I said parents should be planning, so that they know that they may have to keep their children at home between 11th and 18th January, as well. So, the safe thing to do is for parents to plan that school is more likely to start on the 18th than on the 11th. It will start on the 11th if we can start it on the 11th safely, but it is not certain that school will start on the 11th. It may be that school may have to
645 start on the 25th, or later. I do hope that we do not go through that eventuality, but it is impossible to give certainty without being misleading, and I do not intend for one moment to be misleading. I intend to discharge the obligation I have set for myself that people will get all of the information from us, and I am saying we hope the 11th. We will, at the very worst, hope for the 18th, but we are realistic and know that it may be the 25th or it may even be later, and we will plan, ourselves,
650 to have the mechanisms in place to be able to give education from the 11th, even if it is not education in person. In fact, although that is the decision that had been made by COVID Platinum today, and the advice that the Cabinet accepted this morning in its not-emergency meeting, it was, in fact, as I was coming to this House, exactly the thing I heard the First Minister of Scotland say as I was getting into the lift to come down to give my own address, so I think this is likely to
655 be something that we are going to see developing in the same way in the United Kingdom, and possibly in other parts of Europe as well.

On GHA appointments, the hon. Gentleman is echoing my own view that it is very difficult to tell people who have appointments for matters unrelated to COVID that their appointments are going to be cancelled, but unfortunately it is the reality in which we find ourselves. We need to
660 ensure that we can stand down from the major incident as soon as possible so that we can go back to normal operations in the GHA as soon as possible, and the only way we will do that is by ensuring that we control the infection now, so that we can go back to normal work as soon as possible.

Again, if I may say so, there is a great demerit in having to do these things over Christmas. We
665 are not doing these things because it is Christmas and we think that this is a fallow period in which we should simply do it. I have shown the analysis that we are having to do it because this is the way that the numbers have moved, but in the context of the GHA a lot of procedures would not have been set down for these weeks, because it is Christmas and consultants are away etc., and therefore it is probably having less of an effect than it had in March and April – although of course
670 the effect is now cumulative because of what happened in March and April, and we are therefore very concerned to ensure that we go back to normal operations in the GHA as soon as possible.

Finally, I can only 100% agree with the hon. Gentleman in respect of his statements relating to liberty and freedom. As I have said before – and, in fact, I think I said it alongside him at No. 6 Convent Place when we offered a joint press conference – I am in politics because I am committed
675 to the cause of individual freedom. I believe that the defence of the fundamental rights in the Constitution is something that every Member of this House has in common. We would very exceptionally interfere with those rights, and we would do so with a heavy heart and not wanting to keep those restrictions in place for a moment longer than is necessary, but this is what is required at this time, based on a thorough examination of the scientific advice provided to the
680 Government. If we are wrong, if history looks back with better scientific advice or with testing of scientific advice that we ourselves could not have done, let us be wrong in the cause of reasonable prudence and let us not be wrong in the abject failure of recklessness and negligence.

Mr Speaker, with that, I thank the hon. Gentleman for his support for these measures.

685 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you.

The Chief Minister will find I, and my party, support the restrictions announced today in light of the recent and very worrying spike in COVID-19 positives, a rise that is unprecedented and paints a dreary picture indeed for the festive season and the start of the new year.

I would like to say more, but I cannot make more in-detail observations regarding these measures without access to data beyond the few statistics shared by Government in their daily update. This is where I would spell out the first of my several points of clarification. It would be important to understand the whole picture, and for that we would need answers to some key questions. Firstly, for example, do the added positives correlate to the sharp increase in testing? Or is the true independent rate of positive numbers also going up; and, obviously, if so, by how much?

Further, how is it that, on the matter of the new strain of COVID, we have found out through Sky News and other media outlets that it is prevalent in Gibraltar, rather than Public Health informing us? I do I recall the Chief Minister mentioning something to that effect just a few moments ago, about Downing Street before us, but I think that if we did know about this days ago, or weeks ago, we could have exercised some caution in order to limit the spread. On that front, could we execute further tests to determine how much of this more contagious strand of the virus has been imported from the UK in the past days? In light of this information, are we going to limit arrivals, from the UK, of travellers, to help bring this new variant down to a minimum?

Also, I cannot stand today without reminding the Chief Minister of the many objections raised by me and my party throughout the pandemic. We have protested the mixed messaging, the lack of examples coming from Government and the insistence on more lax measures at the cost of simplicity and impossibility, and this contradicting advice versus legislation recurrently meted out on mask wearing. All these inconsistencies have been picked up by the general public, making them more sceptical and less likely to comply with regulations. It has also made the job of policing and enforcing these measures a real minefield for law enforcement.

This Government, of course, unhappily, though successful at keeping mortality numbers low, is responsible for creating an extremely conflictive culture regarding COVID prevention, and this puts us at a severe disadvantage if things were to suddenly take a turn for the worse.

Mr Speaker, on a further point of clarification, I feel duty bound to ask: does the Chief Minister deem it appropriate that our Director of Public Health, one of our leaders in this crisis, be granted leave when we are approaching the height of a second wave? He, himself, has declared a major incident today in his own words, all while the GHA cancels leave for staff. As measures are tightening, how do we justify our own Public Health top dog, as it were, being allowed to take leave and being thousands of kilometres away from Gibraltar, while other employees cancel their annual leave? Do we have any certainty as to the date of his return? Whilst we are brewing a second wave, I have to ask: how and why was he allowed to take leave in the first place, as numbers had been continuing to rise in the last week, while he was still here?

Furthermore, given that Europe has already blocked the entrance of UK travellers, we have not heard from the Chief Minister how exactly, and in detail, this will have an impact at the border. How will that materialise? What does 'reinforcement' – a term quoted directly from Sky News – actually mean? People with homes, people who work here and live over there – how will this materialise for them?

Lastly, Mr Speaker, I have to ask: is Government finally going to use this time, when schools are off, to recondition these schools to make them safer, and properly develop online classrooms, something that has been called for since the first lockdown? I know that the Chief Minister just made a fleeting mention of this also, but how thorough and encompassing will these new platforms be by 11th January?

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I think that the hon. Lady has said that, more or less, the increase in these infections is the fault of the Government and that we are sending mixed messages. Well, I think that she probably wanted to say something and has decided that that is what she was going to say. I do not think that it is possible to analyse the way that the Government has acted in respect of this matter and suggest that there have been mixed messages, but if one spends some time looking at the reactions to the Government, some people are saying that the Government is doing too much, and some people are saying that the Government is doing too little, so I suppose the Government is probably, therefore, doing just about the right thing.

The hon. Lady is one of the people who has spent a lot of time saying that we are doing too little. Apart from entreating everyone to wear masks at every stage of this, she has brought very little of any worthwhile analysis to the situation. Why do I say that? Just in the context of the first remarks that she uttered, she demonstrated a failure to analyse the information that she has been given. She asked whether the increases are genuinely because of the new strain, or is it that the increases are because there is more testing. Well, if she had been plotting the numbers of tests versus the cases, as obviously the Leader of the Opposition has said that his party is doing, she would have seen that we hit the very high numbers of tests about two months ago and that about two months ago we saw numbers up and we saw numbers all the way down. On a thousand tests – all of which is information which is made publicly available – we had seven new positives a week and a half ago, on a thousand tests we had six new positives a week ago, and on a thousand tests we had 28 new positives on Saturday, and 33 on Sunday on 460 tests. So, it has nothing to do with the number of tests. The spike is not related to more tests, which is the first point that she made, and that is obvious for anyone to see. All they need to do is follow the information that is made publicly available, and then they will not commit the sin of thinking that they can bring an explanation to the numbers of cases increased based on the number of tests, because all of that information is available.

And then she said, ‘Why is it that, if the Government knew days ago about this new strain being present in Gibraltar, we have had to hear about it from Sky News?’ I do not know why she said that. I do not know if it is that she did not want to not read the paragraph that she had meticulously written – because I had just explained it. I was coming to this Parliament to make the announcement. The United Kingdom knew I was coming to this Parliament to make this announcement. I believe that they must have got wrong the timing of my announcement, thinking that I was making it at the time that they were making it, but in Central European Time.

Mr Speaker, this new strain that we are talking about – which she talks about knowing about last week – the Prime Minister, in respect of a similar attack by some of the people in respect of his anti-COVID measures group in the Conservative Party, has made clear that Downing Street was made aware of the existence of a new strain late on Friday, which means the Prime Minister was briefed on Saturday. We understood that from the statements made publicly on Saturday. We analysed, ourselves, all the information that we have and we received the information in our Health Department late on Sunday, and I was given the information this morning. Public Health Gibraltar shared that information with Public Health England, Public Health England share that information with 10 Downing Street and, knowing that I was making this Statement, they clarified that position as well in relation to this issue, thinking that I had already made this Statement in Parliament. So, what is she doing suggesting that we are keeping information from the public, when she has just been told that in the answers I have given to the Leader of the Opposition and in the Statement I have made?

She is fuelling those who want to believe that the Government is not telling them the truth, when the Government is telling the truth at the first available opportunity. Indeed, I hesitated to permit a statement on ERS visitation being cancelled before I came to this House. Why? Because then I would be accused, as the hon. Lady has done in the past, of not making statements in this House. But I made the decision that the Minister for Health and Justice and Elderly Care was right to press me to release that statement, because people were making arrangements. They were being tested and they were going to go to see their relatives this evening, and we had to tell them

as soon as we could, as a Government. And so, without meaning any disrespect to the House, I allowed that statement to go, but otherwise I am told that I need to make statements in this House, in particular on something of this importance.

I did not permit that a GHA statement where a major incident was being announced should go before I came to this House to declare that we had made the major incident. The hon. Lady might just as well have got up and said, 'I have heard from my WhatsApp contacts that there is a major incident being declared in the GHA. How dare you not have told us before? The public now know that you are not telling the truth.' Well, the public did not give me enough time to get here and tell them, in that case. Mr Speaker, the hon. Lady needs to put these things in context.

In respect of flights from the United Kingdom, I have just made an announcement, which she pretends to ignore, about requiring people to have evidence of a negative PCR test or have a test at the Airport in Gibraltar when they arrive, because of these issues of the new strain. What we are not going to do is stop flights from the United Kingdom, because the United Kingdom has not stopped our flights or brought down our air corridor, despite our numbers being high. And so we have acted in a way that is in keeping with wanting to work with the United Kingdom on these issues, because it is also abundantly clear to me that this strain is not just in the United Kingdom; it is clear to me that it is all over Europe. What you cannot have is Eurostar leaving until midnight last night, and then pretend that Europe is not going to be in any way affected because you have stopped freight and because you are stopping flights, when the early evidence suggests that the strain came into the United Kingdom from continental Europe. It came into the United Kingdom from continental Europe and it is spreading in continental Europe as well.

So, the hon. Lady needs to be understanding as well of what she does in the context of this political moment. This is an important political moment. The vaccine is coming from the United Kingdom. It is coming from the United Kingdom to Gibraltar at no cost to Gibraltar. These are relationship issues which are fundamental and they are important.

So, I do not accept that there is an issue of mixed messaging which finds us where we are. Will the hon. Lady care to analyse the reverse of the point that she has made? Will she give us the credit for having done a magnificent job – given that she says that we are doing a terrible job – on the days when there were six new positives declared, or four new positives declared? Is it that our mixed messaging is responsible for those great results, or not – our mixed messaging is only responsible for this sharp increase now? It does not stand up to scrutiny or to logic.

I do genuinely think that the hon. Lady lets herself down when she tries to do politics of this sort. She is so good when she does the politics of a better, broader vision of things, but when she tries to play the populist game, she is just not cut out for it, Mr Speaker.

There is no conflicted culture on COVID prevention. That is just not true, and I do not think it is fair that the hon. Lady should pretend that that has happened in any way, shape or form.

And then, for the hon. Lady to fall into the trap of bringing to the House a social media bugbear like the leave of the Director of Public Health I think is also a little beneath her station. The Government does not comment on the leave of any public servant. I am not going to comment on the leave of any public servant, in the same way as I am not going to comment on the absence of leave of a public servant who may have been in his station repeatedly for a considerable period of time. But I will say this, because the hon. Lady should know that the Deputy Chief Minister is not on leave and he was present in the same way during COVID Platinum today as all other persons who were present on COVID Platinum today, and I made the point in my prepared remarks of saying that the Director of Public Health had been present in that COVID Platinum meeting.

I assume that what the hon. Lady meant to do, because I am going to give her the benefit of the doubt, was raise, for the whole of the community to know, the fact that the Director of Public Health – who she says is on leave but I am not going to comment on whether somebody is on leave or not – despite being on leave, was available to be in COVID Platinum today for an extended period, has done all the analysis of the work that needed to be done, has been in touch with me repeatedly during the course of the weekend when he is alleged to be on leave, and has additionally made himself available for further conversations this evening and in the rest of the

week. Or is it that, in a world where we are asking people to keep social distance and not be in the same room and to attend things by Zoom, it matters where the camera is to the hon. Lady?

845 I can hear her giggling, but this is not for politics and this is not a laughing matter, Mr Speaker. This is too serious for that. I think she is going to break out into complete hilarity now, on something as serious as this, on something like the measures that we are having to take, because she has taken a point that is, frankly, beneath us all at this moment facing our community. She knows I have great affection for her: she is better than the points that she has made today.

850 Mr Speaker, the hon. Lady says that she has not heard from the Chief Minister anything on what the reinforced measures at the Frontier are going to be. 'What are these going to be?' she says, 'Why do we have to hear from Sky News about these things?' Well, I made the point in the context of my prepared remarks that this was going to happen. She only heard from Sky News if she was reading Sky News at the same time as I was speaking, because the *Moncloa* tweeted that
855 there were going to be additional measures after Sr Abalos, who has responsibility for infrastructure in Spain, announced it. I was in contact with the Ministry of Foreign Affairs and they were telling me that, regrettably, they were looking at all of these measures and Europe was imposing measures. They had to consider some of these measures, and they were looking at how we could work together to deal with them. What those measures are I do not think is known even
860 by the people who are going to impose them yet. As soon as I know, I will ensure that the community is aware, but I guess that it is very likely that we will all know at the same time, because these matters usually require a royal decree in Spain, and therefore, because the royal decree is law when it is published, we will all know at the same time. But I am sure that the hon. Lady will know from Sky News, which she says she has heard this from today. So be it, but we are in too
865 serious a moment for us to be having to hear these points at this stage.

On online classrooms etc., of course we will be ready to ensure that our children have the best available online resource for the short period that we hope they will have to be out of school again in January, if at all.

870 Mr Speaker, there are serious points to be made. This is a serious moment in the history of our community, it is a sad moment in the history of our community. I am very sorry to have had to make these points in reply to the hon. Lady, but I make them only because she made the points that she made not so much in seeking clarification but in trying to obviously land cheap political points at this difficult political moment.

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

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

875

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

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

Good wishes to absent colleagues

880 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise now to adjourn the House.

We are absent Edwin Reyes and Samantha Sacramento, who are in self-isolation, as I said before. We are absent Damon Bossino and Joseph Garcia, who are both COVID positive. As we go into the Christmas break, however difficult a Christmas break it may be, I know that the whole House will want to join me in wishing them well during the course of this period, that their

885 symptoms, if they are positive, should be light, and if they are in self-isolation, that they should not develop into positives, if at all possible.

Congratulations to Tony Gaul MBE on fundraising event

Chief Minister (Hon. F R Picardo): I want to, at this stage, before I move the adjournment, just mention that yesterday I saw Tony Gaul MBE, one of our police officers, climb Med Steps 24 times for very laudable charitable purposes. I want to just mention how proud we should be of our Royal
890 Gibraltar Police officers generally, given the work that they have done in such a difficult period, and all our essential services, in particular Mr Gaul for the charitable fundraising event that he did yesterday.

Christmas message to the children of Gibraltar

Chief Minister (Hon. F R Picardo): Mr Speaker, just in the middle of this very difficult period, before we adjourn, and given that they are all at home, instead of being at school, given that we
895 have something called Brexit that they keep hearing about and given that we have something called COVID that they keep hearing about, I have a short Christmas message for our children.

Arrangements have been made, I understand from the Housing Works Agency and other works, for elves to have access to homes unimpeded, despite the rules. Chimneys have been cleared and windows made safe. The RAF has confirmed that the Airport will be open on
900 25th December, if Santa has to land for fuel. Prof. Cortes has confirmed that import permits for reindeer have now been organised, and I have given an Import Duty waiver for anything that may be carried in the sleigh. The drive-through down here for COVID testing has been adapted to take the sleigh, so Santa can take a test on arrival, if necessary, in case he is arriving from the United Kingdom. We have a drink of milk and cookies, and carrots for each of the reindeer, and it will be
905 fine for Santa to go into each and every one of our homes, so long as he keeps his gloves on and he wears his mask, which is the appropriate PPE, and the Director of Public Health has directed that he can wear his hat over his nose and mouth if he has not got a mask available.

Mr Speaker, maybe when they are older, children might remember this Christmas as the best Christmas ever.

910

Chief Minister: I move that the House should now adjourn to Friday, 15th January at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 15th January at 3 p.m.

915 I now put the question, which is that this House do now adjourn to Friday, 15th January at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Friday, 15th January at 3 p.m.

The House adjourned at 5.06 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3:10 p.m. – 8.50 p.m.

Gibraltar, Friday, 15th January 2021

Contents

Standing Order 7(1) suspended to proceed with laying of papers.....	2
Papers to be laid.....	2
Standing Order 7(1) suspended to proceed with Government Statements	2
Government Statements	3
COVID-19 update – Statement by the Chief Minister	3
<i>The House recessed at 4.20 p.m. and resumed its sitting at 4.35 p.m.</i>	15
New Year's Eve framework – Statement by the Chief Minister commenced	15
<i>The House recessed at 6.21 p.m. and resumed its sitting at 6.51 p.m.</i>	34
UK closure of travel corridors – Update by the Chief Minister	34
New Year's Eve framework – Statement by the Chief Minister continued	35
Standing Order 7(1) suspended to proceed with Government Bills	57
<i>The House adjourned at 8.50 p.m.</i>	57

The Gibraltar Parliament

The Parliament met at 3:10 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 laying of papers

Clerk: Meeting of Parliament, Friday, 15th January 2021.
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 the laying of documents on the table.

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

PAPERS TO BE LAID

- 10 **Chief Minister (Hon. F R Picardo):** (vi) Mr Speaker, I have the honour to lay on the table the European Union Withdrawal (Application of International Agreements) (Amendment of Schedule) Order 2021.

Mr Speaker: Ordered to lie.

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

- 15 **Clerk:** 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 Government Statements.

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

GOVERNMENT STATEMENTS

COVID-19 update –
Statement by the Chief Minister

20 **Clerk:** Government Statements. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this morning I chaired a meeting of the COVID Platinum Command Group. Together with His Excellency the Governor, the Deputy Chief Minister, the Minister for Civil Contingencies, the Minister for Public Health and all other attendees, we
25 considered how best to address the continued rise of infections of COVID-19 in our community.

Today, I can report that Gibraltar has already fulfilled 140,000 tests for COVID-19. There are 66 new cases in our community today and 99 individuals are now considered to have recovered from the disease overnight. That leaves 967 active cases – importantly, under a thousand. For some time we have been over a thousand, so today under a thousand.

30 To date, we have had 160 people, since the start of the pandemic in spring, admitted to hospital with COVID-19. At the moment, there are 39 patients in the COVID wards at St Bernard's Hospital. I say 'wards' because we now have more than one ward with COVID patients. John Ward has, in part, now been adapted also. There are 11 people in the COVID Critical Care Unit (CCU). That means we presently have 50 in-patients at St Bernard's Hospital with COVID-19. Of the 11 in
35 the Critical Care Unit, nine are on ventilators. This puts huge pressure on our GHA staff at the CCU, as those patients require manual handling, as they are not conscious.

I am very sorry to have to report to the community a total, now, of 30 deaths from COVID-19. The last two have touched me deeply, as one was a member of my extended family and another was one of my former teachers. With 30 deaths, every family will now have been touched to some
40 extent by a death from COVID-19 – and to think there was a time when we had avoided any deaths from this deadly disease.

Our frontline services continue to be impaired, with the GHA and the RGP continuing to suffer a casualty rate in excess of 10% in each of people in isolation or positive with COVID-19.

At the same time, after a magnificent effort with the support of the Foreign, Commonwealth and Development Office in London and in the Convent in Gibraltar and also the support of the MoD in the United Kingdom and in Gibraltar – in particular, of course, the RAF – we received our
45 first doses of the Pfizer vaccine last weekend. There was, as hon. Members will recall, huge expectation in Gibraltar, not least because of the weather, on the potential for the arrival and landing of that RAF A-400 aircraft. Since then, I can commend the GHA for a magnificent effort, under the auspices of Health Minister Sacramento, for a vaccine programme that has gone
50 without a glitch until now. Many have commented to me how well treated they have been in the process of making appointments and their treatment during the vaccination process.

To date, 4,187 – correct as at last night – have received the first dose of the Pfizer vaccine. That is 1,215 frontline GHA staff, 28 GHA patients, 437 ERS staff, 152 ERS patients, 2,339 over-70s and
55 17 patients at Ocean Views. Most importantly, I am pleased to be able to report to the House that no doses of the Pfizer vaccine have been wasted at all.

But until the vaccine is in our bodies and has had time to take effect, our people remain at risk and our ability to deliver services remains at risk. For that reason, we have agreed in COVID Platinum this morning that the correct way to continue to see a downturn in the numbers of
60 infections recorded daily is to continue with the restrictions on mobility for a further seven days. We are seeing a downturn, but the growth is still there. We are no longer seeing 170 or 180 cases a day, as we were a week or two ago, but we are still seeing high double-figure growth in the number of cases. The R-number is now well below one, likely in the region of 0.77. The curve of infections is coming down, but it is still far too high for us to safely release the restrictions. I must
65 tell the community today that the restrictions are likely to be renewed again in seven days' time.

I do not take that for granted. We will not renew the restrictions if we are able to loosen them, of course, but we will be unlikely to be able to do so.

For that reason, I also do not believe that it will be possible for us to commit to reopening schools by Monday, 25th January, although that will, of course, continue to be our aim. We will continue to work with our teachers in order to ensure that when our schools do return, they return in a way that is safe for our teachers and our pupils. It is more likely that we will still see schools able to reopen safely on Monday, 1st February. That now appears to be a more realistic potential reopening date. On St Martin's, we are working for an even earlier date of reopening, if possible. We are conscious of the difficulties being experienced by the parents of children with special needs in particular. We will ensure our teachers are going to be in the very first round of those to be vaccinated beyond the at-risk groups, and the teachers at St Martin's will be the first of the first. Until then, the relevant Ministers are working to provide additional facilities for children and persons with special needs in parks, and the RGP are aware of the specific provisions in our regulations for persons with learning difficulties, an innovation that we did not have during the first lockdown but which Minister Sacramento specifically carved out this time. That is also likely to be 1st February, the more realistic date on which we might start to see the lifting of all the restrictions.

If we can lift restrictions next week, of course we will do so, but it will be the number of infections that will determine that. Also, it is important that I give the community a heads-up that when we do start to lift restrictions, we will do so in a gradual and safe way only. I believe we may see that, as we lift lockdown, we may have to maintain a curfew, for example. We may also have to maintain some restrictions in other respects. I do not discard the potential now of a territorial restriction on movement, other than for work or for medical emergencies.

Also, I will shortly be engaging with our catering industry, as, at the moment, we do not think it will be safe to open our catering establishments at the same time as we release other aspects of the lockdown. I will be engaging directly with the Gibraltar Catering Association again in coming days. They have been extraordinarily responsible in the work they have done with us, and I look forward to that continuing active and positive engagement with them.

We have already started working with our business sector on payments under what we are calling BEAT 5.0. We will continue to do so. But what is clear around the world, as I said in my New Year's message, is that all nations are facing public finance problems – even the oil-producing states – as a result of the COVID pandemic. For that reason, we must ensure that Gibraltar moves quickly to undo the issues of instability that arise for our public finances as a result of COVID and indeed the additional whammy of Brexit.

In order to assist me in addressing those issues as Minister for Public Finance, I have appointed Sir Joe Bossano as Minister with responsibility for financial stability, alongside his responsibilities for Economic Development and his other portfolio responsibilities. That will enable us to work together directly with the Financial Secretary, Albert Mena, in addressing the issues which will arise as we cast our first post-Brexit, post-COVID Budget for this community. This is something we are already working on, and Sir Joe has asked me to advise the House this afternoon that he is holding a meeting with the Financial Secretary this afternoon in preparation for this exercise, and for that reason has not attended Parliament. I know that we will all take comfort in this community from the extraordinary experience that the Government can count on in Sir Joe and the extraordinary ability that the Government can count on in Albert Mena as we prepare for these new estimates.

I must, before I conclude, thank our magnificent frontline public sector staff, all of them, in the GHA, the RGP, Customs, the GDP, ERS – everyone. I cannot list them all, as I will leave some out. Also, in the private sector, our supermarket staff, the delivery persons who bring food to our homes, and our pharmacy staff are also so essential. I will have left people out. A deep thank you to everyone who has helped at all in this effort. Today, in one of our local newspapers, I saw a report of Francis Huart, a good friend, who is trying to be a friend to everyone he can by delivering

what he can, as necessary. What an example he is. He is one case of so many volunteers seeking to help as much as they can.

120 I must end thanking everyone in our community for complying with the COVID restrictions. Incidences of failure to comply with the rules are low. The vast majority are complying with the rules. Those few who do not are letting themselves and each other down. So, please, I urge all members of the community: help us to lift these restrictions as soon as possible by continuing to comply with the rules. Stay at home, unless it is essential to go out. Go out only for essentials or essential exercise. Follow the rules, and together we will emerge more quickly out of these difficult
125 times.

Mr Speaker, I will be happy to clarify any aspects of this Statement that hon. Members might wish me to address. I commend this Statement to the House.

130 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, yesterday we said that the lockdown should continue. We issued a press release to that effect. We thought that our own internal tracking of the numbers since the lockdown had been imposed did not really lead to any other outcome as a reasonable outcome, because of course we all want to get control of this virus so that we can restore commercial and
135 social freedoms. But, having looked at the performance of the lockdown as it emanates in the statistics, the daily numbers that the Government publish, it became obvious to us in our own discussions internally that the lockdown needed to be extended a bit longer. So, to that extent, of course we think that this is the right decision, and indeed the inevitable one.

The Chief Minister mentions that the numbers have come down, and indeed in our press
140 release of yesterday I did notice that the daily average has slightly come down, but when he talks about things like ... for example, that we have not had big numbers like 170, that is true in the last seven days, but I was struck that, if you look at the numbers of new positive cases over the last two weeks, the number on 13th January was the third largest number of positive cases, so we are still getting different and slightly erratic daily figures that can only lead to this outcome that the
145 Government has announced.

We would like, on this side of the House, to also acknowledge the efforts of the GHA in particular, and all the other essential workers and indeed volunteers – like Mr Huat – the Chief Minister has mentioned. We think that they are doing an invaluable job and work and service to this community by everyone pulling together. And indeed we also associate ourselves with the
150 sentiment of the Chief Minister that it is not only the essential workers and indeed the volunteers, but we all need to pull together as a community to ensure compliance with Public Health advice to make sure we get Gibraltar through this. That has been our approach from day one of this COVID-19 outbreak.

I also note that, in terms of the hospitalisations, we are today talking about 50. Certainly, from
155 my own experience in the Health Service and Health Department many years ago, when bed occupancy levels were, in my mind, around anything between 160 and 170 ... I do not know what they are now, but that suggests to me that a good proportion – maybe between 25% and 30% – of the people in hospital are COVID patients. It might be a different number, but it does suggest to me a very big proportion. People need to understand that out there, in terms of the pressure
160 that that brings to Health Service workers in dealing with a combination ... and a very different isolated environment in COVID-19 patients and the exposure that they themselves are facing on a daily basis, which we appreciate on this side of the House.

Mr Speaker, a number of issues for clarification that perhaps the Chief Minister could assist the House on, and everyone listening. He has spoken about his intention to have a meeting with
165 the Catering Association and I have no doubt the Catering Association would welcome that meeting. Can he confirm to the House that the Business Compensation Scheme that is in place and was put in place by the Government will be extended until the end of the lockdown? So, if

businesses are closed because of the COVID-19 restrictions – nothing to do with them, of course – will the compensation scheme continue until that happens?

170 He has spoken about the possible opening of schools dragged from 25th January now maybe to 1st February. That is a helpful indication for anyone planning their lives around the restrictions.

175 Is he in a position to give us an indication – given his indication that restrictions will be lifted gradually – the kind of timescale that we would be looking at for the lifting of restrictions in relation to businesses? Do we assume that businesses will not open on the 1st, or should we assume that that some businesses will be also open on 1st February? Has the Government done any thinking and discussion itself, or indeed at COVID Platinum, on those issues, and is he able to give us an indication of the thinking? I am sure that people will not hold the Government to it, but I am sure also that business people who have had their businesses closed will want to have some kind of assistance and indication.

180 On the issue of ERS, will the Chief Minister perhaps give us a bit more detail about what is happening in ERS? I was struck, in my own tracking of the statistics, that on 1st January there were nine positive cases at ERS and yesterday there were 128 at ERS. I do not know the total number of residents of ERS. It would be helpful if the Chief Minister did have a figure, or if some of his colleagues could assist him who have responsibility in the area. Does he know what the total number of residents of ERS is, and what the 128 positives therefore amounts to in terms of the number of residents?

185 Secondly, on 5th January the Government issued a press release indicating how it was dealing with the outbreak in ERS at the time, and it said that it was introducing daily antigen testing, but it also said in its press release:

In order to prevent the further spread of COVID-19, residents are being cohorted into bubbles to safeguard and prevent any further exposure. All positives, as well as their close contacts, remain in isolated areas. To maintain these bubbles, 30 beds have been added in Mount Alvernia and a further 24 in Bellavista.

190 Will the Chief Minister perhaps comment on that particular point? On 5th January, these bubbles were created and yet the bubbles seem to have had almost no effect on the rise of cases. The cases have almost tripled since 5th January when they issued that press release. It seems – to me, at least, at face value – that those measures that were put in place, which I am sure were put in place by management with the best intention possible, do not seem to have had much effect. 195 Can he comment on that? We certainly understand on this side of the House that we are talking about frail, vulnerable people in close confinement and quarters and the spread of the virus is almost inevitable in that kind of environment, but I think it would be helpful if the Chief Minister were to comment on that, given that the public were told that certain precautions were being put in place and they appear not to have worked. What advice has the Government got in relation to that, and are we seeing a turn for the better at ERS?

200 Also in relation to ERS, I am receiving information from families of ERS residents that some of them are being called with information about the state of their family member in relation to a COVID infection, and some of them were completely unaware that the person had even contracted COVID. In one particular instance, it was said to me that a family was called to update them on the COVID infection of a particular family member who is a resident of the ERS, and when 205 they asked when did this person contract COVID, the contraction of COVID had happened seven to ten days earlier. Can I ask the Government to ensure that family members, especially when they are unable to visit residents of ERS, are kept better informed on the condition of family members?

210 Also by way of clarification, can I ask the Government and the Chief Minister to comment on the reasons why Dr Kumar has been appointed Acting Director of Public Health? Is there a reason for that?

215 And then a couple of further clarifications, if I may. The vaccination programme is, of course, something we absolutely welcome, and indeed the vaccination on a one-dose basis – or at least on a first-dose basis, if I can put it that way – of almost 6,000 people is very welcome. But if it is a

key to greater liberation, is the Chief Minister in a position now, having indicated to the House – or, I think, publicly last week; it was at the press conference – that there was a possible shipment of further vaccines at the end of January, is he now, seven days on, able to tell us whether that possibility has now become a probability or indeed a certainty?

220 And then, finally, Mr Speaker, we are reading a lot about the different mutations of the virus. The UK strain was something that we discussed in this House some weeks ago, and now the hot topic is, of course, the Brazilian strain that has led the UK to ban flights from certain countries, and indeed Portugal today. Is there any biological work being done in Gibraltar to try to ascertain the particular strain that is afflicting our community? And is the GHA and Government alert to the
225 work that needs to be done in respect of that? I appreciate that we are a small community with small resources, but can they rely on the UK to assist us in trying to do the necessary work to ensure that we understand the pathology of the particular strain of the virus?

Thank you, Mr Speaker.

230 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, thank you, and I thank the Hon. the Leader of the Opposition for his support in the context of the extension of the restrictions for the next seven days.

I do note that the hon. Gentleman started by referring to a statement he made, not in this place, yesterday. His statement was about an extension for ten days. As I had reason to raise with
235 him, we do not believe it is appropriate to think of an extension for ten days because the legislation would provide for an extension for a further seven days. We consider that we are bound, for civil liberties purposes, to ensure that we do not continue these restrictions for a moment longer than is necessary, and so we want to take it seven days at a time whilst giving the community a view beyond those seven days. So, we do not agree that we should extend for ten
240 days. We believe we should extend for seven but we should indicate that we think it is likely that we will have to extend for another seven and that it is likely indeed that, after those fourteen, what we will be doing is removing some restrictions, but not all restrictions. I think it is important that we give the community a view forward but that we restrain ourselves from announcing that there will be restrictions for more than the days in the period that would be provided for in the
245 legislation.

The hon. Gentleman is exactly right about 13th January. I saw that number, and it was soul-destroying to see once again a rise in the numbers being reported. The fact is that today is 15th January. The incubation period of the virus is roughly fourteen days; it can take a little longer in some people. We are still seeing now the effects of what the interaction between people might
250 have been in the last week in December now. There are some people who might not manifest with symptoms until now; this is how the virus incubates. As the Director of Public Health says, we are always fourteen days behind the virus, and so what we are seeing today is the image of the virus at least fourteen days ago in our community. Then, we had some restrictions, but it is true also that many people did not observe restrictions in the period at Christmas and thereafter,
255 and these are some of the consequences of that, although I do believe the vast majority of people did observe restrictions. But of course the nature of family life being what it is in Gibraltar, if one person with the virus goes back into the family home, it is very likely that the people in the family home will then become infected.

The hon. Gentleman is not wrong to estimate that it could be that in the region of 40% of
260 patients in St Bernard's now are infected with COVID-19. That is an extraordinarily large number of people to be in the Hospital with just one affliction and it puts a lot of pressure on the GHA, for the reasons that I have set out.

In ERS, the number I gave the hon. Gentleman a moment ago, of those who had been vaccinated, was one hundred and fifty two. Residents in ERS would not have been vaccinated if
265 they had been positive, or they were considered to be in isolation pending a potential exposure, so the number of persons vaccinated is one hundred and sixteen. Sorry, the number of persons

infected is one hundred and sixteen; the number of persons vaccinated in ERS is one hundred and fifty two. He will therefore see that just under 40% of residents of ERS have become infected with the virus, and of course that is hugely concerning.

270 Mr Speaker, I am going to take all of the ERS points that he made together, and then I will come back to the point that he made in respect of BEAT, so I will not deal with all his points chronologically, for that reason.

We have to understand that at ERS, although he is right to say that on 1st January there were nine positives and the cohorting started then, we are fourteen days away from the 9th, and so the
275 decision to create those bubbles, which he says looks like it has not worked, actually, in my submission, has worked extraordinarily well, because if you have one hundred and sixteen people now manifesting as infected, go back fourteen days, it is very likely that if we had not ... Sorry, I am going back fourteen days to 1st January, when the hon. Gentleman told me that there were nine. The figure that the hon. Gentleman gave me – I am fully aware of it; I am happy to give way,
280 if he wants me to – was nine patients on 1st January and the cohorting started on 5th January, and that is what I am going to deal with. So, if you go back fourteen days, the number has grown eleven times, in effect, since then, but it has not grown fifty times since then because by 5th January already there was the cohorting taking place. We will need to see whether those bubbles that were created by ERS management still lead to some of those bubbles now manifesting with
285 further infection, because we are not outside the potential incubation period, but they have not all manifested in that way.

Of course, this is impossibly difficult. I do not mind telling him that the people who are working at ERS – like the people who are working everywhere else, but in ERS, I have to say, in particular – are really working like we could not ask them to work. They are wearing PPE all the time, which
290 adds stress to them and to the residents. This is worse than awful, and we have to recognise that all of the work that they have done has kept the virus out of ERS for as long as has been possible. It has got in. We still cannot say whether it is through workers or through visitors – very likely workers. We all want to see visitors back as soon as possible, but we all want to see our elderly people safe as well. Hopefully, all of the one hundred and sixteen infected will recover, will be
295 able to take the injection and will therefore be able to achieve that immunity and we will be able to then re-establish visits to ERS, but many of the carers and indeed many of the medical staff and the management of ERS have themselves succumbed to the virus now in this much more obviously infectious strain, and on top of the work that they are doing and the stress that that puts on them, they have become infected with the additional burden of that. So, I do think that they have had a
300 hugely positive effect by creating these bubbles, because we have one hundred and fifty two people who are not infected, although it has not enabled us to protect every one of the residents of ERS, which is, of course, exactly what we would all – in this House and, no doubt, beyond this House and certainly the management and carers of ERS – would have wished.

Turning to the question of the business assistance and whether that will continue in place, the
305 answer is – and I think I addressed this in my Statement – that the BEAT 5.0 will continue in respect of any business that continues to be closed, for as long as that business continues to be closed, which we hope will only be January, but in some instances I am already advertising the possibility that it could include continuing into February, in some areas. What we have to anticipate and the hon. Gentleman says that I will not be held to this, and I certainly take him at his word. I am being
310 very open with the community and have said that things change and we make what we think are predictions today which could be completely wrong tomorrow. We hope that we will be able to see non-essential retail reopen as from 1st February, but we do not think we will see – again, subject to change – catering being able to reopen from 1st February, and in those sectors where we decide there cannot be a reopening, help will continue. There is, of course, some help which
315 was already in place until the end of March, and that will continue for businesses that are operating in the way that it was before, which is this BEAT 4.0, which was the payment of approximately 30% of the BEAT to help them through this difficult period, even though they will

be open and operating. It is not possible for me, however, to give a more precise estimate of how we might be able to see a return of business activity.

320 The hon. Gentleman says that he has had information about families having updates on the progress of a patient with COVID when they did not know that that patient had COVID, so I will certainly look into that. I have not had any of those reports myself. I know from my experience of those working at ERS that their dedication to ensuring continued communication between patients and their families directly – or, indeed, if not able to ensure that communication, to
325 report to the families how a relative is – is one of the things that they are most committed to. They are really dedicated to ensuring that the fact that there is a lockdown of ERS does not mean that relatives do not have reports of the condition of their relatives, or indeed that they do not have the ability to communicate electronically, if possible, with their relatives. But it is possible that there may be anecdotal evidence of what the hon. Gentleman reports. If he gives me more
330 details, I will be happy to follow that up, but I will put my hand in the fire for the staff of ERS, Mr Speaker, because they deserve it. I will say that these are likely to be in the ‘man bites dog’ category, because they have done everything possible to ensure that relatives are aware of the condition of residents or indeed are able to continue in contact with relatives throughout this extraordinarily difficult period, but that is not to say this could not have fallen down on one or
335 more occasion with the best will in the world.

The hon. Gentleman has asked me why Dr Kumar has been appointed Acting Director of Public Health. He will know – I think he might even have worked with Dr Kumar when he was Minister for Health – that Dr Kumar was Director of Public Health for many years in Gibraltar. Dr Bhatti has had to take a short time off, and because we are in this period of pandemic we have asked
340 Dr Kumar to assist us in this period. We have to understand that since the start of the pandemic in January last year – a whole year; not since the start of the second wave, but since January last year – Dr Bhatti has been, at a moment’s notice, involved in dealing with these issues. He has seen his family sparingly. Indeed, he was heavily criticised, for reasons I could not understand, for trying to see his family, but even when he was seeing his family he was constantly on video link to
345 Gibraltar so that we could continue to tap into his expertise. That takes its toll. It takes its toll on all of us. I was able to get some time off last year with my family and I was lucky to be able to do that. He was not. We do have to understand that it is essential that we all look after our health and we all look out for each other as well. When the history of this pandemic is written, I think Sohail Bhatti’s contribution to ensuring that Gibraltar dealt so effectively with the first wave of
350 this virus, and as well as we have until now but with the difficulties of the casualties that we have suffered, Dr Bhatti’s contribution will be seen as having been extraordinary.

Mr Speaker, yes, on a first-dose basis we have been able to reach a large number of our over-seventies; not all of them yet. We do expect to be able to give the second dose, in many instances, very close to the twenty one days. In the majority of those instances, we will not have to see the
355 second dose be delayed as much as we might have expected in covering the four key at-risk cohorts. But I am not going to give the House and I am not going to give the public details of the numbers of vaccines that we expect to receive and when we expect to receive them at this stage. I will happily provide them to the hon. Gentleman. The hon. Lady and I have that date and we can share that over a conversation behind the Speaker’s Chair, but we will not share this information,
360 for security reasons, at this stage. I think it is important that we understand that, from what we are aware of, it is essential that we are able to advertise when something has arrived and when it is going to be provided to the general public, but we have to be careful that we do not somehow create a situation which would be insecure for us in the arrival of the vaccine. What I can say is that I am now able to confirm that we will be receiving further doses of the vaccine before the
365 end of the month, and we have visibility to a further period of delivery after that, which enables us to plan very clearly how we would be administering those doses in that period, but I do not want to make that statement public now, with dates etc., although I will happily inform the hon. Gentleman and we will be making those statements public closer to the time.

370 The Government and the GHA are, of course, alert to the issue of the different strains of the virus that there now are. As the Spanish Minister for Foreign Affairs said when she was confronted, in my view unfairly, with the possibility that Gibraltar had been a point of access for what some are calling the UK strain... She said there are hundreds of new strains, many of them originating and circulating in Spain, and we have to be alive to all of those strains. Well, we are alive to those strains. Indeed, we considered today in COVID Platinum the position on putting restrictions, like 375 the United Kingdom, on arrivals from South America, Panama, Cape Verde and Portugal, which the Hon. Minister for Civil Contingencies is now pursuing. Indeed, we are also alive to the need to have better genetic understanding of the strains circulating in Gibraltar, and the GHA does have the ability to have information about that. That is being dealt with through Dr Nick Cortes, who is Consultant Microbiologist to the GHA as well as holding that post in Hampshire. But this 380 information is not information that is quickly available, because in order to have reliable information as to the pathology of the strain that is circulating, you have to grow the virus, as the hon. Gentleman will know. Indeed, I will just remind the House that when the Prime Minister reported in mid-December that the United Kingdom had detected a more infectious strain – which is now, although it appears to have originated in continental Europe, being called the UK strain 385 just because they detected it – that detection related to a virus that had been circulating in September, so it took almost eight weeks to be able to grow the cultures etc. and be able to reach that determination. So, the virus, as Dr Bhatti sometimes says, is two weeks ahead of us. The genetic make-up of the virus is sometimes something that we will not be able to see for some more weeks in order to be able to have the detail that we need, but we are very much on top of trying to determine the pathology of what is circulating in Gibraltar.

390 The hon. Gentleman will have heard me make the point, and I will make it here also, that the behaviour of the virus even given the social interaction that we have seen and would expect to see despite the restrictions during the festive period, the behaviour of the virus is so much more infectious than the virus that we were dealing with in the spring and early summer, it suggests 395 that there is a different strain in circulation or different strains – plural – in circulation in Gibraltar. Determining that is something that we will do with hindsight, unfortunately, but we have to prepare ourselves to be dealing with that more infectious strain and we have to protect ourselves from other potentially more infectious and indeed potentially even more dangerous strains by some of the restrictions that we will also be proposing in terms of arrivals from other destinations 400 to Gibraltar.

Mr Speaker, I hope I have dealt with all the points the hon. Gentleman has raised. Does he want me to give way to him, before I sit down, to raise anything, given he has already spoken?

405 **Hon. K Azopardi:** Yes, Mr Speaker, not because of that, but there was one question that I had that I omitted to mention, and perhaps ... He said that he 'could not discard', I think was his phrase, a territorial restriction going forward. Did he mean, by that, some form of restriction by which people would be released from a social lockdown in Gibraltar but would not be able to cross the Frontier? Is that what he is meaning? And, if so, in what circumstances does he think that that would be appropriate?

410 **Hon. Chief Minister:** Mr Speaker, yes, that is exactly what I mean.

If hon. Members care to look at how the numbers of infections are developing in Spain, there is now a growing call by the presidents of the various regional governments for a new national lockdown in Spain. Just this morning, there was a call by one of the regional governments for there 415 not to be seventeen different regimes applying in Spain, but for there to be one centralised regime. We could spend time commenting on this. There were times in the March and April period when people in Spain were calling for there to be a decentralised regime of controls, blaming the central government for all the problems. Interestingly, now the regions are blaming the government for not taking a centralised approach.

420 The serious point here is that the numbers of infections in Spain are growing. They are growing in Andalucia in particular. Indeed, some individual has today said that some of the growth in Andalucia is the responsibility of Gibraltar, which is really, I think, impossible to fathom in the context of any logic. But it is true that in the municipalities around us there still is a municipal lockdown, keeping each person in the perimeter of each municipality.

425 It is true that La Linea has one of the highest rates of infection. Gibraltar has restrictions on movement which are designed to ensure that people do not move around Gibraltar, or indeed leave Gibraltar unless they are leaving for work or unless they are going for medical reasons, all of the restrictions that the hon. Gentleman knows apply here. Because we know that many people have what sometimes is classed as a second home – but is actually their primary home, in Spain, 430 although they may not have recorded it in that way for their own private reasons – we have not wanted to impose a territorial restriction on movement, because we know that that causes hardship. That hardship is already provided for if their home is beyond the municipal limits of La Linea because, at the moment, you cannot go beyond the municipal limits of La Linea. But it is also true that we are receiving anecdotal information of Gibraltarian residents leaving Gibraltar to do 435 things that are not permitted in the context of our restrictions in Gibraltar and now are doing it in a place where infections are higher than they are potentially even in Gibraltar as they come down in Gibraltar.

There is anecdotal evidence of a lot of residents of Gibraltar seeking to leave Gibraltar on a pretence and then spending days skiing in the closed ski resort in the Sierra Nevada. That is going 440 to just put pressure again on us, and if somebody thinks that their skiing holiday is more important than the Gibraltar economy being able to come back into operation, or more important than relieving the pressure on the GHA given the infectivity of this virus, then, given the rise of infections in the region of Andalucia and beyond, unfortunately we may have to apply some territorial restriction so that people are only permitted to enter Gibraltar for the purposes of work 445 or medical appointments and are only permitted to leave Gibraltar for the purposes of work or medical appointments. That would be extraordinarily difficult, of course, for those who have what they officially refer to as their second home in Spain but might de facto be their primary home in Spain. That difficulty has arisen for some people already in the past and now because of restrictions in Spain.

450 The Government of Gibraltar has not wanted to be the one to impose the restrictions, but I am sure he will agree with me that we may be left with no choice other than to impose such territorial restrictions, despite the hardship that they might temporarily cause, given the rise of infections in Andalucia and around us and given the gross irresponsibility that we are seeing in some ad hoc instances of some flouting the rules for those purposes.

455 So, Mr Speaker, yes, that is exactly what I was referring to, although I do hope that it will not be necessary for us to take that measure as we try to release lockdown.

Mr Speaker: The Hon. Marlene Hassan Nahon.

460 **Hon. Ms M D Hassan Nahon:** Mr Speaker, let me start by thanking the Chief Minister for his Statement and his information.

I would like to say that we are extremely concerned by the situation in our Hospital and in our Elderly Residential Services. We do understand that now might not be the moment to engage in discussions about how we actually got here, but to actually all work together to make things 465 better. However, with an overstretched Hospital, a full CCU, almost 1,000 active cases in the community and over 100 cases of difficult prognosis in our ERS, I would seek clarification as to what plans are in place to stop our health and care systems from being overwhelmed. So far, there has been no mention of deploying the Nightingale facility or why that facility, which has cost us so much, both in hard work and in financing, lies empty while infections continue to spread among 470 our facilities, or how, indeed, we would source extra staff if necessary.

On the reopening of schools, which the Chief Minister talked about, constituents have made representations to me as to whether teachers will be vaccinated before the schools are opened and in a way that gives them time to build immunity, meaning that if we are looking to open at the end of January perhaps, if that is the case, then they should start getting immunised already.

475 I would also like to ask for clarification, to get some idea of what percentage or numbers remain to be vaccinated within the groups that have already been mentioned and started the inoculation process.

Also, if the Chief Minister would be so kind as to explain further whether territorial restrictions will include air restrictions or from sea, or simply at the border.

480 Mr Speaker, it goes without saying that we support the lockdown extension, as well as any other measures required to keep contagion levels down until Public Health officials advise otherwise, based on their scientific modelling, on trends etc., and, of course, based on their indications that our healthcare systems will no longer be at risk of being overwhelmed.

Thank you.

485 **Hon. Chief Minister:** Mr Speaker, I thank the hon. Lady for her support for the measures that the Government is putting in place and has put in place. I acknowledge the worry that she refers to; it is the worry that the Government has shared with the community as a whole and expressed in the context of my most recent statements.

490 The question of what, with so many patients in the Hospital and so much pressure on our ERS staff and GHA staff what are the plans to stop the GHA and ERS being overwhelmed is exactly what I addressed in the context of my statement in respect of lockdown last week and the week before. The lockdown is required for that purpose, in order to stem the tide of infections in respect of those frontline members of staff in order to ensure that we can somehow see the resilience of those key frontline agencies not being put at risk. That is why we have ensured that we have
495 locked down. I have given the House, this afternoon, the numbers of GHA and ERS workers who have already been inoculated, and part of the strategy, of course, is that as they become inoculated they will have the resilience to be able to continue at work because they will not be at risk, or they will not be as at great a risk of infection as they would have been in the past without
500 the inoculation.

The context of Nightingale – I addressed this question specifically in my press conference, I think seven or fourteen days ago, when I said that the Nightingale facility is now potentially problematic in one particular sense: in the sense that it is not possible, given the pressure on the GHA at this stage, to easily reopen it because we would have to split our staff in the way that we
505 would be providing for the opening of Nightingale. During the early period, we had imported staff. Now it has become harder and harder to obtain imported staff, for a reason: many more people are infected and many more people are being recruited elsewhere, and getting them to come to Gibraltar is very difficult indeed. But in order to be able to provide a step before Nightingale, what we have announced we have done – and I am sure the hon. Lady will have heard me explain this
510 in my earlier press conferences and will have followed the press statements of the GHA – is we have created a stepdown facility. That is why I referred to John Ward today. So, as people need less care in the COVID ward, which was Victoria Ward, they are taken into John ward. That enables us to use the resources of St Bernard's – we already have a kitchen there; that is the base for all our nursing staff – in what we think is a better way to cohort down those who are on the way out
515 of Victoria back home but who still need some observation and some assistance, but not the full nursing care. That is why we think that is, at the moment, the best way to deal with this, with Nightingale remaining the facility that we need it to be in the event that we see a further rise in respect of infections, none of which we can suggest is not going to be the case. Although there is a downward trend, we have not yet seen fourteen days from the peak of infections, which could
520 lead to a peak even further than we are now of hospitalisations. Today is a peak – fifty people in our Hospital with COVID-19 is a peak. We just wonder whether that will come down now, or will go up, and that is the key question.

In the course of my prepared remarks, I talked about the vaccination of teachers. The vaccination of teachers after the four key cohorts have been dealt with will be one of the things that we are seeking to do first, so that they can be safe in schools and our children can be safe in schools. I have already said that the teachers of St Martin's will be the first ones to be inoculated. I do not think we have yet been able to bottom out whether we would be able to have the twelve days pass between inoculation of teachers and the opening schools. It may be that we cannot have that period, but that is a matter that is being discussed by the Minister for Education with teachers and with, of course, the department of Public Health and the Department of Health.

Mr Speaker, in terms of the giving of statistics as to how many of the cohorts have been already provided for with vaccination and when they will be provided with the vaccination, I am happy to have the conversation with the hon. Lady, as I said to the hon. Gentleman, behind your Chair, but I do not want, at this stage, to be advising how many we have left to inoculate in a particular cohort etc. We have to understand that we are in a race against time against the virus, but we are not in a race against any other jurisdiction. We are a small jurisdiction and we may be able to inoculate a lot of a particular cohort quicker than other jurisdictions, simply because of the size of Gibraltar. We have to ensure that that is not used against us in order to deprive us of further doses of vaccine in the future, because some might point to how well we appear to have been doing when in fact this is not a league table, this is not a boast for our community that we may or may not have done so much of a cohort or another, and we must be very careful that nobody suggests that that is what we are doing. I am not suggesting that that is what the hon. Lady is doing, but the publication of that information at this stage could be taken by some as a suggestion that that is what we are purporting to do. I do not want us to fall into that trap, because the important thing is that we vaccinate our key at-risk cohorts as soon as possible and that we then, after that, vaccinate as many of our community as we are able, as quickly as we can, with the supply of the vaccine that is made available to us through the United Kingdom in the way that is so helpfully being made available now. Therefore, I am happy to give the hon. Lady the information but I am not happy to share it across the floor of the House right now.

Mr Speaker: The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, thank you.

There can be no doubt that we continue to live through very difficult times, and it is important that we all recognise, and I think we all do around the two sides of this House, the tremendous efforts that are being made by everyone to deal with this pandemic. In particular, it is important to continue to support the efforts being made by our frontline officers, those in the GHA, the ERS, those in Public Health and, of course, all the volunteers who are also helping out.

The arrival of the vaccine, which we have already seen and which will continue to be rolled out, is no doubt a very welcome event for our community and indeed worldwide, but it is not something that resolves the issue in one day, one month, or even in a few months. That is why we must continue to be on our guard.

It is very sad to hear, from what the Chief Minister has said today, that the death toll in Gibraltar has now reached 30, and I am sure that the whole House extends its condolences to each and every member of the families of all those who have sadly died as a result of this pandemic. It is also sad to hear the numbers currently in hospital, and in particular in intensive care.

There is one matter, apart from all of that, which I would ask the Chief Minister to clarify from his Statement. The Chief Minister has referred to the BEAT 5.0 Business Compensation Scheme, and I note also that the Leader of the Opposition has referred to it and confirmed the Opposition support for the continuation of a compensation scheme for businesses and that it is something we must continue to do.

Today, there has been an important decision by the Supreme Court in the United Kingdom relating to insurance, in particular relating to business interruption insurance. Insurance

575 companies in the UK had denied claims made by small businesses following closures and losses resulting directly from the COVID-19 pandemic, and the Supreme Court has said that that is not permissible, that where there is business interruption insurance then closures as a result of the pandemic are covered by that insurance.

Lord Briggs said in his ruling, if I can just quote it:

On the insurers' case, the cover apparently provided for business interruption caused by the effects of a national pandemic type of notifiable disease was in reality illusory, just when it might have been supposed to have been most needed by policyholders.

580 Can I ask the Chief Minister to say whether, in his dealings with business associations, the Catering Association, business representatives, the Chamber and the Federation of Small Businesses this issue has been raised at all, whether anyone has complained about making claims on this kind of business interruption insurance and that claim not being met? And can he confirm also whether it is the Government's position that if a small business has a business interruption insurance on which it can claim, then it must make that claim rather than just relying on
585 compensation given by Government under the BEAT 5.0?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman speaks for the Government when he talks about these being very difficult times; indeed, the recognition of the efforts of everyone
590 involved, and in particular the frontline officers, as I have already said. But I think it will bear repeating just how much work has been done in particular by our frontline officers across the public service and by volunteers who have stepped up as well. It is absolutely important that we remind ourselves of that constantly, not now in the depths of this moment but, in particular, in the future. I think that is going to be a key determining factor of how the public see the public
595 servants of Gibraltar for many years to come, I hope.

The hon. Gentleman is right that the arrival of the vaccine is not an immediate end to the issue; that the vaccine takes time to be deployed. As I was reminded this morning in COVID Platinum, vaccine in the freezer is useless vaccine; it is only vaccine in the arm that is helpful, and then with the period for the inoculation to take effect.

600 The hon. Gentleman refers also to the sad number of deaths in Gibraltar, which has touched us all greatly, and extends his condolences and the condolences of the whole House to the family members of those who have been affected by any such death. Mr Speaker, I had been hoping to propose to the House, and I will do so now, that when we finish this part of the exchanges, once all hon. Members who wish to speak have spoken, we should hold a minute's silence of this House
605 in respect of all those who have passed away from COVID-19, so that they and their families are seen to be in the thoughts of all Members of this House. And, exceptionally, when we have finished that minute's silence, I am going to ask the House to make a lot of noise in respect of the support that we give our frontline services and our volunteers. So, silence for those who have passed, and noise for those whom we must support for the work that we are doing.

610 In respect of the statement that the hon. Gentleman has made about the Supreme Court today, I thank him for that information. I was not aware of it this morning. I have been dealing with COVID issues and I have not been able to catch up on that news. I am sure the whole House and the whole community will welcome the information provided. He is absolutely right that in early discussions with business representative organisations in Gibraltar they had put to us that they
615 were being advised that business interruption insurance would not apply and that they could not make claims, and so this will be a very welcome statement from the Supreme Court. The whole structure of what we call BEAT – Business, Economic and Advisory Support – terms were designed because the business interruption claims were being denied. Therefore this will be an important factor that we will all want to take into consideration, and businesses will want to take into
620 consideration because if they can make claims against those who have been taking their insurance premiums, then that is something that, of course, we will want to see pursued as a community

because those payments under the insurance policies are payments into Gibraltar, and that, I think, will be something very positive.

I am conscious the hon. Gentleman has told us that this is a decision of the Supreme Court. Knowing insurance companies as I do, it is not impossible that they might try and see whether they can take it even beyond the UK Supreme Court, but that may be deemed now to have been a final decision, and if it is a final decision then it will be very welcome indeed. The hon. Gentleman is shaking his head. I think he is indicating there will be no appeal, which is very positive. I give way to him.

Hon. G H Licudi: I am grateful to the hon. Member for giving way.

I have seen, in fact, a statement by the Association of British Insurers confirming that, as a result of the decision, all valid claims will now be paid, so it seems that the insurance industry is accepting the decision of the Supreme Court and will be paying on the claims.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is the bearer of even better news than I thought he was. I am very grateful that he has clarified that, and I hope that those listening who have business interruption insurance in this community, who have paid their premiums for business interruption insurance, now understand that they have the opportunity of making such a claim. I think that there is, therefore, an important moment here, an important reassessment for businesses of what their potential for recovery might be in respect of the losses they have suffered in this period, and I thank the hon. Gentleman for giving us that timely information and for clarifying the status of that decision.

Mr Speaker, before I invite the House to take that minute's silence, I wonder whether other Members wish to address.

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

Hon. Chief Minister: Mr Speaker, I now invite the House to observe one minute's silence in respect of those who have passed away from COVID-19 in Gibraltar.

The House observed a minute's silence.

Hon. Chief Minister: Mr Speaker, I now invite the House to bang its desks with vigour in support of our frontline staff and volunteers, to show them the support of this House on behalf of the whole community. (*Banging on desks*) I thank all hon. Members for that.

Mr Speaker, I wonder whether this might be a convenient moment to recess the House until 4.30, when we will continue with another Government Statement.

Mr Speaker: The House will recess until 4.30.

The House recessed at 4.20 p.m. and resumed its sitting at 4.35 p.m.

New Year's Eve framework – Statement by the Chief Minister commenced

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am happy to rise to record in the Parliament that, after many months of hard work, we have reached an in-principle framework agreement with the United Kingdom and Spain for a potential treaty between the United Kingdom and the

European Union to govern the future relationship between the EU and Gibraltar. I will refer to this in-principle agreement during the course of this afternoon as ‘the framework’.

In the process of doing that hard work, we have kept Cabinet colleagues involved in the detail of the discussions as we have progressed through each stage of it. We have taken each step only after consideration by the Cabinet of whether it was safe, on the grounds of sovereignty, jurisdiction and control, for us to continue the discussions. Our Cabinet discussions have been an essential mechanism for ensuring that we shaped the framework, insofar as possible in the context of the negotiation, in a manner that was in keeping with the leeway we believe we will need in order to ensure we have the economic opportunities we need for our future prosperity.

We have also met with and briefed the Leader of the Opposition and the hon. Lady and shared with them all drafts of the documents being negotiated. I met with both of them last week and was able to provide them with final copies of the framework documents. I have been very grateful for their constructive engagement in this respect in our discussions.

As I have already said publicly, most recently last night on an extended edition of *Viewpoint* and in detail in interviews with *Panorama* and the *Gibraltar Chronicle*, the framework agreement is not in any way near final. This framework, in effect, is only an agreement to try to reach an agreement, and as such it is not yet certain that we have avoided a hard Brexit. What we have now is the opportunity but not the certainty of a UK treaty with the EU in respect of Gibraltar. It is important that I emphasise that: this is the opportunity but not the certainty of a UK treaty in respect of Gibraltar. There is a long way to go before that treaty can be considered to be likely, although it is now more likely than it was before we finalised the framework.

The Foreign Secretary, the Rt Hon. Dominic Raab MP, said yesterday, in a written ministerial statement on the framework, the following, which I think it is important to record in the House today. This is a direct quote:

In the UK Approach to Negotiations on the Future Relationship with the EU as published in February 2020, the Government stated that it would act in these negotiations on behalf of all the territories for whose international relations the UK is responsible, which includes Gibraltar.

We have worked side by side with the Government of Gibraltar to honour this commitment. As a consequence of the EU’s negotiating mandate which it adopted in February 2020, Gibraltar was not within scope of the UK-EU Trade and Cooperation Agreement (TCA). The Commission made a declaration alongside the TCA stating that this would ‘not preclude the possibility to have separate agreements between the Union and the United Kingdom in respect of Gibraltar’, and that it stood ready ‘to examine any request from Spain, in agreement with the United Kingdom, to initiate the procedure for the negotiation of such separate agreements should they be compatible with Union law and Union interests’.

To that end, the UK, working side by side with the Governments of Gibraltar and Spain, reached agreement on 31 December over a political framework to form the basis of a separate treaty between the UK and the EU regarding Gibraltar. We have sent this framework to the European Commission in order to initiate negotiations on the treaty. The political framework covers issues of key importance to Gibraltar and the surrounding region, including on border fluidity. It creates the basis for a bespoke model for Gibraltar’s future relationship with the EU that will permit an absence of physical checks at the land border with Spain, and therefore ensure fluidity of movement of people and goods between Gibraltar and the EU. The Governments of both the UK and Gibraltar judge that this framework provides a firm basis to safeguard Gibraltar’s interests.

The UK and Gibraltar are committed to ensuring that cross-border arrangements can continue in the interim, until a new treaty enters into force. Arrangements have been agreed with Spain that include provisions for the border (goods and people), road transport, healthcare, waste disposal, and data. In addition, the UK Government provided financial and other support to ensure that Gibraltar was fully prepared for the end of the Transition Period.

We remain steadfast in our support for Gibraltar, and its sovereignty is safeguarded.

That is the end of the quote from the Foreign Secretary’s ministerial statement. I want to thank the Foreign Secretary for his support throughout the process of this negotiation. The Prime Minister has also been very supportive throughout, as have their respective teams. I thank them on behalf of Gibraltar for their strong support throughout this initial period of the process and their commitment to continued support as we negotiate the treaty with the EU based on the framework. The House and the people of Gibraltar should all be reassured to know that both the Prime Minister and the Foreign Secretary have understood the need for a differentiated solution

695 for Gibraltar's socio-economic and geographic reality, which is what the people voted for in the context of the EU referendum and our General Election.

I should just also point out that the Trade and Cooperation Agreement (TCA) – that is to say what we might call the main UK-EU agreement – does not cover any of the Overseas Territories; it is not just Gibraltar. We should note that Gibraltar's exclusion from the TCA is not born just from the position taken by the Government of Spain in 2018, but also by the EU's own position that it had no mandate from the governments of the member states in the EU Council to negotiate for the EU's overseas territories or in respect of any of the UK's Overseas Territories.

700 Before I go on, I should reflect to the House the statements yesterday by Mrs Clara Martínez Alberola, Deputy Director-General of the Task Force for Relations with the United Kingdom at the European Commission. Mrs Alberola was responding in the European Parliament yesterday to issues raised by various Members of the European Parliament, notably including Sr Jose Manuel Garcia Margallo, in respect of the framework. She responded by saying the following, which I think it is important is reflected into the record of this House. Mrs Alberola said this:

Finally, a word on Gibraltar, which was referred to by the two Spanish MEPs who took the floor. There is no agreement yet. There is an informal framework, what the Spanish authorities and the UK authorities call a framework for the future negotiation and, hopefully, agreement between the EU and the UK covering Gibraltar.

As the Members of the Parliament know, the TCA, the agreement that we have now concluded with the UK, does not cover the territory of Gibraltar, so there was this intention by the UK side, by the Spanish authorities, and with the support of the Commission, to try to understand if there was a possibility to have, in the future, an agreement that will cover Gibraltar. This is what the Spanish authorities and the UK authorities have discussed in this period of time. They have concluded a paper that contains certain provisions and principles and framework. But this has to be developed yet in the form of the mandate that will be approved, hopefully – first proposed by the Commission, then approved by the Council and hopefully with the support of the Parliament, and then negotiated by the European authorities.

So, it is too early for me to say how everything will be organised, because this has first to be reflected in a draft, a mandate by the Commission, and we will need to take into consideration all the provisions that are, of course, very important, relating to Schengen, relating to goods, to transport, to level playing field etc. and then negotiated with the UK authorities in the form of an agreement that we should not forget will be an EU agreement, an EU-UK agreement, and not anything else.

So, we will see this develop probably in the next weeks and months. The Commission, of course, welcome very much the fact that the Spanish and the UK authorities were able to agree on a framework and we will develop this in the future by the mandate and by the negotiations.

710 That is the end of the quote from Alberola. I think it is very helpful to have recorded the Foreign Secretary's words and Mrs Alberola's words in the Westminster and European Parliaments here, in the *Hansard* of this Parliament.

This is the position I have already set out for the people of Gibraltar. The framework is the basis for the negotiation now of the UK-EU treaty. The framework has no public international legal value of itself. It is not an agreement to prevent a hard Brexit, but it has enabled us to agree an extension not of transition but of certain bridging measures to apply between Gibraltar and Spain and the EU at our land frontier with Spain. So, for now, it assists us in having averted the worst effects of a hard Brexit as we continue negotiations.

715 I should also highlight that it was agreed that we would not publish the terms of the framework at least until the European Commission had a chance to consider it. The framework had been provided to the Commission for them to consider whether and what mandate to prepare, and it would not have been right to publish the framework in a way that appeared to be designed to put pressure on the Commission, which was the last thing that would have been helpful.

720 The framework, however, has now been published by a newspaper on its online portal. I am happy to be able to inform the House that I had already provided drafts of the earlier versions of it to the Leader of the Opposition and the hon. Lady and had agreed to give them the final version, not for publication but for consideration, before the publication of it online.

In this respect, the public should note that the position on publication of agreements in the parallel UK-EU negotiation also resulted in non-publication of notes of agreement. Indeed, none have yet been published. Only the treaty text that was to emerge was published, and indeed that

730 is what has now been published. I very much regret that the framework has been published other than by agreement between the parties and in a manner which has not enabled the EU Commission to consider the terms of a potential mandate ahead of the publication of the framework.

735 The framework for a UK-European Union agreement or treaty on Gibraltar's future relationship with the EU has the potential to enable us to reset our relationship with Spain and cast it in a more positive light going forward, but the reality is that the treaty proposed will govern the relationship between Gibraltar and the European Union in areas of EU competence.

740 What happened on the 31st was that the British Ambassador in the UK Mission to the European Union – he is no longer the permanent representative, as we now have formally left the EU – has written to the President of the European Commission confirming the UK's desire that such an agreement be negotiated and that the EU should seek a mandate for that purpose. Spain has confirmed that it, too, has written to the European Commission for that purpose.

745 As we have been seeking to do, the framework provides that the treaty to be negotiated will deal with maximised and unrestricted mobility of persons between Gibraltar and the Schengen Area. This part of the framework refers to something that *will* happen if there is a treaty.

Spain, as the neighbouring Schengen member state, will be responsible, as regards the European Union, for the implementation of Schengen. This will be managed by the introduction of a Frontex operation for the control of entry and exit points from the Schengen Area at the Gibraltar entry points. It is envisaged that these arrangements will be provided for a period of initially four years.

750 It will also seek to address maximised and unrestricted mobility of goods between Gibraltar and the European Union, which could be something that forms part of the final treaty. This part of the framework is referred to as something that *could* happen if there is a treaty.

755 We will also seek to reach agreement on matters related to the environment, the level playing field, social security co-ordination, citizens' rights, data and matters related to continued document recognition and other ancillary matters. These are the things that matter to people, to our citizens generally and to our workers in particular, to our businesses and to our entrepreneurs and our wealth creators.

760 The negotiation of the framework has been very difficult. That is why we went to the wire, right up to 31st December, and we concluded just in time to avert the worst effects of a hard Brexit on the morning of 1st January.

765 The important thing is that we should note that there are no aspects of the framework that in any way transgress Gibraltar's position on sovereignty, jurisdiction or control. I want to confirm on the record of the House that this is not just my opinion, it is also the opinion of all members of the Gibraltar Cabinet and is specifically confirmed in writing by the Attorney General of Gibraltar, Michael Llamas QC. I want to record my thanks to all members of my Cabinet for their advice and support as we have negotiated these arrangements. In particular, I have publicly and must here also thank the Deputy Chief Minister, the Hon. Dr Joseph Garcia MP for his work alongside me in the negotiating team for Gibraltar. I also have to thank Sir Joe Bossano MP for his specific guidance in each of the Cabinet discussions on this subject.

770 We have been clear about our position on the fundamentals throughout, and the reality is that we could not have countenanced an in-principle agreement of this type if sovereignty had been on the table. For that reason, I also have publicly and must here also expressly thank the President of the Spanish Government, Prime Minister Pedro Sanchez for the approach he and his government has adopted to this negotiation. From the moment that he first addressed the issue of Gibraltar, Prime Minister Sanchez has insisted that he wanted to look beyond the eternal issue of sovereignty. I also want in this House to expressly thank the Spanish Foreign Secretary, Arancha Gonzalez Laya for her work, her sensitivity and her own, very personal, efforts in getting a mutually acceptable framework over the line, as well as the efforts of Spanish Secretary of State for Europe, Juan Gonzalez Barba.

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Mr Speaker, I think it is important that we reflect that this framework is, of course, imperfect. There is still a lot to be negotiated. Matters related to goods are concerning for us, as we have no experience of the Common Customs Union. We are not going to join it, but we are considering a bespoke arrangement with it which permits potential suppression of customs controls. This will require an in-depth consideration of issues with our business community. We have already established a Treaty Liaison and Advisory Committee (TLAC) to advise us on these matters. The Minister for Economic Development is already looking at these issues also. He has the benefit of being the only one of our number who was a Member of this House when the decision was rightly made by then Government, with the support of the House, not enter the Common Customs Union in 1972 when we joined the European Union – then the European Economic Community, of course.

We will get this right by working together and analysing together, and to those who want to see us create shared prosperity, I say this: remember that Gibraltar will need to be an engine of economic growth, and to do so we will only agree to arrangements which preserve our prosperity. It is in that way that we will be able to continue to create more private sector employment in and around Gibraltar for the benefit of Gibraltar and the whole region around us.

This has been a difficult process, but we have been battling the tide of history. With this agreement in principle we hope to start to see the future come into view, and in that respect we have to remind ourselves that Gibraltar has always sought proper and respectful engagement with our neighbour. We have always turned our back on Spain's attempt to strangle us economically, her sovereignty claim and her deprecation of our institutions. We know that we have to be careful, cynical and concerned about any proposals to ensure that we do not inadvertently fail to pick up matters which could adversely affect our positions, but we have never been the aggressor and we have never been the ones who have sought to put barriers between us. That has best been seen in the result of the referendum and in the support we have had for our plan to establish a link with the Schengen Area whilst at the same time ensuring we strengthen our post-Brexit economic planning.

Now, with this framework, we can be at the beginning of the creation of this fabled area of shared prosperity, and that is what we want to see: greater economic growth which will greatly benefit our people and will greatly benefit the people of the area around us. We want to see greater co-operation, which will greatly benefit our people and will greatly benefit the people of the area around us also. And we want to see greater prosperity become a material reality for the whole of Gibraltar and the whole of the region around us.

But there is still a long road to go, still a negotiation to be undertaken. There is still a treaty to be finalised, for which the EU does not even have a mandate. I am confident there will be a mandate and I hope that there will be a treaty. It is that treaty that we will negotiate like hawks to ensure that there is no cession of sovereignty, jurisdiction or control, and it is that treaty that we will have to scrutinise to ensure that have made no cession of sovereignty, jurisdiction or control. That, however, is not what today's Statement is about. That is what the debate on the treaty, if we achieve one, will be about.

Mr Speaker, as I have already done in respect of *Panorama*, the *Chronicle*, GBC and, yesterday, the people, on *Viewpoint*, I am happy to answer any requests for clarification that hon. Members may have. I commend this Statement to the House. (*Banging on desks*)

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, our position has been longstanding in respect of our exit from the European Union. Our position has been, for a long time, that we want a safe and beneficial agreement, and we hope that, at the end of this process, we get a treaty that works and fulfils that, because that has always been the position the Opposition has taken, knowing that we were leaving the European Union.

Indeed, when the agreement of principles was announced on 31st December, there was a widespread sense of relief in Gibraltar, because of course we were down to the wire, to use the Chief Minister's phrase. The text was not known then, but we were told a few hours before that there had been an agreement and we cautiously welcomed the announcement that there had been an agreement. But of course the text of the agreement was not known at that stage, not even by us. The last time we had seen a text, a framework, a draft of the non-paper was on 14th December, and we had seen none thereafter until it had been leaked and the Chief Minister gave us a copy on 11th January, this Monday. But now the text is public, so people have a chance to see for themselves what the agreement of the framework of principles says and they can form a judgement on it.

I do observe for myself, as the Chief Minister has said, that this is not a binding legal agreement. The binding legal agreement will come if and when the treaty happens, so I temper our comments on that score, knowing that this is not a binding agreement, and it is important of course to see the draft treaty when it emerges, although the fact that other political agreements have not been binding either – and I have in mind the Lisbon Agreement, the Brussels Agreement, the Airport Agreement and indeed the Cordoba Agreement; all those were political agreements – did not stop people commenting, rightly, or forming a view on the principles contained in those agreements, and so, also, should we and the public at large on the principles contained in this agreement.

There has been wall-to-wall coverage first on the announcement, comment on the announcement, without people seeing the text of the agreement, and, since Monday – the text having been leaked – there has been also quite a lot of coverage in respect of that. The Chief Minister has done a number of media interviews, with the *Chronicle* and *Panorama*, as he says, and indeed, last night, a 90-minute programme on GBC *Viewpoint*. I watched it with interest, of course, because there was an opportunity for him to answer questions. Anyone watching it last night and seeing the Chief Minister reply on every single issue that viewers had concerns about ... He allayed those concerns and said that there was nothing wrong and that things would be fine, in essence. Anyone listening to it and then reading the document might be forgiven for thinking that they had read a different document. The Chief Minister last night was, at times, so effusive, so getting carried away ... I understand, with the glare of the light and his desire to persuade people about the agreement that he had signed up to, but he was being so effusive at times that he sounded like a second-hand car salesman, without the Brylcreem, trying to flog a cheap Daihatsu.

Is it really the position of the Government and the Chief Minister that there is nothing wrong with this agreement? Is that his position? Is it that his position is that there is nothing unacceptable in principle? Or is it not the case that there is a price to pay by us leaving the European Union and negotiating in a position of weakness? And, if so, what is the price? Isn't that the real perspective and the real basis of the debate we need to be having, and isn't that what the people of Gibraltar should be being told, that there is that reality of where we are?

We want an agreement, we have said so often, but when I look at the framework which was leaked by *El País* on 11th January and handed to me in person by the Chief Minister, and indeed when I look at previous versions, I have to say we have serious reservations on the content of the framework of principles. By that, I mean the concessions on jurisdiction and control and the bilateralism and the possibility of Spain gaining economic and administrative controls which build on already the MoUs and the new MoUs that will come, or a tax treaty, and that those economic controls will affect our economy and our sustainability going forward. We have also serious reservations about why we are where we are. Ultimately, we have found ourselves in a situation where the UK has a 1,400-page treaty and we have an eight-page document of principles that may or may not end up in a deal. As the Chief Minister says, we have the opportunity but not the certainty of a treaty, which the UK has – a treaty.

So, in terms of clarification, does the Chief Minister think that this agreement of principles is entirely acceptable? Or does he, in fact, view it as an imperfect document where you have to give

and take, and that is the proper perspective of the agreement that he and his Government has signed up to? Does he think this is a good agreement?

885 Have we given anything away? Is he content with the political and legal responsibilities that Spain would get if there is a treaty on this basis? Does he think the economic responsibilities that Spain would be getting are acceptable? Is he not concerned about the economic handle that Spain could get?

890 If a bespoke Customs Union arrangement is entered into, there would not only be Schengen checks at the Port or Airport, there would also be customs checks. Who would conduct those customs checks? There is a reference in the framework of principles to 'EU customs'. What is that is supposed to mean? Isn't the proper construction of the agreement in relation to the Frontex arrangement that after the end of four years we are left with the conundrum of a hard Brexit or Spanish officers? Does he think that is a good agreement, where we are simply kicking the can
895 down the road and let's see what happens in four years' time – let's face that difficult crossroads then? Shouldn't we be dealing with it? Is the Government seeking to improve the agreement when it comes to the treaty negotiations; and, if so, how? Can the Government assure people listening that Gibraltarians will not need to go through Schengen checks? Or is it the case, on a proper interpretation of the arrangements that have been discussed, that if Gibraltarians arrive at the
900 Airport on a flight from London they would need to go through Schengen checks?

Is the Chief Minister happy with the bilateralism of this arrangement? There was a lot of criticism of Sir Peter Caruana entering into the Cordoba Agreement, but the Cordoba political agreement was trilateral. This is an eminently bilateral arrangement, ostensibly so. The United Kingdom and Spain have entered into this arrangement, albeit no doubt with the involvement of
905 Gibraltar.

Isn't the effect of this agreement that there are concessions on jurisdiction and control, and indeed that even joint patrols of waters are being envisaged? (*Interjection*) Sorry, I am not sure what comment that was.

Is the Gibraltar Parliament going to debate the treaty before it is signed? Are we going to have
910 an opportunity to do so? The Chief Minister, yesterday, in answer to a question on a possible referendum, discarded it, I think, on the basis that he said he had been elected on a mandate, and said that that was their position. But is the Gibraltar Parliament going to get an opportunity? Ultimately, the UK Parliament got an opportunity to debate the UK treaty. Is the Gibraltar Parliament going to get to debate the treaty in respect of Gibraltar before it is signed?

915 The document was leaked, and indeed it is correct that the Chief Minister and I were discussing that a copy should be given to us in the Opposition so that we could comment on it, and he will recall that the reason for that was because I wanted to be clear that if we did receive a copy of the agreement at that stage, given that it had already been entered into by the parties, we would be free as the Opposition to comment on it publicly, and that was the reason that we did not agree
920 to meet until 11th January. He is right that he did say to me that he had come round to the view that we should have a copy of it on the basis that we should comment, but it is also true that that only happened eight hours before I woke up, on Monday morning, to see that *El País* had it on the front page – this Monday.

Can he assist the House and the people out there as to what is missing from the leaked
925 document? He has said in his Facebook post, and indeed I think he said it last night in answer to a question from Jonathan Scott, that it is incomplete. It may not be possible for him necessarily to publish it without the agreement of the UK and Spain, because ultimately they have all been in the discussion together, but does he not think – and does he not think he should convey the point to those other governments also – that, having the document in its majority being leaked, what is
930 missing should also be published?

Ultimately, on Monday he did give me a copy of this other document, so does he not think that we should stop playing cat-and-mouse games with the public? I appreciate that there might have been a desire by governments not to publish until the European Commission took a view on certain things. I respect that, and he knows I respect that because we have been in discussions

about the negotiations. I have always respected that confidentiality because I know they are sensitive negotiations, but now that it was on the front page of *El País* and the non-paper was leaked – even the letter of the Spanish government to the European Commission has been leaked – does he not think that we might as well have the whole document out there, so that people can form a view?

Mr Speaker, my concern listening to the Chief Minister – not so much today but more so yesterday, actually – is that a lot of what is being said of how the arrangements will work ... I appreciate the positivity and the spin that he puts to it, but when the Chief Minister explains how things are going to work and you pick up the document hoping to find that explanation, it is not actually there. So, isn't it, in fact, the case that all of this is up for grabs and it is for the detail in the treaty, and at best all we are getting is an expression of how he would like it to work out if and when a treaty is negotiated that is favourable to Gibraltar, but, for now, all we are left with is the framework of principles, which does not assist at all in telling you how the detail is going to work in practice because there are different views? Gonzales Laya takes a view on how a certain part of the agreement is going to work, and he takes a completely different one.

What assurances will the Government seek in the negotiation of the treaty to ensure that the treaty will be complied with by Spain? Ultimately, Spain does not have a very good track record in compliance with international treaties in relation to Gibraltar. The 1713 Treaty was ignored almost as soon as it was signed. As he very poignantly said last night on the *Viewpoint* programme, before the ink was dry – 'on the quills', I think he said – they had ignored it, so what safeguards are going to be put into this treaty to ensure ...? I know it is an EU-UK treaty, but ultimately the EU is now ... If it was a members' club that we complained was always on the side of Spain rather than Britain, it is now a members' club that, undeniably, will listen to its member, and we are not in it anymore, so there need to be safeguards.

What happened to what was being proclaimed with great fervour about the fact that, as the relations between the Gibraltar Government and the British government were so good – between the Chief Minister and Mrs May, and between the Chief Minister and Mr Johnson to the point that he gave him a baby grow when his child was born ...? What happened to the UK negotiating for Gibraltar because Gibraltar was part of the British family? What happened to the fact that we thought, and Gibraltar thought, that if there was going to be a treaty, it would be a UK treaty; there would be an agreement on exit that Gibraltar would also benefit from? What happened to that, given that we have a scenario, as we face the reality today, where we have a 1,400-page treaty that the UK is going to enjoy, given its own objectives, which are different to Gibraltar's, and we are left with a situation where we have a framework of principles and, as the Chief Minister says, the opportunity but not the certainty of a treaty? In other words, the real prospect that at the end of the six-month period we might not even have a treaty at all, that a hard Brexit could happen on 1st July. What assurances has he got from the UK that it will ensure that we get a treaty? They will have wrapped up theirs by February. Isn't it a fact that we are here, not knowing if we are going to have a hard Brexit on 1st July, the only territory to be so exposed – because Northern Ireland has been protected – because there has been a failure of the UK government or a failure of his Government? Who else is to blame? Should we at least not temper his excitement and sense of relief with the reality that we have not actually achieved anything yet? (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has risen to deal with probably one of the most seminal issues that will define the lifetime of this Parliament and has decided that he wants to go down the road of name-calling and caricature by making reference to the way that he wishes to characterise what he said was my 'selling' – in his phraseology – style and even references to the colour and style of my hair. I am surprised, because he often seeks to characterise himself as different, especially when it comes to issues which are of seminal importance. Indeed, I have done him the credit, every time that I have been asked or commented

about this, to say that in the context of the discussions that we have had behind closed doors he has always been constructive – and I will not change that characterisation.

I want to start my response to him calling me a second-hand car salesman with slicked-back hair by emphasising how constructive and positive he has been behind closed doors in assisting the Government in the negotiation of this framework. I want to emphasise to the community that when the cameras are not rolling and people are not watching, he has been supportive and constructive in the approach that he has taken, and I want to emphasise that different Keith Azopardi with whom I have worked in the process of the past nine months, who has been, in my view and, I know, in the view of the Deputy Chief Minister also, only constructive in the approach that he has taken in assisting us – and I use that word advisedly – in reaching this point. I will forgive that there may be some others in his party who are seeking to drive him to make attempts – because I do not think he has succeeded – at populism in parts of how he has dealt with this address today. I will try and take away the veneer of some of what he has tried to do this afternoon and not rise to the mischaracterisation of each other in the way that I respond, although of course it would be so easy for me to do so – but I will not.

I will simply address those of the serious points that he made in the context of his address this afternoon, because this is too serious. We are talking about casting the economic relationship that we will have with the largest trading bloc on the planet, and indeed casting the mobility arrangements that we will have with the continent of which we are a part, and I am not going to fall into the easy trap of having a ding-dong across the floor of the House or descending into name-calling, because I think that is not in the interests of our community. I am not even going to tell him that he has let himself down in that respect, because I am going to concentrate on his very constructive and positive approach when we have been discussing these issues behind closed doors, as I have repeatedly said.

Mr Speaker, the hon. Gentleman starts by saying that what he and his party want is a safe and beneficial treaty between Gibraltar and the UK on the one part, and the European Union on the other part, which he hopes to see come. I welcome that, because that is also the position of the Government; it is the position we have been setting out for some time. He talks about the sense of relief that people felt on 31st December. Well, in the same way that he is right in saying that this is not a legally binding treaty, he is also right to have indicated that people felt a sense of relief, because, as I said during the course of my Statement, this non-treaty, this framework, which is not public international law, at least has enabled us to agree bridging measures – all of them as yet to be tested under the strain of complete mobility; both southern Spain and Gibraltar now have the restrictions on movement, which mean that we are not testing the mobility in the way that we will when there is free, unrestricted return to post-COVID movement – and so that is already assisting us. We are not in hard Brexit today, even though we are not in treaty today. We are hoping that these bridging measures can last until we have negotiated that safe and beneficial treaty, and therefore there is that benefit already.

He says that he cautiously welcomed the text of the framework before he had seen the final text, having seen the last text some 16 days before, on 14th December. I hope he does not mind me disclosing that what he said to me when we met behind closed doors and I gave him the text of the treaty was simply that there were very few changes from the last text that he had seen.

Hon. K Azopardi: Will you give way?

Hon. Chief Minister: Of course.

Hon. K Azopardi: Mr Speaker, what I said was that I cautiously welcomed the announcement, not the text, because the announcement had been made on 31st December when we did not know what the text was. And yes, I did say that it was unchanged, but I did not welcome the text. I had not seen the text. We cautiously welcomed the announcement of the principle of the new agreement. We assumed there would have been changes.

Hon. Chief Minister: I see that the ballet on the pinhead has begun, because the hon. Gentleman knows that he saw the text on 14th December and then, having said that there were very few changes to the text on 31st December, if he gave a cautious welcome then unless there had been huge changes to the text which vitiated his caution, I am surprised that he is taking that attitude. Anyway, Mr Speaker, I am just simply observing that all of us, no doubt cautiously, were pleased to see that we did not find ourselves in hard Brexit on 1st January, and now a treaty is possible. Without the framework a treaty would not be possible, and getting up to observe that this is not a binding legal agreement is not the most ground-breaking observation that he has made in this House, especially given that that has been actually what I have been talking about, even when I made the statement that he says he cautiously welcomed, and indeed the Statement that I have made today.

The reality is, as we have all agreed, this is a framework and that that should not stop us from commenting on it is not something that the Government has tried to do. In other words, the Government has not said, 'This is just a framework, please do not comment on it.' Of course it is true that, as a framework, it should be commented upon, in the same way as other agreements have been commented upon in the past, but he knows that there is a big difference between political declarations, which are an end in themselves – Strasbourg, Lisbon, Brussels – and something which is simply the annotation, which was not intended to be published, of what will be a legally binding piece of international law. These are what are known in the lexicon of public international law as the *travail préparatoire*. This is the work that goes behind the treaty, which can in future be relevant in interpreting what ends up in that treaty if there is ambiguity in that treaty. This is not Brussels or Lisbon, far from it, and I think he knows that.

If he says that anybody who was listening to *Viewpoint* last night felt that I was somehow effusive, he will forgive me for not having watched *Viewpoint*, because I was on it, but I did not feel effusive whilst I was on it. But look, one man can describe an object in one way and another can choose to describe it in a completely opposite way, and both will feel that they are describing it in the way that is honest for each other. Perhaps my natural state might appear to many more people to be more effusive than his natural state – that is probably true, but I did not think that I said anything that suggested that I was effusive in any way.

Without falling into the trap of responding in kind to his characterisation of me and his physical description of me, which I think is an unnecessary way of being less than statesmanlike in the approach to this important debate, let me just say that he has started by asking me, as almost his key thesis, to recognise something that I said in my presentation. The hon. Gentleman has asked me to say that this framework is somehow imperfect. That is exactly what I had said in the context of my prepared remarks, Mr Speaker. He has asked me to recognise, as if it were to achieve in cross-examination a great admission from a witness, that which I had said already in the context of my presentation. I do not know whether the House recalls that or whether the House wishes me to refer exactly to the part of my initial statement where I used the word 'imperfect' – which I cannot immediately locate by going through it, but it is ... There it is, in fact, Mr Speaker; I just found it:

Mr Speaker, I think it is important that we reflect that this framework is imperfect.

The hon. Gentleman was asking me to accept that which I had already presented, and so I do not think that there is a difference between us in that. Indeed, if the hon. Gentleman wants to say that this is a document which is the fruit of a negotiation and therefore, given that it is not the fruit of a dictation, it will contain things which we would not have dictated into the text if we were the only ones writing it, then of course he will have my agreement because there has not yet been an instance when governments have met to negotiate something and one of them – indeed, the government of the nation representing the smallest population, the only one of the three without an army ... and that one of the three has dictated the terms to the other two. If there is an instance

of that in history, I really do look forward to being pointed to it so that I might study it in greater detail.

Mr Speaker, I do not think that the hon. Gentleman sets Gibraltar up for the most successful negotiation of the next stage of the agreement – in other words, the actual agreement, the treaty – by asking me to accept that we were negotiating, in his words, from a position of weakness and that there was a price to pay for these arrangements. Of course there is compromise in negotiation – it is not negotiation otherwise – but I do not know whether the hon. Gentleman believes that by asking the Chief Minister of Gibraltar to accept in our Parliament that we are negotiating from a position of weakness he somehow strengthens our position for the negotiation of the treaty, because I would have thought that what we all wanted to do together is strengthen Gibraltar's position as we go into the negotiation of the treaty. I think every resident of Gibraltar, every Gibraltarian, will want to see Gibraltar take this framework into a treaty that will be the best possible safe and beneficial treaty – to use his words, and words I have used before – for Gibraltar, and nobody can persuade me that the best way to deliver that safe and beneficial treaty for Gibraltar is for the Leader of the Opposition to get up and ask the Chief Minister of Gibraltar, as he heads into those potential negotiations, if the European Commission agrees to wind up a mandate to negotiate that, if the people of Gibraltar are entering those negotiations from a position of weakness. Neither do I think it is helpful to set out where we think our negotiating strengths are, or indeed to analyse where our potential negotiating weaknesses are. Whenever you go into a negotiation, each party does that for themselves and enters the negotiation conscious of that, and of course in a democracy we are all free to do that analysis publicly, but as the incumbents of Government we also have an obligation. Indeed, it is probably one of the most incumbent obligations on us not to defend ourselves when we are attacked if, in answering an attack which might otherwise be unfair, we might give away negotiating leverage for our people, because this is not about party, this is about people, about the people we represent. It is about our nation and it is about Gibraltar, and if we have to suffer party political attack in the process of producing the best deal for Gibraltar, suffer it we will. Therefore, I am not going to respond to his request that I should, in clarifying my Statement, accept that Gibraltar was negotiating from a position of weakness, because I do not think that is in the interest of Gibraltar, although relative strength and weakness will have been analysed repeatedly by the public and by the parties to the negotiation.

Mr Speaker, the hon. Gentleman says that when he looks at the text he has serious reservations about bilateralism. There is, he will accept, in the text that has been published by a newspaper, variable geometry. There is, in the text which I have given him, variable geometry. What does that mean? The treaty is going to be between the UK and the European Union. That is surely not the bilateralism that concerns him. I think we all agree, and indeed later in his remarks he, I think, accepted that the fact that the treaty is with the European Union is better than a treaty that would be just with Spain, so that is not the bilateralism that concerns him. I am sure that the bilateralism that concerns him is not the reference in the fourth paragraph to the language that he referred to in respect of Cordoba – in other words the reference to the fact that there will be a political instrument between Spain, the United Kingdom and the authorities of Gibraltar – because that geometry is three. That cannot be the bilateralism that concerns him. It cannot be that he is concerned that in the framework there is reference to arrangements, MoUs etc. between Spain and the Gibraltar authorities. That bilateralism – that *is* bilateralism – cannot have concerned him. If there is express provision for a recognition in that way of the competence of the Gibraltar authorities that Spain, in a document which has no binding public legal international value but he says is as valuable as Brussels etc., has recognised that there will be what would best be described, to take his description, as bilateralism between Spain and Gibraltar – something which has never been seen before – then I am sure that that is not the bilateralism that concerns him.

That this framework is entered into between the United Kingdom and Spain I am sure is the bilateralism that concerns him. He can see that there is lateralism of many different sorts here. He refers us to the Cordoba arrangements, but the Cordoba arrangements, he will recall, emerged

from a bilateral statement which was purportedly of a Brussels meeting, so it was a bilateral statement between the United Kingdom and Spain that gave rise to that trilateralism which gave rise then to the Cordoba arrangement which he lauds – lauds, not lords – and so he praises. And so he has seen an example of a bilateral arrangement giving rise to a trilateral arrangement which he now praises. Therefore, he will no doubt want to appreciate that in this bilateralism – this bilateral framework, to take his analysis – there is reference not just to trilateralism to come, like the Cordoba arrangement that he praises, but also to future Spain-Gibraltar lateralism to come, which was not achieved during Cordoba, and that I assume he will consider is a positive emergence of a reference to bilateralism.

But all of this, Mr Speaker, in the context of the Government insisting, as I said last night and I have said today, is an imperfect arrangement, and imperfect because – I just want to be clear – if the United Kingdom had dictated this framework, it would very likely have been considered imperfect by Gibraltar, if Spain had dictated this arrangement it would have been considered imperfect by Gibraltar and the United Kingdom, and if Gibraltar had dictated this framework it would likely have been considered imperfect by Spain and the United Kingdom as well, because this is the nature absolutely of negotiation. I accept that, but that is something that I have set out already, so I do not think anybody needed him to do an analysis which resulted in a repetition of mine.

Mr Speaker, in terms of economic and administrative control I do not accept that there will be absolutely any. The hon. Gentleman and I have discussed this. There is no question of there being any economic or administrative control of Gibraltar. It is, in my view, not a proper reading of the framework to suggest that there will be, and certainly it will not be, in our view, what will be acceptable in treaty.

‘Why are we where we are?’ he said – ‘The UK has a 1,400-page treaty and Gibraltar has an eight-page framework.’ Well, Mr Speaker, in that 1,400-page treaty there is less mobility for UK-resident persons into Europe and less mobility for UK goods into Europe, and vice versa. That is the opposite of what we want to achieve. I know that under his breath he is making less than positive remarks about my intervention – I am not surprised – but he needs to understand that when he raises questions I am going to reply to them, and he might not like the replies but it is my obligation to provide them.

Absolutely we wished to have been able to complete our negotiation of the framework, see the European Union wind up a mandate and negotiate that mandate into a treaty at the same time as the UK negotiated its treaty, and to have finished doing so, but we were not able to find agreement. In other words, because we had to insist in the negotiation we were not able to finish this in time. Does he think that it was possible – I suppose everything is possible, let me start again: that it was probable – that the United Kingdom would have stopped negotiation of a £650 billion treaty in trade with the European Union in order to ensure that the Gibraltar arrangements were done in time? Gibraltarians need to be able to judge their politicians and determine whether they are people who approach negotiations and life and what is deliverable realistically, or whether we set ourselves up for such unrealistic aims that we might end up crashing the car and taking all the family silver with it because we just fail to understand what is realistically possible.

Absolutely it is true, and it has now been demonstrated, that the United Kingdom was negotiating for the whole British family of nations, including Gibraltar, and Gibraltar was alongside doing the negotiating for them, for Gibraltar. We would have wished perhaps that the United Kingdom would have used all the leverage of that £650 billion trade deal to help us in the negotiation – I am not going to reveal the details of the negotiation – but was that realistic? I really do not think it is realistic to think that, and indeed we were nonetheless able to finalise the framework in time, and today we are not suffering the consequences of a hard Brexit.

Again, he asked me, in the context of his remarks, repeatedly, ‘Is this an imperfect arrangement?’ Yes, it is an imperfect arrangement. ‘And does it give away sovereignty, jurisdiction and control?’ It does not give away sovereignty, jurisdiction and control, Mr Speaker. I have done that analysis already in a lot of the interventions that I have made, and hon. Members have had

1190 the benefit of it. There is no economic handle given to Spain, absolutely no reference which will provide that now or in the future, and indeed all of those parts of the framework are under the [inaudible] of the part that refers to what *could* be in the treaty, not *will* be in the treaty, if there is one.

1195 The hon. Gentleman will have heard me say last night that it is not impossible that we end up with a treaty on mobility of people and not arrangements in respect of mobility of goods, or that those might take longer, or that the arrangements might not be as ambitious as we might wish them to be. Do we hope to improve some aspects of what may have been agreed up to now in the treaty? Of course we would wish to improve what we have in the treaty from some aspects of what is in the framework. I have no doubt that that is the position also of Spain. In other words, 1200 Spain may have found itself compromising aspects of their ambition in the context of the negotiation of the framework, which they might like to see come back in the treaty – of course. It is not to say that, as I said before, this was a dictation where we were able to win all the points, far from it. The example that the Deputy Chief Minister and Sir Joe sometimes give me is of the constitutional negotiations that he was involved in, where the House voted, after the Select Committee, a proposed Constitution. They came back with one which was different, where they had negotiated some things and not achieved some others. And there is still, of course, the ambition to try and achieve more in the future in that respect. Well, Mr Speaker, of course we retain all our positions as we go into the treaty negotiations, but the ambition is that the fruit of those negotiations, if it is going to be successful, should be a safe treaty for Gibraltar that is 1205 beneficial for Gibraltar.

The hon. Gentleman then actually referred to criticism of the Cordoba arrangements. I recall all the criticisms that I made of the Cordoba arrangements. I also recall the statements by the GSD at the time about cherry picking, and he will recall that when we were elected we took the position that although we wished to renegotiate Cordoba if we were able to, we nonetheless believed that 1215 although they were not instruments of public international law, we would respect the fact that a former Gibraltar Government had entered into those arrangements, we would perform against them if the other side performed against them, and we would seek to renegotiate those pieces that we did not like. That is how serious governments behave. In fact, all of the things that were said to us about cherry picking in respect of Cordoba became the position not of the Government of Gibraltar but of the then government of Spain, which decided not to comply with the obligations 1220 they had acquired in respect of the Airport, not to build the bits they had to build to continue to take the benefit of the pensions, and yet the ones who have suffered the accusations of cherry picking have been us. But I was not the person who wrote, at the time of Cordoba, that we had to be careful against the sharp-toothed wolf in sheep's clothing. That was not the GSLP Liberals, it that was the PDP condemning the Cordoba arrangements, which he now praises. I am not 1225 surprised, but everything must be put in its relative place.

There will not be joint patrols of Gibraltar waters envisaged. What the hon. Gentleman might wish to reflect upon, if he is going to do an analysis of that part of the text – as I told viewers last night on *Viewpoint*, not effusively that I can remember – is the reference to police co-operation being aligned with a reference to judicial co-operation. That is an innovation, if ever there has been one, because the hon. Gentleman knows that, although our Police have co-operated wholly 1230 in the past with their Spanish counterparts whenever they have been able to enjoy that co-operation on the Spanish side – and not just our Police, our Customs also and all our law enforcement bodies – what has not been forthcoming from the Spanish side has been judicial co-operation. In the 21st century I think that is just unacceptable. Our police officers have always been prepared and, on occasion, have been called and have attended or given evidence in Spanish proceedings against defendants who have been charged with criminal charges in Spain arising from facts where Gibraltar Police and law enforcement have evidence to provide, never the other way round. So, if a drug trafficker has had the bales that he was trafficking in Gibraltar confiscated 1235 by Spanish law enforcement and not by Gibraltar law enforcement, the Spanish have not been prepared to come to Gibraltar to provide the evidence and to secure the conviction, in a Gibraltar 1240

court, of a drug trafficker. Now, we are looking at that potentially being something that we might be able to agree. I think that a lot of the debate in respect of the framework, comment in Spain etc., might scare the horses. We might not get to a treaty, but if we do, for the law-abiding people of Gibraltar it will be a huge step forward that our law enforcement agents might at last be able to count on the support of Spanish law enforcement agents in judicial proceedings in Gibraltar. On that, what's not to like? I am sure that most people we will see that the sharp-toothed wolf in sheep's clothing, as the hon. Gentleman figuratively referred to Spain in his pejorative representation of the Cordoba arrangements that he now praises, is now taking a different – potentially – approach. But I have said we have to be cynical and we have to be careful because of the damage that Spain has done institutionally to the way that we can regard her.

There were some, at the time, who sang the praises of the Cordoba arrangements. Indeed, they were impossible to describe as anything other than effusive, even people who would not usually be described as effusive in their approach but who, in that instance, were nothing short of effusive, indeed – 'effusive' is the wrong remark – sycophantic in the way they presented the achievements of the then Government in respect of the Cordoba arrangements. I will, of course, if necessary, deal with those remarks that were made at the time, in the event that somebody were to now try and turn on a sixpence (*Interjections*) and present a different approach, because the people of Gibraltar like nothing less than somebody who changes their position on the fundamentals, even though there are some who change their positions so often that the people of Gibraltar have got used to not having the highest regard for what it is that they might say.

Will there be a parliamentary debate in Gibraltar before the treaty is signed? That is certainly the intention of the Government of Gibraltar, that we will have an opportunity in this Parliament to consider the treaty – but not just the treaty. The hon. Gentleman, assuming he has followed everything that I have said, will have heard me say that it is necessary for there to be amendment to the legislation passed by this House for certain of the things that are envisaged to be able to happen in Gibraltar and to have legal cover. And so it is very likely that the House will not just consider the treaty and if it is safe and beneficial, as I hope it will be and I am sure we all hope it will be, that there is no desire for there to be anything other than a safe and beneficial treaty for Gibraltar. However one might think that there was an attempt to sabotage this process, we will all no doubt wish to see a safe and beneficial treaty for Gibraltar. If there is a safe and beneficial treaty, and it comes to this House and it is approved in this House by a majority or by unanimity, then there will be a need for legislation to give effect to it.

It is important that I explain. I think I mentioned it yesterday during the course *Viewpoint*. The United Kingdom and Gibraltar, common law jurisdictions like ours, do not acquire into our national law the obligations set out in a treaty immediately the treaty is signed. In other words, the treaty binds the high contracting parties. In some systems of law, which are called monist systems of law, the simple entry into effect of the treaty makes that the law of the land, and citizens can sue and be sued and the state has the rights of citizens, and vice versa, which are contained in the treaty. France is like that. Spain, in some respects, is like that, but France is the best example of that as the cradle of civil law of a monist system of implementation of treaties. The United Kingdom and Gibraltar are dualist when it comes to the implementation of treaties, dualist because in the monist system, one act of entry into effect of the treaty is enough for the treaty to take full effect, dualist because you need two steps for a treaty to take effect. The first is the entry into ... of that instrument of public international law, and the second is the act of exercising legislative power to give effect to the treaty, and in the context of what we are talking about here – to give the hon. Gentleman the comfort that I think he is seeking – we will not just be considering the treaty; we will have to consider legislation to permit the things that the treaty will have bound us, in international law, to do. So, if there is to be a Schengen passport check in Gibraltar – to explain it in this way – nobody can be compelled to go to the Schengen passport check unless there is a law in Gibraltar that compels them to do that, just as there are laws in Gibraltar which require that Gibraltar immigration authorities be satisfied of your right and ability to enter Gibraltar when you manifest at one of the Gibraltar entry points.

Then the hon. Gentleman confirmed I had agreed to give him a copy of the document. He knows that some time, not eight hours, before *El País* had published, some days before, I had said to him, 'Let's meet – I have now got the final text, I will give you the final text and I will give the hon. Lady the final text and we can have a debate,' and he said – and I think he has explained it, but I have to explain how we understood it too – 'Okay, but I need to be able to refer to the text,' because I had told him that we could not publish it at that stage. So, he cannot pretend, and I hope he was not pretending, that I only said I would give him the text the night before *El País* published. He is shaking his head. I am grateful that he is shaking his head, confirming that. I had already indicated to him that I was giving him the final text when I first suggested that we should meet.

'What is missing in the leaked documents?' he asked, and do I think that, given that the majority of the leaked document is already out there, we should not see the whole document? Well, Mr Speaker, everybody knows what is missing from the publication of the text, because there is an asterisk, I think in paragraph 8 or 10, where that was going to be changed throughout the course of the negotiation, which refers to practical arrangements. People will see that what was published is now widely available and no doubt has been viewed hundreds of thousands, if not millions of times, so I am not disclosing anything. There is an asterisk that refers to the practical arrangements paper, so that is what is missing. He knows that, because, as he knows and he will agree no doubt, I have given him the practical arrangements paper, and so he knows – and I appreciate that he asked rhetorically – what is missing, and that is what is missing. And of course I agree that it should be published, but for the reasons that I set out earlier it had been agreed between us that those things should not be published, certainly until the Commission had had an opportunity to consider them and had prepared a mandate – a mandate which will be public, by the way, because the Commission's mandates are public – for the purposes of entering into the negotiation.

So, it is unfairly pejorative for the hon. Gentleman to say that the Government should stop playing cat and mouse with the public, because the Government does not intend to play cat and mouse with the public. The Government would wish all of this documentation to be public, but unfortunately there are procedures to go through, and given the relative interest in Gibraltar that there is in Spain, these things have now been published by a Spanish newspaper, despite the agreement of the three governments to give the Commission time to work up its mandate. I say that because I think it is important in the context of this debate, and salutary, that hon. Members should note that Gibraltar has been on the front page of, I think, every Spanish newspaper since the 31st, every single one of them at different times for different reasons, all related to the framework but for different reasons. Gibraltar has not been on the front page of every British newspaper. I think we need to be realistic in understanding the relative interest that there is on the Gibraltar issue. If we want to do an assessment of our negotiating leverage, where it lies and what it is, we have to do it honestly – I am not going to do that assessment, for the reasons I set out earlier, but I am going to point out that relative interest between one set of publications and another.

Then the hon. Gentleman suggested to me that there was too much positivity and spin in what I was saying. I know that this is one of the themes that they want to seek to develop – it is blindingly obvious; they try to accuse us of that all the time, so they are trying to make this stick – but I wonder whether the hon. Gentleman thinks that the interests of Gibraltar lie in negativity rather than positivity. I do not know whether the hon. Gentleman believes that it is in the economic interest of Gibraltar that I should talk down the benefits of the framework and that I should talk up the liabilities of the framework, that I should talk down the possibilities of a treaty for Gibraltar in the next six months and talk up the likelihood of the absence of a treaty in six months. Does he think that our businesses, our entrepreneurs, the economic stability of Gibraltar is best served by the Chief Minister of Gibraltar getting up and talking negatively about the opportunities that Gibraltar has to conclude those arrangements? In accusing me of positivity and spin, he must be suggesting that that is the opposite of what is good for Gibraltar. I genuinely do

not believe that anyone in this House or outside it can believe that there is benefit in negativity in the approach that we take to the possibility that there might be a treaty for Gibraltar. If I am wrong about that, I am open to be persuaded because if the interest of Gibraltar is in me talking us down, then, please, someone should explain to me the value of that, and I will do my best to talk us down for the benefit of Gibraltar, its economic stability, his children, my children, all our children and our future. So, when he accuses me of positivity and spin, given that I cannot be convinced that negativity and grimness is the right approach, I shall consider that to be flattery, although I do not think he intended it that way, perhaps because he had not analysed the consequences of the opposite of what he was saying.

He says that he cannot find in the framework some of what it is that I am saying about the framework and what it achieves. The Deputy Chief Minister, the Attorney General, the Financial Secretary and I have been involved in discussions with Spanish colleagues – and despite his reference to sharp-toothed wolves in sheep's clothing, I am going to call them colleagues because we have built negotiating trust, and I think the interest of Gibraltar is to talk about a collegiate approach to try, while cynically ensuring that nothing happens to usurp what we think are our key fundamentals ... I think the interest of Gibraltar is in trying to create a collegiate atmosphere. We have been involved in that for nine months in relation to this part of the process, for almost three years in the context of withdrawal. What we are trying to do is explain what lies behind the framework. Surely he is not telling me that he expects the Chief Minister of Gibraltar, when he opens himself to interviews and questions by the people of Gibraltar or by journalists in Gibraltar, to answer the questions simply by referring to the words in the framework as answers to questions: 'You are asking me this – well, let me repeat to you paragraph 5, which is the one that deals with mobility,' or 'Let me repeat to you paragraph 11, which is the one that deals with goods.' Is that what he is saying, because he says that he cannot find in the framework some of the things that I was talking about? Isn't it fairer that I should give people the interpretation of the Government of Gibraltar in respect of what those words are, and not play cat and mouse with people by just referring to the text of the framework? And isn't it fair that, in doing so, I should indicate what it is that we believe, in the context of negotiations, we have agreed; and isn't it fair that I should do so as openly as I can, which is what I have tried to do?

Does he accept, Mr Speaker, that because we are not dealing with a piece of public international law, we are dealing with a framework, and we are not dealing with a contract between private parties, the parol evidence rule does not apply? That is to say the document is not the be-all and end-all. He might be right if he was talking about the treaty. In other words, if I was asked a question about the treaty and I said something that cannot be identified in the context of the treaty in his analysis, he might say, 'That might be an interpretation, but it is a difficult interpretation because it is not here,' and I would say, 'There is a reason for that: the *travail préparatoire* includes a reference to this and this is what the parties have agreed it means.' But this is a framework, Mr Speaker. Or is it that when he is asked a question about an interpretation of law, the only thing that he refers to is statute? Sometimes we find that case law makes statute almost unidentifiable, and there may be something in a statute which has been interpreted over decades of case law in a way where you think, 'I do not know how on earth the statute means that,' so for him to say that the answers that I have given cannot be identified in the framework is, frankly, not something that I think he would have meant to say if he had given it any further thought.

The hon. Gentleman says that the Foreign Minister of Spain has a different view as to the operation of some of the things that I have referred to. I have explained this to him in private. He knows that I have expressed views about entry into Gibraltar. The Foreign Minister of Spain has expressed views about entry into Schengen. Those two are and remain different things, and so I do not appreciate contradiction in what it is that has been set out, unless the hon. Gentleman has forgotten why I explained to him there was no contradiction, but what is certainly true and is an impossible hurdle for any government to get over is the idea that we might be able to find a treaty that is going to be 100% assured, where Gibraltar will ensure Spain's compliance. If you set that

up as the test to determine whether the treaty is one that is safe and beneficial, you will never be able to pass the test.

1400 The example I gave last night, which he helpfully repeated – that bit of what I explained he obviously took down and understood – is, for me, the obvious one: it is the Treaty of Utrecht. If, in a treaty, one nation cedes something forever and no sooner is it ceded it lays siege to that territory in order to undo the cession, there is your answer: that treaties cannot be assured to be complied with. There is your answer. There are no doubt better examples in public international law. Given that it is, I hesitate to say, more than 30 years since I was a student of public international law, I have forgotten those better examples, but the Utrecht one, like every Gibraltarian, I carry here. And so, when we start the negotiation of this treaty, to tell us that we must bring an assurance that Spain will comply is an impossible hurdle.

1405 It is true, however, that if the high contracting party is not Spain, it is the European Union, although Spain is a member of the European Union it will not be – (*Interruption by mobile telephone*) Sir Joe must be laughing that it is not he, today, who has managed to interrupt the proceedings with his mobile phone! No worry at all.

Mr Speaker, I have lost my thread for a moment ... Making the treaty one that we must ensure is one that Spain is going to comply with is easier because Spain is not the contracting party, but, 1415 as I said yesterday, and in fact I think I said it in the interview I gave to the *Gibraltar Chronicle*, until we have seen the treaty and the termination clauses and all the aspects of it, we cannot give an assurance in respect of that compliance and how it might be that one member state – we talk about Spain; it could be another one – of the European Union might be able to undo compliance by the European Union with its obligations under the treaty. That is, at the moment, something 1420 that is just hypothetical and academic, but of course it is something that we will have very much at the front of our considerations when it comes to the negotiation.

The hon. Gentleman asks: the EU is a members' club that, when we have been members of it, has too often been on Spain's side – agreed – so what safeguards can we have now to ensure that the EU, as a members' club only with Spain in it, without us in it, is going to comply with the treaty? 1425 Well, answers on a postcard gratefully received – No. 6 Convent Place, Gibraltar. That is obviously one of the things that we are dealing with. It is one of the things on which we are taking advice; it is one of the things that we have to prepare for.

Then the hon. Gentleman said, 'What happened to the relationship with the United Kingdom, his friendship with Mrs May and Mr Johnson?' and why did I give Mr Johnson a baby grow?' 1430 (*Interjection by Hon. K Azorpardj*) Ah, now he does not have a problem with the baby grow. He tells me, Mr Speaker, from a sedentary position, that he never had a problem with the baby grow. I am grateful, because, given that he said in *Hansard*, 'You gave him a baby grow,' as if to say that had secured Gibraltar's position in the treaty, I thought that it was a little disingenuous for him to have suggested that. I thought it was appropriate, given that the Hon. the Deputy Chief Minister and I were meeting the Prime Minister of the United Kingdom in the week when it had been 1435 announced that he was going to be a father, that the Gibraltar Rugby Union's proposal that we should gift him a baby grow was something which most Gibraltarians thought made sense in the context of the strength of the relationship. We also gave him a jersey, which I have yet to see him wearing when he goes on bike rides seven miles from Downing Street; I look forward to seeing him wearing it. These things are a demonstration of the relationship, and positive, I would have 1440 thought, and I would have expected that the hon. Gentleman would think that there was nothing wrong with that – and he has now confirmed that.

Mr Speaker, the UK, he said, in the end was going to enjoy a 1,400-page deal with the European Union and we had an eight-page framework. He finished more or less where he had started. I ask 1445 him what it is that he thinks we would enjoy in that treaty, because there is very little in that treaty which Gibraltar would want. As I said to him when I was dealing with how he first mentioned it, that treaty, actually, to a great extent is the opposite of what it is that we have been trying to negotiate for the economic benefit of Gibraltar. It is not about mobility of persons and it is not about more mobility of goods in the way that would create fewer queues at the Gibraltar frontier.

1450 But it is done now, and I do sincerely believe, as I said at the time, despite the fact that our treaty was not done, our best friend in the world was, is and will be the United Kingdom, and a stronger United Kingdom is a better friend for Gibraltar. Or is it that we were wishing upon the United Kingdom that they would not have done a treaty because we had not done a treaty? If that is the case, the hon. Gentleman has to be clear and say that, and say that we wish the United Kingdom
1455 would not have had a treaty, with the economic consequences that would have meant for the United Kingdom as a government and for the people of the United Kingdom, simply because we do not have a deal.

Mr Speaker, I will say more about this, and it is this. I indicated in my prepared remarks – and the hon. Gentleman has not picked this up, certainly in what he has said publicly – that the other
1460 Overseas Territories also do not have the benefit of that treaty. In other words, the EU left out its overseas territories – the overseas territories of the member states, and there are some that have them – and excluded not Gibraltar, excluded all of the Overseas Territories of the United Kingdom. I do not know whether he has been following the issues that that has created for some of the other Overseas Territories. It has created huge issues for the people of the Falkland Islands, with
1465 whom we stand as one. It created huge issues for the people of Pitcairn and Tristan da Cunha, whose main exports were to the European Union and the United Kingdom, and we stand with the people of those Overseas Territories as well. In fact, what I assume he did not want to do was to highlight that we are the only ones of the Overseas Territories who have been able to engage with a member state of the European Union and are now at the stage of the European Union being
1470 prepared to consider a mandate for a treaty with *this* Overseas Territory. We are also the only Overseas Territory that is on the European continent. We are also the only Overseas Territory where the consequences of the absence of a treaty or an agreement will affect citizens of every single one of the member states of the European Union. Analysis of relative negotiating strengths and weaknesses again.

1475 So, when he talks about the failure alleged by him of the United Kingdom to do a treaty for Gibraltar although it did one for them, he needs to also highlight – and I would have thought it is no skin off his nose – their failure to do a treaty for the other Overseas Territories. But as the Foreign Secretary said in the statement that I read to this House a moment ago, the EU would not engage, and so the United Kingdom had to make a decision: engage for the rest of the treaty, or
1480 not engage. There are also relative strengths and weaknesses in that main negotiation between the trading bloc of 480 million people and the United Kingdom – an analysis of strengths and weaknesses which I am not going to do, but the United Kingdom decided it could not win the battle of including the Overseas Territories, not just Gibraltar, in that negotiation.

The hon. Gentleman then said to me, ‘What assurances do you have that the UK will ensure that we have a treaty?’ Mr Speaker, he is seeking assurances in absolute terms which are undeliverable, and he should not pretend to the people of Gibraltar that it is possible to have an assurance that we will ensure that we have a treaty, because that is entirely undeliverable and it would have been no more deliverable by him as Chief Minister than by a Chief Minister, whichever
1485 of the previous ones it may be we might today be deciding to refer to as the greatest Chief Minister of all time. Even on that, there are more changes than in quicksand.

‘What assurances do you have that the UK will ensure that we have a treaty?’ This is to be negotiated. We do not have any assurance that the European Union might not turn around and say to us, ‘We have considered this with the other 26 and we are not prepared to wind up a mandate on these issues, because it raises too many problems: it raises problems on the border
1495 between Romania and Hungary, and therefore it is not possible to even wind up a mandate to have this negotiation.’ In those circumstances, the analysis the hon. Gentleman fails to do is if, without a treaty, we need the assistance of the United Kingdom, is it better for us to have a United Kingdom that has a trade deal with the European Union and is prospering as a result, or to have a trade deal with a United Kingdom that has not done a deal with the European Union? Although
1500 no doubt the United Kingdom would have prospered without a deal with European Union, I have no doubt it will prosper more because it has a deal with the European Union and therefore will be

better able to assist us in the event that we do not have a treaty with the European Union going forward.

1505 The hon. Gentleman in his final statement said that Northern Ireland had been protected. The hon. Gentleman knows – because I have a high regard for him, despite the way that he seeks to characterise me on some occasions – the United Kingdom that he refers to is a kingdom made up of four nations: England, Wales, Scotland and Northern Ireland. He cannot pretend for much longer – although he has been doing so since he found he had nothing left to argue in respect of the arrangements we had entered into in the Withdrawal Agreement – that Gibraltar should have

1510 the same treatment as Northern Ireland, unless Gibraltar were to become the fifth kingdom of the United Kingdom, in which case we would be entirely integrated into the United Kingdom, and then at least his arguments on bilateralism would disappear because the government of the United Kingdom would be the only government empowered to negotiate for the United Kingdom.

1515 The hon. Gentleman has not seen my dear and supportive friend Arlene Foster negotiating any of these things in Brussels or in London, so he knows that comparisons with Northern Ireland are entirely outside any parallel that can seriously be drawn. Northern Ireland is part of the United Kingdom; Gibraltar is not. We are, whether we like it or not, an Overseas Territory of the United Kingdom. We are not a Crown Dependency of the United Kingdom. We are an Overseas Territory of the United Kingdom and we are a non-self-governing territory on the list of non-self-governing

1520 territories in New York. That is our public international reality, so it advances the debate nothing at all and seeds confusion to suggest that Gibraltar should have the same treatment as part of the metropolitan United Kingdom, Northern Ireland.

Why does he say Northern Ireland? If he is honest, why doesn't he say, 'England has protected its position – why are we not as protected as England?' because England is another one of the four

1525 nations of the United Kingdom. And so I think it is important to put the spotlight and the magnifying glass on the things that he says, so that when people come to reflect on his remarks and my answers, they say he might be right, we have not had the protection that Northern Ireland has, is this a failure of the United Kingdom government, he said, to protect us was the failure of the Government of Gibraltar to negotiate support like the government of Northern Ireland. It is

1530 neither, it is simply incomparable, and to set that up in that way is to create a confusion, if he will forgive me, akin to saying, 'This election has been stolen from us: go to the Capitol and get it back.' It is that level of pretence of something being the opposite of what it is, which certainly I will not tolerate the people of Gibraltar not seeing the other side of, and that is why I must present the facts and the reality, so that the analysis that people do of this seminally important moment and

1535 of the framework agreement that could lead to a treaty is an analysis that they have the benefit of doing with reality before them.

Mr Speaker, the excitement and the sense of relief, he said, that we felt on 31st December has to be tempered in the context of the reality that this is not yet a treaty. Absolutely right, and that is exactly what my Statement to the House set out to do. I think when the hon. Gentleman goes

1540 back and looks at what I have told the House, he will see that I accepted that in the context of my Statement today, as I did in my intervention yesterday on GBC *Viewpoint*, as I did in my interview in the *Gibraltar Chronicle* and as I did in my interview in *Panorama*, which he appears not to have read – I am happy to send him a copy. Therefore, both that reality and the reality that this is an imperfect document, which is also contained in my Statement to the House today, is not

1545 something that he gets from me as a concession in response to his statement, because it is exactly the position that I have been putting to the people of Gibraltar from the moment that I announced that these arrangements had been entered into.

Mr Speaker, before we move to other statements from other hon. Members, or other requests for clarification from other hon. Members, I do have to once again recess the House for five

1550 minutes because I need to speak to somebody outside of the House in respect of these ongoing matters. But I will say this: when you look at everything the Hon. the Leader of the Opposition has said and you break it down and apply the microscope to his remarks about Northern Ireland, to his remarks about imperfection and to his remarks about the fact that this is not yet a treaty, what

there is, I am pleased to say, is, I believe, qualified support for us to continue to seek to negotiate a treaty that we bring to this House that we might all, I hope, determine is safe and beneficial for Gibraltar and that might be something that we all acquiesce around, or that at least a majority of us acquiesce around, so that we can have such a safe and beneficial relationship in future with the European Union. That, in effect, I think is what he said when you break it all down and you see through the politics, and instead of storming the capitol you accept that the result of democracy is that we have a mandate to negotiate this, we have negotiated it and, with all its imperfections, as yet incomplete, we have brought back a framework that gives us an opportunity to seek that safe and beneficial treaty for Gibraltar.

Mr Speaker, I would ask the House to indulge me with a recess of ten to fifteen minutes, so I can continue with Government business. I hope it is a good moment for the House to also refresh itself.

Mr Speaker: The House will recess until twenty to the hour.

The House recessed at 6.21 p.m. and resumed its sitting at 6.51 p.m.

**UK closure of travel corridors –
Update by the Chief Minister**

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful for your indulgence. I just need to bring to the attention of the House and the public that the United Kingdom has just announced that, effective on Monday morning at four a.m., it is bringing down all travel corridors given the high incidence of COVID-19 in the United Kingdom and indeed the concerns about different strains coming in from many different directions. The Government of Gibraltar has just also replied to that, in answers to questions from local media, saying that we support the decision of the United Kingdom at this difficult time, that we too will be taking advice from Public Health Gibraltar and Public Health England about what these new strains that are concerning the United Kingdom and might come in from different jurisdictions might be. So we might act in a way that is designed to protect Gibraltar as much as possible.

Also, the very sad news that has come in from the World Health Organization at the same time, that the worldwide toll of losses from COVID-19 has today exceeded two million in the past twelve months.

Hon. K Azopardi: Mr Speaker, obviously this is news hot off the press, but it calls into question lots of issues. Can the Chief Minister perhaps discuss with the Opposition privately and keep us informed on those issues?

There will be a knock-on effect on a number of important things and arrangements that perhaps are brought over to Gibraltar by air, and not least perhaps medical supplies, urgent ones. There will be an effect on a number of issues of the public service. I am not focusing on business, because that is less important at this stage, but our students who are in the UK will be concerned and families will be concerned about these arrangements, and so the maximum information that may be possible being given families who have children overseas is also an important factor.

Obviously we are very concerned about the impact of new strains, as I did in my previous contribution say, and it is important that we work together as a community. We acknowledge the need for these things sometimes to happen, but we will need to look at the detail of the impact on Gibraltar by the removal of the air bridge on a temporary basis.

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman's statement. Indeed, this is something on which we must support the United Kingdom.

1600 The air corridor I announced is coming down from the 18th, to 15th February. That is not the air bridge, so we expect that we will continue to see flights between Gibraltar and the United Kingdom. The difficulty, of course, will be that people will have to quarantine for a period on arrival in the United Kingdom, probably also on arrival in Gibraltar. The air bridge will continue. Therefore, there will be flights. There may, nonetheless, be a need to have conversations with the airlines, which my friend the Minister for Tourism, the Hon. Mr Daryanani had been already conducting in anticipation of this. We are down, I think – and he will correct me if I am wrong – to two flights a week at the moment. Those two flights a week are the ones that are bearing the brunt of the arrival of supplies, of mail, etc. We expect that we will continue to have the bridge. I have explained before the difference between the bridge and the corridor. The bridge will still be there, and we will be negotiating with the airlines to ensure that it is.

1605 In terms of students, I understand that most have not gone back because universities have not reopened, but they will have concerns about whether they are required to go back and, when they are required to go back, whether their flights will be available. Some may have gone earlier, or indeed some may not have come back over Christmas, given some of the advice that was given, so any help the Government can provide we certainly stand ready to provide to families who have concerns which we may be able to address. The Department of Education has been doing a very good job of ensuring that students have the information necessary and we shall continue no doubt to try to work together on these issues in the interests of our community, whatever our differences may be in respect of other issues.

**New Year's Eve framework –
Statement by the Chief Minister continued**

1620 **Mr Speaker:** This is in relation to the earlier Statement by the Chief Minister? Right. The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if you would allow me, in just a couple of sentences, to thank the Chief Minister for his clarification on the natural questions raised by the Leader of the Opposition regarding the effects of the new restrictions as just announced by the Chief Minister.

1625 And if I may just echo my sheer sadness at the declaration of that two million figure by the WHO, that colossal figure on loss of life, a figure that should really remind us what we are dealing with and how crucial it is to follow Public Health advice and to respect Public Health advice in order to minimise casualties and spread.

1630 Mr Speaker, on the Brexit agreement Statement and asking for clarification, let me first thank the Chief Minister and his negotiating team for their energy, for their devotion and for their commitment and dedication in arriving at this juncture which presents an opportunity to take Gibraltar forward in difficult times. It cannot have been easy, for a number of reasons. Firstly because, despite what the Chief Minister may say about the support of the UK government, it has become clear that from the outset the UK has had very little intention of fighting the EU's negotiating position of leaving us out of the UK-EU deal, and although he will never admit it, the Chief Minister has been the one fighting from day one to carve out whatever possible positive solution he could. That much is clear to me.

1635 The Chief Minister made assertions just earlier in his own address about how negotiations work, in his reply to the Leader of the Opposition, on how strong a friend the UK is to us, but if the UK had genuinely had our backs, they would have precisely withheld signing their own deal and

leveraged to help us, because that is what family does when they talk about the UK family – and I include Gibraltar. But now I believe that, without that, we have little or no leverage.

1645 And, yes, the Chief Minister is right that we are not part of the United Kingdom, but we have a land border with the EU and we have a land border with a country that has a sovereignty claim, so we needed to be prioritised as much as Northern Ireland, if not more. So, to say that the UK is helping us now I believe is sycophantic, to use the word that the Chief Minister himself used about a Member of the Opposition today.

1650 But back to the difficulties that the Chief Minister has faced. It has to be noted that although Gibraltar always punches above its weight in these situations, it has been pitted against two giants of European diplomacy, an ultimate challenge even for the best of us, so I understand the reasons why the Chief Minister will champion the New Year's Eve agreement in principle as a victory snatched from the jaws of defeat, but in my eyes, and the eyes of many on our Rock, the reality is
1655 more akin to the fact that we have made the best of a bad situation, and for that alone we are grateful and he has my support for this process, the support of my party and the support of the demographic that I represent from this seat in Parliament.

But this support is inevitably conditional because this is an in-principle agreement, and therefore the support remains in principle. We cannot give this agreement unconditional support
1660 until we see the final draft. And let us not forget that nothing has been signed yet and there are many months of arduous negotiations ahead which will give shape to the agreement. At the moment, there are far too many ambiguities and far too many things to flesh out for us to join that victory march.

And despite my in-principle support for this agreement, let us not pretend that there have not
1665 been any concessions. Again, we understand why the Chief Minister might have us believe that he is such a master in the field of international diplomacy that he has managed to convince Spain and all the other 26 member states of the European Union to give us everything we want without giving anything in return, but we are not stupid. There have had to be concessions here. This is where I would ask for further clarification. Gibraltar is to reach an understanding with the
1670 Schengen territory and a secondary Frontex check in our Port and Airport will be the ultimate arbiter of who enters Schengen, but the Chief Minister says no Frontex check will affect Gibraltar residents, as they will only be coming into Gibraltar, not Schengen. So, it looks like this is not going to actually be Schengen Gibraltar but a Schrödinger's Gibraltar, both in and out of Schengen, depending on who comes in and when.

1675 In the early versions of the Chief Minister's narrative, Gibraltar residents would not have to go through any Frontex check at all. Then, as the pressure mounted, no checks turned into light checks. And then, in his last *Chronicle* interview, Mr Picardo finally admitted that all travellers into Gibraltar would have to go through a Frontex check, but specified that this did not infringe red lines on control because – and I quote – 'we are giving permission for these checks to happen'.
1680 Then, in yesterday's *Viewpoint*, the Chief Minister spoke of another option, which would be issuing Gibraltar-only visas for matters of national interest or for humanitarian reasons. Of course, the last hypothesis would need to be discussed at the treaty stage, as we have no guarantee that this formula will ever be accepted by the EU.

The only real thing we have at this stage is what is set out in the document. According to the
1685 in-principle agreement, Gibraltar is to have an agreement with the Schengen territory, and a secondary Frontex check in our Port and Airport will be the ultimate arbiter of who enters Schengen. Everything else, at this stage, is conjecture. I heard how the Chief Minister explained to the Leader of the Opposition his reasons for not quoting verbatim the agreement, but surely he cannot speak with any certainty on outcomes either, before the negotiations on the treaty have
1690 begun. This is not about the importance of giving a positive or negative spin, but an honest, simple appraisal that people can understand, and his answers today to the Leader of the Opposition have been exactly the opposite of this, and just more bad spin, pretending that the only alternative to something is its complete opposite.

Mr Speaker, back to my request for clarification. It is also very difficult to understand how, if all inward travellers will have to cross a Frontex check, Frontex will respond to Spain. We are supposed to believe we have not ceded an inch of control. The Chief Minister's argument that it does not constitute a loss of control because we chose to allow these changes to happen sounds pretty hollow, particularly against the backdrop of a potential hard Brexit. We understand that negotiations often require difficult concessions, but this does not detract from the fact that the Chief Minister himself promised that this red line would never be crossed. And that is okay. If the electorate has given this Government a mandate and this Government has used that mandate to secure the conditions, then let the Chief Minister say so, but what he cannot do is answer questions from the press with certainty, as if he knows already how things are going to materialise, but then change answers as he goes, while at the same time admitting here today that things might happen, not happen, or happen very differently.

We are also concerned with the impact on our economy. We would urge the Chief Minister to clarify and deliver the figures of what this deal means for all sectors of our economy. We are going to feel the effects of this and people need to know, to feel better prepared. What will be the cost of delivering the necessary infrastructures, the impact on businesses and our economic model, and the expected downturn in tax revenue? We understand the opportunities an area of shared prosperity will bring – in fact, we are very hopeful – but it is just as important for everyone to have a clear understanding of what might need to change and what this change will actually cost us.

Despite it being a very welcome step to set up a committee, albeit at this late stage, to discuss impacts on both our economy and industry, we urge the Government to engage in more and better communications with all sectors of business, many of which have come to us unsure of what the future holds for them. And if I may seek further clarification on the reality that if this treaty does not come to be, what is the Chief Minister and his party working on at present, in the event of a cliff edge come 1st July?

I would also like to bring one other matter to the table. I ask this House and the public to reflect on one thing: what do they think the hon. Member or the Hon. Father of the House would have made of this deal if they were sitting on the other side of the House, on the Opposition benches? Would they have called bravo and championed this deal? Or would they have, in all probability, maligned the incumbent, as they have so often done in the past when it has suited them, as if they are the only party in our history that has the monopoly on what it really means to be a patriot? Wouldn't they have tried to ride this wave of nationalism all the way to No. 6 Convent Place, even if it meant going against the national interest? The Chief Minister, Sir Joe Bossano and many other GSLP Members have created a toxic environment in the past with their [inaudible] nationalistic rhetoric that most people in our community are afraid to say what they think for fear of being tarnished for life. And in a similar way it has to be said that we have seen members of our own opposition practising nationalist populism at a time of weakness for Gibraltar.

But regardless of all this, Together Gibraltar and I are willing to be brave and do what is right for Gibraltar. We will be offering our conditional support to this Brexit deal while we wait for further clarification on all these unexplained and unresolved issues to be worked out. We will continue to support the Chief Minister's efforts to come to the best possible deal for Gibraltar, but we also have to call out hypocrisy and spin where we see it – it is our obligation – and I do hope that the public will see it too.

Thank you.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I *think* I am grateful for the hon. Lady's support! *(Laughter)* I *think* that what the hon. Lady has done is tell us that she has – and I think she put it quite clearly – given us the cautious indication that she supports that we take this to the next stage and try to secure a treaty that is safe and beneficial to Gibraltar. To that extent, it would appear to me that

the position of the Official Opposition and the position of the hon. Lady is the same, although couched in different terms, but, when analysed, that is what it amounts to.

I was, of course, very grateful for her recognition of the, as she put it, energy, devotion and commitment that has been required in order to achieve even a non-binding framework agreement in principle. As I said to the hon. Gentleman, and I will say to her as well – it is unfair that I should not, because she has been less pejorative than the hon. Gentleman – she has been very constructive and very supportive in the engagement that the Deputy Chief Minister and I have had with her and the Leader of the Opposition in the nine months that have led us to this framework agreement, so I must also thank her for that. But it would be unfair for her to personalise, as she has, her comments about energy, devotion and commitment in me, because I have drawn on the energy, devotion and commitment of the Deputy Chief Minister, the Attorney General, the Financial Secretary, the Father of the House and every single one of the members of the Cabinet in trying to get this over the line, and indeed, in respect of the negotiations, also the energy, devotion and commitment of the wider UK negotiating team, all of whom have been ready to work every hour that we have had available – some very ungodly hours – in delivering this in-principle framework agreement. When she says it cannot have been easy, it was not easy, and to an extent, because of the private communications between us, hon. Members, the hon. Lady and the Leader of the Opposition know how difficult the highways and byways of this have been.

The hon. Lady says that the UK had very little intention of fighting for us not to be left out, that we should almost find that the UK did not have our backs because they did a treaty without us having had a treaty, and that they should have withheld consent to their own treaty because that is how family behaves. That is one way of presenting it – of course, I fully understand that that is one way of presenting it – but we are not talking about understanding the world as we would amongst us in a non-political sense, we are talking about international diplomacy and international trade.

I do not accept from her, as I did not accept from the Leader of the Opposition, that Gibraltar has no leverage in this. As the senior elected representative of the people of Gibraltar, I do not enter the next stage of the negotiations accepting that Gibraltar has no leverage, far from it, and I think the hon. Lady and the hon. Leader of the Opposition would accept that Gibraltar has leverage. It is relative leverage. It depends what one thinks of as leverage.

Did the United Kingdom turn up in the negotiations with the European Union as a nuclear power with a seat at the United Nations and all the threat that that might entail? Or did it turn up at the negotiations as a former member state of the European Union, neighbour to the European Union, with important trade with the European Union, wanting to leverage the trade it brings to the EU versus the trade the EU brings it, in a way that could result in the best potential deal? Obviously the latter, not the former. Diplomacy is not just about threat.

Therefore, there is a lot more that is relevant, and I think it is not incumbent upon Members of the Opposition in Gibraltar to be suggesting that Gibraltar has no leverage, because that, as I suggested a moment ago, would make those who are negotiating with Gibraltar think that the things that Gibraltar presents as leverage at the negotiating table are actually not leverage at the negotiating table.

There is a reality of leverage. We know what our leverage is. It is, of course, relative. She has rightly said that Gibraltar punches above its weight and that Gibraltar has found itself pitted against two giants of international diplomacy. Whether we like it or not, the United Kingdom of course is a giant of international diplomacy and Spain is a giant in international diplomacy. It is a nation of forty four million people, it is the fourth largest economy in the Eurozone, and therefore weight is relative, but of course there is much more than weight behind how these negotiations have been approached. That is why I thought it was appropriate to recognise Spain's approach through its Foreign Minister and their Prime Minister.

I do not accept the parting premise that the hon. Lady starts with, which was one of the points that I took against the hon. Gentleman, that Gibraltar has no leverage in the negotiation. Certainly Gibraltar would have had more leverage in the negotiation if the United Kingdom had said at the

negotiating table ‘and I am not getting up from this table on my treaty until you have done a treaty with Gibraltar’, but there have to be realistic elements to this. The hon. Lady ends her statement by saying we must not be hypocritical and we must not present things in a way that is not realistic, and yet she starts her statement by postulating something which I think we would all understand is unrealistic. If we look at the revenue of Gibraltar, when we have revenue in years which are not pandemic years, we are talking about 1% of the trade deal that has been done by the United Kingdom.

Let me give the hon. Lady another example, talking about family. The merits or demerits of the aspects of the TCA which relate to fishing will be debated for many years, but the British fishing industry is about the size of Gibraltar’s revenue, about £650 million or £750 million. Many of them feel that their interests have been hard done by in the negotiation. I have not made an assessment of it, I am commenting only on what I have seen in the commentary, but we have to understand how much was at stake there, and the suggestion I do not think is a realistic one that we are just not family because they did their treaty before doing ours.

Sometimes, as I read the other day and was a salutary reminder of even the moment we are in, when you are on an aircraft they tell you to put on your oxygen mask before helping the person beside you. Why? You are a better help to the person beside you if you have got your oxygen flowing and you can assist them. In medicine, the doctor must always save himself first, so that he is able to help others. Is the United Kingdom a better ally to us with a trade deal with the European Union, or without a trade deal with the European Union? A stronger United Kingdom, I put it to hon. Members, is a better ally, protector and supporter of its Overseas Territories than a United Kingdom that does not have a trade deal, and I think that is what has happened here.

As hon. Members will know and will have seen, knowing where we were in the negotiation and understanding the equities that were in play, the Government of Gibraltar issued a statement on 24th December when the United Kingdom entered into its treaty, or rather announced that it had its treaty, congratulating the Prime Minister for having reached that arrangement and saying that we were continuing to negotiate although the clock has not stopped for us, because we understood that and we understood where we were in the context of the negotiation and where we could get to.

A strong United Kingdom is not just better able to support us. A strong United Kingdom is showing us its support in the sovereign guarantee that it has provided, and indeed – talk about family – providing the COVID-19 vaccine at no cost. It would be an extraordinarily difficult decision to make if I had to choose between the United Kingdom not signing that treaty until we had our treaty, or choosing that we have a vaccine so that our elderly and most vulnerable had the vaccine. Why is that a choice? It is not. It is not a choice, but it is a clear indication that the United Kingdom is treating us like family, because, on a key fundamental like that, we are getting vaccine before some parts of England, Wales, Scotland or Northern Ireland. We have to understand that.

And so, in making an assessment of how the United Kingdom has stood by us, we cannot make it in silence. We cannot say they went ahead and signed the treaty knowing everything that could happen if they did not, knowing where the Gibraltar negotiations were, knowing the support that they were giving us. That is not a simple assessment of whether my brother loves me or not, whether he gave me a pound for a pint or whether he lent me his bicycle – if he could not do both, we are not family. I think the assessment is a much more nuanced one than that, and as I sometimes say to her when I reply to her, I think the hon. Lady understands that.

Mr Speaker, the Government has not pretended to take victory from the jaws of defeat. The Government has made clear that at the very last minute we were able to continue with bridging measures and no hard Brexit because we have the opportunity for a treaty. We accept entirely that we have not got a legally binding certain arrangement with the European Union with the framework. The European Union is not a part of the framework. The European Union is considering the framework to determine whether or not it should be a treaty partner to the United Kingdom in respect of what is set out in the framework. We are not pretending otherwise, and if people are hearing us say otherwise it is because they are not understanding exactly what it is

that we are saying, although I put it to the hon. Lady that we are saying it in fairly explicit terms. And we have not said, as other Chief Ministers have said in the past, this is the best agreement possible. We have said this is an imperfect framework which will lead to what we hope will be a treaty in months to come.

I am very grateful that the hon. Lady has said that she is giving us support from Together Gibraltar and in respect of those she represents, given those who supported her to put her here, and that that support is conditional until they see the final draft of what it is that we bring back, because that is exactly the position that the Government has provided. In other words, this is a good way of going to the next step, imperfect though it is, and this is a good way of bridging the issues that we faced on 1st January if we had not got at least to this stage. But we have to see where we end up to ensure that what we have and bring back is safe and beneficial in treaty form, and there we must dot i's and cross t's and ensure that we have none of the concessions that would concern us.

The hon. Lady's position on conditional support is no more and no less than what we ask for, and I am therefore very grateful for it. And so, when she tells us that she cannot join a victory march, I am just going to say to her that, if she did, she would be marching on her own because the Government has not declared victory. I will not ask her to march on her own in support of a victory of mine that I have not claimed, so our positions are entirely as one.

Mr Speaker, having done me the great service of presenting me as energetic, committed and devoted, which I did not deserve because that is a remark that she should have saved for the team, I think she does me a great disservice in suggesting that I have presented myself as a master of diplomacy. I have not. Indeed, I hope in a very deprecating way I have made clear in the things that I have said repeatedly that to claim that there are no concessions on sovereignty, jurisdiction or control is no great claim to fame when the other side of the negotiating table have said that they have put aside their claim on sovereignty, jurisdiction and control. So, I am not pretending to be a master of diplomacy, I am accepting that the other side of the negotiation did not seek to take advantage of that at this time.

Indeed, I should remind the House that in Spain the right-wing press has been rabid in its criticism of the government for this agreement. Some of the things that we have seen in right-wing articles in respect of this agreement really have accused the Spanish government of the worst possible offences for having entered into this framework alone with Gibraltar; the former Spanish Foreign Minister, Sr Margallo, can only be described as being in a state of worse than apoplexy. But it is important to remind ourselves that it was the Partido Popular that said the Brexit negotiation, at least at the withdrawal stage, was not a time to be putting the sovereignty of Gibraltar on the table, and Sr Margallo has said in the past week that he was disappointed that Sr Rajoy told him that they could not postulate joint sovereignty as a condition for arrangements in respect of Brexit – and there is, if hon. Members remember, that famous video of Sr Rajoy saying that exactly himself, so it is very unfair to suggest that it is the current Spanish government only that was prepared to put sovereignty to one side. Therefore, there is absolutely no claim that we are making to have been master negotiators, because there are no concessions on sovereignty, jurisdiction or control – because they were not sought.

And so, Mr Speaker, I think that there is no question of a Schrödinger's Gibraltar. What there needs to be is a deep understanding of how controls will work; that is the key. There are juxtaposed controls here. The control of the UK frontier at King's Cross is entirely in the control of the United Kingdom and the control of the UK frontier at the Gare du Nord is entirely in the control of the United Kingdom. The control of the Schengen border at King's Cross is entirely in the control of the Schengen authorities in respect of which France has responsibility, and a Schengen border at the Gare du Nord is exited under the control exclusively of the Schengen authorities for which France has responsibility. There is no Schrödinger's cat aspect to that.

There are two separate controls and there is a treaty under which the parties have agreed that that should be the case – a treaty which can be undone because the parties retain control to undo that treaty, a little like the Brexiteer argument on sovereignty: the UK is no longer sovereign,

because we have pooled all our sovereignty with the European Union. What do you mean the UK is no longer sovereign? You have a button called 'sovereignty', Article 50, out you go. The UK has been sovereign all along, on all of those issues, too, and we were all united in the understanding of that definition of sovereignty, jurisdiction and control. Otherwise, if we were not, 96% of us at least should have voted to leave the European Union, because if we believe that forming part of a trade organisation in a treaty where you agree to do things for trade and immigration purposes is to lose sovereignty, jurisdiction and control, then in 1972 we made concessions on sovereignty, jurisdiction and control – and, if not in 1972, then under the Lisbon Treaty or the Maastricht Treaty we gave up sovereignty, jurisdiction and control to the European Union. That is not the position of the political parties in Gibraltar or the people of Gibraltar, except for those in the 4% who voted to leave the European Union.

And so, Mr Speaker, the juxtaposed controls of the Eurotunnel, the idea that sovereignty is somehow given up, jurisdiction is given up and control is given up because you agree to do something for a period with the ability to reverse it, is not one that leads to a Schrödinger's understanding; it is one that actually is a very sophisticated and accepted methodology of public international law and treaty. I think it is important that we always remember that, because we will always be on guard in respect of sovereignty, jurisdiction and control, as properly understood and defined in keeping with the principles that we are defending, not the idea that any deal done is a deal that gives up sovereignty, jurisdiction and control simply because the counterparty is Spain – although here the counterparty is not even Spain, it is the European Union. And so we must do careful analysis, and that is why I say to the hon. Lady we have done that analysis and it is not a Schrödinger's Gibraltar.

So, Mr Speaker, as the pressure mounted, I did not change my position in any way on the explanations that I set out, and the hon. Lady may want to go back and see that I have been saying the same thing consistently and I have been giving different examples for people to understand that. The example of the visa regulation, Article 25 of it, which provides for permission to be granted by a Schengen member in respect of one part of the Schengen territory which exists for the purposes of ensuring compliance with international obligation, the national interest or humanitarian need, is one way in which I answered the question in respect of whether it was possible or not for access to be granted only to Gibraltar, not to grant access through Gibraltar into the Schengen territory by going through the second juxtaposed control. That is what I am dealing with in the context of that question and that example, but I said, 'but that is something that still has to be confirmed'. The application of the visa regulation has to be confirmed once we have done the treaty. That is the reality. Again, it is complex, but it is important that people understand the complexity. This is what the Schengen Borders Code and the visa regulation are about.

Mr Speaker, there is absolutely no conjecture in the way that I am presenting things, but it is true that there is no certainty of outcomes until negotiation of the treaty has begun. That is what my statement on the 31st, at three o'clock, said. If hon. Members go back, even in that moment when she is describing me as pretending that we have taken success from the jaws of defeat, actually what I am saying is exactly the same thing I am saying now, and in no different terms. I will make no secret of the fact that hon. Members will be able to see that I considered it my obligation to come to this House and say the things that I said in my public statement on the 31st. I would have thought the accusation that the hon. Lady wanted to put to me was that what I have said in this House today is almost exactly word for word what I said on the 31st, because one of the bits I took out was 'and I will tell the Parliament this as soon as I can', because it was important and right that, out of the respect that I have for this Parliament and for the people of Gibraltar, I should come here to say the things that I said on the 31st in front of the cameras. If the hon. Lady does the exercise, she will find I have used almost exactly the same script for that reason, so I therefore have a demonstration – on that laptop over there, actually, Mr Speaker – that I have not changed my position. The accusation should be that I have just repeated exactly the same

paragraphs and phrases that I used on the 31st. So, there is no question of bad spin here, although I do recognise that is the game that they try and tarnish us with constantly.

1955 And why has there been no cession of control in respect of these checks and Schengen checks? Forget the argument I gave a moment ago, also, about the fact that agreeing to do something is an obsession because you can always take that back, which is the proper analysis of sovereignty and control, but look at this aspect of what it is that the hon. Lady is saying and why I would put it to her that she needs to understand that she is wrong. How have we ceded in respect of the Schengen check? We can't have. The Schengen check is not something that we do today which 1960 we have agreed that Spain will do, or indeed that Frontex will do. The Schengen check is outside of our jurisdiction and reach, because we are not members of Schengen and indeed we are not going to become members of Schengen.

Hon. Members need to understand this analysis. If we were becoming members of Schengen, and Spain or Frontex were to carry out the Schengen check, it would be a cession. If we become 1965 members of the club, but they do the checks, it is a cession. Spain is a member of the club. Germany does the checks in Germany, but Spain does the checks in Spain. We are not becoming members of the Schengen club. We are not joining Schengen. This is a key thing that people need to understand. We are agreeing a common travel area between us and Schengen. I have explained this on a number of occasions. We are entering into an agreement with the Schengen states to 1970 create an area of mobility that includes Gibraltar and Schengen, but we are not joining Schengen. That is a key factor, and because we are not joining Schengen we are not going to be carrying out the Schengen checks. If we did join Schengen, and Frontex or Spain carried out the Schengen checks, that would be a cession, but that is not what is happening here – and that is fundamental, it has to be agreed.

1975 And anyway, we are not currently members of Schengen. Forget that we are not going to join – we are not currently members of Schengen. We do not do the Schengen check, so we cannot concede the Schengen check to somebody else, because it is not ours to concede the Schengen check. I think it is fundamental that people should understand that, because it puts the concept of control in understanding. That is why, when I have answered questions from the press, I have 1980 not given more certainty than I can in everything I have said to the press. Maybe the hon. Lady has not analysed it with the rigour necessary. I have always said that 'subject to the treaty'. That is what the framework sets us up for, the treaty. The framework itself is not in any way a public international legal instrument.

Assessing the impact on the economy is not something that can be done in a way that is the 1985 press of a button. You need to have all the different permutations, which is the analysis that we are doing, in order to be able to understand what the benefits are. What I have said in my prepared Statement and what I have said repeatedly is that we will not do a deal on goods in order to impoverish our businesses, because that impoverishes our economy and it impoverishes our ability to create an area of shared prosperity. We do not want to create an area of shared poverty. 1990 It is in nobody's interest for us to do that. What we are saying is we are going to analyse those things so that, if we can, we do a deal that produces more prosperity for our businesses, for our wealth creators and for the jobs that we create here. Those who enter into the treaty with us, if they want the treaty to be about shared prosperity, will want to see that there is leverage, that there is arbitrage for us to be able to have greater prosperity in Gibraltar, because that is how the 1995 overspill will happen.

There is another school of thought. The other school of thought, which is not the school of thought that has been pursued in the negotiations by our interlocutors in Spain, is that Gibraltar is not a source of prosperity, it is a leach that impoverishes the area around us. That is not the attitude that we are pursuing. The hon. Lady will recognise that that is what the former Spanish 2000 government used to say, on occasion. We are not negotiating that. We are negotiating for economic arrangements – potentially in respect of goods, but the Cabinet will have to be persuaded that we should go down that route, and TLAC will give us the advice in that respect, which will ensure not a downturn in tax revenue but an increase in tax revenue, and that is

eminently possible. That is where the area of shared prosperity lies, and that is where the opportunity lies, because the idea that simply by going into the Customs Union you sell less of particular types of commodity is for the birds.

Let me give the House the example I have given before, in case Members have not heard it. If you look at the position between the United Kingdom and France, the United Kingdom and France were both, until the end of this year, in the Common Customs Union of the European Union, and yet there was a roaring trade in people going from Dover to Calais, able to advertise the cost of that return ticket, buy all their booze and all their fags for personal use and go back to the United Kingdom. Calais was full of cash and carries, where people would buy huge amounts of cigarettes and alcohol to take, despite the fact that France was in the Common Customs Union.

The idea that simply because you go into the Common Customs Union you sell less tobacco – that is what the hon. Lady is referring to – and therefore we have less duty is just not correct, or you sell less of any particular type of commodity and you have less duty is just not correct. Indeed, I think I said, again in the interview yesterday, in the *Chronicle*, Gibraltar's tobacco price today, if we went straight into the Customs Union – which we are not going to do, because the Customs Union is not something that makes sense for Gibraltar, and that is agreed by our interlocutors and the Commission; the Customs Union, which is huge, is about production etc., and this is about a bespoke solution to suppress customs controls. But even if we did go into the Common Customs Union and we took all of the obligations on excise duties etc., Gibraltar's tobacco can go in like this without needing to increase the price. Already, Gibraltar's tobacco is a third up and more in the price-of-tobacco ranking table in the Common Customs Union of the European Union.

It is important for people to understand that. Going into the Customs Union does not mean having to increase the price of tobacco in a way that would make it uncompetitive, so the analysis that has been done by some – that is why I am addressing it so openly, Mr Speaker – that if we even countenance this it means a complete breakdown of the revenue from tobacco, is nonsense. It would mean doing the analysis in a way that is incorrect and shorthand, but let us do it: all of our tobacco at our current price being able to be sold to whoever wanders into Gibraltar without a *guardia civil* being able to tell them that they could not take 800, 1,600 or 2,000 cigarettes to start the process of committing suicide with – because it is nonsense that people should smoke, it is bad for them and they should not. But that is the reality. You could booze cruise your way – which is what the Dover-Calais ferries referred to – across the frontier fence and buy not the 200 that we permit people to buy today, but buy 2,000, anything that you can show is for your personal consumption.

This shorthand, back-of-the-envelope suggestion that somehow even considering this would lead to a downturn in tax revenue is just plain wrong, it is the opposite of the analysis, but that is not where we are going anyway, and therefore our conversation with the business community – which in some sectors is quite advanced but I do not want to disclose, but will be dealt with in the context of the TLAC with the representative organisations; we have already had very detailed conversations throughout this process with different entities in each of the sectors to fully understand what it is that we want to consider, but we want to consider this now with the representative organisations also, in detail with them as representative groups – is not one that leads to a downturn in tax revenue. It is an analysis that leads to more sales by our wholesalers, more sales by our retailers and more tax revenue for Gibraltar and its public finances. Therefore, although the TLAC group may be formed now only after we have the framework – in other words, now that we have more to discuss with them – our conversations and discussions with the industry and, of course, with our own experts in the field, are very advanced.

I do not think we do need better communications with businesses because people are going to see her and telling her that they do not know what this is going to provide for. In fact, a lot of people are seeing us. The majority of people and the principal entities in this business are seeing us, no doubt, and we have a very good view of what is to be provided. If she has anyone who has any doubts about these issues, as she knows, she can feel free to refer them to me, so I can give them comfort that they are not going to suffer any aspect of any potential new arrangements

without consideration of what may be their area of business and how it might be improved going forward, not affected. But of course, if you do a treaty and you change your model, we would expect that new revenues will take time to come, as people understand what is available from Gibraltar and as new markets are opened etc. We are dealing with the effects of a pandemic now, not just the effects of Brexit, and that is a cumulative effect.

Then the hon. Lady said that she wondered what the Father of the House would do if these arrangements had been done by another government. I thought that she did the Father of the House a disservice, because one thing that everyone knows about the Father of the House is that he is remarkably honest and he is always very clear in his view, not on a partisan basis but on the basis of what really is good for Gibraltar.

I will always remember that the accusation that the Father of the House faced at the time of Cordoba was that he did not come out fast enough condemning Cordoba. I think it took us almost 10 days of really detailed analysis; legal advice was taken and it was looked at really carefully. Others, not then leading the party opposite, came out immediately against the Cordoba arrangements. If the hon. Lady wants to talk about hypocrisy, I am not going to take her there, but some people said some things about Cordoba fourteen years ago which sound remarkably dissimilar or the opposite to the things that they have said today about Cordoba. The Father of the House said about Cordoba the things he said then, and he says them now – and if anybody knows the Father of the House, that is always going to be his style and his position. And so, because the Father of the House has said that these arrangements are arrangements that we should take forward into a treaty – of course with the position of the Cabinet being that we are looking very carefully to see if we do anything in respect of goods, and what we do in respect of goods – that we will look at the treaty in all its respects before determining what to do is a further demonstration of the honesty, clarity and commitment of the Father of the House, and nothing else.

I think it is very unfair to suggest that there are some of us who the hon. Lady said were patriotically waving nationalistic flags in order to ride into No. 6 Convent Place. Not only is that unfair, it is not true. It is not what happened. We lost the 2007 General Election. We did not ride or surf into No. 6 Convent Place on the basis of going against the Cordoba Agreement. Indeed, there were two parties in the 2007 General Election that went against the Cordoba Agreement. At least one of us managed to secure the seven Opposition seats; the other one did not secure any Opposition seats in 2007 or 2011, despite allegedly saying now the things that they were saying then about the Cordoba arrangements. What they ended up doing was folding themselves into the party that did the Cordoba arrangements, in order to get themselves elected, and even then not into Government or indeed not even taking seven Opposition seats, taking only six.

I do not think that the hon. Lady's characterisation of an attempt to surf a wave into No. 6 Convent Place is a fair one, because of course what that does is it takes away from those people who support the GSLP and the Liberal Party any understanding, as if we could simply wave a flag and people would follow us. I have the deepest respect for those who support and vote for the GSLP. I know that they make up their minds for themselves. They look at the analysis that we make, and they share it or they do not. If there is one questioning set of individuals it is those who support the GSLP. They constantly question, test and wish to understand – and, indeed, the electorate in Gibraltar. In the way that the hon. Lady has presented the argument, it is as if the electorate in Gibraltar did not have a mind of its own and was simply able to be led, and I do not think that is fair. I think we have one of the most sophisticated electorates in the world, which looks in detail at things. We might say what we like, we might all agree about something, and yet the electorate might have a better view than us.

Mr Speaker, I really do appreciate the things that she said about our devotion, commitment and energy, which I will graciously accept as support for the whole of the Gibraltar negotiating team, and I accept her conditional support for the work that we have done to date with the work that we have left to do, and I would ask her for no more because it is what I have asked of my

Cabinet colleagues and what I ask of Gibraltar as a whole, that we now have the opportunity to find that treaty which is safe and beneficial for Gibraltar.

2110 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

I thank the Chief Minister for his Statement on the framework agreement. I have a number of brief questions of clarification – I am sure he will be glad to hear – the first of which is really more
2115 of an administrative nature, and then specifically on the framework agreement in respect of frontier fluidity and the, what would appear to be optional, notion of a sort of customs union.

Purely on the administrative point, can the Chief Minister give an undertaking to this House that an official copy of the framework agreement will be tabled in Parliament as and when he is released to do so by the relevant parties – whether that is the UK or the EU, or even Spain, I
2120 guess – so that we can have a permanent historical record in Parliament and also so that people do not have to rely, in future, on a copy leaked by a Spanish newspaper? This is especially important because, as he himself has said, the framework agreement can be relied upon in future, in terms of interpreting any future treaty that is actually signed. So, in that respect, I would ask the Chief Minister to give an undertaking to the House to actually table the framework agreement
2125 as and when he can.

I have listened with great interest to the Chief Minister in respect of the Schengen controls and the frontier fluidity, but he came up with a phrase which I have not heard him use before – he talked of a common travel area within Schengen. This reminded me that back in March 2017, when he gave evidence in front of the House of Lords, he talked about a concept of a local border
2130 traffic regime, but we have heard nothing further about it since it was published in that report of March 2017. In fact, the House of Lords, in its Report, seemed to indicate that it would be a workable solution, and so I would just ask him why it was abandoned in favour of what would appear to be a more complex and intrusive Schengen arrangement – was this proposal ever put to Spain, and did they reject it? – because this would be an alternative to what we are being
2135 presented, which is the Schengen travel arrangements to maintain frontage liquidity. Back in March 2017 it was thought, by certainly those who gave evidence in front of the House of Lords, that it would have been a workable alternative. I am interested to hear the Chief Minister's comments as to why that idea was abandoned or why it was even deemed to be unworkable.

Mr Speaker, in respect of the option of joining a form of customs union ... I use the words
2140 loosely, in some respect, because I appreciate the Chief Minister has said on several occasions, not just on GBC last night but in this Chamber, that this is a 'may' and not a 'shall' concept within the framework agreement, but I must say that I agree with the Father of the House in an interview he gave recently, in that I personally do not see the need to join any form of customs union, especially since we never have been part of it.

I note the Chief Minister has created a Treaty Liaison and Advisory Committee that will look at this question of a sort of customs union, or some bespoke arrangement, but I am concerned to hear, if I heard him correctly today, that he has already discussed this with other parties before
2145 formation of this Treaty Liaison Advisory Committee, and I would ask what sort of advice the Government has sought from third parties. Has he already obtained specialists tax advice on the concept of a customs union?
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It is important to understand that, yes, there can be benefits to a customs union, but also there can be some very real costs and obligations. I would ask the Chief Minister: has any cost-benefit analysis been carried out prior to the inclusion of this idea of an optional customs union suggestion in the framework, which includes VAT implications? Those VAT implications could have all sorts of
2155 side effects, such as increasing the cost of living in Gibraltar. If it got so far as to be in the framework agreement, I would like to know what thinking was done in terms of costing – even the idea of it, for it to be in the framework – because if it is completely unworkable then there really is no point in it being in the framework agreement.

Furthermore, I would ask the Chief Minister: is he content with clause 12 in the framework agreement? Among many things, it requires Gibraltar to apply the Common External Tariff and apply substantially the same duties and trade policies as the EU, and therefore cannot be described in this particular element of the framework agreement as a bespoke customs union; rather, this is language that pertains to the full Customs Union. The devil will be in the detail, for sure, and it is important because this sort of language, if it creeps into any treaty, might even prevent us from participating in a free trade agreement the UK may enter into, or indeed any that Gibraltar may wish to enter itself. For the sake of argument, we might want to import products from Australia, but the EU might decide that these will attract a high external tariff. The EU might declare a trade war on the British sausage and ban it from importation into Europe, but we would have to apply EU trade policy. We might not be able to import electric buses from China if the EU decides it goes against their trade policy. And of course it is not just trade policy, but also their standards, and we have no actual say or discretion in them because we have no representation in the EU and we are obviously not members of the club.

So, given we have no manufacturing industry to speak of – and I do not know what other advice the Chief Minister has had; I really do not see the benefits at the moment, but I am happy to be proven otherwise – we have to be very careful when we talk about joining the Customs Union or a bespoke customs union, because it will have real implications that are far more reaching and intrusive than Schengen. We have all been talking about Schengen but, for me, the bigger issue in this framework is that if we ever do agree to go into a customs union it will have a much more intrusive effect into how trade is actually conducted within our land. The EU will set down certain parameters as to what should be a VAT system, what tariffs should be applied to the external border, how we should manage the whole VAT system. Again, we do not know whose VAT system we are talking about. Is it going to be our own VAT system, or are we going to tag on to the Spanish VAT system? We have to be very careful.

So, in that respect, and I appreciate the Chief Minister ... and it is very difficult to do, but what is the economic benefit of Gibraltar joining the Customs Union, or some sort of bespoke version of the Customs Union? And what would happen to our trade ambitions with the Commonwealth and all the rest of the world if we have to be bound by what the EU's policy is on trade? The UK has made a big thing about all the free trade agreements it is entering into, and in fact, if I am not mistaken, the Order that was tabled earlier refers to lots of them. But if we go into a customs union with the European Union, we may have to – well, we have to be careful, or we can exclude it, but we may have to abide by their rules on tariffs and trade policy. We have to be very careful of that.

Mr Speaker, I have been captivated by Schrödinger's cat all afternoon – I am sure the Father of the House will be missing the conversation, as I know how great a fan he is of physics – but I would ask the Chief Minister finally, on clause 10 ... The Chief Minister is adamant about this. He says if we do not like Frontex we can terminate the agreement, or if Spain will not accept Frontex we can terminate the agreement at the end of four years, but I would ask the Chief Minister: does that mean the entire treaty would be terminated, or just the elements that relate to Schengen? That would be one hell of a termination clause, if it was all hinging on whether to have Frontex or not, because in this eight-page framework agreement there is a hell of a lot more than just Schengen. I have not even gone on to talk about the level playing field provisions that could impact on us, or even the social security aspects, where – I must confess maybe it was due to the speed of a need to get this agreement together – the last two annexes are actually in Spanish and they obviously have not had time to translate them. This agreement goes way beyond just Schengen.

There are all sorts of other things in here, where, really, when it comes to negotiating the final treaty, a very keen and careful eye has to be applied. I accept what the Chief Minister says, that he will employ a healthy degree of cynicism, but I think, when it comes to this kind of complex negotiation, and especially complex concepts in customs union, we really have to be careful with the detail.

2210 Mr Speaker, I would be grateful to the Chief Minister if he could address the points I have raised in some way of clarification.

Mr Speaker: The Hon. the Chief Minister.

2215 **Hon. Chief Minister:** Mr Speaker, thank you very much for the opportunity to deal with those points that the Hon. Mr Clinton has raised.

The first question that the hon. Gentleman raised was whether I would undertake to bring the framework here and table it. I do not need to undertake to do that. I loathe to give undertakings, because undertakings have a legal meaning. It was my intention to table the framework document today, actually, as a precursor to this framework document discussion. The reason I did not do so is because the official position between the parties remains that we should not publish it until the European Commission has taken a view, and I read what Mrs Alberola had said, but the Commission has not yet expressed a view on a mandate. Given that that was the position that we had taken, I thought it not appropriate to, in effect, table something because a newspaper had leaked it, although we are all debating it. To an extent, we are in a more comfortable place because we wanted it published, but I think it would be inappropriate for me to table it officially. That is my instinct, Mr Speaker. I even wondered whether I should read into the *Hansard* the terms of the framework, so that we had not published it or tabled it but I had read it based on what had come out from the newspapers. So, that is my instinct too.

2230 The hon. Gentleman says he has not heard me talk about a common travel area before. I have. I have said that, on a number of occasions. He must not pick and choose which references he makes to what I have said publicly. I have said on a number of occasions that what we are doing is entering into a common travel area between Gibraltar and Schengen. I said that for months. I have said it, in fact, for a number of years, and I have expressed it in this particular way because we are not talking about membership of Schengen, we are talking about an agreement with Schengen which creates a free movement area, therefore a common travel area. The reason 'common travel area' rolls off the tongue is because that is the reference to the arrangement between the Republic of Ireland and the United Kingdom. They have a Schengen, which they call 'the Common Travel Area'. Here, what we are doing is talking about entering into a common travel area with the Schengen Area, which is its own common travel area.

2240 The local border traffic regulations, which I referred to in the House of Lords, I said would not necessarily be appropriate. I already explained in the evidence I gave to the House of Lords – I think on the second occasion I appeared before them, or a later occasion when I appeared before them – that local border traffic regulations presented a number of challenges. I also said that Spain had not chosen the local border traffic regulation arrangements in Ceuta.

2245 In fact, the local border traffic regulation has a very serious limitation indeed, which is that it has a territorial ambit. In other words, if you enter into a local border traffic regulation arrangement with the European Union, you can go up to a maximum of 50 km; further than that, you cannot go. I explained in this House – the hon. Gentleman is forgetting – that if we were to pursue that, what we would find is that we had done a deal which created great fluidity for Spanish cross-frontier workers, because there are not 50 km from the Frontier south in Gibraltar, but actually very limited mobility for Gibraltarians who wanted to go beyond Sotogrande and beyond Algeciras, because then you would have to show your passport when you got to Tarifa, or you would have to show your passport before you managed to get yourself beyond Sotogrande. It would be a very inoperable system. And then a Gibraltar car could be stopped anywhere by a *guardia civil*, who would say, 'Hang on a minute, have you entered Schengen with a stamp in your passport, in which case you can go all the way up to the ends of Denmark? Or haven't you got a stamp for your passport today, in which case you have to turn around when you get to Sotogrande and then go back to Gibraltar?' I have already explained that on a number of occasions. If the hon. Gentleman has forgotten, fair enough, a lot of time has passed and this has been a very intense period, but I have already explained that.

That is why the local border traffic is not a useful alternative. Although he says it is less intrusive, I do not agree with him. I do not agree that a local border traffic regulation is less intrusive. I do not think that Gibraltarians would want that the simple registration mark of their vehicle should expose them to being stopped anywhere in the European Union, in particular in Spain, to show their passports, at any time, to show that they had entered the European Union through the land frontier with Spain, with a stamp or not with a stamp – much more intrusive, potentially on every trip that you would take out of Gibraltar. So, I think the local border traffic regulation has serious limitations. It is potentially much more individually intrusive into every family or every individual who drives out of Gibraltar or is found out of Gibraltar, because at every stage you would have to justify, beyond the territorial ambit of the 50 km, your presence within the territory of the European Union.

Mr Speaker, in terms of the customs union, what I have said the hon. Gentleman has picked up is that that part of these arrangements in the framework after paragraph 11 are headed ‘could’. If the hon. Gentleman looks at paragraph 5, on the mobility of persons, it is ‘will’, and everything after paragraph 11 is ‘could’. The parties have agreed that if we have a treaty, we want it to include issues relating to mobility of persons. The parties have said to each other, ‘In order, in effect, to make the mobility of persons as fluid as we want it to be, unrestricted, we probably do have to consider something to do with customs, because otherwise you have a customs check. You have immigration fluidity, but you do not have customs fluidity, and therefore we should have regard to whether we can also clear this.’

And so there are many different permutations of options here. Something which suppresses customs controls at a retail level in most instances, or something that entirely suppresses customs control – all of those are completely different. Even the one that entirely suppresses customs control is not having to be in the European Union Customs Union as a whole, because, as I have explained before, going into the Customs Union means accepting all of the rules about the production of vehicles, for example. It is clear to all of us negotiating that this Parliament would not have time in the next century to legislate as we would have to do to catch up on all that we would need, to be in the Customs Union.

It is a nonsense, bureaucratically impossible for Gibraltar and unnecessary. We do not produce cars, or anything else. We have no manufacturing industry, so it is a nonsense to say we are going into *the* Customs Union. A customs union ... let’s think of it this way: a common travel area for goods between Gibraltar and the Common Customs Union, if I can explain it in that way to the hon. Gentleman, can be done with varying degrees of potential agreement, depending on how much of the customs control you want to try to suppress. You might suppress retail controls but not wholesale controls, so you might have continued wholesale controls between you and the European Union but no retail controls. There are many permutations, and so that is what we are exploring.

He said he is concerned to know that I have discussed this with other parties before I have established TLAC. If I had not said that I had discussed it with other parties before I had established TLAC, he would have said he was very concerned that I had not even had a conversation with anyone before even establishing TLAC or having the framework. I have discussed it with businessmen in Gibraltar who know their businesses inside out, who know their arbitrages inside out and who have given us indications of all the potential opportunities there might be and all the potential dangers there are too, and that is what we want to take to the representative organisations for further discussion as we engage with the Commission.

The Commission will have a completely different view to the one that Spain, Gibraltar and the United Kingdom have about what might be possible. Although the temperature of the Commission has been taken, it is not until you start negotiating that you understand what is possible, and so it is not possible to do a cost-benefit analysis. I do not agree that the only implication is that VAT will push up the cost of living in Gibraltar, because, of course, if you have VAT, you do not have import duty. And you have varying degrees of VAT; you do not have VAT at one rate. You have the option to put it at different rates, and so you still have those particular opportunities. You have

basic excise duties that have to be applied, but in different products you can choose to go to zero in VAT – in many of them, not in all of them.

That is the analysis that is being done, but before we do that in detail we need to know what it is that is going to be proposed. We have done an exercise, but you cannot do that exercise in detail until you know what it is that is being proposed as the bottom line by the Commission. If the Commission say, 'You have to accept this is the bottom line,' then we have to be able to know to say that is not economically viable for Gibraltar – we do an immigration deal, but we do not do a goods deal.

And then, the analysis – he said the Father of the House has already indicated that this is concerning to him. He has, in the same way as I have expressed it, in exactly the same way the Cabinet takes the view that this is not something we can commit to and we have to look at it in great detail. Exactly the same position. But the former leader of the GSD has said in an interview also, 'If you are going to have the maximum fluidity and mobility, you have to consider doing a customs deal, because otherwise, if they do not stop you at the *Policia Nacional* passport booth, they will stop you at the *Guardia Civil* booth, which is where they frequently stop you and cause the queues.' So, that is the balance and that is the exercise.

The hon. Gentleman mischaracterises the potential for accepting the common external tariff and the common commercial policy, because although paragraph 11 is 'could', the others under it are 'will' – if you do, then you shall, yes? – but that paragraph does not say we will accept the common commercial policy and the common external tariff. (*Interjection*) It does not. It says 'substantially'. (**A Member:** Yes.) If something is 'substantially', it is not *exactly*. There is a caveat in principle in there, which is 'substantially', so there is an opportunity there to understand what the limits of what would or would not be acceptable to the Commission might be before we decide whether we think that this is something which would be positive for Gibraltar or negative for Gibraltar.

The hon. Gentleman needs to remind himself of the reality of our goods market. If we look at goods on the market in Gibraltar today, everything, even what comes from China, is coming to us through the European Union. If the hon. Gentleman wanders into a shop in Main Street, I put it to him that he will find that the lion's share, if not all of the importations, are directly through the European Union, because somebody in the European Union somewhere has bought not the 50,000 that somebody was going to buy here from China – somebody has bought five million from China into Germany or France, or somewhere else, and we have taken 50,000 from there.

We need to understand what it is that we are trying to protect, and that is the exercise that we have to do, because we have to understand what the limits of our Port are. Are we saying that the opportunity of trade upwards into the Common Customs Union is not as interesting as continuing to trade in our small pond, given what we can import directly not through or from the European Union from markets beyond the European Union through our Port? I will give the hon. Members the example of tobacco again: all of the tobacco sold in Gibraltar is imported from the European Union.

So, we have to understand the relative realities that we are dealing with here, and that is the exercise before we pretend to be pejorative about something which might end up with the banning of the great British sausage. There is nothing that stirs the British heart like the great British sausage. Their suggestion that a European might interfere between a British man and his sausage is absolutely unacceptable. I could not agree more! The great British banger is never going to find itself curtailed in its ability to enter Gibraltar, of course. But is there that concern? Is that genuine? Of course we might be fearful of that, but if we were to decide to do these things and it were to have the consequences the hon. Gentleman says, and the Europeans were then brazenly seeking to ban the great British sausage, we would have the opportunity of getting out of it. We have to be careful that we do not fall into the trap of believing that the European Commission will only permit the sale of straight bananas, because that article which appeared in the *Telegraph* was shown to be untrue, whoever its author might have been and whatever he may have gone on to become. I have heard Nigel Farage talk about the great British sausage. I never associated the

hon. Gentleman with UKIP or the Brexit Party, because I thought he defended remaining in the European Union, which is to say that, before, the British sausage was not at risk, and I doubt that the British sausage will be at risk in the future. *Nothing* will come between me and my British sausage, and the hon. Gentleman can be assured of that, but we have to do a bit less flag-waving nationalism and do a little bit more careful economic understanding, because these are issues and we have to be careful.

The hon. Gentleman said be careful about entering *the* Customs Union. There is no question of us entering *the* Customs Union, and I have explained that until I am blue in the face; perhaps the hon. Gentleman just likes to see me blue in the face. We are talking about a bespoke arrangement with the Customs Union, so a common travel area for goods with fewer restrictions between Gibraltar and the EU. In other words, you do for goods that which you have done for people so that you create that fluidity and that unrestricted movement, if you can. That is why the framework talks about ‘bespoke’.

I do not think that there is any potential loss in the trade deals being done with the rest of the world. The hon. Gentleman needs to understand that the aspect of the trade deals that we are in for is services. We want to trade with the world through the United Kingdom with its trade deals which we are part of in respect of services. We have nothing to sell in goods. There is no meaningful market in the production of goods in Gibraltar which we can find a market for, and so we have always said that our interest there is in services, and what we are looking at is services with the UK and through the UK to the world, and goods ... Remember, we are not even members of the WTO. Do we remain a goods island, or do we enter into an arrangement, which might be much more attractive, with the European Union, a market of 500 million people? That is the analysis that is worth doing.

Mr Speaker, his final question is: is this termination clause in four years a termination clause in respect of the whole agreement? It is, and it is a hell of a termination clause, because that is what the choice will be about. The ‘whole agreement’ that we refer to may just be a Schengen agreement, and there may be none of the rest of it. The hon. Gentleman talks about a level playing field, as if that were a very difficult issue. We are, and we have been until two weeks ... subject to the European level playing field, so it is not as if it is something to be so frightened about. And there are only aspects of the level playing field that will be relevant to Gibraltar. Most of the aspects, the ones that the UK was concerned about, are not relevant, because they relate to production and the human cost of production and the subsidising of production, which is not relevant here.

So, really what we are talking about is that four-year clause, irrespective of what could be a free movement of persons and goods deal, or a free movement of persons deal only. And the question in four years’ time – if there is a treaty, four years after that treaty – is: if the price then is that the arrangements that Spain wants are the only ones that are acceptable to Spain and the European Union, will you be prepared to do them? Well, we decided that we would have to have a way out, because we would not do them. I want to be clear and categorical about that: we would not do them. They would be as unacceptable to us in four years’ time as they are now. I think it would be in everybody’s interests not to have a cliff edge like that, to agree simply arrangements which are acceptable to everyone from the word go – and the fact that arrangements are acceptable for four years, in my view, should show that they should be acceptable for even longer, especially if they do bring joint prosperity – but otherwise, we would certainly, if we were in office, press the button and say, ‘Well, that is an end to it, then.’

On the issue of social security, all I will say to the hon. Gentleman is that those terms that he will find there are the same terms as in the TCA but in the Spanish translation of the TCA, and what we have, therefore, is the first *Llanito* (*Laughter*) framework in-principle agreement, which is a step forward in terms of bi-lingual recognition, if nothing else. I was very happy that when I said to my co-negotiators, ‘This is a document in *Llanito*,’ they all agreed that it made sense to continue, despite the fact that it was not in just one language. But we are, of course, looking in detail at all of those aspects because we understood them already. They are less than the

provisions as they were when we were members of the European Union. It is about taking forward some aspects of that. So, it would mean everything staying the same in terms of workers and social security. This is a distillation of the current systems of social security, to an extent, and giving the same to stock to have in respect of social security – in a nutshell, although there is a lot more detail behind that.

I hope I have dealt with the questions the hon. Gentleman raised.

Mr Speaker: The Hon. Albert Isola.

Hon. K Azopardi: A point of order, Mr Speaker.

We are in the middle of a Government Statement. Obviously, Members on this side are asking questions for clarification by the Government. I do not understand the basis on which the Minister would intervene in a Government Statement to ask for clarification from the Government. He is a member of the Government: does he ask for clarification from himself? On what basis is this being done?

Mr Speaker: I think you have to wait and see, with due respect.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): I am grateful, Mr Speaker. I hope that I am able to assist my good friend the Chief Minister in providing clarification for Members of the Opposition, in terms of some of the points that they have raised which I would also like to comment on in hoping to assist them in their understanding of the framework agreement that the Chief Minister has described today.

In doing that, I have to start by expressing some disappointment at –

A Member: Get to the point.

Hon. A J Isola: – I will come to the point – the manner in which the Opposition have characterised not just this framework of principles and agreement to agree in the future –

Hon. K Azopardi: Mr Speaker, sorry, on a point of order, this is not a debate; it is a ministerial Statement by the Chief Minister, who is asked for clarification by Members opposite. The Chief Minister can reply, or not reply. He has replied extensively to the points made by the hon. Members on this side of the House. *(Interjection)* This is not a debate, Mr Speaker. If they want to have a debate, and other members of the Government want to contribute, they should put a motion. *(Interjection)* When the Hon. Mr Licudi intervened ... He is a backbencher on the Government side, he is not a member of the Government, and therefore it does not infringe the principle that he is asking the Government for clarification being a member of the Government – because he is not a member of the Government. But Mr Isola is a member of the Government. They cannot have two cracks of the whip when they are making one ministerial Statement and the Chief Minister is extensively replying to every single speaker on this side of the House. There is no procedural basis for this. *(Banging on desks)*

Hon. Chief Minister: Mr Speaker, I fear the hon. Gentleman has not followed recently the practice in the United Kingdom, where ministerial statements are accompanied by attempts to assist the House, including by members of the Government. The hon. Gentleman obviously has not seen some of the statements on COVID-19 and indeed on Brexit, where a Minister has made a statement and other Ministers, usually in that department or even in other departments, have assisted the House in clarifying issues that have arisen in the course of debate. That is all that I think the Hon. Minister Isola wants to do. If they are concerned to hear from the Hon. Minister, one does wonder what it is that they do not want to hear about the clarifications he is able to provide *(Interjection)* on behalf of the Government. This is the point. The Hon. the Leader of the

2470 Opposition has said this is a Chief Minister's Statement: it is not a Chief Minister's Statement, it is a Government Statement, and therefore every member of the Government (*Interjection*) is able to clarify and speak on the Government Statement.

2475 **Mr Speaker:** I understand the position taken by the Leader of the Opposition. I do not say that it is something new; I think it has happened before, at least once during my time, where a Government Minister has got up to express a view on a statement made by the Government, by the Chief Minister. However, if the Leader of the Opposition objects, then I will ask the Hon. Minister to stand down.

2480 **Hon. K Azopardi:** Mr Speaker, I have objected for the reasons given in my objection. I am not aware of any practice and I cannot recall it. If Mr Speaker is correct, well, then, certainly in future ... I will have a private word with him behind the Speaker's Chair, perhaps, but I cannot recall an occasion when this has happened.

2485 If there is a practice I am unaware of in this House, we can look at it, but this calls into question the whole debate that we have been, on occasion, raising, that there is a real, dire need to amend the Rules of this House.

Mr Speaker: The Hon. Daniel Feetham.

2490 **Hon. D A Feetham:** Mr Speaker, I will try to be as brief as I can possibly can.

I thought that the Hon. Chief Minister, in his responses to the Leader of the Opposition, started very well. I think he went slightly off-piste halfway through his response and ended up skiing in the Sierra Nevada when he started getting personal with the Hon. the Leader of the Opposition.

2495 Mr Speaker, does he not agree with me that the reality is that no self-respecting Leader of the Opposition, no self-respecting Opposition, would refrain from expressing concerns about a seminal document such as the framework agreement, if it genuinely held those concerns?

2500 And does he not agree with me, as well, that expressing concern does not mean deploying destructive opposition politics, it does not mean that anybody on this side is being unpatriotic, and it does not mean that anybody on this side is being a bad Gibraltarian? On the contrary, it is discharging –

Mr Speaker: Would the Member resume his seat? He is not seeking clarification. He is now making a statement. If I want to put my foot down on others who have made statements before they are seeking clarification, then we have an issue.

2505 I will allow the Member, but I want to make the position clear that in future if I go by the letter of Standing Orders, we will not have any statements and we will go straight into clarification. You may resume.

Hon. D A Feetham: I am very grateful to Mr Speaker.

2510 Of course, this is the only opportunity that we have in Parliament to vocalise any concerns that we may have on this side of the House, and sometimes, asking for clarification, one also has to delve into making some statement because it provides the context to the clarification that is being sought.

2515 I was going to make this point, and I hope that it is recognised – and I think he has recognised that, in my respectful view, there has not been a more constructive Leader of the Opposition than Keith Azopardi as Leader of the Opposition. (*Interjection*) I am asking him to accept that, in the context of what has been a Government Statement and the subsequent statements that the Hon. Chief Minister has made. There has not been a more constructive Leader of the Opposition than Keith Azopardi, more supportive of the Government.

2520 But of course there is another side to that particular coin and it is this. The Hon. Chief Minister – in his Statement, I think it was, or his responses – mentioned the fact that he had shared with the

Opposition two versions of the framework agreement, but of course the Hon. the Leader of the Opposition expressed his concerns at some of the language and some of the paragraphs of those earlier versions, and therefore what he has done today is nothing more and nothing less than vocalise some of the concerns he has already expressed privately, rightly so, to the Hon. the Chief Minister. (*Interjection*)

I will come to my question, Mr Speaker. He did, yesterday –

Hon. Chief Minister: With the greatest respect to the hon. Gentleman, we have just been told that a Government Minister cannot speak to clarify things that have been raised by Members, and yet a Member of the Opposition has got up to clarify what the Leader of the Opposition has said, not to clarify the Government Statement; to seek to advocate for the Leader of the Opposition, not to seek clarification of what I have said.

I will deal with all the things that he has said in seeking to advocate for the Leader of the Opposition, who he obviously thinks cannot speak for himself, but can he be asked, please, Mr Speaker, to deal with the statements he is making in the way that you have suggested, which is to seek verification of my Statement?

Hon. D A Feetham: Mr Speaker, I come to my question. I do welcome some of the statements that he has made, and in fact some of the clarification today and also last night during the course of the question and answer session. One of those was something that is important, which is that his Government would not agree to having Spanish police officers at the Airport, or at any other entry point, after a period of four years because in those four years it would be Frontex, and then, after four years, the Spanish government's position, as reflected in the agreement, is that it will be Spanish police officers.

There is a consequence to that. That means that if he cannot persuade the Spanish government to continue, for example, with Frontex indefinitely and the Spanish government says no, it has to be Spanish police officers, and the European Commission essentially says that is what is going to go into the treaty, what happens after the period of four years? If he leads the Government, at that stage – bearing in mind that then we are faced with the reality of Spanish police officers – does he then say we are coming out of Schengen, or at that stage do we have a situation whereby there might be a referendum, for example, on our exit from Schengen? That is the first question that I ask.

The second question is this, and it arises out of this question about weaknesses in position. I think the Hon. the Chief Minister said that by saying that we have no leverage we are weakening our position, and of course the Hon. the Chief Minister has – I think it was about two months ago – said if we do not do a deal we are sitting ducks. I think that is a statement that he made publicly. But of course the reality is that we may end up ... He has said so himself in his Statement that there is uncertainty about the situation, because essentially what this has bought us is an extra six months within which now to agree a treaty that, hopefully, will deal with the concerns that we have raised on our side and any concerns that may have been privately expressed to the Chief Minister by even Ministers on their side. Does he not agree with me that the suggestion that if there is no agreement we are either sitting ducks or Gibraltar is going to be facing ruin, all of that is not the case, because Gibraltar will survive, Gibraltar will endure, and in fact we will find a way out of this?

Does he not agree with me that it is very important for that message to go out? Otherwise, we are in the territory of the Margallo argument, because Mr Margallo's argument has been, 'These guys are sitting ducks because they need to come to an agreement; therefore, now is the time for us to be asking for joint sovereignty, and they are bound to accept it because they are so desperate for an agreement.' I have never agreed with that, and therefore I do not agree with the argument that is postulated by some people that, because we are somehow in such a position of weakness, we need to be accepting any agreement in order to ensure that Gibraltar moves forward and prospers.

Can he give some positivity in relation to that, too? I think is important, in terms of the message that goes out that Gibraltar is simply not going to be accepting a bad agreement. He has also said, and I give him credit for this, that no agreement is better than a bad agreement, but for that to be the case there has to be a very clear message that this will not be ruination for Gibraltar if, at the end of the day, we have to accept that the terms that are being put in front of Gibraltar are unpalatable.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, when the hon. Gentleman started, I did wonder whether he was acting for the Leader of the Opposition or Acting Leader of the Opposition, or simply, once again, acting, because I do fear that very often we do not get to see the reality of what it is that the hon. Gentleman thinks.

First of all, I find it very difficult to understand the concerted effort not to hear from the Hon. Albert Isola. I think that the Hon. Mr Isola will be able to tell us what he thinks – I could give way to him now, Mr Speaker, but I do not want to test your patience in that respect, especially at this time on a Friday, and he will be able to make a statement about what he thinks. But I wonder why it is that the Opposition have not wanted to hear his clarificatory statements about the things that we have been debating today. If it was because the Opposition insist that you can only get up to clarify something that has been said in a Government Statement, I would have understood that – except the Leader of the Opposition seems to have been crushed with an egg on his face by the man sitting to his left, who then gets up not to start to seek clarification on my Statement, but to seek to conject what I said.

I think that is very important, because I started my response to the Leader of the Opposition by deprecating the fact that he had chosen to characterise me in a way that was not statesmanlike. He referred to me as a second-hand car salesman, which is what *Hansard* will show, and I said, 'I am not going to do that, I am simply going to deal with the issues that you raise; this is too important.' What does Mr Feetham do? He gets up and says, 'It's terrible that you called him names.' Did he get a crossed wire? I was the one called a name – not that there is anything wrong with second-hand car salesmen, Mr Speaker; (*Laughter and interjection*) one of them is one of my best friends. So, I do not get it.

Hon. K Azopardi: Not a name.

Hon. Chief Minister: The hon. Gentleman says it is not a name, but when he looks at the characterisation that he made of me when he compared me to a second-hand car salesman, I hope that second-hand car salesmen never vote for him again. He has obviously demonstrated that he does not think them straight, because that is how he was trying to characterise me.

For the Hon. Mr Feetham to get up and accuse me of having called the Leader of the Opposition names is just remarkable. (*Interjection*) First of all, this has been an excellent debate about ... It is not a debate, as Speaker Canepa would have reminded me. This has been an excellent opportunity for the Government to make a Statement and for hon. Members to clarify aspects that concern them and give the community an indication of the areas of their concern – a robust debate, but we had not called each other anything until the hon. Gentleman got up and told me off for having called the person who called me something, something which I have not called him. It is remarkable.

As usual, the hon. Gentleman's ability to entertain is legion, but the hon. Gentleman's ability to clarify or contribute positively to anything is miniscule, absolutely miniscule. And if that were not clear enough, in imputing to me name-calling to the Leader of the Opposition, which I did not do, he then says, obviously with his conscience biting so deep into his brain that it hurts him, that it is not fair that we have said that it is unpatriotic, destructive Opposition politics and un-Gibraltarian to seek clarification of these things. It would have been absolutely and wholly unfair,

and that is why we have not done it. In all the remarks I have made in response to the Leader of the Opposition, to the hon. Lady and to Mr Clinton, I have not for one moment said that they have been unpatriotic, destructive Opposition politicians or un-Gibraltarian. I have thanked them for being constructive and positive in their engagement with us.

2630 I do not know what Mr Feetham was listening to. Perhaps he was hooked in to those of his social media sycophants who seem to be the only people he is capable of leading these days, because he was not listening to this debate in this House and to his leader – he has a leader now, Mr Speaker; he has to remember it is not him – his leader, the lady who got more votes than all of them in the last poll, the person whose job he wants to take, and all the other contributions.

2635 He was not listening, but in his mind he heard something that just has not happened.

So, for the purposes of clarification, I am happy to tell him that I did not call the Leader of the Opposition names, I did not call him unpatriotic and I did not call him un-Gibraltarian or consider that anything he has done is destructive Opposition politics. I have recognised the constructive way in which we have worked together and I have robustly, I think, dealt with the issues that he raised, despite being called something which I take great honour in, because every job has its virtue, including second-hand car salesmen. Mr Speaker, the hon. Gentleman does take me into a surreal world once in a while.

I do not accept that this is the only opportunity that we have to vocalise concerns about this. It is utter nonsense. The hon. Gentleman can bring a motion on any subject and vocalise his concerns. How can he say that this is the only opportunity he has to vocalise concerns? He can call GBC and say, 'Daniel Feetham, *former* Leader of the Opposition, *former* leader of the Labour Party, *former* member of the executive of the GSLP here: I have a view about these things which I would like to share with the public, if anyone is interested in hearing the former, former, former's view.' (Laughter) Perhaps they might not be interested. Perhaps this is his only opportunity to stand up and be heard, because he is no longer the leader of the party that has taken the constructive approach that I have said they have taken.

I thank him for once again giving me the opportunity at least to express our continued disillusion with his approach to these parliamentary proceedings, because when he says that there has not been anybody more constructive than the Leader of the Opposition when it comes to issues such as this, he is echoing me – except I am saying it genuinely; he is saying it to damn him with faint praise. That is the reality of what he is doing. Let's put it out into the open. What the Hon. Mr Feetham is saying is, 'I would have been tougher, boys; if it were me, I would be hauling them over the coals, boys.' That is the clarification required of the statements we have just heard. That is the call to arms to all those at the fringes of social media. At any moment now I expect the confederate flag to be brought into this place. (Laughter) That is what we are dealing with. I am surprised the hon. Gentleman did not put on some orange make-up before coming in here. (Laughter and interjection)

I am genuinely saying – as hon. Members know, because we have known each other for too long – there has been constructive engagement with the Leader of the Opposition and constructive engagement with the lady opposite. We do not agree on everything, but that is all right. It is a conditional 'let's try to get this treaty right'. He is saying, 'Let me give the Leader of the Opposition as much of the kiss of death as I can by saying that he has been constructive in this respect.' (Interjection by Hon. D A Feetham) Once again, I look forward to the analysis of historians when they read the speeches and write up what they make of them.

2670 Mr Speaker, he does not need to advocate for the Leader of the Opposition; the Leader of the Opposition has done a plenty good job of advocating for himself. I might disagree with him on political issues, we might go at each other robustly hammer and tongs, but we have known each other for many years and I do not think anything that Keith Azopardi does is un-Gibraltarian, unpatriotic or designed in any way to negatively affect the interests of Gibraltar. We might disagree about it – there is a political issue in play, of course – but this is what constructive politics is about. It is not what we used to have before.

On the question of whether my Government would at any stage accept Spanish law enforcement officials at the Airport and the Port, I have been abundantly clear already, so I am surprised that the hon. Gentleman wants me to be abundantly clear again. (*Interjection*) As usual, it does not sound like constructive politics when something that you have said and is clear is something that they want you to repeat. You wonder why it is that they want you to repeat it, but I do not mind saying that if we do have a treaty, and then, in four years' time, the option is to continue but with Spanish guards, or not continue, I do not mind saying that I would make the choice not to continue. I said yesterday, and I have just said it to Mr Clinton, that while I have breath in my lungs I will be arguing against that, because I sincerely believe that it is not in our best interests to have the Spanish police at the Airport and the Port at the end of this four-year period.

Would there be a referendum? Well, there are many circumstances in which a referendum might or might not be possible. I do not think, without even having negotiated the treaty, that we should be looking at those things at this stage, but if there were a referendum, what side would he be on? Would he be arguing that, because there is so much at stake, we should permit the Spanish Civil Guard there? Is that why he is asking? He knows that my answer is that we should not have the Spanish Civil Guard. Why is he asking me whether there would be a referendum? Surely he should say, 'With Joe Bossano in government, with Joseph Garcia in government, with the whole of the GSLP Liberals in government, I do not want a referendum on this issue. I know that they will stand firm; they have already said it.' Why is it that he is proposing a referendum? Which side would he be on? Is he is saying he would want a referendum because he would want the possibility of us voting in favour – as a community, despite the Government being against it – of the Spanish being at the Airport? He never ceases to amaze me. But nothing would surprise me.

We were very clear. In four years' time, if there is a treaty, we would be in an even stronger position to deal with that question and an even stronger position to be able to say no, as we would have on 31st December, if that had been the choice. If the choice was to do this, but only with Spanish guards from day one, we would have said no. If the choice in future is to do it and continue to do it, but only with Spanish guards, we would say no – no to Spanish police at the Airport and the Port – for reasons unrelated to today but related to the history of the Spanish institutions and the way that they have dealt with Gibraltar. I have expressed that already.

Mr Speaker, I just want to be very clear with the hon. Gentleman. I have been potentially misquoted once, but never again. Gibraltar will survive and thrive without a deal. I have said that before. I do not want to make an assessment of the relative weaknesses and strengths of our position, but we employ 15,000 people from outside Gibraltar. Before any one of the 12,000 Gibraltarians loses their job, there are 15,000 people who would lose theirs before them. That is the position of the Government of Gibraltar that I lead – it always has been. What he wants to do is make me say things like that, which might rile our Spanish counterparts, to make the opportunity of a successful treaty even less likely. It is right that we should not fall into those traps and that we should continue constructive engagement, because, whether we do not have a deal in six months or whether we do not have a deal that continues after four years, we will do very well indeed. No Gibraltarian will want for anything, as long as we ensure that, despite the very difficult situation that we find ourselves in with COVID, we once again re-establish the stability of our public finances – like every nation in the world, but sooner in Gibraltar – and take the steps we need to take to ensure that we are the masters of our destiny not just now, not just in four years, but always.

There is a politics which is in the interests of this community, which is positive, engaging, robust and takes us forward. There is a politics which is about needling. It is about pretending that somebody has said something which they have not said. It is about seeking clarification about things that have never been put and mischaracterising the way that this debate has gone. That is the politics that we have heard from the hon. Gentleman, again. As usual, it is the Mr Feetham (*Interjection*) who was rejected by his party, rejected by this community and who will continue to

2730 find that he will not prosper while he continues down that road. Perhaps one day he will change.
Even Anakin did, in the end.

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

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

2735 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to Friday, 5th February at 3 p.m.

2740 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 5th February at 3 p.m.

I now put the question, which is that this House do now adjourn to Friday, 5th February at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday, 5th February at 3 p.m.

The House adjourned at 8.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.12 p.m. – 8.47 p.m.

Gibraltar, Friday, 5th February 2021

Contents

Communications from the Chair	4
Ministerial Statements – Ruling by the Speaker.....	4
Suspension of Standing Orders	5
Standing Order 7(1) suspended to proceed with Government Statement	5
Congratulations to Archbishop-elect Monsignor Mark Miles on appointment as Apostolic Nuncio to the Republic of Benin	5
Government Statement.....	6
COVID-19 update – Statement by the Chief Minister	6
Procedural – Duplication of published Bills	23
Suspension of Standing Orders	24
Standing Order 7(1) suspended to proceed with Government Bills	24
Order of the Day	24
Bills	24
First and Second Reading	24
Income Tax (Amendment No. 2) Bill 2020 – First Reading approved.....	24
Income Tax (Amendment No. 2) Bill 2020 – Second Reading approved	26
Income Tax (Amendment No. 2) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	28
Animals (Amendment No. 2) Bill 2020 – Second Reading approved.....	28
Animals (Amendment No. 2) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting	29

Gibraltar National Trails Bill 2020 – First Reading approved	30
Gibraltar National Trails Bill 2020 – First Reading approved	30
Gibraltar National Trails Bill 2020 – Committee Stage and Third Reading to be taken at this sitting.....	32
Climate Change (Amendment) Bill 2020 – First Reading approved.....	33
Climate Change (Amendment) Bill 2020 – Second Reading approved	33
Climate Change (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting.....	35
Commonwealth Park (Amendment) Bill 2020 – First Reading approved	35
Commonwealth Park (Amendment) Bill 2020 – Second Reading approved.....	35
Commonwealth Park (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting.....	36
Limited Partnerships Bill 2020 – First Reading approved	36
Limited Partnerships Bill 2020 – Second Reading approved.....	37
Limited Partnerships Act 2020 – Committee Stage and Third Reading to be taken at this sitting.....	40
Protected Cell Limited Partnerships Bill 2020 – First Reading approved.....	40
Protected Cell Limited Partnerships Bill 2020 – Second Reading approved	40
Protected Cell Limited Partnerships Act 2020 – Committee Stage and Third Reading to be taken at this sitting.....	41
Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – First Reading approved	41
Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – Second Reading approved	42
Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – Committee Stage and Third Reading to be taken at this sitting	47
<i>The House recessed at 6.35 p.m. and resumed its sitting at 6.50 p.m.</i>	47
Announcement of death of former Member Hubert Corby	47
Surrogacy Bill 2021 – First Reading approved.....	48
Surrogacy Bill 2021 – Second Reading approved	49
Surrogacy Bill 2020 – Committee Stage and Third Reading to be taken at this sitting.....	64
Committee Stage and Third Reading	65
Income Tax (Amendment No. 2) Bill 2020 – Clauses considered and approved	65
Animals (Amendment No. 2) Bill 2020 – Clauses considered and approved	66
Gibraltar National Trails Bill 2020 – Clauses considered and approved	66
Climate Change (Amendment) Bill 2020 – Clauses considered and approved	67
Commonwealth Park (Amendment) Bill 2020 – Clauses considered and approved	67
Limited Partnerships Bill 2020 – Clauses considered and approved	67
Protected Cell Limited Partnerships Bill 2020 – Clauses considered and approved.....	68
Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – Clauses considered and approved	68
Surrogacy Bill 2021 – Clauses considered and approved.....	71

Income Tax (Amendment No. 2) Bill 2020 – Animals (Amendment No. 2) Bill 2020 – Gibraltar National Trails Bill 2020 – Climate Change (Amendment) Bill 2020 – Commonwealth Park (Amendment) Bill 2020 – Limited Partnerships Bill 2020 – Protected Cell Limited Partnerships Bill 2020 – Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – Surrogacy Bill 2021 – Third Reading approved: Bills passed	73
Suspension of Standing Orders	73
Standing Order 7(1) suspended to proceed with laying of papers.....	73
Papers to be laid.....	74
Tribute to Capt. Sir Tom Moore.....	74
Adjournment.....	74
<i>The House adjourned at 8.47 p.m.</i>	74

The Gibraltar Parliament

The Parliament met at 3.12 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*]

COMMUNICATIONS FROM THE CHAIR

Ministerial Statements – Ruling by the Speaker

Clerk: Meeting of Parliament, 5th February 2021.
Communications from the Chair.

5 **Mr Speaker:** On 15th January last, the Hon. the Chief Minister made a Ministerial Statement to the House on the framework agreement reached between the UK, Gibraltar and Spain on 31st December 2020. As is the practice, there followed a number of interventions by Members of the House. However, a point was reached when some degree of confusion began to creep into
10 proceedings, namely which Members were permitted to speak and the purpose of their intervention.

 The Leader of the Opposition raised a point of order objecting to a Government Minister's proposed intervention, on the grounds that the Minister already had collective knowledge of the Statement and therefore should not be expected to seek clarification on the matter in hand. The
15 Leader of the Opposition further explained that he had not objected previously to the intervention by the Member on the Government bench because he was not a Minister. This point of order was accepted and the Minister was unable to speak. The Chief Minister said that he believed it would be possible for the Minister to speak if he gave way.

 In the absence of any guidance in Standing Orders, I felt it necessary to regularise the position and to rule on how Statements are to be dealt with in the future. The matter has been researched
20 via reference to *Hansard* and parliamentary practice and the procedure in the House of Commons, as provided for in Standing Order 55. I therefore rule as follows.

 The Leader of the Opposition and any Member of the Opposition, the Leader of any other political party in opposition or any Member who sits on the Government bench who is not a
25 Minister are entitled to ask questions for clarification purposes only. In addition, the Leader of the Opposition or any other Member of the Opposition who shadows a Ministry to which the Statement refers is permitted a short contribution on the merits of a Statement. This also applies to the leader of any other political party in opposition. Exceptionally, I will use my discretion in matters of public and/or national interest.

30 Since as far back as 1984 in the time of Speaker Vasquez, *Hansard* shows that on a number of occasions more than one Government Minister intervened in the course of an exchange on a Statement. In recent times, Speaker Canepa has also allowed more than one Minister to make a contribution. I therefore rule that it is in order for any Member of the Government to speak, but only to further clarify, expand upon or make a relevant point following an earlier intervention by
35 the Chief Minister, another Minister, any Member who sits on the Government bench who is not a Minister, or in response to a question posed by any Member in opposition. In recent times,

Speaker Canepa has allowed the Chief Minister to give way, to enable an Opposition Member to speak. I do not disagree with this practice, but it must be for appropriate and relevant reasons only. This would also apply to Government Ministers and any Member who sits on the Government bench who is not a Minister, as well as Opposition Members. It is not in order for any Member of the House to use the opportunity to speak to make remarks or comments which are irrelevant and unnecessary and are outside the scope of a Ministerial Statement. Furthermore, exchanges between Members of the House which descend into a form of debate will not be permitted.

Thank you.

SUSPENSION OF STANDING ORDERS

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

Clerk: 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 a Government Statement.

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

Congratulations to Archbishop-elect Monsignor Mark Miles on appointment as Apostolic Nuncio to the Republic of Benin

Chief Minister (Hon. F R Picardo): Mr Speaker, may I start today on a happy note? This community will have received with joy the communication from the Holy See which the Bishop made known locally today, that Monsignor Mark Miles has been appointed Apostolic Nuncio by His Holiness the Pope to the Republic of Benin, in West Africa. His appointment as Nuncio comes also with his elevation to the rank of Archbishop. I have written to Monsignor Miles to convey to him the congratulations of Her Majesty's Government of Gibraltar and the people of Gibraltar on these appointments.

The House will recall that Monsignor Miles is already the Permanent Observer of the Holy See to the Organization of American States. He has held this post since September 2019. I have no doubt that all Members of the House will share the community's best wishes to the man we all affectionately know as Father Miles. No doubt Archbishop-elect Monsignor Miles will be much at home in Benin, given that it is, like Gibraltar, considered to be small in the context of Africa. It is only 115,000 sq. km and just 12 million people. No doubt all of the House will want to wish Archbishop-elect Monsignor Miles well in these new duties entrusted to him by the Holy Father.

It would appear – to us, at least, on this side of the House, Mr Speaker – that he is the first Gibraltarian to be appointed Archbishop, and we very much hope to see that, if possible, Gibraltar can host the ceremony for his elevation. If it is possible, Government will, of course, assist in any way that it can to make that ceremony a happy reality for all Gibraltarians to share in. Whilst Monsignor Miles is, apparently – I cannot confirm it with historical accuracy – the first Gibraltarian to be appointed Archbishop, he is, I believe, only the second Gibraltarian to be appointed an ambassador. The first, of course, was that other remarkable Gibraltarian, Solomon Seruya who was an Israeli Ambassador to the Philippines.

I think the whole House will want to join me in extending congratulations to Monsignor Mark Miles.

GOVERNMENT STATEMENT

COVID-19 update –
Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, in the time since this House last met, our community has lost a total of 80 Gibraltarians to COVID-19. I am sorry to have to advise the community that we have had an additional death overnight, which brings the total to 80. The total number of persons who have passed away at the hands of this disease in our community is remarkable: 71 from COVID, and nine with COVID. Before I say more and before I deal with the measures that are in place to restrict mobility and personal freedoms, I invite the House to take a moment again to reflect on that loss of life and to mark all of these Gibraltarian lives lost – and in solidarity with all nations of the world where COVID has taken so many, so prematurely – with a minute’s silence.

Members observed a minute’s silence.

Hon. Chief Minister: Thank you, Mr Speaker.

More happily, overnight, the reported numbers of new infections from COVID-19 are down to seven, five of whom are residents. That is based on 1,177 tests carried out overnight. Thirty three persons are considered recovered in the past 24 hours. The total number of active cases in Gibraltar is now 177. There are presently 416 persons in self-isolation in Gibraltar. That is the first time we have been below 200 cases since 20th December last year. We peaked at 1,317 cases at the end of the first week of January. In the last 24 hours there have been two admissions to Victoria Ward. The overall picture in St Bernard’s now presents with a total of 13 patients on Victoria Ward, of whom nine are, happily, stable or improving. There are nine COVID patients in our Critical Care Unit and seven of these are, unfortunately, ventilated.

As the House knows from my Statement last week, we have been able to close John Ward to COVID patients and the Health Authority has reduced its alert level from level black to level red, so our measures have worked but we need them to keep on working. For that reason, I have consulted with the COVID Platinum Command this morning and shared their advice with the Cabinet. We have agreed that our posture on restrictions will be maintained without change for a further week, and I have duly informed the Leader of the Opposition of this.

We continue, nonetheless, to review all aspects of these restrictions at all times. We are conscious that restrictions on our mobility and impositions on conduct necessary to stem the rise of infections are an otherwise intolerable curtailment of our constitutional civil liberties. We will maintain these restrictions as long as we have to, but we will not maintain them for a moment longer than is prudently necessary. In the circumstances, I do realise that even the less stringent restrictions that we have in place now can cause difficulties, if not hardship, to some. The Government would seek to do things in a different way, if only we could. The virus has left us with little option and few choices.

There is progress, though. I have been provided today with news from Israel on a potential fast treatment for COVID. Signs coming from Israel of very fast and effective treatment for COVID rather than cure, as such, will nonetheless be welcome. The Hon. Ms Hassan Nahon has assisted in verifying the news source is a reliable one, and through Ms Fleur Hassan Nahoum in Israel we have started the process of putting our health professionals in touch with each other to see if there is any mileage there.

Additionally, our vaccination programme continues apace. As at the close of business yesterday, 17,189 doses have been administered. Of those, 13,246 are first doses, and 3,943 are already second doses. The roll-out has been nothing short of magnificent, a real credit to the GHA as a whole and to its management team in particular. Our frontline professionals in the wards, the CCU, ERS, the Care Agency, and at every level of them, have been incredible. From stores

assistants to sisters, from cleaners to clinicians, all have been superb, and all of this under the leadership of Samantha Sacramento and the advice of Prof. Ian Cumming. This has really been something of which the GHA can be proud and of which the community can be proud.

125 I have previously thanked the FCDO for their assistance in this matter, and I do so again here on the record of *Hansard*, to set out our sincere gratitude as a people for the approach taken by Ministers Raab and Morton at the FCDO, as well as Minister Hancock in the Department of Health and Social Care in the United Kingdom. The Foreign Office team in Gibraltar have been superb too. Nick Pyle and the Governor, Sir David, really have been working closely with us on these issues.

130 Additionally, the logistical work necessary to get the vaccine here has been extraordinary. I record the sincere gratitude of the people of Gibraltar also to the Ministry of Defence and Secretary of State Ben Wallace for the sterling work done by the RAF and RAF Gibraltar, as well as the Royal Gibraltar Regiment, in the delivery of the vaccines to Gibraltar and to St Bernard's Hospital.

135 Last week, when the death toll in the United Kingdom from COVID exceeded 100,000, I wrote to the Prime Minister to express our condolences and solidarity with the people of the United Kingdom. I used the chance to write to him to express solidarity also to express our gratitude – as I have set out today – to him for the support we have seen on the vaccination roll-out and on the sovereign guarantee which has assisted us with the financial aspect of the COVID-19 crisis.

140 Mr Speaker, on vaccines, I should say that we are issuing a plastic card upon the second dose being administered, which is evidence of inoculation with the two doses. If there are UK-wide, EU-wide or indeed worldwide proposals to evidence COVID-19 inoculations in some way, we will upgrade or change our systems here to ensure compliance with any accepted international format, of course.

145 We now have confirmed another delivery of vaccines coming in on Monday. We will continue, therefore, with the administration of the second doses, and we will start now to see the roll-out to the different age groups that have not yet received the opportunity for vaccination. We will soon start to see those in their mid-to-late 50s called for appointments as we continue the work of ensuring a whole-population vaccination regime on the same basis as the United Kingdom.

150 As lockdown recedes and we are left with a curfew from 10 p.m. to 6 a.m., we must also thank our law enforcement agents in the Royal Gibraltar Police for their great work on enforcement, together with the other agencies that have assisted them. That includes the men and women of our Customs Department and the Gibraltar Defence Police, as well as the agents of the Borders and Coastguard Agency who have policed reasons for entry through our borders to also ensure compliance with our regulations by anyone who was coming into Gibraltar.

155 The prudent course is for us not to agree yet to permit Saturday opening of retail shops. We are now also clear that catering establishments should not be permitted to open until 1st March, other than for takeaways. Those catering establishments will continue on 100% BEAT. They will also continue to enjoy the other benefits which were provided for other sectors which were closed in January. There are some sectors which are not closed but which are, nonetheless, experiencing difficulties, which the Government understands. We are therefore continuing our work in assessing which other sectors or groups need additional help in some way and if that help can be fairly provided.

165 I also know that our sportsmen and women have been seriously affected by the lockdown. The Government is conscious that the practice of sport brings physical and mental health benefits to people of all ages. The return of organised sporting activity, as the House knows, is linked to the evolution of the pandemic. New infections are down, the total number of cases is down and the number of hospitalisations is, thankfully, down also. I want, therefore, to reassure our sports people that the signs are good and that we will be looking to allow a return to training for sports with pressing international commitments of course before all others.

170 As our schools continue to be closed, I want to just record the gratitude of the Government in this House also to our teachers for their continued dedication to online learning. I know this is a whole new discipline and I have already set out my views on this in answer to a question last week

in the press conference I offered from Convent Place, but I do want to record here my recognition of the way that the teachers have structured their delivery of education in these difficult months. From my own children I can say that they have taken a lot from it, although perhaps in a way that is, naturally, different to what they take from education in the classroom setting. For teachers, this has required commitment and versatility. They are rightly to be thanked for the way they have delivered. Additionally, of course, there is another side to this coin, and that is the additional work being carried out by parents, guardians, nannies and other child carers as a result of the schools being closed. I want them all to know that the Government is aware that they are also providing their time and diligence to work through home teaching. Whether it is in the provision of discipline or explanations to children, or whether it is in the management of electronic devices required for this purpose, I know this has been a particularly difficult time for parents. They have had to combine children being at home with continuing either in the world of work or working from home. I do not know which of those two might have been more difficult. I have often thought of how hard, in particular, some of the worst permutations of this posture will have been for single parents. For them, as ever, these difficulties will have been amplified, as everything obviously, unfortunately, is. I empathise and the Government empathises considerably. The schools should all now open on 22nd February. The Minister and Department of Education continue working towards that date. We will continue working with the teachers' unions to deliver on that date now without fail, unless there is an unexpected development. We will all also want to ensure that our buildings are ready for those dates.

As we relax our social lockdown, it should also be known in Gibraltar generally that the situation in the area around us is very concerning. Yesterday, there were over 1,200 new cases of COVID-19 in the Campo de Gibraltar, with over 900 in Algeciras alone. I remind residents of Gibraltar that they should travel to Spain only for the specific purposes allowed by Spanish law. I would remind people that travelling beyond La Linea is strictly controlled and that catering is also closed in La Linea. It is important that any person travelling into Spain should familiarise themselves with the law in Spain surrounding the pandemic. There are different rules from municipality to municipality depending on the level of lockdown being applied in each, and people really do need to be careful to ensure that they do not fall foul of the rules in each municipality.

In my public statement last week on GBC I referred to a number of Gibraltarian healthcare professionals who are away from Gibraltar and who are using their skills to help other nations surmount the COVID challenge. Just like our brave GHA workers, these ex-pat Gibraltarians are putting themselves at risk in the wider world. They may even be putting themselves at greater risk than they would be in Gibraltar. Since I mentioned four individuals last week and called for the names of others, I have had a great response from proud relatives in the community telling me of the exploits of our Gibraltarian brethren around the world: Prof. Ferro in Birmingham, Dr Sheriff in Liverpool, intensive care nurse Wright in Middlesbrough, Mr Payas in Norwich Park, Mr Torrilla in Kent, Mr Lima in Oxford, Ms Rodriguez in London, Ms Peliza in Norfolk, and not least of all these Mr Power, who is a senior vice-president at Pfizer in Houston in the United States and who has been working on issues related to the vaccines and combinations of medicines that can go with it. Remarkable that there are Gibraltarians all over the world, all doing their little bit – our little grain of sand in care, even beyond our shores. We are no prouder of them than we are of those who work in our GHA, but we are no less proud of them either.

Mr Speaker, I have already indicated that we will propose a motion to this House to stand as a fitting reminder of these times. I hope to be able to count on the support of the Leader of the Opposition and of the hon. Lady for that motion. I will discuss, and I hope agree, the terms of it with them before it is brought to the House. I believe that motion should set out the parameters of the memorial this community should erect to all those lost to this disease and to those who have worked so hard in dealing with the effects of this disease in this community. I also hope we will be able to agree here the terms of the service of remembrance we will organise. This must be inclusive and for all of us, for all creeds and none, and for all cultures. I have some ideas which I will hope to discuss with Cabinet colleagues and then with Members opposite also.

225 Additionally, I look forward to coming back to the pace of monthly meetings which we have brought to the workings of this House and the ability of Members to have questions answered, also on a monthly basis, which we all look forward to doing. I have previously apologised to the House for our inability to maintain that rhythm these months, whilst we have nonetheless scrupulously ensured, with the support of all hon. Members, that we have complied with all constitutional requirements, whether in relation to meetings or the public finances.

230 Mr Speaker, January has been a terrible month. The number of deaths recorded from Brexit to date leaves a harrowing number. We are not yet out of the woods, but with the support of all our community for the measures we have imposed, with the work of our healthcare, ERS and law enforcement professionals, with the work of our vaccination teams, with the support of the UK – especially the FCDO and the MoD – we are slowly turning the corner. COVID seems to be here to stay. We may need vaccinations every year, either boosters or new vaccines, either with the flu jab or separately, but I think we can now start to see at least the beginning of an end to this terrible time, a way out of this time of death and despair and a way through to the way of life we love in this modest but magnificent little part of the world we call home.

240 Thank you.

Mr Speaker: The Hon. the Leader of the Opposition.

245 **Hon. K Azopardi:** Mr Speaker, I too want to start on the same note as the Chief Minister. The Members on this side of the House join him in our congratulations to the new Papal Nuncio, Archbishop-elect Monsignor Mark Miles. I think it is a great mark and honour bestowed on him. He is fully deserving of that honour. He has been at the heart of working very closely at the Vatican for many years, and then, of course, more recently in Washington. I think everyone in this community will join in the Chief Minister's words of congratulations and indeed will be very proud today that we have, among the ranks of Archbishop Nuncios, ambassadors appointed by His Holiness, a Gibraltarian – the first time an Archbishop Nuncio has been appointed from Gibraltar. Whether he is the first Archbishop or not, I am not sure. We will, I suppose, have to defer to ecclesiastical historians on that and whether Archbishop Peter Amigo could claim to be of Gibraltarian stock, although he perhaps might not have been born in Gibraltar, but I think the history books mark him as a Gibraltarian and I think it is right that he should indeed be marked that way. But it does not detract for one second from the incredible honour bestowed on Monsignor Mark Miles and the pride that we have as a community in his appointment and the fact that we absolutely welcome, on this side of the House, his appointment.

250 Mr Speaker, on the substantive Statement itself, we, too, would perhaps reflect briefly ... and taking into account everything that Mr Speaker has ruled on, on the issue of Statements, first, but purely on making a brief contribution, at least where the Chief Minister first started, we reflect on a pretty dark month that we have just endured as a community. We have, as the Chief Minister says, just announced another death to COVID, which brings the total up to 80, 74 of which have happened, on my calculation, in January. January has indeed been a very bad month for Gibraltar in the context of the affliction worldwide of the COVID pandemic. Of course, we have seen more than 40 of those deaths in ERS. The trends are, however, positive on the up side, when the effect of the lockdown has meant that we now have new positive cases in single numbers, for the first time in a long time, which is a very positive aspect for this community, and the number of active cases has descended greatly from the heights of 1,100 to 177 today.

260 We also would like to thank – our continuing thanks, because we have said it before – GHA staff in particular, all frontline workers, who continue to battle with COVID issues. In particular, at ERS I am sure it must have been a harrowing experience for staff members and indeed family members alike. Our thoughts, therefore, are with the families and the friends of those who lost loved ones during this particular time.

275 We also join the Chief Minister in noting the contribution that ex-pat Gibraltarians are making in all those fields of care, and also I think January – and indeed previous months, during the first

lockdown and this second lockdown – will have been stressful as well not just to frontline workers who are particularly exposed to this virus, but it is a real change. However much we think we have adjusted to what we call the new normality, it will be stressful for parents, particularly those
280 parents of special needs children who perhaps would have had more support had it been in a normal environment and who will be needing to grapple with those effects themselves.

As we reflect on that, Mr Speaker, I think it is deserving to give a special mention to ERS and the situation there. There have been questions that I have raised before on this issue, and I know the Chief Minister has said that there will be a public inquiry in due course, but I do repeat the
285 point that I have made before, that families of lost residents, and indeed families generally of residents in ERS, will think that there is cause for legitimate questions to be answer now, rather than waiting further. They are not pointing fingers; it is simply ... Those family members who have spoken to me acknowledge how staff have worked under very difficult conditions, the amazing contribution that staff have made at ERS, but they also want certain questions to be answered,
290 and we will be pressing for answers on some of those questions.

Mr Speaker, in relation to the BEAT measures themselves, the Chief Minister said that the effect of the BEAT measures being carried forward is to give the catering industry in particular – who are the industry most now affected, because they are the ones who are closed – 100% BEAT. Perhaps he could clarify this for me, because I am getting reports that it is not exactly that that
295 some businesses are getting, in this sense: the calculation of BEAT has been conducted on the basis of the BEAT 1.0 model, and therefore some businesses are receiving the equivalent of what they received under the BEAT 1.0 scheme, but they may have been employing more people when it came to the December closures, which were not, of course, their own fault; they were closed by compulsion of Government order. So, if a business employed eight people in March and in fact
300 was employing 12 people, there was perhaps a good reason for that, because in December these businesses were closed on the eve of the busiest day of the year and on the eve of probably a very peak kind of period, from there to the beginning of January, so they will have employed more staff to be able to deal with that additional business. What they are saying to me – and perhaps the Chief Minister can clarify – is that their calculation of BEAT, for example in the business with 12
305 employees, is not being based on the 12 employees but rather on the number of employees they had in March. If that is the case, they are saying that they are receiving the same amount of money they were receiving in March but then having to divide it not among eight employees but among 12, which results in some employees not getting the same amount of assistance they were getting in March and the business itself having to top up those salaries to the same level. What does that
310 mean? It means that those business that were closed through no fault of their own are being put under additional pressure, and what I would ask the Government to do – it must be a relatively straightforward exercise – is to ask businesses the number of employees they had in March and the number of employees they had in December when the order to close was placed, and, to be fair to those businesses, they should perhaps get the same assistance for the number of
315 employees they actually had in December. That would be the fairer way of proceeding, because it is assistance targeted to the employees that will ensure that those employees are not out of pocket in any particular way. I would ask for clarification on that issue, on how the calculation is being done.

Can I also ask the Chief Minister, in relation generally to the state of COVID itself and the
320 infections and so on: has there been further work done on the strain in particular that is drifting around Gibraltar? There is so much news now about the various mutations and so on, and of course some of the Government restrictions are responsive to particular areas where there are particularly virulent strains. For example, I know the Government recently introduced regulations which are travel restriction regulations aimed at trying to clamp down on the possibility of the
325 Brazilian mutation in upper Gibraltar. That is fine, we support that, but has there been any particular work done in respect of testing the strain? It would be helpful to know.

We certainly welcome the Government's tentative indication that, in the field of sports, there may be a reopening soon. I think it is important that the gyms have opened. We should do our

best, as we can, as we feel our way into loosening restrictions, that there should be a lifting of some restrictions on sports. It is helpful for mental well-being and it will be welcomed by the sporting and cultural community.

On schools, the observation that I would make is that the jury is out on online learning. There may have been improvements in online learning, but the jury is out. I am not pointing fingers particularly in Gibraltar. I am saying the jury is out generally, globally, in respect of the quality of online learning. We are quite rapidly careering towards the fact that for a second academic year children and students are having to receive online learning in a way not envisaged previously, and the effect that that will have on the quality of the learning that those children and students have acquired we will not know immediately, we will know perhaps in future when there are assessments with cooler reflection on the quality of that. So, the jury is out on that, and online learning, in any event, I would say cannot be a substitute to teacher-in-person training, which would deliver a much more personal experience, sometimes. I have seen how online learning works and I certainly commend the efforts of teachers in having to battle away with the effects of COVID and deliver online teaching, but the sooner the schools are open safely, the better.

On the Frontier itself and noting what the Chief Minister has said, that there were over 1,200 cases in the Campo de Gibraltar and 900 in Algeciras yesterday, can he comment and perhaps give an indication to the House as to whether the Frontier flows in any way will be affected? We have had the recent news, on which he already commented, about the way that people could cross the Frontier. We are moving rapidly ahead with the vaccination programme. We will hopefully be in a situation, as a community, in future where we will have vaccinated a huge number of our population. Will that, because perhaps other territories are not in the same position, affect people coming into Gibraltar and going across the border? Does he have any information that he could give people?

I join him in thanking the MoD and the UK government for facilitating the arrival of the vaccine to Gibraltar. That is welcomed by everyone in Gibraltar and I am sure everyone in Gibraltar also joins me in that.

We also welcome, on this side of the House, the development that the GHA, in an innovation, have now started using that vaccination card as proof. We think that is a very good development. It may be substituted in due course by a more common card adopted by the world community, but for the time being, in terms of proof, I think it is a very valuable innovation which we welcome.

In respect of a motion, I can indicate to him now that we will, of course, support the motion which will mark the effect of the pandemic. I look forward to liaising with him on the wording of the motion, but he will have our support in respect of the motion.

Equally, I welcome the fact that we will go back to more regular meetings of this House as we go forward and as the situation improves. The one thing I would say to him is that in the context of going back to greater meetings of the House and more frequent meetings – which we welcome, of course, because it will be able to deal with all the business of the day – he will have noted my public comments. I repeat just this point, that more regular meetings are, of course, welcome, but what I think we need to work together a bit more on is the precise business that the House will do at any particular time when we are turning up. For example, I welcome the fact that he told me today that we were going to take a couple of Bills and he was going to make a COVID Statement, but he knows he told me that late morning today. Sometimes, it will be impossible for him to be able to know when he is going to make an important statement, and I completely accept that, but as a matter of course it should be possible for the Government, in planning its business – there are, for example, 21 Bills on the Agenda today – to know precisely which Bill he will take. Sometimes we know. The Hon. Mr Isola has given us an indication, very helpfully, on one of the Bills, but generally we do not know, and we certainly do not know when questions are being taken, and so on and so forth. It should be possible to organise ourselves in a way such that we know what business is being transacted and the public itself can be told on the parliamentary website what business is going to be transacted. Some members of the public might be interested in Education questions and others might be interested in the Proceeds of Crime Bill, so they want to

know when things are going to be taken. I am not making any party political point as to how things worked in the past, because we can all do that in respect of whether we sat on that side or this side. I am not doing that, I am really not; I am making a constructive point that we should work together. I know, if he is committed to the process of parliamentary reform – and I know we have
385 set up a committee for that purpose – we should be able to work together, not only in facilitating the agenda for Members of this House but also to improve the awareness of the proceedings of this House for people out there.

Finally, Mr Speaker, can I just say that the trends are certainly good, in terms of how the lockdown has worked – the second lockdown, which of course we called for and we supported,
390 and we have continued to support – and he will have our support and does so today for retaining the current posture. But of course we also share the need for caution, because there is a lot of developing science out there. We do not know the twists and turns of this nasty virus – we are seeing them all the time – so I think it is important that there should be caution, that there should be realism, that while we are moving fast in terms of our vaccination programme, the world will
395 probably need the whole of 2021 for the vaccine roll-out, for the vaccine to be offered to people. Against the backdrop of that evolving science, it may be that we do not end the year in the place we thought we might be. The fact of some restriction on the way we used to live our lives in 2019 may be inevitable as we go forward and we should be cautious in lifting restrictions, although we are absolutely committed to the fact that restrictions and freedoms should be returned, both
400 social and economic freedoms, at the earliest moment possible.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Chief Minister.

Hon. Chief Minister: Mr Speaker, it was remiss of me not to start my earlier intervention by
405 thanking you for your ruling in respect of Statements.

The hon. Gentleman started by referring to ERS and questions that he says he is being asked by relatives of those who may have passed away or been infected in ERS. I think it is important that in everything we do in the context of referring to ERS, we give the carers and nurses, the staff
410 and management of ERS our full, unqualified and unequivocal support. We cannot imagine what they are going through. Very often, those in their care become like family to them, and they have seen so many of them lost. That is not to say that they, themselves, do not want to understand what it was that allowed the virus into the ERS facilities.

The hon. Gentleman was in touch with me about wanting to reopen ERS for family visits when we had closed them, and we worked together with the Director of Public Health – the hon. Lady
415 was with us – to try to see whether we could develop safe protocols for family members to return to ERS, because the horrific balance that we were left to do was to try and ensure safety from COVID whilst at the same time ensuring the ability of residents to have access to their loved ones. Understanding exactly how the virus got into ERS, whether it was through a visitor or whether it was through a new strain that made even the most stringent wearing of PPE not sufficient, or a combination of those two is not – if I may say so, with respect, to the hon. Gentleman – the question that we need to be asking. I really do not think that this is about political parties putting
420 political questions. I think this is about a forensic analysis that we have to do, as much because we owe it to those who have passed away, and their relatives, as we do to the professionals we have put in that position, as we do to a future generation – I hope many centuries from now – who might be facing a similar situation.

If that sounds a little outlandish to people who are watching us, in a world where everything moves from tweet to tweet, almost from second to second, I can tell the House – and I think the
430 hon. Members opposite know, from the work they have done with us on this – that a lot of our public health thinking has included not just, of course, the professional advice of those in Public Health who have the professional background in public health, but also them and us also looking at our records of how our community reacted to the Spanish flu pandemic a hundred years ago

and earlier pandemics in Gibraltar. The demographics of any place are particular – the way a pandemic affects Yorkshire is probably different to the way it affects London, and the way it affects London is different to the way it affects Madrid or New York, and of course Gibraltar is different – and so one of the things that we must do is leave a reliable record behind of what happened. In that context, what has happened in ERS must be inquired into, not by way of political questioning, I put it to the hon. Member, but by way of inquiry to determine facts. That is what we want here, to determine facts, and not – as I said, I think, in one of my earlier statements, either in this House or elsewhere – to seek to apportion blame. That is not what we need to be doing here. When I first spoke about an inquiry, we were lucky enough not to have suffered any deaths. Now, our inquiry will be not just an audit of what has happened; it is almost in the nature of an inquest, because we must bring that level of seriousness to the understanding of issues and we must leave a very reliable record of what it was that happened in Gibraltar in 2019 and 2020, hopefully so that in the future, if anyone needs to look at it, it enables them to avoid those problems should there ever be another pandemic and should science not be able to provide a shortcut through it.

Mr Speaker, on the issue of BEAT that the hon. Gentleman has raised, in December the catering establishments that were closed had their full BEAT calculated as it was in March. That is to say they had, for the period of closure in December, which is the period that he is referring to, not just their perishables paid for, but each one of their employees paid for. There is no question of the calculation being done perhaps on the numbers in March. The January BEAT has been different. The January BEAT has not been for the catering industry; the January BEAT has been for all industries that were shut down. That is a much bigger exercise and we could not do it in the time available, with the level of particularity that we would need to, in order to have been able to pay people in a short period of time. Remember that in the period of March-April we took longer to pay than we wanted to take now, because it was also the period of Christmas and New Year and people had other expenses that they needed money for. If we need to review in any instance, those who fear that they have concerns need to get in touch with us, and we are already receiving, no doubt from the same people, the same questions that hon. Members are receiving and looking at that in some level of detail.

It is also true that there are some people in exactly the opposite situation. There are some people who have reduced the number of employees they had, but they have received the BEAT they were receiving on the basis of BEAT 1.0 in the month of January. There, because of the need for administrative ease, we have relied on people who have wanted to say to us, 'You have paid me for 10, I now have five: here's the money back.' Otherwise, we are hoping that people will realise that there is a rule here that the money has to go into the business. Remember the big difference between BEAT 1.0 and BEAT 5.0 is that in BEAT 1.0 the business was used as a conduit to payment for the employee; in BEAT 5.0, the business is given the money on an undertaking to pay the employees, if it has them, or to invest in the business. So, there are slight differences there, which we are looking at. No system that we can devise will be universally fair on a one-size-fits-all basis, but we devise a system that is as fair as possible and then we look into these details in order to ensure that we can act fairly, if necessary. Indeed, one of the things we are very keen to do is to cover new businesses that may have arisen after the first spring period, so that they, too, can take the benefit of BEAT.

I have just been informed, today, of one particularly heinous case of attempted fraud in respect of BEAT, which the Financial Secretary is immediately taking up with the relevant authorities. Luckily – I hope not just because of my warnings that we would act if there were any instance of fraud, but out of the particular moral fibre of most of our entrepreneurs – we have had almost no instances whatsoever of anybody seeking to defraud the Government on BEAT, but we have one particularly heinous outstanding fraud, and we are going to deal with.

The hon. Gentleman asked me the question about what we are doing to be able to determine which strains of the disease we have in Gibraltar. Here, the issue is not a simple one, because the cultures that you need to grow in order to determine which strain is in circulation have to be grown in real time. There is no acceleration possible. That is why – the point I have made to the

House before in respect of this – when the Prime Minister announced in December that there was a strain, known in shorthand as the UK strain but I think more clearly now as the Kent strain, it had been communicated to him I believe on 18th December, and he announced it on 19th December, but for those strains the genomic work had started in September, to grow the cultures. So, there he can see some of the time it takes in order to be able to do this work, and that is the United Kingdom, which has available to it the ability to do this genomic work in all of the strains that it wants to do it. It has now offered to do it for the rest of the world. It does it for us already. The hon. Gentleman will know that Prof. Cortes, who is one of our visiting consultants, is responsible for some of this work and is able to do it.

So, we do not yet have updated information about genomic strains in Gibraltar, but we expect to be able to have it. One of the things that we think we can do in Gibraltar in the future, given the co-operation that we have had from our visiting consultants and from the United Kingdom, is that we think we can do that work in Gibraltar going forward, and there are circumstances, we hope, in which we can see that up and running in the next couple of weeks. But that does not mean that we will have information in the next couple of weeks; it just means that we will have the necessary additional things that we have been seeking to have available in Gibraltar, with the expertise in Gibraltar and outside of Gibraltar working together to be able to have that information. But we will not know what other strains we had here in mid-December for some time still.

The hon. Gentleman tells us that, in his view, the jury is out on online learning. I suppose there is no way to contradict that. I have read already studies that suggest that children who have been out of school for as long as they have been, last year and this year, will suffer a £40,000 loss in earnings over their lifetimes compared to their colleagues in the years immediately above them who have not been out of school. That is a calculation done in the United Kingdom based on extrapolated data. I think it is impossible to know. I frankly think that is wrong. I think it is very likely that there will be other issues that will continue to propel learning and that we are unlikely to see those losses. That is not a comment on online learning; that is a comment on time out of school. There are many systems for online learning; I do not think that any one is better than the other.

I think the important thing here is not to try to be all things to all men, and to recognise that we have a group of people who are the ones we entrust our children to, day to day when they are at school. There is nothing more precious in our lives than our children, and we leave our children with our teachers. Therefore, if we have sufficient confidence in our teachers that we leave our children with them whilst we are at work, we must have sufficient confidence also that they are doing everything they can to continue to impart education even remotely in these very difficult circumstances. But that is very likely to be something that teachers, probably as close to unanimously as possible, will say is not as desirable as having children in the classroom and imparting education to them. I think we have to try not to run with the hare and hunt with the hounds on this, and I am firmly on the side of the teachers in thanking them for the work they have done, because I think they have done as much as is possible in the circumstances in which we find ourselves.

In terms of the Frontier, the hon. Gentleman asks now that we are seeing these numbers around us, will this lead to restrictions, even as we ensure the vaccination of our whole population in the time available? Again, when we say that, I am always very keen to say ‘not because we are better than anyone’. There is no race here. The race is against the virus, not against any other nation. If we manage to vaccinate our whole population sooner than anybody else, it is only because our population is many thousands of times smaller than the populations others are having to deal with. But if we do have a fully vaccinated population, then the incidence of the virus around us is less concerning, and therefore, in terms of restrictions on movement, I think the key issue would be, probably, that we would not want to be the ones imposing restrictions on access or egress from Gibraltar, but that we may, nonetheless – because others beyond Gibraltar may take a different position, because of their demographic situation being different – impose

restrictions on who can use our Airport, or on what basis people can board a flight from Gibraltar to a destination – for example, in the United Kingdom, at this stage. But that is literally crystal-ball gazing and no one should think that I am pointing at anything other than just trying to read not the tea leaves but the newspapers on what they indicate some nations may be suggesting.

I am grateful for the hon. Gentleman's support for the GHA's inoculation carnet. It is maybe only in its first incarnation, and it will find it needs to adapt as there are different models adopted. The United Kingdom is now not in the European Union, so, if there is a European model, it may or may not be that the United Kingdom decides to follow that model. The European Union model may become the international model, the international model may be different and all of us may have to adapt to it. So, there may be different iterations to it, but the Hon. Minister for Health and I believed that it was important that we should immediately put in place ... and the Cabinet considered in some detail what we should do, in terms of the creation of a card. We believed we should have a card. We believed it should be more than a cardboard card, although we went with a cardboard card to take people from the first inoculation to the second inoculation, in order to ensure that we had that record, apart from the patient record. There is a digital record also. We hope and believe that it will be necessary to produce something that has a digital element to it, that the card, passport, or whatever it is will need to be machine readable in some way and that there will therefore be a combination of numbers, or there will be a barcode or a QR code. All of these things are likely to form part of the future. What we wanted to do was ensure that we had something immediately, so that if people need to be able to show – on the authority of the Government of Gibraltar, not validated as a travel document by any other international organisation – at least that their health authority is saying that they have had the two jabs, they have got it, and then we are ready to upgrade it as the time comes.

The hon. Gentleman – I think, here, rather gently – refers me to the desire to have more meetings, rather less gently than he has done elsewhere, where he has been a little more robust than he has been, outside of this place. I am very clear: the Government that I lead wants to come to this House as often as possible. We want to come once a month at least to answer questions, we want to come at least once a month to have sessions of Select Committees, we want to continue to have an agenda on legislation which is as updated as possible, and we want to do that in a way that is entirely transparent.

I introduced, in the first meeting after I was elected as Leader of the House, timetabling of the proceedings. The hon. Gentleman was not here then, but people knew that they could consult the timetable and they would see on the timetable which Bills we were going to take and when we were going to take them, motions we were going to take, etc. – you know, Mr Speaker, I think, with the wounds on your back of having been the Clerk at the time who worked with us assiduously to ensure that we could do that. The past two years have not been normal. We had to deal with the withdrawal agreement negotiations, and then, when we thought we had been to hell and back, COVID arrived, and that has deprived us of normality.

I must say to the hon. Gentleman I take all the points he made in this place, and I think he heard me pre-empt them with what I said. I take almost none of the points he made about the same issue outside of this place, because he made them in a different way and in a different tone. He made them in a sanctimonious way, which seeks to pull the wool over the eyes of those listening to him. He was not the leader of the PDP or the Leader of the Opposition, he was a Minister in the Government that held only one meeting for questions in 2003. He was a Minister in the Government that, in its most generous iteration, held three meetings for questions in any year, usually two or three – two in a year when there was an election, three in a year when there was not an election. So, the hon. Gentleman will excuse me for saying that I have failed to live up to my standard of having a monthly meeting – but not his standard, which was to come to the House, when he was a Minister, as little as possible. But if he would have held a meeting in the month of January for questions – and he has asked me to do so in the statement he has made outside of this House in respect of January and February – well then, with what was happening in January he is either a better man than me or a colder man than me, because I could not, in all

conscience, be coming to this House to answer questions with what was going on in January: we were trying to deal with what was going on in January.

Mr Speaker, the aim and objective is, for once, shared, so the positive thing here is that the GSD now agrees with the GSLP that we should have monthly meetings. The GSD, now led by him but when he was a Minister in it took a different position, and the GSD now, thank goodness, agrees with us that we should have these monthly meetings. They now agree with us that we should have the timetables. When I introduced the timetables, they were dead set against them. I do hope that normality returns and enables us to be able to publish these timetables etc., because the one thing that he and I have always agreed about – but when he was a Minister, he was not able to prevail upon, and the hon. the leader of the Liberal Party also agreed with us throughout – is that these proceedings should be televised. These proceedings, now being televised proceedings, are entirely transparent to everyone, and with the timetable being available online people will be able to watch from their homes or from their offices when they are interested in a particular Bill or in a particular debate. I am delighted to have led the Government that ushered in those reforms, and I will be delighted to do more reforming work with him – but January 2021 was not the time to do it, and the first week of February 2021 is not the time to start it.

In relation to the trends that we are seeing, we are all very happy to see the reduction in numbers. The fact that we may have been able to see a couple of days of single figures of new infections is extraordinarily welcome, and we do hope it continues. We hope that that is joined up to the issue of a vaccination programme, so that we have more people vaccinated, fewer people infected, and slowly we can take this community back to what it was.

The one point I have not dealt with is simply on the issue – which was also raised by Members opposite and is connected to meetings of the House – of public finances, and there, Mr Speaker, as you know, all of the constitutional requirements have been complied with, and we have worked together in ensuring compliance with the constitutional requirements in respect of the Budget year and the Budget period.

Mr Speaker, I trust I have dealt with all the issues that the hon. Gentleman raised.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

If I can just start by commenting on the extraordinary appointment of Monsignor Mark Miles – and echo the words of the Chief Minister and the Leader of the Opposition and extend my heartiest congratulations to his family – as a representative to the Republic of Benin, which is one of the poorest countries in Africa, I understand. Archbishop-elect Miles has given our community a very welcome boost of hope and pride, given the month we have had lately, and it has shown once again that Gibraltar, against the odds, proves what an exceptional people we are, excelling in so many fields across the ages. We have our Gibraltarians at the top of the ladder in science, in medicine, in technology, in art, in dance, in music, and in religious service. It will not go unnoticed that Archbishop-elect Miles' appointment is made to assist one of the most underprivileged countries in the world, as I have just mentioned, and this exemplifies and typifies what we are all about as a people: a charitable, giving and caring community which constantly takes on the worthiest of causes across the globe. I would like to thank him for putting us on the map in the brightest of light and I extend my sincere congratulations to our fellow Gibraltarian Archbishop-elect Miles and his family today,

Mr Speaker, with reference to the Chief Minister's COVID address, in response, I would like to ask him to provide some clarification, mainly with regard to the impending stages of this Operation Freedom vaccination initiative. As has already been mentioned on several occasions by the Chief Minister, we are indeed greatly indebted to the UK government for enabling Gibraltar's vaccine roll-out. This support has allowed us to have vaccinated a significant percentage of our population, a percentage that is, in fact, far greater than that of mainland UK citizens. We are also grateful for

the fact that these vaccines have been provided to us free of cost and for how they have been dutifully delivered by the RAF, sometimes braving extremely challenging weather conditions, and of course a huge thank you has to go out to the GHA for their seamless deployment of these vaccines, the logistics and the treatment and care for our vulnerable and elderly, which has been nothing short of remarkable.

As much as we are grateful for these efforts and for the support that the UK is showing Gibraltar, this time really treating us like family, it is important to know how this vaccine drive is going to be unfolding in the coming weeks or months, and whether future supplies of the vaccine are going to be equally reliable. We have already seen the Government of Gibraltar silently backtracking on the announced plan of following the UK's one-shot strategy, and it has come to its senses soon enough that the second doses will be guaranteed in time to adhere to Pfizer guidelines.

However, it seems like we are already in the midst of what some are calling a vaccine war. We have seen the European Commission toughen its stance on vaccine exportation, which will mean that, for example, EU-produced Pfizer vaccines, the same that have been used in Gibraltar, will not be allowed to be exported until their contract with the EU is honoured and fulfilled, so could the Chief Minister provide some information as to if and how this could affect the delivery of future vaccines to Gibraltar? In the past, we have seen the GHA embark on first rounds of vaccines before having had the second doses delivered to Gibraltar. Will this policy be continued in the coming vaccination rounds? If we are cut off from the Pfizer supply and have to resort to other vaccines, such as the Oxford AstraZeneca vaccine, there will be another host of important public health decisions to make. As opposed to the UK, most EU countries will not be using the AstraZeneca vaccines for over-65s, as they believe that data provided by the developer does not prove efficacy for this age group. Will Gibraltar follow suit, seek to research and develop a policy of its own, or will we be following UK guidelines, like we often do?

Then, there is the issue of the age group prioritisation, which seems, at times, quite arbitrary and has caused great anxiety to many of our constituents. First, the Government proceeded to vaccinate all frontline healthcare workers. Then came the rest of the essential services and over-60s on a decade-to-decade, older-to-younger basis, which was definitely the best way to start. Now that the most vulnerable groups have been rightly prioritised, we are pleased that Government has clarified that the 50 to 59-year-olds will be prioritised next, or at least inoculated on an equal track to the 16 to 18-year-olds, from what we understand from press reports this week. This was rightfully making the 50s-and-under bracket extremely nervous, because of course the 50s and 40s demographic is a demographic that is far more vulnerable than the 16 to 18s and one that has been prioritised more in other jurisdictions. Yes, vaccinating those in the 16 to 18 category might curb the spread of the virus, but this spread would pose little risk to people's lives in comparison to vaccinating those in the 50s and 40s category, which could actually save lives, and that should be our utmost priority.

So, now that the Chief Minister has today confirmed that the 50s will be inoculated shortly, I would like to ask him when he envisages the start of this inoculation process for the 50s age bracket. He did say 'soon', but perhaps more precisely would go a long way to allay the fears and anxieties of this age bracket; also whether second doses will be guaranteed for this track, the 50s and under, or equally with the 16 to 18s in the same timeframe as it has been for the first cohort currently undergoing their second doses; and when the time comes for those second doses, if it turns out that there is only enough for one of these tracks, if he will commit to prioritising the 50s and under, over the 16 to 18s, or will Government continue to champion its argument, as seen in the press this week, of inoculating with heightened priority the 16 to 18s in that situation?

Further, I would like to ask, on another point of clarification, how it is that inbound travellers are being informed of their obligations regarding isolation and testing. I am told that many travellers to Gibraltar have found themselves at pains to access the right information and having to source it themselves at their own conscious, often too late to maintain that shielding of spread, so to speak. Mr Speaker, I can assure you this is not hearsay or third-hand information, but

testimonies from travellers themselves; these are concerned individuals who have had the experience themselves.

695 If we are to run a tight operation in the control and suppression of the virus, it is fundamental that these operations run smoothly and that every traveller is informed rapidly and clearly of their obligations and how to fulfil them. It is my understanding from travellers who have tried to access online updates on testing and isolation protocols, that they have not found updated online information to this effect or a holistic information and instruction service, but a bitty and
700 disjointed platform. This has left them feeling quite lost as to how they proceed with their own process, once landed in Gibraltar, so I would urge the Chief Minister to strengthen and have fully up-to-date the online information and instruction platforms, so that people coming into Gibraltar know exactly what they need to do, when they need to do it and how they need to do it, all under one portal, effectively a one-stop-shop COVID support umbrella portal. This will no doubt go a
705 long way to curbing any further spread. I believe that, with all the different teams the Chief Minister's Office and the Chief Minister have created, from Platinum to Silver and Gold being set up, more priority should be given to creating a team dedicated to ensuring the online platforms are as up to date in real time as humanly possible.

Additionally, I remind the Chief Minister and this House that I stand available as interlocutor
710 of any sort between this Parliament and any of my contacts in Israel, where so much data is emerging – which the Chief Minister just talked about – the latest being actual successful treatment for COVID, which has been reported literally minutes ago, when 29 out of 30 cures for those administered with this specific drug was achieved.

Mr Speaker, lastly, with reference to the monument proposed by the Chief Minister, of course
715 we believe it is a very fitting tribute to honour and immortalise our brothers and sisters who sadly fell victim to this cruel pandemic, and I look forward to any part I can offer in contributing to any discussion of the proposed tribute.

Thank you.

720 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I thank the hon. Lady. I want to start by thanking the hon. Lady in particular for the work that we have been able to do together quickly, using the contacts that she has in Israel, to try to ensure that Gibraltar is as up to date as possible on the latest
725 research emerging today about the treatment of the symptoms that are afflicting those who are in hospitalisation with COVID.

Then, having started by thanking her, I have to tell her that I am a little concerned about her approach to the age profile here. I think she is exacerbating an issue in relation to the interaction between the second dose and the first dose of the vaccine. Just to explain that a little more, we
730 saw that, by the end of last week, I believe from memory we had 12,860 inoculations in Gibraltar, and those were all first doses. Of course, the minute we were 21 days after the first dose, we had to start the process of providing second doses, and so we started to run a twin track. That meant that we had, of course, half the capability to administer new first doses as we went through the process of second doses, or roughly thereabouts because there would have been some instances
735 where we would have been administering more second doses than first doses entirely. But this is not going to create any risk – and the issue here is risk – of serious illness or death in hospitalisation for those who are outside the relevant age profile, or risk profile. Those two things are separate, so if an individual has a vulnerability, that vulnerability may not be dependent on age. If that person is of a particular age, even if they do not have another vulnerability or an underlying co-
740 morbidity, then they have the risk profile. Late 50s is well outside the age risk profile, and so what we must not do is permit people in their late 50s to worry themselves too much about these issues. Yes, we want the inoculation in all age groups, and the inoculation stops you from getting the disease in most instances because of the efficacy of the injection, but in most instances people

in their late 50s are not at great risk from the disease, even if they get it, unless they have a vulnerability, and if they have a vulnerability they have already been inoculated.

Mr Speaker, the one thing the hon. Lady has said which I cannot accept is that I am silently backtracking from the one-dose strategy. I cannot be doing that silently, because I answered a question on national television, explaining that we were not going to continue to just pursue a one-dose strategy where we had the guarantee that we could do the two doses, in particular for the particularly vulnerable classes, the four top classes and our front-liners, and that is what we are doing. We are now going through the process of the second inoculation for all those who are in those top classes. So, there is nothing silent about this. We said, when we did not have a guarantee of supply, 'We will run a one-dose strategy; we have to do like the UK.' The UK itself has been able to run a two-dose strategy and is only considering continuing with a one-dose strategy in the lower age groups should it have a difficulty with supply, which it does not believe it will have. We have to be clear about what we are saying there.

Neither do I believe that the European Union have said that they will not permit the export of the Pfizer vaccine or that there is a vaccine war. It is true that some tabloids have referred to the issues between the European Union and the major pharmaceutical companies in that way, but if you read behind the news that is not the issue. The issue which was last week burning incandescently in the context of Article 16 of the Northern Ireland Protocol seems to have settled down, and the Prime Minister has reported, and the office of the President of the European Commission has also reported that the European Commission has confirmed to the United Kingdom that it will not interfere in the pharmaceutical companies in the European Union complying with their contractual commitments with the United Kingdom government. That has been the position since Monday, so we do not need to create the spectre of any concern about the supply.

Mr Speaker, for reasons related to wanting to ensure security of supply, I have not wanted to give figures when I am not able to give figures. I can give the House the figure that we have now confirmed for delivery in Gibraltar, on Monday the 8th, which is this Monday, 14,400 doses of the Pfizer vaccine. That gets us very far down the road of being able to continue our first dose in those who have not had it yet through the age groups, and deliver the second dose to those who are coming up to the 21st day after their first dose, with further vaccine to come where we have an indication of amounts, but not guaranteed amounts which I am able to share with the community.

I hope that gives her, and her friends in their late 50s whom she has referred to, the guarantee that they will have no reason to be overly concerned. The Minister for Health confirms to me that I can safely tell her that those in their late 50s should see appointments made next week, so this is going in exactly the way that we would have wanted to see it go – and again, not because we are doing it better than any other nation, simply because we are organised, as we need to be, and the size of our population permits us to be dealing with these things in this way.

We are following the UK position exactly as we can, but there are some instances where we have to be different. As I said before, Yorkshire is different to London, London is different to Manchester and Gibraltar is different to all of them, and the nature of how we live in Gibraltar means that our 16 to 18-year-olds create a different vector profile to 16 to 18-year-olds in the United Kingdom, for a simple reason. In the United Kingdom, the prevailing demographic is people in nuclear family set-ups in apartments or homes, so a 16 to 18-year old would usually – all generalisations are wrong, including this one – live in a nuclear family set-up with the eldest relative not being in their 70s. Here, there are many instances of living in extended family groups in apartments, where you can have mixing of age groups. Although the over-70s should be protected, you could have some instances where they do not take protection from the vaccine – because the vaccine does not give 100% protection, as we know; it gives a very high level of protection – and therefore there is a reason, on which we are advised by clinicians ... The Minister and I did not have a devilishly clever conversation one morning and decide that we wanted to inoculate 16 to 18 year-olds. We are advised, by those who would be advising her if she was here, that having done the calculations in respect of our demographic here it makes sense, before you

get into the 40-year-olds, the 30-year-olds or the 20-year-olds, to do the 16 to 18-year-olds because they are mingling in numbers that the others will not tend to mingle in – that is to say in their hundreds, in schools – and then taking the virus not just into their homes but elsewhere in the context of the demographic of Gibraltar. That is why we are doing it.

800 Having explained that to the hon. Lady as we have, publicly, I am sure she will agree that that is the right thing to do, in particular because it does not create the evil that she indicated, which is to deprive those in their late 50s, that the hon. Lady has been so concerned about, from having their own jabs at the same time or before. Mr Speaker, I hope I have dealt with all of the issues that the hon. Lady has raised in that respect with the age prioritisation.

805 In respect of the combination issue, there is a lot of science here. I am not a scientist – and neither is she, Mr Speaker; there is only one professor of science amongst us and he decided to dedicate himself to the environment generally, not just to the male or female human mammal – and I am therefore not qualified to deal with these issues, but I do have to tell her that there are tests now in the United Kingdom where the Pfizer first dose is being supplemented by an
810 AstraZeneca second dose, and that is giving rise to suggestions of even stronger, in some instances, responses to the virus. So, there is the issue of the combination possibilities that may be done and there is the issue of the period.

I must say that the statements she has referred to, almost as if she were approving of them, by some European entities in respect of the AstraZeneca vaccine have been roundly condemned
815 in scientific circles, in particular in the United Kingdom, because there is no evidence to suggest that the AstraZeneca vaccine is not effective in the over-65-year-olds, as for example President Macron said last week. That was roundly seen as an attempt by President Macron to control demand for the AstraZeneca vaccine in France because they had not secured a contract to get French supply of AstraZeneca vaccine, and the European contract for AstraZeneca vaccine was
820 going to see them get very little of it.

Mr Speaker, I think, now that the hon. Lady has said it, I do have to put down on the record of *Hansard* what the issue is. The issue is that AstraZeneca trials started prudently. In other words, they did not want to use the vaccine on those over the age of 65 in case it created a reaction in the sorts of numbers that they used it in those under 65. So, the data is not there, in the numbers
825 in which it is available for the under-65s, in respect of the over-65s. It is not that there is any suggestion that when you blow out 65 candles on a birthday cake, you will somehow mutate your genes so that they do not have the same benefit when you are injected with AstraZeneca vaccine, it is that the body of evidence is not there, but there is nothing to suggest that a human being does not continue to take the benefit of this inoculation, whatever their age. It is just about
830 testing.

Let me give the hon. Lady another example. The vaccine is not licensed for under-16-year-olds. It does not mean it is not effective in under-16-year-olds. It does not mean it creates an adverse reaction in under-16-year-olds. It is just that, for liability purposes, at the moment, those vaccines are not licensed for that purpose. They may very well be licensed in future for that purpose.
835 Indeed, there is already advice that if there is a person under the age of 16 who is particularly vulnerable, there should be a consultation with a GP for what is known as an unlicensed inoculation, where the issue is just liability if something goes wrong – not that it will go wrong, it is just that the evidence is not there. But in some instances, parents, guardians, general practitioners who are medical professionals and public health professionals may together say,
840 ‘The balance of risk here is that you must give the inoculation,’ and the parents of the under-16-year-old agree, to protect them, because if they get COVID they are at real risk; if they get the vaccine, they are probably at no risk whatsoever, and it stops the risk from getting COVID.

So, this is all about licensing and data. It is not about absence of effect, and all of the evidence in the United Kingdom is that as the AstraZeneca vaccine is given in the United Kingdom to the
845 over-65-year-olds, the evidence is there is an excellent response. Indeed, with AstraZeneca, the 21 days are not key, and even longer periods before second jab produce even stronger responses to the virus.

There is now also another vaccine, which is called Valvec and is in the process of being finalised and will soon be approved by the UK Medicines Agency. The United Kingdom invested £96 million in this company. It is a French company. The French government invested exactly zero, and so the United Kingdom now has contractual supply for Valvec guaranteed towards the end of this year. The interesting thing about the Valvec vaccine is that it acts as a booster and potentially avoids the new strains. At the moment, we are crystal-ball gazing – not enough science on this yet. What we are looking at is potentially that type of vaccine – *adeno*-something – being the one that you need in the autumn of this year if you need a booster, all of which is still something that the jury is out on, but I have suggested in my main speech that that is where we may be going in the long term, that we may need boosters, like flu vaccines, every year in respect of COVID because COVID appears to be here to stay.

Mr Speaker, the hon. Lady, the Minister for Health, gave a lot of information last night on *Viewpoint* and she confirmed that, in the way that she sees it at the moment, subject to the things that we are being told actually materialising, we do not think there is any issue with supply, and we do believe that we will be able to have second doses in the times required. And she actually said, I think, and I can confirm on the record of *Hansard*, that everyone, so far, over the age of 60 has had their first inoculation and has their second dose guaranteed. There are not many places that are able to say that today, and I think that we should be very grateful indeed to all those who have assisted in putting us in that position in respect of those vulnerable cohorts. As I said before, no measure of thanks is sufficient to the United Kingdom generally and to the hon. Lady and her teams in the GHA for the work they have done to ensure that.

The hon. Lady then raised the issue of passengers arriving in Gibraltar. From what she said, it appeared to me that she missed that, last week, we actually legislated to require that the passenger locator form is filled in before somebody boards a transport to Gibraltar, so I think we have done what the hon. Lady was suggesting we needed to do.

Finally, Mr Speaker, if I may, there was one point that the hon. Gentleman made, which I did not reply to. I noted that as I sat down, and I wanted to try to reply to it now. On the parliamentary reform issue, he said that I had been in touch with him this morning to tell him which Bills we were going to deal with, etc. Obviously, he does not need me to tell him that when I was in his position I had no communications morning, evening or night about what might happen in Parliament when we turned up, and one had to be ready to deal with the Budget from the minute the Bill might become due. But the issue is that neither did he ask me. That is to say we are in fluid contact with each other. If I have not been in touch with him on a Thursday evening to tell him what it is we might be doing on a Friday, nothing stops him from saying, as he sometimes might want to do on another matter, ‘Is there any indication you can give me about what it is we are going to do?’ He knows that I have never knowingly failed to read one of his WhatsApps or reply to him as soon as I am able, as amiably as I am able, in order to give him the indication he seeks. I continue to believe that we can work together on reforming this Parliament and entrenching the Picardo reforms in a way that will ensure that they endure, even if the GSLP Liberals are not in Government in the future.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I have chapter and verse in relation to the historical position about Archbishop-elect Mark Miles’ elevation to that position, but ... With your leave, Mr Speaker ...? It does not quite ... Unless I phrase it in the form of a question, would it be in breach of Mr Speaker’s ruling of about an hour ago?

Hon. Chief Minister: Mr Speaker, in the view of the Government, if the hon. Gentleman is going to ask me to clarify, in the context of what he is going to tell us, something that may have been put to us as historical record, which is not entirely correct, we would be delighted to see the record corrected in that way, and I would be keen to hear what he has to say.

Hon. D J Bossino: I thought that would work, Mr Speaker. (*Laughter*) I will read from somebody whom I trust and who is an authority in relation to this matter. I will read his text.

There were two Gibraltarians, born in Gibraltar but did not become priests of the Diocese, but elsewhere, who went on to become, by coincidence, Archbishops of Southwark. These are Archbishops Amigo and Bowen, whose nephew, the latter, I had the privilege to meet about four or five years ago, also a Cardinal. Archbishop-elect Mark is the first Gibraltarian priest belonging to the Diocese of Gibraltar who is to become an Archbishop and Ambassador of the Holy See. I am told that he was incardinated here, like all other priests. As from today, he ceases to be a member of the Diocese because he is now an Archbishop-elect pending episcopal consecration.

I hope that clarifies matters for Members. I wish to simply join Members who have expressed their heartfelt congratulations in relation to the Archbishop-elect's elevation, and I hope and pray that that elevation will continue even further.

Hon. Chief Minister: Mr Speaker, I am extraordinarily grateful to the hon. Gentleman for that clarification of the historical record, which I take from him. I do not know who he got a text from, and I would not necessarily rely on the source, (*Laughter*) but I certainly rely on him if he has read it into the record – he has sufficient gravitas in this place to merit us listening to him.

The information I have is that Peter Amigo was born in Gibraltar, the ninth of 11 children born to Peter Lawrence and Emily Amigo. His father was a flower merchant. That might remind us of who Archbishop Amigo used to be, now in our memory more as the person who names one of our housing estate blocks, Archbishop Amigo House.

I do hope that we will continue to see Archbishop-elect Miles do well in his chosen profession. Like all the other Gibraltarians beyond these shores we have referred to today, his service is a credit to Gibraltar.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D J Feetham: Thank you very much, Mr Speaker.

Can I ask the Chief Minister to explain what provision the Government has made for those who have had, in the past, severe allergic reactions and therefore there is a recommendation for them not to take the Pfizer vaccine? I have been in contact with constituents who have told me that they have attempted to obtain advice from the GHA on the issue, and not a lot of information has been forthcoming. Is the Government intending to import the Oxford vaccine, for example, which I am told does not have that kind of problem associated with it, in order to cater for these individuals? Of course, I am not a doctor, so I do not know enough about it, but would the Government please explain what provision is being made in those circumstances?

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the contra-indication to severe allergic reaction in respect of some vaccines – all vaccines, not just the Pfizer vaccine; it is one of the things you look out for in the context of any vaccine for any condition – is something that everyone who receives the vaccine is warned about. When I went to be vaccinated, I was given that warning. I was asked questions about whether I had had allergic reactions to anything. I have not had allergic reactions to anything, so I was able to have the vaccine. Nonetheless, I was asked – as 12,860 other people know, at least; in fact, today, 13,800 other people know today – to wait 15 minutes after I had had the vaccine, in order to see that there was not a reaction. If you have a serious anaphylactic shock, that is why you wait: the nurses are ready to deal with that, in the event that it happens.

I am surprised that the hon. Gentleman gets up and says to me, 'People who have had severe allergic reactions before have asked the GHA for information and they have not had any, and they have asked me for information and I am not able to give them any because I am not a doctor, so I am asking the Government now.' That does not appear to be, to us, something which is reliable

information for the hon. Gentleman to put on the record of this House, because the GHA asks everyone about whether they have had allergic reactions. The GHA is running a separate list for those who have the clinical indications that suggest that they would react badly to the Pfizer vaccine. That is separate. This will mean that they will be provided with the AstraZeneca vaccine, or another vaccine which does not create this allergic reaction, and we are very confident that we will be able to ensure that those vaccinations are provided in very short order. But again, until we know the date and we are able to give people who require these vaccinations that guarantee, I do not want to share anything across the floor of the House.

The one thing that I have to be careful of is that people should not, for one moment – given what the hon. Gentleman has said, which I think is just frankly remarkable – think that they can swap taking advice from their physician for going to their politician and asking him to put a question across the floor of the House. *(Interjection by Hon. D A Feetham)* No, of course not. *(Interjection by Hon. D A Feetham)* No, it is all right. No, I will not give way, Mr Speaker, because if the hon. Gentleman says something *(Interjection by Hon. D A Feetham)* using words which are only capable of one interpretation, which is frankly remarkable, then he is stuck with it. He is not going to get up to say the opposite of what he said before. He said that people had sought advice from the GHA, they had not had the advice from the GHA, so they went to him, so that he could ask me in this House – and neither he nor I are doctors; we are many things, but we are not doctors.

Mr Speaker: Does any other hon. Member wish to speak? *(Interjection)* I do not really want to take this matter any further, but could I ask the Leader of the Opposition to speak to the gentleman? Thank you.

Procedural – Duplication of published Bills

Clerk: Bills – First and Second Reading.

Chief Minister (Hon. F R Picardo): Mr Speaker, before I start, the Hon. the Clerk has pointed out to me that there has been a duplication of Bills published. The Hon. the Leader of the Opposition knows that I wrote to him telling him ... Well, in fact I sent him a copy of a letter that I had sent to the Speaker, abridging time for Bill 3/2021. That Bill is identical to Bill 10/2020, which is already published – it is literally identical – and does not require a certificate of urgency, of course, because it has been published for some time now. This is the Bill that he and I agreed we would publish as an amendment agreed to the Income Tax Act for the laying of an international tax agreement which is not in keeping with an OECD format.

I am not going to say more about it now, because otherwise I will be doing my speech on the Bill, just to say that I will be proceeding now with Bill 10/2020 and withdrawing Bill 3/2021, and therefore I will withdraw also my letter to the Speaker seeking a certificate of urgency in respect of that Bill.

Clerk: A Bill for an Act to amend the Income Tax Act 2010 –

Mr Speaker: Do you wish to suspend Standing Orders?

SUSPENSION OF STANDING ORDERS

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

Clerk: The Hon. the Chief Minister.

995 **Hon. Chief Minister:** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1), in order to proceed with Government Bills.

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

Order of the Day

BILLS

FIRST AND SECOND READING

**Income Tax (Amendment No. 2) Bill 2020 –
First Reading approved**

1000 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker.

1005 In March of last year, when the Government had been able to agree an international tax agreement, a double taxation agreement with the United Kingdom, I had cause to consider with the Leader of the Opposition and with Mr Clinton how we would be bringing these agreements into effect, and I think we all agreed that double taxation agreements, in particular a double taxation agreement between the United Kingdom and Gibraltar, were a very good thing. We all knew that, of course, in the background to that we had a disagreement as to the international tax agreement between Gibraltar and Spain. For that reason, we agreed – and at that time we wrote down that agreement – that we would amend our Income Tax Act so that, in future, the Government was able to have a fast-track procedure for bringing into effect double taxation agreements which were in keeping with the standard agreements that hon. Members will know the OECD does – some of them deviate, of course; you have the standard agreement with some deviations between countries – or an agreement which was different. We are very clear that the agreement between Gibraltar and Spain is slightly different to the standard, for reasons that we will go into detail with the motion, but the Government and the official Opposition agreed that we would do this by using the mechanism that was in place at the time – that is to say, no mechanism at all really, which required parliamentary scrutiny – to allow through the UK-Gibraltar double taxation agreement, but that we would then put in place a mechanism which enabled parliamentary scrutiny of any agreement which was not in keeping just with the OECD standard.

1015 There are many such agreements and there are many good reasons for entering into such agreements. We can have a disagreement as to whether or not the one with Spain is a good reason, and hon. Members have a motion for that purpose, but we may in future also agree that there is a good reason to have a non-standard agreement with another nation.

1025 Let me give the House an example. If the United States wanted a double taxation agreement with Gibraltar, it would very likely be in Gibraltar's interests to have that double taxation

agreement even if it deviated from the OECD standard, or it might not, or there might be a disagreement between us as to whether or not it would be a good thing. If there was an agreement between us, the amendment that I will propose now by this Bill would not stop us from being able to simply lay that agreement in Parliament and pass a resolution or motion that allowed it to become law. If there was a disagreement between us, then there would be an opportunity, but not an obligation, to have a debate on the motion or resolution, in order to have all those issues transparently dealt with in the context of the Parliament. That is what we agreed we would do in March 2020. For that reason, we published, as we agreed to do in March 2020, the Bill for the next sitting of the House. We could not quite find that Bill, so we quickly published one last week; that is why I am withdrawing one.

Mr Speaker, the Bill that we have proposed, I think, actually, on reflection a year later, can be slightly amended to be improved in the way that I will refer to the hon. Gentlemen. All I am going to do is move words from one place to another, so that the Parliament can have its 14 days for its motion or resolution, but the 14 days do not run after the debate, because there is no point in the time running after the debate; the time has to run before the debate, and I think that is what we agreed we wanted to do.

What I am going to propose is the following. I am going to read the section as I propose that it should be amended in the amendment:

A notice made under subsection (4) must be laid before Parliament at least 14 days prior to its approval by motion or resolution and publication in the Gazette.

The way the sentence reads in the Bill, it says:

A notice made under subsection (4) must be laid before Parliament and approved by Motion or Resolution at least 14 days prior to its publication in the Gazette.

I think that does not give hon. Members the protection they want, because the Bill as proposed means that the Government has to come to the House with the text of the agreement, table it, and then – in my interpretation of that section, which we agreed together at the time – could have the debate immediately, then wait 14 days and publish in the Gazette and it takes effect. That would have the effect of permitting a Government to surprise an Opposition with an overnight publication of a treaty, having a debate that they have not had 14 days to think about, and waiting the 14 days after the debate. That is not what we were trying to do. We were trying to ensure in what we did, which we agreed, that the Government would table the tax treaty that it wanted to get through, which was different to the OECD model, for at least 14 days, so that an Opposition had 14 days to prepare for a motion or resolution, then have the debate, and then publish. Mr Speaker, I have one copy, which is track-changed. If the Clerk can have it photocopied, I can give it to Mr Speaker and hon. Members opposite. Then hon. Members will have the guarantee that the text of the international tax treaty proposed would be laid on the table here for at least 14 days before the Government was able to have a motion on it and a resolution on it and proceed with it. Otherwise, under the terms of the section in the Bill it is not clear that the waiting period has to elapse before the motion; it could elapse after the motion, which I think is unsatisfactory. That is how I propose to amend the section.

The key driver here is that it is agreed between the Government and the Opposition that an international tax agreement which is not on the OECD model must pass the test of scrutiny in this Parliament, and therefore must be open for debate by Members in this Parliament if there is a reason why any Member would think that it should not be approved by motion or resolution; and then, if the Parliament were not to approve by motion or resolution that that international tax agreement should become law in Gibraltar, it would not become law in Gibraltar. I think that is an agreement we have reached which is good for all sides. I think it is an agreement that can endure for future generations of parliamentarians. Wherever the parties may be on either side of this

House, we will all have the certainty that a non-standard international tax arrangement between Gibraltar and another tax authority cannot be brought into law by regulation by a Government; it must pass muster in this House and must allow parliamentarians, Oppositions in particular, the opportunity to put their arguments and seek to convince the Government why those arrangements should not become law.

Mr Speaker, I have indicated to hon. Gentlemen how I will amend the Bill at Committee Stage; they will now have the opportunity to see that in a tracked-change version of the Bill.

I commend the Bill, as I propose to amend it, to the House.

Mr Speaker: I am afraid the Hon. the Chief Minister has jumped the gun somewhat, so I am just going to ask by putting the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Income Tax (Amendment No. 2) Bill 2020 – Second Reading approved

Mr Speaker: The Chief Minister has already spoken on the general principles and merits of the Bill, so I am now going to ask the Opposition.

Hon. R M Clinton: Thank you, Mr Speaker.

I am grateful to the Chief Minister for bringing this amendment to the House, as he promised he would. I can quote him from the *Hansard* of 20th March 2020, for the benefit of Members, at line 2090:

I will also bring a further amendment at the next meeting of the House to require that double taxation agreements are tabled and debated by motion or resolution before they are given effect. I will do that after a request from the Leader of the Opposition to amend the legislation in that way. This is the position in most other parliaments applying what is known as a dualist model of international law, where such agreements have to be debated as they are dealt with as treaties requiring activation into the national body of laws of each state or *corpus juris*.

And so we have no real problem with the principle of what it is we are trying to achieve with this Bill. We note the amendment that the Chief Minister proposes and there is only one thing that I would ask the Chief Minister to consider. If you take this in conjunction with subsection (4), which sits above it, subsection 3A(4) reads, as it reads now:

The Minister may, by notice in the Gazette, amend, add to, delete from, revoke or replace Schedule 12.

By changing the order in the amended (4A) suggestion, the Chief Minister effectively would, by publishing first in the Gazette – if I am reading this right – give effect to it. So, what we would suggest is – and, again, subject to whether we are reading this correctly – in subsection (4) perhaps add another slight amendment saying ‘subject to (4A) the Minister may’. I do not know whether that would work, or not. I am happy to give way.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman is raising a point that does not arise, because of where I propose ‘before’ should be. The new (4A) will read:

A notice made under subsection (4)

– that is what he has just referred to, not one that needs to be published in the Gazette –

must be laid

1105 – that is imperative language –

at least 14 days prior to its approval by motion or resolution and publication in the Gazette.

So, the notice that is envisaged under (4A) is a draft notice, in effect. It cannot be published in the Gazette on the terms of (4A) until the House has approved it by motion or resolution. That is how we have read it, so we were not trying to steal a march at all. I think this is an agreed issue and we think that this deals with it, because it says before then.

1110

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his clarification on the drafting, and I think that that addresses the points quite nicely.

The only other question I would ask is: the Chief Minister is aware that we have already a motion on the Order Paper – how would he envisage the Income Tax Bill as amended, and the requirement for resolution to marry with the existing Opposition motion?

1115

Other than that, Mr Speaker, the Opposition will obviously have to vote on the amendment, but I think we are content with the amendment as drafted.

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

1120

Hon. K Azopardi: Just on the last point, not phrased as a question, but before the Chief Minister answers I would just remind him, in case he needs reminding – he may not need reminding – that we had an understanding that there will not be domestic effect given to the Spanish tax treaty until the motion that lies on the Order Paper in my name is taken, and so it may require exceptional treatment in relation to that. That is the only point I would make as a contribution on this particular issue.

1125

Mr Speaker: The Hon. the Chief Minister.

1130

Hon. Chief Minister: Mr Speaker, not only do I not need reminding, I set out two undertakings to him in my letter of March last year: I undertook not to publish the Gazette bringing the UK-Spain treaty into force before the amendment to the legislation, and the last limb of my letter to him actually reads as follows:

Additionally, I also undertake not to publish the Gazette notice bringing the UK-Spain treaty into force before the debate you have filed for a motion in respect of this treaty is held.

1135

That is the position that the Government holds to. I am going to invite him to have his motion heard as soon as this amendment is passed and I have laid the treaty today, so that we can have it for the next ... immediately after ... I mean 14 days after. Do not worry. It has got to be on the table for 14 days, so immediately after those 14 days have expired. So, I imagine in the beginning of the last week of this month we will suspend Standing Orders so that he can bring his motion.

1140

He and I should have a discussion about how we should deal with the mechanics of motions now, because he will have a motion that will produce a debate on the tax treaty, which is his pre-existing motion, then this Bill will also propose a motion for the Government to pass the treaty, and we might take the view that we all want to give our speeches on one motion rather than the other motion, his motion being the one that is first in time, although it would not usually be the first to be dealt with because it would be the Government motion that would be dealt with first. I do not mind, exceptionally in this instance, Mr Speaker, permitting the Opposition motion to go first, in order to ensure that the debate is on the terms of the motion that they have filed, and then he and I can agree whether the Government then puts a motion to be dealt with after that, or whether the Government simply amends his motion, as part of the debate on his motion, to end up as the motion that needs to be passed for the treaty to be permitted publication.

1145

1150 Mr Speaker, if I can propose to the hon. Gentleman that we take that discussion offline and not have it across the floor of the House, it is probably going to be easier. On that basis, I commend the Bill to the House.

1155 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment No. 2) Act 2020.

**Income Tax (Amendment No. 2) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1160 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill will be taken later today, if all hon. Members agree.

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

**Animals (Amendment No. 2) Bill 2020 –
Second Reading approved**

Clerk: We now proceed to the Animals (Amendment No. 2) Bill.

1165 **Mr Speaker:** The First Reading has already been completed.

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, yes, the First Reading was taken some weeks ago. I have the honour to move that the Bill be now read a second time.

1170 Service animals, police dogs in particular, provide a valuable contribution to law enforcement in Gibraltar, as elsewhere. Our law enforcement agencies rely on the bravery and unique skills of their service animals in the performance of their duties. In recent years, the importance of granting legal protection to their animal colleagues has been made by various law enforcement officers, particularly since the discussion in the UK of what is known as Finn's Law. Finn is a police
1175 dog who, whilst bravely restraining a robbery suspect in Stevenage, in the UK, was stabbed with a 10-inch knife in the chest. Despite suffering this serious injury, Finn stayed to protect his handler. The suspect then lunged towards the police officer, at which point Finn put himself between the knife and his handler, which resulted in Finn's head being slice open. This action saved the police officer's life. Thankfully, Finn made a full recovery and was able to return to work within 11 weeks.

1180 Police dogs and other service animals provide a vital service, but charges are rarely brought when they are hurt or injured, likely due to the fact that the law does not expressly provide for an offence of this nature. The UK, and other jurisdictions including Canada, have now enacted legislation which will bring justice to animals in service. Gibraltar's service animals must not be left behind.

1185 This Bill is based, in part, on the English Animal Welfare (Service Animals) Act 2019, which was enacted in the UK following Finn's experience. The Bill will amend the Animals Act to expressly provide that a person will be committing the criminal offence of cruelty if he beats, kicks, wounds, ill-treats, injures or otherwise causes any unnecessary suffering to a service animal. The offence of cruelty carries a penalty on summary conviction of imprisonment for up to 12 months or the

1190 statutory maximum fine, or both, and on conviction on indictment to imprisonment for five years. Whilst this is the same statutory penalty as other incidences of cruelty to animals, the UK sentencing guidelines, which are regularly used as a reference by the Gibraltar courts, provide that the fact that the cruelty is perpetrated against an animal in public service is an aggravating factor when considering the appropriate sentence.

1195 Service animals are defined as being animals under the control of relevant officers provided they are in the control of the relevant officer at the time, in other words that the animal is in the course of its duties when injured. The use of the animal by the officer must also be reasonable in all the circumstances. This last part of the definition is intended to safeguard a defendant's constitutional right not to suffer inhuman or degrading treatment at the hands of the state.

1200 Service animals are painstakingly trained by dedicated officers to ensure that they do not cause any physical harm to a suspect. If the animal is not handled reasonably and does cause harm to a person, then a suspect must be allowed in law to attempt self-defence. The Bill therefore carefully balances animal welfare and protection of human rights. The relevant officers under the Bill are officers of the GDP, RGP and HM Customs. The Bill also provides for a person with any of the powers of any of the three aforementioned forces, which will provide protection to animals in the event that any special forces are required in Gibraltar for any reason.

1205 This Bill will ensure that service animals are not to be treated as equipment but as what they really are, key members of the law enforcement team and providers of essential services to the people of Gibraltar.

1210 I commend this Bill to the House.

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

1215 **Hon. E J Phillips:** Mr Speaker, I rise to support this on behalf of the Opposition, and echo the sentiments by the Minister insofar as those service animals that support the good work of our law enforcement agencies, including GDP, RGP and Her Majesty's Customs, and of course support the protection mechanisms provided for in this Bill to protect our four-legged friends on the beat each day in Gibraltar. We support fully this piece of legislation.

1220 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals Act in relation to service animals be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1225 **Clerk:** The Animals (Amendment No. 2) Act 2020.

**Animals (Amendment No. 2) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, I am grateful for the support of the Opposition and I beg to give notice that the Committee Stage and Third Reading of the Bill will be taken later today, if all hon. Members agree.

1230 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Gibraltar National Trails Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails; and for connected purposes.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails, and for connected purposes, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar National Trails Act 2020.

**Gibraltar National Trails Bill 2020 –
First Reading approved**

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time, and I refer to my letter of 29th September, in which I proposed to introduce a number of minor amendments at Committee Stage, to delete a number of superfluous words which make no important difference to the substance of the Bill.

We are incredibly fortunate in Gibraltar to have a wide range of natural, historical and cultural heritage to enjoy. These past few months in particular, there has been a significant increase in our interest in enjoying the outdoors, when we have been able to go out during times of partial lockdown, and perhaps discovering the less trodden parts of Gibraltar or those areas which we have left unvisited for some time.

The Government's 2019 manifesto committed to a green Gibraltar and a child-friendly city, and this Bill delivers on both of these fronts. The Bill grants to the public rights of access over certain areas of land which are to be known as the Gibraltar National Trails. The purpose of these access rights is for people to enjoy Gibraltar's cultural and natural heritage for recreational purposes, for people to have more opportunities to go for walks or jogs, or simply to explore the Gibraltar outdoors, to enjoy our unique biodiversity and to learn about our rich history.

The drafting of the Bill has been largely bespoke, given that Gibraltar's geography differs considerably from the United Kingdom's, or indeed any other territories'. However, the concepts

1275 and certain provisions of the Bill have been based on certain Acts of the United Kingdom and Scottish Parliaments, including the National Parks and Access to the Countryside Act, the Countryside and Rights of Way Act, the Countryside (Scotland) Act and the Land Reform (Scotland) Act also. Like the Bill, those Acts aim to ensure that the natural landscape is made available to the general public for their enjoyment.

1280 The Bill is divided into four Parts. Part 1 contains the definitions used in the Bill, two of the most important definitions being 'cultural heritage' and 'natural heritage'. Together, these terms bring together all of Gibraltar's rich heritage, which the Bill safeguards for the enjoyment of the public.

1285 Part 2 of the Bill creates a body responsible for promoting and exhibiting Gibraltar's natural, geographic, historic and cultural assets. The Coordination Board set up will be made up of members who, as a collective, will have knowledge and experience on environmental, cultural and natural heritage matters. The Coordination Board will report annually to the Minister having responsibility for the environment with a report containing general information on the discharge of its duties during the preceding year.

1290 Part 3 of the Bill creates the National Trails. These are paths, trails and routes, many of which are established – in fact, most of which are established – and which are marked on plans contained in the Schedule. The 16 National Trails cover coastal paths, green areas, historical batteries and a number of areas in the Upper Rock. The National Trails are varied in terms of length and difficulty, which will ensure that they are as accessible as possible. There is also scope within the Bill to add to these 16 National Trails in certain circumstances. The public will have access rights to all the National Trails for recreational and educational purposes. The Bill also ensures that the few do not spoil it for the many, by including obligations on the public to exercise their rights to access the trails responsibly. Among other things, this means that the public may not take or disturb animals or nests, destroy or remove plants, light fires, leave litter or rubbish, or cross National Trails with motorised vehicles – except, of course, mobility scooters or motorised wheelchairs, where these can be managed on those particular trails. The Department of the Environment will be responsible for ensuring that the National Trails are open and safe, and has the powers to put up notices, fences and so on.

1300 Finally, Part 4 of the Bill makes provision for Crown land and the application to vehicles in service of the Crown of the restrictions on vehicles accessing the National Trails.

1305 In conclusion, this Bill will ensure that the gems of Gibraltar's heritage are properly enjoyed by the people of Gibraltar, and indeed visitors when we are fortunate enough to have them again. It will encourage people to get outdoors, spend leisure time in Gibraltar to develop a greater appreciation and understanding of our unique land, and enjoy our green Gibraltar.

1310 Mr Speaker, I commend this Bill to the House.

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

1315 **Hon. E J Phillips:** Mr Speaker, the Opposition will support the Bill as presented by the Hon. Minister.

1320 We agree that the COVID-19 pandemic has brought into sharp focus the utilisation of our magnificent Rock as a venue for ramblers, and indeed for others to frequent the Upper Rock from time to time. One of the things, on my own ramble up the Rock quite recently, is it allows the opportunity for people who would otherwise frequent other parts of the geography in which we live, i.e. our neighbours in Spain ... who have said to me on a number of occasions that they are now rediscovering Gibraltar and places they had been to when they were children. Mr Speaker, it does receive the full support of the Opposition.

1325 One aspect that has been drawn to my attention by Opposition colleagues here is whether section 6(1) should provide for the annual report to be laid on the table of this House. I wonder whether the Minister might comment on that now, or indeed consider at Committee Stage

amending section 6(1) to provide for the annual report to be laid on the table of this House when it is prepared.

1330 Mr Speaker, I think, consistent with the Government's policy to create a child-friendly city, of course we must ensure that we encourage many of our young people and our elderly citizens to increase their activity on and around our pathways in Gibraltar, particularly the Nature Reserve.

Mr Speaker: The Hon. Marlene Hassan Nahon.

1335 **Hon. Ms M D Hassan Nahon:** Mr Speaker, just briefly to let the Minister know that any legislation aimed at safeguarding our heritage and surroundings will always be met with approval from Together Gibraltar, so I thank him for putting this forward. This Bill, at a time like this, does not only take care of the environment, in our view, but also takes care of the mental health of our community. Of course it is a good thing, so I will be supporting this Bill and I look forward to
1340 enjoying its full enforcement and implementation.

Thank you.

Mr Speaker: The Hon. the Minister.

1345 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Members opposite for their support. This is something that I agree is for the benefit of the whole community. I have no objections to the report being laid before Parliament and will propose just a few words to add to section 6(1) at Committee Stage. There is no problem about that whatsoever.

1350 With that, Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today – I think I may have gone too far, no? – if all hon. Members agree.

1355 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1360 **Clerk:** The Gibraltar National Trails Act 2020.

**Gibraltar National Trails Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): With apologies for having said this already, Mr Speaker, I now beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1365 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Climate Change (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Climate Change (Amendment) Act 2020.

**Climate Change (Amendment) Bill 2020 –
Second Reading approved**

1380

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time.

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The Climate Change Act set targets for the preparation of reports and the publication of plans and targets for October 2020. This was at a time when we did not have the slightest inkling that we would be facing the pandemic that we faced. Faced with that, as October approached, the proposal was that we should extend this to 31st December. Subsequent to that, because we were not able to see the back end of COVID, a number of commitments stepped in which created considerable disruption in the work of the Department of the Environment – and, indeed, the UK consultants who were helping us with these targets, who were unable to dedicate the necessary time within the time limit ... staff redeployment; also, in connection partly with COVID and partly with Brexit, work in the Department, as 31st December approached, ensuring that we were able to deal with moving waste out of Gibraltar and keeping food supplies in, meant that there was a further delay in the preparation of these plans and targets.

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I now know and am confident that we will be able to produce these by 31st March. Mr Speaker, I wrote to you on 9th December proposing that the original amendment be changed in order to give the Department more time to prepare these technical reports, targets and plans and postpone these to 31st March 2021. It is for this unfortunate reason – I wish we did not have to do this – that I commend the Bill to the House.

1400

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

1405

Hon. E J Phillips: Mr Speaker, I am grateful for the Minister's explanation of the extension of the periods of time for sections 45 and 47 respectively of the Climate Change Act. It is a helpful reminder that this House voted on a motion in favour to declare a climate emergency, so we cannot underestimate the disappointment that may be felt by many members of our community that the Government cannot, for the reasons that he articulated, get on with its plan for dealing with promotion of energy efficiencies and promotion of renewable heat. So, it is of great disappointment not only to those of us in the House who are passionate about improving the quality of life for our citizens and our children for the future, but also those organisations that

1410 really want to see us all getting on with it. But he has articulated those reasons. They are, as far
as I understand it ... I take it on good faith that these are good reasons for delaying the time period
set out in the Act, and for those reasons we will support the Bill.

Mr Speaker: The Hon. Marlene Hassan Nahon.

1415

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

I will just say that I consider it worrying to see that the Government has seen fit to extend
climate targets by three months, even though lockdowns and COVID restrictions have triggered a
dramatic fall in global carbon emissions throughout the world. Government policies during the
1420 COVID-19 pandemic have drastically altered patterns of energy demand around the world. Many
international borders were closed and populations were confined to their homes, which reduced
transport and changed consumption patterns. A study published in the journal *National Climate
Change* quantified the reduction, and global CO₂ emissions decreased by 17% by early April 2020,
compared with the mean 2019 levels, just under half from changes in surface transport. We also
1425 saw a dramatic reduction in all forms of the traffic in and out of Gibraltar, yet the Government is
telling us that it needs to extend the deadline by three months retroactively in order to meet their
projected targets. Something is not right when we are unable to meet our targets on climate,
despite these massive serendipitous reductions.

Climate cannot wait. If the science is telling us anything, it is telling us that we have to bring
1430 our timelines forward, not backward. We need to make action against climate change a real
priority, not just mere electioneering slogans, and we need to do it now. If we do not, there is a
real risk that the COVID crisis will just be a taster of things to come and something that we learned
very little from.

Mr Speaker, I will be abstaining from voting in favour of this Bill in principle, as I would not
1435 want to send out a message that delaying targets is something we approve of.

Thank you.

Mr Speaker: The Hon. Minister.

1440 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Hon. Mr Phillips for his support.

I am a little bit confused as to the position of the hon. Lady. We are not delaying the targets
themselves. What we are doing is providing more time to actually provide the technical reports in
setting those targets, and therefore we have not relinquished in any way our ambition, our passion
or our commitment, but we need more time because the officers involved have been dedicating
1445 their time – and I pay tribute to them – to ensuring that Gibraltar continues with the lines of food
supply, continues being able to deliver waste, and redeploying their services to helping in the fight
against COVID. It is purely because they have been dedicating their time to those issues – including
my time as Minister for Public Health; a lot of my time has gone, particularly in the early stages,
to dealing with COVID – that we have not had the time to provide the technical reports with the
1450 proper due diligence and thoroughness in order to have met the target of producing those reports
in October. We felt that that would have been rushed and therefore we required more time. That
is the reason, and I think I needed to clarify that.

I repeat my appreciation of the Hon. Mr Phillips' support.

1455 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Climate Change
Act 2019 to extend certain dates for the publication of targets and plans be read a second time.
Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Climate Change (Amendment) Act 2020.

**Climate Change (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

1460 **Minister for the Environment, Sustainability, Climate Change and Education (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
1465 Bill be taken today? (**Members:** Aye.)

**Commonwealth Park (Amendment) Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to amend the Commonwealth Park Act 2014.
The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):
1470 Mr Speaker, I beg to give notice that the Committee ... Sorry, wrong page – too many things
happening this afternoon!

I have the honour to move that a Bill for an Act to amend the Commonwealth Park Act 2014
be read a first time.

1475 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Commonwealth
Park Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Commonwealth Park (Amendment) Act 2020.

**Commonwealth Park (Amendment) Bill 2020 –
Second Reading approved**

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):
1480 Mr Speaker, I have the honour to move that the Bill be now read a second time.

This is a very simple amendment. This is extending the provisions of the Commonwealth Park
Act and the secondary regulations which set out the rules which are applicable within
Commonwealth Park to the new park at Midtown, so that the same rules that have governed
Commonwealth Park so successfully and have allowed the public to enjoy its use be applied to the
1485 new area of Midtown Park.

That is all I have to say on this matter, and I commend this small extension to the House.

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

1490 **Hon. E J Phillips:** Mr Speaker, I am grateful for the Minister's explanation as to the extension,
effectively, of Commonwealth Park to what we refer to as Midtown Park.

Just one question I would have for the Minister: has the Government conducted an analysis of
how it can get economies of scale from the maintenance of the Commonwealth Park extended to
1495 Midtown? I assume that at some point those who have a legal obligation to maintain the
Commonwealth Park under the contract ... that will simply be then extended to Midtown. I assume

that the Government has negotiated separately in relation to those arrangements and they are of course prudent arrangements.

1500 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, it is subject to discussion and will be reflected in the budgets of expenditure which will be brought before this House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1505

Clerk: The Commonwealth Park (Amendment) Act 2020.

**Commonwealth Park (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the Environment, Sustainability, Climate Change and Education (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.

1510

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

**Limited Partnerships Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes.

1515 The Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes be read a first time.

1520

Mr Speaker: I now put a question, which is that a Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1525 **Clerk:** The Limited Partnerships Act 2020.

**Limited Partnerships Bill 2020 –
Second Reading approved**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I will be speaking to the Limited Partnerships Bill and also referring to the Protected Cell Limited Partnerships Bill, which is on the Order Paper immediately after this Bill, so I will be talking to them together.

1530 I am grateful to my friend the hon. Member Mr Bossino, who has conferred with me in respect of both of these Bills. We have shared information in respect of the same, and I am grateful to him, although I will indicate it later, for his support.

1535 Since election to Government, we have worked very closely with the Gibraltar Funds and Investments Association and the Gibraltar funds community as a whole to address their ambitions and to update our legislative position with the introduction of interesting and innovative products in the new post-Brexit world of opportunity. We have already seen much success with Gibraltar's crypto funds, and the Government continues to support GibFIA with its business development in the traditional markets, particularly in London, in order to strengthen the growth of Gibraltar's fund industry as a whole.

1540 I have pleasure in laying the Limited Partnerships Bill and the Protected Cell Limited Partnerships Bill, as these Bills have resulted from a feasibility survey of multi-strategy credit structure and solutions requested by Government and undertaken by Paul Hastings LLP in London. They have been able to leverage the international presence to advise Government on various equivalent European fund regimes. The focus of the survey was on improvements that should be
1545 made to our legislation and regime in Gibraltar, making it as competitive or even more competitive compared with equivalent regimes in Europe. These Bills place Gibraltar's funds industry in a strong position for many years to come, and our Government will continue its business development work in order to promote this new product offering internationally.

1550 Mr Speaker, the Limited Partnerships Bill is a Bill to repeal and replace the existing Limited Partnerships Act 1927, restating and modernising the existing legislation which, as its title indicates, was enacted over 90 years ago and is in dire need of an update in order to bring our framework in line with market developments.

1555 The Bill has been designed to provide a framework, amongst other things, to allow for the interests in a limited partnership that is an experienced investor fund to be represented by shares, bonds, notes, loans, or other debt securities or instruments. This will allow limited partners to undertake a more active role in the affairs of the limited partnership without forfeiting their limited liability and the general partners of a limited partnership being able to elect whether or not the partnership is to have legal personality.

1560 I must thank the executive committee of GibFIA, Jay Gomez and James Lasry previously, and also, in particular, Jonathan Garcia, who is the Head of Technical at GibFIA, who has led on this this initiative and whose worked over the past 15 months or so, at no cost to Government, has been most welcome. He has been instrumental in putting this together and I would also like to thank Paul Hastings of London, who advised Government, Julian Santanello of the FSC and Jonathan Breckon, who assisted in developing the draft Bills that are before us today. I am most
1565 grateful to each and every one of them, and we look forward to continuing our work with them to promote Gibraltar to a global audience.

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

1570

Hon. D J Bossino: Mr Speaker, I, too, wish to acknowledge the assistance which the Minister has provided. He has given me prior warning and notice of what he was going to be saying today.

I can say that the Opposition will be supporting this Bill. It is certainly something which we support not least from the perspective that it is going to make this jurisdiction, in respect of this sphere, more competitive – he says competitive or more competitive in his opening remarks, and that is certainly something, especially in this very tough economic environment, that we find welcoming and will be supportive of.

What I would raise with him, and I will go into some of the issues that arise from the Bill, is that I was rather surprised to learn – and I give him the opportunity to clarify, for the purposes of *Hansard* and the record, this particular issue, which is that there is a particular body, from my inquiries, that has not been consulted, and that is the Law Council. I say this not by way of criticism, but I made inquiry in relation to this Bill, not in relation to the other one that we will be discussing shortly, and I give him the opportunity to state what the position is in relation to that.

Moving on to the substance and the specifics of the Bill, I beg your permission, Mr Speaker, if I delve sometimes into issues which possibly may more properly be raised at the Committee Stage, but there are not that many and I simply raise them now so that the Minister has an opportunity to think about them and flag them so that we can then have a discussion about it, or he can decide whether he accepts my recommendations in relation to those particular issues.

The definition of ‘the Minister’ – this, I think, is not a matter of detail, but actually a substantive matter – is the Minister responsible for Finance, and I wonder whether that is done on purpose. I understand that that portfolio is currently held by the Chief Minister, and traditionally that has been the case, but I wonder if the more appropriate ministerial responsibility should be that held by the Minister for Financial Services, as opposed to the Minister for Finance. If it is the Minister for Finance, then I would request the hon. Member to explain why that is the case.

There is a point here of detail, which I think I will leave for Committee Stage, and that arises in relation to clause 5(5). There is a reference to a limited partnership as ‘his’ or ‘her’. It is not normal legislative language that one sees. It is normally in the masculine, but in any event a limited partner as provided expressly in the Bill can also be a corporate, so I am wondering whether that can be addressed: whether it should be ‘his’, ‘her’ or ‘its’.

Moving on to clause 8(3), the points I am making will only be understandable to him if he also reads 8(2). Clause 8(3) starts with ‘Those documents are’. I am assuming – but this is only an assumption and I would recommend that the Minister considers this and makes the language clearer, so that the point is not, dare I say, a cause for confusion to practitioners – all may need the clarification of a court of law, and given that we are now dealing with draft legislation, in effect, what we do is try and sort the problems out here, or perhaps have it for the record in *Hansard* if he wants to remain faithful to that wording. Because it is certainly not clear, I am assuming that it is a cross-reference to the documents referred to in the immediately preceding sub-paragraph to the sub-paragraph, which is (2)(b), which refers to ‘the documents required to be lodged with the Registrar of Companies for the purposes of paragraph 2(1)(a) of Schedule 1 to that Act.’ I think it requires more specific language and perhaps language which is further up in subsection (2), where it states, if the Minister reads it, ‘the statement specified in section 7’, so the document specified in section (2)(b) may be a solution for him.

In relation to 8(3)(c), there is a reference to ‘Community requirement’ – Community with a capital C. It is not defined in this legislation. I had a quick look at the Interpretation and General Clauses Act. There is a reference to ‘Communities’ in the plural and it broadly refers to the EU, in effect the EEA states etc., and I wonder whether that is what that is meant to be referring to. I would ask him, secondly – and this would go, I would say, to the principles of the Bill – why, given our departure from the EU, that remains there. There is also some confusion in that same sub-paragraph because it refers to ‘licensed or authorised in accordance with a Community requirement other than one falling within sub-paragraph (i) or (ii),’ and it is not clear which sub-paragraphs that is referring to.

I do apologise. My practice normally is to give notice to Members opposite of these specific points. I know I do not have to, but it does assist to get the business of the House moving along a bit more efficiently, so I apologise that I have not had an opportunity to do so.

1625 I would also flag (3)(e), the last sentence. I will read it from the Companies Act 2014. It says:
or the consent in writing to the deregistration of every registered mortgagee or charge has been obtained.

I am not sure whether the consents would be required from the chargee, as opposed to the charge, and again I just raise it for him to flag and consider.

1630 At 14(1) there is a reference to the requirement to advertise certain activities in the Gazette, and it states that arrangements and transactions have to be advertised 'without delay'. There is no specific time, and I wonder why that is the case. It is very odd, I think, in legislation.

1635 In 17(2) there is a reference, quite rightly, to 'Limited Partnerships' – capital L, capital P. I think it is a defined term. Actually, no, I say that in error. It is a reference to the title of Assistant Registrars of Limited Partnerships. But then it says 'of Limited Partnerships Companies', and I am not sure whether the word 'Companies' is otiose to requirements for the purposes of the description of the title and perhaps should be deleted.

At 29(2), if the Minister wishes to flag this, it is a section which deals with the Charges Register. It is a defined term in 29(1), but then, in the next section, section 29(2), it goes back to form and refers to 'the Register'. It should be 'the Charges Register', so I recommend the addition of the word 'Charges' before 'Register'.

1640 I may be done ... That is the sum total of my contribution today. I am sure that the Minister has taken assiduous note of everything I have said and will be responding, hopefully positively, to the points that I have made, and hopefully we will produce a better law. I am grateful.

1645 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Albert Isola.

1650 **Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Member for his comments. What I would say in respect of his detailed observations is I will certainly go back to the drafters, who are not here with us because of the space restrictions.

1655 This draft Bill has been drawn from a comparative analysis of how many other jurisdictions use these particular vehicles and how we can enhance and improve on those, so it may be that some of these changes that the hon. Member has brought to my attention, which we will look at, are correct in being errors. It is perfectly possible, but from the experience of having worked with them, the attention to detail on each word and what turned on it was particularly impressive. Indeed, the hon. Member referred at the outset to limited liability partnerships and the difficulty in understanding the difference between these, which are limited partnerships, and limited liability partnerships, which are completely different vehicles, so it is a highly technical area. I will certainly take back all of the comments that the hon. Member has kindly brought to my attention and review them in some detail, which I cannot do now.

1660 With regard to the comment on the Law Council, I am surprised by that comment because the Law Council are able to see these Bills, which were published on 29th October 2020. My door is open to them always. And of course we have worked very closely with the Finance Centre Council in respect of all of the legislation and they sit on the Finance Centre Council also, and, to boot, the members of GibFIA I have worked with – James Lasry from Hassans, Jay Gomez from Triay & Triay and Jonathan Garcia from Isolass – are all members of the Law Council. So, I am slightly surprised that the Law Council would think that they had not been consulted, because, as far as we are concerned, they have been. Notwithstanding that, as always, we are open to them and to any comments they have, not just in respect of this but any other piece of legislation which they may have an interest in.

1670 Thank you, Mr Speaker.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Limited Partnerships Act 2020.

**Limited Partnerships Act 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): 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. agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Protected Cell Limited Partnerships Bill 2020 –
First Reading approved**

Clerk: A Bill for an Act to provide for protected cell limited partnerships in Gibraltar.
The Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to provide for the protected cell limited partnerships in Gibraltar be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the protected cell limited partnerships in Gibraltar be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Protected Cell Limited Partnerships Act 2020.

**Protected Cell Limited Partnerships Bill 2020 –
Second Reading approved**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Along the same lines as in respect of the Limited Partnerships Bill, the base of this Bill is the co-operation and work we have been undertaking with the Gibraltar Funds and Investment Association. My thanks to them again for their proactive and innovative approach to this work.

The Protected Cell Limited Partnerships Bill is a Bill for an Act to allow experienced investor funds that are established as limited partnerships to create one or more cells and allow them to establish an umbrella structure for the purpose of protecting and segregating cellular assets from non-cellular assets, keeping each cell separate and separately identifiable from other cells. This Bill has been designed based on the existing protected cell company legislation that was first introduced in Gibraltar in 2001. The Limited Partnerships Bill and the Protected Cell Limited

Partnerships Bill serve to represent the Government's continuing support for and commitment to the development of our funds industry as a whole and are the product of a joint effort between Government and GibFIA, who are and have been for a very long time our great partners in fully understanding the power of working closely together for the benefit of the jurisdiction. There is no need for me to thank them again, but I thank them all the same.

Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, simply to confirm the Opposition's support again for this legislative initiative. We take a lot of solace and comfort from the fact that there has been full consultation with the interested stakeholders – and not just consultation, but I think, from what the hon. Member the Minister is saying, in fact it is an initiative which has come from them that has been brought to the Government and the Government has taken it on board. Again, it is a further offering to our economic offering, which is, dare I say, so much needed in these very trying times. So, I commend the Minister for having listened to the individuals and the relevant stakeholders concerned. I commend him for bringing this Bill to the House, and I can assure him that we will all be supporting it.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to provide for protected cell limited partnerships in Gibraltar be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Protected Cell Limited Partnerships Act 2020.

**Protected Cell Limited Partnerships Act 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): 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 Bill be taken today? (**Members:** Aye.)

**Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –
First Reading approved**

Clerk: A Bill for an Act to amend the Proceeds of Crime Act 2015; to amend the Financial Services Act 2019; to amend the Supervisory Bodies (Powers etc.) Regulations 2017; to amend the Gambling Act 2005; to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016; to amend the Terrorism Act 2018; to amend the Insolvency Practitioners Regulations 2020; to amend the Register of Ultimate Beneficial Ownership Regulations 2017; to amend the Trustees Act; to amend the Private Foundations Act 2017; to amend the Terrorist Asset-Freezing Regulations 2011; to amend the Sanctions Act

2019; to amend the Chemical Weapons Sanctions Order 2019; to amend the Democratic People's Republic Of Korea Sanctions Order 2018; to amend the Friendly Societies Act; to amend the Charities Act; and to amend the Companies Act 2014.

1750 The Hon. the Minister for Digital, Financial Services and Public Utilities.

Mr Speaker: Will the Hon. Minister say that I have received a letter from the Chief Minister speaking about the urgency of this Bill, following section 35(3) of the Constitution?

1755 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Yes, Mr Speaker.

I have the honour to amend the Proceeds of Crime Act, to amend the Financial Services Act, to amend the Supervisory Bodies Regulations 2017, to amend the Gambling Act, to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations, to amend the Terrorism Act, to amend the Insolvency Practitioners Regulations, to amend the Register of Ultimate Beneficial Ownership Regulations, to amend the Trustees Act, to amend the Private Foundations Act, to amend the Terrorist Asset-Freezing Regulations, to amend the Sanctions Act, to amend the Chemical Weapons Sanctions Order, to amend the Democratic People's Republic Of Korea Sanctions Order 2018, to amend the Friendly Societies Act, to amend the Charities Act and to amend the Companies Act 2014, to be read a first time, Mr Speaker, as you have asked.

1760 The Chief Minister issued his letter on 8th February – 5th February, the handwriting is worse than mine – granting a Certificate of Urgency in respect of this Bill for the reasons I will mention in my address on the principles.

Thank you, Mr Speaker.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Financial Services Act 2019, to amend the Supervisory Bodies (Powers etc.) Regulations 2017, to amend the Gambling Act 2005, to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016, to amend the Terrorism Act 2018, to amend the Insolvency Practitioners Regulations 2020, to amend the Register of Ultimate Beneficial Ownership Regulations 2017, to amend the Trustees Act, to amend the Private Foundations Act 2017, to amend the Terrorist Asset-Freezing Regulations 2011, to amend the Sanctions Act 2019, to amend the Chemical Weapons Sanctions Order 2019, to amend the Democratic People's Republic Of Korea Sanctions Order 2018, to amend the Friendly Societies Act, to amend the Charities Act and to amend the Companies Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Proceeds of Crime (Miscellaneous Amendments) Act 2021.

Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – Second Reading approved

1785 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I now have the honour to move that that Bill be read a second time.

The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, better known as Moneyval, is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems. In its own words:

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Through a dynamic process of mutual evaluations, peer review and regular follow-up of its reports, Moneyval aims to improve the capacities of national authorities to fight money laundering and the financing of terrorism more effectively.

As a jurisdiction, have always prided ourselves on maintaining the highest standards in financial services, particularly in the context of anti-money laundering and counter-terrorist financing. This process is a continuous one and international standards continue to evolve. In some cases, EU-driven requirements exceed those of the FATF. However, the reverse is also true, and in some instances FATF requirements are higher than those of the European Union. Therefore, although fully compliant with all EU directives as at 31st December in this area, Moneyval's Fifth Round Mutual Evaluation Report on Gibraltar, adopted by Moneyval in December 2019, identified a number of technical deficiencies. We have therefore embarked on a comprehensive review of all of these recommendations in the Moneyval report and this Bill seeks to incorporate all the legislative changes required to address the technical deficiencies addressed in the report and thereby comply with the requirements of the FATF recommendations.

The Act amends a whole series of different Acts, which you have taken us through gently as you introduced the Bill, and indeed so have I, and I will save Parliament having to listen to all those pieces of legislation again. Many of the changes are of a minor nature and have been made to address areas where Moneyval felt that our laws could be stated with more clarity. These do not change the position under our law nor the fact that in relation to these matters we are already in technical compliance with the FATF recommendations, but merely seek to clarify the intent or effect of the relevant provisions. In other cases, more substantive additions and amendments have been made extending definitions, giving authorities greater powers, changing mandatory processes and changing how some information is recorded in public registers.

I would add that we have engaged in extensive consultation with relevant interested bodies and affected persons, including the Association of Trust and Company Managers (ATCOM) through the Finance Centre Council, the Registrar of Companies, the Registrar of Ultimate Beneficial Owners, the Board of Charity Commissioners, the Registrar of Friendly Societies, the Gibraltar Financial Services Commission, the Gibraltar Gambling Commission, the Office of Fair Trading, the Legal Services Regulatory Authority, GIFU, the Royal Gibraltar Police, HM Customs and the National Co-ordinator for AMLCFT. I am grateful to all of these groups who have worked with us to deliver this Bill. I am also grateful to our Moneyval team Annette Perales, David Parodi and Kevin Warwick, as well as representatives of our public authorities, the Royal Gibraltar Police, Customs, the Finance Intelligence Unit, the Gambling Division and the Financial Services Commission, who have steered us through this legislation. I must also thank Adrian Pilcher and Michael Adamberry for their excellent work, particularly over the Christmas break when they worked through this to complete this important work in time.

Mr Speaker, I have presented the Certificate of Urgency from the Chief Minister, which I referred to earlier, as this legislation must be in place before we report back to Moneyval in March this year, and in the present circumstances, when we do not know with certainty when Parliament will be meeting, I thought it best and prudent to bring this to Parliament at the earliest opportunity. I must also say that the draft Bill was sent to the Opposition at the earliest opportunity, in December last year, in order to give them maximum time to consider the draft. The draft has changed since then, and they have also been provided with the tracked changes from the original version. I am grateful to the Hon. Mr Damon Bossino, with whom I have also been in contact in respect of this legislation, sharing the drafts and sharing the ideas and answering questions wherever possible, and I am also grateful for his support and that of the Opposition in respect of the Bill.

Thank you, Mr Speaker.

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

1840 **Hon. D J Bossino:** Mr Speaker, in relation to the final remark of the Minister, I need to confirm his assistance and confirm the fact that he did provide us with a draft of the Bill by email and all the consequential changes, which very helpfully were identified by way of track in the Word document that he sent us. Unfortunately, I think his first e-mail was received at the time I was nursing COVID, but he did copy my colleagues, the Leader of the Opposition and my hon. Friend
1845 Mr Feetham, so that they were aware of all developments at the same time, and for that I am grateful.

The Minister rightly points out that this initiative is as a result of the evaluation which was done by Moneyval. In short, that, I think on any objective analysis, we can all agree was not particularly good reading for Gibraltar. Therefore, it is highly commendable that the Government should be
1850 addressing many of the issues that they raised, in order to, hopefully next time round, with the next evaluation reach a better and more pleasing-to-the-eye target.

This is an extensive Bill, which I have reviewed in some detail. Some of those points I have raised separately, privately, with the Minister. I have given him advance notice, I think it is fair to say, of the main points that I would raise, so that he could have time to consider them. For the
1855 sake of *Hansard* and, once again, for the record – because this is perhaps not the most exciting of matters to be debating across the Floor of the House, but the reality is that for practitioners out there and for people particularly who are dealing in the financial sector, it may be of some use, and as I said earlier in relation to another Bill, hopefully it produces a better and clearer law.

From what I understand, and I have not been in the thick of it but many of these changes – I
1860 think he has mentioned it in his opening remarks – were already there in our statute book, albeit in different pieces of legislation here and there. I dare say that, perhaps because of the mindset of those individuals who were doing the review on behalf of Moneyval in our jurisdiction ... were less familiar with the way we do things in the Anglo-Saxon world and were perhaps more of the European civil law type of mentality, where you need to have it set out in clear black and white
1865 language in the particular Act – if not, it is not good enough – and really what we are doing here is raising those points that they raised to that specific statutory level.

The point I would make in terms of some of the specifics – and again, I hasten to add, the Minister is aware of it – is in relation to ... Well, maybe this is not actually a specific in terms of the language, but I would raise it and give him the opportunity to reply to me now, for the sake of the
1870 record and for the public to be aware, those who are interested. Under clauses 82 to 86, which set out all the requirements that nominee shareholders and directors have to comply with in terms of know your client requirements ... It sets it out in a lot of detail. I think most of that type of information is already sought and obtained currently in practice, but the point I want to make in relation to that is whether the Government is satisfied that the training that has been provided
1875 in relation to this is adequate and that there will be ongoing training into the future.

I move quickly on to the amendment that has been made to section 44(5) of the Charities Act, which is in clause 136 of the Bill, which deals with the extensive amendments to Part 6 of the Charities Act, if I am not mistaken. In section 44(5) it reads ... This is the assistance which the local Charities Commission is obliged to provide to enquiries made from outside our shores. It says:

Where a foreign commissioner informs the Commissioners

1880 – that is our Commissioners –

of a suspected contravention of this Act ...

and I just wanted the Minister to explain in what circumstances that could arise so that you have a foreign body telling the local body that we have breached our own Act. I just find that very difficult to get my head round. I give him the opportunity to explain that and why, in the following

subsection, where it reads, 'The Commissioners may cooperate with a domestic authority, foreign commissioner or foreign authority', it is language that is not imperative language, which therefore is suggestive that the Commissioner may exercise the statutory discretion as to whether he or she, or they then lend that support, and whether he could elucidate as to in what circumstances commissioners may refuse to give that support. I would highlight as a positive section 45, where the Commissioner still holds the ability – and maybe this reads in line with the subsection I have just addressed – to refuse to exchange information. That is good, so that it is not an open house and a free for all. I think it is important that we do retain some control of these types of affairs.

Moving along to the final point in relation to this Bill – this the penultimate point; I wish to make one final point after this – and that is in relation to clause 48, where there are amendments to the Proceeds of Crime Act 2015 with the introduction of a new 184ZA. In summary, it is the ability of the Government by regulation to amend the principal Act. I am just slightly uncomfortable with that, but perhaps he can assuage my concerns in relation to that, and that of the Opposition, which is that substantive changes to the primary legislation, if this is approved, will not come before the House. I think that is what this is trying to achieve, and I am just slightly uncomfortable with it because we will not have an opportunity to vote on it and debate it. It is ... I was going to say rare, but maybe not that rare anymore, to have this type of provision. So, I would just make that remark and give him an opportunity to comment on that. And, secondly, to say this: I assume that this is a practical measure, so that if there are further recommendations made by Moneyval or any other outside body like the Financial Action Task Force etc., it does not require the occupation of time with this House, and then the Government can move more quickly and more nimbly in relation to those issues. I assume that is the rationale and thinking behind this.

Finally, now, Mr Speaker, to ask the Minister – I know in the sector there has been some talk and, I think, a question mark as to whether this was going to happen – whether it is the Government's intention to adopt the Sixth Money Laundering Directive. I understand from my discussions with individuals in the sector, but also with the Minister himself, that the idea and the plan is not to, but I am perhaps putting words in his mouth, because actually ... I am not sure whether it is accurate to say the UK – or at least England and Wales – is not so adopting. With that, I end my contribution.

Mr Speaker: Does any other hon. Member wish to make a contribution?
The Hon. Minister Albert Isola.

Hon. A J Isola: Thank you, Mr Speaker.

I am grateful to the hon. Member for the points he has raised. If I can start with the last point he made, in respect of 6AMLD, as I think he knows, the UK has opted out of 6AMLD. What we have done is carry out a gap analysis between our current legislation in respect of the areas that 6AMLD covers, primarily our AML/CFT network, to understand where those gaps are, if there are any. What we have discovered is that there are in fact some gaps, and we are now addressing whether we want to bridge those through legislation, or not. We are in discussions with the Treasury in the United Kingdom to see what they are going to be doing in respect of some of these gaps, and also with the industry, who obviously we will consult with and confer to ensure we are on the same page in respect of how we want to move forward.

Mr Speaker, the hon. Member is absolutely right, a lot of this legislation is recasting and refocusing legislation that we previously had, or intended, or felt we had, or indeed in some aspects had but in guidance notes and therefore did not have 100% legal effect in the eyes of the evaluators, who spent some brutal days trawling through us and interviewing many people within public authorities and private sector firms in going through, in excruciating detail, every single aspect of our entire foray of legislation that deals with AML and CFT. Indeed, we have listed and mentioned on a lot of occasions all the different pieces of legislation that we went through to establish what exactly it is that we need to do.

So, there is more clarification in this legislation. There are some additions too. Let's be clear, we have introduced some new pieces, which the hon. member has also alluded to. The Register of Ultimate Beneficial Ownership is relatively new and there are also some strengthening provisions in relation to that, and there are some issues which were incompatible in terms of trying to marry the FATF requirements with the EU requirements, and we have now tried to settle those too.

The reason why we saw fit to engage as we did with the private sector was because of this business of unintended consequences when you make things in the way that some of our drafters were considering was appropriate. The sector itself thought these issues could be better explained and better presented in a different way, and therefore I was very pleased to have had their undivided attention with our drafting team as we worked our way through the legislation.

The hon. Member refers to clauses 82 to 86, and indeed that is one of the areas where some changes were introduced. I think the mention he makes of training is a valid one, and I am pleased to tell him the national co-ordinator will shortly be producing an outreach in respect of these areas specifically to work with the training elements to ensure that everybody in the sector is familiar with this idea of nominators and appointers, which are new and being introduced in this legislation.

In respect of the Charities Act, the hon. Member raised some questions as to, firstly, why we appear to be giving powers to foreign regulatory authorities. I do not believe we are. What we are certainly enabling them to do is if a Gibraltar charity has an engagement in a foreign jurisdiction, then a foreign regulator should be able to raise with our regulator any infringements of our legislation in that jurisdiction. It is no more than that. The second point that I would make is that our regulator has the ability to co-operate, which is the bit that he said was not mandatory. Where there is not a breach in terms of our regulations, they are still able to co-operate in respect of that activity. It is very normal and common that regulators speak to each other – not only when there is an infringement or a breach; regulators are constantly engaging with each other to ascertain whether the activity the licensees or their firms are conducting complies with the obligations that they are each subject to.

The final point is an important one – 184ZA, about the ability of the legislation, through regulation, to amend the primary legislation. That used to be common. It is not anymore. It is very rare that we do it nowadays, and, if you look at this piece of legislation, it is being introduced with a very specific power, limiting it to ensuring that we are able to comply with and implement international agreements, international conventions, or obligations or standards relating to AML and CFT. So yes, it is unusual, but yes, also I would ask the hon. Member to consider that it is being permitted in very specific and limited circumstances directly in relation to international agreements, conventions and standards in just AML and CFT that we may be seeking to and wanting to comply with.

I think I have answered the questions. As always, Mr Speaker, I am grateful to him for engaging with me during the process and for sharing with me some of his ideas, which has enabled me to give him a fuller answer than I would otherwise have been able to, and if he does wish to raise any other matters after we have concluded proceedings I would be very happy to provide information and assistance.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Financial Services Act 2019, to amend the Supervisory Bodies (Powers etc.) Regulations 2017, to amend the Gambling Act 2005, to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016, to amend the Terrorism Act 2018, to amend the Insolvency Practitioners Regulations 2020, to amend the Register of Ultimate Beneficial Ownership Regulations 2017, to amend the Trustees Act, to amend the Private Foundations Act 2017, to amend the Terrorist Asset-Freezing Regulations 2011, to amend the Sanctions Act 2019, to amend the Chemical Weapons Sanctions Order 2019, to amend the Democratic People's Republic Of Korea Sanctions Order 2018, to amend

the Friendly Societies Act, to amend the Charities Act and to amend the Companies Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Proceeds of Crime (Miscellaneous Amendments) Act 2021.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I am grateful to you for so carefully and diligently taking us through that wonderfully named Bill.

1995 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. agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that you and the Clerk have not had the opportunity to leave the Chamber now for three and a half hours. There are a number of other Bills that we intend to try and get through this evening. The next one will be the Surrogacy Bill, which I have also certified as urgent, but I just wonder, before we do that, whether it might be a convenient moment to break for a recess of 10 minutes before the House continues its business.

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Mr Speaker: The House will recess for 10 minutes, to return at quarter to the hour.

The House recessed at 6.35 p.m. and resumed its sitting at 6.50 p.m.

Announcement of death of former Member Hubert Corby

2010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before the House turns to its next business, we on the Government side have received with sadness, and the community will receive with sadness, as will hon. Members opposite, the devastating news that a former Member of this House has passed away, Mr Hubert Corby, whom I had the pleasure to serve with in this House – obviously in opposition – whilst he was a Minister. Other hon. Members on this side also enjoy good memories of him as a parliamentary colleague, and I know that the Leader of the Opposition was a Cabinet colleague of his.

2015 Mr Speaker, no doubt the whole community will mourn his passing. I would propose that when we have more time to consider his contribution to this House, we should have a chance to make a fuller reference to his contribution to the community and to this House at the beginning of the next session of the House. I have no doubt that the Leader of the Opposition will also want to say something.

2020 For those of us on this side of the House and those we represent, the passing of Hubert is a very sad moment indeed. He was always unflinchingly collegiate in his approach. Wherever one might be sitting in this House, he was always a friend.

Hon. K Azopardi: Mr Speaker, we have had this deeply sad news during the break, deeply sad for Members of this House and deeply sad for Members on this side especially. As a party colleague for many years, Hubert Corby was a stalwart of the GSD.

I welcome the Chief Minister's words, and I certainly welcome the opportunity that we should have a chance to honour his memory in a more detailed way. Right now, we are just reacting to the deeply sad news that we have heard in the break.

Hubert was not just a colleague and a Cabinet member, on which I served, but a friend. I looked up to Hubert in those days, in my 20s and early 30s, as someone who was the model of not being a tribal politician, who could really reach out to Members opposite, who had friends on all sides of the political spectrum. He really was a popular guy who had so much connection with so many people in this community, so it will be a sad day for many people in Gibraltar to hear that Hubert has passed.

We do need to honour his memory in a better way, but I certainly acknowledge the words of the Chief Minister and I say for Members on this side of the House that he will be in our thoughts and his family will be in our thoughts. Many friends that he had out there will have Hubert in their thoughts and it is a deeply sad day for Members on this side of the House.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you. I, too, would like to echo the words of the Chief Minister and the Leader of the Opposition by expressing my deep regret. I do look forward to presenting a fitting tribute, at the next available opportunity, to this fine man and former Government Minister, but as part of Gibraltar's political family I would like to register my deep regret once again and offer my heartfelt condolences to his family and close friends.

Thank you.

Surrogacy Bill 2021 – First Reading approved

Clerk: We now continue with Bills, First and Second Reading, and we start with a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements.

The Hon. Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): I have the honour to move that a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Surrogacy Act 2021.

**Surrogacy Bill 2021 –
Second Reading approved**

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): I have the honour to move that the Bill be now read a second time.

2070 I am extremely happy to have been given this opportunity to bring this Bill to Parliament today, so soon after its publication, and I thank the Chief Minister for exercising his power to abridge the publication time required in order to have it heard at the first possible opportunity.

2075 This is a revised version of the Bill originally published in 2019, which unfortunately could not be passed before the 2019 election was called. It was always my and our Government's intention to republish the Bill in 2020, but this was regrettably set back, due to pressing legislation due to Brexit and COVID-19 related matters, but there has always been the intention publish this draft legislation as soon as it was possible for us to do so.

2080 It is a great privilege to be able to bring a Bill forward for an Act that will have such a positive effect on people in Gibraltar, allowing them to be able to engage in a non-commercial, altruistic surrogacy arrangement and then seek legal parentage of children by applying for a parental order. Such an application would be subject, of course, to the legal safeguards in place for the gestational mother, mirroring the approach taken in the United Kingdom in this area. This is a long-due modernisation of the legal position of the family unit in Gibraltar, removing the potential risks that may arise in the absence of effective surrogacy legislation.

2085 Going into the technical nature of this legislation, the Bill provides for the regulation of surrogacy arrangements, establishing the legal parenthood status of those participating in assisted reproduction arrangements, and makes provision for parental orders to confer legal parenthood and the transfer of responsibility to the applicant parents. I will address each of the three parts of the Bill in turn and highlight key clauses therein.

2090 Part 1 deals with the regulation of surrogacy arrangements. Clause 3 of the Bill makes it clear that no surrogacy arrangement is enforceable by or against any of the persons making it.

2095 Clause 4(1) sets out activities which could amount to a criminal offence for those who, on a commercial basis, initiate any negotiations with a view to making a surrogacy arrangement, take part in any such negotiations, offer to agree to negotiate such an arrangement, or compile any information with a view to its use in making or negotiating any such arrangement. However, some exceptions are set out. For example, a person does not contravene clause 4(1) if the Act is committed by a woman with a view to becoming a surrogate mother herself or by any other person with a view to a surrogate mother carrying a child for him or her. This clause aims to criminalise conduct relating to the making of surrogacy arrangements on behalf of others on a commercial basis.

2100 Clause 5 of the Bill prohibits any advertisement containing an indication that a person is willing to enter into a surrogacy arrangement or to negotiate or facilitate the making of such an arrangement, as well as any advertisement looking for a woman willing to become a mother or for a person wanting a woman to carry a child as a surrogate mother. Offences are established for publishing such advertisements in any newspaper or periodical or conveying such advertisements by means of an electronic communications network. Exception is made for advertisements made by non-profit-making bodies advertising acts that would not contravene clause 4(1).

2105 Part 2 of the Bill addresses issues of establishing legal parenthood, including cases where couples who are married or in a civil partnership have participated in assisted reproduction arrangements.

2110 Clause 6 establishes that the woman who is carrying or has carried a child as a result of the placing in her of an embryo or sperm and eggs, and no other woman, is to be treated as the mother of the child. Unless as a result of adoption, a child is not treated as the woman's child.

2115 Clause 7(1) states that the purpose of Part 2 is to determine who is to be treated as the other parent of the child in the case of a child who is carried by a woman in such circumstances.

Clause 8 states that if, at the time of the placing in her of the embryo or of the sperm and eggs of her artificial insemination, a woman was party to a marriage or civil partnership with a man and the embryo was not brought about with his sperm, then the husband or civil partner is to be treated as the father of the child unless it is shown that he did not consent to the procedure.

2120 Clause 9 has the same effect as clause 8, but in relation to cases where a woman who has had a procedure is in a civil partnership or marriage with another woman. In such cases, the other party to the civil partnership or marriage would be treated as the parent of the child unless it is shown that she did not consent to the procedure.

2125 Clause 12 makes exception for children who may not be treated as the man or woman's child under clauses 8 and 9 respectively if as a result of the adoption that child is not to be treated in such manner.

Clause 13 states that where, by virtue of Part 2, a person is to be treated as the mother, father or parent of a child, that person is to be treated in law as the mother, father or parent, as the case may be, of the child for all purposes.

2130 Clauses 16, 17 and 18 deal with the legal parenthood in limited circumstances where the other intended parent has died before the sperm has been used or the embryo transferred and that person consented in writing to be treated as the father or parent, as the case may be, for the purpose of entering their particulars in the register of births.

2135 Part 3 of the Bill establishes a framework for parental orders. Parental orders provide for a child to be treated in law as the child of the applicant and extinguishes all rights, duties, obligations and liabilities of the surrogate mother, and the husband if applicable, in relation to future parental responsibility in favour of the named applicants. In order to apply for a parental order, at least one of the applicants must have been used to bring about the creation of the embryo. An application for a parental order may be made by two applicants in accordance with clause 20, or
2140 by a single applicant in accordance with clause 21. In the case of two applicants, they must either be married or civil partners, or two persons who are living as partners in an enduring family relationship. There is an amendment to this section, which will be taken at Committee Stage, to make it absolutely clear that same-sex married couples are also included within this definition.

2145 Regardless of whether the application is made by one or two applicants, some conditions are the same. For instance, applicants must apply for the order during the period of six months beginning with the day on which the child is born. An exception for this is provided to children born prior to the commencement of this Act, whereby a six-month period from the date of commencement will apply. A child's home must be with the applicant and at least one applicant must be domiciled in Gibraltar. The applicant must have attained the age of 18 at the time of
2150 making the order and the court must be satisfied that the woman who has carried the child and any other parent of the child have freely and with full understanding of what is involved agreed unconditionally to the making of the order. This consent must be given no sooner than six weeks after the child's birth. However, there is no requirement for the agreement of a person who cannot be found or is incapable of giving agreement, and the court has powers to dispense with
2155 the requirement altogether under certain circumstances.

Clauses 24, 25 and 26 mirror similar provisions from the Adoption Act in relation to rights and responsibilities passing on to the new parents, the devolution and disposal of property, and inheritance.

2160 The Bill also includes powers to make rules and regulations as may be necessary for carrying out the purposes of the Act in clause 27, and sets out offences at clause 28 and provides a power to make any necessary consequential amendments in future to clause 30.

2165 Schedule 1 contains various consequential amendments to other pieces of legislation. The main purpose of these amendments is to include provision for parental orders and children subject to parental orders where our laws already refer to adopted children or adoption orders to ensure relevant rights and obligations are the same.

In addition to this Bill, there will be regulations, published next week by secondary legislation, to give effect to this Bill, in their full detail, if passed, including the relevant forms for applicants

for birth certificates, which will be more neutral in language than we are used to and will provide for 'parents' as opposed to a 'mother and father',

2170 Should the Bill be passed today, it is hoped that it will come into force within seven days.

There are many potential complexities and difficulties that may arise when participating in a surrogacy arrangement, for surrogates and the intended parents, and in the making of parental orders. It is these technical matters which our lawyers in the Government Law Offices are currently looking at to ensure that everything works as intended. I would particularly like to thank Crown
2175 Counsel Michael Podesta for his exemplary work in this matter – he has ensured that the Bill could be presented today – as well as my team at the Ministry for Equality, who are, as always, the drivers of such progress.

To conclude, this is a Bill which I have been very keen to bring forward for some time. I must mention, before I finish, my thanks to the individuals I have spoken to during the consultation
2180 process, and in particular those who have shared with me their personal stories, who have both moved and inspired me. My thanks in particular to the couple I have met who have already been through the process and who, by virtue of this, should it be passed, would now be able to register as parents of their children by virtue of a parental order; and also to a special young lady who, due to illness, will not be able to conceive and with whom I have discussed surrogacy at length, and I
2185 know that this means very much to her, as it will for everyone, of course. It is individuals for whom this legislation is intended, to whom it will make such a difference, to them, to their lives and to their children.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

2190 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, I thank the hon. Lady for her contribution and bringing of the Bill.
2195 The Bill will receive the GSD's support, and I know others will want to speak from this side of the House in relation to the Bill for surrogacy. The GSD will support this Bill, but we would like to make a number of observations about that support, insofar as the law and how it is arrived at in this House.

It is right that this legislation effectively reflects the Surrogacy Arrangements Act 1985 and the
2200 Human Fertilisation and Embryology Acts 1990 and 2003 of the United Kingdom. That combination of Acts still exists in the United Kingdom. However, as the Minister may well be aware, there is a Law Commission in the United Kingdom that will be reporting at the beginning of next year with a fundamental review and shake-up of surrogacy law in the United Kingdom.

We make that observation, because although what is clearly happening here is almost a
2205 signpost to the question of surrogacy, this Bill does go so far, but it does not, in our respectful submission, go far enough insofar as law reform in this area, and I just wanted to point out a number of aspects of that to the Hon. Minister. These are commentaries by leading academics and the Law Commission itself, who have commented on the existing infrastructure in the United Kingdom as being out of date and full of contradictions. The Law Commission's report on the
2210 extant legislation in place in the United Kingdom states that, in short, the law relating to surrogacy is now outdated and needs to be changed to reflect current attitudes towards surrogacy and understandings of how this way of building a family works. In addition, a comment by Sir James Munby, former President of the Family Division in England, said this: 'There is widespread agreement that legislation governing surrogacy' – in the United Kingdom, on which this law is
2215 based – 'is seriously out of date and not fit for purpose.'

So, whilst I appreciate that this is important legislation for our jurisdiction, important legislation for the many couples in Gibraltar who have struggled for many years in having children – for whom we all have the greatest of sympathy – this law does eventually need to go further. Whilst we support this legislation to help those families in the intervening period, we

2220 would like the Minister to comment in her reply as to the state of the law, as she understands it,
in the United Kingdom, and the Law Commission's report which is due to happen in January of
next year, just to understand her thinking on how this law will be developed in Gibraltar even
further. Introducing law from 35 years ago which has been severely criticised by a number of
leading academics, indeed the present Family Division and the Law Commission itself when they
2225 prepared the summary of their report, must give the Government some cause for concern as to
the introduction of, effectively, 1985 legislation – as amended; do not get me wrong, it is the
reason why we are looking at parental orders and certain provisions that the Hon. Minister has
referred to. I would say that we would welcome this move and we thank the Minister for
proposing legislation in this area, but it is right that we look towards the future, insofar as the
2230 report that will be delivered next year in the United Kingdom which reviews this legislation.

I am not suggesting that there has been a copy-and-paste job of United Kingdom legislation
simply for the need of speed, and I say that with the greatest of respect. In 1985, in the United
Kingdom, surrogacy law was introduced as a result of the case of baby Cotton, as the Minister may
be aware. That was rushed through the United Kingdom Parliament, so those criticisms have been
2235 in the United Kingdom for some significant time. Although I understand that she says she is
extremely happy and this is long-overdue modernisation – it is, yes, for us in Gibraltar – I would
put it to her that what we should be doing at some point in the not-too-distant future is learning
from the mistakes of other jurisdictions that we are so closely related to in terms of this House,
and once we learn from the mistakes that have been made in legislative making in that jurisdiction,
2240 that will help us achieve better legislation in our own jurisdiction.

So, whilst we welcome the clear development for couples in Gibraltar, we have to have an eye
on the next step, which I am sure she has had an eye on. What I would say, in closing, in relation
to that, is we noted in paragraph 19 of the Bill as presented that the additional provision was
replaced from the first iteration of the draft that was presented in 2019 by the former Minister
2245 for Health. If, in particular, the Minister could comment on that, which effectively provides for
children born on or after 1st January 2021, it would be helpful to have a bit more of an explanation
on that.

In closing, surrogacy of course has an increasing role to play in our society in helping create
much-wanted new families for a range of people, and we must recognise the value of this in the
2250 21st century, where family structures, attitudes and lifestyles are much more diverse. For anyone
to deny this law now, despite what I say about the mechanics of the law, is to deny women, as
described in the title of the Bill, who have previously an absence or malformation in the womb,
recurrent pregnancy loss or repeated IVF implementation failures, is to deprive them of a family.
Those who seek to deny this law will be denying families a child.

2255 The surrogacy law that is now being proposed is certainly something that we strongly welcome,
despite the deficiencies we have identified and despite the further legislative programme that we
would ask the Government to embark on.

Mr Speaker, those are the only comments that I would have on the Bill, and it does receive the
support of the GSD.

2260 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Ms M D Hassan Nahon: Mr Speaker, thank you.

My party and I welcome this Bill, one that was presented, initially, as far back as two years ago
2265 and subsequently pushed to the back of the line. This, unfortunately, does tend to happen with
most issues that have to do with creating a modern framework of civil liberties in Gibraltar, and it
had to take one brave, same-sex couple, who have had no recourse but to launch their own
personal media campaign, for Government to resuscitate an overdue Bill that should have been
prioritised the day it was published before our General Election. Only now that couples like the
2270 one in question have raised it and two other constituents have spoken out – now that the

reputational damage to our jurisdiction has already been made, now that it is all over the UK press – Now it is an urgent matter.

2275 We welcome this Bill, but we would like the Government to clarify why exactly this change has taken so long, because, with respect to my friend the Minister for Equality and the reasons given, this was not passed, it seems, simply because it was not prioritised, because in the same way as we can sit here today for six hours passing nine Bills in the height of COVID and Brexit, we could have done this, initially, two years ago.

2280 Mr Speaker, it does beg the question: why are we always so late to answer the call of our civil rights movements? Why are we last to allow women their reproductive rights? Why were we among the last to approve same-sex marriages? Why did it take so long to remove the discriminatory clause 6(b) from the same-sex marriage Act? Why do we have third-world standards in the apportionment of statutory parental leave rights?

2285 Despite all these unacceptable lags, there are several fields in which Gibraltar is not only not antiquated but is considered an innovator, a trail-blazer. Of course, this tends to be related to the business side of things, and we all know what makes the world go round. We have primitive civil rights provisions, yet we are one of the first to create legislative frameworks for blockchain and DLT investments. We have a terrible record for legislating –

2290 **Mr Speaker:** You need to speak about the general principles and merits of the Bill, with respect. The general principle and merits of the Bill, please.

Hon. Ms M D Hassan Nahon: Mr Speaker, I think it was relevant in terms of a Bill that relates to rights for women, but I will take your authority and your lead and simplify.

2295 I would like to ask the Government to clarify to this House and to the people of Gibraltar whether it intends to present an awareness campaign or spread more information in the community, once this Bill is passed, to make known to other same-sex couples, who may not know about this legislation, that it does apply to them retrospectively and that they have six months to register their existing child as their own – because it is their own, Mr Speaker, and retrospective cases will only have six months to do this, or else they will miss their chance. We consider this an imperative point that should be disseminated across the community.

2300 We welcome the support, of course, in passing this Bill, but we must remind the Government that this and many other changes in this field are long overdue.

Thank you.

2305 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, for the reasons given by my hon. colleague sitting to my right, the GSD will support this Bill. The party that I lead does indeed support the principles of this Bill, but of course to the extent that anyone has any issues of conscience that prevents them supporting and may wish to make a different contribution, I have agreed that that is possible on this particular Bill.

2315 Personally, I view this Bill in a very welcome way. It is, I think, hugely welcome for many people in many ways. For example, I think it provides appropriate regulation in an area which was hitherto unregulated. And this Bill is not just about surrogacy. I think it is important to bear in mind, when you read this Bill, that it is not just about surrogacy, it is about assisted reproduction, and at the heart of it I think the most important point to bear in mind is that this Bill provides a safe regime for the recognition and registration of children. That, in my view, is the cardinal principle around which we build our support for the Bill, because it is about protecting, recognising and allowing the registration of children, without which there would not be a safe regime. So, that drives me to make that point, which I think is quite important.

2320 It is also important that this Bill, not like the 2019 Bill, does have an element of retrospection. I think that is important, because of course it does then deal with cases that might exist out there,

that would otherwise not have a regime within which they could register a child, and that would be unfortunate.

2325 Finally, Mr Speaker, I think it is important to bear in mind that this Bill is passed against a backdrop that surely we must all recognise, in that society now, in the 21st century, is much more than the one-dimensional traditional society. Families are traditional families, but there are also single-parent families and there are same-sex families. All of them have a place and role in society. We should not discriminate against any form of family out there, and keep in mind always that, at heart, this Bill is not about necessarily protecting the family, but protecting and registering the children.

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Mr Speaker: The Hon. Damon Bossino.

2335 **Hon. D A Bossino:** Mr Speaker, I am grateful, and I am particularly grateful to my hon. and learned Friend the Leader of the Opposition for not imposing the normal strictures that would be imposed on Members who form the front benches – as we do; there are not any backbenchers, on this side of the House, at least – on this occasion. This is the policy of the party, but it is a party that is, as it has been on previous occasions, borrowing an often-used phrase by a former leader of the party, sufficiently broad church to allow for disparate views to be expressed.

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In that context, I need to say that as a matter of conscience, as my hon. Learned Friend has said, I cannot support or condone the practice of surrogacy. I am not alone in taking this view. In my case, it is born from the Catholic faith, which I hold very dearly and which forms very much a part of my life. This Catholic faith tells me that a child should be exclusively born of a woman who has conceived as a result of a conjugal act with her husband. That is a very clear position which the Magisterium of the Church adopts and continues to adopt, and I suspect will continue to adopt into the future. In the societal sphere, there are others, of other faiths, who hold true to these this view, as there are, indeed, people of no faith who support and continue to be strong advocates of – dare I say we now need to almost give it another definition – the traditional family, mother, father and children. Those of us who hold that view think that is the best thing for the children, it is the best thing for the marital relationship and it also is the best thing for society as a whole.

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I ask Members who profess to be liberal and maybe think counter-intuitively in relation to this, this question: are we not dragging into the law the making of babies, in effect? This is an area that usually takes place in the most private and intimate role of love between two opposite-sex individuals. Surrogacy – and this dawned to me when I was reading an article in preparation for this – can involve as many as five individuals. We talk about complicating matters. We have the egg donor, the sperm donor, the gestational carrier and one or two, as they are termed in the lingo, ‘commissioning parents’. It is not a defined term in the Act, but certainly that is the jargon that is used. And this is where the law wishes to take us, here in Gibraltar today.

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We are not, thankfully, debating in this context the backdrop to all of this, which also raises a myriad of different and very difficult moral issues, and taxing issues, and that relates to, in effect, the making of children. I hope I am not using overly emotive language, because I am respectful of those individuals, as a democrat as well as somebody who espouses Christian views of people who hold different views. At the end of the day, it is clear that this House is going to be voting on a majority basis with the support of both sides, except, I suspect, only me. People will have different views and I do not want to be disrespectful of those views, but the language I would use is basically ‘making children in the laboratory’, which has its own, as I said earlier, challenging moral issues.

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I appreciate that I go against the tide on this issue, that in espousing and expounding these points of morality which I hold very dear I am saying things that are anathema in today’s world. I am also conscious that, for some, I will come across as callous and uncaring, but this is certainly not my intention. This is, however – and I need to stand by that – my own personal moral evaluation borne from the teachings of the Church to which I fondly belong.

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I will be raising, nevertheless, despite my position – and I have had the opportunity of speaking to the Hon. Minister in relation to this behind the Speaker's Chair in relation to the Bill ... I apologise that I have not had the opportunity to have written to her and raised these points, but she has taken most of the points of detail on board, and I see that that is now reflected in the amendments which she seeks to make in relation to some of the detail, but I hope that the other more general points will give her the opportunity to clarify some of the issues.

What I would say is that this Bill has some positive elements to it, in that it regulates the practice of surrogacy. It does not outlaw it, which is perhaps where people like me would want to see the law going, but the reality is that there is a lacuna in the law and it has to be addressed – according to the thinking of the Government, that is – but there are some positives that can be gleaned. It protects, and in my view, fundamentally and crucially, the mother, i.e. the gestational mother, who in law, the moment she carries the baby, however that baby has come to life, is the mother of the child, and that is very important.

Subject to one point that I will be raising with the hon. Member, it also removes the commerciality of the arrangement. She spoke of it as altruistic surrogacy. I do not have the detail of what the UK is proposing by way of amendment, but I know that there are other jurisdictions – I think California is one of them – where commercialisation of this practice is actually part of the law and completely acceptable, and that is something which I hope, in the drive towards further liberality in relation to these issues, Gibraltar never ever comes to.

So, in the scheme of things, I think that what we are seeing here is at least a conservative approach, which is the one which, as my hon. and learned Friend Mr Phillips has rightly pointed out, is that which is reflected in England and Wales in those two Acts he referred to. What I would most strongly disagree with and would not recommend to the Hon. Minister is to make further moves to further reform, as my hon. learned Friend has just done, and this is where I do part ways with what he has said.

I think another positive feature, and it is very clearly and explicitly set out, is the unenforceability of these types of arrangements, which I think is also something which, in the scheme of things, has to be welcomed.

As far as the body, the terms and the language, of the Bill is concerned it is very clearly, in many respects, a copy-and-paste exercise – and making that comment I know there has been a bit of a reaction, through the body language; I do not want to demean the work that she and her Department have done in relation to this, because I know a lot of work must go into it – of the Surrogacy Arrangements Act 1985 and the Human Fertilisation and Embryology Act 2008 of England and Wales. I would say that this is useful, because at least we will have a bank of jurisprudential interpretative case law spanning a number of years, which we can now rely on. I know that was a point I think my hon. and learned Friend Mr Feetham, when he was Minister for Justice, transposed into Gibraltar law and brought into new initiatives. I think that was very much a part of his thinking when there was an attempt to follow a lot of the English legislation, especially in the context of family law, for example, and insolvency law, and it is very useful to have that arsenal available to us.

Dealing with the detail, as I said earlier, clause 3 I think is very important, which is the one that sets out very clearly that no surrogacy arrangement is enforceable by or against any of the persons making it. That, I do welcome.

Also, clause 4, which outlaws, in effect, the commercial basis on which these arrangements are arrived at, which includes, specifically, soon-to-be section 4(2), which says no payment can flow from one party to the other. The point I would ask her to clarify, and I think I had an opportunity to raise this with her, is whether under clause 4(4), which reads:

(4) A person who contravenes subsection (1) above

– which is the prohibition to enter into commercial arrangements –

is guilty of an offence; but it is not a contravention of that subsection–

- (a) for a woman, with a view to becoming a surrogate mother herself, to do any act mentioned in that subsection or to cause such an act to be done;

The way I interpret that is that the gestational mother is able to receive a commercial payment for the carrying of the child, and I will ask her, please, to clarify whether my understanding in relation to that is, in effect, correct.

2425 In clause 4(5), to use the correct nomenclature at this stage, where it talks about non-profit-making bodies and the arrangements that they can enter into, which is limited so that it does not breach the commercial nature which is prohibited, perhaps it is an unfair question but is she aware whether, as a result of the passing of this legislation, there is going to be the setting up of one of these organisations in Gibraltar, which would, as my learned friend Mr Phillips says, encourage, 2430 explain or give information in relation to these arrangements?

The perhaps more technical point I would raise – but again, as I have done in relation to the Bills, with Mr Speaker's permission – is in clause 6(1). This point, in all fairness, I did not raise with her before, because I forgot. It sets out the various forms in which a mother can be with child. I will read it in its entirety – it is very short:

6(1) The woman who is carrying or has carried a child as a result of the placing in her of an embryo or of sperm and eggs, and no other woman, is to be treated as the mother of the child.

2435 Yet, in the following sections it also adds another avenue through which this can happen, which is by way of artificial insemination. The point I merely make is why ...? I understand that this is the position in England and Wales, but I am wondering whether the draftsman in England was incorrect and should have included the appendage at the end that refers to artificial insemination in the language in 6(1). It would just require a very minimal change, unless she can tell me that 2440 there is a substantive reason why it is not there. I have a personal interest that that is there, because at least it protects that fundamental bulwark of this legislation, which is that at least the gestational mother is recognised as the mother of the child in the widest possible circumstances in which that child was conceived.

I am just checking my notes, because there are issues which have already been addressed. If I 2445 move on to clause 20 ... no, before I do that, actually clause 16, which has basically the effect that a sperm donor dying after his sperm has been used for the conception of a child – in clause 16(3) – so long as the woman, i.e. the gestational mother consents that this gentleman who has now passed away is recognised as the father of the child, will be so recognised. It is only in very limited circumstances, according to subsection (3), because it states that it is only for the purpose of 2450 enabling the man's particulars to be entered as the particulars of the child's father in the relevant register of births, and for no other purpose. So, my question is: does that child not enjoy, for example, inheritance rights? Again, I do not understand, because the child who is the subject of a parental order, the beneficiaries of which are not the sperm donor and perhaps not even the surrogate mother but actually people independent of these two but who have commissioned this 2455 arrangement ... there are very specific effects of that. As the Hon. Minister rightly pointed out, it is all set out in Part 2 and it includes things such as inheritance benefits. Why that difference? Perhaps I am missing something.

I am going very quickly on to clause 24, which is the part that deals with the effects of a parental order. It is language that somebody like me, who has conservative views in relation to this, 2460 welcomes, but it is not consistent with the other legislative architecture that is out there. For example, in 24(2) it talks about people who are 'in lawful wedlock'. The Hon. Minister, in fairness to her, did say that this is, in effect, language – I think she said, and I hope I am not paraphrasing her incorrectly; I may be – which is borrowed from provisions in the Adoption Act. I have not analysed the Adoption Act to see whether that is in fact correct, but I just found it odd that that 2465 very traditional language had been used there and not the more modern language of civil partnership and marriage, and all the rest of it.

Moving along, Schedule ... well, that point we have discussed, and I have accepted her rationale. My point to her was that the amending provisions here, where Schedule 1 basically sets out all the amendments to all the other Acts in respect of which the passing of this would have an impact, all refer to a parental order under the Surrogacy Act 2020, yet in some of them – for example, clause 1 to Schedule 1 – it only refers to a parental order. I just thought that, by way of clarification and for consistency, we do one or we do the other but not one in one and then the complete version in others. Again, there may be a thinking rationale or maybe it is just a drafting error.

She has helpfully ... No, before we move on to the point I was just about to make, the amendment, which is new section 8A and which is an amendment to the Gibraltarian Status Act, says:

8A(1) The Minister may, in his absolute discretion, order the registrar to register any person who satisfies the Minister that–

(a) he is a British national,

– which is a requirement –

and

(b) he is the subject of a parental order where the applicant(s) were–

(i) a married couple, one of whom is a Gibraltarian;

But then it says:

(ii) an unmarried person who is not in a civil partnership;

I am assuming that this is to take account of the fact that one individual, under this Bill, will be able to be the beneficiary and enjoy a parental order of the child. But why is the requirement that that individual be a Gibraltarian not there, yet it is a requirement in relation to one of the married couples? She is looking at me rather bemused and confused. It is probably because I have misunderstood. Yes, I may be bemused and confused, but I would ask her to clarify and put me out of my misery.

I am grateful to her, in her opening remarks, when she did say that the forms will be changed. I thought it was rather bizarre that under clause 23, which introduces an amendment to the Births and Deaths Registration Act, the parent who is a woman in a same-sex marriage, who is not the surrogate mother, which is the case I think we have all been talking about and has been splashed in the news outside of this jurisdiction, is automatically, on the passing of this Act, without then having to make an application for adoption – which is, I think, one of the points that was raised in the context of this specific case – considered the parent, yet in the form she is to be named under the caption of ‘father’. I am glad she says that those forms will be changed by way of subsidiary legislation, and I think what we will be doing is presumably marrying the position in England and Wales, which is to call them parent 1 and parent 2.

Mr Speaker, I think the point was made perhaps in a different context by my hon. colleague Miss Hassan Nahon in relation to the point I am just about to make, which is whether the Government is going to be issuing guidelines in order to facilitate the navigation of the provisions of this Act, which I can tell her is not particularly easy to follow, and that there are certain time limits which have to be complied with, some of them actually quite limited in nature.

Then, finally, Mr Speaker, I think it is fair to make these two points in the context of the discussion of this Bill, because of the tangential effect it can have on the matter of adoption – and, with your permission, I would like to raise them. There are two aspects I would like to raise. One is that under the Adoption Act as it currently stands, you have the rather bizarre situation where, basically, step-parents cannot really adopt. They can adopt, but the moment they do ... There is a situation I can think of, and it is probably best to explain it in these circumstances. You have the

mother of a child, who divorces the father of the child and then marries an individual, a second man. In those circumstances, the man cannot simply apply to be a stepfather; she also needs to apply. He can do so, but if he does, the biological mother loses her status as the mother of the child, so, in effect, would end up having to do ... when advising clients in relation to this, they both need to apply. I am wondering whether the Minister would consider making amendments in relation to that particular piece of legislation. I do accept that it is not necessarily directly relevant, but it is an opportunity which I take, as a Member of the House, to put it to her in a public way, and she can respond now, when she will, no doubt, have an opportunity to do so.

Mr Speaker, I think that really ends my contribution in relation to this, and I look forward to listening to the hon. Member's reply.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, just a very short contribution.

On behalf of my family, I certainly thank the hon. Lady for steering this Bill through Parliament. She has specifically given permission to do so, so that is the reason why I am doing it. I know that the final words of the hon. Lady during her contribution were a reference to my niece, and I just wanted to relate to the House the hope that this particular Bill provides people like my niece. My niece contracted cancer of the womb at the age of 17. She went through her A-levels with cancer of the womb. We all feel terribly proud of her, because at the end of the day she came out with three As. She is a Gibraltar scholar. She had to fight a very nasty cancer in the womb during that time. She obviously cannot have any children, so for her this Bill offers her hope because she has had her eggs frozen and it offers her a way ... and it is by no means intended to demean the contribution of my hon. and learned Friend Mr Bossino, but for her it is a way in which she can become a mother. That is how she sees this particular Bill. I just wanted to rise and say those words and publicly thank the hon. Lady, on behalf of my entire family.

Thank you very much.

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is an honour for me to rise to speak on this Bill. It is an honour for me to have the privilege, under section 35 of the Constitution, to have certified the Bill as urgent. It is an honour because the issues that we are dealing with are the human issues that the Hon. Mr Feetham has spoken of, the issues that the hon. Lady in presenting the Bill has spoken of, and indeed that the Leader of the Opposition and the hon. Lady opposite have spoken of.

This is a Bill that will affect people's lives. It will affect people's lives because it will enable them not to do things ... We have to understand that the things that we are dealing with and that the Hon. Mr Bossino has told us he has objection to are not things that are going to happen because we pass this Bill; these are things that are happening in our community and they are happening in the world, but we are now going to provide the legal framework to deal with those things that are happening.

In doing so, we have, on this side of the House, been remiss in not having brought this Bill back sooner. It is a Bill that we brought before the end of the last Parliament, and I can only say to those who have an interest in this Bill becoming law that very few people will understand – and this is not an excuse, it is an explanation – what the period since the election has been like. We won an election at the end of October 2019. We were on the verge, then, of a hard Brexit two weeks later. That verge turned into a verge one month later. The verge then was kicked forward another month, and no sooner had we managed to see the verges almost dealt with because there was an agreement, there was a report of a mysterious illness in China, which immediately brought us to the situation we are in now.

If there is one thing that I am always keen to ensure we deal with, it is the things that have a human dimension. A Bill on protected cell companies etc. will bring more business, it is important and we have to do it in time etc., but when there is a human dimension I am always very keen to ensure that we do what we can to help. We should have brought this back sooner, we did not, and therefore it was right that when it was brought to our attention that there was now a human element to this, we should also act despite the myriad things we have been dealing with this month.

I want to specifically thank my hon. Friend, because I asked her to ensure that she could bring the Bill to publication and that she could bring the Bill to the House. She is not just the Minister for Health, she is also the Minister for Justice and the Minister for Equality. It was difficult for anybody else to assist her with this, so I know it has been a great burden for her to be able to deal with these things in this time, despite the many other things she was dealing with.

Mr Phillips has addressed us not so much on the Bill before the House, but on the criticisms of the Act on which the Bill is based in the United Kingdom. He has told us that there will be a report in January of next year, I think I heard him say, in the United Kingdom, in respect of the existing Act on which this Bill is based. Well, there is a choice to be made. Do you go with a home-grown piece of legislation which ignores existing provisions in the United Kingdom, and then you have the problem that you do not have the jurisprudence on which to rely, and do you take the time to not just do the huge amount of work that goes into adapting a UK piece of legislation, but to actually produce a home-grown piece of legislation assuming that all of the things said to date are going to be accepted in the Law Commission that is going to report in January next year? Or do you go with a Bill to produce an Act that at least does what has been done in the UK?

On the other side, we have heard, for reasons that hon. Members have explained, differences of view based on a moral distinction. That is absolutely perfectly normal. I fully respect the fact that the Leader of the Opposition has felt it appropriate to permit that Members on his side should not have the whip imposed in respect of how to vote on this Bill, and that Mr Bossino, for reasons I will come to, has told us his views; absolutely perfectly normal that that should happen in politics. Every party is a broad church. We are not automatons that are required to sign up to every requirement. As I often say, I have never and will never whip my MPs to vote in a particular way. If the Government brings a Bill and a particular MP thinks it is a bad Bill, he should vote against it. Whether it is on an issue of conscience in particular, or any other issue, respecting collective responsibility we have discussed it and we have agreed to go with it together.

It is very different to see a difference of opinion between hon. Members – Mr Phillips and Mr Bossino, in particular – on the technicalities of a Bill. One of them is saying to us, ‘You are going with an Act which has been heavily criticised in the United Kingdom – is this the right thing to do?’ The other one is saying to us, ‘Well, at least you are going with something that will have the benefit of the jurisprudence.’ I understand that they have an ideological difference – in other contributions of the future I will point out more of them – but on this I am surprised that they are disagreeing not just on the issues of conscience, they are disagreeing also on the technical issues, which is a little remarkable.

What I will tell hon. Members is that as the Government that has been the most progressive in our history – and that is, I think, something that nobody can ever challenge; I hope there are more progressive governments in the future who will challenge us for our record, such as it may be at the time we finish, and clearly there will not be if Mr Bossino ever leads any of them, for the reasons that he has explained to us – hon. Members have the comfort to know that, where it has been possible, we have actually gone beyond what is established in other jurisdictions.

In our Civil Partnerships Act, when we made it we contained a provision to enable heterosexual couples to enter into civil partnerships before the United Kingdom did that. Indeed, the United Kingdom was subsequently required to do so by a ruling either of its own High Court or the Court of Human Rights because of the interpretation of the fundamental rights position. Second, as a result of that, we have brought in a Marriage Act, a civil marriage Act as well. And third, we are bringing this Act.

2610 I get it that Mr Phillips was a member of the Progressive Democratic Party, but he has never
seemed to me to be so progressive that he wants to progress beyond what progressives are
wanting to see achieved, so he will excuse me for thinking that his contribution was not tarnished
by any particularly honest approach to this legislation. It is one thing to say, 'There is criticism of
2615 the current legislation in the UK – we want to keep an eye on that, and we will be asking you
questions if there are proposals there which you are not adopting, but we know that you are
progressive and you probably will want to do that: can we work together on that?' and another
to say, 'Why are you doing this? In a year from now there is going to be a report on the current
Act that you are taking into interpretation.' Frankly, if the hon. Member says, from a sedentary
2620 position, 'It's to show that we did our homework,' that is fine. If it is to show that they did their
homework, it is absolutely a matter entirely for them. For us, the important thing is to do this in
time for people who will have life-changing issues at stake to be able to have the benefit of the
laws that will enable them to register their children as their own.

Mr Speaker, the hon. Lady, when she says things that are progressive get delayed and that we
do things to do with protected cell companies etc. first, she needs to understand – and I do think
2625 that in her heart of hearts she knows this – just what we have been going through. In many
instances we have been working together on some of the Brexit aspects and some of the COVID
aspects. There just are not enough hours in the day. We all have different Departments to deal
with. The Hon. the Minister for Financial Services is dealing with his Department and they may be
able to come up with something. The Minister for Equality and the Minister for Health and Social
2630 Care is also the Minister for Justice: it has just not been possible to get the bandwidth to get this
back. That is the reality.

I do not think that we deserve a telling off because this has taken some time, because the hon.
Lady knows we are genuine about doing this. I would just gently remind her that one of her first
contributions to public life in Gibraltar was to stand with hon. Members opposite and say that she
2635 stood for family values, which in politics has long been interpreted as being against things like this.
If all of us have, at different times, been a little remiss in our approach to things, it is not just us.
(*Interjection by Hon. Ms M D Hassan Nahon*) At that time, the votes she was seeking were not
votes for a progressive position on surrogacy, on civil marriage or on marriage between all the
relevant denominations.

2640 Mr Speaker, I turn now to address the issue of my former colleague in the Liberal Party of
Gibraltar, Mr Bossino, and I do so also from a position of deep respect for his beliefs and the
reasons he has honestly explained to us are the reasons why he will not be supporting the Bill.
Respect for his creed and for all other creeds means that we have to continue always to want to
work together on these issues and to ensure that all of us have the space to believe what we need
2645 and want to believe. That, in my view, he will forgive me for saying should mean that he might
want to consider supporting the Bill for this reason. The thing that his creed, he has told us, asks
him not to accept, if other hon. Members will forgive my falling into the jargon of the law, is the
actus reus of what is going on here – in other words, the fact that there is a surrogacy is happening
in the context of what the mechanics of creating that child will produce – and he has told us that
2650 that is what he is against. What this law does is permit the fruit of that, he would say 'engineering',
to be recorded in law as the child of a person. The absence of the law that we have today will
mean that that child is not able to be registered as the child of those relevant persons who will be
the child's parents, and, with respect to him, it is almost to offend another rule that he will firmly
believe, and which I firmly believe not just at a religious level but at a human level, which is that
2655 you should not visit the sins of the father on a son, and in this context it would be sons and
daughters who would be deprived of the benefit of registration as sons or daughters of their
parents in law.

On that, I think the Hon. the Leader of the Opposition has spoken eloquently in saying that he
believes that, here, the failure to pass this law means that we are depriving the children of the
2660 benefit of the law, and I do not think that Mr Bossino has wanted to deprive any child of anything.
He has spoken to us about his deeply held belief that what is going to give rise to the creation of

the child is outside his deeply held belief on the way that the child should be created between a man and his wife, or a wife and her husband. That is his belief, and therefore anything that is outside that is outside what he believes should be happening. That is perfectly acceptable to me as his belief. It is not my view, but it is perfectly acceptable to me as his belief based on the teachings of his religion. But here we are talking about the fruit of that action, the child of that action being deprived of the benefit of registration in law. It is almost to – and I am going to use this word not in its slang meaning, but its meaning in the English language – as a result of a religious belief, insist that a child be a bastard forever. That is wrong, in my view, also, in a deeply purposive interpretation of the hon. Member's religion, and I would ask him to consider that in the context of determining his view of this Bill and what it does. This Bill only sets out the mechanism for a child to be registered as a child of, and also aspects which he has recognised are good in ensuring that there is not any commerciality invested in the way that things are dealt with, which would be abusive, whilst recognising, of course, that there would be costs involved etc. And so, Mr Speaker, I would ask him to consider that position.

Secondly, I would ask him to consider that science advances, and because science advances there will be other changes that we cannot even imagine now and that we will have to deal with in our religion. The thing we cannot do as a community is ignore science, however difficult it may be, however offensive it may be. I am much more offended by the splitting of the atom in a way that will result, potentially, in the destruction of the planet than I am by the splitting of a cell in a way that enables us to create life. We nonetheless have to have laws to provide for the control of weapons – there are international laws on the control of weapons, there are international rules on the movement of nuclear materials and radioactive materials, which are the fruit of those things – and yet, those are things designed to destroy the human race.

I know we are getting deeply philosophical late on a Friday evening, but this underlies what it is we are doing as a Parliament here. We are creating the legislative architecture to embrace the fruit of science in the same way as we create legislative architecture to control the fruit of science. We are not – and I think the hon. Member's point is an important one – making a judgement on people who live their lives in a particular way that is not the way we desire that they should because of our own particular beliefs. This is not against my views and my beliefs, but we must certainly not be doing that. I think, the way the hon. Gentleman has spoken today, he is, I must reflect to him, not speaking against a Bill and he is not speaking against a legislative framework; he is speaking against a way of life and the fruit of that way of life, because of the way that he has set out, I think very respectfully ... I will say to him I think his speech was very respectful, but I think the nub of what he is saying is that, and I must challenge him on it. I challenge him by asking him to challenge himself, because another one of the teachings we must also bear deeply in mind is that we must not judge others, and I wonder whether he will reflect on whether or not he is judging others in doing so.

I would simply ask us to look back, Mr Speaker, at how society changes. Divorce was once considered immoral, improper and unacceptable. When I brought the Civil Partnership Bill to the House, it was a difficult moment. When we brought ... I say 'I', Mr Speaker – the hon. Lady has all the credit for bringing it, but I, as Leader of the House, supported it. When she, with my support also, brought the equal marriage Act to this House, my goodness! I was stopped in the street by many people who were telling me that there might be hell and brimstone. The sky has not fallen in. It looked like divorce was contrary to the laws of the Church and would make the sky fall in. The sky has not fallen in. The laws have changed, people have changed; we all have to understand each other.

We speak and preach about respect. We have to, in that context of respect, permit that the rules and laws be made so that the hon. Member, his family and those who think like him never have to do these things if they do not wish to, but the mechanism is there so that those who do, of other religions or no religions, or even his religion but with a different view, are able to use the architecture of the law to provide properly for, in this case, the children, the fruits of those views,

without those children being confined to having to be seen and not able to register in the way that they consider is the right way to register.

2715 The Hon. Mr Feetham said that he did not want to demean what Mr Bossino had said with the way that he presented the circumstances of his family member – which I thought was a very moving recital to the Parliament of that particular case, which the hon. Lady is also aware of – but I do want to say that I think the existence of cases like that should also give the Hon. Mr Bossino pause for thought, because I genuinely believe that there is an instance, again, which does not
2720 arise from circumstances that are the ones that potentially he might find outside of the views that he might think are appropriate because of his deeply held belief.

And so, Mr Speaker, for all of those reasons, repeating my own sincere apology for not having been able to have dealt with the Bill before the election, not having been able to deal with the Bill earlier during the course of this Parliament, and therefore explaining to the House why I felt it was
2725 appropriate in this instance to exercise my section 35 powers in respect of a Bill which was, in effect, first published two years ago, I will be supporting this Bill. I will be urging all hon. Members to support this Bill and asking Mr Bossino to consider once again how he votes on this Bill and perhaps even potentially consider if he might at least abstain on the Bill, so that when he looks back on his life he does not find that he stood in the way of children being registered with their
2730 parents in the law as they might wish to. The law is the positive law of man; it is not the law of God. The law of God, for those who believe in God, is the law of morality and of how people lead their lives. The laws that we make here are only the laws of men and women who seek to do good by their compatriots.

2735 **Mr Speaker:** The Hon. Minister.

Hon. Miss S J Sacramento: Mr Speaker, may I start by saying that preparing for this Bill has most certainly not been a burden. It is something that I have wanted to do for a long time, but was, unfortunately, during this period, among many other demands – and not just those that Chief
2740 Minister reminded us of, but more particularly my responsibilities as Minister with responsibility for civil contingencies, because it has been almost exactly one year, since last week, that has completely consumed everything that we have done, with Brexit thrown in, of course. This role is one that requires us to discharge all our responsibilities, and, as I explained when I started, this Bill has been brought, in the context of everything that has happened particularly in the last
2745 12 months, at very much our earliest opportunity. It has been one of the most difficult years we have seen.

I say that because of what the hon. Lady said about this being a reaction. This is not a reaction at all. It is something that has very much been planned, and planned for a long time. We know that we had this Bill in 2019, which, unfortunately, we could not bring for other reasons, but which
2750 during the intervening period has been updated and improved.

Mr Speaker, the hon. Lady – I will only address the points that have not been addressed by the Chief Minister just now – asked about an awareness campaign. There will be more than an awareness campaign, because this will be, if passed, our primary legislation and the finer detail will be in the subsidiary legislation, which will, of course, contain all the guidance notes ready for
2755 everyone to understand what the position is, and it is precisely ... The way that the Bill is drafted will give provision for people who have already found themselves in this situation. They have a particular period in which we will make arrangements for them to be able to provide the benefits of the legislation.

I also had a question from the Hon. Mr Phillips, who asked about section 19 of the Act and why
2760 it was there when it was not in the previous Bill. That is something which we provided at the time of the revision of the draft, in case we were not able to find ourselves where we could have brought the Bill before Parliament ahead of parents who find themselves in the situation now. When we drafted this a while back, we were not sure if would be able to bring the Bill before the House before the birth, so we thought of making that provision.

2765 I am not going to labour on the points that have been made by Mr Phillips, because the majority of them have been answered – I would say by the Chief Minister but they have been answered by the Hon. Mr Bossino, and in that respect both the Chief Minister and Mr Bossino have made the point, which would be obvious to all of us at the time of drafting this, that this is something which is another groundbreaking step in the progress of legislation, and in things like this it is important that we do have access to the tests of legislation of this nature and therefore rely on the jurisprudence that is available.

2775 I am aware that Mr Phillips said from a sedentary position that we should have done our homework on this and he referred us to changes that are proposed in the UK. Of course we are aware of this, and we all have an eye on it, but at this stage, and as Mr Bossino reminded us, it is sensible that we provide a law for Gibraltar on the basis of what has already been tested.

Turning to the comments made by the Leader of the Opposition, I have to say that, of all the speeches, that was the speech which certainly recognised the position from this side of the House. The most important thing that the Leader of the Opposition reminded us of is that this Bill is about the recognition of children, and that is precisely how I ended the first intervention I made.

2780 Mr Bossino made many points of finer detail. A lot of them have already been addressed by the Chief Minister. May I say, Mr Speaker, before I go further, I respect Mr Bossino's views because these are his personal views based on his religion. That is not to say that I agree with his views, but again I share the view of the Chief Minister that we are in Parliament to make legislation for the people of Gibraltar, regardless of what our personal views are.

2785 I am grateful to Mr Bossino, who pointed out an error in the drafting when it came to the oversight of including artificial insemination in some of the sections. That, in the intervening period, has been addressed in a letter to you, Mr Speaker, so that we can deal with it at Committee Stage.

2790 In relation to a lot of the detail that Mr Bossino raises, I will not deal right now with the points that he raises in relation to the Adoption Act because those are details of a different piece of legislation, one that exists and in fact existed for a very long time, and it is not for us to be debating that here. But the reason I mention it is because some of the wording used in this legislation mirrors that of the Adoption Act, but then the finer detail, which may be a bit more refined, will be found in the subsidiary legislation. A lot of these details we will deal with. Our aspiration is to pass this Bill in the House, but this Bill is complex in terms of the effect that we need to give to it, and drafting of the subsidiary legislation and guidance notes, and in particular the forms that we need for registration and forms that we require for the courts, have already been drafted. We hope that the Act will be law by next week, by which point all the finer details that we have to have in place will be in place.

2800 Mr Bossino spoke about parental orders and consistency in the drafting. This is the way it has been drafted, it is a matter of drafting style, but Mr Bossino can rest assured that parental orders will only exist in the Surrogacy Bill. Parental orders do not exist in any other pieces of legislation, so any reference to parental order will always refer to parental orders in this framework.

2805 I will turn to the final speaker, the hon. Member Mr Feetham, who is aware that my reference in the closing of my first intervention was to his niece. I have to say I have shared many conversations with this remarkable young lady, but of course this is not just about her, though I have found her, through experience, very inspirational in how motivated she is about the future. During the whole process we have had personal conversations with other people who have gone through the surrogacy process in other countries, because I think, after what we have heard today, 2810 what really brings this home is that, because we are in Gibraltar, the people who will benefit from this legislation ... we will know who they are and if children have been born from the surrogacy process. We know those children. We have seen them arrive in Gibraltar, we have seen them around; we know the parents and we have engaged with them. One of the beauties of Gibraltar is that this is not just a piece of legislation, it is a piece of legislation that will have a real and 2815 meaningful impact for our community.

I will end as I ended my first intervention, Mr Speaker. This Bill is about making a difference to people's lives and, more importantly, to those of their children.

Hon. D J Bossino: Can I ask the Hon. Minister to give way?

Hon. Miss S J Sacramento: Yes, Mr Speaker.

Hon. D J Bossino: Again, if she has not had enough time to consider this, then I would encourage her, please, to do so. It is one of the points that she has not specifically addressed, which is the interpretation that I give to one of the clauses, which seems to – (**Hon. Miss S J Sacramento:** The inheritance?) No. The inheritance, if she can – (*Interjection by Miss S J Sacramento*) Okay, but it is more to do with ... What this Bill is intending to do, or one of the things it is intending to do is deal with the nefarious aspect of the process which could arise, which is the commerciality of it. We are dealing here with altruistic surrogacy, but there is this provision – I will cite it to her again – which is soon-to-be section 4(4), where, according to my interpretation, there is room for payment of the mother and there is no restriction in relation to that. Whether she agrees with my interpretation of it, and, if she does, whether she can speak to that and why that exception is there, or simply whether I have got it wrong, I think it would be helpful to have it on the record for future purposes.

Hon. Miss S J Sacramento: Mr Speaker, I apologise for not having dealt with that particular point, but in relation to section 4(4) it is simply because the intention of this Bill is not to criminalise.

I have also realised that I did not address the other point, in relation to inheritance. I think it was section 16. This is the section that relates to the use of the sperm or transfer of an embryo after the death of the sperm donor. The hon. Gentleman asked about whether inheritance rights would flow, but it is very clear from the draft that the intention is that the particulars of the child's parent be relevant for the purposes of the registration of the birth and no other purpose. This follows the position in the UK and this is deliberate.

Mr Speaker: I now put the question, which is that a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy and establishing legal parenthood in cases of assisted reproduction arrangements be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Mr Speaker: The Surrogacy Act 2021.

**Surrogacy Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs
(**Hon. Miss S J Sacramento:**) I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

2860 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move now that the House should resolve itself into Committee to consider the following Bills clause by clause: the Income Tax (Amendment) Bill 2020, the Animals (Amendment No. 2) Bill 2020, the Gibraltar National Trails Bill 2020, the Climate Change (Amendment) Bill 2020, the Commonwealth Park (Amendment) Bill 2020, the Limited Partnerships Bill 2020, the Protected Cell Limited Partnerships Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2020 and the Surrogacy Bill 2021.

2865 Mr Speaker, as we do that, just a general note that of course we will be asking at the end that the Bills which are 2020 Bills be passed as 2021 Acts, so that we do not have to do that in respect of each Bill as we consider it in Committee.

In Committee of the whole House

**Income Tax (Amendment No. 2) Bill 2020 –
Clauses considered and approved**

2870 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 and 2.

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

2875 **Clerk:** Clause 3 as amended.

Chief Minister (Hon. F R Picardo): Mr Speaker, hon. Members have seen the proposed amendment that I have now circulated with the marked-up text.

2880 **Hon. R M Clinton:** Mr Chairman, I am fine with the amendments. *(Interjection)* Sorry, Mr Chairman, I am playing musical chairs here. My only observation would be the referencing for the Bill, which eventually will feed into the legislation: it should be Bill 10/20, because that will then feed into –

2885 **Chief Minister:** Mr Speaker, that is the Bill that was called. He has simply got the marked-up version in the Word version that I had, which is in respect of the new one, which has been withdrawn, so the reference will be in respect of the Bill for 2020 but amended to be an Act of 2021.

2890 **Clerk:** Clause 3 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

2895 **Mr Chairman:** The long title stands part of the Bill.

**Animals (Amendment No. 2) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Animals Act in relation to service animals.
Clauses 1 to 3.

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

Clerk: The long title.

2905

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

**Gibraltar National Trails Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails; and for connected purposes.

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Clauses 1 to 5.

Mr Chairman: Clauses 1 to 5 stand part of the Bill.

2915

Clerk: Clause 6 as amended.

Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):
Mr Chairman, following the discussion at Second Reading, we considered that it would be appropriate for the report to be laid before Parliament. I am proposing we add a subsection (3) to clause 6 – which I have taken word for word from the Heritage and Antiquities Act, which was also passed unanimously in this House a few years ago – which should read:

2920

(3) The Minister shall lay a copy of the annual report before Parliament as soon as practicable after it has been received by him.

That is word for word in the Heritage and Antiquities Act, and I therefore am assuming that it would be acceptable. *(Interjection)* Yes, of course, I will provide this in writing straightaway.

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Mr Chairman: So, an amendment to clause 6 by the creation of a clause 6(3).

Hon. Prof. J E Cortes: In addition, Mr Chairman, to the two minor amendments to the same clause that I submitted in my letter of 26th September.

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Mr Chairman: Clause 6, as amended, stands part of the Bill.

Clerk: Clauses 7 to 13.

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Mr Chairman: Clauses 7 to 13 stand part of the Bill.

Clerk: The Schedule.

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

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

**Climate Change (Amendment) Bill 2020 –
Clauses considered and approved**

2945 **Clerk:** A Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans.
Clauses 1 to 3.

2950 **Mr Chairman:** There is an amendment which was circulated on 9th December. I take it that the hon. Members in opposition are happy with the amendments.
Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

2955 **Mr Chairman:** The Hon. Marlene Hassan Nahon indicated she was going to abstain?

Hon. Ms M D Hassan Nahon: Yes, Mr Speaker.

**Commonwealth Park (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Commonwealth Park Act 2014.
Clauses 1 to 3.

2960

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

Clerk: The long title.

2965 **Mr Chairman:** Stands part of the Bill.

**Limited Partnerships Bill 2020 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for protected cell limited partnerships in Gibraltar.
Clauses 1 to 44.

Mr Chairman: Clauses 1 to 44 stand part of the Bill.

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Clerk: The Schedule.

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

2975

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

Clerk: Sorry, my mistake. That should have been the Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes. That is the Bill we have just approved.

2980

**Protected Cell Limited Partnerships Bill 2020 –
Clauses considered and approved**

Clerk: Now we consider a Bill for an Act to provide for protected cell limited partnerships in Gibraltar. Clauses 1 to 3.

2985

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

Clerk: Part 1, clauses 4 to 18.

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Mr Chairman: Part 1, clauses 4 to 18, stands part of the Bill.

Clerk: Part 2, clauses 19 to 24.

2995

Mr Chairman: Part 2, clauses 19 to 24, stands part of the Bill.

Clerk: Part 3, clauses 25 to 29.

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Mr Chairman: Part 3, clauses 23 to 29, stands part of the Bill.

Clerk: Part 4, clause 30.

Mr Chairman: Clause 30 stands part of the Bill.

3005

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Proceeds of Crime Act 2015; to amend the Financial Services Act 2019; to amend the Supervisory Bodies (Powers etc.) Regulations 2017; to amend the Gambling Act 2005; to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016; to amend the Terrorism Act 2018; to amend the Insolvency Practitioners Regulations 2020; to amend the Register of Ultimate Beneficial Ownership Regulations 2017; to amend the Trustees Act; to amend the Private Foundations Act 2017; to amend the Terrorist Asset-Freezing Regulations 2011; to amend the Sanctions Act 2019; to amend the Chemical Weapons Sanctions Order 2019; to amend the Democratic People's

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Republic Of Korea Sanctions Order 2018; to amend the Friendly Societies Act; to amend the Charities Act; and to amend the Companies Act 2014.

Clauses 1 and 2.

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Mr Chairman: Clauses 1 and 2 stand part of the Bill.

Clerk: Part 1, clauses 3 to 17.

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Mr Chairman: Part 1, clauses 3 to 17, stands part of the Bill.

Clerk: Clause 18.

Mr Chairman: Clause 18 stands part of the Bill.

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Clerk: Clauses 19 to 50.

Mr Chairman: Clauses 19 to 50 stand part of the Bill.

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Clerk: Part 2, clause 51.

Mr Chairman: Part 2, clause 51, stands part of the Bill.

Clerk: Clause 52, as amended.

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Mr Chairman: Clause 52, as amended, stands part of the Bill.

Clerk: Clause 53.

3045

Mr Chairman: Clause 53 stands part of the Bill.

Clerk: Part 3, clauses 54 to 60.

Mr Chairman: Part 3, clauses 54 to 60, stands part of the Bill.

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Clerk: Part 4, clauses 61 to 65.

Mr Chairman: Part 4, clauses 61 to 65, stands part of the Bill.

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Clerk: Part 5, clauses 66 to 72.

Mr Chairman: Part 5, clauses 66 to 72, stands part of the Bill.

Clerk: Part 6, clauses 73 to 75.

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Mr Chairman: Part 6, clauses 73 to 75, stands part of the Bill.

Clerk: Part 7, clauses 76 to 78.

3065

Mr Chairman: Part 7, clauses 76 to 78, stands part of the Bill.

Clerk: Part 8, clauses 79 to 81.

Mr Chairman: Part 8, clauses 79 to 81, stands part of the Bill.

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Clerk: Clause 82, as amended.

Mr Chairman: Clause 82, as amended, stands part of the Bill.

3075

Clerk: Clauses 83 to 89.

Mr Chairman: Clauses 83 to 89 stand part of the Bill.

Clerk: Clause 90, as amended.

3080

Mr Chairman: Clause 90, as amended, stands part of the Bill.

Clerk: Clauses 91 to 95.

3085

Mr Chairman: Clauses 91 to 95 stand part of the Bill.

Clerk: Part 9, clauses 96 to 100.

Mr Chairman: Part 9, clauses 96 to 100, stands part of the Bill.

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Clerk: Part 10, clauses 101 and 102.

Mr Chairman: Part 10, clauses 101 and 102, stands part of the Bill.

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Clerk: Part 11, clauses 103 and 104.

Mr Chairman: Part 11, clauses 103 and 104, stands part of the Bill.

Clerk: Part 12, clauses 105 to 107.

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Mr Chairman: Part 12, clauses 105 to 107, stands part of the Bill.

Clerk: Part 13, clauses 108 and 109.

3105

Mr Chairman: Part 13, clauses 108 and 109, stands part of the Bill.

Clerk: Part 14, clauses 110 and 111.

Mr Chairman: Part 14, clauses 110 and 111, stands part of the Bill.

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Clerk: Part 15, clauses 112 to 131.

Mr Chairman: Part 15, clauses 112 to 131, stands part of the Bill.

3115

Clerk: Part 16, clauses 132 to 137.

Mr Chairman: Part 16, clauses 132 to 137, stands part of the Bill.

Clerk: Part 17, clauses 138 to 141.

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Mr Chairman: Part 17, clauses 138 to 141, stands part of the Bill.

Clerk: The long title.

3125 **Mr Chairman:** The long title stands part of the Bill.

**Surrogacy Bill 2021 –
Clauses considered and approved**

3130 **Clerk:** A Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements.

3135 **Mr Chairman:** Are Members content with the letter circulated by the Hon. Minister containing a number of amendments to the clauses? Are you satisfied and happy?

Clerk: Clauses 1 and 2.

3140 **Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

Clerk: Part 1, clause 3.

Mr Chairman: Part 1, clause 3, stands part of the Bill.

3145 **Clerk:** Clause 4, as amended.

Mr Chairman: Clause 4, as amended, stands part of the Bill.

Clerk: Clause 5.

3150 **Mr Chairman:** Clause 5 stands part of the Bill.

Clerk: Part 2, clause 6, as amended.

3155 **Mr Chairman:** Part 2, clause 6, as amended, stands part of the Bill.

Clerk: Clause 7.

3160 **Mr Chairman:** Clause 7 stands part of the Bill.

Clerk: Clause 8, as amended.

Mr Chairman: Clause 8, as amended, stands part of the Bill.

3165 **Clerk:** Clauses 9 to 16.

Mr Chairman: Clauses 9 to 16 stand part of the Bill.

Clerk: Clause 17, as amended.

3170 **Mr Chairman:** Clause 17, as amended, stands part of the Bill.

Clerk: Clauses 18 and 19.

Mr Chairman: Clauses 18 and 19 stand part of the Bill.

3175

Clerk: Part 3, clause 20, as amended.

Mr Chairman: Part 3, clause 20, as amended, stands part of the Bill.

3180

Clerk: Clause 21, as amended.

Mr Chairman: Clause 21, as amended, stands part of the Bill.

Clerk: Clauses 22 and 23.

3185

Mr Chairman: Clauses 22 and 23 stand part of the Bill.

Clerk: Clause 24, as amended.

3190

Mr Chairman: Clause 24, as amended, stands part of the Bill.

Clerk: Clauses 25 to 30.

Mr Chairman: Clauses 25 to 30 stand part of the Bill.

3195

Clerk: Schedule 1.

Mr Chairman: Schedule 1 stands part of the Bill.

3200

Clerk: The long title.

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

**Income Tax (Amendment No. 2) Bill 2020 –
Animals (Amendment No. 2) Bill 2020 –
Gibraltar National Trails Bill 2020 –
Climate Change (Amendment) Bill 2020 –
Commonwealth Park (Amendment) Bill 2020 –
Limited Partnerships Bill 2020 –
Protected Cell Limited Partnerships Bill 2020 –
Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –
Surrogacy Bill 2021 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

3205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment No. 2) Bill 2020, the Animals (Amendment No. 2) Bill 2020, the Gibraltar National Trails Bill 2020, the Climate Change (Amendment) Bill 2020, the Commonwealth Park (Amendment) Bill 2020, the Limited Partnerships Bill 2020, the Protected Cell Limited Partnerships Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2021 and the Surrogacy Bill 2021 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

3215 **Mr Speaker:** I now put the question, which is that the Income Tax (Amendment No. 2) Bill 2021, the Animals (Amendment No. 2) Bill 2021, the Gibraltar National Trails Bill 2021 as amended, the Climate Change (Amendment) Bill 2021 as amended, the Limited Partnerships Bill 2021, the Protected Cell Limited Partnerships Bill 2021, the Proceeds of Crime (Miscellaneous Amendments) Bill 2021 as amended, and the Surrogacy Bill 2021 as amended be read a third time and passed.

Those in favour of the Income Tax (Amendment No. 2) Bill 2021? (**Members:** Aye.) Those against? (All in favour.) All in favour.

3220 Those in favour of the Animals (Amendment No. 2) Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar National Trails Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

3225 Those in favour of the Climate Change (Amendment) Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

Those in favour of the Commonwealth Park (Amendment) Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Limited Partnerships Bill 2021? (**Members:** Aye.) Those against? Carried.

3230 Those in favour of the Protected Cell Limited Partnerships Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Proceeds of Crime (Miscellaneous Amendments) Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

Those in favour of the Surrogacy Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with laying of papers

3235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful to hon. Members.

I now beg to move, under Standing Order 7(3), to suspend Standing Order 7(1), in order to lay a document on the table.

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

PAPERS TO BE LAID

3240 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the International Agreement on Taxation and the Protection of Financial Interests between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar.

3245 **Mr Speaker:** Ordered to lie.

Tribute to Capt. Sir Tom Moore

3250 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to move now that the House should adjourn. Before I do so, I think the whole House will want to join me on reflecting, with sadness but also with joy and inspiration, the example and life of Capt. Sir Tom Moore, who passed away two days ago at the age of 100. He really demonstrated that, even at the age of 99 and with a global pandemic going on, in one's own back garden you can get up and do something remarkable. In late spring last year, when things looked so bleak for all of us, this 99-year-old ex-serviceman really showed us all how you can get up and do it. I am sure the whole House will want to reflect on Capt. Sir Tom Moore's life and the magnificent work he did last year for the health authority in the United Kingdom, which has also been so helpful to us.

Adjournment

3255 **Chief Minister (Hon. F R Picardo):** Finally, Mr Speaker, I will move that the House should adjourn to Thursday, 25th February at 3 p.m. I am going to propose that the House should then deal with the Hon. the Leader of the Opposition's motion on the Tax Treaty, and he and I, on the basis that I have already set out, will be in touch to try to work out the mechanics of how we deal with that and how we deal with the new requirements in the legislation about international tax agreements.

3260 I move that the House should adjourn to Thursday, 25th February at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 25th February at 3 p.m.

3265 I now put the Question, which is that this House do now adjourn to Thursday, 25th February at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Thursday, 25th February at 3 p.m.

The House adjourned at 8.47 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 11.47 p.m.

Gibraltar, Thursday, 25th February 2021

Contents

Standing Order 7(1) suspended to proceed with Government Statement	3
Tribute to former Minister Hubert Corby	3
COVID-19 update – Statement by the Chief Minister	7
Standing Order 7(1) suspended to proceed with Government Bills	15
Order of the Day	16
Bills	16
First and Second Reading	16
Petroleum (Amendment) Bill 2021 – First Reading approved.....	16
Petroleum (Amendment) Bill 2021 – Second Reading approved.....	16
Committee Stage and Third Reading.....	19
Petroleum (Amendment) Bill 2021 – Committee Stage and Third Reading to be taken at this sitting	19
Petroleum (Amendment) Bill 2021 – Clauses considered and approved.....	19
Petroleum (Amendment) Bill 2021 – Third Reading approved: Bill passed	19
Standing Order 7(1) suspended to proceed with Private Member’s Motion.....	19
Private Member’s Motion	20
International Agreement on Taxation and the Protection of Financial Interests – Debate commenced	20
<i>The House recessed at 7.06 p.m. and resumed its sitting at 7.25 p.m.</i>	47
International Agreement on Taxation and the Protection of Financial Interests – Debate continued.....	47

<i>The House recessed at 9.40 p.m. and resumed its sitting at 9.50 p.m.</i>	72
International Agreement on Taxation and the Protection of Financial Interests – Debate concluded – Motion not carried	72
Suspension of Standing Orders	89
Standing Order 7(1) and 19 suspended to proceed with Government motions	89
Government Motion	89
International Tax Agreement with Spain – Addition to Schedule 11 of the Income Tax Act 2010 – Motion carried.....	89
Adjournment.....	93
<i>The House adjourned at 11.47 p.m.</i>	93

The Gibraltar Parliament

The Parliament met at 3.09 p.m.

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

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

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

Clerk: Thursday, 25th February 2021, Meeting of Parliament.
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 a Government Statement.

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

Tribute to former Minister Hubert Corby

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I address the House on matters related to updating on the COVID pandemic, we agreed last time, when we received late in the day of our last session ... that we would today have an opportunity to speak with a little more consideration about the sad passing of former Member of the House and former Minister the Hon. Hubert Corby.

- 15 I already said a few words at the last session, and I have had an opportunity since then to write to the family. Indeed, I have had an opportunity to reflect that, contrary to what I told the House last time, I was not a Member of the House at the same time as Hubert Corby was a Member of the House, but I sincerely thought that I was because, when I was a Member of the House, Hubert was still here, not sitting on these benches but he would come very regularly to sit in the Gallery. When I would pop downstairs for coffee he would invariably be there, and although we were on
20 different sides in the sense that we were members of different political parties, he was invariably encouraging of me. I think it was the Hon. the Leader of the Opposition who said, last time, that Hubert was one of those people who was not a tribal politician, he had friendships across the floor of the House, even when he was active in politics, which he was very happy to promote.

- 25 I remember that when I was in opposition I would see him downstairs for coffee, or I would see him here, just across the Bar of the House, and he would often say to me, '*Sigue, niño, sigue,*' in his usual style. I remember that after a particularly hard, as they were in those days, session of the House with the Hon. the former Chief Minister having given me one of those hell-for-leather days which I consider to have been a part of my political apprenticeship – the other, of course, at the even less merciless hands of the former leader of my party, who would not forgive a mistake
30 even today if he can avoid it, as hon. Members know – Hubert took me to one side as I was walking out of the House, put his arm around me and said to me, in punctilious Gibraltarian which I can still remember, '*No deje que te haga depressing pisha, Peter es así, pero no es malo,*' which loosely translated means, 'Do not let the bastard get you down,' or words to that effect, as they sounded to me at that time, (*Interjection*) although it certainly did not feel as if Peter was not bad then.

I am reminded that Hubert had cause to come and see me by the time I was Chief Minister. He called on me, and I remember saying to him, *‘¿Por qué no me dice “niño” ya?’* now that I was in office – ‘Why do you no longer call me *niño*?’ – and he replied with his usual flair and his usual joy and with a twinkle in his eye. Despite the difficulties and many issues he was facing, which were what brought him to see me, he looked me in the eye and said, *‘A tí, sí, te digo “niño” – al Chief Minister, no,’* – loosely translated as ‘Of course I call you “boy”, but not the Chief Minister.’ I do remember laughing very heartily with him as a result.

Mr Speaker, I certainly am greatly saddened also by the circumstances of his passing. As ever with Hubert, I know that his wish would be that the circumstances of his own death should not be in vain and that lessons should be learnt from it. I am sure the whole House will join me in expressing, once again, regret to see him go, as a former Member and as a friend to all of us, wherever we might sit on these benches.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I wholeheartedly associate myself with the remarks of the Chief Minister. On behalf of myself and everyone who sits on this side of the House will, I am sure, join me in associating myself with those remarks in support of the tribute to Hubert.

I first met Hubert when I was around 16, as a young tennis player at Sandpits. He was already a bit of a legend in racquet sports in Gibraltar, in tennis and squash. He was not involved in politics at that stage, but he was still at Barclays Bank; little did I know that, years later, we would be colleagues. He was someone who struck you immediately, despite the age difference, as someone who connected with all ages – encouraging, always able to speak on any issue of concern with anyone he met.

He was – as I said on the first occasion, where we had just a moment’s notice to reflect on Hubert passing – he was the epitome of someone who was not a tribal politician. In the early 1990s, when I had a fledgling first outing into politics, he was the kind of guy who would stop you in the street – I was not in the GSD then – to congratulate you on your opposite point of view. That is the kind of guy Hubert was.

Initially, when I did join the GSD, as he was 30 years older, he, in effect, took me under his wing. I remember one issue where the party decided to collect signatures on a particular matter and we went round the houses of Gibraltar, and Hubert asked me to go along with him. I was just taken aback, really, by his natural style and ability to connect with people. I think the only time I saw him slightly put off his style and his natural ability was knocking on a door somewhere in the South District when an elderly lady opened the door and after we explained what we were there to do, to collect signatures, she turned to Hubert and asked him if we were from Sir Joshua Hassan’s party. He was slightly flummoxed at that moment, but then responded disarmingly and said to her, *‘No, but ... qué casa más bonita tiene usted’* and that immediately led to an invitation into the House.

He also called me a *niño* in the GSD, and we grew quite close. The name stuck. Years later we found ourselves in government and he would still call me that, despite the fact that we were in government. I thought it was an affectionate referral and I was very close to Hubert. In government he was a formidable ally on particular issues, but with Hubert it was important always to understand that once his mind was set, it was set. So, if there were issues of contention and disagreement at Council of Ministers, it was always important to speak to Hubert and persuade him *before* his mind was set, because after that it was very difficult. But he was, when he was on your side on a particular issue, very formidable indeed and immovable. He was a real hawk on foreign relations, in the old, traditional sense.

I happened to speak to Hubert the day before he died. I was very shocked, as I think everyone in this House was shocked – as was his family, in fact – and my parting words to him, on the day before he died, when he rang me in the evening ... He asked me to call him again the following day and I said to him that I would. Mindful that I was in the House the next day, that was my

intention. It was a shock to hear in Parliament on the day I thought that after the session I was going to call him, he had passed.

90 Hubert was a loyal and generous man. He could connect with so many people. He gave so much of his time to this community, in the field particularly of his great interest in drugs rehabilitation. He worked very hard as Minister for Social Affairs in the first term, and thereafter as Minister for Employment and Consumer Affairs in the second term of the GSD. I spent my entire time in government with Hubert as a fellow colleague in government. He was able to add to that work in drugs rehabilitation when he was in government, and we did quite significant work. Also, his
95 contribution in the reform of the Elderly Care Agency is something to be noted. When we were elected, Members and the public will remember that Mount Alvernia was run still by the trustees of the John Mackintosh Home and it was while Hubert was Minister for Social Affairs, and elderly care was his responsibility, that there were reforms in that area and he was able to spearhead those changes so that we set up the Elderly Care Agency and took over responsibility for that
100 home.

After we both left Government we stayed in touch, and, common to the experience of the Chief Minister, indeed he would often stop you in the street and you felt as if you had never gone away. Hubert was always there when you needed him, as he was with so many people.

105 He is now with his beloved Mariola. Rest in peace, and our condolences to his family. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you.

110 I, too, would like to echo the tributes paid by the Chief Minister and the Leader of the Opposition to the late Mr Hubert Corby. Today, we are paying tribute to one of our own, a former Member of this House, and it is important, I think, that we reflect on his finest qualities and the legacy that he leaves, so that we can be inspired to continue this legacy and learn from his example.

115 I personally did not have the honour of having a close rapport with Mr Corby, nor was I around to witness first hand his achievements in front-line politics. However, over the years it became known to me, from hearing everyone talking about this man, that he was respected and admired for his constructive and collegiate approach with his fellow parliamentarians. He was known to be open, helpful, mindful and always eager to foster unity in this Chamber, whether he was in
120 government or in opposition. This attitude, in my opinion, points to two very valuable and rare qualities, the first being that he was a man who had the humility to accept the point of view of others, and the second being that he had the generosity to put the greater good in front of party allegiances and egos. I believe, here today, that we should all take a leaf out of this man's book in the way we treat each other and in our readiness to work together to achieve common goals.

125 Outside of the House, this man was known for his kindness and the generosity of spirit he had, as well as for his groundbreaking policies in the delivery of mental health and drug addiction services, where he implemented his vision to focus on rehabilitation rather than criminalisation. Twenty years later, for example, Bruce's Farm is still the go-to place for drug addiction and rehabilitation, and so many people's lives have improved thanks to this facility and this man's
130 vision.

Mr Speaker, I will not repeat the achievements of Mr Hubert Corby reflected here today, other than to thank Mr Corby for his fine service to Gibraltar, praise his many achievements and remind the House that it is incumbent on all of us to uphold the values and good work of this great man. I pass my sincere condolences to his family.

135 Thank you, Mr Speaker.

Mr Speaker: The Hon. Sir Joe Bossano.

Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Mr Speaker, in my case, in joining other Members I have to say that my friendship with Hubert predated his entry into politics. We went back to the days when he was in Barclays Bank and when members of Barclays Bank were members of the ACTSS (Association of Clerical Technical and Supervisory Staff), the white-collar branch of the union. He was also a personal friend, because his wife, Mariola, and my wife were very close friends. The fact that eventually he was representing a different political party made absolutely no difference to the relationship we had as two closely related families and the many things we shared, and indeed the fact that some members of the family were in the GSLP and others were not. Politics was never, for him, something that divided people; it was just something that allowed people to have different views about what was the best thing for Gibraltar.

Certainly his commitment not to give an inch of Gibraltar to our neighbour was something that he kept alive all his life, right up to a week before we lost him when he rang me out of the blue and told me to scrutinise every comma and full stop in anything we did with Spain because we could not trust them an inch. I think that is the kind of hawk the Hon. Leader of the Opposition was referring to. It was a hawk that it was better not to be mistaken in thinking that the regime on the other side is going to change permanently when we see, in fact, the forces are playing in their political scene – what has happened with Vox in Cataluña, of all places, is something that might have wider repercussions on some future elections, and we therefore need to be permanently on our guard.

I think there is nothing better that one can say to the memory of our dear Hubert than we will all be as vigilant as he was while he had the responsibility as a Member of this Parliament and a Member of a Government of Gibraltar. A truly devoted Gibraltarian, we will miss him. I still cannot get used to the idea that he is not with us anymore.

Mr Speaker: The Hon. Daniel Feetham? No.
The Hon. Edwin Reyes.

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

Very similar to what the Father of the House has just said, my first recollections of Hubert were well before he ever joined Parliament. I lived in Alameda House, in Alameda Estate, and he was a regular visitor there, visiting his elderly relatives who lived in that same block. But then, as a very young teenager I remember having seen Hubert playing on the tennis courts at Sandpits in the days when they were still clay courts, and the powerful shots were something that really impressed any sports-loving youngster. I remember Hubert was the talk of the town for a long time: he was the first Gibraltarian to own one of those Wilson steel racquets that had two bars. As young teenagers, we all aspired to one day owning that racket – perhaps it would make us as good a player as Hubert.

Another thing that one remembers about Hubert ... I hope I am correct in saying he was a teetotaller. After a game of tennis, many people used to meet up for a chit-chat in the clubhouse, and the beer and so on would flow. Hubert always insisted that he wanted a Coke, one of those things that, especially when you are young ... As a tennis champion, he became a role model: you did not need to be into alcoholic drinks to be as good a player as Hubert.

Like the Father of the House has reminded us, he was a manager in Barclays Bank, and whether you were a big client or just a very small client with a small current account, he was always charming to each and every client that came to his bank. And he was always wise. That word '*niño*' – although he did not use it as often with me, I remember hearing him some days saying, '*Niño*, open a savings account and start to put in there, because you never know what is going to happen next year, and if you do not need the money then you can go on holiday.' There was always father-like advice.

But Hubert's biggest impact came from his contributions and his commitment to drug rehabilitation, as has been mentioned in the House. He was certainly instrumental in obtaining the premises for what today we know Bruce's Farm. Before that, I had developed a type of friendship with him where I allowed him to use certain premises in my days when I was a cleric in St Theresa's Church, and Hubert's courtesy and generosity in dealing with everyone was certainly something to be admired.

It got to a stage when it was a special wedding anniversary for him and Mariola and he said, 'Because we are older and because so many things are happening in the world, I think we should set an example,' and he went through an ecclesiastical ceremony, a renewal of vows with Mariola. I wish Hubert and Mariola the best of happiness in eternity together, and one day, when I join them, perhaps we can do, once again, that ceremony and that renewal of vows.

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I now invite the House to join me in a minute's silence for Hubert Corby.

The House observed a minute's silence.

COVID-19 update – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, it has been a pleasure to work with those who were members of the COVID Platinum Executive Committee. We have worked as a team at the most difficult periods of the pandemic. I have, however, been particularly pleased to be able to disband COVID Platinum yesterday.

As at today, there is one case reported of COVID-19 in our community after 888 tests were carried out yesterday. There are only 20 active cases in our community and we have seen that the number of people in St Bernard's Hospital has been greatly reduced. Overnight, there have been no new admissions to our Critical Care Unit. There has been one discharge from Victoria Ward and no further admissions. The overall picture now is, therefore, three patients in the Critical Care Unit with the three of them ventilated, and only one patient on the Victoria Ward – and that patient, I am very pleased to say, is stable. So, it is with great pleasure that it is possible for me to confirm to the House that Gibraltar will step down from its major incident posture, one that we have held for over two months, at 6 a.m. on Monday, 1st March. As from that date, all of our catering establishments will be free to open once again.

We do still have to remain vigilant, and for that reason we will need to have certain constraints on the operation of our catering establishments. All staff in catering establishments will be required to wear double masks for the 30 days of March. The international evidence suggests that double masking reduces even further the possibility of the spreading of the virus by up to 95%, and given the demographic nature of the staff of most of our catering establishments, and the fact that they will not have the benefit of full immunity from vaccination in the early days of the reopening of our catering establishments, we have decided that the staff will have to double mask for the first 30 days.

In order to assist all our catering establishments, the curfew rules will change as from 1st March and it will no longer be a curfew from 10 p.m. to 6 p.m. Instead, the curfew will be from midnight to 6 a.m. every day, at least for the first 14 days of March.

The total number of people who will be able to gather in one place will remain 12 for the first 14 days of March at least, and in our catering establishments we will introduce a rule of six, so

235 that the maximum number of people who will be able to book a table or sit at a table will be six. In order to ensure that we do not see great accumulations of people and the loss of inhibitions, which can lead to behaviour that is more conducive to a lack of social distancing, there will be a temporary control on licensing hours, so that there will be no alcohol sales between 3 p.m. and 7 p.m. in any catering establishment in the month of March.

240 This is the balance that we are trying to do, to enable our catering establishments to remain open later and to be able to offer a greater service to the public whilst at the same time not having the difficulties that we can have if we open our catering establishments and we permit business as usual. The curfew and the control of licensing hours will be reviewed after the first 14 days of March. Additionally, during the first 14 days of the month, only table service will be permitted.

245 The epidemiological advice that we have tells us that the prevalence of the virus worldwide is in decline, at last. We may be at the beginning of the end at last, and we may be seeing an end to this dreadful virus at last. The Public Health advice is now that it is safe for people to return to their offices, so long as they observe the basic rules of social distancing, wearing masks where required and hand hygiene.

250 Given the low numbers of in-patients at St Bernard's Hospital, I have directed that the Nightingale Hospital can now be decommissioned. It will be now, once again, on 14 days' notice.

Although we are able to take these faltering steps towards normality, we will only be able to do so if we maintain the full effect of our Contact Tracing Bureau in order to be able to deliver an efficient Test, Trace and Isolate strategy in the instances where there might still be cases of the virus. Test, Trace and Isolate and our Contact Tracing Bureau will become, once again, even more important now than they have been at the worst periods of high infection in our community.

255 As we welcome back the opportunities for live sporting and cultural events, we want to work with our cultural and sporting associations and the promoters and organisers of sports and cultural events to try to reintroduce not just the sporting and cultural activities themselves, but also the ability of audiences to attend those sporting and cultural events. Working with Public Health Gibraltar, we will put in place protocols that will enable all those who are practising sports or performing in cultural activities to have their supporters and fans with them after the second half of this month. That will include working with the Gibraltar Football Association for a live audience in their international matches at home and with the promoters of the heavyweight title fight between Whyte and Povetkin to be organised in Gibraltar at the end of the month. We very much hope that these will be the first events that we will see return to our calendar this year. It is, however, probably too late to see some of the larger events organised, and we will nonetheless all want to be very prudent about the numbers of persons permitted initially at such events and the social distance required between them.

270 Before I continue, I want to congratulate today the Gibraltar Boxing Association (GBA) on behalf of the Government – and the whole House, no doubt – for the double achievement of admittance to the International Boxing Association and to the European Boxing Confederation. This is extremely good news, not just for the GBA but also for Gibraltar as a nation in terms of our recognition on the European and world stages – or European and world rings. I want to thank all those in the team who have fought hard for this recognition. It is right that this achievement is publicly recognised and that the GBA is duly congratulated. We will obviously gladly consider ways in which the Government can assist the GBA going forward. I now urge the GBA to continue to work with the GSLA and the GSAC and address the minor details which will bring to an end over three years of work that they have done together. This will also allow the sport of boxing to flourish further and develop further in Gibraltar. Together with the announcement of International Boxing Association membership, we will hopefully see the return of the glory days of Gibraltar boxing.

280 Mr Speaker, I cannot thank all GHA, ERS, Care Agency, law enforcement and other frontline staff enough for the fantastic work they have done in the worst periods of this pandemic. I will say more when the House has been able to agree its motion to thank them and to mourn all those who have passed away.

Today, as we celebrate the first faltering steps towards normality, we must also, unfortunately, record another COVID death, bringing the total death toll to 91; 84 of them this calendar year. I know that I speak for the whole of this community when I say that we will never forget any of those lost to this awful disease.

Mr Speaker, I should also just add a word of best wishes to the Jewish community, who will be celebrating Purim tomorrow. As I reckon the House is in for a long and fairly adversarial session this afternoon, I want to just record that now and wish all the best to all members of our magnificent Jewish community, not least the hon. Lady herself.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I associate myself also with those comments, particularly starting with a couple of those issues that do not require clarification, but, with your indulgence, to wish our Jewish community a happy Purim also on behalf of Members on this side of the House; also, our condolences on the announcement of a further death from COVID. The Chief Minister knows that we share the grief the Government has on these issues and the difficulties of COVID management. Our congratulations, of course, to the Boxing Association for being recognised and admitted to these international bodies. That augurs well for that association and indeed is something to look forward to in the future.

I also want to join him, for Members on this side of the House, to congratulate the essential services, and the GHA in particular, once again for the management of the COVID issue, and in particular, most recently over the past couple of months, for the excellent handling of the vaccine programme, which has systematically been rolled out to a point where, despite the fact that we have questions on it on the Order Paper ... There are issues, of course, to discuss, but despite all that, it has been well run and rolled out to so many people in the community and is well on the way to being a sterling example of the way that the vaccine can be rolled out to people.

Mr Speaker, I have a number of small questions, if I may. The Chief Minister has not mentioned the situation in ERS at all in his Statement, and I wonder if he would clarify a couple of things. First of all, I think the latest situation ... I have not seen today's statistics, because presumably they have not yet been uploaded on to the Government website, but there was still a residual one positive case in ERS and I wonder if he has more information about that. One of the things I noticed the other day – I believe it was Sunday, when there were a couple of ERS deaths announced – was that the statistic of ERS positives was not changing. In other words, there was one positive ERS case before the deaths were announced, and still one after, and yet the Government press release indicated that one – I think it was an elderly lady – had died positive within ERS. So, I have questions in relation to that. First of all, does the Chief Minister have information about that? Is it a contained situation in ERS? Is it a new situation? How is it that there was one positive ERS case, and yet one of the ladies who regrettably died apparently died positive of COVID? And then, additionally, in relation to other deaths that also happen to have been from ERS in recent days without again changing the statistic, does the Chief Minister have information on that? Can he confirm that it is people who no longer were positive with COVID but perhaps were suffering the effects of COVID, if that is the situation? I understood it must be that, but it would be helpful to just get confirmation of it.

In relation to the sporting events, I think I speak for most people who will welcome a return to sport generally. Crowds aside, people will welcome the return to sport simply for physical and mental well-being of the community, who have for so long endured the stress and anxiety of a COVID lockdown, and young people in particular will want to go out and compete in sport, so that is a good thing. I share the Chief Minister's view that the return of fans and crowds should be managed. I wonder if he has information about the numbers of people he is talking about in a managed return to crowds, if the Government has set the kind of limits that we are talking about. Obviously, different events will require different limits, and, in particular, the event that was the

subject of tweets over the last couple of days presumably will require a larger limit. I am not sure if we have to ask the Director of Public Health for tickets to that event – I will join the queue, no doubt, for that. But, jokes aside, I wonder if the Government has any sort of view on the kind of limits it is talking about, given that it is still maintaining a rather tight social-gathering rule in restaurants. There is a bit of a dichotomy there. Why have such a tight social-gathering rule in restaurants? Why not a social-gathering rule which allows a larger table in a restaurant when perhaps there is going to be a return to crowds in sporting events? That is the question.

In relation to that as well, if the Government is contemplating the return to public participation, will that also be the case in terms of culture? Are we going to see the return of art exhibitions and performances, and is the cinema going to open; and, if so, is it going to be limited in terms of seating and so on? Does the Government have a view? Has it formed a view on these issues?

I have a question on the Order Paper, but given the delay on questions and given the COVID Statement as an update, I perhaps raise it now in case the Chief Minister has an opportunity to update the House on this issue, and if not, the question can remain on the Order Paper for a subsequent update. I wonder if, given the success of the vaccine programme, have there have been discussions with the UK government in relation to the ability for us to have the return of air travel with the UK without quarantine on proof of, perhaps, vaccination.

Finally, on the issue of masks, I hear what the Chief Minister says on double masks – I confess to not being completely up to speed with the research on double masks – but that would presumably change the previous requirement that restaurants had. Up to the closure of restaurants in December, employees were single masking, as I understand it. If that is so, I believe the Chief Minister said that double masks would be required for the first 14 days, the basis of that advice being that ... Given the background and backdrop, which is the big descent in cases, what is the justification for double masking in restaurants? I hear what he said about the effectiveness of it, but given the public health backdrop, the success and the low number of cases, the fact that there is one positive today, I believe there were zero yesterday and maybe for the previous day, but then we had had successive zeros again ... Against that, why is it a necessary public health measure when the Public Health advice is that we can return to crowds in a couple of weeks and football and that kind of thing?

Finally, the Chief Minister mentioned the boxing event. As I understand it, the international boxing event will have no crowds. That is an event at the end of March, I believe. Is that still the case, or is the situation changing? And in any event, given that presumably there were some discussions with the Government for some time for that to be able to be launched and announced, what is the kind of support structure for people coming in from outside to support that international event? I am assuming that a crew is coming in with the infrastructure and support for such an event, both in terms of telecommunications and indeed in terms of setting up the event itself. What is the Public Health evaluation of the risk in respect of newcomers coming in, who obviously may not have the benefit of having been vaccinated?

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for that which he said which was positive in the context of the response that he has given to my Statement. I was particularly grateful for him setting out that, in fact, on the vaccination programme we are all rightly very proud of the work that has been done by the GHA, rightly very proud indeed, and I think we will have time to reflect on that. She is not here today, but one of the people who has been similarly responsible for that has been the Minister for Health. He knows her well, like I do, and she is diligent to a fault when it comes to something as important as this. I know that there will not be a partisan divide between us in wanting to see that this structure has worked magnificently well, literally from the nurse who is jabbing the needle into the arm of each one of us, to the top of the hierarchical tree in the GHA, chaired by the Hon. Samantha Sacramento. I am particularly grateful for the fact that he says that even when they question things, it does not

mean that they are not being done particularly well and in a sterling fashion, which I am particularly pleased to record for future reference in respect of other matters.

I see that he has not raised it here, but hon. Members have issued a statement about the inoculation of students, and the response to that is that, as far as we are concerned, all students
 395 have now been communicated with, to be offered an inoculation. As we had with those who are over 50, the notice to people should be if you have not been contacted, please do contact the GHA because the GHA believes that all who were registered with them wishing an inoculation have now been contacted. In fact, I understand that some of them have already been vaccinated and the rest of their cohort are being vaccinated tomorrow. That is the information that I have
 400 been provided.

In relation to the issues at ERS, I can confirm that there are no new cases. What we have at ERS are cases of those who have had the infection and who, unfortunately, are still labouring under the effect of the infection. In some instances, there are even deaths recorded from COVID with people who are not active in the infection, because the medical examiner has made the decision
 405 that the cause of death has been *from* COVID, not *with* COVID. Hon. Members know that a person may have COVID and die from an unrelated matter, and that is a death *with* COVID; or a death *from* COVID can occur even if the person is not actively in the COVID infection, because of the effect that COVID can have on the body. There is a lot to be still understood about the long-term effects of COVID, and this is something that we are learning about also. He will recall, I think, two
 410 weeks ago I made the announcement that there was no longer anybody in ERS who had COVID, and then subsequently we had some deaths because the medical examiner determined that even though the patients – the residents in that case – were deemed to be recovered from the infection, the death nonetheless arose from something that the infection had done in the body, and when the post mortem was carried out this was identified.

Mr Speaker, the hon. Gentleman should not think that there are going to be crowds at sporting events in March. There is going to be a limited audience, and so, for example, if there are events on the football pitch at Victoria Stadium, where all of the seating is in the open air, there will be a view taken by Public Health Gibraltar, who are already working with the GFA, about what the spacing should be between people who are of different households. If an event is going to be held
 420 inside – for example, at the Tercentenary Hall or at the Europa Sports Hall – a different rule will apply as to the distance that will have to be maintained between different households attending that event, and the ventilation of the location will be relevant as well, so the Tercentenary Hall may have a different capacity to the Europa Hall because of the different levels of ventilation, height of the building, etc. All of that will be relevant. That is the way Public Health Gibraltar is
 425 approaching this, as I understand it, with the GFA and with the organisers of the heavyweight boxing bout that we have referred to.

The rules that I have explained in respect of restaurants, in terms of the rule of six – I will come to the issue of masking in a minute – are for the first 14 days of March. The sporting events are in the second 14 days of March. It is nonetheless possible that you might still have a rule of six in
 430 restaurants for the second 14 days in March. We do not know what the review is going to tell us, if anything, or what the numbers will be then, but you can still have an audience at the football and the boxing. Remember that if you are dealing with a restaurant the size of, for example, this Chamber, it is very different, in terms of ventilation and the movement of air and the ability of people to be segregated, to dealing with the Tercentenary Hall, the Europa Sports Hall or, indeed,
 435 the open-air facility at the Victoria Stadium. It would not be logical to say that, simply because in the open air at Victoria Stadium you could have say 250 people instead of the usual 2,000, in a restaurant you can sit 12 at a table. Those two are not entirely directly connected because they are completely different circumstances, and epidemiologically we will be told that the safe position will be different for one or the other, depending on where we are in the context of the
 440 pandemic. I think we will be better able to make a decision in 14 days about what the effect of the opening of the schools and the opening of the catering facilities etc. has been, and of course the inoculation programme, because, as hon. Members will have seen in the context of the progress

of the inoculation programme and the evidence emerging from the United Kingdom and from Israel in particular, where inoculation has proceeded very quickly, the dive in the numbers of hospitalisations is really quite dramatic, and our position has always been – and I think it is one that we have shared – not that we can eliminate the virus, but that we can put ourselves in a position where we protect the GHA so that it is able to provide care for those who need it. And so we will have to allow Public Health Gibraltar to make those relevant judgements with the sporting and cultural organisations it is dealing with.

Mr Speaker, I said during my main intervention – the hon. Gentleman has asked me to clarify, so he may not have heard me say this, but I said consistently – ‘sporting and cultural events’. I said it interchangeably, and so I think that should answer his question. The Minister for Culture I know is keen to work with Public Health Gibraltar on these issues also. We have issues that affect children, for example in the Gibraltar Academy of Music and Performing Arts (GAMPA), where we are hoping to be able to bring them back to performance etc. because this is hugely important, in particular for the Government that created GAMPA and wanted to invest in the growth of those cultural activities. In particular, in respect of the cinema, I must tell the hon. Gentleman I am very disappointed to see that the Bond film has once again been put back to October. I cannot wait to see our cinema reopen and see the instalments of series such as that and other great motion picture events. I look forward very much to the new facility that I understand is soon to open, which I saw advertised on social media, the Queen’s Picture House at Casemates, where we will no doubt be able to enjoy movies and, in the more modern fashion, also a meal. And, of course, we need a new instalment of the *Star Wars* saga; otherwise, what am I going to talk about during the Budget speech?

The air corridor issue is a slightly different one. The United Kingdom is not going to make any announcement on air corridors in respect of any jurisdiction until 17th April. It is considering issues between now and then. Gibraltar will have a very good case to make, in my view, because of the high levels of inoculations, thanks to the United Kingdom and the support that they have given us with the supply of the vaccine. The United Kingdom does not expect to be able to make any announcements for changes coming into effect until 17th May in respect of any jurisdiction – so, 17th April consideration, 17th May changes.

Those issues should not be confused with issues relating to travel without vaccines. I think the United Kingdom position is not necessarily linked to vaccines, although consideration has been given to that. The hon. Gentleman will know that Israel is now welcoming those who can demonstrate that they have inoculations and has created a passport. We are looking also, as I have said before, at QR-code-style passports, but there is an issue with airlines. Airlines are private concerns and they may determine whether or not they wish to permit those who are not vaccinated to board their aircraft. This is not an area, currently, of regulation. It may be an area where private litigation determines whether or not commercial entities are able to do that, and therefore it is not an area in which I can give him satisfaction.

Mr Speaker, the evidence suggests that double masking prevents those with infection from passing it on by 95%, and those who wear double masks are given an extra 95% protection from getting the infection. That is the evidence from the WHO.

The issue with catering facilities is, as I said, demographic. The majority of those who work in our catering industry are cross-Frontier workers. The majority of them will not have been inoculated with sufficient protection by the time the catering establishments open. The hon. Gentleman knows that, there, we are dealing with not the prevalence of the virus in Gibraltar, which is what he referred to, but the prevalence of the virus in the area around us, which is still higher than in Gibraltar, although much lower than it was. For that reason, to protect patrons – who are more likely to be resident in Gibraltar whether or not they are inoculated – from getting the infection, because the hon. Gentleman knows that the inoculation does not give 100% protection, we want to bring in this additional protection on the advice of Public Health Gibraltar, which we think therefore enables the catering establishments to open with greater freedom, the protection of the waiter or waitress in particular, also the kitchen staff and other staff and the

495 protection of the patrons, and therefore the continued suppression of the infection. The hon. Gentleman, I hope, will factor that in the determinations he is making based on what I said.

The boxing bout, as far as I know, is not indicated to be with no crowds or with no audience. There is no position yet between the promoters and Public Health Gibraltar, what they determine, because, as I understand it, they have not yet determined which venue it is going to be. They have
 500 a number of venues that they are considering, and therefore the result may be a different one for all the reasons that I have explained. Not a crowd, as he suggests, but an audience, as I understand it, is something that will potentially be permitted. It may just be the sponsors. It may be that there are tickets open to the public. The Government is not the promoter; the Government is facilitating this because we think it helps to promote Gibraltar at no cost to the taxpayer. The numbers of
 505 people expected to arrive in Gibraltar would be strictly controlled and all of them would have to arrive with a negative PCR test carried out within the previous 24 hours and a further PCR test carried out in Gibraltar, also to be negative, after they arrive. They will arrive and they will go into a bubble. They will fly privately into Gibraltar on a chartered aircraft. The numbers of people who will come – the technical crew, in effect, and the sporting crew – will be no more than 150 people,
 510 and Public Health Gibraltar and the promoters are working to ensure that they can be in the right bubbles so that they will be entirely protected. Given the numbers of people we see crossing the Frontier already today, in the region of 18,000 a day, 150 people coming in with a negative PCR test, in a way that is privately controlled, in a plane that is a private aircraft, and then moved by private transport – at no cost to the taxpayer, I emphasise – by the promoters to hotels where
 515 they will be in a bubble, has been explained to us by Public Health Gibraltar as being acceptable to them. We would not have given the go-ahead for this unless Public Health Gibraltar was satisfied that all of the safety requirements could be provided for in an appropriate way.

Mr Speaker, I hope that the hon. Gentleman will be satisfied with the explanations I have given to the issues that he has raised for clarification.

520 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

It is a real novelty to be hearing a briefing on COVID with such positive news and outlooks after
 525 the year we have had, and I think that is fantastic. I also want to extend my condolences to the family of the latest COVID death, as well as to all the other people facing families with the disease and hoping that they get better. And of course I also want to wish our Jewish community a great Purim – and, indeed, myself. I hope to get home at some point tonight, so I hope that we can all take this into account when we get into our sparring over the Tax Treaty motion this afternoon.

530 Mr Speaker, I have obviously been listening intently to the clarification on the Chief Minister's Statement, but I have not heard much about ... The Chief Minister talks about lifting the restrictions in the next weeks or month, but we have not heard much about the plans for ERS facilities. When are these restrictions going to be lifted? How exactly are they going to be lifted? What is the modelling? What is the projection on that? Obviously it is of huge concern to all of us;
 535 it holds our most vulnerable.

Other questions, if I may ask for clarification – for example, the lockdown: definitively, what is the projection for completely coming out of lockdown? What can the Chief Minister tell us about the vaccination programme, in terms of is it going to be a yearly thing, or every nine months? What do we know? What can we find out? And in terms of the immunity, what can we know about
 540 how long it will last?

In terms of the travel restrictions, the Chief Minister spoke about the airlines, as an entity of their own, making decisions, but what about us, in terms of when people land? What do we have in place in terms of how we are going to react to countries where perhaps their vaccination levels are very low? How are we going to treat them when they come in? Are we going to continue
 545 imposing quarantine? The test centres – are they going to keep going when we seem to get into normality? I think it is very positive that Gibraltar, like Israel, are the two leading nations that will

be coming out of this because of our excellent vaccination programme – and I take this opportunity to thank the GHA, as the other two gentlemen have – but when we get back to normal, how do we deal, exactly, with countries who are far from normal?

550 Lastly, I would like to ask: in terms of our economy are we looking to invest public money in relaunching our economy? Has the crisis been used to refocus some parts of our economy that were struggling?

 I am grateful in advance to the Chief Minister for any answers he can provide. Thank you.

555 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Lady for her remarks about the work done at ERS. The persons who are responsible for the administration and management of ERS I know have been extraordinarily concerned about how the lifting of restrictions last time might
560 have led to the arrival of the virus into that community of residents. We want to ensure that, this time around in particular, there is no chance whatsoever of any other new infections in respect of COVID, so consideration has been given to negative tests being required before somebody is able to visit. Of course, the inoculation programme seems hugely successful, but one out of 20 people may still get the virus – hopefully the vaccine will mean that they will not require hospitalisation
565 because it will not be serious, and that they will therefore not die from the virus – but of course in the age range we are dealing with in ERS, those very advanced age ranges, it is possible that even the slightest thing can lead to an acceleration of death, and so I know that the administrators, managers, carers and doctors at ERS are very concerned to ensure that they combine permitting people to once again see their relatives with ensuring that we are entirely safe.

570 The indications I have been giving suggest that the last vestiges of the restrictions on civil liberties which have been introduced would likely come to an end towards the end of March. I cannot crystal-ball-gazing confirm that; a lot will depend on whether the prevalence of the virus continues to be abated as it is. Hon. Members will read, like all of us do, about new strains every day, the effects of new strains and the ability of different vaccinations to stave off new strains but
575 the ability of all vaccinations to at least ensure that there is no serious illness, whatever the strain up to now. My own reading suggests that it is likely that we will all need booster vaccinations, whether those booster vaccinations will be with the existing vaccinations, or whether, because of the new strains, the vaccinations will have to be modified and therefore new supplies will have to be contracted for us to be able to access those boosters, or whether, indeed, a combination of
580 the existing vaccinations is sufficient to provide a boost. So, one of the things that is being investigated is whether you take two Pfizer now and then you take one AstraZeneca in October-November and that combination produces the immunities that are required, or other combinations of existing vaccines. All of that is above my grey-cell grade. I do not understand it. I read it in the way that it is explained to lay people in reputable newspapers, but I cannot pretend
585 to understand it more than that. I think it is one of the issues that we have been looking at. Already, Public Health Gibraltar and the GHA are working on ensuring that we are able to inoculate as quickly the whole population in the autumn, if we have the product with which to inoculate. There is talk of a combination vaccine which would be given in the autumn or the winter, and that it could also be a combination vaccine combined with the flu vaccine. The flu vaccine, I have
590 understood now, is a combination vaccine. It contains usually four strains that you are inoculated against. This could also, in future, be the case, where the flu vaccine might also include something in respect of COVID, or a separate combination vaccine is given at the same time as the flu vaccine is given. All of those things are a ‘please keep in view’ as we head towards the latter part of this year.

595 People arriving from countries where vaccination programmes may not be so advanced or where there may be prevalence of new strains which we may not be inoculating effectively against may be put on the red list. That list is constantly updated by the Minister for Civil Contingencies. Brazil and Portugal are on it at the moment, there are other countries on it and off it, and so that

is one of the things that we need to keep a very close eye on. That is why the Contact Tracing Bureau and the Test, Trace, Isolate provisions will be even more important as we go forward, as those who might arrive in Gibraltar, although we will be requiring negative PCR tests etc., might nonetheless subsequently develop infections. We need to be able to shut down any particular individual who has an infection, and those who have been with him, for the requisite period of five to 10 days, etc.

In terms of the relaunch of the economy, one of the things I think we have done very successfully is to ensure that operators in our economy have continued to be buoyed by the provision of BEAT when they have been shut down. We cannot account for the worldwide economic downturn, of course, but we do believe that with the plans we are deploying and some of the announcements that we will see, and the Budget that we will deploy, we will be putting Gibraltar back on the strongest footing, in terms of its economy, its growth and its public finances, sooner than other nations in the world might. I will ask hon. Members to reflect, when I bring the Budget to the House next time, that we can, at this difficult time, be in it together when it comes to dealing with the issues that we have to deal with in the context of our public finances or our economy, or we can do politics as usual. I venture to suggest that we might all fall into the trap of politics as usual, but I am sure that history will judge us harshly if we do.

Mr Speaker: Does any other hon. Member wish to speak on the Statement?

Hon. D J Bossino: Mr Speaker, with your permission, simply to point out – I feel duty bound to rise and make this comment – that I am particularly chuffed and it is particularly poignant for me and for my family, the announcement that the Hon. Chief Minister has made in relation to GBA's admission to its international body, given that my father was well known among his generation as a very good, I understand, amateur boxer himself and today would have been his 83rd birthday.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as the hon. Gentleman knows from the eulogy we provided at the time, Jimmy was well known to and well loved by all Members of the House. I did not realise he was a pugilist; his son certainly is not – he has a completely different style, for which I also congratulate him.

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

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

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

Petroleum (Amendment) Bill 2021 – First Reading approved

Clerk: (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Petroleum Act. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Petroleum Act be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Petroleum Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Petroleum (Amendment) Act 2021.

Petroleum (Amendment) Bill 2021 – Second Reading approved

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Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): I have the honour to move that the Bill now be read a second time.

Mr Speaker, the Chief Minister, as you know, has certified this Bill as being urgent; hence we are taking it today. The Bill is being brought at the first opportunity after the Commissioner of Police expressed concerns to the Chief Minister about a worrying, relatively new activity which is connected to the drugs trade and which must be stamped out as soon as possible. The activity being carried out concerns a supply of fuels to rigid hull inflatables (RHIBs) used for illegal activity connected with drugs. RHIBs are prohibited imports and cannot therefore be present at the yacht reporting station to take on fuel in the normal way. Instead, large quantities of fuel containers are being filled and then transported to a rendezvous along Gibraltar's coastline, where they are loaded on to the waiting RHIB.

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Quite apart from the support that such an activity lends to the drugs trade, there are potential consequences which are very concerning. The storage of petrol is a dangerous activity which requires suitable premises and suitable containers. The nature of petrol and the fumes it emits presents a real danger of an explosion and fire. The storage of petrol in unlicensed premises exposes not only the persons concerned, but also the occupants of the adjoining premises at risk. If the storage is being conducted in residential settings, the risk to the lives of families, including children, does not bear thinking about. Even the transportation of significant quantities of fuel carries grave risk. What may be a minor traffic accident may turn into an explosion and inferno that could engulf other road users and pedestrians. For these reasons, the Government is acting as fast as it can.

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This Bill therefore amends the Petroleum Act, which regulates and licenses the sale and storage of petrol. This Bill amends section 9 of the Act so as to increase the penalty available for

contravention of the Act, the Petroleum Rules or any directions given under the Act. The penalties increase on summary conviction to a fine at level 5 on the standard scale or a term of imprisonment for six months, or both. In respect of conviction on indictment, the penalty is a fine at ten times the amount at level 5 on the standard scale or a term of imprisonment of five years, or both. The Bill also extends the regulation-making powers to enable the making of rules to license and regulate the storing, transportation and possession of petroleum.

If Parliament approves the Bill, we will be making amending rules as soon as possible. We are already in discussions with the Royal Gibraltar Police and with the Fire and Rescue Service, which is the licensing authority for these purposes. These rules will be aimed at curbing the storage or transportation of petroleum for supply of fuel to RHIBs.

Mr Speaker, I commend this Bill to the House.

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

Hon. K Azopardi: Mr Speaker, we are going to support this Bill. I had a conversation with the Chief Minister about the motivation and urgency of the Bill the other day. We agree that this is something that should be passed quickly. We support the reason why the Government wants to do this. It is important that Gibraltar is not used for the drugs or tobacco smuggling trade. It is absolutely necessary that this legislation is introduced, so that there can be larger controls on the storage of petroleum, which not only is being used for these illicit purposes but rather represents a risk in itself of the type that the Minister has indicated, so we are entirely supportive of this.

Perhaps in his reply he could indicate to Members of this House the kind of timescale he is talking about in the introduction of the rules because of the need to act quickly to deal with the concerns that the Police have voiced to the Government.

Also, I notice that the Bill that was published is in a slightly different form from the one that the Chief Minister shared with me, which had a number of savings, and I assume that is primarily because those things will be dealt with in the rules themselves, and so this is an enabling provision that allows the regulations to be made, and so on – and that is fine, but perhaps the principal question I would have is in terms of the timescale of the introduction of the rules. I assume that that is not going to be an impediment to the Police acting in the meantime.

Mr Speaker: Does any other hon. Member wish to speak? The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I, too, will be supporting this Bill. The legislation is clearly necessary. It will make our waters and our roads safer, and it will make life more difficult for those trying to use our waters for smuggling in its multiple forms and manifestations.

The main point I would raise here is the issue of enforcement. I believe that we must ensure that our law enforcement agencies have all the resources and support to tackle issues head-on by applying a zero-tolerance policy to any activity related to smuggling, because if legislation is not followed by stringent enforcement all we are doing here today is effectively paying lip service to the cause.

I will be voting in favour of this Bill. Thank you.

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is hugely important that anybody who is involved in the business of either the trafficking of illegal drugs or the support of those who are trafficking illegal drugs should know that Gibraltar is not, for them, a safe haven in any material respect. Whether for the doing of their business or the supporting of their business, whether it is the front end of it or the back end of it, any aspect of it is not welcome here, and the minute we are advised that there is a potential need to amend our legislation we will act immediately.

I want to specifically thank the Minister for Justice, who is not here but who has had carriage of this drafting, which has been done urgently, and the Minister for the Environment, the Leader of the Opposition and the hon. Lady for indicating, when I approached them, their support for this immediate change to our legislation. In the past, in Gibraltar, we needed to give one week's notice, five working days, of a Bill to be published. Under our current Constitution, we give six weeks unless there is good reason that we should not, and we have been able, therefore, to bring this Bill on to our statute book the minute we have been advised that it is absolutely necessary.

I want to be very clear in explaining what it is that will no longer be possible. It will not be possible for somebody to claim that they have a good reason to be in possession of a number of vats of petrol in their car. There will be no legitimate excuse that will be accepted. If you need, for some legitimate reason – and there may be one – to have a vat of petrol in your car, you get yourself a permit to do so, if it is more than 20 litres. Twenty litres is enough for a lawnmower, for one of the other things that might need a small amount of fuel, a seagull engine for small pleasure craft, all of those things that might require a small amount of fuel; but if you need more, you need to get a permit and you need to put ahead of the possession of the petrol the reason for the possession of the petrol.

Let nobody suggest that the short time of publication has not permitted them to know that they cannot have these vats of petrol in their car. It is dangerous and it is only used for a nefarious purpose. The phrase I will use – which I had written before the hon. Lady used it, but it is the right phrase – is absolute zero tolerance in Gibraltar to any aspect of the nefarious trade in narcotics, whether it is the front end or the back end or the support end.

When it comes to enforcement, I think that our law enforcement agencies demonstrate that they are ready to act, and this gives them the additional tool that they need in legislative terms. They have the physical resources that they need. Certainly they have never been turned down when they have come to seek those physical resources from us; the budget for the Royal Gibraltar Police I think speaks for itself in the time that we have been in Government.

Mr Speaker, I am very pleased indeed that this Government and this House together are going to act as quickly as we are going to act to unanimously ensure that where we have seen this potential for activity in Gibraltar, which is nefarious, we together have stamped it out immediately.

Mr Speaker: The Hon. Minister for the Environment.

Hon. Prof. J E Cortes: Thank you, Mr Speaker.

I would like to thank the Chief Minister for his initiative in taking this forward and for speaking here in support, and obviously the Members opposite for theirs.

Yes, just to confirm to the Leader of the Opposition that the reason the Law Officers felt that there should be a slight change was to allow us the flexibility of incorporating changes as they may be required by regulation, but also to give the RGP and the GFRS a little bit more time to drill down into the detail that they would want – things, for example, like specifying the types of containers; specifying the quantities; specifying where they can or cannot be stored, cars and so on – so, getting that detail out.

The intention is that these will be refined very shortly, due for publication next week. It will only be a day or two after that this Act, once it is passed, is actually put into effect, so a very short timeframe.

Mr Speaker, I have nothing further to add, and I commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Petroleum Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Petroleum (Amendment) Act 2021.

COMMITTEE STAGE AND THIRD READING

**Petroleum (Amendment) Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

775 **Minister for Environment, Sustainability, Climate Change and Education (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 Bill be taken today? (**Members:** Aye.)

In Committee of the whole House

**Petroleum (Amendment) Bill 2021 –
Clauses considered and approved**

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 Petroleum (Amendment) Bill 2021.

785 **Clerk:** A Bill for an Act to amend the Petroleum Act.
Clauses 1 to 3.

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

790 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Petroleum (Amendment) Bill 2021 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Petroleum (Amendment) Bill 2021 has been considered in Committee and passed without amendment.

795 **Mr Speaker:** I now put the question, which is that the Petroleum (Amendment) Bill 2021 be read a third time and passed. Those in favour of the Petroleum (Amendment) Bill 2021? (**Members:** Aye.) Those against? Carried.

Standing Order 7(1) suspended to proceed with Private Member's Motion

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

800 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg now to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Private Member's Motion.

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

PRIVATE MEMBER'S MOTION

**International Agreement on Taxation and the Protection of Financial Interests –
Debate commenced**

Clerk: Private Member's Motion. The Hon. Keith Azopardi.

Hon. K Azopardi: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

NOTES the International Agreement on Taxation and the Protection of Financial Interests entered into on the 4 March 2019 between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar (the 'Tax Treaty') and signed by the Rt Hon David Lidington MP, the Chancellor of the Duchy of Lancaster, on behalf of Gibraltar AND;

CONSIDERS that the Tax Treaty is intrusive and harmful to Gibraltar's interests

AND;

RESOLVES that the Tax Treaty should be replaced at the earliest opportunity with a neutral and fair Tax Treaty based on the OECD model Tax Treaty.

We have heard much about the Tax Treaty since it was signed on 4th March 2019 with great fanfare, we were told, particularly by Spain, but also it was noted here that this was the first treaty between the UK and Spain specifically on Gibraltar since 1713. There had, of course, been an attempt to achieve a previous treaty, not that long ago, on joint sovereignty, which was derailed by the GSD Government. Nonetheless, we were told – as I say, with great fanfare – that this was the first treaty since 1713.

If this was the first UK-Spain treaty since 1713, we wait with bated breath for the next one, and indeed with bated breath for the treaty on the new relationship between the EU and the UK. If this is the best handiwork of the Government, we are concerned about what will emerge in the UK-EU treaty. If this is not the best handiwork of the Chief Minister, then we are even more concerned about what can emerge, and especially so because of the tendency of the Government for so long to be, in our view, much more interested in the perception – the optics, as some people would say – than in the substance, much more interested in appearing to look as if something is a success than whether it actually is a success. And this Tax Treaty, in our view, is a great example of precisely that: something that, very hard, the Government tries to present as a success when it is a bad agreement, a failure, intrusive and harmful to Gibraltar's interests, its people and our economy. (**A Member:** Hear, hear.)

Mr Speaker, I will deal at length with the issues that I want to raise, but I wanted to start my contribution at a point where this came up, because where it came up was in the context of the Withdrawal Agreement and the negotiations that were ongoing at the time in respect of it. I have had much to say on other occasions about what we perceive on this side of the House to be the failures of the Government in respect of the 2018 process. This is not the time to detail those again – which are well known, as our views are indeed well known – but it is important to understand where the Tax Treaty came from. It first made its appearance in a public document, or at least mention of it in a public document first made an appearance in the Protocol itself that was attached to the EU-UK Withdrawal Agreement. That is when it was first mentioned. I refer

the House to where the Protocol, having made a number of recitals, one of which noted that the parties, the Union and the United Kingdom being the parties to the Protocol, were:

EMPHASISING also the need to combat fraud and smuggling and to protect the financial interests of all the parties concerned,

then also took note of a number of memoranda of understanding which had been concluded between Spain and the UK – those are well known, on citizens' rights, tobacco, co-operation on environmental matters, co-operation on police and customs matters – and then added the phrase:

as well as the agreement reached on [xx] November 2018 to conclude a treaty on taxation and the protection of financial interests.

That is the first mention there was in a document in respect of that.

Also relevant in the Protocol itself, which links to the Tax Treaty which then was published subsequently, is Article 3, which talks about Spain and the United Kingdom, in respect of Gibraltar, establishing the forms of co-operation necessary to achieve full transparency in tax matters and in respect of the protection of financial interests of all the parties concerned, in particular by establishing an enhanced system of administrative co-operation to fight against fraud, smuggling and money laundering and to resolve tax residence conflicts. We have had occasion before to say that going along with language in the Protocol which gave the implication and tarnish to Gibraltar that there was fraud, money laundering or smuggling was not the wisest decision of the Government, because it went along with the traditional portrayal and caricature of Gibraltar in a way that we, on both sides of the House, have always said is not the case.

In any event, what was not published at the time the Protocol agreement was announced and the MoUs that were announced in late November, what was not published was the Tax Treaty itself, although there was a difference of opinion, even at the outset, as to whether the content of the agreement had been agreed. On 29th November 2018, the Government of Spain issued a press release which indicated several things, noting the MoUs and the signing of the memorandum on Gibraltar between Spain and the United Kingdom. It said that bilateral agreements had been reached on Gibraltar 'which shall be completed with an international agreement on taxation and protection of financial interests'.

I pause there because the emphasis with Spain is that this has been an entirely bilateral process, as we will see from other contributions that had been made on the issue. In respect of the Tax Treaty itself, Spain said this, I remind the House, on 29th November 2018:

With regard to the agreement on taxation and protection of financial interests, an agreement has already been reached regarding its content, and the procedure for signing off shall begin as soon as possible. As its content involves matters of legal reserve, it is necessary to sign an international agreement, which requires parliamentary approval.

This tax agreement will be the first signed between Spain and the United Kingdom to ensure that the tax jurisdiction of Gibraltar is transparent with our tax authorities and cannot be used for money laundering or tax evasion. This is such an important issue that an international treaty has been preferred despite the difficulty in negotiating it.

Regarding tax issues, a reinforced system of administrative cooperation with Spain will be established by the Gibraltar authorities in order to combat fraud, smuggling and money laundering, and to guarantee full tax transparency in Gibraltar. The agreement also establishes some tax residency criteria to prevent tax evasion. Ultimately, it is a step forward in preventing Gibraltar from becoming a tax ...

– 'heaven' it says. I do not know if it is meant to be heaven, although I suppose *paraíso fiscal* is a heaven. I do not know if 'haven' is intended, but it says:

Ultimately, it is a step forward in preventing Gibraltar from becoming a tax heaven that enables the avoidance of tax obligations with the Spanish Treasury.

Again, entirely the caricature of Gibraltar that Spain has put forward for many years, which is in line with Article 3 of the Protocol, which the United Kingdom signed up to, having had the consent and acquiescence of the Gibraltar Government.

The tone and content of that paragraph of 29th November 2018 makes it clear that Spain is, at that stage, talking about content that it believes has been agreed and is set down in some form. The phrase 'the agreement also establishes' also implies that it must be written in some shape or form and at least there has been a very advanced form of it available.

There was a disagreement – it is obvious from the contributions that have been made in this House subsequently that Members on that side of the House appear not to agree that that was the state of play, because the Chief Minister indicated to this House on 30th January 2019, in answer to questions from the Hon. Mr Clinton, that the particular paragraph referred to in the Protocol was not a reflection of an agreement. In fact, he ridiculed Mr Clinton, saying:

there could be no clearer an agreement to agree. This is not a reflection of an agreement done; it is a reflection of an agreement to agree ... but what there is not, is yet a settled text of that agreement ...

Be that as it may, and despite the content of the press statement of Spain on 29th November, people will be able to judge whether what I just read into *Hansard*, which was the position of Spain as to whether the Tax Treaty would have a reinforced system of administrative co-operation to ensure full tax transparency and that there will be tax residency criteria to prevent tax evasion ... People will judge whether, four months later, what was published in fact did all that, whether perhaps the advanced form was available at that stage. In fact, what we saw subsequently, in the months of November, December, January, February and early March, was, in our view, a Government trying to, in effect, bury the Tax Treaty, ignoring calls for publication, which were made several times, and breaching its promise in Parliament to share the Agreement, and then misrepresenting it systematically.

These are patterns that emerge not just on this issue; patterns that emerge on other issues and patterns that we see on the issue, most recently, of the New Year's Eve agreement, on which we have had exchanges. People will judge out there whether these patterns indicate that they may be repeated again. They are not only patterns of behaviour; they are also patterns of behaviour because this is a Government that insists, on issues that are sensitive, that it does no wrong. It is not a Government or a Chief Minister who is prepared to have the political honesty of speaking to the people of Gibraltar in a way that indicates to them that there are peaks and troughs, and that sometimes agreements are reached in a particular way because of difficulties. Rather, the presentation is all based on 'Everything is wonderful, it has been an unprecedented success and the Government has done no wrong and made no mistakes.' That is simply unreal and people will make their own judgement on those issues.

The Opposition called repeatedly for publication of the Tax Agreement after November 2018, in December 2018 and in early 2019. In fact, there was then a promise made to Members of this House for the document to be shown confidentially. That promise was made by the Chief Minister in this House to the Hon. Mr Hammond when he put a question in the House on 30th January 2019. I am reading from *Hansard*. The Chief Minister said, in answer to Mr Hammond:

although the text is not stable and is subject to change I am very happy to offer the hon. Members who are members of the Brexit Select Committee the opportunity to see the current draft of that

– 'that' being the Tax Treaty –

at an informal session that the Deputy Chief Minister and I will ensure is as soon as we are able to fix their availability.

That never actually happened. That promise was breached. The next thing we knew – again patterns, but the next thing we knew was that there were leaks in the Spanish press over the weekend of 1st and 2nd March which indicated an agreement had been reached. The document

905 had still not been shared with the Opposition, despite their promise in the House, and the next thing we knew was that there were leaks, which then triggered the announcement on 4th March that the agreement itself had been reached – not unlike the more recent patterns, where publication of the New Year’s Eve agreement happened in practice because *El País* leaked it to the wider world. But when everyone was told on 4th March 2019 that the Tax Treaty had been signed, 910 it still was not published. In fact, at that stage, on 4th March, there was an attempt to hold back on publication, again in the context of the usual pattern, which is a Government trying to massage public opinion on an issue which it believes is sensitive. So, on 4th March, after the leaks in the Spanish press and after we are told that an agreement has been signed, instead of it being published immediately, Gibraltar is told it will be published on 14th March, 10 days later – but on 915 4th March it is told, ‘We have signed an agreement and it is a great agreement; it is a great agreement that safeguards Gibraltar’, and so on. The Chief Minister had promised the Members opposite to show them the draft. In fact, it never happened.

There was then a Select Committee meeting on 5th March, which the members of the Brexit Select Committee attended, the day after Gibraltar was told that there was a Tax Treaty already 920 on the books. At that meeting on 5th March, the Government still refused to give Members a copy of the Tax Treaty – it gave them a briefing on it, but not a copy of the Tax Treaty – despite the fact that there had already been a promise in the House on 30th March to give us a copy, confidentially at that stage, of the Tax Treaty. That did not happen. When it got to the fact that a treaty had been signed, a meeting was held on 5th March, and yet, still, at that stage, the Members of the 925 Opposition were not provided with a copy of the Tax Treaty.

I place quite a lot of stock and importance on the issue of the promise that the Chief Minister made on 30th January because I make it very clear that we would view very seriously indeed that there should be a repetition of something like that. I draw the hon. Member’s attention to the commitment that he gave in this House that ‘when and if a draft treaty between the EU and the 930 UK emerges, it will be tabled in this House in draft for a proper debate’. That is a commitment that we will seek to hold the hon. Member to. We do not wish to see a repetition of what went on in relation to the Tax Treaty, where there was a promise that we would be shown the matter confidentially and it was not given to Members; it was not even given to Members after everyone knew that it had actually been signed on 4th March. In fact, people were told that the 935 Government wanted to hold to 14th March. Then, of course, it was precipitated. What actually happened was that the day after the meeting on 5th March, the Government finally wrote to the Speaker at the time, Speaker Canepa, and tabled a copy of the Tax Treaty so that Members of the House had it, and then published the Tax Treaty on 6th March. And on 6th March, not only do they table the Tax Treaty, they also publish a video explainer which had been recorded on 940 5th March.

This is a Government that was working hard behind the scenes, first of all, to massage public opinion without publishing the content of the Tax Treaty, and secondly, producing videos, which they call explainers, in respect of the Tax Treaty, to load public opinion in the same way as they did with the rather Orwellian notes of interpretation to the MoUs. Or have we forgotten the notes 945 of interpretation to the MoUs, which at the time I did describe in those terms, Orwellian? When you pick up the MoUs and access them from the Spanish Foreign Office site or from the UK Foreign Office site they do not carry a cover sheet called the ‘Notes of Interpretation’, which are only individual to Gibraltar so as to load the reader into thinking that these documents are trilateral documents, that they are safe and that they have no implications in certain respects – in other 950 words, as if the reader will think that this is part of the document agreed by Spain. It is quite a stunning manoeuvre to do that. Like everyone else, I looked at the documents on the Gibraltar site and I was quite struck by that. I thought, ‘Wow! Spain has agreed these notes of interpretation – it is quite stunning that they accept that there are no concessions on this, that and the other.’ And then of course you realise, on verification, that when you go to the Spanish 955 site or you go to the UK Foreign Office site it is not there, because it is not part of the document;

it is about massaging public opinion in the usual way – smoke and mirrors, where substance matters less than form – and that is a constant of the Government.

The Agreement, in substance, is harmful and intrusive, and I am going to deal with that at length. The Agreement is – (*Interjection*) yes, indeed. In reality, stepping back from it, and I know the Chief Minister will talk about his concordat, but is it a bilateral agreement because, rather than this being about the recognition of Gibraltar ... When the Government issued its press statements and his press releases subsequently, it hailed how this Tax Treaty is so important because it amounts to recognition of Gibraltar, recognition of the Gibraltarians. Well, recognition of the Gibraltarians only so as to penalise them by taxation, that is all, and to impound their cars and so on and so forth, presumably, but not much more than that. It is not a recognition of Gibraltar. It is the opposite of that. This is not about the recognition of Gibraltar. Spain does not want to recognise Gibraltar. Spain will not sign a Tax Treaty with Gibraltar. It is stunningly obvious when you scratch the surface of the mirage that the Government is trying to construct on this issue.

This is an enduring Agreement, so if the Chief Minister were to say, ‘Well, you have to see it in context. We were backs against the wall, trying to negotiate a way forward in the context of the Withdrawal Agreement. We signed up to the MoUs and we signed up to the Tax Treaty because we got this list of benefits for Gibraltar’ ... But that is not what he is saying. What he has consistently been saying after the publication of the Tax Treaty is not that this was a price to pay because we obtained other things in return – he is not saying that; what he has always been saying is, ‘This is a good agreement.’ Well, then, it has to be judged on its terms, if he says it is a good agreement and we say it is a bad agreement.

But the most obvious thing about it is that it is enduring, so whether or not we then get a future relationship ... And I remind everyone listening, of course, that we are now the only British territory that remains that does not have the benefit of a future relationship deal, a permanent one, because here we are, in February 2021, without one, still out there, on borrowed time, trying to negotiate the future. Although he calls it success, we call it failure because it stands to reason that being the only micro-place in Europe that does not have the benefit of a deal can hardly be called success, even on the stretched levels of dimension of explication of concepts that he has. It really strains people’s understanding to believe that there were 70 million Britons who were EU citizens,

69-point-whatever-it-is million have a deal, and 30,000 – the Gibraltarians – do not have a deal, but that it is a success story. The enduring feature of this is that the Tax Treaty will live on, whether or not there is a deal. Whether or not there is a deal, Spain has the benefit of this intrusive and harmful Tax Treaty.

The only bilateralism that we are interested in, that Spain should have, if an agreement is going to be signed in respect of Gibraltar, is that it should be bilateral, meaning Spain should sign an agreement with Gibraltar, recognising Gibraltar. That is the bilateralism we are interested in. But if it is not bilateralism at that level, it should be, at the very least, trilateral. Spain, the UK and Gibraltar should at least sign the agreement. In fact, this is an abandonment of the trilateralism that the GSD had achieved. This is an abandonment of trilateralism, and the Chief Minister and his Government have not been able to salvage a return to that trilateralism, despite that superficial pretence of good relations that he has with the Spanish government and so on, all the meetings with Laya, whether he speaks to people on the phone and so on. Spain is saying the opposite. Rather than salvage trilateralism, Spain – even the socialist government in Spain – is saying openly that trilateralism is dead. If there is one stunning failure, it is that there was a window of opportunity. Presumably the Chief Minister must have thought, when Pedro Sánchez was elected as socialist Prime Minister, there was a window opportunity to revive that trilateralism which the GSD had achieved with the PSOE before, and yet he has been disappointed, presumably twice: first when, despite his apparent good relations with the Socialist Party in Spain, Pedro Sánchez nearly threw the toys out of the pram at the November meeting in 2018 and almost collapsed the Withdrawal Agreement talks over Gibraltar; and second, because it is not trilateral. Even the

1010 socialists in Spain today are not acting like the socialists of 15 years ago. They are standing in the way of the return to trilateralism. On the Spanish government website the government has notes about aspects of Gibraltar and it makes very clear ... Having given a summary of the process, it says:

El Gobierno ha invitado en múltiples ocasiones al Reino Unido a retomar, a la mayor brevedad, la negociación bilateral sobre cuestiones de soberanía, interrumpida durante demasiados años sin haber obtenido contestación.

And:

También ha reiterado ocasiones su disposición a negociar con el Reino Unido un nuevo mecanismo de cooperación regional 'ad hoc' que favorezca aspectos prácticos [inaudible] Este mecanismo sustituya el foro trilateral que España considera extinto.

[Spain has repeatedly shown its disposal to negotiate with the United Kingdom a new mechanism of co-operation, a regional one, ad hoc, that favours practical aspects of co-operation. This mechanism will substitute the trilateral forum that Spain considers extinct.]

1015 The reality is that we have gone backwards, rather than forwards. If Spain is a 21st-century, modern democracy, what more obvious thing to do than to respect our rights? But you know what Spain does, and even in the incarnation of the current Foreign Minister, who is a thousand times better in the way she expresses herself than other Spanish politicians of the day – I have no doubt about that – even then, Spain is hamstrung by its history and unwilling to show any leadership on this issue, any democratic leadership, in the 21st century, going around the world talking about
1020 human rights but not prepared to show human rights on its doorstep, going backwards instead of forwards on the issue of trilateralism. If there is a real change of climate, then there should be respect of our rights. If there is a real change, then why treat Gibraltar as pariahs, not even being willing to sign the Tax Treaty with Gibraltar?

1025 Spain is doing and saying the opposite of what the Chief Minister says this Tax Treaty does. This Tax Treaty does not recognise Gibraltar. Spain is putting it forward as doing the opposite of recognising Gibraltar. It is a manifestation of their traditional politics of refusing to recognise Gibraltar, and that is obvious from the intervention of Mrs Laya herself in the Congreso de Diputados on 4th June 2020:

Me permito subrayar que estamos hablando de un acuerdo internacional bilateral entre el Reino Unido y España en relación con Gibraltar, es decir, no estamos hablando de un acuerdo internacional firmado con las autoridades locales de Gibraltar sino de un acuerdo firmado entre España y el Reino Unido sobre Gibraltar...

[I emphasise that I am talking about a bilateral international agreement between the United Kingdom and Spain in relation to Gibraltar. In other words, I am not talking about an international agreement signed by the local authorities of Gibraltar, but rather an agreement signed between the UK and Spain over Gibraltar ...]

She continues:

no es cierto que la firma del acuerdo suponga un reconocimiento de Gibraltar ni mucho menos...
[it is certainly not true that the signature of this agreement is a recognition of Gibraltar at all ...]

1030 And:

El tratado ha sido firmado, obvio es decirlo, por ministros del Reino Unido y de España, no por ninguna autoridad local Gibraltareña.

[The treaty has been signed, self-evidently, by Ministers of the United Kingdom and Spain, and not by any local authority.]

I know the Chief Minister will rely on his concordat; I am not making that point. I am making a much wider point, that what Spain does is say one thing in one tone – that they respect the people of Gibraltar, they want to show conviviality, a new respect for a new tone – but then acts in a way

that is within the entire ballpark of the traditional way that Spain has always behaved towards Gibraltar.

If Spain really wanted to, and was truly recognising Gibraltar, it could sign a deal – many people have done, in the analogous field of exchange of information – because this Tax Treaty contains provisions on exchange of information as well. Gibraltar has had a long track record now. Since the year 2000, when I was Minister for Financial Services, Gibraltar has systematically signed a whole list of international Treaties agreements with nations on the issue of analogous exchange of information. A number of those can be found on the OECD website. The constitutional status of Gibraltar has not been an impediment. The Chief Minister said, as part of one of his ... One of the points that he has raised before, when we have exchanged press releases on the issue of the Tax Treaty ... He has said the reason we have not been able to sign an agreement with Spain is because of the constitutional status of Gibraltar. No, Mr Speaker, that is not correct. That is not the reason. The constitutional status of Gibraltar has not been an impediment for us to sign any agreement with any other country except Spain, because it is not about our constitutional status; it is about the fact that they are unwilling to recognise Gibraltar. That is the fact. Otherwise, why would we have signed an agreement directly with the Government of Australia? Why would we have signed an agreement with the United States of America? The United States of America is willing to sign an agreement with Gibraltar, but not Spain, and there is a reason for that. The constitutional status of Gibraltar was not an impediment for us to sign an agreement with the United States of America, the biggest superpower in the world, and yet we are being told by the Member opposite that the constitutional status of Gibraltar is an impediment to sign with Spain.

The hon. Member needs stop giving in to his natural tendency of trying to promote everything that he does as fantastic and trying to explain away things that are stunningly obvious, one of which is that the reason they are not signing is because they do not recognise us. That is the basic reason, and no other. There are so many treaties and agreements that we have signed with other countries that I commend any listener who wants to look at that information to look at the OECD website themselves, and they will see the number of agreements, which are there for everyone to see in glorious ... not technicolour, but black and white, blowing a real hole in the argument that this is anything but the usual Spanish unwillingness to recognise Gibraltar.

Mr Speaker, what does this Agreement do? Well, beyond the structural and non-recognition of Gibraltar, this Agreement is nothing more than an attempt by Spain to gain economic controls and handles on the way we run our lives and the way we run our economy, in a way that threatens inward investment and undermines our economy in the future. That is what it is, and that is why this is another bad deal, and that is why Members on this side of the House are rightly concerned about the Government's willingness to become the people who bring this Agreement to domestic effect in the other motion that we will hear today.

This is not an agreement like any other tax agreement. The OECD has published a model for tax treaties. It is a model that is well known to those who work in this trade, and it is a significant model. But this Agreement does not do that. The OECD Model Tax Convention on tax agreements – on which the Hon. Mr Clinton will no doubt talk to the House, on this motion, at much greater length than I will; I am making much broader points – is neutral and fair, which is everything that this Agreement is not. This Agreement is not neutral and fair.

This Agreement, I remind people listening to this debate, hampers the development of our economy by making Gibraltar less attractive to do business from and attract future inward investment to. One of the unique selling points was always to attract people to Gibraltar who wanted to set up their business and perhaps wanted to bring in money and create jobs and new opportunities to this economy, and also wanted to enjoy the lifestyle in Spain, live in Spain and so on. This Tax Treaty will treat a lot of those people as if ... Even though the business itself is not doing any economic activity in Spain, the business itself is going to be treated as if it was tax-resident in Spain, even though it has no activity in Spain. How is that not going to hamper the development of our economy? How is that not a handle on our economy? That is exactly what Spain wants.

When Sra Laya talked about facing the crossroads, when she gave her recent intervention in January this year at the Congreso, she spoke about the crossroads of Brexit and said, 'We, can either have Gibraltar shut away in a self-sufficient bubble, or we can gain influence.' This is part of the strategy. Spain is dealing with this in a consistent way. This is part of the strategy to create influence and ensure that it obtains a degree of control in who is investing in Gibraltar: 'Let's create mechanisms that allow us to create' – by agreement with the Members opposite – 'by legislation that even though someone from outside comes over as an inward investor, goes to live in Spain, creates his business here, the business is taxed as if it was, in a legal fiction, resident in Spain.' It is massively intrusive, this Tax Treaty, to the lives of some Gibraltarians who, under this regime, now need to account not to the Spanish state because they live in Spain ... Look, if people live in Spain, they live in Spain, but Gibraltarians who come back to Gibraltar to live for a period of time, if they are living in Spain, are deemed to be Spanish tax residents.

This Tax Treaty creates a number of presumptions of law and evidence on Spanish tax residents which put individuals and companies to having to prove to Spanish tax authorities – by agreement of the Member opposite – that somehow they are not Spanish tax residents. And then this Tax Treaty treats Spanish nationals or companies setting up in Gibraltar ... If a Spanish company wants to set up in Gibraltar and employ 500 people and have no activity whatsoever in Spain, but is Spanish owned, that Spanish company is deemed to be a Spanish tax resident, even if it has no activity, because it is Spanish owned.

Mr Speaker, so that listeners who are following the debate can understand what I am talking about and why we say this Tax Treaty is so different to the OECD Model Tax Convention, in 2013 the UK signed an agreement with Spain for itself, so the UK and Spain have a tax treaty for themselves. If you compare the UK-Spain tax treaty with our Tax Treaty – the neutral and fair tax model of the OECD compared with the unfair, intrusive and harmful Tax Treaty that has been negotiated by Members opposite – it is obvious how the effects are damaging to Gibraltar. I will just highlight a few of those.

In the UK-Spain tax treaty there is no presumption of Spanish tax residency for individuals – none. Conversely, in the Gibraltar Treaty there is a clear presumption of Spanish tax residence for individuals that can affect people who actually live in Gibraltar. In the last couple of days, the Government has been forced to issue a press release about the impounding of cars. That situation is going to get worse, rather than better, when there are actual presumptions in legal agreements. The test of residents in the UK-Spain tax treaty is whether a person has a permanent home, or where his centre of vital interests is. When this cannot be determined, the general presumption is that the person is a tax resident of the country where he is a national. It is obvious, in terms of tax law. In relation to the Tax Treaty – which, in his infinite wisdom, he has negotiated – in Gibraltar, when issues are not conclusive individuals are presumed to be considered Spanish tax residents unless they provide reliable evidence to the contrary. So, even if they actually live here, there is a presumption against them – nothing like the neutral and fair OECD model. There is nothing in the UK-Spain tax treaty which states that Spanish nationals who move to the UK will only be considered Spanish tax residents. There is nothing there, and yet the Tax Treaty for Gibraltar – negotiated in his infinite wisdom – specifically says that Spanish citizens moving to Gibraltar 'shall in all cases only be considered tax residents of Spain'. There is nothing in the UK-Spain treaty that says that English people living in Spain who returning home to Bradford continue to pay tax when in Bradford as Spanish tax residents for four years after leaving Spain, yet in the Gibraltar Tax Treaty – negotiated in his infinite wisdom – any Gibraltarian who has been living in Spain for over four years and returns home, after arrival in Gibraltar and for the next four years, will continue to be a Spanish tax resident.

In the case of companies, the UK-Spain treaty makes clear that a company is tax resident where the effective management is situated. Conversely, in the Gibraltar Tax Treaty, Gibraltar companies can be considered tax resident in Spain if the shareholders live there. So, it is not about where the management is; if the shareholders live there, there is a presumption of Spanish tax residency for Gibraltar companies.

The UK-Spain tax treaty makes clear that an English company would be taxed in England on its profits, unless it has a permanent establishment in Spain. Conversely, the Tax Treaty – negotiated in his infinite wisdom – makes certain Gibraltar companies tax residents of Spain, even where the permanent establishment and operations of the company are in Gibraltar. Additionally, the Tax Treaty states that Spanish companies that move to Gibraltar from the date of the Treaty ‘shall in all cases maintain tax residency only in Spain’.

Mr Speaker, I am sure my colleague Mr Clinton will talk about other features of the Agreement, but that gives a snapshot for people listening about why this Tax Treaty is harmful. It is not like the OECD model of tax treaties. It is not that at all. When you do a comparison, we suffer badly. It is because Spain has scored goals against the hon. Member, starting from the fact that they consider him a pariah and do not want to sign any agreement with him, but are quite willing to sign the Agreement with the UK and score as many goals and obtain as many intrusions into our life and into our economy and into the way that we attract business to Gibraltar, to try to erode it because it has a political objective. This is not an accident, because with any other country in the world ... In the same way as the US were willing to sign an agreement with Gibraltar, I am sure the United States, if you wanted to negotiate a similar agreement, would not be bending us over a barrel trying to negotiate and erode our way of life in this way.

There are political objectives at stake here. They are the same ones they have always had. Sometimes the tone changes, but we have to keep an eye out on the fact that the fundamentals, regrettably, have not changed. I am someone who believes and hopes that they will change, but so far there is no indication and this Tax Treaty is the hallmark of the Trojan horse.

The fundamental principle in the OECD Model Tax Convention is that people should be taxed where they live and work, and companies should pay tax where they operate, where they perform, where they create value. That is the principle of the famous convention that is mentioned in the Tax Treaty – it has not got a catchy name – on base erosion and profit shifting. It says that companies need to ‘ensure that profits are taxed where economic activities generating the profits are performed and where value is created’, rather than where it is convenient to Spain because it wants to load the political reality.

There are a number of presumptions, which I am sure Mr Clinton will talk about. I have had the benefit of some advance notice of his remarks, so I am not going to labour the point on presumptions, which I know Mr Clinton will deal with, but the reasons and summary of the issues that I have pointed out indicate very strongly that this is a Tax Treaty that can act as a disincentive to the attraction of business to Gibraltar, that allows Spain an intrusive presence in Gibraltar’s affairs. When we are not dealing with a friendly neighbour, we have always got to keep an eye out on that reality.

One of the most important things I first heard the Father of the House say when I was a young teenager was that it was important to be economically sustainable before you could be politically sustainable. In other words, there was a link between those things. It is important to bear that in mind always in this community while we face a political threat. Even if we did not face a political threat, it is important to bear that in mind because we are a small place, and small territories and countries are fragile. I remember going to a Commonwealth conference on small countries that are not facing political claims, and one of the big threads in the discussion was the fragility of small territories with a population of less than a million people. We are always going to be fragile and susceptible to either environmental, political or economic factors. Overlaid with that, we have the political claim from Spain, so it is important to bear in mind, and when you look at these things, handing ... and handling

We do not have a big territory, where we say our selling point to people is that they can set up a business in Gibraltar but they can live in the wider lands, the valleys and hills of Gibraltar, or they can live ... not in Spain, but we have a border with a different country, so they can live there. That is not the case, so, given that one of the unique selling points for Gibraltar was always the wider issues and the wider quality of life, we have to keep an eye out on the effect of these things, and

that is where my view is that hon. Members opposite have fallen into serious error in relation to these issues.

Mr Speaker, when agreements were signed in Cordoba, they were explicitly between three governments and there were pictures to prove it. I was not a fan of some aspects of the Cordoba Agreements, but in relation to trilateralism as a concept I agreed with it, in the same way as I believe Members opposite agree with the issue of trilateralism. But here it is only the Chief Minister who believes that this was a tripartite process, and the only picture is not a picture of the Foreign Ministers with the Chief Minister up the Rock, like there was with Sir Peter Caruana; the only picture is in his mind, as a fantasy. That is the reality.

On 4th March 2019, in announcing the Tax Treaty, the Member opposite issued a press release to say:

The Tax Treaty has been negotiated between the Governments of Spain, Gibraltar and the UK ... This Treaty recognises the existence of a separate and distinct tax authority in Gibraltar.

Spain issued a statement on the same day that said:

The tax agreement signed today by Minister Joseph Borrell has been bilaterally negotiated with the United Kingdom.

It then goes on to explain that one of the reasons is to deal with the reduction and elimination of tax fraud and the adverse effects for the Treasury derived from the characteristics of Gibraltar's tax regime – in other words, again, the traditional caricature of Gibraltar – ending their statement:

With regard to legal persons and other Gibraltarian entities, their tax residency is established in Spain when they have a significant relationship with Spain, either due to the location of the majority of the assets or the obtaining of the majority of most of their income in our country, or when the majority of their owners or directors are tax residents of Spain ...

– something which no OECD Model Convention agreement does, but it is striking that here they are again emphasising the bilateralism of this Tax Treaty.

I already read into *Hansard* the comments of Sra Laya about the bilateralism of this Agreement and how she dealt with the point when she said, '*No es cierto que la firma del acuerdo suponga un reconocimiento de Gibraltar ni mucho menos*'. I have already read that. On the very same day she was making these remarks, and in the context of the approval of the fact that Gibraltar was going to join the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (BEPS), Spain entered a reservation, in the usual way, into the Convention. Sorry, not the very same day, the next day, Spain entered a reservation, a declaration over the local character of the authorities of Gibraltar. So, rather than this being a great recognition, it is the opposite. Everything points to it being the opposite of what the hon. Member says. It is not a recognition. Spain has not recognised Gibraltar, much as I would like that to be the case. I would be shouting from the rooftops and celebrating – with a social gathering of six, of course, if it were possible – if it were true that we were being recognised, but that is far from the reality.

The objectives of Spain are clear and have always been clear. Sra Laya has made repeated statements since the signing of the agreement, where she has said that Spain has made important advancements in fiscal sovereignty over Gibraltar:

El Acuerdo de Gibraltar resuelve la soberanía fiscal a favor de España.

In the *Financial Times*, she said, in February last year:

What we have done with the fiscal treaty is probably much more important than we realised for our sovereignty.

In the Congreso itself she said, on 4th June:

tenemos una oportunidad única que no podemos dejar pasar para resolver una cuestión mayor relativa a la soberanía de España, que es la soberanía fiscal.

[we have a major opportunity that we cannot let pass to resolve a major question, important to the sovereignty of Spain, the fiscal sovereignty.]

Mr Speaker, Spain's objectives have not changed, and the language with which she has described the process and what they are trying to achieve has not changed. They still use *paraíso fiscal* to describe Gibraltar. They still talk about fraud, money laundering and smuggling. Not only do they talk about it, the UK has been willing to subscribe to a protocol that, side by side with the objectives and all the pronunciations of how people describe it, makes it look as if there is an acceptance that that is indeed what is happening. There is no doubt that that is the language.

Mrs Laya has said in the Congress that one of the objectives of the negotiation was to ensure that Gibraltar could not consolidate itself into a fiscal paradise or an epicentre of money laundering in detriment to El Campo de Gibraltar. She goes on, when analysing the Tax Treaty:

las reglas favorecen a España. Este reconocimiento explícito de las bondades del acuerdo pone de manifiesto por tanto y a modo de conclusión anticipada, si me lo permiten, que estamos ante un buen acuerdo.

[the rules ...]

– in the Treaty, the Tax Agreement –

favour Spain. This explicit recognition itself manifests how this is a good agreement for Spain.]

She carried on:

These objectives are very beneficial for our country and this agreement creates the instruments necessary to obtain those benefits. Until now, we have not had a juridical instrument to defend the interests of the Spanish Tax Authority. For the first time –

Chief Minister (Hon. F R Picardo): The sigh was universal.

Hon. K Azopardi: The hon. Member says, from a sitting position, that the sigh was universal. The sigh of a lot of people in this House, on this side, and the sigh of a lot of people listening to the debate and affected by the Tax Treaty is much deeper and meant, because of the effects of the harmful and intrusive Treaty that the Members opposite ... And the sigh would not have to be present at all had the hon. Members on that side not negotiated an intrusive and harmful Treaty, (A Member: Hear, hear.) because we would not be bothering the House with such a debate.

Mrs Laya says:

For the first time in our history, this allows us to end an anachronistic fiscal situation tremendously prejudicial to the interests of Spain in its entirety.

Mr Speaker, I do not know if the hon. Members were duped or have not even realised. We will listen to the Chief Minister, but are they seriously going to contend that in its analysis, when you look at the causes and effects of this Agreement, this is a good Agreement for Gibraltar, it is beneficial to Gibraltar, it does not affect our economy in any way and does not create these negative presumptions; even though it is unique and it is not like the OECD model, somehow it is a level above? That is how I expect the Chief Minister to put the argument, because, as everything they do is fantastic, I expect him to have improved the OECD Model Tax Convention and the next OECD Model Tax Convention that emerges from the OECD will be based on the Gibraltar model. Or is it that he was taken in by the glitz and glamour of the possible opportunity of maybe recreating the photographic opportunity at the top of the Rock that Sir Peter Caruana was in? (Interjection by Hon. Chief Minister)

Spain seeks a role in our affairs. They seek to encroach in our affairs, inch by inch, to influence. What happened to the Chief Minister's speech that was still ringing in our ears when we read the Tax Treaty: 'not one grain of sand, not one drop of water'? What happened to that? What happens now he is an apologist for the Spanish state? He is an apologist for the Spanish state because, weeks after the end of the transition period, now he is explaining to people – the fact that they have impounded their cars – 'Don't worry, it is actually nice, Spain; they are just doing what they ... it is perfectly okay,' not that the Spanish government is acting in the same way it does ...

They say they want to have a special relationship with Gibraltar going forward. Well, they have an opportunity. They have a country of 40 million people. They can instruct their officers to be kind, generous and flexible to the people of Gibraltar, instead of trying to victimise a couple of hundred people. What Spain wants is to barge into our laws and jurisdiction, and not only do they want to barge ... The problem with the Tax Treaty is that they were trying to shoulder barge the door down when the hon. Member opposite just opened it for them and said, 'Come in and have the controls.' So, what is next? Police and Customs, borders monitoring, all under his watch?

Respect has to be at the core of the new relationship, not guerrilla warfare on our rights as a people, not caveats, not objections on our recognition. Cosy fireside chats or WhatsApps with Spanish politicians are not really achieving any change, are they? If they are, where is the evidence of it? If they want a new climate, then they need to build – what I have said before – enduring trust and confidence, because otherwise, giving a hoodwink to better relationships and then instructing the Guardia Civil vessel to blare the national anthem into our waters or turn up in Ocean Village is ambivalence. That is not enduring trust and confidence. Real change requires real political leadership from Spain and then abandonment of the way it has traditionally done business with Gibraltar. Instead, what we are getting are the tired old themes and arguments, objectives to strangle our economic model in the same way as usual, based on the unreal, based on the surreal perception of what we do and our way of life – like a Luís Buñuel movie, finding a cow in the middle of your living room. That is what the Spanish equivalent of analysis is.

There is a read-across to the New Year's agreement, and we are concerned about that. This is a plan not conducted with the blunderbuss of El Algarrobo of the Curro Jiménez episodes, but by stealth. Spain has set itself a pattern. The socialist government is not Vox, it is not the PP. It sets a pattern, a pattern which is a Trojan horse. On the one hand, they speak softly, but actually they are very incisive about the achievements that they have created in this Tax Treaty, which is bilateral, full of pitfalls, and given for what? If that is the defence of a bad agreement, let it be said, because so far they have not.

All this chimes with the themes that we have been trying to put across for some time now, and especially since the New Year's Eve agreement, that there is a need for political honesty with people, to call a spade a spade and not describe something in a way it is not. No more misrepresentation, no more lies – to coin a phrase which was sung in his face:

España recuperá protagonismo respecto a Gibraltar.

That is what Gonzales Laya said on 20th January 2021. It is the stealth argument, the ability to recover a degree of influence, which is seen here – 'fiscal sovereignty', in her words, not mine. I call it intrusive and harmful. She believes it is part of the tool to be able to seek those controls, her consistent strategy – not Gonzalez Laya, Spain's consistent strategy – and he is allowing those inroads into our laws, our jurisdiction and our powers. This is a bad agreement for Gibraltar. It is his deal. This is not an agreement the GSD that I lead would have signed. (*Banging on desks*)

Mr Speaker: I now put the question in terms of the motion moved by the Hon. K Azopardi.

Hon. Chief Minister: Well, Mr Speaker, if those who might have spent some time staring blankly at the screen at home now, or here, watching the hon. Gentleman might simply now wish to wake up, we might be able to get to the bottom of what this Tax Treaty really is about and not

the nonsense that this motion has pretended to carve out for the hon. Gentleman to have the ability finally to hear his own voice.

This motion is nothing more than a self-serving vehicle for politics. It is not anything else. There is no reason for this motion to be put. There is not any impending moment which requires the hon. Gentleman to put his motion. Last year, in February, when he put it, what was the need for this motion? It was nothing but a vehicle for his own political opportunism, which he has today driven at a snail's pace, in his usual torturous style, for which I congratulate him because he has taken us through all aspects of what it was that he wanted us to see as his vision of this Treaty in the most meticulous fashion, and slowly. And so I think it is fair to say to him that he has at least been consistent. He has set out today no more and no less than exactly the same parameters that he set out in his manifesto in October 2019. The things that he has said today are the intrusive and harmful aspects of this Treaty are the things that he set out in October 2019, in a paragraph, I think on page 108 of his manifesto, which set out the things that were wrong with this Treaty. Nothing new.

Mr Speaker, as the leader of the only British territory with a chance of a mobility agreement with Europe – in other words, not as the leader of the only British territory that does not have a deal with Europe, the leader of the only British territory that has the possibility of a mobility deal with Europe – of course everything that led to the Withdrawal Agreement, the Protocol of it, the subsequent negotiation, is connected. Or is it that the hon. Gentleman is suggesting that the Government of Gibraltar has at any time suggested that all of the agreements in the MoUs and the Protocol are not connected? Of course we have not.

The hon. Gentleman says the Chief Minister has not got up and said the Tax Treaty, the MoUs, the Withdrawal Agreement and the Protocol were all connected – well, because the Chief Minister considers the people of Gibraltar clever enough to understand that. And why do I consider them clever enough to understand that? Because all of these items are set out together in the Protocol, as the Leader of the Opposition actually demonstrated when he read the part of the Protocol that referred to the Tax Treaty. So, how can he say that we have, for one moment, not suggested that these things are all connected?

In fact, quite contrary to what we have heard so far, not only is this Tax Treaty not harmful or intrusive, I will show this is a Treaty which is entered into on the basis of it being one that protects our sovereignty, that recognises our jurisdiction and in respect of which we will exercise full control. Do the hon. Members recognise those words: sovereignty, jurisdiction and control? Sovereignty protected, jurisdiction recognised, control about to be exercised. I will explain to them exactly how, and in doing so I am not going to fall into the trap that the hon. Gentleman sets with the usual transparency that it is so huge that an elephant would fail to miss it. I am not going to become an advocate for Spain.

He is right about one thing. Spain needs to change its chip. She needs to have a different, more positive attitude to the people of Gibraltar even than she might on some occasions show a glimmer of, even than she showed during the period of Cordoba. Or doesn't he recall that after the famous photograph at the top of the Rock, Sr Moratinos scurried into Spain and, when attacked by the mayor of one of the neighbouring towns, defended his trip to Gibraltar by saying he had come here to tell the former Chief Minister that Gibraltar was Spanish? Does he forget the parts that do not work for him? Does he forget that Sr Moratinos left Gibraltar, scuppered to a microphone at Cadena SER and said, 'Yes, yes, I have been to Gibraltar to tell them *Gibraltar es Español* from the top of the Rock'? That is the famous photograph that the hon. Gentleman today defends, and yet then condemned when he was the leader of the PDP, but I will come to that in a ... I will not say in a moment – in hour or so, I think.

Mr Speaker, let me just say that if the hon. Gentleman thinks that the Deputy Chief Minister and I are in the business of massaging public opinion, it is only because we think we can give the people of Gibraltar a really happy ending, not for any other reason.

We have listened to him now for over 80 minutes. I have not had a worse 80 minutes since the Liverpool-Everton Derby at the weekend, I must tell him.

1360 This Treaty was signed in March 2019. That is a full two years ago, 24 months, and something happened between then and now. Just like the old film *A Funny Thing Happened on the Way to the Forum*, something happened between March 2019 and now. It is not that we left the European Union; we will come to the consequences of that. There has been an intervening plebiscite between that Treaty and now. That is to say there has been a General Election between then and now and it is hugely important that the people listening today understand that the things he has said today are, I credit him, identical to the things that he set out in his manifesto, identical to the things that he said in the leaders' debate and identical to the things that he was saying in the estates. He has not changed his argument. I credit him with that, but he must also credit the people of Gibraltar with an element of understanding and intelligence. I consider the electorate in Gibraltar to be the most perceptive and intelligent in the world. I would not, for one moment, think that I could pull the wool over any single one of the people of Gibraltar. He appears to think that the people of Gibraltar can be duped. He appears to think that we duped the people of Gibraltar, because he put those arguments during the course of the General Election campaign – I will deal with them again, now, as I dealt with them during the course of the General Election campaign – and he lost the General Election campaign. He went down to the worst loss of a second party in politics in Gibraltar in our history – he needs to remember that – and he came fourth from the bottom of the list of Members of this House. He was the Leader of the Opposition going into ... No, he was not, he was the leader of the party – I did not mean the Leader of the Opposition – going into the campaign, leading on these self-same arguments. Only Mr Clinton, Mr Phillips and Mr Reyes were less popular than him making these arguments. He has to remember that there was this intervening plebiscite. That is how far his arguments got him when he put them in the court of public opinion in Gibraltar.

1380 When he says that my arguments are not persuasive, well, we are going to have the same argument here that we had in the leaders' debate and during the course of the General Election campaign. We met on three occasions as leaders and we exchanged many press releases on the subject after the Treaty was signed in March 2019 and during the course of the General Election campaign. Can he at least recognise that our arguments are the ones that persuaded? We put them in good faith and the people of Gibraltar accepted them in good faith, so when he says that our arguments are unpersuasive, they might be unpersuasive of him. Seventy-five per cent of the people of Gibraltar were not persuaded by him.

1390 I do not know what it is that makes him think that he can persuade Spain to return to the trilateral, that he can persuade Spain to drop its claim, that he can be more persuasive than Peter Caruana even was, than Fabian Picardo ever will be, or than Joe Bossano ever was. At least Fabian Picardo, Peter Caruana and Joe Bossano at different times have persuaded more than half of the electorate in Gibraltar. On his own, he is able to persuade about 4%, and leading the main party of opposition he persuades 25%. There is nothing to suggest that he is more persuasive than Joe Garcia, Joe Bossano, Fabian Picardo or Peter Caruana, with the very greatest of respect, because when his arguments are tested empirically in the fire of a General Election campaign, he loses. I would like to see him in the Ministerio de Asuntos Exteriores; I do not think he would survive five minutes.

1400 This motion is no more and no less than a rerunning of one of the arguments in the General Election and therefore a disrespect of the people of Gibraltar, because he must think either that the people of Gibraltar did not hear him the first time, or he is not prepared to accept their verdict, he is not prepared to accept the judgement of the people of Gibraltar. It is not that the people of Gibraltar delivered a result by a fine margin. We took, with our arguments, more than double the votes he took. Of course, one of the reasons that may have happened is not that he was making these arguments during the course of the General Election campaign. Indeed, he was making them before, from March 2019. Maybe one of the reasons it happened was that 72 hours before polls opened they changed their position. Or doesn't he remember that? Doesn't he remember the U-turn that they carried out in respect of the MoUs on the Tax Treaty? Well, he is shaking his head, but it was remarkable, cynical stuff, if I may say so. You spend six months pretending that you

1410 stand for one thing, so that you try to garner the votes of those who stand with you against this terrible Treaty and MoUs, and then 48 hours before a General Election, with a lot of the postal vote already sent and people perhaps switching off, you change your position and you say, 'Well, no, I accept the MoUs and I accept that Tax Treaty.'

1415 Anyway, Mr Speaker, I think he wanted to persist with this sound-of-my-own-voice motion that he put yesterday. But another thing has happened since the General Election, or indeed at the time of the General Election and after, and that is that the former leader of the GSD has not just had an opinion that he gave, that he agreed to publish, that says the opposite of what the current leader of the GSD says – or is that he has forgotten? He has quoted everyone, but he has not quoted Sir Peter Caruana. It is really quite remarkable that the leader today of the GSD comes
1420 here to quote the Foreign Minister of Spain and does not quote the former leader of the party, the former Chief Minister of Gibraltar. We published his legal opinion. I will send him the press release if he has forgotten – (*Interjection*) Mr Speaker, I will send him the press release with the part of the legal opinion that we published –

1425 **Hon. D J Bossino:** The press release was a précis.

Hon. Chief Minister: We published the legal opinion – I will send it to him – and he has not even quoted what he says is the précis. But if he did not want to quote the précis because he wants to read the whole opinion – I recall he has it, Mr Speaker – why didn't he quote what Sir
1430 Peter said on *Viewpoint* outside of privilege? Or is it that he had forgotten that?

This legal opinion on the law ... There are two things here, the law and the politics, but on the law the former Chief Minister, Leader of this House – who some people in this place call the greatest Gibraltarian of all time; not me, although I have a high regard for him – that opinion, says there are no sovereignty concessions in the Tax Treaty. The Government does not usually publish
1435 legal advice, but we authorised the disclosure of the advice because it went to sovereignty, and Sir Peter's legal opinion is that the Treaty had been entered into by the UK in accordance with the Constitution and with the freely given agreement of the Government of Gibraltar, with the necessary legislation to be enacted by the Gibraltar Parliament, which is what we are going to do after this motion. So, on the issue of form, no concession.

1440 Then, Sir Peter says:

Gibraltar's obligations under the Treaty will be administered by Gibraltar's authorities ...

And:

Spain is granted no political, administrative, executive, legislative or judicial competences. For those reasons, there are no legal concessions on sovereignty.

That judgement of Sir Peter Caruana is obviously one not of somebody interested in winning votes. It is a better judgement, obviously, than that survey of another lawyer who wants to win votes. But surely we would rather all agree with the opinion of a Gibraltarian former Chief Minister
1445 than with the opinion of a current Spanish Foreign Minister.

He might have forgotten, as he forgets so many things, but does he remember when he and I were with Sir Peter Caruana, then Peter Caruana, in 2011, on 7th December, in the leaders' debate? He was then leading the PDP. I put it to Sir Peter Caruana that Peter Hain, in a book that was shortly to be published, was going to suggest that he had been involved – not because he was
1450 consciously doing so – in the beginning of what led to the joint sovereignty process. Peter Caruana said to me, 'If Peter Hain says that, it would be untrue.' And he said another thing to me: 'If it comes to choosing Peter Hain' – of all people – 'and his word, or the Chief Minister of Gibraltar,' as he then was, that night in the leaders' debate, for the last 24 hours, 'who would you choose?'

1455 I did not hesitate. I said the Chief Minister of Gibraltar. He might remember, although of course he was a bit of a bit player in that leaders' debate, but that was my view.

1460 It is quite remarkable that the current leader of the GSD prefers to quote in this Parliament the position of the Minister for Foreign Affairs of Spain and not be the imposition on a legal analysis of one of the most senior silks in Gibraltar, a former Chief Minister of Gibraltar, his former leader and former leader of the party that he now needs. It is absolutely remarkable, and those who are going to follow his speech might like to factor that into the equation. Given that some of them are the people who have called Sir Peter the greatest Gibraltarian of all time, it will be quite remarkable now to see that they side with a serving Spanish politician and not with the man they refer to as the greatest Gibraltarian of all time, in respect of his legal opinion.

1465 In fact, Sir Peter has, since the General Election, gone further. He has subsequently expressed a political view, not just a legal view. I do not know whether the hon. Gentleman has also forgotten this: on *Viewpoint*, on 7th February 2020, Jonathan Scott, as the interviewer for GBC, asked Sir Peter Caruana ... The Hon. Mr Bossino can rest assured I will send him the transcript, if he wishes. Mr Scott said this:

You have said that you were satisfied that the Tax Treaty arranged as part of the Withdrawal Agreement made no significant concessions on sovereignty.

1470 Sir Peter Caruana answered, and I am going to quote him exactly so that nobody can suggest that I have misquoted:

Yes, I mean, I am going to be careful because I have given, professionally, an opinion, a legal opinion to the Gibraltar Government on that, so I am limiting myself to things that I have said publicly, and in any case, what my legal views on the matter are is neither here nor there. As an ex-Chief Minister of Gibraltar, if I had thought that my successor Government ... Even though I am out of politics now, if I had thought that a Government of Gibraltar had made any relevant concessions of sovereignty, or, better put, concessions in the relevant important aspects of sovereignty, namely the Britishness of our sovereignty, I would have protested and commented publicly, whether I had been asked to or not as a lawyer or otherwise. So, I mean, from the mere fact that I did not, I think people are entitled to deduce that I am of the view that it does not, and I am of the view that it does not.

That is what the former leader of the GSD said when ... Well, I say former leader – I think he is the former, former, former leader of the GSD. I lose count.

1475 In one breath he is telling us that Sir Peter was magnificent, when he tells us about the great GSD legacy today. The golden legacy that Mr Bossino sometimes refers to is the photograph, the Polaroid at the top of the Rock. Peter Caruana achieved the trilateral: magnificent. The photograph: magnificent. But he is not so magnificent when he tells you that you are wrong on the issue of sovereignty in the analysis of the Tax Treaty. Is that right? Well, the people of Gibraltar can see through this.

1480 But if we are going to talk about Cordoba, for Keith Azopardi, the leader of the PDP as he then was, those eight years of the GSD were awful. The first eight years of the GSD Government, from 1996 to 2003, were magnificent; the second eight years of the GSD Government – once they let in people who were not of GSD stock, all of that – from 2003 to 2011, were absolutely awful, except now the photograph was magnificent. But at the time, Keith Azopardi, the leader of the GSD, made comments about the Cordoba Agreements which were absolutely remarkable in the context of somebody is now leading the same party.

1485 To be fair to him, he has not changed his position. 'Azopardi warns against sharp-toothed wolf in sheep's clothing' – that is what he said about Cordoba then, except today he is saying that at the top of the Rock everything was hunky-dory, forgetting that the sharp-toothed wolf ran off to catch a microphone to say *Gibraltar es español*. At least the other guy at the time, the one who was not of GSD stock, was talking about a clash of visions, saying that Bossano and Azopardi were wrong about all of these things which suggested that Spain was not to be trusted and that we had to embark on a different course. Well, Mr Speaker, butter would not melt in the mouths of some at some times.

1490

Frankly, what I think has to be understood – and my Government has never hidden, and we have expressed, and is not just implicit, it is explicit – is that, as Sir Peter himself says, and has said also to *Viewpoint*, though I do not have the direct quote, it was a very different time after 2003, when we had together trounced the joint sovereignty arrangements. Or does he forget Joe Bossano getting up and saying, ‘Before they get to him, they have to get through me,’ one of the most powerful political declarations of support to an incumbent Government from a Leader of the Opposition there has ever been in democracy anywhere? ‘Before they get to him, they have to get through me,’ – hardly the way that he might describe his support for me today. But in those days we had just got beyond joint sovereignty, we were not leaving the European Union, there was no clock ticking – a completely different negotiating position to the one we are in now. Or is it that unless I get up and say, ‘Hey, Gibraltar is in a slightly weaker position because we are leaving the European Union on 31st December – wake up,’ I am not being honest? Unless I purposefully denude the Government of Gibraltar of its negotiating tactical position and expose Gibraltar entirely, I am not being honest – is that is what he is saying? I think he is far too clever to maintain that position for a moment longer.

Let’s understand where we were, Mr Speaker. In those eight years between 2003 and 2011, the position was different. For four of those years, Mr Feetham, who now sits to his left, was a Minister, Mr Bossino and Mr Clinton were variously, at different times, supporters of the GSD, in the executive etc; and of course Mr Phillips was bad-mouthing the GSD, just as he was in the PDP. But, my goodness, what a morass of inconsistencies we now find: the supporters of Cordoba aligned with the opponents of Cordoba telling us that the photograph at the top of the Rock was somehow not a Trojan horse but a magnificent moment in diplomacy. I really find it difficult to keep up with them.

Anyway, in 2011, when he was busy helping the GSD to lose the election, we were busy winning it to stop a lot of what was going wrong in Gibraltar then, and since then, in part with this Tax Treaty, we have changed the perception of Gibraltar in the context of our international financial affairs. We have enjoyed the benefit of being a part of the Withdrawal Agreement upon the departure of the United Kingdom from the European Union, and we have enjoyed the benefit of the transitional arrangements as well. If there is one thing that would have been a terrible position for us to be in, it would have been the only territory in the continent of Europe that was out of the EU while the UK was still in it, in transition. That would have been a very cold place to be indeed, and that is why, 48 hours before the election, they did the pirouette that they did, and I will come to it in great detail because it must be real, lived in Technicolor.

With this Tax Treaty, with the much maligned MoUs and with diplomacy and hard work, but with honesty and no pretence, we avoided a hard Brexit. That is the reality. It is what we all have lived. The 32,000 souls that make up *HMS Gibraltar* have been in it together, and we have lived it together, the highs and lows, the cliff edges, until 31st December, and another cliff edge to come.

The arguments that hon. Members are putting about this Tax Treaty are not true, though. *They* are the pretence, and a pretence of the worst sort. In order to understand just how bad a pretence they are making and what they went to the people with and what they come back to the people with today in this motion, to the heart of our democracy, let us look in detail at the arguments he has put. He has put them consistently.

In the 2019 GSD manifesto:

WE WILL REQUEST THE TERMINATION OF THE TAX TREATY
The Tax Treaty entered with Spain is bad for Gibraltar.

That statement is an expression of opinion, but actually what the Tax Treaty does is it provides greater clarity and transparency to taxpayers, it ensures the beginning of the possibility of better relations with Spain – but Spain needs to man up and be ready to have those better relations – and it removes us, and I will come to the detail of this in a moment, from the Spanish blacklist. But additionally, it has allowed us to join the OECD BEPS, the inclusive framework. If we were not

in BEPS, we would soon find many other doors closing to us, including one of the criteria to be put on the European Union blacklist if you are not in BEPS, and Spain, which is a founder member of the OECD, have us blacklisted to go into BEPs. That is what the Tax Treaty does, so his request to terminate the Tax Treaty, because he says it is bad, obviates all of that good, keeps us out of BEPS and puts us on the European Union blacklist: first failure to understand, first mistake, first opinion that the people of Gibraltar rejected and he is wrong to advance again today.

Next line from the GSD manifesto:

It taxes Gibraltarians returning home from Spain for four years as if they still lived in Spain even after coming home.

Let me repeat that: it taxes Gibraltarians returning home from Spain – in other words, you and me when we go to El Pryca, when we return home from Spain. I am showing my age; I understand Pryca is no longer available, Mr Speaker – Carrefour. ‘It taxes Gibraltarians returning home from Spain for four years as if they still lived in Spain even after coming home.’ That statement is the statement of a political party; it is not the statement of any Member opposite. I do not know who wrote it. Let me tell the House I have set out who made the statement in order that I may retort to the statement in this way, in keeping with the Rules of the House: that statement is a lie. It is not true about Gibraltarians. It is only true about the very limited cases of Gibraltarians who have spent four consecutive years, at least, in Spain, in residence, before that can apply. This is not about Gibraltarians who have lived in Spain. You might live in Spain for a year, you might live in Spain for two years – you have to live in Spain for four years. Their statement is not that it taxes Gibraltarians returning from Spain who have lived there for longer than four years as if they were still living in Spain, so that statement is not true.

But what is also not true – and on this I am going to put it to him, because he has said it today ... It is not true to say that this is unheard of. In fact, it is actually quite common. For example, a United States citizen continues to be taxed in the United States wherever he lives in the world, and I think the limit to shake it off, even if you hand in your passport and you take a different nationality, is 15 years. So, if an American citizen came to live in Gibraltar, spent the time here, took his nationality after three years if he married a Gibraltarian, for example, and surrendered his American nationality, he would be taxed by the United States for 15 years. So, where does he get that this is uncommon? Where does he get that? The United Kingdom does it. Or does he forget the old trick that you would move to Gibraltar six months before you sold your assets and not be subject to capital gains tax in the United Kingdom before we had the Double Taxation Agreement (DTA) with the United Kingdom. We did not require an agreement. Unilaterally the Chancellor undid that, not just in respect of Gibraltar, he undid it generally. A British citizen resident in the United Kingdom who moves abroad now suffers for I think up to five years the inability to shake off the liability to capital gains tax in the United Kingdom. So, where does he get that this is somehow the worst emanation of that rule in tax?

Tax is borrowing, Mr Speaker. I hate tax. I hate paying it, I hate imposing it, I hate talking about it – it is boring – but if we are going to talk about it, let’s get it right, because the people of Gibraltar do not deserve to be told that something is unusual when it is actually common.

Hon. D A Feetham: It is not common.

Hon. Chief Minister: ‘It is not common,’ utters the oracle to his left, Mr Speaker, because of course there are only 400 million American citizens, so something that happens to 32,000 Gibraltarians is uncommon, when in fact it is already happening to 400 million United States citizens and 60 million United Kingdom citizens. Come on! Let’s put before the people of Gibraltar again the reality of the position, not the convenient position that the GSD would like to obtain, so that they can pretend that Joe Bossano and Joseph Garcia have somehow fallen trap to the Spanish Trojan horse that has gained something that no nation has ever gained anywhere else. The only horse here is my throat, and it is not Trojan.

The hostage to fortune in the GSD manifesto is exactly the next line:

It will deem some Gibraltarians

– ‘it’ being the Tax Treaty –

who actually live in Gibraltar as Spanish tax residents just because they may hold assets – like a holiday home – in Spain.

They may as well have put a shining red light and a siren on this one, in their attempt to persuade anyone who owns a holiday home in Spain that they must vote GSD so that the GSD requests the end of the Treaty. That is what they are doing with that. That statement, whoever authored it – I do not know who authored it – is a lie. The Tax Treaty does not change Spanish tax legislation. It does not. The existence of an asset such as a holiday home may already make an individual a tax resident in Spain if they trigger the existing residency rules, but not otherwise. In other words, if you have what you call a holiday home and you spend 200 days there, that holiday home will make you a resident, not because you own a holiday home but because of the time that you spend there – not the value. They are going down the wrong thinking if they think that the value of the home, because it may be more than half of your assets, is somehow going to make you resident in Spain if you spend five days there. That is a misreading of the Treaty, if that is what they are pretending. Under the tie-breaker rules used to determine single residency, an individual may be resident in Spain if their only permanent home is in Spain. That is the reality, so another thing that they got wrong. But of course they got 25% of the vote. Knowing what Gibraltar is like, not even people with a holiday home in Spain believed them and voted for them. That is the reality. I know of many people with holiday homes in Spain who did not vote for them.

The next sentence that they put in their manifesto is:

It taxes Gibraltar companies who do not even operate in Spain as if they traded in Spain just because the shareholders or directors may live there.

I do not know who wrote that sentence, but that statement is a lie about Gibraltar companies generally. What the Treaty has is a safeguard clause put in place to protect longstanding Gibraltar companies. Under a number of different tax systems it is absolutely normal – not just the Spanish one – for companies to be taxed where they are managed and controlled. That is the reality. It is a basic rule, Mr Speaker. *(Interjection)* And since we moved from the Exempt Company Regime, we do not seek to protect those companies who profess to operate in and from Gibraltar but do not have the necessary presence and substance to demonstrate this. Companies that are new entrants into the market after November 2019 are able to plan their tax affairs now in a transparent manner, being fully aware of the tax implications.

Next sentence:

It is a disincentive to inward investment and job creation.

I am going to deal with that sentence in two ways, now and later in my intervention. I do not know who wrote that sentence, but whoever did was lying. There has been absolutely no evidence whatsoever, in the months after the GSD lost the last General Election until the pandemic hit, that there was any loss of inward investment or job creation. Actually, the Treaty provides clarity and certainty, which is what every business wants.

Next sentence – there are not many left:

It taxes Spanish nationals or Spanish companies resident or operating in Gibraltar as if they were tax resident in Spain even when they do not live there or operate in Spain.

No prizes for guessing that that sentence is a lie. A Spanish person who is not resident in Spain but is resident, for example, in Portugal or in the United States, may be taxed in Portugal or in the United States. A Spanish company can only be resident in Spain. The position for Spanish companies has not changed. They were always due for tax in Spain. Anyway, since when was it this Parliament's role to worry about the taxation of Spanish citizens? The hon. Gentleman has given us, out of his 80 minutes, 20 about the taxation of Spaniards. I was not elected by Spaniards; I was elected by Gibraltarians to look after their interests. I do not know whether he or somebody else, or his firm ... I do not know what it is that makes him so keen to defend the interests of Spaniards. What are the issues here? What are the issues that arise to Gibraltarian taxpayers, the people who pay our salaries? And anyway, those are matters for Spanish nationals or Spanish companies to take legal advice on. I am very clear. I have said it since the beginning that I have been in politics. We do not believe that there is Spanish money hidden in Gibraltar and we do not wish to attract Spanish money to be hidden in Gibraltar. That is our politics, so if he is right and this Tax Treaty stops Spanish money being attracted to Gibraltar, it is entirely in keeping with our policy position. I want to be extremely clear about this: we do not want that money in Gibraltar, we do not want Mr Valsedas in Gibraltar, we do not want Francisco Correa in Gibraltar, we do not want Marianna Rojoy in Gibraltar; we do not want any of that dirty money that found its way into accounts in other places.

Additionally, Spain can unilaterally decide to apply whatever measures it likes to its citizens. I have just given him the example of the continued taxation of American citizens, the continuing taxation of British citizens being subject to capital gains tax. Spain can tax its citizens in any way that Spain likes, because if you carry the passport of a nation you suffer the rules of a particular nation, and if they say, 'If you carry our passport, wherever you live we will tax you' ... Well, that is the United States of America. It does not require Picardo to be duped, as he says, into signing an agreement for that to be the case. But look, I am honest. I hold no brief for Spanish taxpayers; I hold my brief only for Gibraltar taxpayers. Is it also that he does not know that by being on the Spanish blacklist, in any event, Spanish citizens and Spanish residents suffer considerably when they want to move money in and out of Gibraltar, even if they work here already? So, the absence of the Tax Treaty, with us on the blacklist, was already causing a problem.

The final sentence in their ... Oh, no, there are more. I thought it was the final sentence. One of the final sentences in their manifesto about the Tax Treaty:

All this means that the GSLP Government

– it is never the Liberals; it must be residual affection from the time he was a member –

have accepted a system that has allowed Spain to exercise tax jurisdiction over Gibraltarians, our residents and companies even when they live here and operate here exclusively.

That is a massive lie, Mr Speaker. I know that when I say things, the hon. Gentleman, perhaps because he is the Leader of the Opposition, has to be sceptical. I salute that. I have no difficulty with that, so let me give him not Sir Peter Caruana, let me give him something else. Let me give him a partner of Ernst & Young – on GBC Television on 22nd March 2019, on *Newswatch*, interviewed by Jonathan Scott on the subject – Neil Rumford:

I guess that the first thing is that this Tax Treaty does not bring anyone into the Spanish tax net who is not already there under the current rules.

That is not Fabian Picardo, who he says has fallen for the Spanish ruse; that is not Sir Peter Caruana, who obviously has a chequered history with him, even if not with the others. That is a partner of an accountancy firm. I wonder whether he forgot that when he wrote – or whoever wrote – this sentence of the manifesto.

We have a territorial system of taxation in Gibraltar that is untouched by the Tax Treaty. We have two different systems, Spanish system and Gibraltar system, co-existing in this Treaty. It happens in many treaties. That is why, although it is complicated, you have to see how this system of exploitation of double non-taxation has been undone in the Treaty. That is what the Treaty is designed to do. It is complicated, but this is about working with our neighbour to stop the people who they think are cheating them of money from continuing to have those possibilities. That is what tax treaties do, whether you like your neighbour or you do not like your neighbour, whether your neighbour is being as mature as you wish they were, or not being as mature as you wish they were.

Here is where the issue of inadvertence really comes up, not because we have inadvertently been duped – I can guarantee him we had the best advice, Mr Speaker, so we were not going to be duped – but Spain has, I am sure advertently, not inadvertently, recognised Gibraltar's right to a separate tax system with its conceptual cornerstone of territoriality, despite the fact that Spain, as he might recall, has been aggressively denouncing that for decades, and yet Spain has accepted that a separate tax system exists in Gibraltar and it is based on the concept of territoriality.

Has he forgotten when he was preparing for today that Spain has withdrawn its legal action in the European Court of Justice in November-December last year against the territorial nature of our system of taxation? As soon as they went through their parliamentary motions on the Treaty, they withdrew their action against our territorial system of taxation in the Court of Justice, an action that would have continued after our departure.

Mr Speaker, this is not an application in court *ex parte*, where he is bound to put all of the arguments because the other side is not there and he has an obligation to say to the judge that which goes to his case and does not go to his case. Here, he can come and say only the things that go to his case, and I can come here and say the things only that go to my theory. But it is not honest if we do that, and it would have been better if he had recognised these things in the way that he presented his case. I will now deal with things which are not the things that I would like Spain to be doing. I am going to recognise them, of course I am. I have recognised them throughout, but he has not. He has only put his theory of the case. He has only found the things that support his position. He has not told the Parliament today, the people of Gibraltar watching, that actually Spain has accepted the territorial model of taxation of Gibraltar. People might remember what we went through 10-15 years ago: material selectivity and all of that. That is what that case was about. By this Tax Treaty, that is undone. Of course, when they withdrew their case in the European Court of Justice because they passed the Treaty in their parliament and the Treaty recognised our separate tax jurisdiction and our territorial system of taxation, they destroyed his case, and so that is why he has not wanted to refer to it today and demonstrated that the GSD – I am not saying him, here in this House; I am saying the GSD in its manifesto – misled or lied of the people of Gibraltar.

And then they went further and they said in their manifesto:

Contrary to what the GSLP

– again, “*a ti de dejan afuera*” –

say Spain have not recognized our rights.

Well, Mr Speaker, that, too, is a lie. There are a number of examples in the Tax Treaty where Gibraltar's rights are recognised, including in the provision of double taxation relief, where it is applied by the competent authority, which can only be Gibraltar. And then, of course, what I think is one of the most important parts of the Tax Treaty: the first time that a Spanish Minister has put his signature to a document that recognises the existence of something called the Gibraltarian Status Act. There are two aspects to that. First, the Gibraltarian Status Act is a parliamentary emanation in legislation as a statute from this Parliament. Indeed, I will go further: it is an

emanation of the first Constitution under which there was a House of Assembly or Legislative Assembly, because it dates back to 1964, I believe, or earlier. Recognition of the Gibraltarian Status Act implies explicit recognition of the ability of the Parliament elected by the people of Gibraltar to make laws and, of that law in particular, to determine who is in the class of the homogeneous people of the non-self-governing territory of Gibraltar, in UN terms.

I was explaining it at the time. It is not as if I did not explain it, so how can they say that it is not true that Spain has recognised our rights? They have recognised our right to legislate, they recognised our Parliament in which we legislate, and they have recognised the fruit of that legislation, which is the creation of a register of Gibraltarians which, under this Treaty, for the first time in our history, has international legal recognition. Forget by Spain – this is the first international legal recognition of the Gibraltarian Status Act giving a right not which is nationality but which is recognition in law in an international treaty. Of course, that is positive. Can't he say, 'Although you achieved that, I do not like the Treaty'? Or, 'Although you achieved that, I would have liked to have won the election'? How can you say, 'You have not achieved that'? If you say that, you are actually undoing an achievement of ourselves as a people on our collective journey, and a hugely important one, as Joe Bossano demonstrated in the UNC24 seminar, which I will come to in a minute, because these things have an effect beyond the Tax Treaty.

Then they say:

This Treaty is all about creating an unfair system which the UK did not accept for itself when it signed its own tax agreement with Spain in relation to UK nationals and UK companies.

That is also a lie. This Treaty does not create a new tax system. Neil Rumford just told him:

There is no new tax system here, let alone an unfair one.

The UK and Spain operate a residency-based system of taxation, so they have two systems which are similar. Their agreement is obviously going to be different from our agreement. Theirs as a residency-based system; ours is a source-based system. You have got to have a different agreement. The DTA between the UK and Spain is based on the OECD model.

But really, seriously, do I have to spend time showing the hon. Gentleman that we are not the UK? I know that we like to think that we punch above our weight, and we do. I know that we have aspirations; we share them all. But does he really think that when we sit at the table, we are the UK? Does he think that I have the nuclear deterrents going around the world? If he does, he is with the editor *La Razón*. The editor of *La Razón* put a picture of *HMS Invincible* on the cover of *La Razón* with the headline *Picardo manda la armada contra la flota pesquera española* – with a photograph of *HMS Invincible*: 'Picardo sends the Armada against the Spanish fishing fleet'. *HMS Invincible* had been at the knacker's yard in Turkey for five years before the picture. Is it that he agrees, and he thinks that we are the United Kingdom with our nuclear deterrent, when we sit down at the table with Spain to negotiate the Tax Treaty? The people of Gibraltar are a little bit more discerning than that, Mr Speaker.

We have different issues, not least that the UK is not a low tax jurisdiction. When you have a low tax jurisdiction doing a deal with a high tax jurisdiction, the dynamic is different. When you have a residency-based taxation country doing an agreement with another country with a residency-based system, it is a different treaty to the one you have when you have two countries that are different. We could spend hours talking about this, but this does not go to whether or not this is a bad treaty or a good treaty.

The difference in those two treaties emphasises how bad this deal is.

They said:

And what have we received in exchange? Spain has still not taken Gibraltar off its financial centres blacklist.

That is the next part of the GSD's manifesto.

1755 Well, Mr Speaker, Spain has provided an undertaking to do so. I am going to go into the detail of that later in my address, because it is important that, for the benefit of *Hansard*, we have in the memorandum of notes of this Parliament, in the memory of this Parliament, what Spain has said in that respect. It is unfeasible that, with this Treaty now in operation, Spain can continue to claim that Gibraltar is a tax haven and can continue to list us as such, and they have said so themselves.
1760 I will come to the direct quotes, so that they can write them down. Spain's removal of us is by decree and it is not an immediate result, but I will come to the detail of what Minister Laya has said about that.

What is remarkable is that you have a Leader of the Opposition who comes here and selectively quotes one part of the Minister's speech and does not quote the other. That is almost verging ...
1765 Mr Speaker, I am not going to accuse him. That is verging on the dishonest. But, anyway, it is an adversarial system and I am here to put the record straight.

They say in their manifesto:

We are not willing to be blackmailed by Spain or to be fooled into entering bad deals with Spain like Mr Picardo has allowed himself to.

Do not worry, it is none of you; it is only me!

Mr Speaker, I think it is greatly disrespectful to any of my parliamentary colleagues to suggest
1770 that I go off and do deals without sitting down with them in Cabinet and approving them every step of the way, especially in something as sensitive as the first treaty signed with Spain since Utrecht in relation to Gibraltar. So, that accusation, whether they like it or not, cannot be just about Picardo.

In fact, the Treaty has actually received a significant amount of negative public and
1775 parliamentary scrutiny in Spain. The jury is actually out against the Tax Treaty in Spain – because it is so bad for Spain – in some circles, so I do not know what he is talking about. In every negotiation there is a toing and froing.

Does he really think that we have achieved nothing if we are removed from the blacklist?

Does he really think we have achieved nothing if we have taken away from Spain the whip hand
1780 to say that we are a tax haven – 'But we have a Tax Treaty with you, how can you call us a tax haven?'?

Does he really think that we have achieved nothing by getting into BEPS, without which we would be on the European blacklist?

Does he really think that anybody would believe there has been absolutely nothing gained
1785 here?

And does he really think that he, Keith Azopardi, can turn up at a negotiation with Spain and dictate the terms of a new tax treaty, and that he would have dictated better terms this time round? That is what he thinks.

I did not dictate any of this. I negotiated part of it, but I had a magnificent team of the top
1790 experts the Government of Gibraltar has, who know about tax more than I do and more than he or anybody on his side does. They are better negotiators than they were, but the best negotiator cannot dictate a treaty. Even Donald Trump could not dictate a treaty when he broke up the international rulebook. He could not even dictate a press release at the G20, as we saw if we are following the *Trump Takes on the World* programme on BBC. International diplomacy is not about
1795 turning up and saying, 'Right, Mr Barba, pick up the pencil and write down what Gibraltar requires in this treaty.' What does he think? That he is really going to persuade the people of Gibraltar that? Of course not. That is why 75% of them slapped him in the face and told him they did not want him as Chief Minister.

They end their manifesto on this by saying:

In Government we will request the termination of the Treaty and its replacement by a neutral and fair double taxation agreement based on internationally accepted norms.

1800 Well, Mr Speaker, if I may say, with respect, to the hon. Gentleman, it is unlikely, for two reasons: first, because they are unlikely to be in government any time soon; and secondly, because it is unlikely that anybody is ever going to accept that. But I do note how he has nuanced the position in that sentence – or whoever wrote it – because that sentence does not commit to undoing the Tax Treaty. If he is pretending here today and he was pretending in the election
1805 campaign that, if elected, they would put an end to the Tax Treaty, when it came down to putting things in writing they did not have the gumption to say that. They say ‘we will request the termination of the treaty and its replacement by a neutral and fair double taxation agreement’. Come on! The people of Gibraltar are far too clever to be taken in by that.

Indeed, Mr Speaker, one thing that I will tell him about the impounding of cars that he refers
1810 to is that this Treaty is not yet in effect, but when it is, it will be a tool to assist those who have their cars impounded, because then the Tax Office in Gibraltar will be able to show that somebody is a tax resident of Gibraltar. At the moment, our certifications are not accepted; under this, they will be. Therefore, the sooner we bring this Treaty into effect, the sooner we can start to assist those who have unfairly had their cars impounded, although some, we have reported to us, have
1815 actually answered the questions ‘Do you have a property in Spain?’ and ‘Are you resident in Spain?’ – remember you cannot go into Spain at different times unless you are a resident of Spain ... They have said, ‘Yes, I am,’ and they have said, ‘What are you doing driving a Gibraltar car, then?’ Tax is difficult. You have to get this right. With this Treaty, we can help those who have had their cars impounded; without it, *he* would not be able to help.

1820 So, what was said in their manifesto was massively rejected for good reason, because I have shown that it is misleading, untrue and wrong, and today he has put the same arguments, regurgitated in exactly the same way, peppered with a few current quotes that do not give the whole of the sentences uttered by some of the people who have uttered them, but I will give the whole of those quotes.

1825 Mr Speaker, what struck me about his position and the position a month later, after the General Election, in Spain, in the Spanish General Election, is that there were only two parties in Spain’s multi-party democracy and Gibraltar, two parties out of all of them – only two parties wanted both a rejection of the Tax Treaty between Gibraltar and Spain and to make abortion illegal. In the whole of Gibraltar we had three parties contesting, in Spain they had 10 or 15 parties.
1830 Only two parties had those two policies, undo the Tax Treaty and rescind the laws on abortion: Vox and the GSD. “*Con quién te vi, te compare, díleme con quien vas y te dire quien eres*” (Laughter) Vox and the GSD. That is remarkable, Mr Speaker. And so, when the hon. Gentleman says that they achieved trilateralism and that we have let it down, we have to understand that everything that they say, like with Vox, has to be put under the microscope.

1835 On the one hand, they say, ‘Fabian, you never achieved the photograph at the top of the Rock,’ but they do not say, ‘Well done, because you achieved the photograph *a duo* in the Campo de Gibraltar.’ Maybe it is because I was wearing my mask and they did not see that it was me.

The Deputy Chief Minister and I have said repeatedly that there has been variable geometry in these negotiations, where sometimes there have been three parties and sometimes there have
1840 been two. Sometimes those two have been the United Kingdom and Spain, and sometimes they have been Gibraltar and Spain, and each of the parties has described that geometry in different ways – I accept that – but the United Kingdom has been consistent and Gibraltar has been consistent.

When the hon. Gentleman tries to draw parallels with the New Year’s Eve agreement, he is
1845 treading on particularly dangerous ground. He says that I have to be honest about the Tax Treaty, I have to be honest about the New Year’s Eve agreement.

I know that the hon. Gentleman keeps looking at the clock. I have only got about another two hours to go, (*Interjection*) seriously.

1850 I want to be entirely honest with the people of Gibraltar always, 100%, warts and all. People sometimes do not like it. I have just gone through the arguments in the GSD manifesto and I have demonstrated that they were not honest, but I hope that, sitting through today, people will understand that when the GSD cry foul, they are not being honest, and they have to analyse every word of what they say. And it is not me saying that. As I have already shown, the former Chief Minister, their former leader, Sir Peter Caruana, takes a different position on the legality of
1855 sovereignty and the politics of sovereignty in the Tax Treaty.

So, having had his arguments rejected in the General Election, having had his former leader reject the arguments also, what legitimacy is there in this motion? There is a right to bring the motion, of course there is, but if he brings the motion, he has to understand I am going to reply. Do I think it was right to bring this motion? I think not.

1860 What does the Chamber of Commerce think of the arguments that he has put? He talks about an intrusive treaty that is harmful. He talks about investment being undone by the treaty and fewer jobs. Those are the things he says in his manifesto, and here he talks about 'a disincentive to inward investment and job creation'. I have told him what an independent accountant thought about his idea of what the Tax Treaty did – he did not agree with him. One would have thought
1865 that if the Government – the GSLP, not the GSLP Liberals; the GSLP or Picardo on his own, not all the 10 – had done something which was a disincentive to inward investment and job creation, the first ones to come out against it would be the Chamber of Commerce. An organisation that is made up of businesses and that looks out for businesses would be against that treaty, I would have thought, but the Chamber does not share his view. The Chamber does not think that Spain
1870 has scored goals against Gibraltar. What the Chamber said, is this:

The Chief Minister warrants our continued support. Unquestionably his Brexit negotiations have been in Gibraltar's best interests, including the Tax treaty. His efforts to establish a more positive narrative with Madrid and to keep Westminster 'on side' need to be recognised. They are both magnificent achievements.

That is the Annual Report of the Chamber for 2018, published after the Treaty in March, and that is their judgement, the judgement of the body that is designed to protect business and look out for business. So, what he says is bad, the Chamber of Commerce says is good. Business wants certainty. It wants incentives to inward investment and the protection of jobs. This agreement is
1875 not perfect, but, warts and all, they judge it a good thing, 'magnificent'. That is what business likes.

He is wrong. The people of Gibraltar have told him he is wrong, Sir Peter Caruana has told him he is wrong and the Chamber of Commerce has told him he is wrong. I know he does not care if I tell him he is wrong, but all those others have told him he is wrong. I do not always agree with the Chamber of Commerce. Sometimes the Chamber might get it wrong. We have said so when we
1880 think they are wrong. He must say that he thinks the Chamber of Commerce is wrong. But it is not just Picardo and not just the GSLP, or even the Liberals. Look at all the entities arrayed who have a different view of this Treaty. Will he at least accept that he is not going to pray in aid the Chamber of Commerce in future, if ever they come out on his side, given that he does not like their judgement today? In the future, if he comes here and says, 'The Chamber is very concerned about
1885 the way that you have set the rates,' or whatever it is that they might say, I would say, 'Well, at least the Chamber still thinks that my Tax Treaty is magnificent.' He says in his motion and his manifesto that the Tax Treaty is not good for Gibraltar, but the representatives of Gibraltar business say it is good.

Mr Speaker, not only have we not surrendered sovereignty, not only do we not have a
1890 disincentive to business; we have enhanced our recognition and we have enhanced our co-operation with our neighbouring state. We are normalising our relationships. We are depriving the hard right wing in Spain of the whips with which to beat Gibraltar, and that is the Gibraltar that we will leave to our children. What's not to like?

He is calling black white. It is really, in my view, at its most fundamental, unfair, because he is trying to misrepresent to the public a position for his personal political gain. Not having been able to win the argument in the General Election campaign, he has tried to bring it here again, to try to confuse in a way that might somehow make him some partisan points. I do not know whether he thinks that people will think him more nationalistic because of the way that he has phrased his manifesto and phrased his motion, I do not know whether people, he thinks, might garner him some support as a result, but he has to accept that the person making the arguments today for the GSD was sitting in the Council of Ministers when the GSD allowed the Spanish fishermen to fish in our waters, the famous fishing agreement that allowed people to fish, although it was contrary to our law. So, now he is nationalist – he has no credibility on these issues.

He needs to remember that he is no longer in the PDP. He is in the once-proud GSD and not in the always-failing PDP. Maybe he has got the part of the GSD that he did not want, although I guess when he looks behind him he sees the PDP, when he looks to his left he sees the Labour Party, and when he looks to his right he sees the Liberal Party, however uncomfortably that label now rests with the theology of the person sitting to his right. *(Interjection)*

Perhaps the question of why this motion now, after the election defeat, is really more about somehow shoring up his own political position and trying to get out of the political virtual reality that he has on one side or the other. When he looks behind him, he sees a person who sees himself as a potential challenger, although none of us see him as a potential challenger. When he looks to his left, he sees somebody who still sees himself as a potential challenger, although everybody sees him as the past, not GSD stock and a failed leader. And when he looks to his right, he sees a man who he thinks might perhaps, maybe, one day see himself as a challenger, and who others think of in a more popular way than him.

Frankly, although I regard one of those with more affection than I do the others, the Hon. the Leader of the Opposition needs to stop seeing himself as the Light Brigade volleyed and thundered left and right, and start to look out for Gibraltar a little, stop trying to protect his leadership, understand that he is the leader of the GSD, not the PDP, and that the GSD is the party that started life supporting the Brussels Agreement and then came out against it. It is the party that allowed illegal fishing in our waters and now comes out against it. It is the party that supported and did the Cordoba Agreements, which put Gibraltarians under the control of Spanish law enforcement officers in Gibraltar, and now says it is potentially against Frontex control. And on top of that, they spent £84 million on the Airport, which they built as a result of the Cordoba Agreements, with nothing to show for it. At least with the Tax Treaty we have got the BEPS benefit from it already, before it has even come into effect, and a commitment to take us off the blacklist, which I will deal with in a minute. To be fair, he was even, as Leader of the PDP, against Cordoba.

The issue of how this Treaty is signed is one that should be less controversial. First of all, I come back to the fact that even Peter Caruana has said it has been dealt with properly. Second, the question of letters of entrustment. Of course they work; we have signed many treaties with letters of entrustment. Spain is not prepared to accept that we sign a treaty with our letters of entrustment basis. We understand that. Is it that he thinks that we do not understand that? But it is not just us; they were not prepared to accept a letter of entrustment for Aruba either. The treaty with Aruba is signed by the Netherlands. The hon. Gentleman needs to have a slightly wider world view. What matters to us more than anything else is Gibraltar, but he needs to have a slightly wider world view.

He does not want to talk, of course, about the thing that completely undoes his argument, which is the concordat. It was obvious in the way that he presented his argument. I do not want to talk about the concordat. The concordat is a reverse entrustment. In other words, the United Kingdom did not sign the Tax Treaty or the MoUs until it received a signed requirement from Gibraltar to do so, acting for Gibraltar. I know he does not like the argument because it undoes his argument, but that is a reality – it is signed.

The one thing I thought really quite remarkable in his intervention this afternoon was his reference to the documents that were signed in Cordoba. No documents were ever signed in

Cordoba. I do not know whether he realises the mistake that he has made. He said ‘the documents that were signed in Cordoba’. The Cordoba Agreements were political agreements. There were no signatures because Spain refused to sign anything with Gibraltar. And so it goes to the heart of his argument. He thinks that they achieved trilateralism and they signed documents in Cordoba. They never signed documents in Cordoba. It is a beginner’s error. It is huge. It is massive. A signed document has the nature of public international law. A political agreement, which can be as damaging, like the Brussels Agreement and Lisbon, does not have the character of public international law – a fatal flaw in every single one of the arguments that he put, which completely lobotomises every one of the rest of his arguments.

One thing that I am always going to be clear about, however, is that we are never going to defend that somebody who is subject to Spanish taxation should not pay tax in Spain. We have been very clear about that. Even in the time when Sr Margallo was Foreign Minister I would say, when he made the argument that people were evading tax in Spain, ‘The Government of Gibraltar does not support that anybody who is a resident of Spain should not pay tax in Spain. They *must* pay tax in Spain.’ That is what this Agreement does. It helps to determine whether you are resident in Spain, or not.

But what are we going to do – not now, after we do this motion? After we defeat his motion, what are we going to do? We are going to take another motion, a motion that will put into Schedule 11 of the Income Tax Act 2010 the Spanish Tax Treaty. In doing so, not only do we have the recognition of the Parliament because of the Gibraltarian Status Act; this Parliament will press the button to start the effect of the Spanish Tax Treaty because it cannot come into effect unless we pass the motion, which is the resolution required under our law to give effect to the Spanish Tax Treaty – another recognition of our rights and a recognition of our jurisdiction and our total control. The Treaty will have no effect, it will be sterile, unless it is in our law, because the Income Tax Commissioner is not subject to any law other than our law. Sovereignty protected, jurisdiction recognised, control exercised.

Mr Speaker, this Parliament is the place where the popular sovereignty of the people of Gibraltar resides, so how can he be making the argument that there is something in the Treaty that somehow denudes us of jurisdiction or control? If he were to succeed in persuading Members of this House not to support the inclusion of the Treaty in a Gazette notice tomorrow, the Tax Treaty will not come into effect – the best description and exercise of our sovereignty, our jurisdiction and our control. It is that simple. It is a direct demonstration of the fact that control vests here of the tax affairs of Gibraltar, and we are going to be here together when we exercise that control. So, after that, I hope he does not continue making these arguments, because he will have been present when we have actually seen the people of Gibraltar, through their Government, exercise the lever to bring the Tax Treaty into effect.

Is it perfect? Of course it is not perfect. Nobody has ever said it is perfect. Why is he saying that we pretend that everything is perfect? I am telling you the things that are in the Agreement which I think are good for Gibraltar. Of course I am telling you that; I have negotiated the things that are good for Gibraltar. Is he saying that I have to point out what is good and what is bad? Isn’t he the Leader of the Opposition? Isn’t he supposed to point out what is bad? I also give an indication of the things that I do not like, but he has to accept that I am not here to do his work.

I am happy with the Agreement that has been reached. It is a balance. I think it is good for Gibraltar. It protects us as a separate jurisdiction, an autonomous tax jurisdiction. That is hugely important. It recognises the concept of the Gibraltarian. Hon. Members have heard me say this already. I was required to write to David Lidington before they would sign it. All of these things were set out by us before the General Election, also. People agreed with us. In particular, they agreed with the end of those post-boxing arrangements. This is now direct, Gibraltar tax authorities and Spanish tax authorities. They agreed. They were saying that we have failed and fallen for the Trojan horse. They agreed that the address for the Commissioner of Income Tax in Gibraltar, the address for the Financial Services Commission, the address for everything in

Gibraltar was 1 King Charles Street, London, SW1, and that happened through the Cordoba process, straight through the Cordoba process. There was no change.

2000 And, by the way, it is not that we lost the trilateral. They lost the trilateral because no sooner was Trinidad Jiménez Minister for Foreign Affairs of Spain than there were no other meetings of the trilateral. The trilateral was at an end under the socialist Government. Or is that he forgets that? In wanting to blame me and the GSLP for this, he forgets that when he was in the PDP he used to complain to the GSD that they had lost the trilateral in the end.

2005 Mr Speaker, if hon. Members are bored, I am sorry to tell them that if they put arguments, they are going to get responses to every single one of them.

Let us be honest. Of course it is true that we do not trust Spain. I am not here for one moment as an apologist for Spain. I am not here for one moment to say today that Spain is good, that Spain is fantastic, let's do deals with Spain. I am not here for that. I am the hawk, Bossano the hawk, Garcia the hawk. The hawks are here. We do not believe that Spain is good; we believe that Spain 2010 has been bad to Gibraltar. We do not trust Spain, but let's all wake up and smell the coffee: Spain does not trust us either. There has to be a recognition of that. Spain does not trust us because Spain believes that we have failed to comply with agreements in the past. Why? Because if somebody has said to Spain, 'Let's do this now, and slowly the people of Gibraltar will accept sovereignty etc.,' Spain has said, after a while, 'Sovereignty is not happening.'

2015 That is why it is important to be honest. In our conversations with Spain, we say the same thing in the room as we say outside the room. I see the same thing when the cameras are not rolling as I say when the cameras are rolling. Whatever deal we do, we do not ever want to be Spanish, but we want to be friends, and so, having built negotiating trust – no more than that, negotiating trust; trust with the people with whom we are negotiating – it is incumbent upon us to now build the 2020 transactional trust.

Spain has recently accepted that Gibraltar has met the 32% unilateral commitment on tobacco pricing. In fact, we are at something like 30% difference. Spain has actually ... If the hon. Member wants to want to go out, I am quite happy to have a recess for a few minutes. I will finish the sentence and then I will do the recess. Spain has actually accepted that, for BEPS, they committed 2025 to lifting the veto and that we should become members of BEPS. We have become members of BEPS, even before the Tax Treaty has come into effect. Slowly, we are building transactional trust.

Mr Speaker, I am conscious that you, and other Members, have been in the Chair since 3 p.m., and the hon. Gentleman whose motion I am answering needs to move about, so, out of respect, I would propose that the House recess for 15 minutes.

2030

Mr Speaker: The House will now recess for 15 minutes. We will be back at 20 past.

The House recessed at 7.06 p.m. and resumed its sitting at 7.25 p.m.

International Agreement on Taxation and the Protection of Financial Interests – Debate continued

Hon. Chief Minister: Mr Speaker, I was making the point that we have to build trust on both sides. Absolutely Spain has failed to build trust in Gibraltar. We must also understand that Spain does not trust us. We must build trust slowly. But we are the people of goodwill, good faith and 2035 good old-fashioned hard work. We are the ones who have always said that we wanted co-operation. We are the ones who want to comply with commitments and want to see Spain comply with commitments, but let's be clear: what we have negotiated enables us to pull out if Spain fails to comply. So, if Spain does not take us off the blacklist, we can pull out.

2040 You cannot pull out £84 million that you invested in an airport when the other side failed to build the part that they said they were going to build. You cannot pull it out. But that is what

comes when you rely on unsigned commitments. That is what the GSD's trust in Spain was. They accuse me and the GSLP Liberal Government of trusting Spain in giving things in the Tax Treaty. Well, we say we will be able to pull out of the Tax Treaty if they do not do the things that they said they were going to do. What are they going to advise us to do in respect of Cordoba? Spain simply
2045 pulled out, and yet we were left holding the £84 million baby. Comedy gold, if it were not for the price tag, so hon. Members can hardly lecture us on trust. We have signed a document. We will act, they will act. If they do not act, we withdraw. No £84 million. It is that simple.

I do hope Spain is going to comply with the obligations and take us off blacklists, and I will take
2050 hon. Members now to the exact words where they say that. And I hope that they will not just take us off blacklists; I hope they will give us information, because we want information about some people who we believe may be cheating our exchequer. What will certainly not build trust is if you say one thing one day and then you say something another day, whether it is with Spain, with the United Kingdom or even with our own people.

Hon. Members actually used to be the ones who lectured on that. I remember hearing the
2055 lecture from Sir Peter on cherry picking. The 2007 leaders' debate was all about cherry picking and international law, and one does not pick the bits that one likes. There was no international law. There was nothing signed at Cordoba, as the Hon. the Leader of the Opposition mistakenly said a moment ago. I remember Mr Feetham giving the same lecture, in apparently the same voice as Sir Peter Caruana, on cherry picking. But what you cannot do is say that, when you see Spain doing
2060 the opposite. Spain cherry picked the Cordoba Agreements. They did not build the other part of the Airport. They are still taking the money off the Spanish pensioners, the opposite of what we were told by the hon. Members when they were in government.

One thing we cannot do is tell a state whether or not they put us on a blacklist. They put us on
2065 the blacklist – unfair or not unfair is a matter for them – but now they have entered into agreements to remove us, and that is on what we will judge trust. But we will not take lectures from them sitting opposite on trust. The one thing that they have demonstrated is the inability to build trust, even with the people of Gibraltar, because on this key issue, this fundamental issue, an issue so important that they put it in their manifesto and fought it in the election campaign – despite losing the argument in the election campaign, they have put a motion now – they actually
2070 did a pirouette. They did a U-turn like never before in Gibraltar politics.

The hon. Lady was with me in the leaders' debate with the hon. Gentleman (*Interjection*) when we were debating what had happened that week, the last week of the General Election campaign. It was like political *Strictly Come Dancing*, it really was, except here the votes from the professional judges agreed 100% with the votes from the audience. They fell when they did that pirouette, and
2075 they were out of the competition to run Gibraltar. Their cha-cha-cha on the MoUs was not up to it, their tango on the concordat tantalised no one, and their rhumba on the Tax Treaty showed far too much leg, only to end up being much less exciting than anyone had ever imagined. (*Interjection and laughter*)

Will anyone forget the position that they took on the MoUs and the Tax Treaty? They had said
2080 repeatedly that they were opposed to the four memorandums of understanding, they said repeatedly they would seek to terminate the Tax Treaty, they consistently argued that the MoUs were harmful to Gibraltar and that they gave us Spain in Gibraltar's affairs; all the things that they have repeated today. It is very easy to say that when you are in opposition. You can say what you like when you are in opposition. If you are not responsible, you can say what you like. But of course
2085 in the last week of the General Election campaign hon. Members obviously thought so much of themselves that they thought that they might win, and they thought, 'Hang on a minute, we have got to be careful, we can no longer sustain this.' We were clear that they were not going to win, so we did not understand why they changed their position.

In a GBC debate on Monday, 14th October 2019, 72 hours before the election, the Hon.
2090 Mr Bossino told a programme where he was being quizzed by Gibraltar's editors that the GSD would be willing to accept the MoUs and the Tax Treaty if a Brexit deal was reached between the

United Kingdom and the European Union and a transition period followed. The report in the *Gibraltar Chronicle* says this about it:

Mr Bossino said these negotiations could have instead been ‘used as leverage and the perfect opportunity’ for Gibraltar to negotiate the movement of people other than cross-frontier workers which was already covered by Spain.

2095 You see, I read the bits that I do not like as well as the bits that I do like; I do not do selective quoting.

Mr Bossino said it is the GSD leader Keith Azopardi’s position that Gibraltar would benefit from a ‘backstop’ agreement on freedom of movement across the border.

‘What we say is that a deal is better than none,’ Mr Bossino added.

‘We would accept, if we were elected into government, the MoUs as they currently stand should the Withdrawal Agreement be passed or approved or should there be a deal of sorts.’

Bang! First U-turn.

With reference to the tax treaty, Mr Bossino accepted that it is linked to the Withdrawal Agreement.

Bang! The thing that they say was a huge mystery that nobody had ever told them. Again, a direct contradiction of Mr Azopardi, who has told GBC that he does not accept that they were.

2100 The article goes on:

He [Mr Bossino] said that in the event of a ‘no-deal’ Brexit, the GSD will accept the tax treaty until the end of the transition period until December 2020, but going forward, the party would want to ‘terminate’ the treaty after that.

So, when they were on the precipice they changed their minds, really a significant shift in position by the GSD literally at the last minute, the Monday night at nine o’clock before the election. I suppose that they sent Mr Bossino out to do the U-turn because he is the most popular of all of them; maybe this was some Machiavellian plan to try to dent his popularity.

2105 That fateful night on GBC was undoubtedly the most dramatic change of position on any subject that Gibraltar has ever seen a political party perform, at such a late stage at least. To see that change of position 48 hours before the polls opened was a real demonstration of the admission by the GSD that they did not understand Brexit, which was the key election issue. It was a dramatic change of tack, and this motion is just their attempt to tack back. In October 2019 they
2110 changed their position, in February 2020 they put this motion to tack back. Inconsistent: one day, one position where they say no to the MoU and the Tax Treaty; the next, ‘We accept the MoUs and we will keep the Tax Treaty. In their manifesto they said no to the Tax Treaty, in the programme on GBC they said yes to it, at least for a limited time; and now, in the motion, they say no to it again. This is a ‘Yeah but, no but, yeah but, no but’ on gym bunny steroids. I wonder
2115 whether they are getting their pills confused on that side.

This is the sort of thing that will not build trust, not just with Spain or the United Kingdom; it will not build trust with the electorate. A total pirouette on something so fundamental, and then now, again, on this motion another pirouette – or a *plié*, to continue with the dancing terms. They bend, then they try to get back to where they were, one pirouette after another, but they are just
2120 left in a total spin, such a total spin that they cannot even spin themselves out of it. It is clear that Mr Bossino was not as adept as his *pointes* as others. On this, they have no stylus. They were not able to do their transition and they got all mixed up in their danza. It is a good thing that at least on this side we have got GAMPa to keep us on the straight and narrow. I look forward to continuing to see them practising their pirouettes in their leg warmers in the coming months,
2125 because whether it is pirouettes, leg warmers or cowboy boots – each to their own – they really do need to do a lot more practising.

The reality – although we might laugh here, because this is just a motion that they are going to lose – is this is actually serious stuff. This is serious stuff and they are being, in my view, in my respectful submission, cynical, cynical, cynical. One day they go into an election campaign saying
2130 no to the MoUs and the Tax Treaty, three days before the election they change their position, and two months after the election they change back. Really, I do not think that that is a serious way to do politics.

But if they do not like my opinions, if they do not like the opinions of Sir Peter Caruana, if they do not like the opinions of Neil Rumford of Ernst & Young, if they do not like all the opinions of
2135 the Chamber of Commerce, if they do not like the partisan opinion – whether it is my party's opinion or their party's opinion, Sir Peter's – and if they do not like the independent opinion, what about the opinion of Sir Joe? Sometimes, in Budget speeches etc., they might get up and quote golden rules and pretend that somehow Sir Joe's golden rule is not being followed by Picardo's GSLP – all of the games that they try and play. I do not know what it is that they are trying to get
2140 at, I do not know whether they are making a Yoda-Luke point or whether they even see it in those terms, but what happens when that force awakens? Well, unless they have not been following the debate, they know that the Father of the House is not with them. They can surely find no solace in his teachings on this.

When they attacked us on this subject in March 2019, the month when the Treaty was done,
2145 a full two years ago, position clear he made in responding to accusation them from. As that other fictional sage might have put it ... Sir Joda said this, in a Government press release at the time and he gave an interview afterwards:

There are no concessions in this Tax Treaty on sovereignty, jurisdiction or control. The GSLP would not agree to any concessions. I fought the concessions made in the Brussels Agreement and in the Airport Agreement under the AACR. I fought the concessions made in the Cordoba Agreements by the GSD, especially on the Airport on which the GSD then spent £84m and for which we have not had anything in return. I would not accept any concessions being made by a Government I am a member of. This is an agreement in which Spain recognises the Gibraltarian population, our national competent authorities our laws and our institutions. Under the GSD, we had instead the fictional 'post boxing arrangements' via London because Spain wanted to pretend that we did not exist. So I am satisfied that the GSD are wrong to say anything in this amounts to any concession on sovereignty, jurisdiction or control.

It is not often that Sir Joe Bossano and Sir Peter Caruana can be so clear and so obviously in agreement. In fact, Sir Joe went even further at the United Nations seminar in Grenada in May
2150 2019, when he was detailing, for those delegates attending, the history of the issues between the UK, Spain and Gibraltar, and, no doubt with the Spanish delegate in the room, he delivered coolly and calmly what I am going to now relate to the House, because I think it is so perfectly analysed by Sir Joe that it is worth setting out for posterity in *Hansard*. Sir Joe said this:

Predictably, Spain attacked our fiscal system,

– he was talking about the history of the dispute –

the same system they had said we would be able to continue with if we accepted them as joint colonial power with the UK, the joint sovereignty offer still on the table. Spain repeated the same message at subsequent UN meetings. What we have done since is try to meet their concerns as if they were genuine, although we do not accept that we have a fiscal system that in any manner or form damages the Spanish economy.

The 2018 General Assembly Consensus has recognised and welcomed that we are all making an effort to improve relations. To this end we have agreed with Spain to exchange information and criteria for tax residence. If it means the end of the accusations that somehow we are draining the tax revenues of Spain and harming the economy of the surrounding hinterland when the opposite is true, then we are happy to reassure them by agreeing these measures.

The Treaty provides different treatment on the basis of nationality in respect of persons who move from Spain to Gibraltar. In the case of Spanish nationals they will continue to be treated, for tax purposes, as if they were still resident in Spain. This will apply indefinitely. Other nationalities will continue to pay tax in Spain for four years after

they move to Gibraltar provided that they have been in Spain for one whole year before the move. Gibraltarians need to have been resident for four years in Spain to continue to be liable after they return to Gibraltar.

The committee should note that the Gibraltarian is identified as a distinct nationality in an international treaty signed by Spain, which is an encouraging sign of what the nature of our relationship should be.

There are very few Gibraltarians living in Spain and not all of them will want to move Gibraltar. There are, however, many other nationalities and Spanish nationals. Clearly the greatest deterrent to settling in Gibraltar is in the case of Spanish nationals. Therefore, it seems that the Spanish government does not wish to see its citizens taking up residence in Gibraltar. Members of C24 may not be aware that way back in 1969, 50 years ago, when the Frontier was closed, one of the complaints was that they could not live in Gibraltar. It was true, there was a housing shortage and many of our own people were also living in Spain and had to abandon their homes to be accommodated in Gibraltar as best they could – the equivalent of being expelled, but in 1969, not in 1704.

We have also entered into an MoU committing ourselves to keeping the retail price of tobacco products at a differential to mainland Spain and the Balearics prices. This differential will be 32% below theirs. The price differential does not apply in respect of the Canary Islands or the Spanish non-colonial enclaves in North Africa, since prices there are substantially below the mainland.

Let me remind members, however, that the level of direct and indirect taxes is irrelevant as a consideration in the context of the decolonisation process and something used by Spain since the 1960s in an effort to put us in a bad light before this committee.

Mr Chairman, Her Majesty's Government of Gibraltar has no wish to have Spanish residents break the tax laws of Spain by not declaring the earnings they may receive from our economic activities in Gibraltar, if that is what the Spanish law requires of them.

Spain now recognises our tax authorities and our tax laws independent from those of the UK. This is evidence that we are not a municipality and that the territorial Parliament enjoys the fiscal independence of a state. Perhaps for this reason the Government in Spain says this international Tax Treaty is with the UK, not with Gibraltar. I know that this is a sensitive issue for the Kingdom of Spain and I don't want to do anything to step on their toes or embarrass their distinguished representative here. True that we have an international treaty that has been signed by Spain's Minister for Foreign Affairs and the Deputy Prime Minister of the United Kingdom. This is because international treaties are things that the 17 non-self-governing territories cannot sign. But if they, Spain, need to say it is the UK that has done the Treaty, well, let them continue saying it. But you know, Mr Chairman, and I know that this is not true, because if it were true it would mean that our fiscal independence in the Constitution of Gibraltar over taxation, both direct and indirect, would have been removed from our level of self-government. This independence is something that we have had since the first Constitution of 1950. It was the first Legislative Council that legislated to provide for Income Tax in 1951. So it would mean that the Deputy Prime Minister of the United Kingdom, if the Spanish interpretation were correct, had taken a step to regress our level of self-government, taking us back to the position pre-1950, almost to when we were placed on your list in 1946. If that were the case, clearly I would not be speaking in the tone that I am speaking or making the remarks that I am making, Mr Chairman; I would be breathing fire and brimstone at the imposition of colonial rule and the breach of the provisions of 1541.

Mr Speaker, Sir Joe could not be more explicit [Inaudible] that they should learn from.

2155 Just before the election, when they did their pirouette – he has not just boxers in his family, he has dancers; the hon. Gentleman performed the pirouette expertly for all the rest of them – it looked like they had learnt from Sir Joe, but now they are taking a different position again. And let's be clear, that position which they are taking is contrary not just to me, it is also contrary to Sir Joe's position, contrary to Sir Peter's position, contrary to Ernst & Young's position and contrary to the position of the Chamber. Why? Why is it that all of us are wrong? It is not that we are wrong; it is that they are wrong.

2160 I am not here for one moment to defend Spain, but there have been developments, even today. Today there have been developments. In the Senate this morning, Foreign Minister Laya has spoken, in a speech that I will detail to the House, and we have received a communication today. I am surprised the hon. Gentleman is not up to date, because this was this morning. This was his motion; he should have been on inquiry. There was "*comission mixta*" in the Spanish Senate. I am surprised he was not aware. He has quoted everything that she said in the other meetings of the Spanish Cortes; I am surprised he was not ready to quote her today.

2165 Today, the Commissioner of Income Tax has received a communication from the OECD, which the House, or at least those of us on this side of the House, will welcome. I have been advised by the Commissioner of Income Tax, who I recognise is in the House with us, that Spain has now notified its intention to exchange information with Gibraltar under both the Multilateral Competent Authority Agreements for both Common Reporting Standard (CRS) financial account

2175 information and the country-by-country reporting, referred to as CRS MCAA and CEC MCAA
 2180 respectively. This has been done by a diplomatic note dated 17th February 2021 and by lodging
 the relevant section 7(1)(f) and section 8(1)(e) notifications, a positive move towards our use of
 the OECD's Convention on Mutual Administrative Assistance in Tax Matters for the purposes of
 the Tax Treaty, since these exchanges are equivalent to their EU counterparts DAC2, which is
 Directive 2014/107EU, and DAC4, which is Directive 2016/88EU. Another reason, bang up to the
 minute, that proves that this Treaty is a good thing. Remember, exchange of information is not
 we give, it is we exchange: we give, they give. So, they are recognising us, to take from us and to
 give to us – another good reason this Tax Treaty delivers. Look, we have got to say it: the Spanish
 have done what they needed to do, transactional trust starting to emerge, although not for one
 moment would I defend the way that Spain has acted in the past and sometimes still acts now.

2185 But who agrees with them that the Tax Treaty is a bad thing? I have said before it is not
 Sir Peter, it is not Sir Joe, it is not Neil Rumford from Ernst & Young and it is not the Chamber; it is
 certainly not me. Who agrees with them that the Tax Treaty is a bad thing? The Spanish headline
 that reads 'Partido Popular joins Vox against the treaty to combat fiscal fraud in Gibraltar'. Vox
 and the Partido Popular agree with them that the Tax Treaty is a bad thing. This is what a Member
 2190 of Parliament for Vox, Mr Agustín Rosety – well known to people in Gibraltar, for no good reason –
 says in June 2020 in the Spanish Cortes. I will read only the English translation of what he said to
 the President of their parliament:

The International Agreement on Taxation and Protection of Financial Interest with the United Kingdom in relation
 to Gibraltar is a Treaty that is a cowardly surrender and an unworthy recognition of the colonial situation of
 Gibraltar. With the signing of the Tax Treaty, Spain whitewashes the tax haven and recognises for the first time in
 300 years the jurisdiction and competence of the local authorities of Gibraltar. This recognition for the participation
 of Spain weakens our legitimate right of sovereignty, giving rise to Fabian Picardo to claim before the United Nations
 that the people of Gibraltar are a nation, as he has already done. This is the result of the unworthy position of the
 Spanish Government.

Why didn't he quote him? Or José Manuel Marín of Vox, who, in the Spanish Senate, in the
 Foreign Affairs Commission on 16th September, said this:

In addition to the above, with the signing of Tax Treaty, Spain whitewashes Gibraltar and recognises for the first
 time in 300 years the jurisdiction and competence of the Gibraltarian authorities, and it does so not only on the
 land that we gave up in Utrecht but also in the southern half of the isthmus that the United Kingdom has
 illegitimately usurped. This recognition by Spain weakens our international position on legitimate rights of
 sovereignty, giving rise to Fabian Picardo to claim before the United Nations as a people the population of Gibraltar.
 This agreement only serves to launder the tax haven of Gibraltar from which *Llanito* law firms and lawyers run their
 dark financial centre. That is why our position is to vote no to the Treaty, which is the same as voting yes to the
 sovereignty and dignity of our country. We do not want this pernicious Treaty to enter into force.

2195 If he is going to say, 'Well, that's just the Opposition, they are irrelevant,' he has to remember
 who he is in this Parliament and what people might think of the things he says.

Why don't they adopt this position, if they have adopted Vox's position on abortion?

And what about what the Partido Popular says? María Valentina Martínez Ferro of the Partido
 Popular, 20th June in the Cortes:

I will tell you, ladies and gentlemen of the Government, Madam Minister, what is disheartening is that the first
 treaty that you sign with the United Kingdom is an agreement by which you recognise the existence of a set of
 administrative and fiscal institutions in the Rock without passing or touching or having a mention of the importance
 of restoring territorial integrity. With respect to the treaty at hand, this agreement consolidates a fiscal regime
 against which all previous Governments have fought regardless of their political colour. It is the first treaty that
 Spain signs with the United Kingdom since the Treaty of Utrecht in 1713, and what it does is to consecrate the
 existing fiscal Eden in Gibraltar that has grown at the cost of suffocating the Campo de Gibraltar. If Gibraltar is not
 included today on the list of tax havens of the European Union, it is because that list only included third countries
 and the United Kingdom is part of the European Union. After Brexit, it meets all the requirements to be directly
 included in the list of tax havens, which also directly extorts the European economy and taxation.

2200 Remember, Mr Speaker, I referred earlier to the article in the *Guardian* and to the reference to all other UK Overseas Territories now, and the Channel Islands, being at risk of being put on the European blacklist.

She carried on:

This Agreement has no mention whatsoever of the compensation of Gibraltar tax rates, and, far from eliminating this tax haven, what it consolidates is the tax exemption for offshore companies. It also recognises certain state structures and also the co-ordination committee that establishes that Spain and the representatives of Gibraltar will be on equal terms, these appointed by the United Kingdom. In this way, Spain and Gibraltar are put on an equal footing and any possibility of continuing our claims before international organisations is eliminated.

2205 That is the official Opposition, like them. So, if this is irrelevant because they are just the Opposition, they are as irrelevant as them.

That is what Vox and the Partido Popular say the Treaty does. It is not what we say exactly, because we do not agree with them in many things, but Joe Bossano's analysis and Peter Caruana's analysis – the one I referred to them – is almost identical. It is not often you get Joe Bossano, Peter Caruana, the Partido Popular and Vox saying some aspect of the same thing, but Peter Caruana and Joe Bossano are saying it is a good thing and keep it, and Vox is saying it is a bad thing and get rid of it, which is what they are saying.

2210 What does the Partido Socialista Obrero Español say? They are the party of government now. Alfonso Rodríguez Gómez de Celis, in the Congress, in the same debate in June 2020, said this:

With this Agreement, ladies and gentlemen, after 30 years of having Gibraltar on the list of tax havens in Spain, thanks to this Agreement it becomes an ally to fight against tax fraud through transparency and co-operation, to clear the scene.

2215 What does Miguel Ángel Vázquez Bermúdez, in the Senate on 16th September, say for PSOE:

With this Agreement, Gibraltar becomes an ally for Spain in the prosecution of tax fraud. What is inaugurated is a new era of transparency and co-operation that is good for Spaniards who live and reside in the Campo de Gibraltar. You have lived your lives behind Gibraltar's back for too long. When you turn your back on a potential collaborator, you can hardly demand loyal co-operation afterwards. With this, we are making a leap towards that loyal co-operation on the part of Gibraltar. Let's normalise, let's promote collaboration – and that does not mean giving up anything – and this Treaty is just a first step. Therefore, let's go deeper into the neighbourhood and co-existence to neighbourly relations and co-existence. It will give positive results because it will determine the economic relations, it will provide transparency and legal certainty as to the activity of entrepreneurs from both sides of the Frontier, including workers. The status of the Spanish worker will begin to resemble those of other Spanish workers in Portugal, Andorra or France. They will no longer pay the consequences of the non-recognition by the Spanish part of the Gibraltar Treasury, and, in the same way, investors from Gibraltar will feel safe to invest in Spain.

In short, what we do now beyond the retreat of the Partido Popular and the Francoist or nostalgic vision of Vox is to take a huge leap forward. We are committed to co-existence and co-operation, to move forwards and to shared prosperity. It is a necessary essential instrument to bring order and stability to the area and to our relationships.

PSOE, but not the Government.

2220 What does a former Spanish Foreign Minister say? When we took over in December 2011, days after we were sworn in, a new Spanish Foreign Minister was sworn in: José Manuel García-Margallo. He was Foreign Minister for five years of the time that we were in office and he still continues to be an antagonist in relation to Gibraltar. What does Sr Margallo say? "*Sánchez blanquea Gibraltar*" was his opinion article in *ABC*. On 3rd June 2020, he said:

Taking advantage of the coronavirus, an agreement that consolidates a tax regime has been made with Gibraltar, one of the most popular offshore financial centres among the large international investors and a mecca of online gambling, and all of this has crept into Congress. As a result of this Agreement, Gibraltar will continue to be, after this Agreement, a territory free of indirect taxes, added-value special taxes and in which companies will only pay for the benefits derived from activities carried out within the Rock, but not for those obtained outside. From now on, who are we going to claim to? Gibraltar is a tax haven, like the crown of a pine tree that is home to more than 25,000 banking institutions

– if only –

and more than 80,000 companies,

– if only –

many of them virtual.

2225 Sr Margallo then has a number of different interventions. I am not going to go through all of them – I do not think he deserves it – but there are a couple that are relevant, which must go down in our *Hansard*. On 10th August 2020, he said this in *Vox Populi*:

The serious thing has not been that meeting between Gonzales Laya and the Chief Minister, but the tax agreement that is currently being processed. It is an international agreement that creates a co-ordination committee in which the Spanish and Gibraltar authorities are on an equal footing. It is an agreement in which Gibraltar does not deliver anything and Spain delivers everything. The agreement lays down rules to say who is resident in Spain and who is in Gibraltar, to avoid fictitious residences, but now Gibraltar says that it will comply with the Tax Information Exchange Agreements automatically and the agreements to avoid the erosion of tax bases. Those are obligations to the OECD, and if he fails to fulfil them he will be blacklisted and expelled from that community. They are going to remove Gibraltar from the list of tax havens it is on.

On 30th October in *El Mundo*, Mr Margallo says this:

To make matters worse, Spain has withdrawn an appeal before the European courts to end the practices that make Gibraltar one of the most appreciated tax havens by international fraudsters. Who is going to establish a company in the Campo when they can now do it in Gibraltar?

And, finally, on 5th January 2021, in *El Español*:

This is a point of no return. Of course it means giving up sovereignty forever.

2230 I think that is a fitting epitaph to what I have to say about Sr Margallo and I do not think I need to say anything else.

2235 What really matters is what the Spanish government says. The hon. Gentleman has read a part of what the Spanish government has said by reading what Sra Laya said. What I am now going to read he could not be aware of, and of course for that reason it would be unfair for me to say that he should have quoted it, but I am going to read this into the record of *Hansard* because I think it is important that it should be known publicly and it should be permanently on the record of our Parliament. On 18th January 2021, our Ambassador in Madrid, Hugh Elliot, received a letter from the Secretary of State to the European Union, Sr Juan González-Barba. It says this:

Estimado Embajador By note verbal of 9th October 2020, we reported that the Spanish Parliament had concluded the ratification procedure of the Tax Co-operation Agreement between Spain and the United Kingdom and we indicated that we were waiting for the United Kingdom to also complete its ratification procedure for the entry into force of the Agreement. In the current circumstances, it is convenient that this entry into force occurs as soon as possible. The effective application of the Agreement is the basis for the exclusion of Gibraltar from the list of tax havens, and for this purpose Spain will adopt appropriate measures within the current legal framework so that Gibraltar is no longer considered a tax haven in Spanish legislation within two years from its entry into force.

2240 If that sounds like I am disclosing something that the hon. Gentleman could not know, and I would have forgiven him, the current Spanish Foreign Minister, the lady for whom I have already expressed a regard given the sensitivity she has had in some of the aspects of her treatment of Gibraltar, although she is a Spanish Minister putting a Spanish position, said this. This is public. It was on 20th January 2021. That is more than a month ago and I think that the hon. Gentleman should have read this when he read the other part of what she said:

So, I think, frankly, in terms of taxation, I think we can see clear progress, which is the reason why, when this Tax Treaty is signed, Spain will remove Gibraltar from its list, which is a Spanish list that is not European, which Gibraltar was never on,

– that is to say Gibraltar was never on the list of European tax havens –

but when this Treaty is signed, Spain will be ready to remove Gibraltar from the list of tax havens because a problem will have been answered. Look, we can continue to have Gibraltar on the list of paradises and Gibraltar can continue to behave as a tax haven. It seems to me that this does not help us. It does not help our citizens or help our companies. What does help them is that we agree on rules of fair play, fair competition in tax matters, which is modestly what this Government has done with the Tax Treaty and what it will continue to do with the negotiation between the European Union and the United Kingdom regarding Gibraltar.

2245 Frankly, I think it is equally important, in prosecuting the case that the hon. Gentleman has made, that the House should have the benefit of the letter from the Secretary of State for the European Union to the Ambassador, which hon. Members did not have and I have now read – perhaps it will change their minds – but also the public position of the Spanish Minister, and this morning, in the Spanish Senate, she said this:

Second, on the Gibraltar issue

2250 – she was dealing with that issue –

in particular the Tax Treaty, the Tax Treaty does not whitewash, the Tax Treaty does not recognise sovereignties beyond what a Tax Treaty does, which is to provide a response to tax dumping.

That is her position.

We can continue another 300 years using grand words to express our aspirations for Gibraltar, but we can, in addition to doing that, give them a concrete answer to concrete problems. Tax dumping is a specific problem and this Government wants to give a concrete answer to this specific problem, and hence the Tax Treaty that I hope all hon. Members can approve.

I do not agree with a lot of what she says there, of course I do not, but there is the commitment, on 20th January 2021, in public, to removal from the blacklist, and in the letter to the Ambassador. So, when all is said and done, it seems that there is, in fact, a lot of progress, contrary to what hon. Members said in their manifesto, contrary to what they said in the election campaign and contrary to what they say in this motion, which they put in February of last year. The facts have answered the arguments that they put. That is the Gibraltar that we are delivering with this Treaty, a Gibraltar where every Member of the House looking at this Treaty honestly and genuinely ... understanding how it is that an individual can be subject to taxation and how he can get himself
2255
2260 into a net of taxation and how can get himself out of a net of taxation.

For all those reasons, this Government will not support the motion that the hon. Gentleman has put. We are not even going to amend it into a form that we could support and that he might not be able to support. We will vote it down because it deserves to be voted down, and we will do so in order to give effect to the will of the people as they expressed it at the last General
2265 Election. The people voted down the terms of the GSD manifesto, which are in effect identical to the terms of this motion. Depending on what the hon. Lady does, we may either vote it down with the Government's majority, or we may vote it down with an overwhelming majority. We may do it with our landslide, which is representative of double the votes that they got at the General Election, or we may do it with the overwhelming landslide of three times the popular vote, which
2270 was the result by which he lost the last General Election. One way or the other, the motion and its mover will be defeated today once again, as their arguments were in October 2019, either by a lot or by a huge lot when it comes to the share of the vote that we each represented in this House.

2275 So, Mr Speaker, for very good reason I do not commend the motion before the House; I commend its wholesale rejection. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

2280 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

This motion, to us, is so objectionable that I do not even know where to actually begin to deconstruct it. It simply looks atrocious from all possible angles. I even find it hard to make up my mind as to the intentions of the Hon. Leader of the Opposition, because it seems that he has confused our Parliament with some kind of playhouse and brought to us an avant-garde theatrical performance for our entertainment.

2285 Maybe we should take the motion at face value and consider it an honest attempt at bringing real political initiatives to this Chamber, which would beg the question how on earth could this motion ever materialise, because the motion suggests that we pull out of a treaty that we are not a party to, but asking the UK to pull out unilaterally. It then sets out the conditions that are to replace the aforementioned treaty once both parties are back at the table, which of course both
2290 would immediately accept. For this to happen, a series of conditions must be met, conditions that are completely outside our realm of power, outside our sphere of influence – heck, even outside our wildest dreams, in many ways. We would need the UK to want to pull out of a treaty they have signed only a year and a half ago, a year ago, unilaterally. We would then need the UK to want to negotiate yet another treaty on our behalf with Spain, an ally and an important trade partner. We
2295 would need Spain, having been unilaterally pushed out of a recent agreement, to want to negotiate another treaty. Actually, on this, I am wrong. They would not negotiate. They would simply sit down and accept the conditions set out by the Leader of the Opposition and the GSD. And then, let's not forget that this cannot have any impact on the precarious situation that we have at the border at the moment with favourable post-Brexit conditions being granted to
2300 Gibraltar on the back of a temporary agreement that Government will now try to transpose into a treaty. Mr Speaker, if we were not at such a delicate historical crossroads, this would make for a pretty good comedy script for *Yes, Minister*.

The outcome the Leader of the Opposition sets out is not only impossible but would damage Gibraltar's reputation dramatically. It would make us look capricious and unreliable, if not
2305 politically unstable. It would damage our standing, particularly in the eyes of Spain and the EU, two parties we are in the process of negotiating a vital treaty with and with whom we are attempting to build a new relationship, built on trust and common prosperity. It would also keep Gibraltar on Spain's list of tax havens, as well as potentially land us on the EU and OECD blacklists, something this Treaty helps prevent. This would further damage our reputation and undermine
2310 our economy at a time of profound economic crisis.

To put it simply, it would be political suicide, so how can something so sterile and careless be brought to this House in this way? To display this level of incompetence would be so damaging for the Leader of the Opposition and his party that one cannot accept that this motion is to be taken seriously at all. This is pure political fiction. It is disingenuous to the point that were these ideas
2315 to be disseminated around the community – and I mean the idea that there is any truth whatsoever in this ridiculous, pie-in-the-sky narrative – it would be very damaging for the future of Gibraltar. You do not just feed the culture of entitlement with pay rises, berths and parking; you feed the culture of entitlement when you lie to the people of Gibraltar and tell them that you could rip up the Tax Treaty, like the GSD did at the last General Election, and you feed a culture of
2320 political entitlement when you convince people that Gibraltar can politically have its cake and eat it at a time of uncertainty.

Mr Speaker, this is not a display of incompetence; this is a display of demagoguery and political dishonesty of the kind that I have not yet experienced in this Chamber, and poorly executed at that. Not once have the Leader of the Opposition or the GSD actually given us a road map of how
2325 this would be achieved. For such a solid promise of overturning it, for such a crucial manifesto

commitment, explain the process or keep quiet. You have to explain the process. It is their motion, Mr Speaker. They need to explain exactly how these changes would happen when they speak with such certainty and they run their electoral campaign on it. It is like claiming, when you have a house, 'I am going to build you a better house,' and tearing it all down ... 'I just don't have the tools, I cannot find any of the concrete, I cannot find any of the materials, but I insist that I am going to do it.' It is one thing to say you do not like something, and another thing to insist that you can change it when you actually cannot.

And then the Leader of the Opposition talks about going backwards and not forwards. We are on a completely new playing field. We have been forced out of Europe. Is there no awareness of where we actually are? We have to get real and consider the universe of the possible. We all want to reach for the stars, but we have to keep our feet on the ground. We have to stay clear of delusional goals which are going to misguide the electorate by mismanaging expectations. This is a very dangerous game, and it is dangerous when it is played by any of the sides, whether it is the Government or the Opposition side.

The GSD and the Leader of the Opposition are right about one thing: Governments cannot accept anything generally, on this and on Brexit, other than a complete victory, and concessions are necessary. We have to be honest, in the same way as we have to be honest about the fact that taxes are not boring. They are the lifeblood of our healthcare and our education, and I do not think it is a great example to say that one hates paying for them, especially when you are a socialist. And honesty is for both sides. When we talk about abortion and parties and the Government side tells the GSD that they are the only party with the Vox, let's not forget they all laughed about the abortion issue, but none of them had the gumption to actually pass the legislation. They passed the legislation when they put a clause on the referendum in order to pander to their own lobbies on the right, so let's not play the populist game and then say that nothing is going on.

However, I do sincerely hope that this matter is put to rest in this session and that we can effectively, at some point, convey a more honest and realistic picture of our political reality to the people of Gibraltar, because to continue down this path will show that the GSD, for all his talk of statesmanship and responsibility, prefers the path of populism to that of the greater good and favours the electoral future of their party to the future of Gibraltar.

All these arguments do not detract from the fact that the Treaty signed by the UK on behalf of the Government of Gibraltar is far from ideal. We know that. The Treaty is clearly one sided in many ways, with harsh impositions particularly on Spanish residents wishing to reside in Gibraltar or those who have resided there temporarily and wish to return. However, the Treaty does address some of the tax irregularities that were happening on our watch that no Member of this Chamber should be willing to defend, even if it does so in a way that is far from equitable.

As we have said in the past, we all understand that the outcome of negotiations always reflects the balance of power at the table, and it would be either disingenuous or naive to pretend otherwise. Whether we like it or not, we find ourselves in a position of relative weakness that demands we make painful concessions, and this is one which we and my party have been willing to accept, so I will be voting against this motion and I hereby express my frustration at the fact that we find ourselves, at this difficult moment, debating these useless theatrics instead of working to fix the real problems of our people.

Thank you. *(Banging on desks)*

Mr Speaker: The Hon. Dr Joseph Garcia.

Deputy Chief Minister (Hon. Dr J Garcia): Mr Speaker, I am grateful for the opportunity to contribute to the debate on the Tax Treaty initiated on the motion tabled by the Leader of the Opposition. In so doing, I intend to focus more on the political than on the technical, and I am conscious that some of the ground has already been covered by my hon. Friend the Chief Minister.

Let me start by stating the obvious. The Opposition are entitled to expound their own view, however misguided it may be, on this or on any other issue; that is the basis on which democracy has been built here in this country and elsewhere, so nobody is challenging that basic constitutional proposition. Nonetheless, their approach to the Tax Treaty does give rise to serious concerns, and this in turn does raise a huge question mark over their judgement, because on this issue they have chosen to put the politics first and they have done so in a manner which is neither positive nor constructive. This makes it all the more essential for the Government to counter the arguments that they have put forward.

The truth is that over the last couple of years the Opposition have pitched the tone of their criticism on the Tax Treaty far too high. They have taken their critique well over the top. In this way, an exceptionally specialised, complex and technical question has been almost distorted beyond recognition. Their discourse is in sharp contrast with the hon. Lady, who has delivered a generally more sensible, measured and logical position, which the House just heard a few moments ago.

I want to emphasise one point at the very outset and to repeat what has already been said, because it is important to put this polemic in its proper context. The Treaty we are debating today will be of no consequence to the vast majority of the people of Gibraltar. It will have zero effect for most of us. When focusing the discussion, we cannot lose sight of the very basic fact that the impact of the Treaty is reduced, that its application is limited, that its provisions are ring-fenced and that it applies, therefore, only to a very narrow category of citizens as set out in the actual text itself.

The Treaty was signed, as the motion says, on 4th March 2019, and from the moment of publication the hon. Members opposite decided to generate a political controversy. They did this week after week, month after month, in statement after statement, in article after article and in interview after interview.

Their approach, as the House knows, had a wider focus than just the actual Treaty itself. It started with a package of MoUs which had been concluded a few months earlier. Those MoUs and the Tax Treaty comprised the architecture for our orderly departure from the European Union, and so, politically, at that moment in time they stood against everything. The Government, according to them, had got it all wrong, everything, so they set out their stall to the public, and we set out ours.

This was, as my hon. Friend the Chief Minister has said, a burning issue in the run up to the last General Election. It was dominant during the actual election campaign itself. Indeed, it was set out as such in their own manifesto, where the termination of the Tax Treaty was described as a core commitment. This was listed in the first point under the section headed 'Your Money' on page 5, and where their arguments against the Treaty were set out in more detail on page 65. But the electorate was not convinced by their arguments, and on Thursday, 17th October 2019, the people of Gibraltar delivered their verdict.

That outcome was an endorsement of our policies, the policies of the Government, of the way we handled our departure from the European Union and our ability to deal with the future relationship still to come. That election will go down in history as the Brexit General Election, and those policies – our policies – included the Tax Treaty. So, the hostility to the Tax Treaty was a flagship policy for them. They chose to make it an issue and the majority of the electorate overall agreed with us and not with them, by a huge majority.

The notion that sovereignty considerations were somehow put at risk by the Treaty has already been given short shrift by the United Kingdom, who sided on our behalf; obviously by this Government, who are the ones who negotiated it; and, more importantly, by the electorate itself, which did not support their view. But the industry remains as unconvinced by their arguments as the electorate. As the Chief Minister, my coalition Minister, has said already, the Chamber of Commerce itself, in its annual report for 2018, made it very clear that the Tax Treaty was in the best interests of Gibraltar.

In all that commercial and business argument it is important to bear in mind that our main market in financial services is the United Kingdom, not the European Union and still less Spain. The industry has been crystal clear with the Government on this particular point, and this was reflected in the original Brexit impact assessment that was conducted within weeks of the 2016 referendum. As the House knows, that access to the UK was protected early on in the Brexit process.

So, the Opposition have been wrong to suggest that the Treaty will damage business and scare away investment. Nothing could be further from the truth. The Treaty provides the very foundations upon which trade and investment can build, and some of those essential ingredients for businesses, like certainty, security, clear rules and agreed legal structure, the elimination of double taxation and provision for the resolution of tax residency disputes. All of these will be delivered by the Tax Treaty. In addition, as the House has heard, Spain has dropped its objection to Gibraltar's membership of BEPS, and that happened within four months of the signing of the Treaty. These are significant gains which should not be belittled. Citizens and companies will finally know where they stand. Administrative and legal certainty will replace ambiguity and doubt. This framework can only be good for business. Moreover, as hon. Members have heard, Spain has committed to remove Gibraltar from the Spanish blacklist. Here, too, the gains are obvious.

But what was their alternative on offer for business? In the event that Members opposite had won the last General Election, they would have sought to terminate the Tax Treaty on 1st January 2021, on the very day that the transition period came to an end. That is what they told the electorate they would do. Therefore, with Gibraltar seeking a new relationship with the European Union, with that future deal delicately poised in the balance, with business and citizens concerned about a possible cliff-edge scenario, they would have terminated the Treaty and pushed Gibraltar off the cliff. What consequences for business then? It is all very well to be critical of what others have done; they also need to ponder on the consequences of their own proposals, on the alternative reality that their own policy would have unleashed, and it is clear then that their judgement, their choice, their course of action does not stand up to scrutiny.

We must never lose sight of this wider European dimension. The Tax Treaty and the MoUs laid the ground for Gibraltar's inclusion in the UK-EU Withdrawal Agreement. They provided a framework for our orderly departure from the European Union, for inclusion in the transitional period. The alternative – their alternative – would have been our abrupt exit from the European Union before the United Kingdom itself, so Gibraltar would have crashed out alone, and that would have been the worst possible scenario, the worst for business, the worst for citizens, the worst for investment, the worst for the economy, the worst for movement across the border, the worst for Gibraltar as a whole. I would therefore submit to the House that the Tax Treaty cannot be debated in isolation, as the hon. Lady has said. Both the background and the consequences need to be factored into the discussion, and the truth is that their policy would have catapulted Gibraltar into an alternative world which would have been singularly unattractive: no Withdrawal Agreement, no transition, no security, no legal certainty and no orderly departure.

For decades, successive Governments of Gibraltar have sought to agree a Tax Treaty with Spain. For years, we have battled against unfair accusations that Gibraltar was a haven for Spanish cash. Many in Spain have come to believe their own propaganda and this has framed their mindset. But we know that we have nothing to hide, and that is our strength. The signing of the Tax Treaty already sent this clear message. Its entry into force will reaffirm that further still.

The Treaty brings with it important political gains, too. The first is a formal recognition of the structures and institutions of Gibraltar, and this includes, as we have heard, the Gibraltarian Status Act, with everything that that symbolises, the very concept of registered Gibraltarians, the Gibraltar tax authorities, the Registrar of Companies in Gibraltar and the Gibraltar Land Registry.

Hon. Members opposite have argued that Spain could use the Treaty as a tool against Gibraltar. This brings me to my second point, which is the exact opposite. I will explain. It has been common over many years for Spanish governments to counter our own international lobbying with third parties, in the same way as we have countered theirs. We have often faced a tactic where they

2480 seek to cloud the clarity of our argument on the central issues with other unrelated factors. This has become obvious, for example, at the United Nations. Spain's scattergun approach has often included the environment, tobacco, law enforcement issues, taxation, and information exchange.

My point is that from this political perspective the Tax Treaty is also very useful. We have been able to show that there is no basis for the unfair and untrue allegations traditionally made against
2485 Gibraltar. The Treaty is a political and legal demonstration of Gibraltar's willingness to co-operate with Spain and also Spain's own willingness to co-operate with Gibraltar. The same with the MoUs. They allow the Government to illustrate the point that Gibraltar is a co-operative, law-abiding jurisdiction committed to international standards, no matter what anyone may say to the contrary.

2490 So, the Tax Treaty and the MoU *are* our new tools. This new reality has already had a significant impact on third parties. My point is this: the Tax Treaty has delivered additional political benefits to Gibraltar. Those benefits may not be immediately obvious and some have nothing to do with the detail of tax, but it is undeniable that Gibraltar has made important reputational gains.

Mr Speaker, the Opposition were extremely critical of both the Tax Treaty and the MoUs before
2495 and during the last General Election. In the last days of the campaign, as my hon. Friend the Chief Minister has said, and at the last minute, they declared that they would honour the MoUs which they had previously denounced. They should now reconsider their approach to the Tax Treaty as well.

Thank you. (*Banging on desks*)

2500 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton; Thank you, Mr Speaker.

As hon. Members may expect, my contribution will be more technical than political, but before
2505 I go into my technical analysis of the Tax Treaty I would just like to address some of the general points that have been made by the Chief Minister and indeed the hon. Lady.

First of all, I have to say that I agree with the Chief Minister on two points, the first being that tax is difficult, and the second that this is serious stuff and certainly not, as the hon. Lady would characterise it, the stuff of comedy – but then she does redeem herself when she says that tax is
2510 not boring, contrary to what the Chief Minister has asserted.

The motion before us today by the Leader of the Opposition, which is dated 26th February 2020, is not the first time we have had a motion before this House. The Chief Minister seems to forget that he himself brought a motion to the House dated 14th March 2019. In fact, I tried to amend his motion back in March 2019 and it became the subject of a ruling by Speaker Canepa
2515 that because it was worded in neutral terms I could not amend it. But this was a Government motion that could be taken at any point in time if the Government so wished, and yet from 14th March 2019 – and bear in mind that COVID did not even exist in our vocabulary at the time – up to the date of the General Election in October 2019, the Chief Minister did not see fit to actually debate his own neutral motion. And so we, in this House, have been deprived of any opportunity
2520 to debate the contents of that Tax Treaty in March 2019. I do not understand why the Chief Minister is so taken aback by the Leader of the Opposition's motion when he was not willing, or perhaps did not have the courage, to take his own Government motion in 2019, which perhaps would have been more time relevant and perhaps would not have been as politically convenient before a General Election.

2525 There has been reference made to Sir Peter Caruana's legal opinion, but Sir Peter, in, at least, the element that was published, was very narrow. He was asked 'whether the Tax Treaty contains any legal concessions on sovereignty'. Sir Peter was not asked 'How does this Treaty compare with an OECD model treaty? What are the variations on that Treaty?' Perhaps they did not want to ask him because he is not an internationally recognised tax expert but a lawyer – and, yes, a very good
2530 lawyer. To quote the former Chief Minister of Gibraltar and the former leader of his party on a

very narrow legal point and then pretend that this covers all the sins of the Tax Treaty is really stretching the point.

As regards BEPS, it is perhaps supremely ironic that it is Spain that was vetoing our membership of BEPS. Of course we would have wanted to join BEPS, and I am glad that we have, but it is an irony that cannot be lost on anybody that we were not allowed to join the very body that wants to prevent base tax erosion by our neighbour, Spain, which accuses us of being a tax haven, and yet it was Spain itself vetoing our membership, so I would not really chalk that up as a great victory, but rather a bit of a bizarre one.

Mr Speaker, I will speak a bit about US citizens, since the Chief Minister is so fond of talking about the US tax system and their 400 million citizens. Just as we have a different system of taxation, on a territorial basis, and the UK and Spain has a residence basis, the United States has its own tax system, which is based on citizenship, so to compare all three together is to mix apples, pears and oranges; they are all different things. To suggest that we somehow have to be a nuclear power in order to have a fair tax treaty is to completely ignore the work of the OECD in producing model treaties which all countries can agree to and sign up to, subject to relevant modifications as necessary. It is an agreed template, it is a boilerplate; all you have to do is change the parties and a few terms. You do not have to be a nuclear power to enter into a fair and balanced tax treaty.

Mr Speaker, I have something to say about Spain's blacklists, and also as to whether this Treaty is in fact balanced, as the Chief Minister has suggested. Of course, there are others in other places who take a different view.

A lot has been said of the Chamber of Commerce, and the Deputy Chief Minister kindly quoted from their 2018 annual report, no doubt from page 7, but he forgot to mention that they also say the Treaty comes at a cost. Yes, Mr Speaker, it says here quite clearly 'it comes at a cost'. Maybe the Chamber are willing to pay that cost, but we really need to understand what the implications of this Treaty actually are.

What I hope to at least demonstrate to the House ... I obviously will not be able to convince Members opposite, or even the hon. Lady, but what I hope to show is that our concerns on this Treaty are not the result of political Machiavellian plots or pure popular type soapbox politics. This is a genuine concern that we have on this side of the House as to the technical content, let alone the political ramifications of the Treaty. If we are just to ignore the technical contents because it is much easier to do that and make political comments without actually going to the nuts and bolts of the Treaty, which is where the sins lie ... The sins lie in the detail. The devil it is in the detail.

So, let me start. The Leader of the Opposition outlined our view that this Treaty is intrusive and harmful to Gibraltar's interests, a Treaty that the House of Lords, in the report of its European Union Committee on 10th April 2019, describes as being asymmetrical; not me, the House of Lords calls it asymmetrical, and yet the Chief Minister calls it balanced. Okay, he has the Chamber on his side and we have the House of Lords on our side. We will chalk up a list.

Hon. Chief Minister: Sir Peter Caruana.

Hon. R M Clinton: Yes, a great international lawyer on tax.

I do not intend to dwell on the lack of parliamentary scrutiny on this matter and the fact that it is now almost two years to the day since the Treaty was signed, on 4th March 2019; I intend to turn to the Treaty itself, its contents and what has been said by the government of Spain about it, as well as tax experts, to demonstrate its manifest unfairness and intrusion into our affairs. But first – and this is critically important – let me briefly discuss tax treaties and tax systems in general, so that we can put the Treaty into context. I appreciate that this will perhaps be taxing to the Chief Minister's brain cells, but I will go slowly. *(Interjection)* I will go even slower now.

Tax systems come in four broad types. You have relationship, which is citizen based; residential; territorial; and zero tax. That is four different types. The adoption of a system or type of system will vary significantly across countries and it is important to understand the differences,

and so I am going to take the House on Tax 101, so that we all understand what we are talking about.

2585 A citizenship-based tax system effectively follows the passport that you hold. The United States is virtually unique in adopting this system. So, a US national, for example, living in France will pay French tax, but under a double tax treaty with the US can offset this against their US tax liability. No matter where they reside in the world, a US citizen, so long as they hold a US passport, will be required to submit US tax returns. It is a quirk of the US tax code, but I was once told in a FATCA
2590 seminar – which was riveting – that in fact everybody in the world technically is subject to US tax unless you happen to be exempt by virtue of not being a US citizen. That is the citizenship-based tax system, and the only other country I know of that adopts it, I think, is either Ethiopia or Eritrea in Africa.

The residential system is the most common and can be summed up simply as if you live in a country you pay tax, and if you do not live in the country you do not. Many countries use a
2595 benchmark of 183 days and the sense of economic life and activity as a guide to establish tax residency. The United Kingdom and Spain, for example, use this type of system to tax worldwide income. Leaving such tax residency can be complicated, but it is not impossible once certain tests have been passed and time periods have elapsed.

2600 The territorial system only taxes residents on income earned or derived within the territory of the country. Singapore, Hong Kong and, of course, Gibraltar have adopted such a system.

The zero tax, as it implies, does not subject residents to taxation, although there may be other forms of indirect tax in the form of duties and property taxes or import duties. Examples of such countries are the Cayman Islands, the Bahamas and, in Europe, Monaco.

2605 As regards the matter of tax treaties, it is a truth almost universally accepted that the best way to address matters of taxation between countries is to use the framework developed by the OECD known as the OECD Model Tax Convention, or Treaty. The OECD provide the following background in setting out the rationale for having model treaties:

International jurisdictional double taxation, generally defined as the imposition of comparable taxes in two or more states on the same taxpayer in respect of the same subject matter for identical periods, has harmful effects on the international exchange of goods and services and cross-border movements of capital, technology and persons. In recognition of the need to remove this obstacle, the development of economic relations between countries, as well as the importance of clarifying and standardising the fiscal situation of taxpayers who are engaged in activities in other countries, the OECD Model Tax Convention on Income and on Capital provides a means to settle on a uniform basis the most common problems that arise in the field of international double taxation.

2610 And so, Mr Speaker, you do not need nuclear submarines to get a fair treaty.

In answer to two prior questions, the Chief Minister has asserted and confirmed that the Treaty that we have had before us is not a conventional double tax treaty, and having studied it I agree entirely. It is certainly not an OECD model tax treaty, such as, for example, exists between the United Kingdom and Spain and now between the United Kingdom and Gibraltar. Again, I would
2615 draw attention, and I will draw attention to it later that we now do have a Double Tax Treaty with the United Kingdom following the OECD model, and in that respect I would say that when the Chief Minister has made comments along the lines of ‘Spain has the residential system, therefore we cannot have an OECD model tax treaty,’ I would remind him that the UK has a residential system and we have a territorial system, yet we have an OECD model tax treaty with the UK, so
2620 why could we not have the same with Spain?

As regards tax havens, my understanding – I am happy to be corrected – is that Royal Spanish Decree 108/1991 of 5th July 1991 provided that countries and territories are automatically excluded from the blacklist when they sign a tax exchange of information agreement or tax treaty containing an exchange of information clause with Spain. Exclusions are effective on the date the
2625 agreement or treaty enters into force. This removes the application of anti-avoidance provisions and other restrictive punitive measures, although, as I have said, I am happy to be corrected if I am wrong in anything I have said. They do not have to rely on vague promises. The Government

should only have agreed to a model double tax treaty. You do not need to get signed letters or letters from various Spanish Ministers promising to remove us from a blacklist in two years' time if we are good. We would automatically be removed by Spanish law if we simply had a model double tax treaty. So, it is not much of a victory when all you had to do was enter into a model treaty.

What we have before us is a bespoke Tax Treaty, which is outside normal OECD model tax conventions, and so we have to study it very carefully to understand why certain clauses exist, what has influenced their inclusion and what is their objective.

The Spanish government is really quite clear that this Treaty is not about fair taxation. The Spanish Council of Ministers on 15th March 2019 stated:

Throughout 2018, within the framework of the withdrawal process of the United Kingdom from the European Union, Spain has negotiated with the United Kingdom an international agreements on taxation and protection of financial interests in relation to Gibraltar. These negotiations culminated on 1st March 2019 with the agreement of reference, which has as its main objectives to eliminate tax fraud and the detrimental effects derived from the characteristics of the Gibraltar tax regime, establish clear rules to resolve more easily conflicts of tax residence of individuals and avoid the use of companies subject to the tax regime in Gibraltar by tax residence in Spain, or for the realisation of economic activities in Spain.

This language is not just insulting to Gibraltar, but its accusations are completely unjustified. It is also evident that pressure was applied by Spain, in the context of Brexit, to arrive at this Treaty. This Treaty, I will go on to demonstrate, is not in Gibraltar's interest. It is intrusive, harmful and, politically, frankly inexplicable.

I am glad you find it all so amusing, but anyway –

Hon. Chief Minister: You are amusing.

Hon. R M Clinton: Yes, well, you've got another hour or so of this.

Talking about tax transparency, I quote from the tax facts of a major international accountancy firm in Gibraltar for 2018-19. In fact, it is E&Y, which the Chief Minister is so fond of. They state:

Gibraltar was one of the 'Early Adopters' that gave a formal commitment to the OECD Common Reporting Standard on the automatic exchange of information. It is on the G20-instigated OECD 'White List,' having signed a total of 27 tax information exchange agreements (TIEAs)

– which I am sure has increased –

to date (25 of which are in force).

Gibraltar has enacted legislation to put in place a number of tax transparency measures, including:

US and UK ('CDOT') FATCA

The EU 'Common Reporting Standard' or 'DAC'

EU Council Directive 2011/16/EU on administrative co-operation

The OECD and Council of Europe Convention on Mutual Administrative Assistance in Tax Matters.

And the country-by-country reporting initiative by the OECD.

We have ticked all the boxes, I do not think there are any more for us to tick, so what on earth does Spain want us to do to get off their blacklist? Gibraltar has proactively, positively and demonstrably engaged with the international community on tax transparency. Spain already has available to it OECD and EU mechanisms for tax administrative assistance and co-operation. The Kingdom of Spain only has to acknowledge that. Instead, it keeps us on its blacklist and now insists on imposing upon us a punitive Treaty of what it calls taxation and protection of financial interests.

So, let's consider the Treaty article by article, for which I have drawn on the Government's own summary notes which were published on 7th March 2019, and also the notice published by the Spanish Council of Ministers on 15th March 2019.

2660 Article 1 talks about the protection of financial interests and good governance. This is described as providing for static alignment of EU standards and legislation on tax transparency, administrative co-operation on tax, harmful tax practices, and anti-money laundering. On the face of it, it seems reasonable. 'Static alignment', according to the Government's notes, refers to 'the application of standards and legislation up to date of EU exit and then maintaining those same standards and legislation thereon'.

2665 However – and this is interesting – the Spanish Council of Ministers says:

The United Kingdom has not agreed to maintain this dynamic adaptation of its legislation beyond the transitional period in general with all member states will do so bilaterally with Spain, as set out in Article 3.

Article 3 of the Treaty – I am using the Government's own notes – requires:

Dynamic alignment on exchange of information, whereby measures equivalent to the various EU directives currently supporting the sharing of information for tax and anti-money laundering purposes are maintained beyond the date of EU exit.

2670 Gibraltar, in Article 3, is therefore bound to maintain EU legislation in an equivalent manner beyond transition, something the UK itself is not willing to commit to. It begs the question why: why was the UK willing to commit to Spain, in respect of Gibraltar, something that it would not do for itself with other EU countries?

Article 2 is 'Tax residency of natural and legal persons, entities and other legal structures or arrangements', and I fear this will probably be the most complex part of the Treaty. I will try and make it as simple as possible in navigating and trying to explain its context in the Treaty.

2675 This particular article, Article 2, is probably the most important because it sets out who is to be subject to Spanish tax and it is complex in the methodology that is used to determine the question. The three main clauses in Article 2 are as follows: (1) it addresses the tax treatment of natural persons; (2) it considers the tax treatment of legal persons, entities and other legal structures or arrangements, and (3) it sets out the method for elimination of double taxation.

2680 This is important because all the analysis that I have seen to date talks about how the Treaty might work in practice, but I have not seen much in the way of analysis contrasting the Treaty with current Spanish tax law, and so I propose to set out the current Spanish tax position, clauses 1 and 2, and then compare that to what has been included in the Treaty and the basis for it. I will then examine the provision for the elimination of double tax in the Treaty under clause 3.

2685 So, let's look at clause 1, natural persons. Again, we are looking at how to determine residency for tax purposes. I have extracted the following quotes from the website of Agencia Tributaria as follows. The question they pose in their assembled Q&A is 'When is an individual considered a Spanish resident, and when is he or she a non-resident?':

An individual is resident in Spanish territory when any one of the following circumstances apply.

- (1) They have stayed longer than 183 days in the Spanish territory over the calendar year. In order to determine the permanence in Spanish territory, occasional absences are included, except if the taxpayer accredits the residency in another country. In the case of countries or territories labelled as tax havens, the tax administration can demand proof of staying in that tax haven over a period of 183 days within the calendar year.
- (2) They situate the main base or centre of their activities or economic activities directly or indirectly in Spain.
- (3) They have dependants, not legally separated spouse and/or underage children who are usually resident in Spain. This latter situation accepts evidence to the contrary. Individuals of Spanish nationality who accredit new fiscal residence in a country or territory labelled as a tax haven

2690 – and this is important –

will not lose their status as taxpayers for individual Income Tax. This rule is on application during the tax period in which a change of residence occurs and for the next four years or tax periods. Otherwise, where none of the previous situations apply, an individual is considered as non-resident in Spain.

Mr Speaker, I would ask Members to remember well the existing reference I just gave to tax havens and how Spain treats them unfavourably, as we will be revisiting this later.

Let's now consider what has actually been inserted into our Tax Treaty:

(a) Natural persons shall be tax resident in Spain or in Gibraltar in accordance with their domestic law, including rules regarding the issuance of tax certificates confirming residency and subject to the following rules only in cases of tax residency conflicts;

(b) Where by reason of the provisions in paragraph (1)(a) natural persons are resident of both Parties then their status shall be determined as follows:

– and this is a series of tests, what are normally called tie-breaker tests –

(i) Natural persons shall be tax resident only in Spain when any of the following circumstances exist:

A. They spend over 183 overnight stays of the calendar year in Spain. In determining the count of overnight stays, sporadic absences in neither Spain nor Gibraltar shall be added to the time where these individuals spend the majority of their overnight stays;

B. In the event that, pursuant to the Spanish tax legislation, their spouse (from whom they are not legally separated) or the natural person with whom a similar relationship has been established, and/or any dependent ascendants or descendants, resides or reside habitually in Spain;

C. The only permanent home at their disposal is in Spain; or

D. Two thirds of their net assets, determined pursuant to Spanish Tax legislation, whether held directly or indirectly, are located in Spain;

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And then, in subclause (ii):

When the provisions of paragraph (1)(b)(i)

– i.e. the tests A, B, C and D –

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are not conclusive, natural persons shall be considered tax residents only in Spain, unless they are able to provide reliable evidence that they have a permanent home for their exclusive use in Gibraltar and remain in Gibraltar over 183 days;

So, we have four tests as to Spanish tax residency, as opposed to the three listed on the Agencia website, although it could, of course, be argued that C and D should be combined together to determine the main base. But taken separately, they can operate in a perverse way.

Test A, I think we can agree, is identical to that set out by Agencia Tributaria.

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Test B – and this is where we start to see some variations – whilst similar to that set out by Agencia Tributaria, goes further by including the words 'or the natural person with whom a similar relationship has been established'. Does this mean long-term relationships? Who is caught? And then they also include 'dependent ascendants', i.e. parents. This raises some interesting questions, because since when do tax residents who are dependent parents determine our own tax position? It does not make any sense, and I would like the Government to explain, if anybody there can, why this is different to Spanish tax legislation. Why has the wording been changed on the tax tests for residents? Of course, it is all hilarious to them, Mr Speaker, but maybe not so hilarious to the people who get caught by it.

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Tests C and D are particularly prescriptive in what is meant to determine the main base or centre of economic activities. What is meant by 'permanent home'? Does renting in Gibraltar count as permanent, as opposed to owning a weekend home in Spain? How did the two-thirds test to ownership of Spanish assets arise? Does that apply to ownership of traded bonds and shares on the Stock Exchange?

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We will come to the catch-all subclause (ii), in which, rather than default to a non-resident position if tests A to D are inconclusive as per Agencia, the Treaty instead defaults to a presumption of Spanish tax residence, and then, to add insult to injury, it actually says 'unless they are able to provide reliable evidence that they have a permanent home for their exclusive use in

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Gibraltar and remain in Gibraltar over 183 days'. This is the identical language when residence is ascribed to a tax haven, in which case Agencia Tributaria says the tax administration can demand proof of staying in that tax haven over a period of 183 days within the calendar year.

The Spanish Council of Ministers then says:

The burden of proof to a taxpayer who is resident in Gibraltar is established.

The burden is on the people in Gibraltar. This contrasts completely with the UK-Spain double tax treaty, whereby tax residence is determined by a cascading series of tests, starting with the location of permanent home, followed by centre of vital interests, followed by habitual abode and ending with nationality, under Article 4, clause (2)(c), unless you happen to have dual nationality – that is where it ends. The OECD model tax treaty, in the event of the inability of the so-called tie-breaker questions to resolve the matter, usually ends with nationality. In this Treaty, they enter a presumption of Spanish tax residency, not nationality. This is perverse, and regretfully I have to say it only gets worse.

Subclause (c) sets out special rules for determining residency, regardless of previous criteria, namely:

- (i) Spanish nationals who move their residency to Gibraltar after the date on which this Agreement is signed

– i.e. 4th March 2019 –

shall in all cases only be considered tax residents of Spain;

- (ii) Non-Spanish nationals who provide proof of their new residency in Gibraltar shall not lose tax residency in Spain. This rule shall apply in the tax period in which the change of residency is made and during the four subsequent tax years. This paragraph shall not apply to non-Spanish nationals that spend less than one complete tax year in Spain or registered Gibraltarians that spend less than 4 years in Spain;

These provisions effectively enshrine the tax haven penalties that Spain already imposes into this Treaty.

Let me remind Members that currently, according to Agencia in respect of clause (2) – and I quote in bold here, Mr Speaker, because this is important:

Individuals of Spanish nationality who accredit their new physical residence in a country or territory labelled as a tax haven will not lose their status as taxpayers for individual income tax. This rule is of application during a tax period in which the change of residence occurs and for the next four tax years.

That sounds incredibly familiar. That sounds exactly like the clause that we have had imposed upon us in respect of non-Spaniards moving to Gibraltar. This rule has now been reworked, so it is instead now applied to non-Spanish nationals, moving to Gibraltar – not Spanish nationals, non-Spanish nationals – with a minor derogation for registered Gibraltarians. These rules are being made up just to prejudice Gibraltar. It does not even exist in their tax code.

The Spanish Council of Ministers are particularly pleased with this clause, and they say with almost palpable pride:

Additionally, special residence rules are included for Spanish nationals, in line with tax agreement between in France and Monaco for not allowing their nationals to be tax resident in Monaco,

– or, in our case, Gibraltar –

to those who change their residence after the signature of the agreement.

This is incredible. As I have already outlined in the basic analysis of different types of tax systems, Monaco is a zero tax jurisdiction, unlike Gibraltar. Furthermore, the relationship between

2755 Monaco and France can hardly be described or compared to that of Spain and Gibraltar. Monaco is in a customs union with France. Monaco guarantees a defence and even provides banking supervision. It is, in effect, a protectorate of France. Are we a protectorate of Spain? Is that what we are talking about? It is highly unreasonable to try to extend the provisions of the Monaco-France tax arrangements to Gibraltar, as if we were in the relationship that Monaco has with
2760 France. It is perhaps a step too far.

And so this is a novel tax position for Spanish nationals who effectively are moving to Gibraltar after the date of the signing of this Treaty, i.e. as from 4th March 2019. And this is the bit I find really hard to understand – they will, for tax purposes, be deemed to be in Spanish territory, and subject to Spanish tax in perpetuity, once the Treaty is ratified.

2765 According to the 2012 census report, there were only 675 Spanish nationals resident in Gibraltar out of a total population of 32,194. That is about 0.021%, hardly a threat to Hacienda, and perhaps it is for this reason that the Father of the House is so relaxed about this provision. But it is nonsensical from a tax point of view and contrary to their current tax law provisions if that Spanish national moving to a listed tax haven only requires tax returns for an additional four years.
2770 And yet in this Treaty they are in the tax net for perpetuity. I think the Chief Minister said, ‘Oh, well, they can leave the tax net.’ How? They are in it for perpetuity.

Mr Sancho Alvarez, the Director of International Tax at a Seville law firm, at the University of Cadiz summer course which was hosted in Gibraltar in July 2019 called the Treaty, and I quote, ‘imprecise, vague and includes ambiguous concepts’. In his view, it widened the Spanish tax net
2775 beyond the remit of existing domestic law. He also expressed surprise at the idea that Spaniards moving to Gibraltar would forever be subject to Spanish tax, which would be unjustified under domestic Spanish tax.

Mr Speaker, this can only be described as a serious technical surrender of tax sovereignty to Spain. We complain of maritime incursions, yet this Government, on 4th March 2019, has on paper
2780 surrendered our tax sovereignty to Spain by giving recognition to such perpetual tax provision in respect of Gibraltar in respect of Spanish nationals. This is a concession to Spain and the Government must answer for it. It is unforgivable, and frankly I can hear them laughing in Madrid at this Government’s stupidity. I did have the words ‘crass stupidity’ but I may as well [inaudible]

In his Press Release 189/2019 on 19th March 2019, headed ‘No concessions in Tax Treaty’, the
2785 Chief Minister compounds his mistake by saying:

The fact that Spanish nationals remain Spanish tax resident is nothing novel in international tax. For example, nationals of the United States of America remain tax resident in America for up to fifteen years after they depart the United States. These are measures designed to deter tax avoidance and they do not go to the tax sovereignty of the nation to which any such US national may have moved.

This statement is contextually wrong. As I have already explained, the United States operates a citizenship tax system on a worldwide, almost unique basis. Of course, it does not make it easy for US citizens to renounce their citizenship and any tax liability. On the other hand, the Kingdom of Spain – and I think the Chief Minister agrees – operates a residence-based tax system. What
2790 this Treaty provides is entirely novel for foreign territory in regard to Spanish nationals, that they should become permanently tax resident in Gibraltar. This is a completely unwarranted concession that sets a dangerous precedent as to our tax sovereignty and of course is a clear signal of Spain’s ultimate intentions.

The House of Lords has described this Treaty as symmetrical – one-sided, he may say otherwise, biased, skewed ... I am sure there are plenty of other words we can use to describe it.
2795 And there is more, not just on individuals.

Finally, as regards individuals, if it were not enough, the Treaty then says, under clause (e):

Gibraltar's special tax residency schemes for High Net Worth Individuals (HNWI), Category 2 Individuals (Cat 2), High Executive Possessing Specialist Skills (HEPSS) or any other equivalent scheme that may be created in the future, shall not of itself, constitute proof of tax residency in Gibraltar for the purposes of this Agreement.

I think that, if I recall correctly, reappears in the framework agreement. If that is not meddling in our tax regime, I really do not know what is. That would never have appeared in a model OECD Tax Treaty and the Government knows it. I do not see an equivalent clause in the Treaty being applied in reverse to Spain or any such scheme it may create of its own volition.

I move on to clause (2), which is about legal persons, entities and other legal structures and arrangements. I have again extracted the following from the website of Agencia Tributaria, which reads as follows:

Which legal persons are considered Spanish residents, and which are non-residents?

An organisation is considered to be resident in Spain when one of the following requirements is satisfied: (1) that it is constituted according to Spanish law,

– i.e. a Spanish company –

(2) that its registered address is in Spanish territory,

– i.e. it could have a branch –

or (3) that its effective headquarters are based in Spanish territory.

– or what we would call management and control –

Otherwise, those organisations that do not satisfy any of the three foregoing requirements are considered to be tax resident.

So, (1) a Spanish company, (2) a branch, or (3) the management are in Spain. Those are the only three conditions.

The tax administration considers an organisation based in a tax-free country or territory as resident in Spain when its main assets directly or indirectly consist of assets located or rights that are fulfilled or exercised in Spain or when its main activity is carried out therein illicit unless it accredits that its direction and effective management and control take place in that country or territory and its incorporation and operations have a valid economic motivation or substantive business reasons other than the simple management of securities or other assets.

So, let's now consider what is being inserted into our Tax Treaty. Clause (2) says:

(2) The following rules for determining tax residency apply:

– we are talking about legal persons –

(a) Legal persons, entities and other legal structures or arrangements, established and managed in Gibraltar, or governed by its legislation, shall be considered to have residency only in Spain when any of the following circumstances exist:

– any, Mr Speaker –

(i) The majority of the assets, whether directly or indirectly owned, are located in Spain or consist of rights that may or must be exercised in Spain;

(ii) The majority of the income accrued in a calendar year derives from sources in Spain, pursuant to article 13 of the codifying legislation of the Non-resident Income Tax Act of the Spanish tax legislation as may be amended from time to time;

(iii) The majority of the natural persons in charge of effective management are tax resident in Spain;

(iv) The majority of the interests in the capital or equity, voting or profit-sharing rights are under the direct or indirect control of either natural persons who are tax residents in Spain or legal persons, entities and other legal structures or arrangements linked to tax residents in Spain;

These four provisions bear very little resemblance to Spain's own criteria in their domestic law for establishing tax residence of companies. In addition, clauses (iii) and (iv) are really entirely novel in establishing tax residence of a company and seem aimed solely at prejudicing Gibraltar's legitimate business.

The Spanish Council of Ministers freely admit:

The last two cases have been a great difficulty for the British, so they insisted on establishing a series of exceptions for the existing companies that carried out activities almost exclusively in Gibraltar and are effectively taxed that territory, with design of exceptions on the cut-off date (16th November 2018, when the technical content of this Agreement is agreed upon) have been complex.

Incidentally, the cut-off date of 16th November 2018 which appears in the Treaty is explained by Spain and not by this Government. Ordinarily, I would have expected a future cut-off date, not a past date.

Mr Speaker, as we all freely admit, tax is complex, but when it comes to the taxation of corporate vehicles or legal personality vehicles, there are conventions, and taxation specialists refer to a place of effective management and control when it comes to determining tax residency. Location of effective mind and management is the accepted key to this question, not the tax residence of managers or owners. This is just making a nonsense of this Treaty and evidently the UK fully appreciated and has tried to resist these measures by introducing exemptions. In order to get round this absurdity, exceptions have had to be included in the Treaty so that existing businesses are not prejudiced. This requires a meeting of five conditions and supplying of information to the Income Tax Office, and the Government's summary note explains this as follows:

In order to be able to avail themselves of this exclusionary clause in the Agreement, in the event that they are caught by the residency rules regarding effective management and control in Spain, entities incorporated in Gibraltar before 16 November 2018 will need to provide this information to the Income Tax Office.

Submission of this information will ensure exclusion is available going forward in the event the entity is inadvertently caught by the residency rules on effective management and control by tax residents in Spain.

In order to ensure that every entity in Gibraltar, incorporated before 16 November 2018 is safeguarded against this potential eventuality, the Income Tax Office will be legislating the requirement to submit an information return to this effect.

This is an incredibly convoluted way of getting around the ridiculous requirement from Spain.

So, what now for our Income Tax Act 2010? Will section 74 now need to be amended where it defines, for tax purposes, 'ordinarily resident means when applied to any company, a company whose management and control is in Gibraltar'? What has supremacy now, Mr Speaker? The Treaty signed by the UK and Spain, or our domestic tax legislation passed by this Parliament?

The Government is proposing to legislate to force companies to declare information as to income generated in Spain. If primary legislation is brought to this House to give effect to any of the provisions of this Treaty, I will say now I will oppose it. Such legislation undermines the sovereignty of this Parliament, as the Treaty requires legislative reforms which are imposed upon us by the signatories to the Treaty and not of our free will.

The summary note from the Government then says:

Under the Agreement Gibraltar has agreed to supply Spain with a list of all those entities that would be deemed resident in Spain, on the basis of the rules on effective management and control by tax residents in Spain and meet all the tests set out in the exclusionary clause. The list supplied to Spain by 31 March 2020, shall include beneficial ownership and governance details.

Mr Speaker, OECD model tax treaties do not talk about these things. Our Income Tax Office is thus, therefore, to become an agency of Hacienda and we are to bear the cost of it. This Government has enshrined in this Treaty the ridiculous idea that a Gibraltar company incorporated after 16th November 2018 and owned or controlled by individuals who might

happen to be Spanish tax resident is to be deemed Spanish tax resident with no exceptions. Neither are Spanish companies allowed to redomicile to Gibraltar. For example, if a FinTech start-up Gibraltar company sets up in Gibraltar with absolutely no activity in Spain but, say, owned by a Dutch national who happens to be tax resident in Spain, in the Spanish hinterland, the company will be treated as being Spanish tax resident, even though it carries on no activities in Spain. The Chief Minister talks about the shared arc of prosperity in the Campo, but this is an attack on Gibraltar's ability to attract new business where owners or managers might choose to live in Spain, for their own personal reasons, while managing or owning their business legitimately in Gibraltar. What does the Government say to that?

I asked this question of a Spanish tax expert, so I have the House of Lords and I have Agencia Tributaria themselves and now I have a Spanish tax expert. At a seminar held in Gibraltar on 4th February 2020 – and EY7 seminar, of which Fabian is so fond – and I asked him, 'Nate, is this provision normal under Spanish tax law?' and, after very brief reflection I have to say, he said simply, 'No,' and he gave the example that the owner of a French company who is personally tax resident in Spain would not make that French company automatically taxable in Spain. This is international tax convention. Mind, management and control is where companies are determined to be tax resident. What this Treaty has done is come up with a completely novel way of tackling a question that has already been answered.

Of course the House of Lords says this Treaty is asymmetrical. No country in its right mind would agree to such a measure. I do not see France, Spain or England agreeing to such clauses in their treaties. These provisions are patently absurd. Just by way of example, the UK-Spanish OECD model tax treaty says the following under their article for residency:

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated.

Yes, that is the normal text that is applied internationally, not what we have in this Treaty. It is really that simple. This Treaty is nonsense and it is dangerous in respect of companies carrying out legitimate business in and from Gibraltar. It makes no sense whatsoever.

Mr Speaker, if I have not yet convinced the House that this Treaty should never have been signed, let's now look at clause (3). Clause (3) talks about the elimination of double taxation, and here, quite remarkably, we have just one sentence, which reads as follows:

The competent authorities

– whoever they may be –

shall eliminate, where relevant, double taxation pursuant to the provisions of their domestic law.

The UK-Spain double tax treaty, as you can imagine, has substantially more text than this and sets out specific provisions. This clause is feeble at best. For example, what is meant by 'where relevant', and who decides what is that relevance? We are in the hands of Spanish tax law to do with Gibraltar as it wishes, and this is an unsatisfactory position without specific provisions to eliminate double tax having been set out in any detail. Let me illustrate the difference with the Spanish-UK double tax treaty, which, in its Article 22 on elimination of double tax says:

1. In Spain, double taxation shall be avoided following either the provisions of its internal legislation or the following provisions in accordance with the internal legislation of Spain:

a) Where a resident of Spain derives income or owns elements of capital which, in accordance with the provisions of this Convention, may be taxed in the United Kingdom, Spain shall allow:

– shall allow –

- (i) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in the United Kingdom;
- (ii) as a deduction from the tax on the capital of that resident, an amount equal to the tax paid in the United Kingdom on the same elements of capital;
- (iii) the deduction of the underlying corporation tax, which shall be given in accordance with the internal legislation of Spain.

It then sets out the opposite position of the United Kingdom on the same precise terms. If you look at Article 22 of the Spanish-UK tax treaty, it is what I would have expected to see in clause (3), not just an ambiguous one-liner.

2885 Mr Speaker, I, as I am sure the rest of the House, am rapidly losing the will to continue to read this Treaty for all that it ill brings us.

So Mr Speaker, Article 3, when it talks about the administrative cooperation in tax matters, whereas the Spanish government in the past has always had access to legitimate tax information and assistance via EU directives on tax assistance, some of the measures in this Treaty appear to make Gibraltar subservient to Spain's interests and demands.

2890 I will not go into depth on the exchange of information, but I note that Spain will enjoy free access to records of Companies House and the Land Registry. It is quite remarkable, because it is a privilege that Members of this House do not enjoy. Nor do I see much in the way of reciprocal access to information in Spain or their records. It is all very depressing, frankly, and obviously biased in favour of Spain. In fact, I would venture to suggest Spain drafted the Treaty, because it actually reads better in Spanish than in English. I very much wonder what input Gibraltar had into the actual provisions of this Treaty. It is almost as if they were told, 'What do you want? Put it on a piece of paper and we'll sign it.'

2900 Mr Speaker, Articles 4 and 5 on Liaison bodies and a Joint Coordination Committee beg the question as to who will determine the composition and who has the final say on tax disputes? That is not defined.

The remaining Articles 6 to 8, Mr Speaker, are administrative, although I would again point out that I would have expected the provisions to be future dated, and not backdated.

2905 It is supremely ironic that the first formal tax treaty we have, or we did have, was not with the UK but with Spain. I would need to ask the Government when it sought and obtained independent expert tax – not legal; *tax* – advice on the Treaty in respect of both the proposed Spanish Tax Treaty and tax treaties in general. If so, Mr Speaker, I would ask from whom? And will the Government provide us with a copy to this House? If no independent advice was sought, I would ask why.

2910 I trust the Chief Minister will now accept that this Treaty is not in Gibraltar's interests, being demonstrably harmful and intrusive.

Mr Speaker, the Father of the House will forgive me, but he will be brought into this, as no doubt he expects! The Father of the House may wish to consider the implications of his statement when he said on 19th March 2019 that, and I quote, 'I would not accept any concessions being made by Government, which I am a member of.'

2915 Mr Speaker, I was surprised that in his speech to the UN decolonisation seminar held in Grenada in May 2019, from which the Chief Minister has quoted extensively – I will quote only a small section of it – the Father of the House said the following, and I quote:

The treaty provides different treatment on the basis of nationality in respect of persons who move from Spain to Gibraltar. In the case of Spanish nationals they will continue to be treated for tax purposes as if they were still resident in Spain. This will apply indefinitely ...

2920 Mr Speaker, I repeat: 'as if they were still resident in Spain – indefinitely'. Is that not a clear concession to Spain? Is that not a clear giving up conceptually of a part of our jurisdiction and control? How on earth is this acceptable to the Father of the House? No doubt he will give us his answer in due course.

The only explanation I can think of rationally is that in some mathematics of it in his head, he may think, 'Ah well, we may make more money out of it this way than not', but that is to ignore

2925 what has actually been said here. There are all sorts of implications in terms of social affairs of Gibraltar; in terms of if a person comes to Gibraltar, marries a Gibraltarian, they are forever going to be subject to Spanish tax. Is that something we are willing to accept? I look forward to the Father of the House's explanation.

2930 This Government, as I have proven, has made clear concessions to Spain on this tax and it is frankly politically inexplicable – unless, of course, Mr Speaker, unreasonable pressure has been brought to bear on the Government in the context of Brexit. If this is or was the case, then the people of Gibraltar deserve to know the truth, and not the fiction that the Chief Minister is peddling in respect of this Treaty.

2935 If the Chief Minister was motivated by the desire to remove Gibraltar from a Spanish tax haven blacklist, what he has actually managed to achieve is to enshrine in a treaty those very negative measures that were directed against us, that Spain chose unilaterally to classify us as a tax haven.

2940 Mr Speaker, in summary, this Treaty is not a handshake of friendship and co-operation. I do not see visions of sunny uplands and shared prosperity. What we should have had before us is a model OECD tax treaty, which would have been fair and balanced. That is in answer to the hon. Lady, what our alternative is: the alternative is to have a model OECD tax treaty which is fair, balanced and equal.

2945 Rather, Mr Speaker, in this instrument we have been reduced to an unacceptable state of what I can only describe as submission and surrender. This is an instrument of surrender, Mr Speaker. We should have had nothing more or nothing less than a standard OECD model treaty and why we do not have one is something the Government has to answer for.

So, Mr Speaker, I oppose the 4th March 2019 Treaty as presented. I urge all hon. Members to do the same. I will obviously be voting in favour of the Leader of the Opposition's motion.

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

2950 **Hon. Chief Minister:** Mr Speaker, if I can suggest that we might recess for 10 minutes and then continue with the House's debate.

Mr Speaker: The House will recess for 10 minutes.

The House recessed at 9.40 p.m. and resumed its sitting at 9.50 p.m.

**International Agreement on Taxation and the Protection of Financial Interests –
Debate concluded –
Motion not carried**

2955 **Mr Speaker:** The Hon. Sir Joe Bossano. *(Interjection)* I beg your pardon. The Hon. Albert Isola.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I would be delighted to be called Sir Joe in everything other than my looks!

2960 I would like to start on behalf of the business community in congratulating the Chief Minister, the Deputy Chief Minister and his team, and the Financial Secretary, who put this Tax Treaty together because, for the reasons that I will come into now, I believe it is good for the business community. I believe it is good for Gibraltar and I do not agree with almost anything that Members opposite have said other than, of course, my friend, the Lady, with whom I had much to share our views on.

2965 Mr Speaker, if I can start by dealing with some of the things that were said by Mr Clinton. I am grateful to the hon. Member for having taken us through and reading to us the Tax Treaty, which confirmed what the Chief Minister had said a couple of hours earlier, that tax is really boring. I

think Mr Clinton saw that point through very clearly for all of us who managed to stay awake whilst listening to him.

2970 Mr Clinton tells us that Spain should sign an OECD standard model treaty with Gibraltar and remove us from the blacklist. Perfectly reasonable. Why don't they? Why didn't the GSD in 16 years manage to do just that? Well, Mr Speaker, because unless he is living in cuckoo-land, he must come to the conclusion that it is simply not possible.

2975 Mr Speaker, the warning signs are up also for the New Year's Eve Agreement. The approach from the Members opposite is clearly going to be exactly the same. In fact, from the discussions we have already had in this House, it is obvious that the Leader of the Opposition has a view that that agreement also cedes some form of control, despite everything that we have heard today from my friend, the Chief Minister and the Deputy Chief Minister.

2980 This Treaty is about political courage, political conviction; deciding which way we as a jurisdiction want to go – forwards or backwards. But to come to this House and to tell the people of Gibraltar, as you did before the last election, that you would tear up the Tax Treaty, that you will now tear up the New Year's Eve Agreement when it comes – because you are telling us that already – this is a bit like the Hon. Mr Feetham many years ago, talking about the Future Job Strategy, calling it the 'Fail Job Strategy' even before it had started. It is exactly the same. And look
2985 how many people we have got unemployed today.

This is prejudging something for political ends, which have nothing to do with the reality of what we actually face as a community seeking to move forward in the years to come.

2990 The Leader of the Opposition started off by talking about 'how could the Government have agreed to have language like fraud, money-laundering and smuggling in the first statement which described the Tax Treaty?' It may surprise the hon. Member to learn that we have, in the whole of Europe and many other countries around the world, agreed to things such as the AMLD – the Anti-Money Laundering Directive. That is what these things do. Moneyval is about fraud, it is about tax evasion. If you look at our national risk assessment, we are on our third iteration of that now – that is what this is all about. It is about exchange of information. It is about transparency.
2995 It is about fighting fraud and tax evasion.

How can we take offence to a press release that Spain issues on day one that deals with precisely the issues that the Tax Treaty and many others are deemed and expecting to be tackling? That is exactly what they do, and yet both Mr Clinton and the mover of the motion refer to it as 'optics versus reality'. 'Not a good call of the Government to accept this language' – as if we have
3000 anything to do with accepting the language of the Kingdom of Spain.

The characterisation of Gibraltar, which this Government has agreed to: well, I would refer the hon. Members to have a read, if they have not read it already, of the national risk assessment. 2020 was our third version, and you will see that it identifies all of the areas where the risk occurs and how we can work together to tackle it.

3005 The Hon. the Leader of the Opposition said that the Tax Treaty was bad for Gibraltar. Mr Speaker, the references to business that have been made by Mr Azopardi and by Mr Clinton in terms of saying how bad this is going to be for business do not match the reality. By that I mean that when Cordoba was signed – there has been a lot of discussion about Cordoba today – immediately after Cordoba, what is today Gibraltar Finance, in those days the Finance Centre, was
3010 shipped off to Madrid to organise breakfast seminars to promote Gibraltar, quite rightly, as a financial services jurisdiction. There was a lot of excitement about suddenly being able to do business with Spain. Crikey! Now with Cordoba, we have a relationship with Spain, we can actually start doing business with them. The Chief Minister at the time – the same gentleman who has given that legal opinion that there is no breach of our sovereignty in terms of this Tax Treaty –
3015 sent his marketing division to Madrid and had breakfast seminar after breakfast after breakfast seminar. What happened? *Nothing*. Absolutely nothing! Why not? Because they all said the same thing: until you get off the blacklist and until you have a tax treaty, you cannot do business with Spain.

That is the GSD initiative: business development. Absolutely right. But what was the hand brake? We were on the blacklist. I am not one of those people like Mr Clinton that believes that we could have sent a nice letter and they would have taken us off the blacklist. In the real world, we all know, it does not work that way. In the real world, we all know, we do not have the same clout that the UK does to sign a tax treaty on an OECD model. Let us be serious! Let us be realistic with ourselves, as the hon. Lady said, absolutely rightly.

What is the position with business? We embarked following what the previous Government did on a journey of compliance of adhering to international standards of implementing all EU directives in the areas of financial services and other areas, because we believed that that was the best way forward for our business community. The Brexit failure, which I think is what the Leader of the Opposition called the MoUs, the Tax Treaty and everything else – good God! Out of touch is how I would put it in the nicest possible way.

Talk to the business community, because market access to the United Kingdom, where over 92% of our business was in 2016, and a lot more of it is today, is very valuable to our community – very valuable.

‘Bad Brexit; we did a bad deal.’ Market access to the UK? That did not work out too badly. Market access for our gaming firms. 2016 – Brexit; 2021 – 3,400 jobs in the gaming sector in Gibraltar today. When they left government in 2011, telling the community in that election campaign that the gaming community were really worried because this Government did not have a clue; today Brexit, Covid and everything else that has been thrown at us – still 1,400 jobs over what they left in 2011. It is remarkable. So that is a success, not a failure, with the greatest of respect to the hon. Member.

But of course, let us be more recent. Tell me about the last six months of 2020. The Gibraltar Financial Services Commission has had its record number of applications in its history. Bad for business, the Tax Treaty? Numbers going to be going out the window? Employees leaving Gib? Well, their interpretation of what is bad for business and ours are very different, because for us coming off a blacklist, signing a tax treaty with Spain is a very, very big plus. And that is what the business community of Gibraltar believes.

Of course, what else does it do? It actually enables us to go around the world and enter into tax treaties with other countries. I can tell you that I have been to many embassies talking about tax treaties and they have all said the same thing: for as long as you are on the blacklist of Spain, it is very difficult for us because they do, as the Hon. the Deputy Chief Minister referred, put us under some pressure and therefore, as a result, we cannot do it.

We have now got a tax treaty with the UK, a tax treaty with Spain. We are now very well placed to set up a genuine tax treaty network, which will be of enormous value and benefit to our business, and especially our financial services community.

Of course, just imagine the loss of memory, to believe that we were ... The judgement really is: do you want to have no tax treaty and stay on the blacklist; or do you want to be in a position where you can have a tax treaty with Spain and be removed from the blacklist? That is the question.

The detail and the reading of the Tax Treaty is relevant, of course it is, but the real issue in terms of our jurisdiction is where Gibraltar will be placed, because I can tell you that if you asked the community six or seven years ago, ‘A register of beneficial ownership – do you want it?’, they would have said ‘No, no – it’s bad for business!’ That is what they would have said. Any of the areas of compliance that we have had to adhere to in the last seven years, they would have all said to you, it is bad for business. Ask them today: now they tell you, when they go marketing, the first thing they do is they say, ‘We’re compliant with that, and we’re complaint with that, and we have already got our public register of beneficial ownership.’ Why? Because it shows we are applying international standards.

Today, in today’s world of quality business, which we are now enjoying so much of, it is not going to come here if you are going to be having issues with blacklists. We are no longer in the EU.

3070 There is a greater risk of that happening. So whatever we can do to put ourselves in the best position possible is good for business.

I remember vividly the challenges of material and regional selectivity to our tax system. I remember the challenge to our Income Tax Act. If those had succeeded, our business community would have been shut.

3075 The hon. Member seems to be very confident now. There were three or four threats – there was even a threat just three years ago emanating from the European Union, just at the time of the referendum – any one of which would have had catastrophic consequences on our business community. All engineered by where? All engineered by Spain. Today Spain is going to remove us from their blacklist and commit to working with us in a normal way. If that is not something that is good for business, if that is not something that is good for our community, then, Mr Speaker, I
3080 honestly do not know what is.

I have absolutely no doubt whatsoever that the Tax Treaty that our Chief Minister and his team have negotiated is an excellent prospect for increasing our business in Gibraltar across all spectrums, not just in terms of Main Street but in terms of our own little Wall Street in financial services and, of course, our very important gaming community. For those reasons I will support the Chief Minister and the Government in opposing this motion and voting vehemently against it.
3085

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

Mr Speaker: The Hon. Daniel Feetham.

3090 **Hon. D A Feetham:** Mr Speaker, I am going to be making three points, and I am going to be keeping my contribution brief because we have been here already for many hours.

In the years that I have been a Member of this House I have heard the Hon. the Chief Minister deliver and make points that are good, that are bad and that are sometimes very ugly; often all
3095 three in the same speech, and, indeed, if it is very ugly, often directed to those of us that he perceives to have slighted him in some way in the previous week or months.

But I have not, Mr Speaker – very rarely have I – heard him deliver or make a point so devoid of intellectual integrity as the point that he made, Mr Speaker, when answering the criticism about why Gibraltarians continue to pay tax, even after four years, if they come back to Gibraltar. That
3100 is one of the points, the first point that I wish to focus on.

Mr Speaker, he sought to justify what is, quite frankly, the unjustifiable by reference to some example about the United States and saying, ‘Oh, but in the United States, they impose tax based on nationality and even if that person were to leave the United States and go somewhere else or even renounce their nationality, they continue to pay tax to the United States for a number of
3105 years, even after they have renounced their nationality.’

But Mr Speaker, does he not realise that the fundamental distinction between the analogy that he seeks to draw with the United States and Gibraltarians continuing to pay tax even after they have stopped residing in Spain is that the United States is not seeking to impose tax on Spaniards or on Argentinians or on Canadians? We are talking about the Spanish Government seeking to
3110 continue to charge tax to Gibraltarians even after they have ceased residing in Spain. That is the fundamental distinction. His analogy in relation to the United States is a complete and utter, Mr Speaker – with respect to the hon. Gentleman – *red herring*.

Of course, we have all spent an enormous amount of hours discussing this Treaty at macro level and getting into the detail of it and the technicalities of it. But there is a real story here of a very real way in which real people can be affected by this Tax Treaty – Gibraltarians, Mr Speaker –
3115 in a very unfair and detrimental way.

Let me explain. When the hon. Members opposite won the 2011 election, they stood on a platform, on a manifesto, that promised that Gibraltarians who had been forced to live in Spain because they could not afford to live in Gibraltar would go on to a special list so that they would effectively ... their special circumstances would be taken into account when attempting to obtain
3120 Government housing here in Gibraltar.

Within a year of winning the election, they disregarded the policy, saying, 'There is no demand.' Well, actually, Mr Speaker, it is a very real situation for many Gibraltarians, that they cannot afford to live here in Gibraltar because of the prices of the property market, both sale, but in particular rental, and they have to go and live in Spain and are waiting, Mr Speaker, in Spain, for the Government to allocate them Government housing. It happens, Mr Speaker.

I will give the House an example that I have raised in the past. It happens in a situation where, for example, couples divorce. One of the parents stay with the home because that parent is often the care giver, and the spouse who has left the matrimonial home needs to find alternative accommodation, so very often because they cannot afford accommodation here in Gibraltar, pending an application for Government housing – so they want to return back to Gibraltar – they have to go to Spain. For those people to come back to Gibraltar when they are allocated a Government house, or because their financial situation perhaps improves, and they are able then to afford the market prices here in Gibraltar – for them to then be subject to the double-whammy of having to pay taxes to a foreign country, Mr Speaker – a *foreign country* – for four years after they reside here in Gibraltar, is, in my respectful view, appalling. Absolutely appalling, and it cannot be justified, in my respectful submission and in my respectful view.

Look, it is no answer and it is going to be no consolation to those people, Mr Speaker, for the Hon. the Chief Minister to then say, 'Ah, but there is a legal opinion from the greatest Gibraltarian of our time that the sovereignty of Gibraltar is not impacted by the Tax Treaty.' Look, they are complaining about a very real situation, Mr Speaker, and I will say this about the argument about the sovereignty of Gibraltar not being affected: if the effect of this Treaty was that the very next day of its signing, we would wake up with some sovereignty concession, well, the hon. Gentleman might as well emigrate from Gibraltar. That is not the point that any of us are actually making here, that this Treaty is a concession on sovereignty – legal sovereignty, yes.

It may impact – as it does, and I will come to my second point in a minute – on our legislation and therefore it is an intrusion, in fact, on legislation that this Parliament has introduced. It is nothing to do with sovereignty, Mr Speaker. I think that when we talk about the Tax Treaty, we should not lose sight of the fact that there are Gibraltarians who have been thrown under a veritable bus by this Tax Treaty. That is the reality, Mr Speaker.

The second point that I make is this. (*Interjection*) The second point ... well, look, I have to sit down here and listen to some of the stuff that the Chief Minister utters on many occasions in my direction, and I have to just take it on the chin. (*Interjection*) Now it is my turn to at least make a contribution on this important matter.

The second point that I would make is this: this is not a double taxation treaty. What this is, for all the reasons that have been developed by my hon. and learned Friend, the Leader of the Opposition and the extraordinarily erudite intervention of my friend, Mr Clinton, is a tax avoidance treaty, but it is a tax avoidance treaty for the benefit of Spain. That is what it is. That is what it is, and that is why it is skewed so much to the benefit of Spain. This is not about double taxation. This is about the reality, the substance of this. This is an anti-avoidance tax treaty for the benefit of Spain.

Look, I could understand the argument – I really could – at an intellectual level and at a political level. I understand the arguments advanced by the Deputy Chief Minister and I understand some of the arguments advanced by Mr Isola, which essentially amount to this: they say, 'Yes, this is ...' As I understand their arguments, they do not express it in this way, but it really amounts to this: 'This is something that we have had to swallow. We do not really like it, but the reality is we have done it in order to get ourselves off a blacklist and in order to help us with our negotiations in relation to Brexit and the new relationship, and all of that.'

If the Government from the very beginning had actually presented it in those terms – much more eloquently than that, I would hazard a guess, the Hon. the Chief Minister presenting this – but if he had presented this from that perspective, saying 'Look, we don't like it; this is a really skewed in Spain's directorate, but we're getting this; we're getting this; we're getting this and really, that is the reality of the situation.' Look, there may have been still criticism on our side in

relation to concessions that have been made, that it skewed this, that and the other, but I have to say it would have been far more politically honest for the Government to have presented it in that way, and they have not sought to do so, Mr Speaker.

In relation to double taxation agreements, essentially what you have is you have a treaty and you have a set of rules. In that set of rules, if you fall within one set of rules, then you will be determined to be tax resident in, say, for example, state aid; if you fall in relation to some other set of rules, you fall under the tax net of state being. Where there is a grey area – in other words, for example, where people are actually residing in two countries – there is usually what is called a tiebreaker, and that decides in which tax net you are effectively going to fall, if it is country A or country B.

Our tax laws, for many years, essentially proceed on that basis that if your mind and management – this is corporates now, companies I am talking about – are within Gibraltar ... I think the statute uses the term ‘management and control’, but lawyers and accountants talk about mind and management. If effectively, for example, your directors are here in Gibraltar, your mind and management are here in Gibraltar, then you fall under the Gibraltar tax net. That is a salient principle in our legislation.

Effectively, what this Tax Treaty does is that it drives a coach and horses through that cardinal principle, and essentially by reference to Articles 2(2)(a)(i) to (iv) – if you fall within (2)(a)(i) to (iv), despite the fact that your mind and management may be in Gibraltar and therefore under Gibraltar law, you fall under the Gibraltar tax net, you are going to fall under the Spanish tax net.

Look, there is no doubt that effectively what this Treaty is doing is interfering with legislation that this Parliament has introduced. It is amending actually legislation that this Parliament has introduced and altering what are long-established rules about where you pay your taxes, skewed in favour of Spain. That is the criticism that my hon. Friend Mr Clinton has been making and look you can say this is a pragmatic decision that the Government have taken faced with the situation that the Government has been faced with, but there is no doubt that Mr Clinton is absolutely right in his assessment of effectively the substance of the Treaty.

The third point, and I end on this point, but it has been and it is now becoming a fad – it is becoming very fashionable nowadays, it has to be said – that at times led by the hon. Lady, but it is becoming very fashionable nowadays to all of a sudden say, ‘Well, look, we’ve got to accept what is put before us, because we are in a very weak position, and Gibraltar is in a very weak position, and beggars cannot be choosers.’ I am sorry, I just cannot accept that argument! That is the argument that Margallo deploys in Spain when he says, ‘Gibraltar is a fruit ripe for the picking and the Spanish Government ought to take advantage of Gibraltar’s weak position.’

It does not matter what our position is, Mr Speaker. If something is unpalatable to us as a people, in terms of concessions that we are being asked to make. That is going to be a no, irrespective of what our position is, Mr Speaker, and I do not accept that our position is as weak as some people portray our position to be.

Therefore, I end perhaps on this note. I have a lot of sympathy for the Government and sometimes – although it pains me to say so – for the Chief Minister. When essentially he says, ‘Look, Gibraltar will prosper and we are going to do well, whether we end up with solution A or we do not end up with a solution at all’ – the Government has got to take that position! The Government has *got* to take that position because the moment there is a whiff of weakness from Gibraltar – and I have never, *ever* in the years that I have been in this Parliament sniffed weakness from anybody, except in the statements that I have been listening to in recent months from some quarters, Mr Speaker ... Because to show weakness is to invite pressure and we in Gibraltar *cannot* afford to invite pressure at this moment in time.

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

Mr Speaker: The Hon. Sir Joe Bossano.

Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano): I think, Mr Speaker, that I can say without fear of contradiction that I do not need lessons on weakness from anybody! I can tell the hon. Member that, since I have been much longer than him here, I have seen lots of weakness in this House from many people.

To say that we were put in a difficult position is not to show weakness. It is in fact to face reality, and we were put in a weak position by the betrayal of the people with whom 96% of us voted to stay. They were the people who betrayed us. The people in Brussels who gave Spain not just the veto they have as a member state, as one of the 27, but a second veto. Not content with a second veto, they gave them a third veto over the transition period, and when they were asked why they were doing it, they did not say, 'Because Gibraltar doesn't deserve it because it was only 96% and not 99%.' No! They said, 'Well look, the UK is going; Spain is staying, so what matters is not who is right or wrong.' It was not a political decision or a value judgement or a question of fairness. It was just a question of well, we support the guy who is staying, not the guy who is going. That is the world in which we live.

So what is it that the Hon. Mr Clinton does not understand? He says he cannot explain why Spain says that we are money-laundering when we have complied with everything. My hon. colleague has said, 'Have we followed the policy of complying with everything?' – as if that made any difference to anybody on the other side!

Margallo was quite clear. I reflected in the speech I made to the United Nations: if Spain says to us, 'You're money laundering and smuggling and you are breaking every rule, and your system is killing the economy of the hinterland. However, if you put the Spanish flag on the Rock, then you can carry on doing it!' – well, you explain that to me politically. That is the situation that we have.

And in that situation we were put in a position where the worst thing that could have happened ... we would have had nowhere to hide, no way to explain to our people what had happened after the 96%, if we had had the Partido Popular in power, and instead of saying we want to have some kind of treaty on tax, the position would have been 'You have to talk sovereignty.' If you do not talk sovereignty, you are out of the European Union, the moment the transition period starts ... that will be the position we faced with the Partido Popular in power.

That is what the Partido Popular does not forgive the PSOE for: for not having continued with that. That was the one-in-300-year opportunity that they saw: the United Kingdom leaving and then saying we are now going to use the veto on the transition period. And the veto on the transition period is that you either go back to the Brussels agreement and we start bilateral talks on decolonisation by a transfer of sovereignty or you are not in the transition period.

Imagine the potential that that had: 92% of our market is in the United Kingdom; not the other 8%. But we are excluded from the 8% and we are excluded from the 92% because they would still be in the EU. They would be an EU member, and we would be out, so you could not sell into the EU and the EU included the UK.

So something totally out of our control, something that, whatever standing up to pressure the Hon. Mr Feetham will want to preach to us about, would have been completely out of our hands, because the level of pressure was not going to be decided by anything we did, the UK did or anything else. It was going to be decided by the electorate in Spain, whether the electorate in Spain kept the Partido Popular in power or there was a change. That is where we were lucky.

We were lucky that the change happened and the government that came in decided not to make sovereignty, and sovereignty negotiations, the key element in any future relationship between us and the United Kingdom and Spain and the EU. Instead, they went down the road which clearly was their defence in Spain, of what they were going to get instead of sovereignty. What they were going to get instead of sovereignty was to stop their fictitious image, which they themselves have created and which they may well believe.

So the explanation as to why they have gone down the road that they did is very simple. The one thing that PSOE could not do was to say, 'We are not going to put sovereignty on the table;

we are not going to put anything on the table. We will go and ask Mr Clinton “Will you give us the standard OECD agreement?” and okay, we tell them and say look what a great achievement! Having got all the aces and having these people naked and crawling, we have extracted from them the OECD agreement! That is an option that the Hon. Mr Clinton thinks was available to anybody – to them if they had been in Government or to anybody anywhere.

In terms of political analysis, he could not understand the explanation. Well, the explanation is that if Spain had been willing to do an OECD agreement with us, they did not need to wait for Brexit. They did not do it because they were not prepared to do it – now, then or at any time. The only government, in the time that I have been in this House, that has been willing to do something that was not 150% to Spain’s advantage is the one that is there now. We do not know what that is going to be in the future, so we must not take it for granted. The fact that we have been able to do what we have been able to do will always be available to us. We could be facing a much nastier government, much tougher government, in terms of what they see is in Spain’s interests.

So how bad is this thing that we have done that the hon. Members opposite say we are describing as a magnificent achievement? It is an incredible achievement. My colleagues on this side who have spoken have not said what a wonderful agreement it is. But I am telling you it is a wonderful agreement. I am astonished at how wonderful this is!

The Spanish government has not put a Trojan horse. The Spanish government has insisted that we discriminate against Spanish nationals. I have reluctantly had to agree against Spanish nationals! When I explain it to people I say, well, look, if the Spanish government wants us to discriminate against Spanish nationals, who are we to disagree with them?

So when the hon. Member says four years, well, look, you have got a tax treatment where, of the different nationalities that may be living in Spain, the one that is treated best is the Gibraltarian – or is it that he has not noticed that? (*Interjection*) Oh, he has noticed that, in fact, it is easier for the Gibraltarian to escape the tax situation, because he can get out of it before the time limits kick in. Whereas with any other nationality it is one year; with the Gibraltarian it is for four years.

Well, look, contrary to what the Hon. Mr Feetham said, the people who have been living in Spain have been allowed to apply for housing on the basis that they are there without wanting to be there. Right? The last thing we need in Gibraltar is a situation where people are better off living in Spain than in Gibraltar, which is what it was one when we first parted ways with our neighbour. When they closed the frontier in 1969, we had the bulk of our people that were in the lowest incomes living in the only place where they could make ends meet.

So the answer is not: in order to make sure that people are not put into that situation, what we have to do is not do this deal, and the deal breaker is the limited number of Gibraltarians who are living on the other side. So we do not do the deal, we stay on the blacklist, we then find Spain will not do a deal on Schengen, so it does not matter, we have a hard Brexit because we are going to be ... tough and we have protected the people who are now caught on the other side and cannot cross the border any more, because the border is closed.

Well, no, the answer is that we have to do something about a market for private rental in Gibraltar which is abusive and excessive, so that people, while they are waiting for Government housing, are able to live in Gibraltar. That is the answer, and that is the answer to the question. The question is not we are abandoning a huge proportion of our population and the alternatives to abandoning them will have been to say no to the Spaniards – ‘No, you mustn’t do that. This is an incursion into Gibraltar’s sovereignty, so we do not accept it,’ so there is no deal and then there is a closed frontier. Then what do they do, the ones that are over there? They will be there and they will not be able to come, because they cannot get across the frontier so they are stuck there – not only with paying tax; they are stuck there, having to pay tax, if they manage to get a job in Spain, because by that time they will have lost their job in Gibraltar.

The debate we have had in this House is not realistic because the content of much of this debate from the other Members on the other side was not: ‘There were a lot of things that you could have done better, and got more, and you haven’t done them.’

3330 The idea of saying, 'If we win the election we are going to stop this' is either based on the premise that you are not going to win the election, so there is no risk that you will be required to do it – which is probably the real answer – or you must have some magic formula that suddenly allows you to go to the Spanish government and say 'Look, either you give me this, or else ...'

3335 We are not in that position. We have never been in the position to do that, because whenever Spain has done something to hurt Gibraltar, it is Big Brother in London who has had to say, 'You stop doing it, or else' – not us. And in this situation, we have actually a level of support from the United Kingdom where, if we analyse where we are, one of the things that we have managed to obtain is that what we did not have before we entered into the EU, in the UK we now have.

3340 Before we entered into the EU in 1973, when we were negotiating whether we stayed out or we went in, one of the things that we managed to get then, which has been replicated now, was that we were able to say to the United Kingdom, 'Okay, but wait a minute. Going into the EU means that everybody in the EU will be having access to the United Kingdom, and we do not have that access.' The first problem in fact was: what about medical care? Other people could go to the UK and get medical care, other EU nationals. We could not do it because the mechanism was going
3345 from one member state to another member state.

The Foreign Office invented this concept of saying, 'As far as the other members are concerned, when you go there, you are coming from the UK. And as far as we are concerned in the UK, when you come here, you are coming from another member state, so you are deemed to be another member state for community rights.' The first law that treated us as a separate nation was a law
3350 signed by Aurelio Montegriffo, which was a reciprocal health agreement signed by the Minister of Health for the UK and Aurelio Montegriffo here in Gibraltar, which said for the purpose of medical services, we are two separate independent states. That was the first benefit we had from the EU—through the EU, but it was the first benefit.

3355 What has happened since? That relationship has survived our departure, so all the things that we obtained in access to the UK because we were EU members, we are retaining in access to the UK after we stop being EU members – and that is all we need.

Where is all this damage to the economy? The hon. mover specifically said that this was a Trojan horse, that this was something that would damage the economic structure. Well, I do not know what the economic structure is. I happen to be the one that is responsible for it, but I do not
3360 see what there is there, that damages us, because in fact if we have a situation in Gibraltar where, in order to attract people to invest in our economy, they have to have access to living in the hinterland and not pay Spanish taxes, then the economy is flawed.

We have to have an economy that is self-sustaining. We have to use this opportunity now to make sure that we are in a position to be able to stand up to any Spanish government by not being
3365 overdependent on Spain; and they are helping us! They are helping us with this Treaty because the more integration of Spanish businesses and Spanish professionals into the economy, the more dependent we would be on any break in that relationship. The process of osmosis is that the easier it is for you do business into Gibraltar from Spain, the easier the osmosis.

3370 Why have they put themselves in that situation? Why have they given us this advantage? Well, I suspect that the advantage that they have given us is not something that they perceive as an advantage; it is something that they perceive as them being the only ones who have stopped the drain on the Spanish economy caused by the fiscal advantages that Gibraltar offers. It is as if they think that there are lots of people in Spain who are using Gibraltar to hide their money – which is complete nonsense, because if you are going to hide your money, you go as far away as you can
3375 to hide it; you do not hide it just round the corner! But they believe it. It is their propaganda, and they believe their own propaganda.

3380 So all they can say to Margallo is, 'Well, okay, we have not discussed sovereignty but they are not hiding their money in Gibraltar any more because we have got the list of everybody who has got money there, and they are not there. Our people cannot go into Gibraltar and take their business to Gibraltar and drain our own economy of inward investment because it gets shifted.' So all the things that could justify the discrimination against Spanish nationals, insisted upon by

their own government, can only be understood on the premise that we will be so attractive to Spanish nationals that they will be queueing up to come here with suitcases of money.

3385 If that is what they believe they have stopped, and if that is the propaganda they have been feeding their population for years, well then the PSOE now has a story to tell which is: 'Okay, we have not said we are not going to talk about sovereignty. We have pushed it into the long grass, but the thing that kept Gibraltar going, which was the outflow of money from the Spanish economy, that we have stopped.' That is their story line. That is what gets reflected in the quotes that we hear.

3390 But the reality in the real world is that what they have done – either because they believe it and they think they have stopped something, or because whether they believe it or not they know everybody else believes it, so the political effect and the beneficial effect is going to be the same – means that we now have a situation where the potential that they might have had for an economic takeover of sections of our economy, from Spanish-based companies or from individuals settling
3395 in Spain and coming here in big numbers, that they have successfully stopped for us. For which I am very grateful. Because if we had tried to do it, we would have been pilloried as being racist and discriminatory against the Spaniards, by making them pay tax for the rest of their lives if they came and worked here!

3400 So there is no greater disincentive than to say, 'Well, look, if you work in Gibraltar, you have to pay tax,' which is something that they should have been doing all the time ... I know people who have been suddenly surprised – other community nationals, not Spanish nationals – to find out that the system in Spain that was being implemented was that they had to declare that income from Gibraltar and that they would get credited the tax they have already paid here. But that has always been the case.

3405 But it is just like there have been hundreds of thousands of pensioners from the United Kingdom living up the coast who have never paid a penny of tax and suddenly get surprised: they say, 'They are taxing us because of Brexit.' No, they are taxing you because they have discovered you are here and because as a community national they did not keep tabs on you!

3410 The reality of this is that, okay, we might not have done it if there had been no Brexit, and we might not have done it in the circumstances of being at risk of being left totally out of the withdrawal agreement and the transition period.

3415 The transition period would have been a disaster for us. We have been lucky that when we got to that point, Margallo was no longer there, because there is absolutely no question about it: the fact that he is still moaning about not having been able to do it ... A couple of weeks ago in the European Parliament, he was complaining about the dereliction of duty of the socialist government when they were putting everybody else on the blacklist, and they were not putting us on it because Spain said, 'There is no need to put Gibraltar on the blacklist, where you are putting the Channel Islands and you are putting all the other Overseas Territories, because they have got a tax agreement with us where now we know that we can stop anything being used in
3420 terms of tax advantages in Gibraltar from a Spanish point of view.'

3425 In effect what the Spanish are saying is, 'Look, if Gibraltar makes a living by having a low tax rate and by having tax advantages, as long as you do not do it in respect of the Spanish economy and for the benefit of people who reside in Spain, we do not mind who you do it with anywhere else in the world, because if you do it with somebody else in the world, then the wealth that is captured in Gibraltar, some of it will trickle across the frontier. But if you are doing it to us, then the trickle is in the opposite direction.'

3430 That is the only way that one can make sense of how it is that this has been changed. To say, 'I wouldn't have signed it' without somebody justifying to me why I should move away from the OECD, well the answer is not that beggars cannot be choosers, but the fact is that if that is what you want to do, then you have to say ... and 'Even if you close the frontier, I will still not do it unless you sign an OECD thing.' I have no problem putting the first brick in the brick wall. I do not know how many other bricks will be put by anybody else, but I have no problem. But I do not think many of us would survive long if that was the situation.

So the truth of the matter is that from the perspective of my analysis of what is good for Gibraltar's sovereignty and for Gibraltar's protection against a possible takeover of our economy, I think that the job that has been done with this Tax Treaty cannot be improved upon.

Therefore, I have no hesitation in recommending the rejection of the motion from the Opposition, and no hesitation in telling my fellow citizens that this is a good thing from the point of view of the protection of Gibraltar and that the effect on the economy is nil. It has no effect on the economy. *(Banging on desks)*

Mr Speaker: Does any other hon. Member wish to make a contribution, before I ask the mover of the motion to respond?

The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I am grateful; and for all the Members contributing to this long debate – the longest that we have had since the election.

There is a selection of points that I have identified, as I have taken some notes. I will start with ... I suppose, the easiest way for me to take these points is to do so sequentially and deal with the speeches of hon. Members in that way.

Mr Speaker, I know that the Chief Minister feels hurt whenever I make a contribution, because invariably at the moment he usually brings out the PDP and the drama that you get – I do not know if it is a false drama or a real drama – in his contributions does tend to come out as well in those moments. I have to say that I found his speech, in terms of substance, in dealing with the points that we had actually made of the comparisons between the UK treaty and the Gibraltar treaty, fairly hollow, satirical, lacking in substance and, as usual, full of twists and turns, but to quote Orwell, it gets to the stage that the truth is erased and the lie becomes the truth. When the hon. Member starts parodying the manifesto on a line-by-line basis, pretending that what we said to the people of Gibraltar was somehow fiction when it is absolute fact, you then fall into that kind of category, Mr Speaker.

The Chief Minister repeatedly, not just today, has said before on other occasions that they are the hawks. The hawks are on that side, Mr Speaker. I have to say that I am not sure that he is a hawk. He may be another bird, but I am not sure if he is a hawk. Maybe he is a parrot and not a hawk! Maybe he is even the hawk's parrot, because certainly I recognise that he has a hawk to the left. Maybe he is the hawk's parrot. But parrots are parrots: they have a very good ability to imitate and repeat and so on, but it does not make them an elephant just because they can make an elephant noise. They still are a parrot at the end of the day. *(Interjection)* Yes!

Mr Speaker, the idea that the new treaty is going to make the situation that we have seen recently on the impounding of cars better and not worse: I think that must be pure fiction, surely, because under the agreement itself there is a specific provision that requires a list of car registration numbers to be transferred to Spain. So, we will see about that.

The hon. Member in his initial remarks was expressing a degree of surprise about the motion being taken – why this motion was being taken and so on. The Hon. Mr Clinton has already explained that originally there was a motion on the Order Paper before the 2019 election, and indeed, it was never taken, despite the fact that there were about five or six months before the 2019 election, when the motion was tabled on 14th March, it was actually never taken. There was a desire by the Government to bury what it deemed, at that stage, an uncomfortable debate before the election.

All we have done now is to have an opportunity to debate something which should have been debated in the first place and ultimately needed to be debated anyway, because we have recognised – and his own subsequent motion recognises – in the discussions that we have had on the amendment to the legislation and so on and so forth, that in future there will be the tabling of agreements of a similar type, if not the same type, because this might be a fairly unique agreement, hopefully – otherwise, we really want unto ourselves out of all business around the world, not just Spanish business. It needs to be debated by resolution and so on and so forth. So

all we are doing is doing what should have been done ages ago, and the fact that it is two years on, again, that is not really our fault, is it? Because we tabled this motion before Covid happened and, as hon. Members are fond of saying, Covid has interrupted proceedings and we had agreed to take this motion – in fact, we had agreed to take it in June or July – and it was at the Government's request that we decided, because they were involved at a very sensitive moment in the Brexit negotiations ... Something that the hon. Member has forgotten to mention is that in this last summer we were asked by them not to take the Tax Treaty motion. We agreed to take it at a subsequent time in September, but when September came, it was still a sensitive time and we have allowed and given space to the debate. So the fact that we are here now is hardly the issue.

As my hon. and learned colleague to my left indicates, the comparison with the US, as this is not ... When I made the point about Gibraltarians being taxed when they return to their homeland, if they have lived in Spain for four years – that is an anomaly, it is not in the OECD model convention and so on and so forth – the hon. Gentleman retorts that well, it happens with the US and it is not ... Well, as the Hon. Mr Clinton has said, it is a unique system in the US. As the hon. and learned colleague Mr Feetham to my left has indicated already, we are not talking about the same thing. We are not talking about following the passport.

Spain is free to tax its citizens, if it wishes to, as they transmit their residents to Belgium, France or Germany. But that is not what we are talking about. We are talking about Gibraltarians, not Spaniards. It is a completely different scenario. What I take umbrage at is that my people, on returning to their homeland, should be taxed by Spain as if they were still Spanish residents. That is the point, so it is completely different.

One of the big points that the Hon. the Chief Minister made about: 'Well, I can quote this interview from a person in EY who said that there were no differences in Spanish tax law as a result of the agreement' – well, I think that has been devastated by Mr Clinton's analysis, firstly; and secondly, with all due respect to the person he quoted, that is not what Spain thinks!

Mrs Laya, whom I quoted extensively in my first contribution, believes that it is only now, as a historic opportunity, that this is the first time that they are obtaining the tools to do precisely what they want. So if they really thought that they were simply applying Spanish law and there were no changes, well they would not need this Treaty. It would have been the easiest thing in the world: 'I already have the tools. Spanish law allows me to do all the things that are in the Treaty.' That is simply fiction! That is not true. No one believes that. Spain does not believe that. Spain does not believe that Spanish law allows them to do the stuff that is in the Treaty. Simple as that.

Mr Speaker, the hon. Member, I will tell him this. I think I have said it once before. I will tell him again, because we are nearly at mid-term in this legislature, and so we have a couple of years to go, so he should know that he can raise the PDP as long as he wants in this House. I have no issue with it. If he thinks it is some kind of source of embarrassment or sensitivity for me, he should rest assured that I am not ashamed of the PDP. I am proud. I have no my problem with that issue.

That period where ... I never cease to be an ideological Social Democrat, because I also said that as well. So if you are going to be fair about the description of that period, you should also say that I always used to say that I was an ideological Social Democrat. I have had my differences with Peter Caruana – absolutely. Everyone knows about it; it is part of the public record, but, as I have said before, I had the guts to go my own way and stand on issues of principle – something that the hon. Member perhaps did not, when he was scheming from a party that he is no longer a member of, and tried to engineer the departure of other people and show them the door and then try to climb the greasy slope (*Interjection*) – the greasy pole, sorry – the greasy pole, lubricated from top to bottom, (*Laughter and interjection*) so that he could achieve the leadership of the party that he was not a member of, but somebody else in this House was a member of.

At least I know that the historical record, Mr Speaker, will show that at least in my political career I have stood on issues of principle and that what I have not done is do what the hon. Member does. I am not going to take lectures from him on principle, I have to say.

He prays in aid the enemies of Gibraltar, VOX, in some way, and he says there are two parties that agreed. Well, I am going to throw that analogy back to him. There are indeed two parties that agree on the consequences of the Tax Treaty: VOX; and the GSLP/Liberals, because you both agree that it is a wonderful treaty for Gibraltar. So if there is going to be any comparison with VOX, that is where we are, surely.

I have been quoting his good friend, Mrs Laya, whom he met. I did not think I should quote VOX because I find that a lot of what VOX say supremely embarrassing to the people of Gibraltar and repugnant – not just to the people of Gibraltar; to the people of *Spain*, probably a lot of things that they say are repugnant! (*Interjection by Hon. Chief Minister*) I find a lot of things ... The hon. Member can interject about matters that are not relevant to that, but if we had really wanted to be fair in the debate ... and this is why I think the tone sometimes degenerates, because the hon. Member makes asides that are based on pure fiction in the hope that the fiction then becomes the truth, because some people will believe him because he is the Chief Minister of Gibraltar, and they will take it at face value without checking the facts. But I can tell him that unfortunately – and however fond of him I am – there are moments like that where sometimes he crosses lines and undermines the respect that people should have in politicians by making jibes like that that are ill thought through and give politicians a bad name because we lower the tone in a way that is unnecessary. (*Interjection*)

Mr Speaker, the hon. Member has said, and so has Dr Garcia, in particular – he did go on at length about the issue of the election result, as if the election result provides a sort of safety net on every single issue that we have: because we went to an election between the motion that was tabled and not taken by him, because he parked it to try to bury it because it was inconvenient, and the motion that we take today, and because we had an intervening election, therefore that that provides a kind of cleansing on every single issue.

The hon. Member has been in politics long enough, and he is intelligent enough to know that people are voting on a panoply of bases come election time. Some people are voting because they like the housing policy. Some people vote for other reasons because they are teachers and they like the pay rise. Other people voted for different reasons because they were 17 days away from Brexit and they did not want to make a change, but they might want to make a change next time. There are all sorts of reasons why people voted at the last election.

But to say that because the Government was re-elected, it then means that it was an endorsement of every single policy position, I think is extremely naïve and I do not believe the hon. Member believes that. I do not believe that he actually believes that. Indeed, if that were true, it would mean that we would have to basically consult our respective manifestos and then not have a debate on anything, any issue in the respective manifestos, from the point of the election on because you would have a mandate on every single issue, so we would basically have to sit down and not raise any issue. I just do not believe the hon. Member really, on reflection, even considers that is true.

Mr Speaker, we did not change our position on the issue of the Tax Treaty nor on the MoUs. We said that we considered the MoUs that were negotiated in the withdrawal agreement were a bad package, a bad agreement. We consider the Tax Treaty to be a bad treaty, but we were in an election campaign when we were 17 days away from Brexit. What we said was that if the people of Gibraltar had decided to vote us in, the reality is that with 17 days' notice, you cannot change bad agreements that we would have inherited. So we said we would work with them, even though they were bad agreements, until such time at the end of the transitional period, you would have an opportunity to then replace the Tax Treaty. That is what we said. Because the MoUs would fall away – as the hon. Member knows. Most of them except the citizens' rights one, where he gave freedom of movement for frontier workers all the way on an enduring basis – all of them would fall away, so all we would have to do is work with them so that we could then negotiate a good deal for the people of Gibraltar and then replace the Tax Treaty, and that was our position.

Mr Speaker, the opinion that he says he published, but actually he cannot demonstrate he did publish – what he published was an extract of Sir Peter Caruana – that opinion, as has been said

by the hon. and learned Mr Feetham, was in fact not even on point. Sorry, I think it was said by Mr Clinton. It was on a completely different basis.

He was asked whether there was any an issue that affected legal sovereignty. We are not making any point that legal sovereignty – sovereignty of the title of our land – is affected by the Tax Treaty. We have never said that, in any of our press releases. What we said is that it is intrusive. It is harmful. It affects our economy. It affects Gibraltarians. It affects companies. It affects inward investment. In accordance with the words of Sra Laya, it affects *fiscal* sovereignty – it promotes fiscal sovereignty. It does not affect legal sovereignty; it is a different concept, different issue, so a complete red herring to say that the opinion of Sir Peter Caruana is on all fours on any leg of this debate. I am not going to waste any more time on that issue. I have to say it was one of his weakest points on substance.

Mr Speaker, the contribution by my hon. colleague Mr Clinton has at length explained that the Tax Treaty sees differences in what the Spanish tax law says and does. So I rest and rely on that contribution in respect of that, I have to say.

The Tax Treaty affects and taxes companies based not on management and control, as the hon. Member seems to pretend. It does so on the basis of shareholding, too, and that is a fact. He just needs to read the Tax Treaty, and I am surprised he skirts that issue, because it is one of the more important ones which affects inward investment of non-Spanish companies. One of the things that I find most surprising actually is that they do not focus on that.

The contribution of the Hon. Mr Isola also ignores that: that unless the Finance Centre is now marketing Gibraltar in a different way, one of its USPs always used to be the fact that you attract people to Gibraltar – we are not talking about Spanish business; we are talking about British business, South African business, Australian-owned business, people who want to start their business, employing people in Gibraltar, create jobs and wealth in Gibraltar, but they want to live in Spain. Those people will be affected by the Tax Treaty. That is not just *those* people who are being affected by the Tax Treaty. The point is not that *they* will be affected by the Tax Treaty. That is not the point, and that is what you are missing. That is not the point. It is that the whole of Gibraltar and the economy is going to be affected, because it acts as a disincentive for anyone wanting to set up a company and do business in Gibraltar when that company has no economic activity in Spain, for the company to be treated as a tax resident based on the shareholding and not based on where substantively it has management and control and the actual operation. That does not happen under any other treaty, and that is the point. I am surprised that rather naively, they do not focus on that, thinking that this is all about Spanish business. It is not about Spanish business! I heard what the hon. Member said, but it is not about that at all.

Nothing has been said to unpick the differences and unfairness that we pointed out with the UK and Spain treaties, so there they are; and the fact that the Tax Treaty in some way recognises the people of Gibraltar is a point that the hon. Member made at length. Honestly, when you look at the reference to the Gibraltarian status, it does not even recognise the people of Gibraltar. It makes a reference to the definition of ‘Gibraltarian’ meaning a natural person defined by section 4, generally British citizens who have resided in Gibraltar. It is so obtuse and tenuous as an argument to justify that there has been some kind of recognition of the people of Gibraltar to be just completely off the charts.

I have to say, if that were true, surely then all we have to do now is go to the United Nations and say, we need to have our self-determination based on the fact that it has already been recognised in the Tax Treaty. Good luck to you!

Mr Speaker, I heard his humorous reference to *La Razón* and the reference to *la armada*. I certainly was not making any allusions like that. I think the only delusions of power that I saw more recently was when he stormed the Iranian tanker, the *Grace 1*, but that is the only maritime allusion that I remember.

It is unlikely that anyone will accept the replacement of the Treaty, is how I took a note of what the hon. Member said. Well, Mr Speaker, he used to say that the Tax Treaty could be terminated.

3640 He said that he could be, so presumably it can be terminated and replaced by something else. It can be kept in place but also terminated and replaced.

He said on 21st September 2020:

The Chief Minister says he will be extraordinarily tough and immovable on Gibraltar's red lines [...] in the negotiations [on frontier] fluidity ...

Reflecting on negotiations to join Schengen and possibly a customs union, Fabian Picardo said a neutral solution needs to be found that is acceptable to both sides – but warned it takes 'two to tango'.

Another dancing ... I can see that this must be a private kind of thing going on. I do not want to ask too much about what he gets up to. Clearly, there is a ballerina in him! (*Interjection*) Yes. As soon as he ... It is probably wise, if there is a ballerina in him.

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He dismissed GSD criticism on missing a negotiating opportunity by having signed the MoU's, saying we still have these 'aces' available, including the Tax Treaty which can be terminated if the conditions are not met.

It is clear that he has said publicly that it can be terminated. He said it in March 2019, so I do not know why he is so aghast that we see say that it can be terminated too because he has said it publicly, so I just do not understand why he thinks it is so heinous for us to say that the Tax Treaty should be replaced by something else.

3650 Mr Speaker, when I turn to other contributors and starting with the hon. Lady, I have to say, and the hon. Lady knows that I am fond of her, but I found her contribution today ... She said that she was disappointed by mine and, indeed, not only by mine but by the delivery. Well, I am sorry to have disappointed her, but I have to say that I was deeply disappointed by the *content* of her contribution, because it suggested to me that she had not even read the agreement, or at least not digested it or understood it.

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One of the things that she said is: 'What was the road map and how can it be terminated? We can't even terminate it!' Let us start and analyse that because Article 7 of the Tax Treaty says:

Either Party may terminate the Agreement, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year. In such an event, the Agreement shall cease to have effect ...

and so on and so forth. It carries on, on what basis: 'in respect of taxes chargeable for any tax year'. So you can give notice of termination: it is provided for in the agreement. It is not a surprise and as soon as an international agreement provides for that, it can be used by either party.

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Why do we say it can be done? Because the Chief Minister says he has got a Concordat. He gave permission to David Lidington to sign the agreement, and at the time that this was announced, he said that the day that he decides to terminate the agreement, he will then instruct the UK to terminate the agreement if he wishes. So, therefore, the mechanism is there. All we have said, is that mechanism should be invoked so as to replace it with a neutral and fair tax treaty. As a matter of principle, that is unimpeachable and it cannot be argued against.

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It cannot be argued against because the moment that you argue against that proposition ... 'This Tax Treaty cannot be terminated' – if that is the argument, that it cannot be terminated – well then, on what basis is it ever going to pretend to terminate the EU-UK treaty because he does not like the fact that Spanish police officers are going to be here after four years? Presumably that would be relied on, on the same basis, because there will be some kind of safety net clause that allows him to terminate after four years, i.e. the UK on instruction from Gibraltar under the Concordat. Presumably it is on the same basis.

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The reality is that it is a question of balance. It is a choice between the bad agreement and its replacement. One of the most *stunning* things I think I heard in the hon. Lady's contribution and with respect, Dr Garcia's contribution – in his, a bit softer – the idea that somehow we should just simply adopt some kind of attitude of because we do not like it, it is unstatesmanlike to take the view that this is a bad agreement, just because we do not become the cheerleaders of the

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Government. Is that real? Is that a real democratic debate that we are having on? Are we serious about standing up in this House and saying things like that?

I have to say also that the words that will be loud and clear and will have been heard by people – and I invite the hon. Lady to reflect a bit further, but maybe that *is* her position – is when she said that concessions are necessary and that the demands are that we make painful concessions and that her party accepts that. I am not sure ... Well, I am pretty sure I do not share those views of the hon. Lady, but those words will ring loud and clear to people who will have heard them.

Mr Speaker, the Treaty will have an effect on a lot of people, because it will affect the economy and inward investment. The Hon. Dr Garcia takes that position, and I respect that he believes that. That is not our view. Our view is different. He suggests in some way that we cannot be picking and choosing aspects of the agreement that we like and do not like. Well, at the end of the day, they are the party that, after Cordoba, said that they could pick and choose – cherry-picking of the Cordoba Agreement. So I am not really too sure why it is sauce for the goose and sauce for the gander.

In relation to Mr Isola, I think he must have not heard me properly, because I certainly did not say that we would tear up the framework agreement – which were his words. Look, I have spoken publicly about the framework agreement and the need for honesty in the political debate. I have said that there are aspects of it that we do not like. I said that it is not binding and therefore we are giving the Government space to negotiate something.

But first of all, it is not binding, so it is not a question of tearing it up because it has no effect; but I have not suggested publicly nor today that we should tear up a framework agreement.

What I suggested was that there were aspects of it, consistent with what I have said, that bear scrutiny and give rise to concerns. That is all we have said, and I think the hon. Member either misunderstood what I said or, in the heat of debate, rather exaggerated the significance of what he said.

Then he went on to talk about market access to the UK, but with all due respect, again, the only thing I would say to him there is that market access to the UK does not really have anything to do with what we are talking about today, which is the Tax Treaty. Of course we want market access to the UK, but how does that point have anything to do with the issues that we are raising here today on this issue.

We understand the desire to be off a blacklist. We understand it and his contribution ... and the Father of the House's contribution was at least more realistic in some respects. We understand it. I think the point that we were making is that a presence on the blacklist ... If someone portrays this as some kind of, 'We have done this deal because we wanted to be off the blacklist', it is a question of balance and judgment at the end of the day as to whether this is acceptable or not, and in our judgement, when we look at this deal, we think this is a bad agreement that has economic effects, and it is not about Spanish companies and so on; it is more than that.

But we share the view that it is better to be off every single blacklist in the world, if we can. I think the frustration that we have – which surely on this we can agree – is that our presence on a blacklist in Spain is politically motivated, because it is not about whether in substance we are doing anything wrong. That is the reality. It is the usual caricature with Spain, and it is the same as when I was on that side of the House with the hon. Member's portfolio, I remember the FATF published a list and put us on the *whitelist*, and when it was reported in the Spanish press, it was reported that we were on the *blacklist*. What more political motivation than that? That the guys just changed you from one column to the other, to tell the world that we were on the blacklist, when we were on the whitelist! It is unbelievable, but that is what we are dealing with. That is what we are dealing with.

I am grateful to hear the Hon. Father of the House's contribution, but let me start here on this point with him: he said that this debate has been unrealistic in part. Well, I am not sure if I would concede that to him, but if it has been unrealistic in parts, it has been unrealistic because it has been made *by them* as unrealistic up until largely his contribution, because at least in his

contribution he recognised that this was the price for a Brexit transitional deal in so many words. That is how I understood it: that it was part of a package and it had never been said before. Certainly, I never heard that from the Chief Minister. Not today; I have never heard it *ever* that the Tax Treaty was a price that we were being told was necessary, without which there would not be a withdrawal agreement or transitional period. Never heard that; no one has ever said that, and if that is the case, at least that would be a more honest perspective on the issue.

Then it is a question of balance, and put that into the stew and mix it around and then decide where you want to fall. But that is not what we have ever been told. That is also a reality.

Mr Speaker, I know he was very clear about where he stands on the attraction of Spanish business to Gibraltar, and that is fine! That is fine, Mr Speaker. That is not where I am coming from, Mr Speaker. I am not worried about Spanish people being taxed in Gibraltar. Let me be clear that if Spain wants to have this campaign to make sure the Spanish businesses do not invest in Gibraltar, it is regrettable, I have to say, but that is not where I am coming from.

Where I am coming from is that this Tax Treaty affects Gibraltarians negatively. Not only does it do that, but it affects people who want to invest in Gibraltar, non-Spaniards, negatively and those businesses that are set up in Gibraltar negatively. I believe that by focusing on that issue – with all due respect, because I show him the deference and respect that he merits as the Father of the House and his honesty in saying that it is a wonderful agreement – against that background, I think he underplays the points and that it may have a much deeper effect than he forecasts. I hope he is right, but I think he may be wrong in assessing how the mood is with people who want to invest in Gibraltar and when he says that we want these people to stay here, but yes, of course we all do, but the reality is that do those people actually come to Gibraltar to stay, i.e. live here? They may be wanting to come up and start their businesses here. But whether they want their lifestyle completely pinned to Gibraltar, I am not sure. I think that is the point and concern that we have on this side of the House.

So, for all those reasons, Mr Speaker, our view is and remains that this is a harmful and intrusive tax treaty. It should be replaced by an OECD model convention, which is more neutral and fair. We understand the difficulties of that process, but we think that there is something that would be better for Gibraltar. *(Banging on desks)*

Mr Speaker: I now put the question –

Hon. Chief Minister: Mr Speaker, I call for a division.

A division was called for and voting resulted as follows:

FOR

Hon. K Azopardi
Hon. D J Bossino
Hon. R M Clinton
Hon. D A Feetham
Hon. E J Phillips
Hon. E J Reyes

AGAINST

Hon. P J Balban
Hon. Sir J J Bossano
Hon. Dr J E Cortes
Hon. V Daryanani
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

ABSENT

Hon. G H Licudi

Mr Speaker: There were 6 Members in favour, 10 Members against. There was one who was absent. The motion proposed by the Hon. K Azopardi has been defeated.

SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) and 19 suspended
to proceed with Government motions**

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

3770

Chief Minister (Hon. F R Picardo): Mr Speaker, I hereby give notice under Standing Order 59 to proceed with the suspension of Standing Order 19, in order to proceed with a Government motion. *(Interjection)* Oh the other one first, sorry. I see Mr Speaker, wrong part of the crib, sorry.

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I beg to move under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government motions.

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

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Hon. Chief Minister: And now Mr Speaker, I beg to give notice under Standing Order 59 to proceed with the suspension of Standing Order 19, in order to proceed with a Government motion.

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

GOVERNMENT MOTION

**International Tax Agreement with Spain –
Addition to Schedule 11 of the Income Tax Act 2010 –
Motion carried**

Clerk: The Hon. The Chief Minister.

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

THIS HOUSE RESOLVES THAT, pursuant to Section 3A(4)(A) of the Income Tax Act 2010 (The Act) the International Agreement on Taxation and the Protection of Financial Interests Between the Kingdom Of Spain and the United Kingdom of Great Britain and Northern Ireland Regarding Gibraltar be added to Schedule 11 of the Act as an International Tax Agreement.

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Mr Speaker, the need for this motion arises from the agreement between the Leader of the Opposition and the Government that we would provide for the need for motions to have to be put in order to enable a treaty to become part of our law. The relevant legal provision, the amendment, which was 3A(4)(A), was the one that we passed at the last session of the House. So Mr Speaker, what the Hon. the Leader of the Opposition and I agreed was that we would take his motion, which was, if I can call it, a political motion on this particular Treaty, the Spanish Tax Treaty, before we then took this motion, which is the motion that we will have to take on all such treaties and in some instances may be more technical than it is political.

3795

Mr Speaker, given the hour and the fact that we have done a very detailed analysis of the Treaty in question, I do not want to keep the House. I have a very detailed note which I wanted to take the House through, which sets out the more technical thinking in respect of all the aspects of the Treaty. What I am going to do, Mr Speaker, is I am going to publish this note, which will enable hon. Members to have the benefit of it and will enable, of course, all who will be interested in the

3800

technical aspects to have the benefit of it. On that basis, Mr Speaker, we can at any later date, of course, once again come back and consider any aspect by way of motion, which hon. Members or indeed the Government may want to put, either by agreement or adversarially.

3805 Mr Speaker, the fact is that the Treaty that we are entering into is seminal. The House has now decided by 10 to six, by 75% of those who voted at the last election being represented voting against the motion that the hon. Gentleman put that we should have this Treaty. So the Treaty now becomes a part of our law.

3810 In dealing with it, Mr Speaker, the Government has set out the purpose of the Treaty as we see it, not just politically, but also economically; why there was a need for a treaty – a lot of this is also what we debated but more technically; Spain's aims in negotiating the treaty at a technical level and Gibraltar's aims in negotiating the treaty at a technical level; an analysis of the tax rules of Gibraltar and the tax rules in Spain that we will be seeing being the most relevant ones and the interaction of the rules and the a perceived advantage that is given to Spain in the context of the analysis that hon. Members do, which we think is erroneous; the different legal basis for taxation
3815 in Spain and Gibraltar; the human rights issue and the asymmetry that has arisen in the context of the discussion; and a detailed analysis of international cases that are relevant in analysis of tax treaties; the type of model that is the basis for this Treaty and the benefits to Gibraltar of entering into this Treaty – most of the ones that we have gone through today, and some very technical ones which will be important for professionals in practice to be aware of, and so it is right that this
3820 note should be available to them and this note will be published tomorrow; issues relating to individuals and corporates, Mr Speaker, which will be relevant *entities*, as they are sometimes also referred to in the Treaty; the double taxation relief provisions and how they are relevant and how exchange of information will work and how the blacklist issues have been dealt with, Mr Speaker; and finally, the last point I would have made, if I had gone through this in any other greater detail,
3825 was simply to reflect on the asymmetric political positions that we are seeing in Gibraltar and in Spain. The opposition in Spain see the Spanish Tax Treaty as a massive concession by the Spanish government and the opposition in Gibraltar see it as a massive concession on behalf of the Gibraltar Government; yet both cannot be right, Mr Speaker.

3830 So I am conscious that the hour is late and therefore I think it is probably in everyone's interests that instead of going in detail through that note, I just refer the House to it, and it will be published. I think it may be helpful if it is made available to all Members so that they can have it. It is a Government Press Release in any event, like everything that we would say here.

3835 Mr Speaker, this detailed analysis in particular is not so much political as it is technical, and I want to thank John Lester, Terrence Rocca and Albert Mena for their input in preparing the technical aspects of today's debate, in particular what would have been at the detail of this debate.

3840 Mr Speaker, the House has decided, and I think it is important to reflect on that, that we should be moving to this motion. I would not have moved the motion this evening if the Government had been defeated on the first version. In other words, if the Hon. Leader of the Opposition's motion had succeeded, we would not have moved to this motion, but we have seen the Leader of the Opposition lose his motion. Therefore, the view of the House is that we proceed to this motion.

3845 Mr Speaker, if I can just say that there are a couple of points that I think are important to clarify even now, because the *Hansard* will reflect things that have been said, and as we now move to bring the motion into effect, I just want to clarify very quickly a couple of points that have arisen in the context of the earlier debate so that they do not rest unanswered in the context of now this movement of the Treaty into the Act, because what this motion does is it enables the Treaty now to go into the Act by way of a notice that will be published in tomorrow's Gazette.

3850 I will be more than five minutes, Mr Speaker, and I will be very quick in saying that the Government, of course, does not accept that the analysis that was done in respect of sovereignty by Sir Peter Caruana as an adviser to the Government was dry or that indeed, it was lacking in any way because he is not an expert in taxes, as Roy Clinton has said. Indeed, his analysis on *Viewpoint*,

which I took the House through, was actually political and not just legal, and so the House has had the benefit of that analysis.

Mr Speaker, I do not accept that there is anything in the Treaty that I am now by this motion moving to make a part of Gibraltar law that creates anything which is onerous in respect of Gibraltarians which does not exist elsewhere in other laws. The Hon. Mr Feetham has not understood my point – I am used to that – in the context of, for example, United States citizens, because the point is not just in relation to citizenship – Mr Azopardi made the point as well, and he was also, with respect, wrong because stickiness is not just in relation to nationality. Stickiness can also arise from residents. A country can tell somebody who is a resident, ‘Now that you have become a resident, whatever nationality you are, my law permits me to chase you around the world for x many years, even after you become a resident.’ There are plenty of examples of that. So, Mr Speaker, no Gibraltarian will *ever* be thrown under a bus by the Government of Gibraltar that I lead; far from it.

The point that the hon. Gentleman is making is wrong. Most – the vast majority of – Gibraltarians who live in the area around Gibraltar are not registered as living in Spain. They are registered as living in Gibraltar, and they have what they call second homes in Spain, and they now have to be very careful, not because of anything to do with the treaty, but because of our departure from the European Union because there is more friction in their moving into and out of Spain, that if they are spending more than 180 days in Spain, they may be determined to be living in Spain, but they have to do that for four years before that stickiness attaches. I know *very* few people will be affected by that.

So I do not accept the second of Mr Feetham’s points. It is important that as we move to put this Treaty now in our statute book, that is reflected in the way that we do so.

Mr Speaker, on the issue of weakness, we are not moving this Treaty into our statute book because we are weak in any way, and we have had to accept it. As the Hon. the Father of the House has said that no one will get a whiff of weakness from us. They may understand, as he has explained, as the Deputy Chief Minister has explained, and as I have explained in the past, the need to do something because of political reality, but not that there was any requirement to do something out of weakness.

Mr Speaker, the Hon. the Leader of the Opposition, in summing up on his motion, made a number of points that I will not reply to in the context of now dealing with this, because that would not be appropriate, but I do just want to deal with one or two that relate to the Treaty itself as we put it on to our statute book. Ignoring those political points that he made, Mr Speaker, which I would dearly love to reply to, what I would say, Mr Speaker, is that it would be wrong for the Hon. the Leader of the Opposition to get away with making people believe that the Tax Treaty is not inextricably linked to the Withdrawal Agreement and that the Government has somehow obviated that, because as a matter of law – and now we are dealing with a motion that makes this a part of our law – the protocol to the Withdrawal Agreement is a piece of EU law and a piece of EU law that is directly effective in Gibraltar. Indeed, the Hon. the Deputy Minister brought a Bill to the House which made the Withdrawal Agreement a part of our law, and that part of our law in its protocol on Gibraltar refers to this Treaty. So there is absolutely no question of the two not having been linked or us having in any way ignored that.

On the point of termination, which I think is an important one, Mr Speaker, to deal with, because as we put this Treaty into our law, we need to be open about how we might be able to take it out of our law if appropriate, I wanted to simply say that in this more technical part of the debate there should not be the confusion that I say the hon. Gentleman might have given rise to in the way that I think he resiled from his original position. So the point that he made in his final contribution in, I think unfairly, answering the hon. Lady, was about termination. The points he had made in his original intervention, which the hon. Lady was replying to and which I was replying to, were about requesting replacement. So I want to be clear: we are now moving to put this Treaty into our statute book. Tomorrow, I will sign a Gazette notice that puts it into our statute book. If it were necessary, for the circumstances I have already highlighted, or, indeed, if any other

Government in future determined that they wished to do so, for whatever circumstances that are appropriate, it is possible to terminate this Treaty. There is no difference between us on that – on the basis of the analysis that he did at the end: you *can* terminate this Treaty.

What you cannot do, Mr Speaker – and that is the legal part, and it is important that it be reflected in this part of the *Hansard* – what you cannot do is the nonsense of, ‘I will request a replacement.’ That is political. That is what I was making my argument against; it is what the hon. Lady was talking about.

One thing is to say, ‘Is there a mechanism for legal termination?’ It is there and no one must believe that the Government has argued that there is not.

The other thing is: is there the political ability to terminate this Treaty or to request its replacement simply by terminating it? If you terminate the Treaty, you terminate the Treaty. The political circumstances which might enable you to request its replacement are ones which we do not see as being realistic and, Mr Speaker, therefore we were against the motion and what he put in the motion.

But it is important because we are putting this into our statute book that everybody know that the current Government – circumstances we have already set out – or a future Government can terminate the Treaty on the basis of the legal analysis that we have done and the basis of the legal analysis that the hon. Gentleman did at the end, which was contrary to the political analysis that he was doing at the beginning.

Mr Speaker, I am conscious that this is now my motion. There is a lot that the hon. Gentleman said that I wrote down, which I would dearly love to reply to. I believe that most of those other points are political points that he made in respect of his motion, and therefore, I do not want to try your patience, Mr Speaker, by replying to his reply, which I think would be unfair, but I do think it was important I deal with those dry, more technical points as we now move to approve this motion, which will enable me tomorrow to sign the notice to bring the Gazette that will bring into effect the Tax Treaty.

I so move, Mr Speaker.

Mr Speaker: I now propose the Question in the terms of the motion moved by the Hon. the Chief Minister.

The Leader of the Opposition?

The Hon. Marlene Hassan Nahon?

The Hon. the Chief Minister.

Hon. Chief Minister: I am grateful to hon. Members for not feeling that they have to respond. I think I have tried to be fair in being as dry and technical in the context of this part of the debate as possible. I have no doubt that once our note on this part of the process is public, we may have an opportunity for further debate, but at this stage I therefore commend the motion to the House.

Mr Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour?

Hon. R M Clinton: I call for a division.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
 Hon. Sir J J Bossano
 Hon. Dr J E Cortes
 Hon. V Daryanani
 Hon. Dr J J Garcia
 Hon. Ms M D Hassan Nahon
 Hon. A J Isola
 Hon. S E Linares
 Hon. F R Picardo
 Hon. Miss S J Sacramento

AGAINST

Hon. K Azopardi
 Hon. D J Bossino
 Hon. R M Clinton
 Hon. D A Feetham
 Hon. E J Phillips
 Hon. E J Reyes

ABSENT

Hon. G H Licudi

Mr Speaker: Ten Members voted in favour of the Chief Minister's motion; six voted against. There was one abstention, so the motion is carried. (*Interjections*) I beg your pardon: one absent.

3950 **Hon. Chief Minister:** Mr Speaker, I am grateful. It has been a long session today. I think this will be a session that will be relevant in the political history of Gibraltar in ways that we might not yet be able to imagine. I hope that history will ensure that those of us who have supported this Treaty becoming a part of our law are proved to have been right in the way that we have approached the negotiations for our departure from the European Union and now our future relationship with the
 3955 European Union.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to 3 p.m. on Tuesday, 16th March.

I give notice that on that day it is my intention to try to return to the natural rhythm of things, as we have tried to set out, although it has been difficult in the past a couple of years, of dealing
 3960 with Questions in the third week of the month and we will start with Questions at 3 p.m. on Tuesday, 16th March.

Mr Speaker: I now propose the Question, which is that this House do now adjourn to Tuesday, 16th March at 3 p.m.

3965 I now put the question, which is that this House do now adjourn to Tuesday, 16th March at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Tuesday, 16th March at 3 p.m.

The House adjourned at 11.47 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.10 p.m. – 7.40 p.m.

Gibraltar, Tuesday, 16th March 2021

Contents

Suspension of Standing Orders	4
Standing Order 7(1) suspended to proceed with a Government Statement	4
Government Statement.....	4
COVID-19 – Statement by the Chief Minister	4
Suspension of Standing Orders	14
Standing Order 7(1) suspended to proceed with Questions	14
Questions for Oral Answer	14
Communications from the Chair	14
Questions deadline – Ruling by Mr Speaker	14
Procedural – Supplementary questions	15
Housing, Youth and Sport.....	15
Q508/2020 Premises at King’s Bastion Leisure Centre – Extension of business licence	15
Q509/2020 Lathbury and Europa sports facilities – Management arrangements and long-term plans	16
Q510/2020 Housing Pre-List – Updated details	16
Q511/2020 Rental flats allocated in 2020 – Details	17
Q512/2020 Tenants in emergency homes – Details.....	17
Q513/2020 Rental flats allocated in 2020 – Allocations for Senior Citizens	19
Q514/2020 Rental flats returned to Government housing stock in 2020 – Details	20
Q515/2020 Rental homes currently unoccupied – Reasons not yet allocated	21

Q514/2020 Rental flats returned to Government housing stock in 2020 – Supplementary questions	22
Q516/2020 Rental home tenants wishing to purchase – Procedure.....	23
Q517/2020 Rental homes sold to sitting tenants – Details	23
Q518/2020 Queen’s Hotel hostel – Restoration.....	27
Q517/2020 Rental homes sold to sitting tenants – Supplementary questions	29
Procedural	30
Q518/2020 Queen’s Hotel hostel – Supplementary questions	31
Employment, Health and Safety and Social Security	32
Q522/2020 Employment figures 2020 – Full-time, part-time and self-employed	32
Q523-525/2020 Social security benefits – Public information; appeals.....	33
Q526/2020 Non-statutory or discretionary benefits 2015-20 – Amount paid and numbers of recipients.....	37
Q527/2020 Various benefits – Payments made and number of recipients.....	38
Digital, Financial Services and Public Utilities	39
Q528/2020 Devil’s Tongue proposed development – Development licence	39
Q529/2020 DLT regulations – Introduction of 10th core principle.....	41
Q530/2020 Gibraltar Association of New Technologies – Key deliverables.....	41
Q531/2020 GBC archives – Plans to digitise	42
Q532/2020 Online Government services – Improvement of delivery.....	43
Q533-35/2020 Beat COVID contact tracing app – Number of smartphone downloads; number of users in self-isolation; details of app developer and cost.....	46
Q536/2020 New secondary schools – Cracks/rectification works.....	49
Q537/2020 Discretionary scholarships – Details re applications.....	49
Q538/2020 Distance learning scholarships – Details re 2019 applications	51
Q539/2020 Discretionary scholarships – Details re 2020 applications.....	53
Q540/2020 Distance learning scholarships – Details re 2020 applications	57
Q541/2020 Discretionary grants – Details re change in criteria	58
Q542/2020 Tuition fees and scholarship grants – Payments and reason for delays.....	61
Q543-44/2020 Scholarships for uncompleted courses – Outstanding debts	62
Q545/2020 Schools’ academic calendar 2020-21 Plans to adjust	66
Q546/2020 2021 public examinations – Effect of changes announced in UK	66
Q576/2020 Chatham Counterguard toilets – Construction and maintenance costs	67
Q577/2020 <i>El Calpense</i> – Purchase by Government	68
Q578/2020 Cross of Sacrifice – Listed status	69
Q579-80/2020 Refurbishment of Northern Defences – Heritage reports conducted; inventory of items recovered from site	70
Q581/2020 Tourist sites – Plans to refurbish.....	71

Q582-83/2020 Upper Rock Nature Reserve – Responsibility for operating system; plans to privatise aspects of management.....	74
Q584/2020 Green Lane – Plans for reopening	76
Q544/2020 Scholarships for uncompleted courses – Outstanding debts – Supplementary question	76
Q585/2020 British War Memorial steps – Completion date for landscaped area	77
Q586/2020 Public Health – Office in the Hospital.....	78
Q587/2020 Pupils with special needs – Number in publicly funded schools.....	79
Q588-92/2020 Learning support assistants – Numbers employed full time and part time; number on supply list; academic and training requirements; on-the-job training.....	79
Q593/2020 Online learning provision – Equivalence with schools’ curriculum.....	84
Q594/2020 Dog parks – Completion date for Queensway and plans for more	87
Q595/2020 Trees – Numbers cut down and replanted.....	87
Q596/2020 Year 13 non-A-level religion class – Reason for timetabling	92
Adjournment	93
<i>The House adjourned at 7.40 p.m.</i>	93

The Gibraltar Parliament

The Parliament met at 3.10 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 a Government Statement

Clerk: Meeting of Parliament, Tuesday, 16th March 2021.
Suspension of Standing Orders. The Hon. the Chief Minister.

5

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

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

GOVERNMENT STATEMENT

COVID-19 – Statement by the Chief Minister

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is *exactly* a year today since we locked down our over-70s. I want to therefore just quickly reflect that a year has passed since we took measures to confine some of our citizens to their homes. These days that sounds like something quite normal, but it was something quite abnormal a year ago and it must always remain abnormal.

Days after that, we acted to lock down our whole population. It has been a year like no other.

15 I want to briefly say, thank you to everyone for their help this year. I do not want to break that down into a thank you to each individual group that has been of assistance, but I just want to highlight, of course, the work of those in the GHA and ERS.

20 What I want to do today is extend my personal thanks and the thanks of the whole Government also, and no doubt all Members of this House, to everyone in this community. We have all played a different part in this difficult year, from leading in difficult decision-making to accepting the equally difficult obligations to stay at home. All of us have been just as important. All of us have been Team Gibraltar.

25 Mr Speaker, we have worked together in the Cabinet and we have worked together across the floor of this Parliament. We have worked together across the political divide, across the community and across the whole nation. That is what has been the core of our work.

Additionally, we have felt the real support of the United Kingdom in the provision of PPE, testing and the sovereign guarantee for our COVID spending. But perhaps most importantly, with the provision at no cost to Gibraltar of the COVID vaccine in quantities that enable me to say today that Gibraltar will be the first nation to complete a whole nation vaccination programme. We will

30 do that thanks to the United Kingdom, thanks to its Prime Minister and Foreign Secretary and thanks to its Department of Health and Care.

Mr Speaker, those in the Convent, in King Charles Street and in Downing Street who have been there to help will live for ever in our political hearts and in our political history as our guardian angels at this time. Our sincere thanks.

35 The loyalty of the people of Gibraltar to the Crown of the United Kingdom has never and will never be in doubt. In these harrowing and difficult times, our deep loyalty has been recognised and repaid. The United Kingdom has in fact played a blinder on vaccinations and we have been amongst the beneficiaries in the British family of nations.

Mr Speaker, today I must also report the COVID-19 statistics to the Parliament. The total
40 number of Gibraltarians lost to COVID-19 is now 94 – 87 of them since the start of the year. Happily, though, we have no patients in our critical care unit, and we have only two non-resident visitors in our Victoria Ward.

As at midnight last night, we have now administered 48,296 inoculations. Of these 29,667 have had a second dose and 18,629 only a first dose for now.

45 After 200,713 tests, 1,489 of which have happened overnight, and after some weeks of very low daily numbers, today I must report seven new cases in our community. Four of these were close contacts of an existing identified active case. That active case was a waiter in a restaurant.

I want to highlight that four of those infected have had one vaccine dose and one had had both vaccine doses. I highlight that so that people are reminded that we must remain cautious and
50 vigilant even after vaccinations.

One positive is a lunch lady in one school that has led to three staff – not teachers – and 17 children isolating. Another is a lunch lady in another school, and that has led to four staff, also not teachers, and 15 children isolated.

Additionally, we have had an infection in one of our elderly care facilities through one of the
55 care professionals. In this case, the care professional had already had two doses of the vaccine and the two residents exposed have also had two doses of the vaccine. So there is evidence that we must remain vigilant even post-vaccination.

Please let us remind ourselves that the virus is still around us, even though we have been inoculated, and that vaccination does not provide 100% immunity.

60 I am aware, Mr Speaker, that the community, the media and fellow parliamentarians have been keen to receive information on the variants that have been in play in Gibraltar. The Government is now in receipt of this information. It tells us the following, Mr Speaker, and I ask Parliament please to excuse the technical aspects of the information I am about to provide. I have ensured that both you, the Leader of the Opposition, Ms Hassan Nahon and the leader of the
65 Liberal Party have a copy of my Statement so that you can follow the more technical aspects of it.

Mr Speaker, we have had 60 results back from samples dating from 27th December 2020 to 6th January 2021.

Of note is that 15 of these were B.1.1.7 lineage, known as the Kent variant of concern. None of these cases were particularly severe cases or in in-patients or residents of healthcare or
70 residential facilities.

We still have over 300 results of samples pending at Public Health England. We should soon be able to carry out this testing here in Gibraltar, as I have already told the House. All sequencing on GHA samples to date has been undertaken by Public Health England.

To date, we have had valid sequencing results from Public Health England back on 565 SARS-
75 CoV-2 viral RNA extracts, sent from 624 positive cases. The dates of the samples from which we have valid sequencing results span from 8th August 2020 to 6th January 2021. Of the 565 samples sent, 59 samples sent have failed to yield a valid sequencing result at Public Health England due to technical reasons.

There remain those 300 results on GHA samples pending, which I have referred the House to
80 before. Samples sent to date have largely consisted of an unselected random sample of positives

obtained by testing from GHA labs: both St Bernard's Hospital and Public Health University Laboratory.

The predominant strength detected in the 565 samples sent has been the B.1.177 strain, which emerged as the predominant strain in the United Kingdom and Western Europe from late summer onwards, with 357 of the 565 classified as within that B.1.177 lineage; 333 of those were the pure B.1.177 lineage and 24 were subtypes of it.

One important point to emphasise is that we still have over 300 samples pending, as I said before, which date from December to February during the third wave that we have come out of. But for now, what we have seen is that the predominant strain in our third wave, at the beginning of our third wave, was there B.1.177 strain – that is to say, *not* the Kent strain.

In shorthand, this was labelled the 'Spanish' strain by some sectors of the United Kingdom media back in the autumn, as it was first identified in arrivals from Spain after the summer. The important issue, of course, is that the data we have up to now suggests that we are not seeing the third wave here or around us prompted, at least originally, by the more transmissible Kent variant, which is the B.1.1.7, or any other variant of concern based on the data that we have available to us at the moment. This is based on the result of a relatively small sample that we have had back from PHE, Public Health England, and there remains the possibility that this may change once we get more genotyping results back of that third wave in the period of December to February.

The B.1.177 variant is not associated with any notable mutations of concern in the spike protein and is not classified as a variant of concern. The predominant sequence from results to date from samples dating from wave 3 over the Christmas and New Year period remains the B.1.177 strain.

There have been to date 16 samples that have shown either a mutation of note in the spike region or are classified as a variant of concern. Fifteen of these 16 have been sequenced as the more transmissible Kent variant of concern; one of 16 as a B.1.1.49 lineage.

The B.1.1.7 Kent variant lineage was detected in samples dating, as I said before, Mr Speaker, from 27th December to 5th January. From the analysis, none of these 15 originated from severe or fatal cases or from admitted or resident cases within a healthcare or residential facility. The ages of these cases range from 16 to 74.

As far as the Government is aware, there has been no assessment of antecedent travel on these cases to ascertain route of acquisition.

So, in summary, Mr Speaker, although we have identified some instances of the Kent variant in Gibraltar, our third wave seems, for now, to have originated from the Spanish variant.

There have been no cases in samples sent from Gibraltar identified as a South African B.1.351 lineage variant of concern or a Brazilian P.1 lineage variant of concern.

No Gibraltar viral sequences of any lineage have been reported as having the E484K escape mutation to date, which is associated with increased evasion of the immune response and reported in some cases of B.1.1.7 in the Bristol, Somerset and Liverpool regions of the UK.

At present, there are no data available on sequencing results to be able to communicate any findings on specific groups, including but not limited to severe or fatal cases, post-vaccination cases or any clusters or outbreaks.

I know, Mr Speaker, that this is very detailed and very technical information, but it is information that we must put in the public domain.

I also ask that people do not read the references to 'Kent variant' or 'Spanish variant' in any political terms. These are shorthand terms adopted to label variants with numerological names and are associated only with place of first detection.

Finally, Mr Speaker, the sun is shining at last and we are all now vaccinated or on the way to being vaccinated, but we are not out of the woods yet.

One year on from our first restrictions, we are in a good place, but we are not yet in our happy place. We have a road still to travel.

I want to assure our community that we remain exacting in the continuation of the restrictions.

We will release all restrictions, including on the freedom of assembly, as soon as we are advised we are able to; but we will only do so when we are advised, it is safe for us to do so. For now, we have released all the restrictions that we have been advised we are safe to release, but we will not keep any restriction in place for one moment longer than is strictly necessary.

But caution must remain our watchword, prudence must define our approach and success must be the objective that we keep in mind.

Mr Speaker, before I sit down, can I just, I am sure on behalf of the whole House, send best wishes to the Duke of Edinburgh, who has today been released from hospital after having had a cardiological intervention.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. K Azopardi: Thank you, Mr Speaker.

Yes, before I respond to the Chief Minister, I associate myself and Members on this side of the House with the remarks he has made about the Duke of Edinburgh, that we wish a prompt recovery.

Mr Speaker, yes, indeed, it is apt that we should reflect on the COVID situation, as we are, as the Chief Minister says, exactly a year from those restrictions on the over-70s. Indeed, we are just a bit more than a year on from our own reflection that there was the first active positive case in Gibraltar on 3rd March. We have had quite a lot go on in that 12 months, if I can put it in an understatement in that way! Things that we certainly did not envisage – at least I speak for myself – when we fought the 2019 election and we were all so consumed by the issues of the day expecting that, of course, Brexit and the post-Brexit scenario was going to be the sole concern of people in 2020, and yet we found ourselves thrown into a spiral of a public health situation that no one could envisage. Of course we have spoken about that before, but in making reflections at any moment, it is almost necessary to say it again – almost, because it is not that we cannot believe it, because we have had the last 12 months which is a living testimony to something which is now part of our history and which we must believe, but because it is worthy of restatement, purely because of the international and historical significance of the fact that suddenly we had an onset of an issue that we could not envisage and that completely changed our attitude, not just to what was important but the priorities that we had as a community and yes, we came together to fight that fight.

In doing so, on behalf of Members on this side of the House, I want to thank everyone in the health services and indeed essential workers, as I have done before, for their participation and role in fighting the virus and, indeed, everything that has kept us safe. Equally, I also want to mourn, as I do, with the families of those who have lost members to COVID: to those 94 members of our community that were lost to COVID. They have family members and friends and they are deeply lost, and I know that we will mark them as a community as we go forward.

At the same time that we are introspective as a community and reflect on what has happened over the last 12 months, and everything that changed and how we needed to re channel resources and take a completely different view about how we dealt with the issues of the day – and we did that in a radical way by coming here united as a community and kicking the Budget forward and so on, and working together on public health and economic measures – in the same way as we do that, it is important now, as we go forward, that we take also a reflective but forward-looking attitude to what needs to happen next, because even though there has been a successful vaccination programme, that I am the first to congratulate the GHA on, and even though we appear to have navigated the worst effects of a public health crisis, there are now still new challenges in the developing public health pandemic situation – new challenges in terms of getting this economy regenerated and kick-started in an effective way. Those are things that we need to reflect on.

There has been assistance given to certain sectors, but that assistance has been to stabilise, prop up and try to smooth the path for those businesses to start again, but we need to reflect

again on: is there anything more active that we can do to regenerate, kick-start and reposition our economy and the different areas of the economy that have suffered and will suffer effects as we go forward? There are plenty of areas of the economy that will suffer for quite some time.

Also, we need to reflect as a community on the restoration of freedoms and how quickly we can do that. The Chief Minister's Statement raises several issues and I have a number of questions for him.

Before I turn to those questions, there was a generic point that was occurring to me. Not only do we need to reflect on how we grapple with the challenges as we go forward, because I think what we have learnt ... Any issue in public administration, when you are in Government, you learn that you face a challenge and even though you face down a challenge and you think you have defeated it, sometimes the challenge transforms itself into an offshoot of a challenge. If I can use the COVID terminology, a variant of the challenge then spawns a new challenge that needs to be dealt with. That is so, I think, because isolation, and the effects of the pandemic and the social lockdown and so on, has brought to the fore issues of mental health and wellbeing in a much more dramatic way, that I think as a community we need to deal with.

Mr Speaker, on a more granular basis, can I ask the Chief Minister for clarification on a number of issues, and let me first start by saying that we are grateful on this side of the House for his technical outlay of information on a much more detailed basis. We have asked questions around all these variants before, but this time ... and understandably, because it is no criticism; it has taken some time for there to be a study of all these variants, so I am not criticising when I say that we are getting it now.

But first of all, can I ask the Chief Minister to comment on his statement that, of these new cases in our community, four of those infected have had one vaccine does and one had had both. On the basis that we have had more than 29,000 first doses and about 17,000 second doses – because that can sound dramatic to anyone listening to the statement, in the same way as perhaps it has sounded dramatic for some people to hear that there have been 37 cases, I think it was, of people with blood clots in relation to the AstraZeneca vaccine, even though the AstraZeneca vaccine has seen 30 million people being vaccinated – does he agree that, given that the vaccine was forecast to be 95% effective, there was always a likelihood that there is going to be a small number of cases still positive, despite the vaccine? And does he think or agree that this is not an issue that should concern members of the community that have had the vaccine, in the sense that it in any way undermines the reason for the vaccination programme or its effectiveness, and rather this simply increases the case for the vaccination programme, in the sense that it shows the danger of the virus, despite the vaccine?

It is interesting to see that that particular statistic – and I was going to ask whether the GHA intended to, and if not, I would ask the Chief Minister to agree or perhaps consider that the GHA should, study the effects of COVID in relation to those who have been vaccinated already, to see if the effects of COVID on those persons who have been vaccinated is less or is on the milder side, because they have been vaccinated, it would be interesting to know that and to see whether there is any international sharing of information that the GHA can plug into in respect of that? That would be certainly interesting for those of us on this side of the House.

It must be the case that that experience is being repeated in other countries of the world. So does the GHA have contacts? I am sure it does, but it is the GHA intending, in the context of its own contacts with public health authorities in the UK, to plug in this research and this information to try to assist in tracking the development of the virus?

Mr Speaker, the Chief Minister has indicated that there have been 60 results. He said from samples dated 27th December 2020 to 6th January 2021. He then gave a further number of samples later on in his Statement, but I was not sure if it was from the same number of samples, so can he confirm that the 60 results that he talked about from 27th December 2020 to 6th January 2021, is that from a total of 565 samples, or is that a different number of samples?

If I understood his Statement correctly, and I think that is right, given his conclusion to it, the predominant strain that was seen in Gibraltar is a slightly different mutation. I am trying to resist

giving it the descriptions of Kent and Spanish for the same reasons as the Chief Minister, but it is a different strain or a different mutation. But given the similarity of the numbering of the strains, is it because the strain that was predominant in Gibraltar is itself a descendant of this other strain that was more predominant in the UK? I ask, so I do not know if he has information in respect of that.

The Chief Minister will recall that he did give us previously in this House a confirmation that they had found a positive case of the more UK variation at some point in September/October, I think it was. Has further research been done around that particular case? I assume, from the information that we are being given today, that the GHA is satisfied that that particular strain was contained to that particular positive case.

Mr Speaker, is it the case ... As I say, we are grateful for this information as to the particular predominant variations in Gibraltar and, indeed, we as a community are glad that there have been no cases of the South African or Brazilian variants of this virus. Is the Chief Minister able to confirm that, because the GHA is now systematically testing for variants every time there is a positive case marked in Gibraltar? It would be a good thing if they were.

Can the Chief Minister give us any information as to the kind of systematic testing programme the GHA have in respect of these issues and these variants because, as the situation develops with the virus, it will be important for the GHA to test for local developments? We were under the impression in this House itself, in the run-up to Christmas, that we were seeing so many cases because of the UK variant. Now we know contrary, but it is important for the GHA not only to have access to what is going on locally, but to be able to plug in to more regional and, indeed, international pools of knowledge so that we can prepare better as a community.

Mr Speaker, the Chief Minister in his Statement has not made mention of ERS or other institutions of ERS, other than to say that I noticed that there has been one new infection in our elderly care facilities, and I was going to ask him where that was. I do not propose to ask other questions on ERS, because I have a number of Questions on ERS on the Order Paper, so I will wait to ask those more focused Questions on that.

Then finally, Mr Speaker, he ends on a note of positivity and about restoring the freedom of assembly and so on, and other freedoms. Has the Government had an opportunity to reflect on when it will make a further review on the COVID measures? At the moment, masks are still wearable in the city centre. I am not expecting answers to these questions by the way, but I am just asking whether he has got a timescale in mind, given that, for example, we spoke last time when he made a COVID statement that there was a desire by the Government to perhaps move towards a controlled ability to have some attendance of the public at sporting events or cultural events. There are some coming up at the end of March. Is there a timescale in mind for the Government to make a further announcement on the restoration of further freedoms?

Thank you, Mr Speaker.

Mr Speaker: The Hon. Chief Minister.

Hon. Chief Minister: Well, Mr Speaker, I am grateful to the hon. Gentleman. I will start by dealing with his remarks about how we all mourn those who have been lost to this disease. As I have said before, I think it is right that there should be a moment of national mourning and that that should be led by a motion in this House that I hope to be able to agree with the hon. Gentleman and the hon. Lady and Dr Garcia, so that it is a motion that represents all the political parties represented in this place.

In terms of his request for a forward-looking approach to the way that we re-establish the activity in our economy, he will have seen that the Government is actually very active indeed, in that respect, in particular in the areas of tourism, where we are seeing hopefully flights, when they come back, will come back from destinations from which they have never operated before and which had been negotiated before in respect of lockdowns in particular in the United Kingdom. He has seen that we have worked hard to bring sporting events to Gibraltar, not just

those that were scheduled, but also at the end of the month, an international boxing bout, the first heavyweight fight that will be held in Gibraltar. So we are trying to do many things. That is just the tip of the iceberg of what it is that we are trying to do in order to reinvigorate the economy.

All that I would gently say is that when we try and shake things up a little bit and make things happen in a different way, which is what requires change to bring energy, if all that we are going to face is criticism from hon. Members, it would be unfortunate, because we would like hon. Members to join us in this journey of reinvigorating the economy, exactly in the same way as we have worked together to deal with this pandemic. I know that the Hon. the Minister for Tourism reached out to the Hon. the Shadow Minister for Tourism on the issue of the fact that we are going to change, for example, the location of the CEO of tourism in an attempt to try and have conversations with them, to try and give them a heads-up of what we are doing. We are going to bring energy. We are going to bring vigour to the way that we do things and we hope that hon. Members will support us in doing that.

Look, if the results of that are not there, we are of course open to be criticised for having made a decision which is not a good one, but we are making decisions in order to bring energy and vigour to our economy going forward by doing things in different ways.

Mr Speaker, I think the mental health impact of the COVID pandemic is yet to be seen. I think we are seeing the early stages of our ability to rationalise what has gone on. I think that there is a deep effect in respect of the consequences of the lockdown and what we have seen, which will affect all of us deeply. I must say, I have felt some very dark moment in the last 365 days. I am sure that is true for all members of our community: some days when they just did not feel as if there was a way out or that we could *find* the way out, but we have found it together, and I have found great solace in the affection of colleagues and in the work that we have done together as we brought Gibraltar together. But the consequences to all of us of what has gone on, I think are still to be understood and that when we talk about the mental health consequences of this pandemic, we do not just I think need to concentrate on the effect on the mental health of those who might have had some mental health issues at the beginning of this process. I think, in particular, our young children, our young people will have been affected greatly by this, and this is something that I think will be a developing area of health.

Mr Speaker, the hon. Gentleman is right to say that we need to be careful with the interpretation of statistics. I have seen some remarkable statements in the past 48 hours from what I would have expected to have been more responsible quarters in respect of the AstraZeneca vaccine, which, when measured against data on blood clots and thrombosis show that there is actually very little to be concerned about in respect of the AstraZeneca vaccine. That has already been clarified by the European Medicines Agency and by the United Kingdom's Medicines Agency also. I think that people need to put in the proper context all of this data that is being thrown up, because the health authorities are still of the view that nothing has changed in respect of the AstraZeneca vaccine being a very useful tool in the fight against the pandemic and the numbers of blood clots, which are being reported are no higher than would usually be reported in those heads of population.

In that context, Mr Speaker, there should be no alarm whatsoever by the fact that some people who have had one dose of the vaccine may have contracted coronavirus or, indeed, that people who may have had two doses of the vaccine may contract coronavirus, because this is not a vaccine that gives you 100% immunity to the infection, and although 95% might seem like a very high number, it does mean that one in 20 people will still be susceptible to it. That is to say if we gathered 200 people at Casements and expose them to COVID, even though they had all had two vaccinations and three weeks had passed since the second one, 10 of them would get it. It is important that people reflect on that.

I am grateful for the Leader of the Opposition highlighting that because it is an important point. We are not rendered immune to the virus because we have had the second vaccine. We are

rendered much more likely to be able not to contract the virus, but it is important that we keep that in mind.

Of course, the GHA is very active in monitoring all those who contract the virus after they have had a second dose. This is one of the most developing areas of medicine at the moment, to look and analyse the reaction of those who have had the second vaccine and nonetheless contract the virus and how they react to it. It is very likely that people who contract the virus having had the second vaccine will need hospitalisation. It is very, very, very unlikely that people who have had the second vaccine will require hospitalisation or will pass away as a result of the virus. So those are the key areas for data mining at the moment, and the GHA is working very closely with Public Health England in that respect, and data sharing and developing the understanding that there is there.

Mr Speaker, on the more technical aspects of what I said, I believe that the 15 cases of the Kent variant that I referred to are included in the 565 that have been analysed. Obviously, there are still 300 to be analysed which are from what you might call the nucleus period of the third wave, the period late December going through to the early part of this year.

Whether B.1.1.7 or B.1.177 are related or not is not something on which I can advise. They do sound a little different to P.1 and of course, E484K is something that happened in some instances of B.1.177, etc, but this is not something on which I can assist the hon. Gentleman. I am almost tempted to refer the hon. Gentleman to the answer I gave his colleague to his left in respect of my not being scientifically competent to give advice in that respect, and I was reflecting, as I told the House, the information I had been provided with, and as I am not able to safely interpret it, I will not wander into trying to do so.

Mr Speaker, as for the case in November that the hon. Gentleman reminds the House that I referred to, I think he should recall that I had told the House at the time that our authorities were satisfied that that particular case had been isolated and confined entirely and therefore should have died out on its own.

As for every case being tested for variant, Mr Speaker, that is *not* the position at the moment. We are taking a random sample of positive cases and sending those to the United Kingdom. That is the way it is done everywhere in the world. So in other words, hon. Members should know that the understanding that we have is that at the moment you do not do the genetic testing of every case; you do the genetic testing of random samples of cases. I do not know whether it is viable or possible, although it would certainly be desirable, to do a genomic test for every positive. Perhaps in the future when there are less positives, we hope, it might be possible to do that. Perhaps in the future, when there is less testing and we have brought to Gibraltar the ability to do this, as I have told the House that we are in the process of doing, it may be possible to do so. I certainly agree, Mr Speaker, it would be desirable if it is something which can be done.

Mr Speaker, the hon. Gentleman is right. I mentioned ERS and I mentioned it not once as he suggested, but twice: first, when I singled them out for gratitude and second, when I referred to the existence of a positive there and the exposure of two residents. So there are two residents exposed to a positive, but not two residents who have been shown to be positive. They may be shown to be positive when they are tested in coming days in the relevant intervals, but at the moment they are not positive. I am just reporting to the House that they have been exposed. That is the John Mack wing, as I understand it, Mr Speaker.

There are a number of freedoms which remain impacted. One of them is the freedom of assembly. Another one is a requirement that in public places in the centre of our city, people should continue to wear masks. My interpretation of the rules is that we are no longer required to wear masks here, Mr Speaker, because we are not in a public place. The Parliament is not a public place behind the Speaker's Chair. We should wear them when we are in the Chamber, because this is a place that has access to the public. So, in a public place in the centre of town, you do have to wear a mask. That an imposition on civil liberties. We are requiring people to put something on their faces. This is contrary to the attitude we want to take. So until when you have to wear masks, until when you will not be able to assemble freely, all of these things are very

actively under consideration. I have said publicly that we consider these things every week, and we do, and the advice, as soon as we have it, Mr Speaker, will be communicated that we are able to put aside these issues and no longer have to wear masks, no longer have to restrict the number of people who are able to gather, or the number of people who can sit at a table in a restaurant or other catering establishment to celebrate, the House can rest assured that, as we have done throughout the past 52 weeks, we will continue to, every week, ensure that a restriction moves forward *only* and continues *only* if it is absolutely necessary.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

Firstly, I would like to echo my wishes and those of my party for a speedy recovery of course for the Duke of Edinburgh; we heard some good news coming out of the UK about him today.

In response to the Chief Minister's Statement, I would like to take this opportunity to thank the Government, all Members across this House, officials and essential services for their work, their commitment and their dedication over the last year, which has been, of course, a year like no other.

Of course, Mr Speaker, we share our deepest condolences with the families and friends of those who have fallen to this cruel virus.

So, Mr Speaker, we have come full circle over the last year, culminating with the vaccine, which we have to also thank the medical community for in terms of having such a new lease of life that has been afforded to us, and I hope for a brighter future. For this we also, I believe, have to thank the Chief Minister and his entire team, the UK government of course, and, above all, His Excellency the Governor of Gibraltar for his dedication and commitment to make this happen and broker these logistics as well.

Mr Speaker, the one issue I would like to focus on, in my plea for clarification from the Chief Minister, and to also let him know that I have been receiving many, many representations from families of loved ones in ERS, and I get the same the type of questions and concerns all the time, and complaints even, which is that they feel penalised because they feel that, having had the vaccine, they are only allowed to spend one hour with their families. They explained to me, unfortunately – well, fortunately, I do not have my own mother in ERS, but I do live with my mother, who suffers from dementia – and I do know what they mean when they say that one hour sometimes is not enough; it is the wrong timing; their family members may be sleeping and they do not get that stimulation in the moment that they are allocated, which of course, has a domino effect on their cognitive abilities and preservation – something that has already been suffering for a whole year. So they feel very frustrated and do not really understand why, considering that they have been vaccinated.

The Chief Minister has explained today that, of course, vaccinations are not 100% fool proof, but I do keep getting the impression that there is a recurring theme of lack of communication between Public Health and the families of these loved ones, because, of course, we do have the utmost respect for Public Health decisions, but I believe if the Chief Minister could maybe provide some clarity on any plans for a future visit or changing the logistics of how this is going to be offered, if perhaps he could offer some solutions in terms of separate spacing or different sections that might give families more time with their loved ones ... I do know that it is a very difficult and delicate balance, but this is an issue that is coming up a lot and I think it is very crucial and necessary to address, in order to ease the difficulties being faced at this time. When we are looking at the future and we all have hope, thanks to the vaccines, the families of loved ones are feeling like they are staying behind because they are not catching up with the time and affection they could be offering their families after this awful year that we have all had.

So I just would like the Chief Minister to offer some more clarification on that and hopefully some solutions for these families. Thank you, Mr Speaker.

Mr Speaker: The Hon. Chief Minister.

Hon. Chief Minister: Mr Speaker, I want to thank the hon. Lady for her generosity in the way
445 that she has expressed gratitude to all those who have been involved in efforts in the past year. I
think it is absolutely right to recognise that this is an achievement, as I tried to do in the context
of my Statement, across the community, including everyone in the community because we
required people to stay at home and people stayed at home. So I wanted to say thank you to those
450 who have stayed at home because at every level of decision-making and at every level of action
and every level of agreement to act in keeping with the rules, we have to recognise that there was
sacrifice and there was effort.

Mr Speaker, I hear what the hon. Lady says about ERS. Nobody should feel penalised by the
rules. The rules that ERS are putting in place, with the advice of Public Health Gibraltar, are
designed for one purpose and for one purpose alone: to protect the most precious relatives of
455 those who want to carry out visits to those who are in ERS. We fully understand how difficult and
frustrating this is. We have done everything possible to permit as much access as possible within
the rules of safety and that is not going to be a balance that is ever done to everyone's satisfaction,
except, of course, that they who have relatives in ERS will want to be satisfied that the main
concern, which is the concern of safety for their relatives, is the one which is primary. So what ERS
460 is trying to do is to balance that cautious approach it must take with its responsibility to relatives
and to residents to be able to meet.

But the hon. Lady needs to understand. She says can they not provide more spacing, etc? We
are trying to provide the spacing and with the numbers of people that need to be able to come,
we have the tightest possible spacing within the context of the social distance that is required in
465 order to be able to provide as many slots as possible for people to come.

I fully get that ERS was a place that is known for having an open approach, where you could go
at any time to see your relative; relatives appreciated that; and residents appreciated that and we
need to go back to that as soon as possible. But we can only go back to that when it is safe to do
so.

470 I implore people to understand, because it is not that today I have explained the one in 20 and
the vaccination. I have been explaining that since the vaccination programme started. Anyone
who watches any news on any channel in any language on television or reads any newspaper will
know that that is the case, and we now have one case in an ERS facility and two exposed residents,
so were we to find that, if we had not followed to the letter of the Public Health advice and we
475 had allowed our feelings to get in the way and permit more visits and then found that some had
been exposed and that they were in the one in 20 category in the vaccination, and they were in
the category of those who are very, very unlikely to require hospitalisation or very, very unlikely
to die after hospitalisation, despite having the two vaccines, the relatives would feel very bad and
the residents and the relatives of other residents would feel extraordinarily bad.

480 So this is a balance that has to be done by putting our feelings to one side and following the
Public Health advice, whilst understanding the frustration and feelings of the relatives who want
to see their loved ones.

The hon. Lady has, I think today, for the first time referred publicly to the condition of her
mother. She knows that I understand what that means.

485

Mr Speaker: Does any other hon. Member wish to raise a question?

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Questions

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

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

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

Questions for Oral Answer

COMMUNICATIONS FROM THE CHAIR

**Questions deadline –
Ruling by Mr Speaker**

Clerk: Order of Proceedings.

495 We now continue with Answers to Oral Questions, and we start with a Communication from the Chair.

Mr Speaker: As hon. Members will know, it has been the practice in the past for Questions to be taken on the first day of a meeting.

500 I have been asked to rule on whether Standing Order 13(2) provides for the tabling of further questions if other business is taken before Questions and in so doing provides a lengthy enough intervening period to submit further questions.

Standing Order 13(2) states:

Notice of questions shall be given by delivering a copy in writing to the Clerk at least five days, exclusive of Saturdays, Sundays and public holidays, before the day on which it is intended to ask the question.

505 In my view, as a matter of textual interpretation of the Standing Orders, Standing Order 13(2) refers to the five-day rule being in relation to the proposed 'day' when a question may be answered and not to the date of the 'meeting'. Therefore, it is permissible to submit further questions, provided that the provisions of Standing Order 13(2) are met.

Furthermore, as long as answers to questions remain an unexhausted item on the Order Paper, the ability to submit further questions remains unaffected regardless of whether the Standing Orders are suspended during a meeting which is then adjourned.

510 It follows that where questions have been submitted for answer in compliance with Standing Order 13(2), and a meeting of Parliament is then adjourned to a day in the future without answers to the original questions having been concluded, additional questions can be submitted as long as they comply with the requirements of Standing Order 13(2).

In anticipation of this Ruling, I have allowed further questions to be tabled.

**Procedural –
Supplementary questions**

515 **Mr Speaker:** On a separate matter, I would like to speak about the process that we are going to be following for this particular question-and-answer session, given the large quantity of supplementaries that need to be answered.

Parliament last had a question-and-answer session on 30th October 2020. Since then and for the reasons well known to all hon. Members, the House has met very infrequently. This has led to an accumulation of a considerable number of tabled but unanswered questions.

520 Today we are facing the prospect of dealing with 376 questions. This is indeed a very high number but not dissimilar to the numbers when Parliament used to meet two or three times a year.

In light of this, I would like to enlist the support and understanding of hon. Members to clear the backlog as expeditiously as possible. I therefore respectfully request that hon. Members keep their answers as concise as possible and the number of supplementary questions to a reasonable level.

As a yardstick, I am turning to Speaker Alcantara for guidance, who introduced the practice of allowing hon. Members to ask two supplementaries and three in respect of the Leader of the Opposition. I intend to follow this practice and will exceptionally allow the Leader of the Opposition a further supplementary for the purpose of elucidating any matter arising out of an Oral Question posed by an Opposition colleague. I will afford the Hon. Marlene Hassan Nahon the same courtesy. However, should a question raise matters of significant public interest, I will use my discretion and allow additional supplementaries.

530 Having said this, I will return to a more liberal practice when monthly meetings of the House are resumed.

Thank you.

HOUSING, YOUTH AND SPORT

Q508/2020

**Premises at King's Bastion Leisure Centre –
Extension of business licence**

Clerk: We now commence with Question 508/2020. The questioner is the Hon. E J Reyes.

540 **Hon. E J Reyes:** Mr Speaker, can Government provide information as to the purpose of an application submitted, as published through Government Notice No.1658 in the Gibraltar Gazette, to extend the scope of the current business licence held, Number: BL152615, and which has been made in respect of the premises at King's Bastion Leisure Centre?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, Leisure Management Services (Gibraltar) Ltd already has a business licence for toys, sportswear and certain other goods which are sold in The Cannonball Store, which opened in the King's Bastion Leisure Centre on the 1st July 2020.

550 However, because it is a collectibles shop and some goods may fall out of the range of this description, LMS have extended the scope of the licence to make sure that they are covered for all the goods that are imported for the store.

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

So if I understood correctly, we are making sure that any legal extensions are covered for not necessarily another major change of business, further to what has happened in July 2020. Am I correct in that?

560 **Hon. S E Linares** Yes, Mr Speaker, as the answer states, it is just to get in the scope of collectibles, which is what I have answered.

Q509/2020

**Lathbury and Europa sports facilities –
Management arrangements and long-term plans**

Clerk: Question 509, the Hon. E J Reyes.

565 **Hon. E J Reyes:** Can the Minister for Sports update this House with details of the management arrangements presently in operation for Lathbury Sports facilities and Europa Sports facilities, together with details of what the long-term plans are for the day-to-day operation and maintenance of these facilities once Covid-19 restrictions are lifted and sporting events return to normality?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, the Lathbury Sports complex is yet to be completed and therefore not operational as yet. Once the complex is finished the Gibraltar Sports and Leisure Authority will manage the facility and will become another facility under its remit.

575 At present interim staffing arrangements have been made at Europa Point with the long-term management of the facility still under review.

Q510/2020

**Housing Pre-List –
Updated details**

Clerk: Question 510, the Hon. E J Reyes.

580 **Hon. E J Reyes:** Can Government provide updated details as to how many applicants are currently on the Housing Pre-List, broken down statistically by months, showing the dates when they first joined the list?

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

585 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the information requested by the hon. Member opposite has been updated and can now be found on HMGoG's statistics page.

[Table H.2 on HMGoGs Statistics page partially offers this information but provides details only in respect of the number of applicants up to October 2020 and not when they joined the Waiting List]

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

When I submitted this question, I did add a notice which is on the paper in brackets. If it is available there, then following your plea before, I will not waste too much time and repeat information. However, should I require further clarification, would Mr Speaker allow me at the next parliamentary session to perhaps pose a question? Otherwise it means I cannot engage in
595 any supplementaries, unless I have that information here.

So I require guidance from Mr Speaker: should I require clarification of any statistics there, how can I pose a question in keeping with the rules?

Q511/2020
Rental flats allocated in 2020 –
Details

Clerk: Question 511, the Hon. E J Reyes.

600 **Hon. E J Reyes:** Can Government provide updated details in respect of all rental flats which have been allocated throughout the year 2020, showing rooms composition of these?

Can I anticipate, Mr Speaker, if that also has been updated ... if you do not mind, we can extend as well – *(Interjection by Mr Speaker)* Yes, I am trying to make life easier for the hon. Minister.

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, 176 flats have been allocated during 2020. These were: 16 1RKB; 60 2RKB; 71 3RKB; 25 4RKB; two 5RKB; and two 6RKB. Mr Speaker, the information is now updated and can be found on HMGoG's statistics page.

610 **Hon. K Azopardi:** Can I just ask on that: 176 rental flats have been allocated in 2020 against a backdrop of how many available flats did the Housing Department have in 2020?

Hon. S E Linares: Mr Speaker, I think there is a question here which might answer the hon.
615 Member's question.

Q512/2020
Tenants in emergency homes –
Details

Clerk: Question 512, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of the number of tenants currently residing in the emergency homes they have been allocated, indicating the dates such
620 allocations were made and clarifying if these are temporary or permanent allocations, together with details of what housing provisions are planned for them for the future?

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

625 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Housing Department does not have any tenants in emergency accommodation.

Hon. K Azopardi: Mr Speaker, I know that there has been a ruling, sir, and we are keen to get on, but I was waiting in case my hon. colleague needed to ask a supplementary.

630 The Hon. Minister answers in that way, that the Housing Department does not have anyone in emergency accommodation. Does that include those people who we have been told in this House before were put into the hostel because they had nowhere to live?

635 **Hon. S E Linares:** Well, Mr Speaker, strictly speaking, the question is ‘under the Housing Department’. There is not anybody in the ... like it says, the Housing Department does not have any tenants. These are tenants that have other needs and are not in the housing list, for example, and we have been able to help them in different ways, in order to give them *some* accommodation, but they are not necessarily in the housing list.

640 **Chief Minister (Hon. F R Picardo):** If I can just help the hon. Gentleman, the answer provided in respect of this question – and this is a question that comes from the time that we were in opposition, which has been asked traditionally just to monitor this particular head – these are tenants of the Government who have had to move out of their property for emergency reasons. That is what emergency provision is. As the Minister says, that is why the question is about
645 tenants, so it is somebody who has signed a tenancy agreement with the Government, who has had to be moved out of their Government accommodation for a reason. It is not somebody who is waiting for housing and whose case may be more or less urgent.

650 **Hon. K Azopardi:** So yes, but if I pull the thread of that, there may be someone who is a tenant of a house who, for example, as a result of marital breakdown has to leave the house, then is rendered, in effect, homeless, has nowhere to live. I understand, in discussions with Housing in respect of some of those particular cases, that the Housing Department tends to move them, if possible, so they find somewhere for those people to live. If those people are being put in the hostel, are those people not precisely within this category?

655 **Hon. Chief Minister:** No, Mr Speaker, they are not. They are not because the way that this question has traditionally been interpreted is where the tenants have been moved out of the property – and that means *all* of the tenants; in other words, the property has been vacated – and there is an emergency reason for that. That is the way that this question has traditionally been
660 put and answered.

Now, if the hon. Gentleman thinks that we should answer it in a different way, the answer might still be zero. There may be no persons in that sort of situation that the hon. Gentleman may refer to, or the answer may be two or three or four of that category, but this has always been ...
665 and the way that we asked the question and sought the answer and the way that we have continued to give the answer in successive meetings of the House is when you have a whole household’s tenants moved out, because of flood, because of fire, because of other circumstances making the property uninhabitable, and they have been put as a unit in emergency accommodation.

670 **Hon. K Azopardi:** So, Mr Speaker, it is a question of interpretation, then. They are answering the question in the way that they have interpreted historically, because they were on this side of the House and now they are on that side of the House interpreting the question.

So to be clear, that answer that the Hon. Minister has given does not provide an answer to the question of whether there are people housed elsewhere, in the hostel, for example, that have
675 been housed by the Government because they needed to be housed and they had nowhere else to live.

Hon. Chief Minister: Because that question, Mr Speaker, that the hon. Gentleman has now put as a supplementary would only be relevant as a supplementary arising from this question, if that person were also a tenant in Government housing. What I am saying to the hon. Gentleman is that that is not the interpretation that has ever been given to this question. I do not think it is a reasonable interpretation of the question. It is a reasonable question that he is putting, but it is not, in our view, a reasonable interpretation of this question and I think the hon. questioner has never intended it to be that way.

If they were to put that question, then we would be able to give them the answer, which may be zero or may be a number.

Mr Speaker: Next question.

Q513/2020
Rental flats allocated in 2020 –
Allocations for Senior Citizens

Clerk: Question 513. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of how many of the rental flats which have been allocated during the year 2020 were within the housing units/blocks reserved for exclusive allocations and residency by Senior Citizens?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, 23 rental flats have been allocated during 2020 in blocks reserved for Senior Citizens.

Hon. E J Reyes: Mr Speaker, just that those 23 obviously are already included in the figure of 176 that the Minister gave in the answer to Question 511. It is just so that if I make mathematics, I know I am correct.

Hon. S E Linares: Yes, Mr Speaker.

Mr Speaker: Next question.

Q514/2020

**Rental flats returned to Government housing stock in 2020 –
Details**

Clerk: Question 514. The Hon. E J Reyes.

710 **Hon. E J Reyes:** Can Government provide details in respect of all rental flats which have been returned to Government's housing stock throughout 2020, showing rooms composition of these and the dates when they were returned?

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

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

Answer to Question 514

RKB	Date Returned	RKB	Date Returned	RKB	Date Returned	RKB	Date Returned	RKB	Date Returned	RKB	Date Returned
	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE
2RKB	03/01/2020	2RKB	01/02/2020	3RKB	02/03/2020	2RKB	01/04/2020	2RKB	04/05/2020	2RKB	02/06/2020
3RKB	06/01/2020	3RKB	03/02/2020	2RKB	02/03/2020	3RKB	01/04/2020	4RKB	11/05/2020	2RKB	03/06/2020
6RKB	06/01/2020	1RKB	04/02/2020	3RKB	05/03/2020	2RKB	02/04/2020	3RKB	13/05/2020	2RKB	03/06/2020
2RKB	06/01/2020	3RKB	07/02/2020	3RKB	10/03/2020	3RKB	03/04/2020	3RKB	13/05/2020	4RKB	08/06/2020
4RKB	07/01/2020	3RKB	10/02/2020	4RKB	11/03/2020	3RKB	03/04/2020	4RKB	14/05/2020	3RKB	08/06/2020
3RKB	09/01/2020	3RKB	11/02/2020	3RKB	13/03/2020	2RKB	03/04/2020	3RKB	15/05/2020	3RKB	10/06/2020
2RKB	10/01/2020	2RKB	11/02/2020	2RKB	17/03/2020	3RKB	03/04/2020	2RKB	20/05/2020	4RKB	10/06/2020
3RKB	13/01/2020	2RKB	13/02/2020	4RKB	19/03/2020	1RKB	06/04/2020	4RKB	20/05/2020	3RKB	10/06/2020
4RKB	20/01/2020	1RKB	19/02/2020	3RKB	19/03/2020	4RKB	07/04/2020	1RKB	20/05/2020	1RKB	12/06/2020
4RKB	20/01/2020	2RKB	24/02/2020	1RKB	19/03/2020	3RKB	07/04/2020	2RKB	22/05/2020	2RKB	16/06/2020
3RKB	20/01/2020	3RKB	25/02/2020	4RKB	23/03/2020	3RKB	07/04/2020	3RKB	26/05/2020	1RKB	16/06/2020
3RKB	21/01/2020	3RKB	26/02/2020	2RKB	24/03/2020	2RKB	07/04/2020	2RKB	26/05/2020	3RKB	18/06/2020
1RKB	21/01/2020	2RKB	28/02/2020	2RKB	25/03/2020	2RKB	07/04/2020	3RKB	28/05/2020	4RKB	18/06/2020
2RKB	24/01/2020	2RKB	28/02/2020	1RKB	26/03/2020	3RKB	08/04/2020	1RKB	28/05/2020	2RKB	18/06/2020
4RKB	29/01/2020	3RKB	28/02/2020	1RKB	26/03/2020	2RKB	09/04/2020	3RKB	29/05/2020	3RKB	24/06/2020
2RKB	31/01/2020			1RKB	30/03/2020	3RKB	20/04/2020	3RKB	29/05/2020	3RKB	26/06/2020
				2RKB	30/03/2020	3RKB	21/04/2020			2RKB	26/06/2020
						2RKB	21/04/2020			3RKB	30/06/2020
						3RKB	27/04/2020				
						6RKB	29/04/2020				

Continued Answer to Question 514

RKB	Date Returned	RKB	Date Returned	RKB	Date Returned	RKB	Date Returned	RKB	Date Returned	RKB	Date Returned
	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER
2RKB	01/07/2020	2RKB	05/08/2020	3RKB	03/09/2020	4RKB	01/10/2020	2RKB	03/11/2020	4RKB	01/12/2020
4RKB	02/07/2020	2RKB	05/08/2020	3RKB	08/09/2020	2RKB	02/10/2020	4RKB	04/11/2020	2RKB	01/12/2020
3RKB	03/07/2020	4RKB	05/08/2020	2RKB	09/09/2020	3RKB	07/10/2020	4RKB	05/11/2020	2RKB	03/12/2020
3RKB	06/07/2020	2RKB	06/08/2020	3RKB	15/09/2020	3RKB	08/10/2020	4RKB	05/11/2020	3RKB	07/12/2020
3RKB	07/07/2020	3RKB	10/08/2020	4RKB	15/09/2020	2RKB	08/10/2020	2RKB	05/11/2020	3RKB	08/12/2020
2RKB	07/07/2020	4RKB	11/08/2020	4RKB	22/09/2020	2RKB	08/10/2020	3RKB	06/11/2020	2RKB	09/12/2020
3RKB	13/07/2020	3RKB	13/08/2020	2RKB	25/09/2020	1RKB	09/10/2020	2RKB	06/11/2020	3RKB	09/12/2020
1RKB	13/07/2020	2RKB	14/08/2020	2RKB	29/09/2020	2RKB	12/10/2020	2RKB	10/11/2020	5RKB	09/12/2020
1RKB	14/07/2020	2RKB	17/08/2020	3RKB	30/09/2020	3RKB	12/10/2020	2RKB	11/11/2020	3RKB	09/12/2020
1RKB	20/07/2020	4RKB	19/08/2020			2RKB	12/10/2020	3RKB	12/11/2020	3RKB	10/12/2020
3RKB	21/07/2020	1RKB	21/08/2020			2RKB	13/10/2020	3RKB	16/11/2020	2RKB	10/12/2020
3RKB	27/07/2020	2RKB	21/08/2020			3RKB	16/10/2020	3RKB	19/11/2020	1RKB	10/12/2020
3RKB	28/07/2020	2RKB	21/08/2020			2RKB	16/10/2020	4RKB	23/11/2020	4RKB	11/12/2020
2RKB	29/07/2020	4RKB	24/08/2020			3RKB	21/10/2020	3RKB	24/11/2020	2RKB	11/12/2020
2RKB	30/07/2020	3RKB	25/08/2020			2RKB	22/10/2020	2RKB	25/11/2020	2RKB	11/12/2020
1RKB	30/07/2020	2RKB	25/08/2020			1RKB	22/10/2020	3RKB	26/11/2020	2RKB	14/12/2020
2RKB	31/07/2020	3RKB	26/08/2020			5RKB	23/10/2020	3RKB	30/11/2020	1RKB	15/12/2020
		3RKB	28/08/2020			3RKB	23/10/2020	2RKB	30/11/2020	3RKB	15/12/2020
						4RKB	26/10/2020	2RKB	30/11/2020	2RKB	15/12/2020
						2RKB	26/10/2020			3RKB	16/12/2020
										2RKB	16/12/2020
										3RKB	17/12/2020
										2RKB	18/12/2020
										3RKB	21/12/2020
										2RKB	22/12/2020
										2RKB	22/12/2020
										1RKB	23/12/2020

Q515/2020

**Rental homes currently unoccupied –
Reasons not yet allocated**

Clerk: Question 515. The Hon. E J Reyes.

720 **Hon. E J Reyes:** Can Government provide details of how many rental homes are currently unoccupied and awaiting allocation, indicating the rooms composition of such homes, together with reasons why these have still not been allocated?

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

725

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, there are a total of 23 flats currently unoccupied. These are: three 1RKBs; six 2RKBs; 12 3RKBs; and two 4RKBs. *(Interjection)* Yes, Mr Speaker, I have got that as a supplementary in order to aid the hon. Member.

730 These are either in refurbishment; stock awaiting the Housing Authority ... as in the keys to come back; and stock already for allocation – that means it is ready to be allocated but has not yet been done so. That is it, basically.

Hon. E J Reyes: Mr Speaker, in the past, a couple of years ago, when Miss Sacramento was leading on the housing issue, when she answered a question she was able as well to provide a figure for the number of homes that perhaps would not even be able to be repaired, they might be beyond economic repair. Does the Minister have any information on how we stand in respect of a number of homes that could end up no longer being suitable for allocation?

735

Hon. S E Linares: Mr Speaker, in the list that I have, I do not have those properties. We do have properties that are beyond economical repair, but I do not ... This does not include any of the ones that I have just given the hon. Member. The others are ... there are different ways in which we are dealing with them, but if the hon. Member wants as well, I can pass to him by e-mail or whatever my list of the supplementaries, so that he could understand exactly which ... for example, the 1RKB in refurbishment and so on. *(Interjection)*

740

745 Yes, what the hon. Member is saying is that the ones that are not economically viable, we are trying to take out of the housing stock. *(Interjection)* Yes, I think there is another question in relation to that, as well. We take it that once the block is empty or the houses are empty, we would take a decision on what we do with the actual asset, whether we sell it or we take out an expression of interest in order for people to buy or if there is a block where there is only one tenant, we can offer the tenant the sale, or we decant the tenant and then sell the house. We are looking at certain properties that we are doing that.

750

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

755 Yes, I will accept from the Minister, if he can give me behind the Chair or e-mail the additional information he has.

Just one very small clarification, which I will probably bring up at some other future questions. When we are talking about the non-economically viable houses, that obviously is not included in this figure of 23 that he has given me today. Am I correct in assuming that?

760 **Hon. S E Linares:** They are not included, no.

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

Once I get that information, I think I will be all right for today.

Q514/2020

Rental flats returned to Government housing stock in 2020 – Supplementary questions

765 **Hon. K Azopardi:** Mr Speaker, can the hon. Minister perhaps help us so that we do not have to do the number-crunching ourselves: he may have had, by way of supplementaries ... He has given us a schedule of the rental flats returned by month, but obviously on a singular basis, one by one depending on the composition. Does he have a total of the 1, 2, 3 and 4RKBs returned during the calendar year 2020, which would be the result in that table? If he does not have it, we will do the counting ourselves. In Question 514, in the schedule.

770 You have given us a schedule by month of the houses that had been returned, but it is by house and depending on the composition, but does he have a total in that year of the 1, 2, 3 and 4RKBs that have been returned? If he does not have it in front of him, we will just have to go away and count the numbers ourselves. He does not have it, okay.

775 **Mr Speaker:** Does the Hon. Mr Reyes wish to ask any supplementaries on Question 514?

Hon. E J Reyes: No, Mr Speaker, not at this moment, because like the Leader of the Opposition was trying to ascertain, unless I do mathematics of how many were in each room category and then compare them to those that have been allocated ... so I do not wish to waste the House's
780 time on this issue.

Thank you, sir.

Mr Speaker: Next Question.

Q516/2020

Rental home tenants wishing to purchase – Procedure

Clerk: Question 516, the Hon. E J Reyes.
785

Hon. E J Reyes: Can Government provide this House with relevant and detailed information as to what procedures present tenants of rental homes should follow should they desire to purchase the homes they currently occupy?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, only tenants of pre-war flats are eligible to purchase as sitting tenants. These tenants would need to express their wishes in writing to the Housing Department or to Land Property Services.

Q517/2020

Rental homes sold to sitting tenants – Details

795 **Clerk:** Question 517, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide detailed information in respect of all Government rental homes, inclusive of rooms composition, which have been sold to sitting tenants as from December 2011 showing the dates when such sales were made?
800

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite the information requested in respect of rental homes sold to sitting
805 tenants from December 2011 inclusive of dates of sale and room composition.

Answer to Question 517

Pre/Post-War	Date of Purchase	Room Composition
PostWar	19/12/2011	3RKB
PostWar	09/01/2012	3RKB
PostWar	11/01/2012	4RKB
PostWar	24/01/2012	3RKB
PostWar	03/02/2012	3RKB
PostWar	08/02/2012	3RKB
PostWar	16/02/2012	3RKB
PostWar	01/03/2012	2RKB
PostWar	21/03/2012	3RKB
PostWar	12/04/2012	3RKB
PostWar	25/05/2012	3RKB
PostWar	28/05/2012	3RKB
PostWar	07/06/2012	1RKB
PostWar	25/06/2012	3RKB
PostWar	28/06/2012	3RKB
PostWar	29/06/2012	4RKB
PostWar	03/07/2012	2RKB
PostWar	04/07/2012	4RKB
PostWar	11/07/2012	4RKB
PostWar	17/07/2012	4RKB
PostWar	14/08/2012	3RKB
PostWar	20/08/2012	3RKB
PostWar	31/08/2012	1RKB
PostWar	03/09/2012	5RKB
PostWar	04/09/2012	3RKB
PostWar	25/09/2012	4RKB
PreWar	11/10/2012	5RKB
PostWar	19/10/2012	4RKB
PostWar	25/10/2012	3RKB
PostWar	05/11/2012	3RKB
PostWar	06/11/2012	3RKB
PostWar	13/11/2012	2RKB
PostWar	15/11/2012	3RKB
PostWar	26/11/2012	3RKB
PostWar	26/11/2012	3RKB
PostWar	29/11/2012	3RKB
PreWar	07/12/2012	3RKB

Pre/Post-War	Date of Purchase	Room Composition
PostWar	14/12/2012	4RKB
PostWar	14/12/2012	3RKB
PostWar	19/12/2012	4RKB
PostWar	04/02/2013	3RKB
PostWar	23/04/2013	4RKB
PostWar	25/04/2013	4RKB
PostWar	02/05/2013	4RKB
PostWar	07/05/2013	3RKB
PostWar	20/05/2013	4RKB
PostWar	06/06/2013	2RKB
PreWar	14/06/2013	5RKB
PostWar	26/06/2013	4RKB
PostWar	18/07/2013	4RKB
PostWar	24/07/2013	4RKB
PostWar	30/07/2013	3RKB
PreWar	06/08/2013	5RKB
PostWar	29/08/2013	3RKB
PostWar	17/10/2013	4RKB
PostWar	22/10/2013	3RKB
PostWar	29/10/2013	5RKB
PostWar	10/12/2013	1RKB
PostWar	06/01/2014	4RKB
PostWar	28/01/2014	3RKB
PostWar	28/02/2014	4RKB
PostWar	03/03/2014	2RKB
PostWar	03/03/2014	4RKB
PostWar	11/03/2014	4RKB
PostWar	25/03/2014	4RKB
PostWar	20/05/2014	4RKB
PreWar	14/08/2014	5RKB
PreWar	14/08/2014	4RKB
PostWar	21/08/2014	1RKB
PostWar	02/09/2014	3RKB
PostWar	23/10/2014	2RKB
PostWar	23/10/2014	3RKB
PostWar	30/01/2015	3RKB
PostWar	18/02/2015	4RKB
PostWar	27/05/2015	4RKB
PostWar	27/05/2015	3RKB
PostWar	28/05/2015	3RKB

Pre/Post-War	Date of Purchase	Room Composition
PostWar	19/06/2015	2RKB
PostWar	19/06/2015	3RKB
PostWar	07/07/2015	3RKB
PostWar	06/08/2015	2RKB
PostWar	21/08/2015	3RKB
PostWar	18/11/2015	3RKB
PostWar	01/12/2015	4RKB
PreWar	10/12/2015	5RKB
PostWar	15/12/2015	2RKB
PostWar	05/01/2016	3RKB
PostWar	03/03/2016	4RKB
PostWar	08/03/2016	1RKB
PreWar	09/03/2016	5RKB
PostWar	04/05/2016	3RKB
PostWar	23/05/2016	3RKB
PreWar	27/05/2016	5RKB
PreWar	31/05/2016	3RKB
PostWar	07/06/2016	4RKB
PostWar	16/06/2016	3RKB
PostWar	18/06/2016	3RKB
PostWar	19/06/2016	4RKB
PostWar	28/06/2016	4RKB
PostWar	11/07/2016	3RKB
PostWar	11/07/2016	3RKB
PostWar	15/07/2016	4RKB
PostWar	18/07/2016	3RKB
PostWar	04/08/2016	4RKB
PostWar	04/09/2016	3RKB
PostWar	26/09/2016	4RKB
PostWar	26/09/2016	3RKB
PostWar	29/09/2016	3RKB
PostWar	10/10/2016	3RKB
PostWar	10/10/2016	4RKB
PostWar	11/10/2016	3RKB
PostWar	14/10/2016	3RKB
PostWar	17/10/2016	3RKB
PostWar	27/10/2016	4RKB
PostWar	28/10/2016	3RKB
PostWar	29/11/2016	3RKB
PostWar	30/11/2016	3RKB

Pre/Post-War	Date of Purchase	Room Composition
PostWar	21/12/2016	1RKB
PostWar	06/03/2017	3RKB
PostWar	06/03/2017	2RKB
PreWar	08/05/2017	4RKB
PostWar	12/05/2017	3RKB
PostWar	16/05/2017	4RKB
PostWar	06/06/2017	5RKB
PostWar	27/06/2017	4RKB
PostWar	25/07/2017	3RKB
PostWar	27/07/2017	3RKB
PreWar	15/01/2019	6RKB
PreWar	11/02/2019	6RKB
PreWar	29/11/2019	9RKB
PreWar	18/06/2020	3RKB
PreWar	18/06/2020	3RKB
PreWar	10/08/2020	4RKB
PreWar	12/08/2020	3RKB
PreWar	12/08/2020	3RKB
PreWar	02/11/2020	2RKB

Q518/2020
Queen's Hotel hostel –
Restoration

Clerk: Question 518, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will Government be restoring the dilapidated and substandard Queen's Hotel as a matter of urgency in the near future?

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

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, a Health and Safety Audit inspection of the premises was commissioned in August 2020. The survey identified several defects with recommendations labelled as Very High, High, Medium and Low priority in respect of the works needed to be undertaken.

The Housing Works Agency are currently working through the more urgent recommendations, including electrical works, fire and safety issues, and an asbestos survey of the premises.

The Government is, as already announced, in the process of building a new hostel for workers

Hon. Ms M D Hassan Nahon: Mr Speaker, unfortunately, as we see all too often with this administration, we hear of audits and committees and reports, but the bottom line is that people are living here in a substandard condition – so substandard that my party a few months ago exposed some disgraceful photos showing vermin, the state of cockroaches and standards that do not even classify as recommended. This is completely unacceptable and not becoming of a country that professes to have one of the highest GDPs in the world.

My question obviously is: bottom line – how much longer are the residents of the Queen’s Hostel going to be subjected to living under these squalid conditions? And doesn’t this socialist Government consider itself to have a social responsibility to either immediately evacuate these residents or to do urgent refurbishment imminently? This is the question.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I think it is remarkable that we should be facing such a question, for a simple reason. We were criticised when we bought the Queen’s Hotel to put a hostel in there, because it was considered to be too good and too much money spent to put a hostel there. Yes, in the time that it has been used as a hostel, it has deteriorated, but I do not know whether the hon. Lady expects us to go in and do all the cleaning in the hostel, or whether there is not also a responsibility in respect of those who are tenants of the hostel.

Now, we are saying that we are going to build a new hostel, in order to be able to put people in a brand new hostel facility. That will be the first time that people are put into a new hostel facility since we bought the Queen’s Hotel, and we brought the Sunrise Motel, to put people from the extraordinarily squalid, *inhuman* conditions in which people lived in the 1980s in Gibraltar at Casements; and Mr Speaker, indeed, in the extraordinarily squalid circumstances that I found, when I was elected, that people were living in the stone block up at Buena Vista.

So, Mr Speaker, this socialist Government takes pride in the fact that we acquired a hotel, which people could use as a hostel, and not one but two: the Sunrise Motel and the Queen’s Hotel. This socialist Government considers that it is unfortunate that, for reasons unrelated to the Government, those facilities have deteriorated. And this socialist Government is investing money in building the first new hostel facility in Gibraltar’s history.

In the past, Mr Speaker ... I think that is unfair, I may have made a mistake. There was a hostel in Devil’s Tower Road, which was from prefabs, which was also obviously built in the lifetime of a government, but other than that, Casements was refurbished – an old military facility – and Buena Vista was refurbished – an old military facility. But a bespoke hostel, not of prefabs, has never been built before.

So this socialist Government expects the support of those who are less than socialists for the investment we are going to make, but no doubt when we make that investment we will be told that we are ‘spending money’, that ‘money is being spent’; ‘what money is going to be used to build the hostel?’

So Mr Speaker, I think that this is a question of trying to find a balance, not trying to make statements about socialism and ideology, none of which will help the people who are living in the conditions in which they are living – which are, in my view, greatly unsatisfactory, and that is why, Mr Speaker, we moved them from some place which was even less satisfactory into a place that is now unsatisfactory and will soon be new, bespoke and newly built, just like most of what this socialist Government has done.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his own defence, but I find it sad that they are bragging about a lesser level of squalid from the previous higher level of squalid; I do not think ‘squalid’ should apply at all in this day and age in a place like Gibraltar.

But in any case, my questions would be the ones that effectively the Chief Minister has not answered, which is: can he give us a commitment to when these residents will actually have a decent place to live in? We have no dates and I think we should have some kind of yardstick, a milestone, something to look forward to.

Another question – I am trying to group them in one to save time – is if the Chief Minister says that himself and his Government, understandably, are not going to be the ones to go in and do the cleaning, interestingly he has reminded me that a lot of the people who saw the pictures that we exposed were so affected by this that there are people in this community who would like to volunteer to either clean or provide certain electro-domestics and other tools for people to have a better quality of life in there. Would the Government be amenable to allow me to refer them to

certain sort of do-gooders in the community who would like to commit to helping out to make this place a little more liveable?

Thank you, Mr Speaker.

Hon. Chief Minister: Well, Mr Speaker, I think what is unfortunate is that the hon. Lady should not give us credit for the fact that the facility was not squalid when we handed it over. This is something that I hope the hon. Lady will recognise in the way that she is phrasing her questions. This was something done in the lifetime of this executive, not this Parliament. We handed over a facility that was not squalid and if it is squalid now, Mr Speaker, look, the Government has not failed to do maintenance, the Government has not failed to contract cleaning services; but it is also about the state in which some people keep their rooms and how that unfortunately is not to the standard that we would expect, and some people who are meticulously careful about how they look after their room, etc. therefore find themselves having to live in circumstances which are not the ones that the Government would like to provide for them.

In respect of the do-gooders, as the hon. Lady describes them, we would be delighted to hear from them if they want to assist. We all have to pull together in order to make sure that we all provide for each other and so therefore we would be delighted to hear from them. She knows that she can ask them to write to me or through her she can put them in contact with me.

Q517/2020

Rental homes sold to sitting tenants – Supplementary questions

Clerk: We now move to –

Mr Speaker: Just a second, Mr Clerk. The hon. Member wishes to ask a supplementary question.

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

I am grateful for the schedule which the Minister provided in answer to Question 517. I notice in the schedule there is a combination of the sale of post-war and pre-war houses. Can the Minister clarify for the record, for these houses, if the sale of homes to sitting tenants is now only applicable to pre-war housing as from what is the effective date of that policy decision?

Chief Minister (Hon. F R Picardo): Mr Speaker, we have made an announcement about this on a number of occasions going back into the lifetime of the previous Parliament and the one before, when we said specifically that the policy of our Government would not be the sale of the post-war housing stock.

I think during the course of Budgets we have had exchanges on the subject, and in particular during the course of the discussion of the investment into Gibraltar that hon. Members described as a mortgage. On a number of occasions, we have had those discussions and exchanges in this House.

I cannot give him the precise date, which is what he is asking for, but it goes back, I think, to the lifetime of the first Parliament after the glorious New Dawn.

Hon. E J Reyes: That is precisely why I asked, Mr Speaker, because I see that post-war houses were sold up to 2017. So therefore, that was the second term in office of the present executive.

Hon. Chief Minister: Yes, Mr Speaker, because what we have said before is that, where in some instances there had been an agreement with a tenant that there would be a sale before we were

925 elected and before we changed the policy – indeed, we did a mailshot to everybody to tell them that we are changing the policy. In some instances we have honoured those sales: where there was a good reason to honour it and where in particular, for example, they were not in a block or they were in an area where, although it was post-war, it did not affect the policy of the Government to continue to consolidate ownership of that post-war stock.

Procedural

930 **Mr Speaker:** I just wanted to re-read the Ruling or the advice I was giving about how we were going to deal with these 376 questions.

You want to ask a supplementary? Right.

I said that as a yardstick I was turning to Speaker Alcantara for guidance who introduced the practice of allowing hon. Members to ask two supplementaries, meaning each Member has two supplementaries in respect of his own question.

935 I said that I would allow the Leader of the Opposition, exceptionally, a further supplementary for the purpose of elucidating any matter arising out of an Oral Question posed by an Opposition colleague – which is what has been happening up to now, which is fine.

940 I also said that, however, should they question raise matters of *significant* interest, I will use my discretion and allow additional supplementaries. Now, my question to you is: is it a significant issue that you want to tackle? Otherwise there is really no point in me reading this out and then (*Interjection*) on the way I want to conduct business in the House.

945 **Hon. R M Clinton:** Mr Speaker, unless I ask the question, it would be hard to assess whether it is of significance.

Hon. K Azopardi: Can I just also say, before your ... I do not know what the question is and the hon. Member will explain it and then you, Mr Speaker, will make a ruling on whether he can ask it. But can I also ask Mr Speaker to perhaps bear in mind that while, of course, on this side of the House, we want absolutely to comply with the Speaker's Ruling and we respect it and defer to the Speaker's Ruling, there is a context here. The context is that, for whatever reason, without ascribing blame, there is a backlog of questions and we have been systematically doing our duty to put further questions that we think in the public interest need to be asked and questions need to be tendered; and while we understand where the Speaker is coming from, it does constrain our ability to ask supplementaries, which, in the interests of efficacy makes sense perhaps, but that perhaps the Speaker, in considering a ruling on the hon. Member's questions and a general approach for today and the rest of the week, may bear in mind the fact that the context is one that the Opposition itself has not created.

955 We understand that there may be reasons why we have not been able to be in this House, but that inevitably, if we had had normal question-and-answer sessions, they would have been on a more liberal approach, as the Speaker himself as described it.

960 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just assist, none of what the hon. Gentleman has said would contradict the fact, I am sure he will agree, that we have been scrupulous in ensuring that the House has met in keeping with its constitutional requirements at every stage and that, indeed, in the instance, which the Hon. Mr Alcantara was referring to, where there were restrictions on the number of supplementaries put and there was a backlog, and then it was normal for the House to meet only on two or three occasions a year. So, Mr Speaker, I think that must be factored into the equation as well.

970 Indeed, the very liberal practice that exists in this House, which I am not arguing against, but which I think is unique to this House of all of the Parliaments in the Commonwealth that people

ask supplementaries of questions other than their own – I think that is also something to be borne in mind because, as we look at modernising the way that this Parliament works, one of the things that we will have to do together, I hope, is to give business efficacy to Question Time.

975 In most other parliaments, Question Time happens as often as here, sometimes less often than here, but questions are sharper, there is a shorter period for questions, (*Interjection*) and we sometimes engage in one question that sometimes, clearly ... The hon. Gentleman says from a sedentary position that answers are sharper. Sometimes the hon. Gentleman will find that answers are actually very long-winded and designed to avoid providing any answer.

980 Here, Mr Speaker, we sometimes have questions ... one question can sometimes go on for half an hour, and that is something that we need to ensure that we deal with, with respect, Mr Speaker, not just today as I think you have rightly indicated, but generally. I think that the hon. Leader of the Opposition, the hon. Lady and the leader of the Liberal Party will agree when the time comes to consider those issues in select committee.

985 **Mr Speaker:** I have to say I fully agree with the Chief Minister. Let us continue. I am going to try and be as accommodating within the constraints that I have ruled upon. Thank you.

Q518/2020
Queen's Hotel hostel –
Supplementary questions

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. I will be brief.

990 In response to the answer to the question of the hon. Lady, Question 518, the Chief Minister said that his Government would be building a new hostel at the Government's cost. Mr Speaker, I would like him to clarify that statement that he made, because I think – and it may be that my understanding is incorrect – that the cost of the build would be borne by somebody else on the model pretty much along the Rooke nursing home site; and if that is not going to be the case, I
995 would be grateful if the Chief Minister could confirm that the Government will indeed be meeting the entire cost of construction of a new hostel.

Mr Speaker: I have to say that is digressing from the original question and the original answer given. I am just trying to make the point that I do not want to be severe. As I say, I want to be
1000 accommodating, but you must also play by the rules.

Hon. K Azopardi: Sorry, Mr Speaker, just again on this on this point, I understood that the rules say that the supplementaries must be related to the answer. The answer that was given invoked immediately the issue of the building of a separate hostel. So the hon. Member is asking a
1005 supplementary on the hostel – that is what he is doing. It is not an issue that did not stem from the answer. (*Interjections*)

Chief Minister (Hon. F R Picardo): Mr Speaker, the financial model is under consideration.

1010 **Mr Speaker:** Next question.

EMPLOYMENT, HEALTH AND SAFETY AND SOCIAL SECURITY

Q522/2020

Employment figures 2020 –

Full-time, part-time and self-employed

Clerk: We now move to Question 522, and the questioner is the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what was the total number of people employed in Gibraltar on a full or part-time basis or registered as self-employed on 31st March 2020 and 31st October 2020 respectively, broken down by persons in full-time employment, part-time employment and self-employed persons?

Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, the authoritative record of employment which provides this data is the Employment Survey.

From the records held at the ETB, the total number of people employed in Gibraltar on a full or part-time basis or registered as self-employed on 31st March 2020 and 31st October 2020 are as follow:

On 31st March 2020, the number of persons employed was 37,445; and self-employed was 2,210.

On 31st October 2020, the persons employed were 36,889; and self-employed, 1,879.

These numbers may involve duplication and may not be entirely accurate given the potential absence of terminations being entered on the system.

The Terms of Engagement provided by the employers which is the basis for registration of the worker does not define employees as full time or part time, therefore the persons in employment are not classified as either full time or part time.

In order to produce this figure a manual exercise would be required, and this would need to be provided by each employer.

Hon. K Azopardi: Mr Speaker, I will roll up a couple of questions that just came to my head, listening to the hon. Member give his answers.

First, can he explain perhaps what he means by saying that the statistics he has just given on the total numbers of employees are not accurate for reasons that he gave, but I did not quite follow. Perhaps he can explain.

Secondly, in terms of full and part-time employment numbers, he says it has to be done manually, so it is quite an onerous task and so on. I had understood that in previous employment surveys and other statistics issued by the statistics department, there is a breakdown of full-time and part-time employment numbers. So why is that a problem now in relation to these numbers?

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to answer, because these issues were all issues that I have come to understand in the context of the BEAT process that we have been through this year, and trying to use these statistics has proved challenging, for the reasons that the hon. Gentleman will now understand.

Mr Speaker, the system of employees on the ETB's computers provides for all of the terms of engagement of the registered. Then you have separately the terminations of those.

Now, there is usually a backlog of terminations being entered into the system of anything between 30 and 60 days, and that means that there is a catch-up between the new terms of registration for individuals and the terminations for individuals. So technically, Mr Speaker, there could at any one stage be an individual who is on the computer as a statistic, nothing else, and is

registered as holding two employments. So if somebody who goes from employer A to employer B, both those terms of engagement may be registered. The termination may not yet have been entered into the system.

1060 So the hon. Gentleman will find that if we were to look at the number of people employed in Gibraltar on a particular day ... Let me give him a day, which I think is the most accurate day to play for, which is 31st October, which is the date to which the employment survey every year refers to – then he would find that it is very likely that the number is closer to 32,000, looking at the last employment survey; but on that day, if we had interrogated the computer at the ETB, it might have given us a figure of 36,000 or 37,000 as it has given us for March or October, because the employment survey, as I think the Hon. Minister has said in his first Answer, is the precise measure, because in the employment survey we are working out exactly who is employed directly with each of the employers, and he knows, Mr Speaker, that the return throughout different administrations in respect of the employment survey is extraordinarily high, in the very high 90% of people who respond to the employment survey.

1065 And also, the questions on the employment survey are different from the fields in the ETB computer so the questions in the employment survey classify employment as full-time or part-time and therefore you get a precise answer there. The ETB, you provide for the number of hours to be worked and so it would be possible to give the hon. Gentleman, as I understand it, from the information I have had, how many people in our economy are working four hours a day, that is to say, for example, 20 hours a week; and how many are working 40 hours a week or more, or less – 20 or less and 40 or more – but not to say which are the full-time, which are the part-time. So that is why, Mr Speaker, the employment survey gives us that precise data with information divided into full-time and part-time, and why it gives us the exact number of jobs in the economy as close as it can be on that day, which is, I think, 31st October, which is the date which is determined to be the survey date.

Q523-525/2020
Social security benefits –
Public information; appeals

Clerk: Question 523. The Hon. K Azopardi.

1085 **Hon. K Azopardi:** Mr Speaker, does the Government think that there is sufficient publicly available information on the system of social security benefits?

Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

1090 **Minister for Employment, Health and Safety and Social Security (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 524 and 525.

Clerk: Question 524. The Hon. K Azopardi.

1095 **Hon. K Azopardi:** Mr Speaker, is there any individual or individuals or section within the Department of Social Security charged with the responsibility of increasing public awareness or providing public information in respect of the benefits system, procedure for making claims and appeals processes?

1100 **Clerk:** Question 525. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does Government consider that it would make sense to have a common system of appeals administered by one appeals tribunal in relation to any appeal brought against decisions in respect of statutory or non-statutory or discretionary social security benefit applications?

Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, the hon. Member is legal counsel for a client in a case involving these issues and should declare that interest.

Presently all the information relating to social security benefits can be found within the Government website. Furthermore, since joining the Department as Minister for Social Security in September, I have been looking carefully at ways of improving this further and we are currently in the process of designing guides, holding workshops and seminars on the system of social security benefits for employers.

Mr Speaker, there is no person in the DSS charged with increasing public awareness of the benefits system. The Director of Social Security and his staff provide the necessary information to those that request it. All this information is available in the Government website.

Mr Speaker, the present system of appeals on social security benefit applications has been in place since 1965 and appears to have served its purpose throughout successive administrations, including the one of which the hon. Member was a Minister.

I have not received any advice, neither has it been suggested to me, that the current system needs to be revised. Nevertheless, the Department of Social Security will be asked to look at the system to see whether a common appeals system may benefit or otherwise, if this question is indeed one of constructive suggestion.

Hon. K Azopardi: Mr Speaker, they have rolled up three questions, so if I may have slightly more latitude, but I may not even need it.

In the first place, Mr Speaker, I take the initial statement made by the Minister as a bit of a jibe. Of course, the Minister knows that I am acting for someone on a legal case in relation to a judicial review but it is not the purpose of the questions, nor is there a conflict in making these questions which stem from matters which other people have been raising with me. They have nothing to do with those cases.

Chief Minister (Hon. F R Picardo): Mr Speaker, we have not suggested that, and if he has taken it as a jibe, he would be wrong because our jibes are much more pointed, as far as I am sure he will recall.

All the Hon. Minister has said is that the hon. Gentleman is legal counsel for a client in a case involving those issues and should declare that interest. Mr Speaker, I encourage him simply to declare the fact, as he has *de facto* now, that that is the case, because he will then note that the Minister went on to answer the questions because we have not imputed to him any improper motive in asking the questions. We have accepted that these could be issues that are raised generally by constituents in respect of which he wants an answer, but they are issues that are live in the litigation that he is handling and therefore we have wanted to set that out. I would be grateful if he would just simply for the sake of the record confirm that interest.

Mr Speaker, then we will deal with whatever supplementaries he may put, but if it had been intended to be a jibe, it would have been put in a different way.

I will just also say, Mr Speaker, that what the Government does not intend to do is to engage in litigation in respect of the issues that are live in that judicial review across the floor of the House, because I do not think it is in his interests, in his client's interests or in the Government's or the public's interests for us to have that litigation here.

1155 **Hon. K Azopardi:** Mr Speaker, if the hon. Member is aware about what issues are live in that case, then he has misled the House. If the hon. Member is not aware, as I assume he is not actually, because he does not have conduct of it, then he has been misled himself, because none of these questions are live in this litigation.

1160 The issue of whether there is sufficiently publicly available information on the system of social security benefits is not live in that case. The issue of whether there should be a different appeals mechanism or not is not live in that case; nor is the issue of whether there should be an increased public awareness.

So I would encourage the hon. Member to perhaps consider the issues properly, take better information and check the information before he makes ... If it was not a jibe before, it is certainly a jibe now, because he has suggested that I should declare a conflict in relation to issues that are live in litigation, which is actually not true! That is not true.

1165 So, Mr Speaker, the point I am making is I have made it very clear I am acting for person in relation to – I have not given way, Mr Speaker. *(Interjection by the Hon. Chief Minister)*

Mr Speaker: Right, I hear your point of order, Chief Minister.

1170 **Hon. Chief Minister:** Mr Speaker, I am going to keep this point of order very short.

The point of order is that the advice that the Government has is *contrary* to what the hon. Gentleman has said, namely that the issues which are raised in the litigation do touch and concern the matters which have been put here and that, therefore, Mr Speaker, the invitation that the hon. Member should declare an interest should now be pursued by him as the appropriate way to act in keeping with Standing Orders, if he has such a matter.

1175 Whether he thinks it is the sort of issue that he is raising or not, the advice that the Government has is that these are the live sorts of issues in that case.

Mr Speaker: The Hon. the Leader of the Opposition.

1180 **Hon. K Azopardi:** Mr Speaker, I made clear, as I did in my original contribution to this part of the question, that I am acting ... *(Interjection)* Yes, that I am acting ... *(Interjection)* If the hon. Member will stop interjecting from a sedentary position, I will get to the end of it, and then I will get to my supplementaries.

1185 I made clear, as I did originally at the beginning of my supplementaries, that I am acting for someone in a judicial review against the Government, as I will act for anyone who has a problem with the Government on a judicial review basis. I have no issue with that. I have no issue, I have never had an issue taking the Government on.

1190 But what I have also said is that in that particular litigation, none of the issues that are raised by these questions are live in that, and I maintain that position, and that is my position.

Now, let me ask supplementaries, Mr Speaker, which the Minister has gone on to answer. The Minister says that the information is available in the Government website. My understanding from my own trawl from the Government website is that it is not the easiest thing to find, but there is a booklet which I have been able to locate, which is what is called the Guidelines on Social Security Benefits, but that seems to deal with statutory benefits only. It is not overarching, wider information.

1195 I am surprised to hear the hon. Member say there is no person available or, sorry, there is no person who handles issues of awareness and so on. This is an issue that has been talked about by various people before. Before the election, the hon. Member, the Hon. Minister, may be aware of the establishment of this group, this social platform, called Action on Poverty. One of the issues that they have brought up domestically in Gibraltar is the fact of a lack of public awareness on issues of social security – on the impossibility or at least the difficulty that people have in navigating the benefits system. Is the Hon. Minister not aware of those concerns, and does he not think those concerns are well placed?

1200

1205 And then Mr Speaker, again rolling it up to make it easier for everyone to go on today: I am grateful that, despite what seemed a reluctant answer, the Hon. Minister is willing to ask the Department to look at the system of consolidated appeals. It was a suggestion that I put to him constructively. He is obviously right that the system has had the appeals mechanisms it has had from inception. I am not suggesting it has not, and I am not suggesting that the problem may have
1210 been born in the tenure of the hon. Members; nor am I suggesting necessarily that there is a massive issue.

But does the hon. Member not think it a constructive proposal to consider that in a system of variation of benefits, perhaps one Benefits Appeals Tribunal, given probably the low numbers of appeals that we are talking about, might actually be useful and then easier for the public to follow.
1215 That was the reason I put the question. It is not intended to be combative in fact, and I would ask the Government to take it on board.

Hon. Chief Minister: Well, Mr Speaker, I confess that the hon. Gentleman I think has failed in his duty to this House. He has failed because first of all he says that he has referred to the fact
1220 that he is involved in the case setting out involving these issues, and I think in his nervousness has also pretended that the case does not involve these issues. As far as the Government is concerned, Mr Speaker – (*Interjections*) The jousting continues.

Hon. K Azopardi: On a point of order, Mr Speaker, the hon. Member, when he puts things that I have said to the House, has to put them accurately. I have not said in a contradictory fashion that
1225 my case involves issues and then does not. I made clear that I am involved in a case, but I also said that the case does not involve these issues.

Hon. Chief Minister: Mr Speaker, that is not a point of order. That is an attempt to once again clarify the confusion that the hon. Gentleman is seeking to create, because he is saying both that
1230 he has nothing to declare and that he is involved in something which he has no reason to refer to if it is nothing that is relevant to the question.

So, Mr Speaker, I want to be very clear. I want to be very clear. The hon. Gentleman has got up in this House this afternoon to seek to advertise his legal services by getting up and saying, 'I am
1235 ready to take on any case against the Government.' Well, Mr Speaker, when I was the Leader of the Opposition and when I was in Opposition, I was ready to take on any case against the Government. There is absolutely nothing wrong with that.

The only consequence is, Mr Speaker, that that litigation, when it is done for reward as a barrister of the Supreme Court of Gibraltar, is litigation which is carried out in the Supreme or
1240 Magistrates' Court of Gibraltar, and the Government – because the Government does believe that all of these issues are engaged in the litigation on the basis of the advice that we have – has tried to be accommodating by giving a first answer, but we will not become involved in litigation across the floor of this House on matters which we consider to now be *sub judice*.

Mr Speaker: I think there is a difference of position, difference of view and interpretation. I think the best way forward is just to move on to the next Question.

Next question, please.

Do you wish to speak? Please do so, if you feel you need to say ...

Hon. K Azopardi: Mr Speaker on that question, because I am aghast at how anyone can advise the hon. Member that those issues are live in the litigation, can I ask: who gave him that advice?

Hon. Chief Minister: Government legal service, Mr Speaker.

Mr Speaker: Right, next question.
1255

Q526/2020

**Non-statutory or discretionary benefits 2015-20 –
Amount paid and numbers of recipients**

Clerk: Question 526. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what monies were paid out by way of non-statutory or discretionary benefits or social assistance by Government in each calendar year from 2015 to 2020 and in respect of how many applicants, breaking down the sum of money by calendar year and particular benefit and the number of recipients of each such benefit?

Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, the Department of Social Security administers the following non-statutory and discretionary benefits: Disability Benefit; Elderly Persons Allowance; Social Assistance; Child Welfare Grant; and Minimum Income Guarantee.

I now hand over a schedule to the hon. Member with the requested information.

Answer to Question 526

DISABILITY BENEFIT

Year	Amount	Recipients
2015	£859,506.91	227
2016	£983,474.49	271
2017	£1,136,168.94	316
2018	£1,397,238.37	354
2019	£1,278,593.56	397
2020	£1,699,381.03	412

ELDERLY PERSONS ALLOWANCE

Year	Amount	Recipients
2015	£18,544.93	21
2016	£29,994.21	25
2017	£16,371.24	22
2018	£16,119.77	20
2019	£13,796.87	19
2020	£12,128.63	16

SOCIAL ASSISTANCE

Year	Amount	Recipients
2015	£1,191,947.89	483
2016	£1,332,422.01	515
2017	£1,282,635.85	515
2018	£1,193,279.14	506
2019	£1,201,471.26	518
2020	£1,323,284.76	528

CHILD WELFARE GRANT

Year	Amount	Recipients
2015	£1,205,453.75	1693
2016	£1,110,913.59	1613
2017	£1,107,863.58	1547
2018	£1,057,031.56	1508
2019	£1,040,075.63	1413
2020	£889,205.94	1273

MINIMUM INCOME GUARANTEE

Year	Amount	Recipients
2015	£753,930.18	422
2016	£906,314.70	417
2017	£813,411.56	406
2018	£887,755.33	385
2019	£868,210.15	360
2020	£827,776.08	353

Hon. K Azopardi: Mr Speaker, can I ask on the Elderly Persons Allowance, there is on the Government website, on the statistics part, some information on the Social Assistance Child ... I think Minimum Income Guarantee as well, there is a sort of breakdown of information. But on the

Elderly Persons Allowance, can the Hon. Minister perhaps ... does he have information in how that is administered, what the criteria are for the Elderly Persons Allowance?

1275

Hon. P J Balban: Mr Speaker, the Elderly Persons Allowance is a non-discretionary benefit, which operates under administrative arrangements. It provides a monthly allowance to Gibraltarians over the age of 65 who have a right of permanent residence in Gibraltar and are permanently residing in Gibraltar. Recipients must be unemployed and in financial need. Applicants must not be entitled to an old age pension or benefits of similar nature.

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The rate for that is, I think, £88 per month.

Hon. K Azopardi: So I assume the over-65s, as I took the note, I think he said, but not in receipt of an old-age pension, hence why it is such a small number. Presumably it is people who have perhaps worked overseas and have returned – does he have an indication of the kind of profile we are talking about?

1285

Hon. P J Balban: No, Mr Speaker. I have not got that information available to me.

Q527/2020

Various benefits –

Payments made and number of recipients

Clerk: Question 527. The Hon. K Azopardi.

1290

Hon. K Azopardi: Mr Speaker, how much money was paid out in the calendar year 2020 by way of: (1) Death grant; (2) Industrial Accident — Disablement Benefit; (3) Guardians allowance; (4) Industrial accident or disease — industrial death benefit; (5) Injury benefit; (6) Maternity allowance; (7) Maternity grant; (8) Old age pension; (9) Unemployment benefit; (10) Survivors benefit; and (11) Minimum Income Guarantee to Pensioners; and in respect of how many recipients, setting out the number of recipients by way of each benefit?

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Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

1300

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, The monies paid out in the calendar year 2020 are as follows:

There were a total of 202 recipients who took Death Grant, amounting to £142,953.32.

Disablement Benefit: there were 116 recipients, and they took £383,122.15.

One recipient of Guardian's Allowance of £1,568.55.

1305

Three Industrial Death Benefits for a total of £8,425.08.

Injury Benefit: there were 23 recipients amounting to a total of £38,114.27.

For the Maternity Allowance, there were 255 recipients, and the amount was £397,800.04.

Maternity Grant: 475 recipients and the amount was £351,974.00.

Old Age Pension was 12,425 recipients. That amounted to £37,617,955.48.

1310

Unemployment Benefit: there were a total of 306 recipients, and they took £229,011.89.

Survivors' Benefit: 347 recipients, amounted to £1,315,748.04.

The Minimum Income Guarantee: there were 353 recipients, and that amounted to £827,776.08.

DIGITAL, FINANCIAL SERVICES AND PUBLIC UTILITIES

Q528/2020

Devil's Tongue proposed development –
Development licence

Clerk: Question 528. The Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Planning state whether the Government has granted a development licence to allow the proposed development on Devil's Tongue?

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

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Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, no, sir.

Hon. D J Bossino: That is in keeping with Mr Speaker's Ruling over short answers! I will try to be as short in my supplementaries as well.

1325

Is the Government supportive of this? He says no. It is the Government's intention ... is that a definite no? Is it a negative in terms of granting a development licence into the future, or is it something that the Government would consider in the future?

I am expressing my own personal view in relation to the project, Mr Speaker. I certainly do not like it. I think it is a blot in terms of the architectural horizon, and I think the Government itself, as members in the planning process, members of the Planning Commission, have expressed contrary views, albeit, I understand, limited to the environmental concerns. What I would be interested to learn is whether the Government is intending to support this by way of granting a development licence.

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Hon. A J Isola: Mr Speaker, the hon. Member has asked a question to the Minister for Planning specifically as to whether a development licence has been issued. A development licence is an issue of land under the auspices of the Deputy Chief Minister. I have absolutely nothing to do with the development licence as to whether it is or is not, whether it is liked, whether it is not liked – any issue whatsoever in relation to the development that the hon. Member is referring to.

1340

What I can tell the hon. Member is that the development did have a planning permit, which comes within my area of responsibility, which was issued and expired. The permission has been deferred following a DPC meeting some weeks back for further consideration. That is all we can say at this stage because, as you know, the DPC is entirely independent of Government.

1345

Hon. D J Bossino: I am conscious that in fact, I did some research in relation to the planning aspects, and he is right. In terms of the summary which is provided, it states that this particular application is pending. I think the matter was discussed on 28th January: although I was unable to have a look at the minutes, it was in the agenda for that meeting, but the minutes have not yet been published online.

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Just by way of final, second supplementary, Mr Speaker, is the hon. Member telling me, if I have understood him correctly, that if I had posed the question and directed it at the Minister for Development, the Deputy Chief Minister, then the answer would have been different and would have been more forthcoming than what he has provided? Is that exactly what he is telling me?

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Chief Minister (Hon. F R Picardo): Well, Mr Speaker, yes, it would have been.

First of all, I would just remind him that he could have gone online on 28th and watched the whole meeting, because contrary to the advice that we had from him and his colleagues between 2011 and 2015, when they were explicit in telling us that we should not make the DPC public and

change the rules, we did make it public and so instead of just relying on the minutes, which was the case before, he could actually have watched the whole meeting live.

Second, Mr Speaker, he would have got a different answer if he had not posed it to the Minister for Planning. If he had posed it to me or to the Government generally, which I understand is the way that the question should be answered in respect of a development licence, he would have been told firmly and clearly that a development licence will not be granted by the Government in respect of this project. For a simple reason: none is required.

This is not a Government plot in respect of which a development will only happen if a licence is granted with a lease being granted at the end. The people who are wishing to develop this plot already own the lease. A development licence is only granted when the Government owns the land and the condition on which the Government grants the land is that they will give a lease at the end of the development period.

So a development licence is entirely and completely, totally, in law, in fact and in practice, irrelevant in the context of this particular development.

Hon. D J Bossino: Mr Speaker, is that statement accurate? I have taken this from ... I think this is information, I have not annotated, from the Development and Planning Commission.

No, it was actually a GBC report, I must say, but according to the reporter there – just to be candid and open with the hon. Chief Minister – and this may be inaccurate, but I would ask him to confirm that this is inaccurate, the report reads this. It says:

Other issues were raised.

This is in the context of the report of the planning process. It said:

The proposed development's footprint includes land which is still owned by other parties – such as Government and a private concern ...

Does the Chief Minister stand by what he has just said in relation to lack of ownership, as far as the Government is concerned?

Hon. Chief Minister: On hundred per cent, Mr Speaker, because what is being sought is the assignment of the Government land, which the Government is not minded to assign.

But he has asked a question very specifically. Mr Speaker, as a lawyer, he knows what the term 'a development licence' means, or *should* know what the words 'a development licence' mean. A development licence is in respect of land which is not owned by the Government on which a development is going to be erected and a lease is granted at the end of the development period because the development of the property is a condition of the licence. So this is completely outside what is relevant in respect of this plot. One hundred per cent an otiose reference to the way that this plot is going to be developed.

Mr Speaker, if I had not read the drivel that he wrote yesterday in the *Chronicle*, I would not have believed that he could have made such a basic mistake in the context of the terminology of land. But having read what I read yesterday, I will believe anything. (*Interjections*)

Hon. K Azopardi: Yes, I thought it was a good article, too!

Mr Speaker, is the Chief Minister saying that if the Government's consent is sought to allow the current holders of leases in the plot to do this development, that the Government's consent will not be given?

Hon. Chief Minister: No, Mr Speaker, that is not what I have said, because what I have said has been in answer to a question not about landlord's consent; it has been about the nonsense of a reference to a development licence in respect of property that is already in the leasehold ownership of the developers.

1405 So the hon. Gentleman can ask me the question if he likes about whether we might or might not give that consent, but that is not what I am saying, because that is not the question that I was asked.

Mr Speaker: Next Question.

Q529/2020
DLT regulations –
Introduction of 10th core principle

1410 **Clerk:** Question 529. The Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services state when he intends to introduce the 10th core principle to the DLT regulations and what will it comprise?

1415 **Clerk:** Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, work on the creation of the 10th core principle is at a very advanced stage and is in the process of being reviewed by external subject matter experts. At this stage we expect publication in May. The 10th
1420 core principle will cover issues relating to market integrity.

Hon. D J Bossino: Thank you for that reply, to the Minister. Is he able to say, does he think that we are still ahead of the game? I think he mentioned that in the context of his video presentation, when he announced that this was going to be introduced in relation to other jurisdictions.
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Hon. A J Isola: Mr Speaker, I believe we are still miles ahead of other jurisdictions, yes.

Q530/2020
Gibraltar Association of New Technologies –
Key deliverables

Clerk: Question 530. The Hon. D J Bossino.

Hon. D J Bossino: Following his statement with regards to the election of the new executive committee of the Gibraltar Association of New Technologies, can the Minister for Digital and Financial Services provide details of the key deliverables which he said would come on stream in 2021?
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Clerk: Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.
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Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, there are a number of ongoing initiatives in this space. These include but are not limited to the following:

(a) Market Integrity Working Group creating the '10th principle' of the DLT Providers Regulatory Framework, which we have just referred to in the previous question.

(b) Implementation of Financial Action Task Force (FATF) requirements including the 'Travel Rule' by licensed Virtual Asset Services Providers (VASP) firms.
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(c) The introduction of technology to assist relevant organisations that monitor the activity of VASPs from a regulatory perspective.

1445 (d) Continued participation in/support of the work of international representative bodies, for example, Blockchain for Europe, Start up Grind, INATBA, GBBC and others.

(e) Ongoing attendance and participation in international events without the need to be physically present.

(f) Outreach to Commonwealth countries to establish commercial opportunities in this area.

1450 (g) Complete a formal gap analysis between the FATF and VASP terminology and definitions, as well as the guidelines around this, to assess any changes or amendments to the framework in Gibraltar.

(h) We will engage with HMT with a view to gaining formal regulatory recognition of a Gibraltar DLT firm or VASP, if possible we would look to achieve this as part of the GAR process with the United Kingdom government.

Q531/2020
GBC archives –
Plans to digitise

1455 **Clerk:** Question 531. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, are there plans to fully or partly digitise the GBC archives and make these available online to the public?

1460 **Clerk:** Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.

Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, yes, sir, and this is already happening.

1465 The GBC video diary is in the process of being digitised by a specialist firm in the United Kingdom. Over 16,000 tapes have been sent including programmes and footage dating back to the 1980s, with these being of different formats, such as U-Matic, BETA and DigiBeta, which were in use until 2013. Although many images have been lost forever as a result of floodings and poor damp conditions at Broadcasting House, as well as the practice of recycling expensive tapes, it is expected that a wealth of historical images and retro-programming will eventually be returned.
1470 The first batches of digitised footage have already arrived and are being used to illustrate programmes where appropriate.

It will take a number of years to complete the project, as it is delicate and complex work due to the fragility of the tapes, some of which need treatment prior to being transferred.

1475 **Hon. K Azopardi:** Thank you. I thank the Minister for that. Can I just ask a few supplementaries again? If I may, I will just roll them up, and then the hon. Member can try to answer them all, and if he forgets to answer one I can always pick it up.

The hon. Member says they have appointed a firm in the UK. Can he say who they are, and the expected cost of this project? I appreciate that it is a big project and it will take time to do.

1480 He says they have sent 16,000 tapes – of how many? Are we talking about ... is that a big part of what they had already or is it just a small part?

He says that it is a project that will take time and we understand that. How much time?

1485 I think the one aspect that he perhaps did not specifically answer, which was part of my original question, was whether they were going to be made available online to the public, not just be used as a resource by GBC to illustrate programmes. Is there a kind of programme ...? I think he said yes to it, but as part of this long project, is it intended for there to be a historical online archive in

the same way as there might be a project to have, hopefully, a documentary archive in due course of paper records? I am not talking about GBC; I am talking about the national archive.

1490 **Hon. A J Isola:** Mr Speaker, I am afraid I do not have the complete costs or, indeed, the name of the UK firm that is providing the service for the GBC, but I will of course write to him and give him that information. Nor do I know what percentage the 16,000 is of the total amount of tapes that we have.

1495 We hope it will be an online archive. However, before we get to that stage, we will require investment in an on-demand video-sharing platform to be created for GBC, which is currently being considered and costed.

Obviously, until the initial phases of digitisation are complete, we are really not able to accurately determine what will be needing to be built, so we cannot even get it costed at this stage in terms of making it available to the public.

1500 We will also in future require a librarian to manage the video library and, obviously, until, again, this is completed, that will not be possible and we will not be engaging in that expense until we are able to actually deal with what we have back.

So I will write in the next couple of days to the hon. Member, giving him the details to the answer of questions which I have not been provided with by GBC.

Q532/2020
Online Government services –
Improvement of delivery

1505 **Clerk:** Question 532. The Hon. K Azopardi.

Hon. K Azopardi: How will Government improve the delivery of online services to the public across the various departments?

1510 **Clerk:** Answer, the Hon. the Minister for Digital, Financial Services and Public Utilities.

1515 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, online services are currently being delivered in a basic form enabling citizens to interact with Government whilst our counters have been closed. The services being offered are basic and we are working to expand on a daily basis the extent of the services offered.

At the same time, we are working to deliver eServices which provide a much more comprehensive and user-friendly interaction with citizens and businesses. This month we have soft launched the new Employment eServices and these will be fully operational online, with other departments being rolled out in the coming months.

1520 These will result in a significant change to the existing user experience, and I can tell the hon. Member that the next department after Employment will be the Income Tax Office.

1525 **Hon. K Azopardi:** Mr Speaker, that answer, with all due respect to the hon. Member – I know that efforts are being made because I can see it in certain areas – it is fairly scant on detail. Can I ask him, is there an overarching Government strategy in respect of the delivery of online services or the improvement of online services holistically across the departments? Is there one in writing? That is what I am asking.

1530 **Hon. A J Isola:** Mr Speaker, there is indeed an eServices Plan, which we are working through. Obviously, the last four months with COVID have significantly shifted the time lines that we anticipated in being able to deliver these services.

I can tell hon. Member that the basic eServices, which we implemented solely as a result of COVID, in a number of departments have resulted in almost 15,000 service requests having been completed between the public and Government. So even the basic services which are available now have been subscribed to fairly significantly by the public.

And, yes, the eServices, which is what we are all anticipating to come live on stream, first with Employment, then with tax and then with GHA, are the same three areas that we have been talking about from the inception of this programme over two years ago. So what should have happened this time last year is happening this time this year as a result of the deviation in the works that have been going on resulting from COVID.

Hon. K Azopardi: Mr Speaker, can I ask this, stemming from that: first of all, when was the eServices strategy plan that he is talking about, that exists – when was it drafted?

Secondly, what kind of period of time does it span? What is the expectation on timescale of delivery for the roll-out of this plan?

Thirdly, given that the hon. Member recognises that the online services can be improved and in some cases are basic, does he not consider that in some respects, there needs to be also an improvement on counter services while the online delivery is carried out?

Hon. A J Isola: Mr Speaker, the issue of counters is something that is under consideration at this moment in time. Government is considering what we should be doing in the immediate term. There was always intended to be a service for customers of our senior citizens. The hon. Lady has asked questions in the past about whether senior citizens who do not use the internet will have the service available to them. The answer to that has always been yes.

In terms of the quality of the service, let's not forget that the services that are currently being offered are not eServices; they will be core basic services.

So I fully recognise and accept that the existing troop of eServices of some 15,000 requests in the past probably eight months that have been used is nothing like the service that is coming, simply because with basic eServices, you will have to put all of your details in each and every time you use the service. With the new eServices, what you will do is register, then have access to it through the different security portals, and it will then know who you are, and you will have your entire interaction with Government. You will literally click a button for the service that you have because it knows who you are, it knows your address, it knows your contact number, it knows your email and you will communicate with it in a very seamless manner.

So where we are today and where we will be, I hope, in the coming months are very different places. I have no doubt, but when the public see the extent of the eServices being delivered and the manner in which they will be delivered, they will understand the difference that I am trying to articulate between the basic eServices and the eServices that we are intending.

Hon. K Azopardi: Mr Speaker, can I just ask this final supplementary, because a lot of what the hon. Member has just said is about the mechanics and the expectations that in the future things will get better. I understand that when it is rolled out, it will get better and so on. But because we have not seen this eServices Plan, so we do not know where the hon. Member is trying to drive us, can he give us a sense of the ambition of the Government in relation to where he hopes we will be able to get, from the point of view of the consumer? What can the consumer expect if the eServices Plan is carried out, in terms of his or her interaction with Government services in day-to-day uses?

Hon. A J Isola: I think the consumer can expect a dramatic difference from what it is using today. In terms of the intended roll-out, as I mentioned briefly, Employment is currently in soft go-live, which is with 15 companies using the system and so that we can test it thoroughly, with firms giving us a feedback, ensuring that everything is working before we build go fully live. So

that it is as good as done. We are working through the suggested changes that both firms and the Employment Service have requested, and this is being worked through.

1585 By 1st July, I expect returns to the Income Tax Office for next year to be done digitally. I expect those to be online and processed online. The GHA will come pretty quickly afterwards and then there is a whole list of departments which will be coming online gradually. But we picked three large chunky departments to start with which will give us a good entry point into the remaining Departments.

1590 If you look at some of the other areas which are very relevant – DVLD, CSRO – they are all in the next wave of departments that we seek to introduce. The CSRO because we hope that will be one of the key entry points. Once you have satisfied CSRO with who you are, where you live and your due diligence, there should be no need for you ever again to go to any other Government department and prove where you live, a copy of your lease, like we ask in so many other departments at the moment.

1595 So I think the change will be significant, but it will take us time to roll out every single department. The big chunky ones at the front end and then the others will come on stream as we work our way through.

1600 **Hon. K Azopardi:** Sorry, Mr Speaker, I did say final, but the hon. Member has raised an interesting point, and I did not want to leave the issue without asking him, so with your indulgence ...

That all sounds good and positive, but does it also mean ... ? That is about the interaction of the consumer with Government generally as a body. Does it also mean, therefore, that, in terms of that online activity, it will improve the communication between Departments so that once someone does precisely that – as the hon. Member has said, once you have registered CSRO ... Sometimes people come to see me because they have difficulties in just interaction with Departments. Sometimes it is not even a political issue. It is simply about they go to one Department, CSRO perhaps it is about, and until they sort themselves out there, they cannot sort out their health card ... It is not a political issue. It is a bureaucratic, administrative one.

1610 Will it be the expectation that once that system is put in place, the communication between Departments will also improve so that they will have access to this information and that will make life easier for anyone seeking certificates or renewals in any other particular Department?

1615 **Hon. A J Isola:** Mr Speaker, yes, and that has been one of the enormous challenges that we faced. If you imagine that somebody is recorded in one Department as James, in another Department as Jimmy, and another one as Jaime, you begin to see how difficult it is to trust the data and ensure you are talking about the same person. So there is a cleansing of all of the different datasets that we have across every single Department in Government to ensure that when somebody registers in one Department as Jamie and tries to get his tax returns, we have actually got the right person. We have got to be able to trust the data.

1620 So apart from linking all the data into the central brain, if I can call it that, from each of the different Departments, we need to go through a process of ensuring that the data is consistent and cleansed, if I can call it that, to remove all of these anomalies.

1625 So, yes, absolutely. The expectation is that once you are registered with Government and if you make a change, it will automatically happen in all the other Departments too, so that should make life and the need for electricity and water bills far less frequent in the future, I would hope.

Q533-35/2020

**Beat COVID contact tracing app –
Number of smartphone downloads; number of users in self-isolation;
details of app developer and cost**

Clerk: Question 533. The Hon. Ms M D Hassan Nahon.

1630 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I could just briefly give a little preamble to these questions, and I just talked about it earlier with the Hon. Minister, in that a few of the answers within these questions have already been dealt with via the *Chronicle* paper on 11th March, but nonetheless I will continue to present the questions.

How many users have installed the Beat COVID contact tracing app on their smartphones?

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Clerk: Answer the Hon. the Minister for Digital and Financial Services and Public Utilities.

Minister for Digital and Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this question together with Questions 534 and 535.

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Clerk: Question 534. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many individuals have been asked to isolate as a result of having been identified as coming into contact with a COVID positive case via the contact tracing app?

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Clerk: Question 535. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who/what is the entity contracted to develop the Beat COVID contact tracing app, and how much did it cost the taxpayer?

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

Minister for Digital and Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, may I just say at the outset that I have not made any statement or invited any press commentary in respect of any of the issues arising from the hon. Lady's question. We had, through the Press Office, a request for information from one of our local newspapers. When information was provided, they subsequently requested an interview, which I gave. I actually did not link this question with that interview and my apologies for that, but it certainly was not intentional.

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One of the first governments to research and develop a decentralised version of a COVID-19 app was the Irish government. Through contacts in Apple, the Gibraltar Government was introduced to the Irish Health Authority, who kindly agreed to share their app source code, free of charge, with Gibraltar. We were then introduced to Nearform, the company building the app for the Irish government. Nearform adapted the technology that they had developed for the Irish government and created an app for us which met our requirements for a fraction of the cost. The total cost to the Government to develop the app was €71,280.

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Like all apps using the Apple-Google API, the Beat COVID app uses the Bluetooth signal on a smartphone to determine how closely and for how long two smartphones are nearby, without collecting the location of the contact or the identity of the user. This interaction is enabled via the smartphone's COVID exposure notification function, meaning that the phone is the one checking for close contacts, not the app. If a person tests positive for COVID-19, the Contact Tracing Bureau provides a unique code, which can be typed into the Beat COVID app. The smartphone's COVID exposure notification function then checks the close contact logs stored over the last 14 days, and

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if there is a match the smartphone automatically notifies the users to self-isolate and, if they have symptoms, to call 111. This is all done anonymously via the Apple-Google API.

For the close contact notifications to work, the Beat COVID app must have been downloaded and installed on a smartphone for a period of 14 days. If this is not done, the smartphone cannot log any close contacts and it is pointless for the Contact Tracing Bureau to issue a unique code to a person who has tested positive for COVID-19 if the app has not been installed on their smartphone for at least 14 days prior.

To date, the Beat COVID app has been downloaded a total of 33,281 times. Due to the anonymous nature of the app, we are unable to track how many people have received a close contact notification. I can confirm that, to date, as far as we are aware, the Contact Tracing Bureau has provided a unique code to some 105 people who have the Beat COVID app installed on their phones.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask the Hon. Minister a couple of supplementaries? I just want to remind the House that I was a very big advocate for this app when it was announced by the Minister. I downloaded it myself immediately when there was so much doubt about people's privacy and encouraged people to download it themselves, but I just do not understand how, for the price that was paid... At 70-odd thousand euros one would think it would have been elementary to have some kind of cohesive strategy that ensured that the users or people who were speaking to these representatives at Contact Tracing would be given a code. I myself fell ill with COVID and when they called me to tell me that I was positive nobody offered me a code. I appreciate that in his interview the Minister said people are not going to be asking for the code, but I do not think it was for the positive case. I certainly did not think of asking for a code.

So, my first question would be: how is it that we could have spent €70,000 on an app where it was not an elementary function within the Contact Tracing Bureau to offer immediately this code to the COVID positive case, so that we could actually make this app value for money and fit for purpose?

Hon. A J Isola: Mr Speaker, the cost of the app was a giveaway, if I can put it that way, and when you consider that in the United Kingdom I think they spent, it is reported, some £12 billion on developing an app that was subsequently abandoned, it puts it a little bit into context. We were very fortunate to have had the support of Apple, who have a Gibraltarian contact who was put in contact with me by the Chief Minister and who introduced us to the Irish government and introduced us to Nearform, where we did not pay a penny for the app source code; they gave it to us for free. So, I think that the cost of the app was extremely reasonable and extremely good value for money.

As I said in the interview, like the hon. Lady herself, the last thing on your mind when you are told you are positive is to ask for a code. Many people, the ones I know, were told they were positive and then rang up subsequently to request a code. The only way in which we could safely ensure that a person's identity was anonymous in the way that was proposed was by having this unique number that could only be issued by the GHA. At the outset of developing this app, the hon. Lady will recall there was a huge amount of concern about people knowing who you were, where you were going, who else knew, who could see and who could look, and so we took the very simple decision to have it totally anonymised. But that meant that the only person who could give the number was the person who was telling you you were positive, the GHA, and they had to go through a quick process specifically to get the particular unique number, because those numbers had to be recognised, obviously, by the app to ensure that the system triggered and it worked. It was for that reason that we set in place this process to ensure that people who wanted to have the number and wanted to put it into the app, if they downloaded it, would do so. The result is that few people did. Whose fault is that? I am not going to stand here and blame the people who were taking calls at a rate of knots in the GHA or in Contact Tracing, dealing with these

calls, telling them they were positive. It is easy to say now that they should have taken more time, but I am not going to do it. Likewise, I am not going to blame people who have had the shock of being told they are positive – that they should have asked for the number because they failed in some duty or other not to do so.

1730 As the Chief Minister said at the time that we launched this app, if it helped to save one person from death or serious injury through the use of the app it was worthwhile doing, and it was worth the effort that we made to ensure that we had this available well ahead of many of the much larger countries that subsequently introduced apps like this.

1735 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again I thank the Minister for his answer, but I fail to understand how the Government can consider this app a 'giveaway', in his own words, when at the end of the day we have 105 cases exposed as a result of the app. With 33,000 downloads, that means a rate of 0.0032% of activity or cohesion with the app between people.

1740 I think that the last thing on anyone's mind, as the Minister correctly says, is to ask for the code, but clearly that is not what we should be looking at. The point is that the Contact Tracing Bureau should have had the tools to provide the code for us. It is not about blaming them or not blaming them; this is about the design of the app, whether it was fit for purpose and whether it was value for money. Maybe yes, we did save one life, but we could have saved a lot more. In the seven or eight months that it was live I never got one notification, and I was always checking it because I was very interested to see how it would work – I think it can be widely accepted that I have a lot of friends and I know a lot of people in this place.

1745 I cannot understand how the Government cannot appreciate or accept that this money has been practically thrown away. I want to ask the Minister if he still thinks that the €70,000 spent on this app with a 0.0032% engagement was value for money at a time when we are being told by the Government that we need to prioritise our public spending.

1750 **Hon. A J Isola:** Mr Speaker, I would not quantify a life as 0.0032% of value for money, ever. What the hon. Lady seems to forget is when I said a giveaway, I said by comparison to the £12 billion that the United Kingdom had spent (**A Member:** Billion?) on their own app – billion is what was reported as having been spent. So, you have to compare the €72,000 to the £12 billion. That is where I said it was a giveaway. And the hon. Lady's mathematics... She is taking 33,281 downloads as being from Gibraltar. The hon. Lady should know that there are not 33,000 smartphones in Gibraltar, because not every man, woman and child and their dog have a smartphone. What that tells you is that people from outside Gibraltar, from all parts of the world, were downloading this app, not just Gibraltar. So, when you divide the number to work out its value, you certainly cannot use the number of 33,281. She asked me how many times it has been downloaded. That is the answer, but I can tell the hon. Lady that they were not all in Gibraltar. When this started happening, and because we were one of the first to have a Beat COVID app, people from all over the world were desperate for the app and downloaded the Gibraltar app thinking it would work anywhere else in the world, but of course it did not, and so many of the people who downloaded it subsequently came off the app. You cannot legislate for that.

1760 We did, in the situation we are in – as did Contact Tracing, as did the GHA at the call centres – everything we possibly could to make our fight against this pandemic as effective as possible, and we believe we did it way ahead of much larger countries. It is not right or fair to suggest that €72,000 has been thrown away because some useless mathematical calculation seems to suggest that it was. We all know the truth in Gibraltar of how this was used and how we it helped to save people from this infection. On that basis alone, we would do it again if we had to face a similar problem and challenge, as indeed we are now thinking about doing with the COVID vaccine passport.

1775 **Mr Speaker:** Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q536/2020

**New secondary schools –
Cracks/rectification works**

Clerk: Question 536. The Hon. E J Reyes.

1780 **Hon. E J Reyes:** Mr Speaker, can the Government provide details of what has led to cracks occurring in some classroom walls at the newly built secondary schools, as well as detailing what remedial works will be undertaken to rectify this and by whom?

1785 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1790 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the answer is a simple one: settling. It is common for buildings to experience some shrinkages and/or settlement in the first year or two following construction. A number of such cracks have appeared in various walls at the secondary schools, which have been documented by the Project Team and will be remedied by the contractor Casais, as is normal practice. In addition, a structural engineer will be assessing these cracks to confirm that they are indeed due to shrinkages in the plaster finish or are due to normal settlement, as part of the contractual obligation to make good defects during the rectification period. Apart from being normal, these types of cracks are expected.

Q537/2020

**Discretionary scholarships –
Details re applications**

1795 **Clerk:** Question 537. The Hon. E J Reyes.

1800 **Hon. E J Reyes:** Can Government provide a list showing all applications received for discretionary scholarships starting in 2019, inclusive of details showing: (a) course title, (b) name of institution delivering the course, (c) qualification to be obtained, (d) duration of course, (e) tuition fees payable, and (f) confirmation of which applications were successful and which ones were not?

1805 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have just handed over a schedule to the hon. Member which contains the information requested. I will have several such schedules in the next few questions.

Answer to Q537/2020

Course	Name of Institution	Qualification	Duration	Tuition (£)	Outcome
AAT	University of Gibraltar	AAT	1	1,028	Successful
ACCA	Kaplan London Bridge	ACCA	1	968	Successful
ACCA	Manchester Metropolitan University	ACCA	1	7,000	Successful
Advanced Operative Aesthetic & Restorative Dentistry	Aspire Dental Academy	Certificate	1	8,424	Successful
Airport Transport Pilot License	2Fly Aerodynamics	ATPL	2	18,000	Successful
Airport Transport Pilot License	BAA Training	ATPL	2	18,000	Successful
Animal Sciences	Nottingham College	BSc	1	0	Successful
Archaeology	Durham University	BA	3	9,250	Successful
Archives and Records Management	University College London	MA	1	9,860	Successful
Art, Design & Media	Greater Brighton Metropolitan College. MET	PGCE	1	8,290	Successful
BPTC	BPP University (London)	BPTC	1	16,070	Successful
Business Administration	University of Gibraltar	MBA	2	7,250	Successful
Business Administration	University of Gibraltar	MBA	2	7,250	Successful
Business Administration	University of Gibraltar	MBA	2	7,250	Successful
Business Administration	University of Gibraltar	MBA	2	7,250	Successful
Business Administration	University of Gibraltar	MBA	2	7,250	Successful
Business Administration	University of Gibraltar	MBA	3	9,250	Successful
Business Administration	Imperial College London	MBA	2	13,250	Successful
Business Administration	University of Gibraltar	MBA	2	7,250	Successful
Business Administration	University of Gibraltar	MBA	1	7,250	Successful
Child and Educational Psychology	University College London	PhD	3	14,250	Successful
Clinical Conscious Sedation and Anxiety Management	University of Bristol	PGCert	1	7,000	Successful
CMI	Gibraltar College of Further Education	Certificate	1	0	Successful
Cognitive and Clinical Neuroscience	Goldsmith University London	MSc	1	9,040	Successful
Counselling	Brisbane Australia	Mcouns	2	12,000	Successful
Counselling, Coaching and Mentoring	York St John University	BA	3	9,250	Successful
Creative Enterprise and Innovation	Cardiff Metropolitan University	MA	1	9,000	Successful
Design and Technology	Manchester Metropolitan University	PGCE	1	9,250	Successful
Education, Gender and International Development	University College London	MA	1	8,680	Successful
Fashion design & manufacture	Marbella Design Academy	BA (HONS)	3	9,250	Successful
Finance	Bocconi University	MSc	1	16,600	Unsuccessful
Foundation Certificate in Accounting	University of Gibraltar	Certificate	1	1,028	Successful
GDL	BPP University (London)	GDL	1	11,590	Successful
GDL	The University of Law	GDL	1	9,350	Successful
GDL	The University of Law (London)	GDL	1	11,650	Successful
GDL	The University of Law (Manchester)	GDL	1	9,350	Successful
Graduate Entry Medicine	University of St Andrew's	MBChB	4	0	Successful
Hairdressing VTCT	Marbella Beauty Academy	NVQ	1	4,901	Successful
HBS 2	Kauai Hawaii		1	2,800	Successful
HBS 2	Kauai Hawaii		1	2,800	Successful
Health Psychology	Cardiff Metropolitan University	MSc	1	9,000	Successful
Health Psychology	Uni of Stirling	MSc	1	6,500	Unsuccessful
History and Philosophy	University of Leeds	BA	3	9,250	Successful
International Trade Law	University of Leeds	LLM	1	9,000	Successful
ITEC Level3 Diploma in Sports Massage Therapy Course	St. Mary's University	Diploma	1	1,600	Successful
LLM Qualifying Law	Liverpool John Moores University	LLM	1	6,600	Successful
MA Investigative Journalism	City University of London	MA	1	10,200	Successful
Manne Engineering	Solent University	HND	3	9,906	Successful
Marine Science and Climate Change	University of Gibraltar	MA	1	7,750	Successful
Marketing Management	University of Chester	BA (Hons)	1	9,250	Successful
Master Orals	Glasgow Maritime Academy	Master Mariner	1	1,375	Successful
Masters of Music Composition	Boston Conservatory	MMus	2	17,042	Successful
MRes RCA (Communication Design)	Royal College of Art	MRes	1	12,350	Successful
Ms Psychology of Sport and Exercise	University of Roehampton	MSc	1	8,095	Successful
MSc Cybersecurity	Cardiff University	MSc	1	9,350	Successful
MSc Finance & Investments	University of Liverpool in London	MSc	1	13,000	Successful
MSc Integrative Counselling & Coaching	University of East London	MSc	3	3,900	Successful
MSc International Public Pol cy	Queen Mary Univeristy of London	MSc	1	9,150	Successful
MSc Physician Associate Studies	University of East Anglia	MSc	2	0	Successful
MSC Physiotherapy	London Southbank University	MSc	2	9,250	Successful
Nursing	University of Hertfordshire	BSc	3	9,250	Successful
PGCE	St. Mary's University	PGCE	1	0	Successful
PGCE	St. Mary's University	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful

PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	University of Gibraltar	PGCE	1	9,250	Successful
PGCE	Oxford Brookes University	PGCE	1	9,250	Successful
PGCE	Sheffield Hallam University	PGCE	1	9,250	Successful
PGCE	University of Portsmouth	PGCE	1	9,250	Successful
PGCE Secondary	University of Brighton	PGCE	1	9,250	Successful
PGCE Special Needs	University of Reading	PGCE	1	9,250	Successful
PhD Cancer Research	Kingston University	PhD	4	13,200	Unsuccessful
PhD Business	Kingston University	PhD	4	0	Successful
PhD Clinical Veterinary Science	University of Bristol	PhD	4	4,300	Successful
PHD in Education (Doctorate of Philosophy)	Liverpool John Moores University	PhD	3	4,000	Successful
PhD Interdisciplinary Methodologies	The University of Warwick	PhD	4	4,327	Successful
Postgraduate Certificate (Assistive Technology)	Ace Centre with Manchester Met University	Certificate	1	2,000	Successful
Primary Education 3- 7	University of Brighton	BA	3	9,250	Successful
Professional Certificate of Competence in Blockchain and Smart ...	University of Gibraltar	Professional Cert.	1	2,000	Successful
Psychology With Counselling Skills	Middlesex University	BSc	3	9,250	Successful
Security Studies	University College London	MSc	1	13,340	Successful
Sports Performance	Leeds City College	BSc	1	7,250	Successful
Tourism and events	Cardiff Metropolitan	BA	3	9,000	Successful
Tropical Medicine & Hygiene	Liverpool School of Tropical Medicine	Diploma	1	6,000	Successful
Warsash Maritime Academy (Southampton Solent)	Warsash Maritime Academy	Chief Officer	1	2,880	Successful
Yacht Master Fast Track Sail	All Abroad Maritime Academy	YachtMaster	1	8,650	Successful
Yacht Master Fast Track Sail	All Abroad Maritime Academy	YachtMaster	1	8,650	Successful

Q538/2020

Distance learning scholarships – Details re 2019 applications

Clerk: Question 538. The Hon. E J Reyes.

1810

Hon. E J Reyes: Can Government provide a list showing all applications received for distance learning scholarships starting in 2019, inclusive of details showing: (a) course title, (b) name of institution delivering the course, (c) qualification to be obtained, (d) duration of course, (e) tuition fees payable, and (f) confirmation of which applications were successful and which ones were not?

1815

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

1820

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I am handing over a schedule which the hon. Member will see contains the information requested. I am happy to hand them all over at the same time, provided they are not confused one for the other. If we want to save them for the next few questions, I think it is another two questions after this one, Mr Speaker. This is the one after this one, just in order to avoid the staff having to ... and there is one more. I just do not want to confuse my papers either. I do apologise, but I do not want to then not be able to answer. The other one comes later, so I think that is it for now.

1825

Answer to Q538/2020

Course Title	Name of Institution	Qualification	Duration (Yrs)	Tuition (E)	Outcome
ACCA	Kaplan	ACCA	3	8950	Successful
Accountancy	BPP	AAT	3	6450	Successful
BPTC	Uni of Law London	BPTC	2	3012	Successful
Building Services with Sustainable Energy	Brunel University London	MSc	5	5175	Successful
Business Management (Innovation & Enterprise)	The Open University	Ba (Hons)	3	3148	Successful
Childcare and Education	Online Learning College	Cache	1	6024	Successful
Childhood & Youth Studies	The Open University	Ba (Hons)	4	3012	Successful
Childhood & Youth Studies	The Open University	Ba (Hons)	5	830	Successful
CIM Digital Diploma in Marketing	Oxford Professional Edu Group	Diploma	1	3012	Successful
Combined STEM	The Open University	BSc (Hons)	6	6024	Unsuccessful
Data Science	The Open University	BSc (Hons)	6	340	Successful
Dementia Studies	University of Stirling	MSc	3	2640	Successful
Early Childhood Studies	The Open University	Ba (Hons)	3	1800	Successful
Education Studies	The Open University	Ba (Hons)	3	6024	Successful
English Literature & Creative Writing	The Open University	Ba (Hons)	2	1932	Successful
Environmental Health	University of Derby	MSc	3	3360	Successful
EPTI - Advanced personal trainer diploma	EPTI - Las Mesas Centro Deportivo	Diploma	1	2499	Unsuccessful
ILLM LPC	The University of Law	LPC	2	6273	Successful
ILLM LPC	University of Law	LPC		3000	Successful
Law	The Open University	LLB	3	4800	Successful
Law	The Open University	LLB	6	1274	Unsuccessful
Law	The Open University	LLB	6	3012	Successful
Law with Criminology	University of Essex	HNC	1	7300	Successful
Master of Business Administration	The Open University	MBA	2	1570	Successful
Masters of Business Administration	The Open University	MBA	2	4250	Successful
Mechanical Engineering	Unicourse (Edexcel)	HND	2	3380	Successful
Mechanical Engineering	Teeside University	HNC	1	1932	Successful
Med in SEND	Real Training (via Middlesex uni)	SEND	2	13165	Withdrawn
Medical Law & Ethics	University of Edinburgh	LLM	2	7280	Unsuccessful
NCRQ- Diploma in Applied Health & Safety Level 6	NCRQ	Diploma	1	4620	Successful
Non-Executive Director Diploma	Financial Times	Diploma	1	3012	Successful
Nutritional Therapy	Centre for Nutrition Education & Lifestyle Medicine	Ba (Hons)	4	3012	Successful
Open Degree	The Open University	Ba (Hons)	6	4518	Successful
Photography	Open College of the Arts	MA	3	3300	Successful
Podiatric Surgeon Training	Queen Margaret University		5	3012	Successful
Primary Education	The Open University	Ba (Hons)	4	6024	Successful
Professional Certificate of Competency in Mechanical Engineering	Engineering Inst of Technology	Certificate	1	3012	Successful
Professional Qualification Chartered Institute of Management Accountants	CIMA	CGMA	3	7280	Unsuccessful
Professional Qualification Chartered Institute of Management Accountants	The Open University	CIMA	3	21320	Successful
Psychology	The Open University	BSc (Hons)	3	6024	Successful
Psychology	University of Essex (online)	BSc (Hons)	3	6540	Successful
Qualified Electrician NVQ 3	Able Skills	NVQ	3	2475	Successful
Qualified Electrician NVQ 3	Able Skills	NVQ	3	2130	Successful
Special and Additional Learning Needs	University of East London	Master	2	5550	Successful
Sports Therapy UK	Sports Therapy UK	Level 3	1	1350	Successful

Q539/2020
Discretionary scholarships –
Details re 2020 applications

Clerk: The next question is Question 539. The Hon. E J Reyes.

1830 **Hon. E J Reyes:** Can Government provide a list showing all applications received for discretionary scholarships starting in 2020, inclusive of details showing: (a) course title, (b) name of institution delivering the course, (c) qualification to be obtained, (d) duration of course, (e) tuition fees payable, (f) signifying which applications were successful in the initial granting of scholarships, (g) separately signifying which applications were eventually successful when a revised criterion was applied, and (h) details of which applications have not been successful?

1835

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

1840 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the schedules which have just been handed over to the hon. Member contain the information requested.

Answer to Q539/2020

Course Title	Name of Institution	Qualification	Duration	Tuition (E)	Initial	Revised
A Level	City College of Plymouth	Level 3	1 Year	2900	Unsuccessful	Unsuccessful
AAT	University of Gibraltar	AAT	1 Year	1271	Successful	Successful
AAT	University of Gibraltar	AAT	1 Year	1271	Successful	Successful
AAT	University of Gibraltar	AAT	1 Year	2599	Successful	Successful
AAT	University of Gibraltar	MT	1 Year	1271	Successful	Successful
AAT	University of Gibraltar	AAT	2 Years	2599	Successful	Successful
AAT	University of Gibraltar	AAT	1 Year	1148	Successful	Successful
AAT	University of Gibraltar	AAT	1 Year	2599	Successful	Successful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Unsuccessful	Unsuccessful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc (Hons)	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc (Hons)	3 Years	9250	Successful	Successful
Adult Nursing	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Architecture	University of Westminster	PgDip	1 Year	3600	Successful	Successful
Art	Camberwell college of arts	BA	1 Year	5420	Successful	Successful
Art & Design	Bournemouth	Foundation Dip/c	1 Year	5421	Successful	Successful
Art & Design	University of Brighton	PGCE	1 Year	9250	Successful	Successful
Art 8 Design	Sheffield Hallam University	PGCE	1 Year	9250	Successful	Successful
Beginners Cut and Colour	London	Level 3	8 Months	13000	Unsuccessful	Unsuccessful
Biological and Medical Sciences	University of Liverpool	BSc	3 Years	9250	Successful	Successful
BPC	Leeds	BPC	1 Year	11750	Successful	Successful
Brands, Communication and Culture	London	MA	1 Year	8640	Unsuccessful	Successful
Business Administration	University of Gibraltar	BBA	3 Years	9250	Successful	Successful

Business Administration	University of Gibraltar	BA	3 Years	14000	Successful	Successful
Commercial Photography for Fashion, Advertising and Editorial	Plymouth College of Arts	BA	3 Years	9250	Unsuccessful	Successful
Computational Arts	Goldsmiths	MA	2 Years	10450	Unsuccessful	Successful
Contemporary Performance	Manchester School of Theatre	MA	1 Year	9252	Successful	Successful
Criminology and the criminal justice system	Wolverhampton University	BSc	4 Years	9250	Unsuccessful	Successful
Culture. Creativity and Entrepreneurship	Leeds	MA	1 Year	10000	Successful	Successful
Dance and Performance	Manchester	BA	3 Years	8900	Unsuccessful	Successful
Design and Technology Secondary Education	Huddersfield	PGCE	1 Year	9250	Unsuccessful	Successful
Dietetics	Leeds	MSc	2 Years	9250	Successful	Successful
Digital Media Production	Sheffield Hallam University	BA	4 Years	9250	Successful	Successful
Electrical and Electronic Engineering	Sheffield Hallam University	BEng	4 Years	9250	Successful	Successful
Electronic Music Production	University of West London	BA	4 Years	9250	Unsuccessful	Successful
Elite Coaching Practice	The University of Central Lancaster	PGDip	2 Years	6900	Unsuccessful	Successful
Engineering Doctorate	Newcastle	EngD	5 years	0	Successful	Successful
Environmental Science 8 Management	York, UK.	MSc	1 Year	8040	Unsuccessful	Successful
Equine Management	Brackenhurst College	Level 3	2 Years	0	Unsuccessful	Unsuccessful
Field Town Planning 8 Sustainability	University of Gibraltar	PhD	6 Years	6100	Unsuccessful	Unsuccessful
Fine Art	Glasgow	MFA	2 Years	7920	Unsuccessful	Successful
Graduate Diploma in Law	London Bloomsbury	GDL	1 Year	12050	Successful	Successful
Graduate, Diploma in Law	University of Law. Bloomsbury C,	GDL	1 Year	12050	Successful	Successful
Graduate Diploma in Law	BPP London Waterloo	GDL	1 Year	11590	Successful	Successful
Graduate Diploma in Law	Cardiff University	GDL	1 Year	9450	Successful	Successful
Graduate Diploma in Law	University of Cardiff	GDL	1 Year	9450	Successful	Successful
Graduate Diploma in Law	University of Law, Leeds, UK	GDL	1 Year	9700	Successful	Successful
Graduate Diploma in Law	Manchester Metropolitan University	GDL	1 Year	1157	Successful	Successful
Heritage Erasure Mitigation Strategies	University of Gibraltar	PhD	6 years	6100	Unsuccessful	Successful
History	Anglia Ruskin University	BA	4 Years	9250	Successful	Successful
History	University of Kent	PhD	6 Years	2204	Unsuccessful	Successful
Implantology	Bristol	MSc	3 Years	5400	Unsuccessful	Successful
International Business with Language	University of Greenwich	BA	3 Years	9250	Successful	Successful
International Football Business	Buckinghamshire New University	BA (Hans)	3 Years	9250	Unsuccessful	Successful
International Human Resource Management	Manchester	PGDip	9 Months	7125	Successful	Successful
International Relations	University of Oxford	Mphil	2 Years	18455	Unsuccessful	Successful
Law	London	GDL	1 Year	12050	Successful	Successful
Law	Leeds	MA	1 Year	10950	Successful	Successful
Law	University College London	LLM	2 Years	8300	Unsuccessful	Successful
Law Conversion	London	GDL	1 Year	11590	Unsuccessful	Successful
Leadership and Management	University of Gibraltar	MA	2 Years	6250	Unsuccessful	Successful
Leadership and Management	University of Gibraltar	MA	2 Years	6250	Successful	Successful
Leadership and management	University of Gibraltar	MA	2 Years	6250	Successful	Successful
Learning and Teaching in the Creative Industries	Brighton	Masters	1 Year	9000	Unsuccessful	Successful

GIBRALTAR PARLIAMENT, TUESDAY, 16th MARCH 2021

Legal Practice Course	BPP University	LLB	1 Year	16200	Successful	Successful
Legal Practice Course	BPP University Bristol	LPC	1 Year	13130	Successful	Successful
Legal Practice Course	BPP University Law School - Lee	LPC	1 Year	12290	Unsuccessful	Successful
						Cont...
Legal Practice Course	BRISTOL	LPC	1 Year	13000	Successful	Successful
Legal Practice Course with Business and Management	University of Law, London Bloom	LPC with MSC	1 Year	17300	Successful	Successful
Level 3	Gibraltar College	Level 3	1 Year	1000	Unsuccessful	Unsuccessful
Maritime Operations Management	Liverpool	MSc	1 Year	8500	Unsuccessful	Successful
Maritime Science	University of Gibraltar	BSc (Hons)	3 Years	9750	Successful	Successful
Maritime Science with Engineer Cadetship Programme	University of Gibraltar	BSc	3 Years	9250	Successful	Successful
Marketing	Manchester Metropolitan University	MSc	2 Years	9250	Successful	Successful
Marketing	Manchester Metropolitan University	MSc	1 Year	9250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7500	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Unsuccessful	Unsuccessful
Master of Business Administration	University of Gibraltar	MBA	2 Years	7250	Successful	Successful
Materials for Environment and Climate	University College London	MSc	1 Year	11470	Unsuccessful	Successful
Mental Health	Liverpool	MA	1 Year	8100	Unsuccessful	Successful
Microblading Training	Marbella Beauty Academy	ABT Accredited	2 Days	1900	Successful	Successful
Nutrition and Dietetics	University of Chester	MSc	2 Years	9200	Successful	Successful
NVO Diploma	Liverpool	NVO Diploma	1 Year	994	Unsuccessful	Unsuccessful
Outdoor and Adventure Education	Chichester	BA (Hons)	4 Years	9250	Unsuccessful	Successful
Paediatric Dentistry	Eastman Dental Institute (UCL)	MSc	3 Years	6155	Successful	Successful
PGCE	St Mary's University, Twickenham	NOT	1 Year	9250	Successful	Successful
PGCE	Leeds City College	PGCE	1 Year	7950	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	York St John University UK	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful

GIBRALTAR PARLIAMENT, TUESDAY, 16th MARCH 2021

PGCE	Nottingham	PGCert	1 Year	9250	Successful	Successful
PGCE	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE Primary Education	Northumbria University and Sunderland	PGCE	1 Year	9250	Successful	Successful
PGCE Primary Education	University of Gibraltar	PGCE	1 Year	9250	Successful	Successful
PGCE Primary Education	Roehampton University	PGCE	1 Year	9250	Successful	Successful
PGCE Primary Education	Canterbury Christ Church University	PGCE	1 Year	9250	Successful	Successful
PGCE Primary Education	Northumbria University and Sun	PGCE	1 Year	17300	Successful	Successful
PGCE Primary Education	Canterbury Christ Church University	PGCE	2 Years	9250	Successful	Successful
PGCE Secondary Education	Canterbury Christ Church University	PGCE	1 Year	9250	Unsuccessful	Successful
PGCE Secondary Education	University of Derby	PGCE	1 Year	9250	Successful	Successful
PGCE Secondary Education	Liverpool Hope University	PGCE	1 Year	9250	Successful	Successful
PGCE Secondary Education	Canterbury Christ Church University	PGCE	1 Year	9250	Successful	Successful
PGCE Secondary Education	Cardiff Metropolitan University	PGCE	1 Year	9000	Successful	Successful
PGCE Secondary Education	Chichester	PGCE	1 Year	9025	Successful	Successful
PGCE Secondary Education	Sheffield Hallam University	PGCE	1 Year	9250	Successful	Successful
PGCE Secondary Education	Reading	PGCE	1 Year	9000	Successful	Successful
Pharmaceutical Science	Anglia Ruskin University	PhD	4 Years	9407	Unsuccessful	Successful
PhD by Research	University of Gibraltar	PhD	6 years	6100	Successful	Successful
PhD by Research	University of Gibraltar	PhD	4 Years	6700	Successful	Successful
PhD by Research	University of Gibraltar	PhD	6 years	6100	Successful	Successful
PhD by Research	University of Gibraltar	PhD	6 Years	6100	Unsuccessful	Successful
PhD By Research	University of Gibraltar	PhD	6 years	6000	Unsuccessful	Successful
Philosophy	Reading	BA	3 Years	9250	Successful	Successful
Photography	Canterbury Christ Church University	BA Photography	4 Years	9910	Unsuccessful	Successful
Physician Associate Studies	University of East Anglia Norwich	MSc	2 Years	9900	Successful	Successful
Physiotherapy	University of Central Lancashire	MSc	2 Years	10.5	Successful	Successful
Popular Music Performance	Bristol UK	BMus (Hons)	3 Years	9250	Successful	Successful
Psychology of Education BPS	University of Bristol	MSc	1 Year	8500	Successful	Successful
Psychology with substance misuse	London	BSc	3 Years	9250	Unsuccessful	Successful
Public International Law	Leiden	LLM	1 Year	1946.11	Unsuccessful	Successful
Real Estate	South Bank University	PGDip	2 Years	4795	Successful	Successful
Science in Counselling	University of Lincoln	MSc	2 Years	9000	Unsuccessful	Successful
Secondary Initial Teacher Education Biology with Science	University of the West of England	OTS	1 Year	9250	Successful	Successful
Short Course	University of Gibraltar	C1	4 weeks	1120	Unsuccessful	Unsuccessful
Social and Cultural Anthropology	University College London	MSc	1 Year	13640	Successful	Successful
Sociology	Cambridge University	PhD	3 Years	8589	Unsuccessful	Successful
Sport & Exercise Psychology	Manchester Metropolitan University	MSc	1 Year	11950	Unsuccessful	Successful

Q540/2020
Distance learning scholarships –
Details re 2020 applications

Clerk: Question 540. The Hon. E J Reyes.

1845 **Hon. E J Reyes:** Can Government provide a list showing all applications received for distance learning scholarships starting in 2020, inclusive of details showing: (a) course title, (b) name of institution delivering the course, (c) qualification to be obtained, (d) duration of course, (e) tuition fees payable, and (f) confirmation of which applications were successful and which ones were not?

1850

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

1855 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the information is contained in the fourth schedules I have handed over to the hon. Member.

Answer to Q540/2020

Course Title	Name of Institution	Qualification	Duration (Yrs)	Tuition (£)	Outcome
ACCA	ACCA/BPP	Chartered Accountant	4	5000	Successful
Access To Nursing	Distance Learning Centre	HED	1	1250	Successful
Accounting	ACCA and Kaplan	ACCA	3	3584	Successful
Accounting	London School of Economics	Chartered Accountant	2	7000	Successful
Applied Educational Leadership	University of London	MA	3	12850	Successful
Archive Administration	Aberystwyth University	Diploma	5	8350	Successful
Business Management	The Open University	BA (Hons)	6	13932	Successful
Certificate in securities, advice & dealing	Personal finance society/Chartered Insurance Institute	Certificate	1	1068	Successful
Childhood and Youth Studies	The Open University	BA	6	18576	Successful
Childhood and Youth Studies	The Open University	BA	6	10576	Successful
Childhood and Youth Studies	The Open University	BA	3	18576	Successful
CILEx Graduate Fast-track Diploma	CILEx Law School	Chartered Legal Executive	1	3403	Successful
CILEx Level 3 Professional Diploma in Law and Practice	CILEx Law School	Chartered Legal Executive	3	6875	Unsuccessful
CIPD Advanced Diploma in HRM	MOL	CIPD	2	5995	Unsuccessful
CIPD Diploma	AVADO	Diploma	1	2580	Unsuccessful
Clinical Education	University of Edinburgh	MSc	3	14610	Successful
Clinical Education	University of Edinburgh	MSc	3	15352	Successful
Computing and IT with a second subject	The Open University	BSc	3	18576	Successful
Digital Marketing	Anglia Ruskin University	BSc	3	14100	Successful
Diploma in International Trust Management	STEP	STEP	2	35E10	Unsuccessful
Diploma in Strategic Management and Leadership	Brighton School of Business and Management	Chartered Manager	1	1713	Successful
Discovering Arts and Humanities	The Open University	BA	4	18576	Successful
Early childhood	The Open University	BA (Hons)	6	18576	Successful
Education	Oxford Brookes	MSc	2	6525	Successful
Education	University College London	MA	2	9210	Successful
Education Studies	The Open University	BA	3	16576	Successful
Education Studies	The Open University	BA (Hons)	3	18576	Successful

GIBRALTAR PARLIAMENT, TUESDAY, 16th MARCH 2021

Education Studies	The Open University	BA	6	18576	Succeeded
English Language and Literature	The Open University	BA	3	18575	Successful
Graduate Diploma in Law	University of Law	GDL	2	9700	Successful
HNC Mechanical Engineering	Teeside University	HNC	4	3465	Successful
IT Computing and Business	The Open University	BSc	4	12000	Successful
ICA International Advanced Certificate in Anti Money Laundering	International Compliance Association	Advanced Certificate	1	1775	Unsuccessful
International Sports Management	UFCB	MSc	1	7500	Successful
Introduction to Responsible Gaming	University of Gibraltar	RCG	1	100	Unsuccessful
Languages	The Open University	BA (Hons)	3	16576	Successful
Law and Psychology	University of Essex	LLB	4	18500	Successful
Legal Practice Course	University of Law	LPC	2	11600	Successful
Management with Project Management	University of Lincoln	MSc	1	8880	Successful
Masters in Law in Medical Law	De Montfort University	LLB	2	8750	Successful
Mediation Training Course	Royal Institute of Chartered Surveyors	RIGS Accredited Mediator	0	4140	Unsuccessful
Medical and Health Education	University of Manchester	Post Graduate Certificate	1	3600	Successful
Mental Health Psychological Therapies	Queen Mary University of London	MSc	2	9300	Successful
Nursing and Midwifery	Distance Learning Centre	HED	1	1286	Successful
Open Degree	The Open University	BSc	3	18576	Successful
Pain Management	University College London	MSc	2	7050	Successful
Primary Teaching	The Open University	BA	3	15576	Successful
Psychology	Northumbria University Newcastle	MSc	2	7170	Successful
Psychology	The Open University	BSc	6	18576	Successful
Psychology and Learning Disability	University of Portsmouth	MSc	2	9000	Successful
Psychology and Neuroscience of Mental Health MSc	King's College, London	MSc	2	17700	Successful
STEP	CTL International	TEP	5	4475	Unsuccessful

Q541/2020

Discretionary grants – Details re change in criteria

Clerk: Question 541. The Hon. E J Reyes.

1860 **Hon. E J Reyes:** Can the Minister for Education provide details in respect of the change in criteria which led to some applicants who were initially not granted discretionary grants later having the original decision rescinded and subsequently awarded a grant?

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

1865

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, there was a review in criteria which resulted in masters, doctorates and equivalents being supported for this year.

1870 **Hon. E J Reyes:** Does the Minister have any details on what yardstick was changed that made that difference?

Hon. Prof. J E Cortes: Mr Speaker, the decision was taken that applications for second/third degrees, masters and doctorates and their equivalent would be successful. This was a decision taken at the time by way of supporting our young people in furthering their studies. It is a decision which resulted in more students going over, and not fewer, and was greatly welcomed by the students and their families.

1880 **Hon. K Azopardi:** Mr Speaker, is the Minister aware that there were a number of young people, around August or so, I guess, who were told that they had been unsuccessful for a period? It was quite a significant number – I do not know how many, he will have statistics, but they were told they were unsuccessful. Is he aware of that, and, if so, why were they initially told they were unsuccessful.

1885 **Hon. Prof. J E Cortes:** Mr Speaker, because the criteria used changed during August.

Hon. K Azopardi: Mr Speaker, I am trying to follow the hon. Member. He has said that people have been successful and it was agreed that they should go to the United Kingdom for these studies. We were approached by people who were told they were unsuccessful and were then subsequently told they were successful. So, how do the criteria change and evolve? Can he give us a bit more detail? Why is it that people were initially unsuccessful and then subsequently successful? If there was a change of criteria, what was the change of criteria? If there was not a change of criteria, was there a change in the way that the criteria were being applied, and for what reason?

1895 **Hon. Prof. J E Cortes:** Mr Speaker, it is very simple. At the beginning of August – I do not recall exactly when – students were advised whether they had been successful or unsuccessful using the criteria that had been used at the time. During the course of August the criteria changed and expanded to include all those who had applied for masters, doctorates or equivalent. That was a change of criteria, therefore the applications were reassessed based on that, and some who had been unsuccessful were subsequently deemed successful because the criteria had changed.

Hon. K Azopardi: So, just for clarity, given the answer, they are now applying, subsequently at the end of that process, a more expansive criterion – is that correct?

1905 **Hon. Prof. J E Cortes:** Mr Speaker, for last year, the academic year we are in at the moment ... for applicants of last year they were more expansive criteria. That is not to say that the same will apply in subsequent years, but certainly for this last academic year it was more expansive and more inclusive.

1910 **Hon. D A Feetham:** Mr Speaker, thank you very much for your indulgence.

The Hon. Minister knows that I wrote to him in relation to a number of those people who were unsuccessful, trying to plead their case for a reverse of the original decision, and in fact I think that all of them were, later on, successful.

1915 What I think we want to get to the bottom of, and not really for historical reasons, quite frankly, because everybody on this side would accept that actually what Gibraltar PLC does – of course the Government, but the Government does it on behalf of everybody – on behalf of students really is not mirrored, or certainly not that I am aware of, outside the jurisdiction. Gibraltar is very generous to our students. We want that, of course, to continue, because this is a good investment for Gibraltar.

1920

Can he answer: why was there a restriction? What were the criteria? It looked like the Government had taken a blanket approach, that the Government was not going to be funding any master's degrees, and then it reversed the decision. Moving forwards, because really the concern is moving forwards, what are the criteria going to be for this year, so that people are aware of what is going to be the position of the Government in relation to applications that are now going to be made in the summer in relation to second degrees in particular?

Hon. Prof. J E Cortes: Mr Speaker, for one moment I thought the hon. Member was going to thank me for having been able to allow more students to go over. He has stopped short of that, but I am sure he will do that later.

Hon. D A Feetham: Do you want me to thank you? I will thank you.

Hon. Prof. J E Cortes: No, there is no need at all. I said it in the humour that our relationship, I think, sustains.

Clearly, we are talking about students who, until this Government got into office, would not have been given grants at all, because it was this Government that decided to support a second degree. That point clearly has to be made.

The criterion at the start of the process last year was, as has been alluded to, more restrictive. It analysed more the nature of the subject, the relevance to the subject that had been done by a particular student before and whether that student had perhaps had some other additional degree other than a first degree, so it was quite complex and quite selective. We discussed it and thought there was enough merit and it was possible at the time to expand the criteria and to open it to all those who had been successful in obtaining places for masters, doctorates and equivalents. That was a decision taken at the time.

Every year the criteria are reviewed. This year they may not be identical. Clearly, we have to look at all sorts of elements in deciding the criteria, but that is what happened at the time, and I am glad to say that a lot more students have been able to go and are currently pursuing their studies outside Gibraltar, and I am very glad that we were able to do that.

Mr Speaker: We need to move on. I am sorry, I beg your pardon – the hon. Member responsible for education.

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

A couple of minor things. The Minister clarified that those who are doing postgraduate, in the review of their application had, luckily for them, moved from being unsuccessful to successful, yet I notice in the schedule in the answer to Question 539 there was an application for a discretionary scholarship to do a PhD at the University of Gibraltar – so, that is at the doctorate level – and the unsuccessful status remains unsuccessful. That does not tally 100% with what the Minister has said. It could be a typographical error.

And whilst we are asking, Mr Speaker – perhaps if the Minister does not have it now, he could look at it – when I asked for the course title, one of the course titles says 'Level 3'. Level 3 is a qualification to be attained, not a course title. Another course title in the schedule is NVQ Diploma. That is a qualification to be attained, not a course title. And on one of the occasions where the student doing a doctorate in engineering is successful, tuition cost is put down as zero. That is certainly a matter that needs to be checked, because it would be the first time in history that a student needs to apply for a scholarship if the funding he is asking for is zero. But I appreciate, Mr Speaker, not to delay your time, the Minister can look at it in his own time, in tranquil ... check and then get back to us at another stage.

Hon. Prof. J E Cortes: Mr Speaker, clearly I have to go back. I have to talk to the civil servants who have worked very hard in providing all this extensive data for the benefit of the Member

1975 opposite, but the particular details, whether they are mistypes or maybe somebody withdrew, I do not have the detail of those two or three cases, but I undertake to look into them. Perhaps, Mr Speaker, behind your chair he would be able to point out exactly where those are or send me some kind of communication during the course of tomorrow, and I will revert as soon as I can.

Thank you.

Mr Speaker: Next question, please.

Q542/2020

**Tuition fees and scholarship grants –
Payments and reason for delays**

1980 **Clerk:** Question 542. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education confirm that all tuition fees and scholarship grants for the academic year 2020-21 have now been processed, and also provide explanations as to why many delays were experienced this year in respect of processing the payment of these?

1985

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

1990 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, all students who have submitted the relevant and completed documentation with respect to either their initial application or their continuation of studies are now in receipt of the maintenance grant due to date. All universities that have invoiced the Department of Education in respect of tuition fees for a Gibraltar scholarship award holder have also been processed.

1995 There were delays in the paying of maintenance grants last year, primarily due to COVID, which resulted in the window for scholarships opening later than usual. Tuition fees are paid upon receipt of relevant invoices from the university, and those received will be paid promptly.

2000 **Hon. E J Reyes:** Mr Speaker, these were questions that were set last October. The Minister, very patiently, gave me his time and we had direct communication.

Am I right in assuming from what the Minister has said that sometimes it is just the bureaucracy, the paperwork and the universities submitting the invoices and the students themselves informing the appropriate authority? Is that the nature of the problem? And, if it is, we can leave it at that because we can just provide better guidelines for future applicants?

2005

Hon. Prof. J E Cortes: Yes, indeed, Mr Speaker. Sometimes the universities will invoice the Department directly, and that is the best and quickest way. Sometimes they will do it through the student. The student may then take time or forget, or not pass on the invoice to the Department, and that can lead to delays and sometimes anxiety when the student had not realised that it was for them to forward it. Usually, we pick them up. As the hon. Member says, we were in contact quite a number of times last autumn trying to solve these problems, but I am glad to say that my latest information is that we are up to date.

2010

Q543-44/2020
Scholarships for uncompleted courses –
Outstanding debts

Clerk: Question 543. The Hon. E J Reyes.

2015 **Hon. E J Reyes:** Can Government provide updated details of repayments outstanding from pupils who have not completed any courses for which they were granted scholarships, indicating the dates from which such repayments were due, frequency and amounts to be paid, together with the date by when individuals' repayments are expected to be completed?

2020 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2025 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 544, which will have a schedule.

Clerk: Question 544. The Hon. E J Reyes.

2030 **Hon. E J Reyes:** Can Government provide updated details of the grand total debt outstanding from pupils who have not completed any courses for which they were granted scholarships, together with details of what actions are being taken against debtors who are failing to make repayments as required by their contracts?

2035 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2040 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the information requested is set out in the schedule that has just gone across the floor.

Debtors who are failing to make repayments are initially chased by the Department. When they do not respond, they are referred to the Central Arrears Unit.

Answer to Q544/2020

			Debt Under Agreement	Amount owed	Currently Paying	Next Payment Due	Date Expected to complete	Referred to CAU *
1989/90	Student	1	No	£788.99	No	Feb-06		yes
1990/91	Student	2	No	£164.00	No	Mar-16		
1996/97	Student	3	Yes	£1,046.59	Yes	Sep-20	Mar-25	
1997/98	Student	4	No	£1,614.80	No	Dec-09		yes
1997/98	Student	5	yes	£481.60	Yes	Sep-20	Aug-22	
1998/99	Student	6	Yes	£1,077.50	Yes	Sep-20	Apr-22	
1999/00	Student	7	No	£240.39	no	Aug-20	Oct-20	
1999/00	Student	8	No	£1,856.61	No	Aug-19		yes
2000/01	Student	9	No	£5,790.20	No	Oct-03		yes
2000/01	Student	10	Yes	£6,637.81	Yes	Jun-20	Feb-29	
2000/01	Student	11	Yes	£1,749.60	Yes	Sep-20	May-40	
2000/01	Student	12	No	£2,312.59	Yes	Sep-20	May-24	
2000/01	Student	13	Yes	£3,807.03	Yes	Sep-20	May-36	
2000/01	Student	14	No	£2,110.40	No	Feb-20	Dec-23	yes
2000/01	Student	15	No	£6,007.40	No			yes
2000/01	Student	16	No	£9,568.19	No	Jun-06		yes
2000/01	Student	17	No	£532.80	No	Apr-10		yes
2002/03	Student	18	No	£4,342.81	Yes	Sep-20	Oct-25	
2002/03	Student	19	No	£823.80	No	Jul-09		yes
2002/03	Student	20	No	£1,782.41	No			yes
2002/03	Student	21	No	£2,873.69	No	Jan-12		yes
2002/03	Student	22	No	£1,573.80	No	Jan-06		yes
2002/03	Student	23	No	£593.13	No	May-04		yes
2002/03	Student	24	No	£1,910.19	Yes	Sep-20	Oct-23	
2002/03	Student	25	Yes	£2,043.14	Yes	Sep-20	Apr-22	
2003/04	Student	26	No	£11,540.82	No			yes
2004/05	Student	27	No	£4,211.41	No	Mar-10		yes
2004/05	Student	28	No	£70.00	No	Jul-11		yes
2004/05	Student	29	Yes	£4,472.41	No			yes
2005/06	Student	30	Yes	£2,147.41	No	Oct-18		yes
2005/06	Student	31	No	£8,411.33	No	Apr-06		yes
2005/06	Student	32	Yes	£418.07	Yes	Sep-20	Jul-22	
2005/06	Student	33	No	£5,149.40	No	Aug-12		yes
2005/06	Student	34	No	£4,937.41	No			yes
2005/06	Student	35	Yes	£2,554.41	Yes	Sep-20	Oct-24	
2006/07	Student	36	No	£2,130.73	No	Jul-20		yes
2006/07	Student	37	Yes	£472.40	NO	Jun-20		
2006/07	Student	38	No	£5,526.60	No	Jul-08		yes
2006/07	Student	39	No	£4,097.40	No	Nov-09		yes
2006/07	Student	40	No	£2,482.36	Yes	Jul-20	Sep-22	
2007/08	Student	41	Yes	£2,130.94	Yes	Jul-20	Mar-22	
2007/08	Student	42	No	£1,715.99	NO	Jun-20		
2007/08	Student	43	Yes	£1,335.37	No	Oct-19		
2008/09	Student	44	No	£3,722.26	Yes	Sep-20	Aug-33	
2008/09	Student	45	No	£7,113.81	No	May-12		yes
2008/09	Student	46	Yes	£208.57	No	Aug-17		yes
2008/09	Student	47	Yes	£1,355.39	No			yes
2008/09	Student	48	Yes	£2,766.72	Yes	Sep-20	Mar-22	
2008/09	Student	49	Yes	£2,143.60	Yes	Sep-20	Apr-24	
2009/10	Student	50	Yes	£2,841.80	Yes	Sep-20	Sep-23	
2009/10	Student	51	Yes	£2,982.46	Yes	Sep-20	Feb-33	
2009/10	Student	52	Yes	£2,032.06	No	Nov-18		yes
2009/10	Student	53	No	£660.24	Yes	Sep-20	Mar-21	
2010/11	Student	54	Yes	£4,696.86	Yes	Sep-20	May-30	
2010/11	Student	55	Yes	£3,581.20	Yes	Sep-20	Feb-28	
2010/11	Student	56	Yes	£5,552.81	Yes	Sep-20	Apr-25	
2010/11	Student	57	Yes	£2,114.79	Yes	Sep-20	Aug-25	
2010/11	Student	58	No	£1,190.14	Yes	Sep-20	Jul-22	
2010/11	Student	59	No	£1,199.26	Yes	Sep-20	Mar-22	
2010/11	Student	60	Yes	£849.27	Yes	Sep-20	Oct-21	
2010/11	Student	61	No	£620.06	No	May-15		yes
2010/11	Student	62	No	£1,514.26	Yes	Sep-20	Feb-27	
2010/11	Student	63	Yes	£3,833.46	Yes	Sep-20	Aug-36	
2011/12	Student	64	No	£5,190.81	Yes	Sep-20	Jul-35	
2011/12	Student	65	Yes	£1,200.00	Yes	Sep-20	Aug-22	
2011/12	Student	66	No	£2,312.13	Yes	Sep-20	Mar-30	

GIBRALTAR PARLIAMENT, TUESDAY, 16th MARCH 2021

2011/12	Student	67	Yes	£5,530.80	YES	Sep-20	Mar-25	yes
2011/12	Student	68	Yes	£1,478.81	Yes	Sep-20	May-21	
2011/12	Student	69	No	£6,336.41	Yes	Sep-20	Mar-31	
2011/12	Student	70	Yes	£3,530.81	Yes	Sep-20	Jun-30	
2011/12	Student	71	No	£5,151.80	Yes	Sep-20	Mar-29	
2011/12	Student	72	Yes	£8,569.80	no	Mar-20	Aug-34	yes
2011/12	Student	73	Yes	£3,679.79	Yes	Sep-20	Sep-26	
2011/12	Student	74	Yes	£4,792.10	Yes	Sep-20	Aug-40	
2011/12	Student	75	Yes	£8,799.66	No	Jun-19		
2012/13	Student	76	No	£2,710.00	Yes	Sep-20	Mar-25	
2013/14	Student	77	Yes	£6,178.93	Yes	Jul-20	May-31	
2013/14	Student	78	Yes	£7,285.29	Yes	Sep-20	Feb-51	
2013/14	Student	79	Yes	£570.00	Yes	Sep-20	Feb-22	
2014/15	Student	80	Yes	£6,433.81	Yes	Sep-20	Oct-25	
2014/15	Student	81	Yes	£3,348.55	Yes	Sep-20	Jul-34	
2014/15	Student	82	Yes	£8,282.38	yes	May-20	Jul-43	
2014/15	Student	83	No	£1,885.80	Yes	Sep-20	Aug-23	
2015/16	Student	84	Yes	£1,509.80	Yes	Sep-20	Apr-23	
2015/16	Student	85	Yes	£9,205.80	No	Sep-20		
2015/16	Student	86	Yes	£511.20	Yes	Sep-20	Mar-21	
2015/16	Student	87	Yes	£5,915.81	No			yes
2015/16	Student	88	Yes	£11,017.80	Yes	Sep-20	Sep-38	
2015/16	Student	89	Yes	£133,375.40	Yes	Sep-20	Jun-33	
2015/16	Student	90	Yes	£3,165.80	No			yes
2016/17	Student	91	Yes	£13,270.20	Yes	Sep-20	May-34	
2016/17	Student	92	Yes	£2,422.16	YES	Sep-20	Jan-25	yes
2016/17	Student	93	Yes	£313.00	No	Sep-17		yes
2016/17	Student	94	Yes	£798.00	Yes	Sep-20	Sep-22	
2016/17	Student	95	Yes	£6,676.60	Yes	Sep-20	Mar-26	
2016/17	Student	96	Yes	£1,725.00	Yes	Sep-20	Aug-27	
2016/17	Student	97	Yes	£10,989.80	Yes	Sep-20	Oct-38	
2016/17	Student	98	Yes	£12,540.00	Yes	Sep-20	May-21	
2016/17	Student	99	No	£8,875.41	Yes	Sep-20	Jun-25	
2016/17	Student	100	Yes	£1,548.00	No	Oct-19		
2016/17	Student	101	Yes	£703.00	No	Jun-17		yes

2016/17	Student	102	Yes	£3,115.80	Yes	Sep-20	Sep-25	
2016/17	Student	103	NO	£8,027.60	No	Dec-18		yes
2016/17	Student	104	Yes	£599.00	Yes	Sep-20	Jul-21	
2016/17	Student	105	Yes	£1,885.00	Yes	Sep-20	Oct-25	
2016/17	Student	106	Yes	£13,896.80	No			yes
2016/17	Student	107	Yes	£3,000.00	Yes	Sep-20	Aug-22	
2016/17	Student	108	Yes	£1,180.00	No	Feb-19		
2016/17	Student	109	Yes	£12,064.80	Yes	Sep-20	Sep-30	
2016/17	Student	110	yes	£1,550.00	No	Jan-20	Jan-23	
2016/17	Student	111	Yes	£1,185.17	Yes	Sep-20	May-21	
2017/18	Student	112	Yes	£150.00	Yes	Sep-20	Oct-20	
2017/18	Student	113	Yes	£14,185.80	Yes	Sep-20	May-32	
2017/18	Student	114	Yes	£12,281.80	Yes	Aug-20	Nov-29	
2017/18	Student	115	Yes	£6,170.60	Yes	Aug-20	Mar-22	
2017/18	Student	116	Yes	£4,704.80	Yes	Sep-20	Jun-28	
2017/18	Student	117	Yes	£2,343.00	Yes	Sep-20	Jun-24	
2017/18	Student	118	Yes	£16,159.80	No	Aug-17		yes
2017/18	Student	119	Yes	£12,225.80	Yes	Sep-20	Feb-30	
2017/18	Student	120	Yes	£2,310.00	Yes	Sep-20	Sep-27	
2017/18	Student	121	Yes	£15,780.40	No			yes
2017/18	Student	122	Yes	£1,427.60	Yes	Sep-20	Mar-22	
2017/18	Student	123	Yes	£5,350.00	NO	Jun-20		
2017/18	Student	124	Yes	£1,862.80	YES	Aug-20	Oct-25	
2017/18	Student	125	Yes	£9,149.80	No			yes
2017/18	Student	126	Yes	£4,534.00	Yes	Sep-20	Jun-39	
2017/18	Student	127	Yes	£12,858.80	Yes	Sep-20	Mar-31	
2017/18	Student	128	Yes	£222.00	Yes	Sep-20	May-21	
2017/18	Student	129	Yes	£6,366.40	No	Apr-20	Jun-25	
2017/18	Student	130	Yes	£3,826.30	yes	Sep-20	Sep-23	
2017/18	Student	131	Yes	£700.00	Yes	Sep-20	Oct-21	
2017/18	Student	132	Yes	£11,279.40	Yes	Sep-20	May-39	
2017/18	Student	133	Yes	£1,067.30	Yes	Sep-20	Apr-22	
2017/18	Student	134	No	£15,765.80	No			yes
2017/18	Student	135	Yes	£14,134.80	Yes	Jun-20	Mar-37	
2017/18	Student	136	No	£900.00	YES	Sep-20	Jun-21	

GIBRALTAR PARLIAMENT, TUESDAY, 16th MARCH 2021

2018/19	Student	137	Yes	£8,484.80	Yes	Sep-20	Feb-35
2018/19	Student	138	Yes	£2,531.55	Yes	Sep-20	Aug-22
2018/19	Student	139	Yes	£1,782.00	Yes	Sep-20	Jul-23
2018/19	Student	140	Yes	£2,902.80	Yes	Sep-20	Feb-23
2018/19	Student	141	Yes	£13,714.80	Yes	Sep-20	Mar-32
2018/19	Student	142	Yes	£15,897.80	No		
2018/19	Student	143	Yes	£3,721.30	Yes	Sep-20	Aug-23
2018/19	Student	144	Yes	£14,325.60	Yes	Sep-20	Jul-32
2018/19	Student	145	Yes	£15,004.80	no	Dec-19	Jan-41
2018/19	Student	146	No	£16,688.20	NO	Apr-20	
2018/19	Student	147	Yes	£8,918.80	no	Oct-19	Aug-34
2018/19	Student	148	Yes	£15,964.80	No		
2018/19	Student	149	Yes	£8,159.40	Yes	Sep-20	Feb-23
2019/20	Student	150	Yes	£14,475.80	Yes	Sep-20	Aug-32
2019/20	Student	151	No	£9,400.00	No		
2019/20	Student	152	Yes	£20,819.60	No		
2019/20	Student	153	Yes	£14,714.80	No		
2019/20	Student	154	Yes	£3,726.46	Yes	May-20	Sep-23
2019/20	Student	155	Yes	£4,731.43	Yes	Sep-20	Sep-24
2019/20	Student	156	Yes	£4,230.30	Yes	Sep-20	May-22
2019/20	Student	157	Yes	£5,664.80	Yes	Sep-20	Apr-25
2019/20	Student	158	Yes	£6,055.00	Yes	Sep-20	Mar-24
2019/20	Student	159	Yes	£13,815.80	Yes	Sep-20	Sep-31
2019/20	Student	160	Yes	£15,264.80	Yes	Sep-20	Jul-33
2019/20	Student	161	No	£159,104.80	No		
2019/20	Student	162	Yes	£9,666.80	Yes	Sep-20	Apr-24
2019/20	Student	163	Yes	£2,036.71	No	Jul-20	
2019/20	Student	164	Yes	£570.00	Yes	Sep-20	Dec-21
2019/20	Student	165	Yes	£15,864.80	No		
2019/20	Student	166	Yes	£6,568.00	No		
2019/20	Student	167	Yes	£7,270.60	Yes	Sep-20	Aug-24
2019/20	Student	168	Yes	£700.00	Yes	Jun-20	Dec-22
2019/20	Student	169	Yes	£6,001.00	NO		
2019/20	Student	170	Yes	£16,189.80	No		
2019/20	Student	171	Yes	£13,756.80	Yes	Sep-20	Feb-32
2019/20	Student	172	Yes	£3,145.19	No	Oct-19	
2019/20	Student	173	Yes	£13,969.46	Yes	Sep-20	Nov-31
2019/20	Student	174	Yes	£80.00	YES	Sep-20	Sep-20
2019/20	Student	175	Yes	£15,649.80	Yes	Sep-20	Dec-33
2019/20	Student	176	Yes	£17,044.80	No		
2019/20	Student	177	Yes	£14,525.80	Yes	Sep-20	Aug-28
2019/20	Student	178	No	£15,148.80	No		
2019/20	Student	179	No	£888.00	No		
2019/20	Student	180	No	£1,660.00	No		
2019/20	Student	181	No	£2,370.54	No		
2019/20	Student	182	No	£3,120.00	No		
2019/20	Student	183	No	£890.00	No		
2019/20	Student	184	Yes	£5,124.00	Yes	Sep-20	Nov-40
2019/20	Student	185	Yes	£17,848.80	No		

GRAND TOTAL £1,306,794.52

* those students who have not been referred to the Central Arrears Unit are being chased up by the Department of Education.

2045 **Hon. E J Reyes:** Mr Speaker, thank you for the schedule. I see that the Minister has identified those that have been referred to the Central Arrears Unit; however, there are a couple of things.

There are cases where a student is not paying and a payment was due in March 2016, but in the box it does not say it has been referred to the Central Arrears Unit. Other than the Central Arrears Unit chasing it up with the student, is it not the case that students are asked to have a guarantor who comes and signs the scholarship contract with them? Can the Minister confirm that the Central Arrears Unit will also be chasing up the guarantor, who has a legal liability as well for this outstanding debt?

2055 **Hon. Prof. J E Cortes:** Yes, indeed, Mr Speaker, as far as that particular entry is concerned, as the hon. Member will have seen, we have been looking at hundreds of entries in five or six schedules, but if there is a concern about any particular one, I would be very happy to talk to the Department and get clarification. I am sure they have the answers.

Q545/2020
Schools' academic calendar 2020-21
Plans to adjust

Clerk: Question 545. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education indicate if our schools have considered adjusting their academic calendars for 2020-21 as a result of the consequences brought about due to COVID-19 pandemic measures resulting in the closure of schools; and, if so, what could these changes conceivably be?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, there are no plans to adjust the 2020-21 academic calendar at this point in time.

Hon. E J Reyes: Mr Speaker, when this question was posed in October there was a lot happening in the UK. I will take that into consideration when we come to the next Question, Question 546, because things have changed a lot in those five months, but I still want to proceed with Question 546.

Q546/2020
2021 public examinations –
Effect of changes announced in UK

Clerk: Question 546. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of how recent changes announced in the United Kingdom in respect of 2021 spring/summer public examinations will affect local students preparing for these in our educational establishments, as well as those who desire to sit these exams as private candidates?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Yes, Mr Speaker, an interesting subject indeed, and I am grateful to the Member opposite for the question.

The UK government announced that the summer session of GCSEs, AS- and A-level examinations would not run as had been expected prior to the school closures. Shortly after this initial announcement the UK government confirmed that grades for students due to sit these exams would be awarded using teacher assessments. Subsequently, the UK government opened a consultation process on these particular qualifications and on their proposals for the awarding of teacher assessments. This consultation process ended at the end of January and details on how teacher assessments will be awarded were published at the end of February.

Local students who were due to sit GCSEs, AS- or A-level exams in schools will be impacted by the changes made by the UK government, as all the public examinations completed by local students come under the governance of Ofqual, the official body which regulates qualifications,

2100 examinations and assessments in England. The Department of Education is now actively engaged
with its examination centres to ensure that the teacher assessments awarded to pupils this
summer are a fair and accurate reflection of their ability. Teachers will continue to support these
students on their learning journey in all subject areas, with teaching set to continue up to and
including 26th May. After this point teacher assessed grades will need to be submitted for each
2105 and every student who would have typically been entered for an examination during this summer
examination season.

It is important to note that some awarding bodies and some qualifications have not yet
indicated that they are cancelling their examination sessions in the summer. For example, one of
the boards responsible for iGCSE examinations has confirmed that it still plans to run its
2110 examination session in the summer. If the public health situation allows us to run these exam
sessions, through consultation with their schools, students following these particular
qualifications may still have an opportunity to sit their scheduled exams.

Hon. E J Reyes: Thank you, Mr Speaker, it is about as much of an update as one can get in
2115 respect of students who are in school. However, I did end my question by asking what would
happen to those who desire to sit exams as private candidates if they have not been receiving
tuition in schools and therefore they cannot have a teacher assessment. Is the Department of
Education aware of any provision being made for them?

2120 **Hon. Prof. J E Cortes:** Mr Speaker, in those subjects where, as we have seen, there will be some
bodies where examinations will be sat, there will be no problem. In the case of private students,
this will be more complicated because unless they have been following courses ... For example,
adult education in the Gibraltar College will offer the opportunity for assessment, but otherwise,
clearly, private individuals who are sitting exams in a private capacity may be impacted. The
2125 Department of Education would obviously be able to assist any such student and contact the
examination boards, who may have specific advice, but there are a variety of examination boards
and no two will be following the same process.

Q576/2020

Chatham Counterguard toilets – Construction and maintenance costs

Clerk: We now turn to Question 576, and the questioner is the Hon. D J Bossino.

2130 **Hon. D J Bossino:** Can the Government confirm the exact cost of the construction of the toilets
at Chatham Counterguard, the continuing maintenance to include security provided, and who is
responsible for those costs?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and
2135 Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Mr Speaker, these toilets were installed because of a large number of complaints from
patrons in the area as to the inadequacy of the toilet facilities originally provided at Chatham
2140 Counterguard.

The total costs summed up to £84,206.58 for the 10 toilets, which compares very favourably
to £157,183.93 per toilet which the Members installed when they were in office. Just for the sake
of mathematical clarity, one of their toilets cost £157,183, and one of ours cost £8,420, which is

not bad value for money. In fact, I have not included a number of urinals also. That is to say their toilets cost just under 20 times more than ours.

The cleaning of the toilets is part of the work done by Britannia in cleaning Chatham Counterguard and the adjacent parking area at a total of £1,537 per week.

Hon. D J Bossino: Mr Speaker, I cannot believe that a question on toilets has resulted in such a partisan answer from the hon. Member. (*Interjection by Hon. Prof. J E Cortes*) I really am disappointed in him.

Has he addressed the issue of security in his answer? If he has, I do apologise. Has he addressed in his answer the cost of security provided? I do not think he has, but he may have done and I may have missed it.

Hon. Prof. J E Cortes: No, Mr Speaker, I have referred to the cleaning, not to security. There is no specific security for the toilets, other than during the time of COVID I believe that there was security, or there was some presence there in order to control access, but there is not any specific security provided by the Government for the area.

Hon. D J Bossino: I am not sure what the agreements with the various businesses provide, but is it something which the Government may, in the future, when hopefully things stabilise, wish to recoup from them in terms of recovery of those moneys, given that it is a service which they will obviously use for their own patrons?

Hon. Prof. J E Cortes: Mr Speaker, it is something that can always be considered. If I recall correctly, as far as the cleaning goes, there was no significant increase, because Britannia was already cleaning the area and this was a relatively small add-on. I would have to check the figures, but certainly it is something that is worth considering in order to reduce costs to the Government.

Hon. D J Bossino: In breach of your ruling, Mr Speaker, if I may have just one more question – it is not of public interest, but does he have the information with regard to the cost of the security that was provided, as he said, during the height of the COVID pandemic?

Hon. Prof. J E Cortes: No, Mr Speaker, I would need notice of that detail – and I am happy to look into it.

Q577/2020
***El Calpense* –**
Purchase by Government

Clerk: Question 577. The Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Heritage state whether the Government has purchased, is in negotiations or has an intention to purchase the collection of *El Calpense* held by the Marrache family; and, if so, at what price?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): My apologies, Mr Speaker, I passed it over and found myself facing Question 578.

The Government purchased the *El Calpense* collection for the sum of £50,000.

2190 **Hon. D J Bossino:** Is it going to be made available to the public, or is that already the case? Where is it currently housed for the public to see, or where is it intended to House it for the public to see?

2195 **Hon. Prof. J E Cortes:** Mr Speaker, this was arranged through the Garrison Library, which negotiated the process. It is housed in the Garrison Library and will be accessible to the public. They are in the process of digitising it, and it is expected to be fully available in digital form during the course of this year.

Q578/2020
Cross of Sacrifice –
Listed status

Clerk: Question 578. The Hon. D J Bossino.

2200 **Hon. D J Bossino:** Can the Minister for Heritage state whether the Government has any intention of granting listed status to the Cross of Sacrifice?

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

2205 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, this is under consideration.

2210 **Hon. D J Bossino:** Can the Minister provide us with an answer as to when he thinks that a conclusion will be arrived at? I am conscious that the intention is to move the Cross of Sacrifice from its current location to the Midtown area, and it would be, I think, appropriate in those circumstances to try to get to the Cross of Sacrifice should the Government decide to either list it before then or shortly thereafter.

2215 **Hon. Prof. J E Cortes:** Mr Speaker, the move of the Cross of Sacrifice is still under discussion, but regardless of that, the Heritage and Antiquities Advisory Council has raised the possibility of the Cross of Sacrifice and a number of monuments being listed. It is currently being discussed and then obviously the Government will have to take a view as to whether it wants to schedule any or all of the monuments and buildings under discussion. It should not be a long process. I think we are talking about months.

2220 **Hon. D J Bossino:** He says that the relocation of the monument is still under discussion – I thought that a firm decision had already been made. Am I incorrect in that thinking?

2225 **Hon. Prof. J E Cortes:** Mr Speaker, there are still final discussions to be had with the War Graves Commission. There have been a number of exchanges, but they are not yet concluded.

2230 **Hon. K Azopardi:** Can I just ask on that, just pulling the thread from the two last answers that he has given my hon. colleague, if the relocation is under consideration and there are talks with the British War Graves Commission, and indeed so is the listing of the monument, how is the monument going to be moved if it is listed? (*Interjection*)

Hon. Prof. J E Cortes: Under licence from the Minister for Heritage, provided the Advisory Council recommends it and the Minister considers that it can be done, but I do not think there is a conflict between one and the other.

2235

Mr Speaker: Next question.

Q579-80/2020

**Refurbishment of Northern Defences –
Heritage reports conducted; inventory of items recovered from site**

Clerk: Question 579. The Hon. D J Bossino.

2240

Hon. D J Bossino: Can the Minister for Heritage state whether heritage reports were conducted in relation to the refurbishment of the Northern Defences to include desk-based assessments and archaeological monitoring reports?

2245

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 580.

2250

Clerk: Question 580. The Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Heritage state whether an inventory of any items that may have been recovered from the site of the Northern Defences has been kept?

2255

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

2260

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, yes, numerous heritage reports have been and continue to be conducted in relation to clearing works at the Northern Defences. These have proved to be extremely useful and have influenced, even guided, our progress on site. Amongst these studies, but not limited to, has been the three-dimensional digitised survey of the Kings and Queens Galleries, which is proving to be extremely useful.

In relation to an inventory of the items recovered, the answer is yes, sir.

2265

Hon. D J Bossino: Mr Speaker, in relation to Question 579, which dealt with the heritage reports, did any of these include any desk-based assessments? Also, given that the answer is yes, that these reports were conducted, would these be available for public viewing and disclosable?

2270

Hon. Prof. J E Cortes: Mr Speaker, there were desk-based reports. I am looking at the information here, and certainly the reports will be available. The Ministry of Heritage website is currently nearing conclusion, and a number of such reports may be available there. Certainly they make interesting reading, and the inventory as well, which is partly kept by the Heritage Trust, who were involved at the time, is also something that can be made available.

2275

Hon. D J Bossino: Mr Speaker, keeping to my tally of two, as there were two questions on the Order Paper, when ...? I am grateful for the answer which he pre-empted in relation to

Question 580, which dealt with the inventory. I think he did say that information would also be made available online.

2280 In relation specifically to the heritage reports, if I may, he says a number of such reports will be made available. Why a number? That, for me, suggests that the language is limiting in nature, and basically the question I am asking is whether he can commit to providing a disclosure of all the reports which have been made in relation to that particular site.

2285 **Hon. Prof. J E Cortes:** Mr Speaker, unless there is anything particularly sensitive which cannot be made available – and I suspect there is not anything that is going to be, for example, threatening the safety or the airfield which it overlooks; I am sure there is nothing like that at all – there is no reason why these reports should not all be made available.

2290 The Member opposite will know that this project is very ably led by my friend and colleague the Deputy Chief Minister, who has wide knowledge of the subject and with whom I work very closely, and any reports that have been presented either to him or to me which do not have that kind of sensitive information – and I repeat I do not expect there is any – will clearly be available and they will enrich our knowledge of heritage.

2295 **Hon. D J Bossino:** Just one final question, Mr Speaker. He attaches the disclosure of these reports to the concluding of the projects in relation to the website. Is it within the realms of possibility to have these reports made available by the Ministry, even if people can go and view them if they wanted to, rather than wait for disclosure – basically make it dependent on the website being up and running?

2300 **Hon. Prof. J E Cortes:** The launch of the website is very close, but if anybody were interested in this report there would be no problem in making it available – all these reports. Very often this is done through the Heritage Trust. The Heritage Trust may be approached and they may get in touch with us. They may well have a copy of some of the reports themselves, they may have been shared in the process, but specific details of each one I do not have to hand.

Q581/2020
Tourist sites –
Plans to refurbish

2305 **Clerk:** Question 581. The Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism – well, in this case Environment perhaps – state whether the Government has any plans to refurbish Gibraltar's tourist sites, particularly those situated in the Upper Rock?

2310 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2315 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the sites on the Upper Rock, as I think I have mentioned to the hon. Member, are now run by the Department of Environment and Heritage, and the Minister for Tourism concentrates on marketing what we provide. We hope to keep them to a high enough standard so that he can very successfully market them in future.

2320 The Government is continually refurbishing tourist sites within and outside the Upper Rock. We are the only Government to have done so consistently and to have opened new sites,

something that the hon. Member might want to consider welcoming. We have an annual maintenance programme that covers all minor works.

Hon. D J Bossino: The hon. Member says that these sites are being refurbished continuously. I can tell him from direct experience that when I have been up with my family to the Upper Rock I have been somewhat surprised at the lack of maintenance on many of our sites. Gibraltar has the inherent advantage of being Gibraltar and having the wonderful Rock that we have with the wonderful views, particularly on the Upper Rock, but I really urge the Minister to perhaps take a greater interest in this aspect, because I can tell him that, from direct personal experience, it is not the case. I do not get the sense that these sites have been continuously refurbished.

Does he not agree with me – and I am sure his answer will be no, in the negative, but I was reading a report in *The Sunday Times* only last week about how Israel has done very well in taking advantage of the period of the lockdown to spend a considerable amount of its money to refurbish many of its sites, and that, combined with the fact that they have been very successful in the vaccination programme, will give them greater impetus to attract new tourists to that particular country beyond those who are normally interested in the religious sites etc. In fact, I think the article was ‘Costa Tel Sol’ in reference to Tel Aviv. Does the Minister not agree with me that the Government has missed the boat?

Chief Minister (Hon. F R Picardo): Mr Speaker, just by way of clarification, can I ask the hon. Member, in the context of –?

Hon. D J Bossino: I am asking the questions and he answers them.

Hon. Chief Minister: Mr Speaker, can I ask the hon. Member just to clarify, in the context of the question he has asked, whether the article that he is referring to in respect of Israel is the one that appeared in *The Sunday Times*?

Hon. D J Bossino: Yes.

Hon. Chief Minister: Is it the one that appeared on the page of *The Sunday Times* on top of the article about Gibraltar (**Hon. D J Bossino:** Yes.) and how Gibraltar was definitely the place to visit (**Hon. D J Bossino:** Yes.) because of the job that had been done by the authorities in Gibraltar? (*Interjection*) Does he want me to read him the article that refers to the job done by the authorities in Gibraltar to make Gibraltar one of the most attractive places to visit, if that is the article that he is referring to, just by way of clarification?

Hon. D J Bossino: Mr Speaker, he has done this for me twice already, but I look forward to the day when the hon. Member will be asking *us* questions, when we are on that side of the House and the hon. Member is back in opposition. I look forward to that day.

But in answer to his question, yes, it was in the same edition of *The Sunday Times* – he is absolutely right – however, the focus of the articles were completely and utterly different, and the focus of the article that predicated the question I have asked the hon. Member opposite still remains and still remains accurate.

Mr Speaker: Answer –

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is going to have to wait a very, very, very long time, if not for the whole of his life, to be in a position where he is going to be asking me questions, because I do not anticipate that I will put myself in the position where I will have to be asking him questions for him to reply to, other than in a court of law, but you never know the number of rings and roundabouts that life may take. But the one thing that he is never going to

do is find himself in a position where I am going to fail to pull him up on when he is disingenuous with this House and the people of Gibraltar – like, for example, suggesting that Gibraltar has anything to envy anybody in respect of an article which appears in *The Sunday Times* about one destination without realising that he is asking us about the page of *The Sunday Times* where Gibraltar is praised for the job that its authorities have done in the same period. *(Interjection)* It is utterly disingenuous for him to think that he can come here to somehow get people to believe that there has been the praising of one place – which fully deserves praise; I think Israel has done a magnificent job of its vaccination programme; I think the ‘Costa Tel Sol’ was a brilliant headline and I was delighted that, at the foot of that page, across four columns –

Hon. D J Bossino: Mr Speaker, a point of order.

Hon. Chief Minister: No. Mr Speaker, the Hon. Member likes to give it, but never likes to take it.

Mr Speaker: I will listen to the point of order of the hon. Member.

Hon. D J Bossino: Mr Speaker, surely the question needs to be answered. I accept all that he has said. I accept every single word he said. I read both articles. I read the Israeli article first. The Gibraltar article I am glad and pleased was there, but the Gibraltar article dealt with the vaccination programme, as indeed did the Israeli article, but what the Israeli article also dealt with is the massive investment which the Israeli government has entered into in order to refurbish its sites. That was not covered or dealt with or was an issue in point in relation to the Gibraltar article, much of which was based on an interview with one particular individual who operates in the tourism industry. The Israeli article was much wider than that and included – *(Interjection by Hon. Chief Minister)* No, Mr Speaker, the point of order I am raising is that the hon. Member, the Government and the hon. Minister is not answering the very basic question which I asked. I expected that the answer was going to be in the negative. Does the Government not agree that they have missed the boat by not taking advantage of the lull in tourist activity that we had during the course of the pandemic?

A Member: Hear, hear.

Hon. Chief Minister: Mr Speaker, when Slim Shady gets praised by the person who called him that name, Slim had better realise the trouble that he is getting himself into.

He has misled the House, Mr Speaker, and I ask him to clarify that he has misled the House. *(Interjection)* In the article that he is referring to – *(Interjection)* In the article that he failed to refer to, which he is now trying to pretend that he had consciousness of, there is specific reference to ‘In the meantime, a new history-focused visitor attraction in the Upper Rock is being prepared’ There is specific reference to the organisation of events in Gibraltar. There are all of the things that he says the Tel Aviv article referred to and the Gibraltar article did not refer to, but given the nonsense that I saw him put his name to in yesterday’s *Chronicle*, I am not surprised at anything that the hon. Gentleman does. I will tell him something for nothing, Mr Speaker: he can turn if he wants to; none of the hawks on this side will ever be for turning. *(Interjections)*

Mr Speaker: This has gone far enough. I think both Members need to calm down, take a seat, and let’s continue with questions and answers, please.

Hon. Chief Minister: Mr Speaker, just on a point of order, from a sedentary position the Hon. Mr Bossino has made an insulting reference to me and to Members of this side of the House, which I think is utterly intolerable but which I will bite my tongue on out of respect to our

friendship for the past 30 years. I will simply ask him to stop misleading the people of Gibraltar on all issues on which he dares to open his mouth.

Hon. D J Bossino: Why am I misleading, Mr Speaker?

Mr Speaker: Just hold on a second. Please resume your seat.

Hon. D J Bossino: I was not misleading –

Mr Speaker: Please resume your seat.

Hon. D J Bossino: – from an anodyne question. I am talking about refurbishment of sites. The article does not ... He has not, in all the – *(Interjection)* No, he is talking about new events and stuff like that. He is not talking about the refurbishment of the sites. Can the –? *(Interjection)* Mr Speaker, I will sit down.

Mr Speaker: Yes, please take your seat.
The Hon. Minister.

Hon. Prof. J E Cortes: Mr Speaker, no Government of Gibraltar has ever invested in the Upper Rock more than this Government, and I have been *(Interjection)* visiting the Upper Rock ever since I was a child. I am not just talking about the Sky Walk and the Windsor Bridge, or the major investment that has sadly been delayed due to COVID in the new presentation in St Michael's Cave; from bicycle racks and picnic balconies, general interpretation, road signage, balustrade replacement, upgrades of manikins in the Great Siege Tower, refurbishment of the Apes' Den, and outside the Upper Rock the Nun's Well, the Harding's Battery, the Du farol interpretation Centre the 100-Ton Gun refurbishment. There has also been the opportunity taken, *(Interjection)* if the hon. Gentleman will listen to what I am saying –

Hon. Chief Minister: They don't want to hear it.

Hon. Prof. J E Cortes: Clearly they do not want to hear it. The opportunity has also been taken during lockdown to spruce up all the sites in readiness for their reopening on 1st April.

Mr Speaker: Next question, the Hon. Damon Bossino, please.

Q582-83/2020

Upper Rock Nature Reserve –

Responsibility for operating system; plans to privatise aspects of management

Clerk: Question 582. The Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for the Environment state which company runs the operating system for the Upper Rock Nature Reserve?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 583.

Clerk: Question 583. The Hon. D J Bossino.

2470

Hon. D J Bossino: Can the Minister for the Environment state whether the Government has any plans to privatise any aspects of the management of the Upper Rock Nature Reserve?

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

2475

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, Wrightech Ltd runs the operating system for the Upper Rock Nature Reserve; and in relation to Question 583, no, sir.

2480

Hon. D J Bossino: In relation to the first of those questions, Mr Speaker, can he divulge any of the details of the agreements with ... I think he has mentioned Wrightech Ltd – for example, the pricing structure and that type of thing, and the cost that this entails to the Government?

I have a couple of other supplementaries. I am willing to ask them all in one, but I am also –

2485

Mr Speaker: Please continue, Mr Bossino.

Hon. D J Bossino: When did the contract and the operation start with Wrightech?

I think if he answers the question relating to the pricing structure first, then I will be able to consider whether I will ask a question as to cost.

2490

Hon. Prof. J E Cortes: Mr Speaker, I do not have the contractual details here. They are not specifically asked for. It just asks for the name of the company, so those details I do not have. I am happy to answer them on another occasion if they are relevant.

2495

As far as when the operating system started, it was before the first lockdown, so it was probably very early 2020 or late 2019, but once again I would need to check the details. Because of the year we have had, we have lost a year. It is very hard, I think, for our brains to exactly remember, but it was several months before the first lockdown, because when lockdown came, the operating system clearly was no longer as active as it had been. For any other details I would need notice.

2500

Hon. D J Bossino: Mr Speaker, I did ask about the running of the operating system, which I would have thought would have included the supplementary questions I have asked, but is he able to, just by way of confirmation, tell me that what Wrightech does is limited to operating the ticket sales in relation to the entry points?

2505

Hon. Prof. J E Cortes: Mr Speaker, the Hon. Member did not ask about the running of the contract, he asked which company runs it and I have answered with the right answer. There was no indication there that any detail on the running was requested. Yes, it deals with ticketing, essentially, and co-ordinating the different kinds of sales and so on, but once again I would need notice for more detail.

2510

Q584/2020
Green Lane –
Plans for reopening

Clerk: Question 584. The Hon. D J Bossino.

2515 **Hon. D J Bossino:** Can the Minister for the Environment state if the Government has any plans to open the section of the Green Lane which is currently closed off due to rock falls; and, if so, when?

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

2520

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Government is considering how to address the issues that arise in respect of Green Lane and will make an announcement when it is able to do so.

2525 **Hon. D J Bossino:** I understand, Mr Speaker, that that area has been closed now for a number of years. Does he have an indication as to when he will be able to come to a ... well, not a decision, but as to when he thinks he will be able to open that area? I think it is something which obviously blocks the easy passage of individuals, because obviously it is closed. And what are the issues preventing the Government from making access freely and openly available to that particular section of the Green Lane?

2530

Hon. Prof. J E Cortes: The Green Lane has not always been totally open. At one stage – I am talking about a long time ago – there was restricted access for residents and so on, and I think that is what we would be looking at, rather than a new thoroughfare through the Upper Rock which would also mean that visitors could get in without paying the fees, but that would need to be dealt with.

2535

The problem is rocks. It is a very unstable structure. The whole of the area below Devil's Gap at the entrance to the footpath to town, where there are little tunnels and so on, is very unstable. The cost of making it stable would be very high indeed, and the risk of opening it without those works is too high, so I am not very hopeful that it is going to happen anytime soon, but purely on the grounds of safety.

2540

Mr Speaker: Next question.

Clerk: Question 585. The Hon. K Azopardi.

Q544/2020
Scholarships for uncompleted courses –
Outstanding debts –
Supplementary question

2545 **Hon. K Azopardi:** Mr Speaker, before I ask this question, in answer to Question 544, which was about the total amount of moneys due by students in respect of unpaid moneys of students who had not completed courses etc., there was a schedule provided and the hon. Member, the shadow for Education, did not ask any supplementaries. With your indulgence, I wanted to ask one in particular.

2550 So, if I may, I did notice on the lists that obviously there are quite a number of students making up the total of £1.3 million, but two figures tend to jump out at you, which are number 89, where there is a figure in relation to a student of £133,000-odd, and then at 161 there is also a figure of £159,000. Can I just confirm, first, that that is not a mistake, that in respect of one particular student there is a debt of £159,000? And what is this for? It sounds like massive amounts of money in respect of two individual students. Does the Hon. Minister have any information on that?

2555

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): No, Mr Speaker, but I will clearly seek it.

2560 **Hon. K Azopardi:** Will the hon. Member write to me with that information?

Hon. Prof. J E Cortes: I would be happy to do so. I do not think I need a reminder, but I would be happy to receive a reminder by whatever means tomorrow, and I will get the information to him right away.

Q585/2020
British War Memorial steps –
Completion date for landscaped area

2565 **Clerk:** We turn to Question 585 and the questioner is the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, again, as a preface to this, I tabled this question, I think, some months ago.

When will the works establishing a landscaped area next to Midtown at the bottom of the steps leading to the British War Memorial be finished?

2570

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

2575 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Midtown Park was opened on 18th December 2020. There are still some works required to complete the lift, as well as the play park and woodland areas, which, COVID permitting, are expected to be completed by the end of next month.

2580 **Hon. K Azopardi:** Mr Speaker, they may have been notionally finished on 18th December, but the hon. Member knows that these works have spanned a long time. They were probably started before the last election and, even now, there are days when you go and they are still fenced and that kind of thing. It is very close now, but it seems to have taken a long time to finish a small, partially green, triangle with some cement. It looks better than it used to, so I am glad that it has been done, but does the Minister have any explanation for why it needed to take the better part of 18 months or two years to finish it?

2585

Hon. Prof. J E Cortes: Mr Speaker, the triangle is not partially green; it is actually extremely, beautifully, green, if I may say. The un turfed area has a specific purpose, and I am happy to share it. It is so that the area can be used for performances, can be used for an open-air cinema and can be used for perhaps the Christmas fair without damaging the green area. So, we have the big lawn in Commonwealth Park and this smaller one in Midtown Park, but also an area where children can play about on bicycles, skateboards or whatever. So, there is a reason for that.

2590

2595 Regarding the delays, COVID is largely to blame. During lockdown ... The hon. Member opposite
may shake his head from a sitting position, but we must remember that the construction industry
was frozen for a long period of time, supplies were also delayed and specialist equipment was not
able to come in. Also, the period for planting trees is specific and it cannot be done any time of
year. It had to wait until quite recently – the autumn-winter-spring period – but the proximate
2600 reasons are largely to do with the inability of the contractors to bring the equipment over, and
specifically the playground area, which is produced by a specialist UK firm ... they have not been
able to send their experts over to commission it yet. We are hoping that this will happen very
soon, now that we are largely unlocking, and that we will be able to enjoy the full extent of
Midtown Park in a matter of weeks, rather than months, certainly before the spring is over.
(Interjection)

2605

Hon. K Azopardi: Yes, which spring? It almost springs to mind, I guess, but I will not ask that
rhetorical question.

How much has all of this cost? Does the hon. Member have an idea of that?

2610

Hon. Prof. J E Cortes: No, Mr Speaker, it was not specifically asked. I do not have that
information. It is not completed yet, but I am sure that that information ... I do not have it here.
Worth every penny, I am sure, like Commonwealth Park.

Mr Speaker: Next question.

Q586/2020
Public Health –
Office in the Hospital

2615

Clerk: Question 586. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does Public Health no longer have an office in the Hospital?

2620

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, it does.

2625

Hon. K Azopardi: It does, fine.

Hon. Prof. J E Cortes: And an office [inaudible]

2630

Hon. K Azopardi: I am glad it does. The reason I tabled this question was because we had
received information that, having had an office, it no longer had one. Are there any plans to
relocate Public Health out of the Hospital? Were there any plans at all?

2635

Hon. Prof. J E Cortes: Not at the moment, Mr Speaker. The relevance and importance of Public
Health has not increased but has been certainly much more noticed following the pandemic. How
Public Health in Gibraltar – indeed, as elsewhere in the world – develops is something yet to be
seen, but at the moment they are still in the offices in St Bernard's Hospital.

Q587/2020

**Pupils with special needs –
Number in publicly funded schools**

Clerk: Question 587. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what was the total number of pupils with special needs at publicly funded schools for the academic year 2018-19, broken down by school and by particular special need?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the information is provided in the schedule being handed over.

Answer to Q587/2020

Figures for 2018/2019

	SLD	ASD	GLD	SpLD	BES	HI	VI	PI	DS	ADHD
St Joseph's First	29	4	29	1	19	0	0	0	0	2
St Bernard's First	2	0	4	2	14	0	0	0	0	1
St Mary's First	17	1	23	0	5	0	1	0	0	0
St Paul's First	33	1	7	2	23	1	0	0	0	3
Notre Dame First	54	10	76	2	5	3	0	0	1	3
Governor's Meadow First	8	2	31	1	17	1	0	0	0	3
Hebrew Primary	2	3	5	3	7	0	0	4	0	2
St Martin's Special	43	19	25	0	21	1	2	7	4	2
St. Bernard's Middle	25	4	55	8	19	2	3	6	0	7
St Joseph's Middle	1	5	28	5	18	2	0	0	0	4
St Anne's Middle	7	2	43	7	22	1	0	1	0	6
Bishop Fitzgerald Middle	29	11	56	3	21	0	0	0	0	3
Westside Girls' Comprehensive	1	3	47	29	77	9	5	28	0	5
Bayside Boys' Comprehensive	0	25	171	35	68	4	10	1	1	23

KEY

SLD = Speech and Language Difficulties

SpLD = Specific learning Difficulties (Dyslexia)

VI = Visual Impairment

ADHD = Attention Deficit Hyperactivity Disorder

ASD = Autistic Spectrum Disorders

BES = Behaviour, Emotional and Social Development

PI = Physical Impairment

GED = General Learning Difficulties

HI = Hearing Impairment

DS = Down's Syndrome

Q588-92/2020

**Learning support assistants –
Numbers employed full time and part time; number on supply list;
academic and training requirements; on-the-job training**

Clerk: Question 588. The Hon. K Azopardi.

2650 **Hon. K Azopardi:** Mr Speaker, how many learning support assistants (LSAs) were employed full time in schools over the last three years, giving a breakdown of the number of LSAs per school?

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

2655

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 589 to 592.

Clerk: Question 589. The Hon. K Azopardi.

2660

Hon. K Azopardi: Mr Speaker, how many learning support assistants (LSAs) were employed part-time in schools over the last three academic years, giving a breakdown of the number of LSAs per school?

2665

Clerk: Question 590. The Hon. K Azopardi.

Hon. K Azopardi: How many learning support assistants are on the Government's supply list as at 30th November 2020?

2670

Clerk: Question 591. The Hon. K Azopardi.

Hon. K Azopardi: What are the academic or training eligibility requirements for the recruitment of learning support assistants?

2675

Clerk: Question 592. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what on-the-job training is offered or required of learning support assistants?

2680

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the information in answer to Question 588 is provided in the schedule being handed over.

2685

Answer to Q588/2020

		NDLP	GMLP	SAUP	BFUP	SMSS	SBLP	SMLP	SJLP
September 2020	Permanent	13	5	5	10	21	3	2	5
	Supply	3	4	13	12	21	0	0	1
September 2019	Permanent	14	4	5		24	2	2	5
	Supply	2	1	10	12	10	1	0	0
September 2018	Permanent	10	2	0	6	14	2	2	4
	Supply	4	1	3	2	3	0	0	1

		SPLP	SJUP	SBUP	HEB	WES	COL	BAY
September 2020	Permanent	2	2	2	1	7	3	15
	Supply	1	7	7	3	13	2	5
September 2019	Permanent	1	3	2	1	8	2	15
	Supply	0	6	7	3	2	1	4
September 2018	Permanent	*2	1	0	0	7	1	11
	Supply	1	0	4	2	0	1	4

*Includes 1 permanent LSA working in Varyl Begg Nursery

Hon. Prof. J E Cortes: In answer to Question 589: in 2018, two; in 2019, one; and in 2020, one.

In answer to Question 590, the answer is 110.

2690 In answer to Question 591, in order to apply for the recent – no longer so recent, given when the question was asked, of course – post of supply special needs learning support assistant (SNLSA), individuals needed four GCSEs, grades A, B or C, and one of them had to be English.

2695 In answer to the final question, Question 592, an initial induction is delivered to all staff in conjunction with Human Resources. HR provide information about the Civil Service side of the role and the education adviser shares information regarding the main areas of special educational needs. Individuals are also given training in the role of LSAs in school, frameworks for scaffolding pupils' learning, safeguarding, first aid, manual handling and de-escalation techniques. SNLSAs also attend school INSET days on various educational topics related to special educational needs. I think that is it – and the schedule, yes, sir.

2700

Hon. K Azopardi: I was having a look at the schedule. Can the Minister simply repeat for me, if he will, the ... I think he has given me the schedule. I do not think I took a note of the answer to the statistic he gave me for ... He said 110 learning support assistants are on the Government supply. I wonder if he could just repeat it for me before I ask a supplementary.

2705

Hon. Prof. J E Cortes: Mr Speaker, Question 589 referred specifically to learning support assistants employed on a part-time basis, and the answer was two in 2018 and one in each of 2019 and 2020. The majority, clearly, are full time.

2710 **Hon. K Azopardi:** Thank you, I am grateful for that. Does the hon. Member think that the number of learning support assistants employed in schools is sufficient?

2715 **Hon. Prof. J E Cortes:** Mr Speaker, how long is a piece of string? If Gibraltar could afford a learning support assistant for every single child, then perhaps that would be what we would aim for. I think it is adequate. There will be some schools in which they may feel it is not, depending on the particular child, depending on the particular time, depending on what they particularly may be going through. We certainly have many more LSAs than have ever been in schools at any time, but I am not going to answer the question in the way that the hon. Member has posed it, because, as I say, how long is a piece of string?

2720

Hon. K Azopardi: Mr Speaker, in terms of actually getting to the final figure of the permanent people employed, he has handed me a schedule which is headed 'Answer to Question 592, Answer to Question 588'. I assume the first line is an error and it is the 588 answer. Does he have a total number of LSAs employed in Gibraltar at schools in the past three academic years?

2725

Hon. Prof. J E Cortes: Mr Speaker, the top line, 'Answer to Question 592' was not an error; it was an aid in preparing a batch of questions together, to know that that had to be attached to that batch. The answer is yes, this schedule does relate to Question 588, and this is the breakdown

that has been provided by the Department of Education. Therefore, my answer is that these are the numbers that were employed in the schools in those particular years.

Hon. K Azopardi: I am just asking the hon. Member if he has to hand an easy answer on the total, without me –

Hon. Prof. J E Cortes: For the total, add it up.

Hon. K Azopardi: Yes, without me trying to work it out while I am on my feet, so I can ask the question easier.

Hon. Prof. J E Cortes: Mr Speaker, we could both try to work it out and see who is quicker at the maths. I do not have the figure. I have not got it summed here.

Hon. K Azopardi: Well, then, Mr Speaker, if you will bear with me ... It looks to me that there are no more than 80 to 90 permanently employed learning support assistants in schools, roughly speaking, without ... Obviously, I have not got a calculator in front of me. I am on my feet, so I have not done the calculation precisely, so the hon. Member will correct me if I am wrong, but that is what it looks like, loosely, to me, just glancing at the schedule.

The hon. Member has given me the answer to Question 587. I asked him for a breakdown of the students with special needs in the academic year 2018-19. I know that in 2017-18, without doing that calculation, because again, although he will say that is what I asked for, unhelpfully they have not given us a total, but I know that in 2017-18 there were 1,500 pupils with special needs in Gibraltar. If we are talking about learning support assistants of 80 to 90, doesn't the hon. Member think it is wholly insufficient?

Hon. Prof. J E Cortes: Mr Speaker, I must say that if I have not answered something that the hon. Member has not asked, I cannot be challenged for not having answered it. If he wants more information, he should be more specific with his questions, and then – as I always do, and I now have a track record which is over nine years; I always provide as full answers as are available – ask me the right question, Mr Speaker.

Not every child with special educational needs has the same special educational needs. They will be on our register. They do not all need the same kind of attention. They do not all need one-to-one support. They could have support on a one-to-five basis, in which case you would have to divide that by five.

These things are very specific. There is flexibility, and this is why we have – and I make no secret of it – a considerable number of SLSAs who are on supply, who are called in as and when specific needs are identified. I think we have a good number, but I am not going to go back to saying whether I think it is enough, because, as I always say when I am asked whether enough is being done for the environment, never will we ever do enough for the environment, and in this kind of situation the more we can provide the better, but certainly we are providing a lot more than has ever been provided before.

Hon. K Azopardi: Mr Speaker, the hon. Member is right, of course, in saying that not all children need an LSA. That is correct, but the converse is also true, in my experience. At least in the people who come to see me, there are sometimes children who have so many special needs that they need more than one LSA. They need the support of more than one, or at least that is what parents tell me. That being the case, it is not an easy point for the hon. Member to just bat away the fact that there are 1,500 students with special needs and only about 80 or 90 LSAs.

Just looking at the statistical breakdown for the previous academic year – which is not the one he has given me – in the previous academic year, in that breakdown, there were 411 students with behavioural or emotional social development needs. There were 80 students with autism.

There were 54 with ADHD. There were five were Downs. There is a whole gamut of students – as I say, 1,500 – and it seems to me that the figure that the hon. Member has given in respect of LSAs seems quite low. Is the Government intending to recruit more LSAs? Is there any plan in the pipeline to do so?

2785

Hon. Prof. J E Cortes: Mr Speaker, any parent of a child who feels that they are not getting enough support from an LSA is clearly going to the wrong person if they are going to him. *(Interjection)* It is absolutely true. These concerns should be made known to the Department of Education or to the Minister for Education and will be acted upon.

2790

This is not a statistical analysis. We are talking about children with specific needs. If a child has a specific need, the LSA support, if it is requested, once it is assessed by the teacher will be provided. Not all of them need one to one, so it is not a mathematical analysis that we need here.

2795

As far as whether we would recruit more, if there are specific needs that are identified, these will be considered, which is the reason why we have supply lists and which is the reason why we have a considerable number of suppliers who have been brought in and who are over and above the complement that we inherited when we came into office.

2800

Hon. K Azopardi: Mr Speaker, he does not need to get so defensive about people coming to see me. I can assure you of one thing: when people come to see me, it is because they have tried to go and see the Government first. People do not come to see me because they think it is an easy route to find success, the obvious route. The usual thing that I am told when someone has come to see me is that they have tried to speak to the Government or to civil servants or officials first. My door is open, and if people are finding difficulties then I try to assist them in the way that I can, and that is a fact.

2805

On this issue, is the hon. Member in active discussion with experts in the field to make some kind of analysis or correlation between the numbers of students with special needs and the number of LSAs required generally and going forward?

2810

Hon. Prof. J E Cortes: Mr Speaker, yes, and we are constantly reviewing the provision for special needs children.

2815

Hon. K Azopardi: So, is there a projection? That is why I asked. In the pipeline, is there something? Is there going to be more recruitment, or is that assessment ongoing and you have not formed a view on further recruitment of LSAs?

Hon. Prof. J E Cortes: It is constantly ongoing because no two years are the same, no two terms are the same, and no two weeks are the same.

2820

Mr Speaker: Can I ask the hon. Member –?

Hon. K Azopardi: Mr Speaker, can I ask one further –?

Mr Speaker: The last question, please.

2825

Hon. K Azopardi: Mr Speaker, I am going to the training questions, if I may. The hon. Member gave us a feel for the kind of training that they get. Can I just ask him who devises the training, how long that training is for, and who runs the training?

2830

Hon. Prof. J E Cortes: Mr Speaker, as I said in my answer, this is partly done by HR and it is partly done by the education advisers, and the training is ongoing because they attend INSET days on subjects that are related to special educational needs.

Hon. K Azopardi: Is this training ...? It is not my field, so I am asking. I assume ... One of the hon. Members now sitting on the back benches issues a jibe from a sedentary position, but he is free to form his opinions. Is the training not based on any kind of training that they would deliver in the United Kingdom, for example?

Hon. Prof. J E Cortes: Mr Speaker, I am not aware of what they deliver in the United Kingdom, but this is bespoke and specific for our schools and is delivered by the people who know the situation in our schools.

Hon. K Azopardi: So, being completely bespoke, it is not based on any training that they would deliver in the United Kingdom?

Hon. Prof. J E Cortes: Mr Speaker, I would hope that in the United Kingdom they would be as good as us in providing information and training on their role in the school, the frameworks of scaffolding pupils' learning, safeguarding, first-aid, manual handling and de-escalation techniques. Hopefully, in the UK they have a programme that is at least as good as ours.

Mr Speaker: Next question.

Q593/2020

**Online learning provision –
Equivalence with schools' curriculum**

Clerk: Question 593. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, is the Government satisfied that the online learning provision in schools provides equivalent learning in accordance with the schools' curriculum?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I was very tempted to answer 'Yes, sir,' but I will expand.

As a Government, we closed schools with a heavy heart and as an absolute last resort in order to keep our community safe. It is important to state that the type of learning which takes place in a school environment is impossible to replicate remotely. In the same way that a conductor is able to co-ordinate an orchestra, schools and the professionals who work in them are able to fine tune every aspect of the learning journey when their pupils are in school and are able to maximise the effectiveness of their interactions. Regrettably, this is simply not something that can be replicated remotely.

Notwithstanding the inherent differences between remote learning and in-school learning, and acknowledging the absolute preference to have in-school learning as soon as it was deemed safe to do so by our Public Health experts, the Department of Education drafted and published detailed contingency learning guidelines which focused on continuing to support students through their learning journey. The guidelines state clearly that schools should ensure all children continue to make progress through the curriculum and there is clear focus on the delivery of a broad and balanced curriculum.

Remote or online learning is an alternative way of delivering the curriculum that our learners would have engaged with in an in-school learning setting. Our teachers delivered on the curriculum expectations set by the Department of Education, albeit remotely. They at all times

used their professional judgement, training and experience to ensure that the learning journey they provided for their students was as effective as possible given the challenging circumstances faced by our community.

Our professionals have advised the Government that delivering live synchronous lessons is not necessarily the most effective approach to learning. This advice is supported by Ofsted's recently published guidelines to remote learning. We are extremely pleased to report high levels of engagement across our educational sectors and would like to thank the heroic efforts of our school leaders, teachers and staff in delivering the contingency learning plans as they have done, as well as the extraordinary efforts of parents, grandparents and other carers in supporting their children with contingency learning. Their efforts have made all the difference at this challenging time.

Hon. K Azopardi: Mr Speaker, I am glad, first, that he did not just answer 'Yes, sir,' because at least we have got something on the record to go on, apart from the press release that he issued, which was helpful. *(Interjection)* Indeed, Mr Speaker. *(Interjection)* Yes, well, we had better not go there. But does the Minister accept that it has been a tough time for everyone, educationalists as well, so everyone was hit by the pandemic? Does he accept that the level of online learning that was delivered, at least in the initial phases of the pandemic, was much less satisfactory than the current level? Does he at least accept that?

Hon. Prof. J E Cortes: Mr Speaker, yes, but there are reasons. First of all, we were new to online learning. This was a completely new experience and the Department had to look at the platforms, had to look at how to populate it, the teachers did not have the experience in it and they did not know how long this was going to go on for, so there was less concentration on curriculum and more concentration on engagement, perhaps wider activities, perhaps more craft-related activities, and there was less satisfaction from the community in relation to the curriculum content.

Since then, and what we did last term or the beginning of this term, certainly there has been a lot more curriculum content and a lot more hard work – this is why I praise the families and carers who have supported it – and more satisfaction. I am pleased to say that even some of the parents' groups, with whom I meet regularly, who had concerns about online learning have now reported back – because they do collect statistics among the members – indicating a high level of satisfaction.

I must also say that the level of engagement was high. It was in the upper 90s, so the children were at least as engaged in online learning as they are when they attend school. The percentage of engagement in online learning was very similar to the percentage attendance at school, so I think certainly we did rather well in those weeks when the children were having to do that.

Hon. K Azopardi: Here is the thing. For us, at least ... certainly what Members on this side are told by parents is that yes, they were engaged, but the impetus at the beginning was simply to keep children occupied, more than actually delivering equivalent learning, that it was far removed from this sort of learning experience and it was more about, 'Let's keep the children busy, let's keep them interactive,' – as interactive as was possible in those days of the initial few months – but the reality is that they were not. The Education Department was not delivering that kind of equivalence of learning. That is the first point, and so I am asking the hon. Member: is he really saying that during that period there was learning being delivered which was equivalent?

Secondly, just to roll it up, so that it is easier for the hon. Member to answer in one answer, when we come to the more recent period now in the vaccination programme, post the vaccination programme we would be hoping that not so many pupils or teachers need to go into self-isolation, although I saw from the Chief Minister's Statement that that in itself is not a guarantee, of course, going forward. But there was a period where you were getting dozens of pupils and teachers in self-isolation, towards the end of last year. In that period, having had several months of the COVID

2930 pandemic, is he satisfied, really, that they were delivering equivalent learning, meaning that
learning was not just keeping them engaged and busy, but that if they were doing GCSEs in science
or art, or whatever, they were being engaged in geography, they were being engaged in equivalent
learning, so that if, for whatever reason, the period lasted, or if, for whatever reason, that child
2935 needed to be in self-isolation for longer, or into prolonged periods because the teacher then went
into self-isolation, they did not suffer as a learning experience? That is what I am asking.

Hon. Prof. J E Cortes: Mr Speaker, in answer to the last part of the question, referring to self-
isolation rather than lockdown, there were relatively few GCSE classes that had to go into self-
isolation. When we talk about younger children, primary school children, it is easier to catch up,
2940 so, although there was online offer during the times of self-isolation – as a grandparent, I
experienced this myself – I am satisfied that the teachers engaged with the young people at that
time.

In relation to the first, compared to the second, tranche of home learning, there was much
more time to prepare. There were lessons learned. There was an ability to have planned a full
2945 system and prepared lessons. It is very different knowing from nearly a year before what you are
expected to do, to hearing the Chief Minister on television saying, one day, ‘We are locking schools
as from tomorrow.’ You need time to prepare. You are left nothing, and nothing of this nature had
ever been done before, so I have all praise for the Department and particularly for the teachers
to have been able to do exactly what was needed at the time. This was a new experience:
2950 ‘Lockdown, COVID – what’s this all about? Let’s keep the children entertained. Okay, we have got
to get on with the curriculum, but give us time to plan our lessons and so on. In the meantime,
give them something to keep them active and keep them engaged.’ I do not have to apologise for
that. I think they did what they had to do at the right time, and when they had to step up with
more serious curricular work, that is when they did it and we have seen the results.

2955 Mr Speaker, I am very satisfied with the teaching profession and all that they have done during
this difficult time.

Hon. K Azopardi: Mr Speaker, nothing that I said, of course, was a critique of the teaching
profession. I was trying to find out what the hon. Members’ policy position was. At the end of the
2960 day, they are here to defend their policy, their decisions taken as to the quality of online teaching
raised.

Can I ask him this by way of a final supplementary, if I may? Learning from this experience
going forward – as I think the hon. Member said that online teaching may be here to stay, or words
to that effect, or at least the sentiment was there – does he accept that online teaching is here to
2965 stay in the same way as I suppose the pandemic has led to the change of business and working
practices in many fields? We will all learn from remote ways of dealing and working, and one of
the things that may be available in the future is ... Even though the pandemic may be over, it may
be that universities, schools and other educational institutions think, ‘Well, actually, the idea of
remote learning ... That period funnelled us into learning very quickly and expediting methods of
2970 doing this, and we have learned from this and actually do this going forward.’ Is there any kind of
thinking being done in the Education Department to see how online learning can be used in the
future in a non-lockdown period?

Hon. Prof. J E Cortes: Mr Speaker, I will go a bit further. The whole of Education has learnt a
lot from the pandemic and there are even questions being asked in some other home nations as
2975 to whether exams will ever come back in the way we have done them before. Some countries do
not have them, and the home nations in the UK are considering whether we are going to go back
to the old exam system.

As far as online learning, I think it will be a very useful and resilient tool as a supplement to
2980 face-to-face learning. I do not think it should replace it, unless it has to in pandemic situations,
which we hope will not come any time in our lifetimes again. But it is already being used. Teachers

are using online platforms to send notes to parents, to share photographs in the class, to supplement and do these little extra bits, and the one good thing about it is that children love using their iPads, their iPods and their laptops, so they are engaging a lot more in doing things for school after school hours, because they can do it through these platforms. We have to learn from difficult situations, and I think that Education has certainly learnt a lot.

Thank you, Mr Speaker. I thank the hon. Member, the Hon. Leader of the Opposition, for giving me the opportunity to say all these wonderful things about Education.

Q594/2020

Dog parks –

Completion date for Queensway and plans for more

Clerk: Question 594. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister indicate when the Queensway dog park will be ready and if his Government will commit to rolling out more modest-sized dog parks across Gibraltar which might tackle the problem?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Queensway dog park will be ready within this term of office.

In answer to the second part, about the smaller-sized dog parks, the answer is that the Government is certainly considering these.

Q595/2020

Trees –

Numbers cut down and replanted

Clerk: Question 595. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government give details of how many trees have been cut down in the last 12 months and how many have been replanted, including statistical information about the class of tree and their age?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the information requested is in the schedule which I am now handing over.

Regarding age, it is very hard to be specific in years, so we have decided to do it as mature/small, rather than specific age. It is very difficult to do in trees.

Sixty-two trees have been cut down in the 12 months to December 2020. Of these, four were in poor condition, 14 were dead and 11 were dangerous. One hundred and ninety trees have been replanted in the past 12 months. This net gain of 128 trees is something to be proud of. For every tree lost, three have sprung up in its place. That is a 206% increase in trees when looking at the 62 that have been removed and the 190 planted in their place. This is a record most nations would be proud of.

If I may just add some late information, that information was valid for the 12 months of 2020. Since 1st January, there have been a further 19 trees planted.

Answer to Q595/2020

Trees Felled November 2019 - November 2020					
Area	Trees	Size	Specimen	Reason	Date
Mid-Town Park	1	Medium	Phoenix canariensis	Mid-Town Park Project	Dec-19
Edinburgh Estate	2	Medium	Salix alba	Dead	Dec-19
Dr Giraldi	1	Mature	Eucalyptus camaldulensis	Dangerous	Sep-20
Westside Girls Comprehensive School - Boundary wall	2	Small	Phoenix canariensis	Chatham Views Project	Feb-20
	2	Mature	Tipuana tipu		Feb-20
	2	Mature	Acacia retinodes		Feb-20
	3	Mature	Cupressus sempervivens		Feb-20
	1	Mature	Cupressus sempervivens		Feb-20
	1	Mature	Callistemon viminalis		Feb-20
Westside Girls Comprehensive School	1	Mature	Prunus domestica	Chatham Views Project	Feb-20
	1	Mature	Grevillea robusta		Feb-20
Bishop Fitzgerald School	2	Mature	Eucalyptus camaldulensis	New Schools Project	Feb-20
Bishop Fitzgerald School	3	Mature	Cupressus Macrocarpa		Feb-20
7 North Pavilion Road	1	Mature	Alnus altissima	Dangerous	Apr-20
Road to the Lines	1	Mature	Ficus carica	Dangerous	Jul-20
Castle Estate	1	Mature	Phytolacca dicocia	Dangerous	2019
Europa estate	1	Mature	Pinus pinea	Dangerous	Oct-20
Cumberland Road Terrain	1	Mature	Eucalyptus camaldulensis	Dangerous	Nov-20
Ragged Staff Car Park	1	Mature	Eucalyptus camaldulensis	Dangerous	Apr-20
Gardiner's Road	1	Mature	Cupressus sempervirens	Dangerous	Oct-20
Convent Gardens	1	Mature	Cedrus atlantica	Dangerous Dead	Oct-19
	1	Mature	Cupressus sempervirens		Oct-20
Transport Lane	1	Mature	Eucalyptus camaldulensis	Dead	Aug-20
Saluting Battery	1	Mature	Robinia pseudoacacia	Dangerous	Jul-20
Market Place	2	Mature	Bauhinia variegata	Dead	Jun-20
Winston Churchill Avenue	1	Mature	Phoenix dactylifera	Dead	Mar-20
The Mount Grounds	1	Mature	Phoenix canariensis	Dead	Jul-20
Landport	1	Mature	Washingtonia robusta	Dangerous	Nov-20

Continued Answer to Question 595

Red Sands Estate	1	Mature	Washingtonia robusta	Dead	Oct-20
North Front Camp	1	Mature	Phoenix canariensis	Dead	Nov-19
Governors Parade Piazzella	4	Mature	Robinia Pseudoacacia	Poor Condition Governor's Parade Piazzella Project	Feb-20
St Joseph's Car Park Terrain	8	Semi	Robinia pseudoacacia (5) Olea europea (3)	St Joseph's Car Park Project	Feb-20
Old Casino - The Reserve	7	Mature		The Reserve Project	Oct-20
Buena Vista Mews	4	Semi	Bauhinia purpurea	Dead	Nov-20
Total	62				

Trees within the above list were felled because they had either perished, they posed a health and safety risk or to make way for new construction projects approved by DPC. In the case of the latter trees removed are normally replaced at a ratio of 2 to 1.

Trees Planted November 2019 - December 2020				
Area	Trees	Size	Specimen	Date
Cumberland Road	5	Small	Metrosideros excelsa	Nov-19
MOD North Front	2	Small	Washingtonia Robusta	Nov-19
	2	Small	Washingtonia Robusta	Jul-20
Convent Gardens	1	Small	Cedrus deodara	Nov-19
	1	Small	Melaleuca armillaris	Nov-19
	1	Small	Roystonea regia	Nov-19
Trafalgar Cemetery	1	Small	Cedrus deodara	Nov-19
	1	Small	Paulownia tormentosa	Jul-20
	1	Small	Quercus Canariensis	Jul-20
	1	Mature	Quercus cerris	Nov-20
	1	Small	Tecoma Stans	Nov-20
	1	Small	Castanea Sativa	Dec-20
St Jago's Car Park	1	Small	Citrus aurantium	Dec-19
	1	Small	Lagunaria patersonia	Dec-19
	2	Medium	Prunus dulcis	Jan-20
	3	Small	Tamarisk africana	Dec-19
Gib Power Station	2	Small	Araucaria heterophylla	Dec-19
Edinburgh Estate	3	Small	Salix alba	Dec-19
Camp Bay Road to Tunnel	9	Small	Tamarisk africana	Jan-20
Mid Harbours Estate	5	Small	Ficus lyrata	Jan-20
	1	Mature	Olea europea	Jan-20
Dr Giraldi Home	1	Small	Quercus suber	Feb-20
	1	Mature	Magnolia grandiflora	Aug-20
Little Bay Little Bay - Walkway Phase 2	19	Small	Tamarisk ramosissima	Jul-20

Continued Answer to Question 595

Urban Car Park	1	Small	Paulownia tormentosa	Jul-20
	1	Small	Ficus Benjamina	Jul-20
Ocean Village Commercial Works	20	Mature	Olea europea	Jul-20
Ocean Village West facing	15	Mature	Olea europea	Oct-20
Kings Wharf Phase II	7	Small	Metrosideros excelsa	Jul-20
Lower Red Sands Estate	1	Mature	Araucaria heterophylla	Jul-20
Saluting Battery	1	Small	Bauhinia Variegata	Jul-20
North Front Cemetery	1	Small	Araucaria heterophylla	Nov-20
Transport Lane (Green Area)	2	Small	Corymbia Ficifolia	Nov-20
Hargreaves (Court)	1	Small	Jacaranda mimosifolia	Nov-20
St Joseph's Car Park Terrain	16	Semi	Quercus ilex Celtis australis Ulmus minor	Oct-20
Governor's Parade	6	Semi-mature	Platanus x acerifolia	Nov-20
Mid Town	24	Semi-mature	Platanus orientalis	Nov-20
	15	Semi-mature	Quercus cerris	Nov-20
	5	Semi-mature	Quercus suber	Nov-20
	3	Semi-mature	Olea europaea	Nov-20
Ragged Staff Car Park	2	Semi-mature	Platanus x acerifolia	Dec-20
Buena Vista Mews	4	Semi	Bauhinia purpurea	Nov-20
Commonwealth Park	2	Semi	Quercus ilex	Dec-20

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. I would like to ask, though ... I have been approached by several people who are lovers of trees and the environment, and they have asked me why the does not Government have a system in place to ask developers to do the replanting at their own cost. The recurring example that I get is the reserve by the old casino: why didn't Government ask the developer perhaps to replant these trees, or could the Government have negotiated with the developer to preserve those trees at cost to the developer? From what I understand, we lost about 20 trees there and then.

Hon. Prof. J E Cortes: Mr Speaker, the figures will be in what I have provided in relation to that. There were a number of olive trees that were removed, but the developer has to plant, and has undertaken to plant, 46 trees in their place, so there will be a net gain in the number of trees in the area. Sadly, because of the way they were growing into the rock, it was not possible, physically, to move them, but the developer will have to plant 46 trees in compensation.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can ask the Minister: as an expert, I believe, in botany himself, what would he say to constituents who strongly believe that olive trees weather all types of challenges within the environment and can easily be replanted, and would challenge his assumption that they could not be and they were just thrown away? Would he have anything to say about something like this?

Hon. Prof. J E Cortes: Yes, absolutely, Mr Speaker. For one, olive trees are resilient. I remember being involved with the move, many decades ago, of the big olive tree in the grounds of the Calpe Rowing Club, which was one of the first trees that was moved in Gibraltar in my days running an NGO, and that survived very well, but these particular trees were growing into rock and therefore you would not have been able to remove the root ball with it; you would have had to cut the roots away, and those trees would have perished. It was just the situation that they were in. But rest assured we will ensure that those 46 trees that need to be planted are planted. We will be making absolutely sure that.

3055 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I cannot seem to find ... or maybe the information that I have is different to that in the schedule, but the old house that was demolished just beside the Jewish Cemetery –

Hon. Prof. J E Cortes: That was before.

3060 **Hon. Ms M D Hassan Nahon:** Can I have some more information on that one?

Hon. Prof. J E Cortes: Mr Speaker, yes, that was prior to 2020. I think the question specifically said in the last 12 months; this would have been before then. The developer has a commitment to replace those, but I am not party to what has happened since. That is not featured here because they predate the 12 months.

3065 I do not think we must let escape the fact that my Department and, if I may say, myself personally are always keeping an eye on trees and we have ensured a net increase in the number of trees in those 12 months. On some occasions, they are dead or they are dangerous, and then we always replace with more than we have lost.

3070 **Hon. Ms M D Hassan Nahon:** Thank you for that, and, Mr Speaker, if I could just ask the Hon. Minister whether he is satisfied with the particular aftercare and maintenance that trees need, the special attention, after they have been relocated and repotted or re re-treed, rehoused.

3075 **Hon. Prof. J E Cortes:** I cannot recall any tree that has been moved, or new tree that has been planted, that has perished, and I keep an eye on them. Whenever I go round, I look at my trees. I cannot recall any that has suffered. I may be wrong. If I pick them up, I always report them and get them replaced, so I do not think we have a problem right now on that. That is my answer.

3080 **Mr Speaker:** Next question.

Q596/2020
Year 13 non-A-level religion class –
Reason for timetabling

Clerk: Question 596. The Hon. Ms M D Hassan Nahon.

3085 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can Government confirm why it has implemented a non-A-level religion class slot in year 13 timetables?

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

3090 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, non-A-level Religion and Liberal Studies have existed in the year 12 and 13 timetables in one format or another over at least the last 15 years – I am sure a lot more. In different years, the two secondary schools have delivered these two non-examined subjects in different ways, in order to provide a continuation of the statutory general RE and PSHE offered to students earlier in their school journey.

3095 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister give me some more information on what exactly is the agenda within these religious lessons? What religion are we talking about?

3100 From what I understand, it is not a comparative religion slot, it is more a particular religion that is being taught.

3105 **Hon. Prof. J E Cortes:** Mr Speaker, that should not be the case. The comprehensives, one of them has a specific slot for RE, which is different to RS, Religious Studies, which is the exam subject, which is timetabled for exam purposes. The other one includes religious education within Liberal Studies and these are all religions in a comparative way, by way of information. This is what I have been told, and my own experience in young people I know. I do not think the concerns that seem to be coming across ... I would be very happy to address them if I could have more details. I do not think we have concerns. I think it is done in a liberal, responsible and comparative way.

3110 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would be happy to have a deeper conversation with the Minister on this, because he knows that I approached him and the Chief Minister about a year ago with some other concerns that the religion classes were not consistent with the comparative religion agenda that is supposed to be deployed.

3115 Can I ask if the general curriculum or the agenda for religious A-level liberal religion is passed through him, or someone in Government accountable as such?

3120 **Hon. Prof. J E Cortes:** No, Mr Speaker, I do not get directly involved in the lesson or the curriculum. I do not. I am consulted, for example, when there is going to be change in the offer – perhaps one subject being offered for examination one year and they want to change it; then there is a discussion – but not in the content. If there are concerns of any nature that we are not doing this properly – my information is that that is not a concern, but if there are any concerns – certainly I would get involved and I would try to resolve them.

ADJOURNMENT

3125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I start by thanking you, because it may not have been noticed by many that you have actually been in that Chair now for almost five hours, and it has been remiss of me to offer to lead a recess, but of course you could have done so, and you have stoically ensured that we have got through as much business as possible. Thank you.

3130 Mr Speaker, can I apologise for my earlier flush of passion? Perhaps the absence of being in this Chamber as often as we would like to be led to that. I am also pleased to report to the House that the Hon. Mr Bossino and I have engaged in what is known as digital diplomacy and our relationship is now flourishing, as it always eventually does.

Can I invite, Mr Speaker, the House to return tomorrow at 3.30 in the afternoon to continue with questions?

3135 **Mr Speaker:** I now propose the question, which is that this House do now adjourn until Wednesday, 17th March at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 17th March at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Wednesday, 17th March at 3.30 p.m.

The House adjourned at 7.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.40 p.m. – 7.40 p.m.

Gibraltar, Wednesday, 17th March 2021

Contents

Questions for Oral Answer	3
Employment, Health and Safety and Social Security.....	3
Q519/2020 Health and safety inspections at GibDock – Numbers in 2019 and 2020	3
Q520/2020 Maternity grants and allowances – Reason for delays in applications	3
Q521/2020 Carers’ allowance – How to apply	5
Environment, Sustainability, Climate Change and Education	6
Q547/2021 Dog fouling – Number of fines imposed.....	6
Q548-50/2020 Barbary macaques – Warning signs and safety measures.....	7
Q551/2020 Governor’s Street – Tree planting	8
Q552/2020 School buses – Rationale for cancelling	9
Q553/2020 Fly tipping – Number of complaints and prosecutions	9
Q554/2020 Waste Treatment Plan – Update	11
Q555/2020 Water production – Less energy-intensive methods	11
Q556/2020 Midtown noise mitigation – Update	12
Q557-8/2020 Environmental Agency – GibDock.....	12
Q559-60/2020 Air quality – Monitoring	16
Q561-71/2020 Air quality – Sensor costs and data collected	19
Q572/2020 High-pollutant bikes – Possible ban	23
Q573-5/2020 Idling vehicles – Government policy	24

Business, Tourism, Transport and the Port.....	25
Q597/2020 Pedestrian crossing at Jumpers Building – Reinstatement.....	25
Q598/2020 Green bus service – Plans	26
Q599-603/2020 Line Wall Road closure – Impact	27
Q604/2020 Congestion charge – Non-resident vehicles	35
Q605-8/2020 Pay and display machines – Total cost	37
Q609-10/2020 Public electric vehicles – Charging points.....	39
Q611-16/2020 School buses – Availability and parking provision.....	40
Q617/2020 Introduction of STTPP – Number of cars removed since.....	41
Q618/2020 Illegal exhausts – Introduction of legislation	41
Q619/2020 Two stroke and electric motorbikes – Number sold.....	42
Q620/2020 Segregated cycle lanes – Testing efficacy	42
Q621/2020 Bicycle parking – Completion date	44
Q622/2020 Whitham’s Road and Castle Road – Driving against traffic flow	44
Q623/2020 International Driving Licences – Counter availability	45
Q624/2020 Bunker barge – Transfer procedures	46
Q625-31/2020 Oil spill – Procedures	47
Q632/2020 CSSC Cape Town explosion – Investigation update	51
Q633/2020 Business licences – Application delays	52
Q634/2020 Coach parking – Overnight reductions	53
Q635/2020 Room occupancy rates – Arrivals and tourist arrivals	54
Q636/2020 Hotel rooms – Reason for shortage	55
Q637/2020 Gibraltar-Malaga helicopter service – Start date	57
Q638-41/2020 Air services to Gibraltar – Financial incentives.....	58
Q642-3/2020 Gibraltar Tourist Board – New CEO appointment	62
Q644/2020 Cruise calls – Return to Gibraltar	65
Q645/2020 Gibraltar economy – ‘Back better than it was’	66
Q515/2020 Rental homes currently unoccupied – Reasons not yet allocated – Supplementary to original answer	69
Q646/2020 Royal Gibraltar Post Office – Electric vehicles lease arrangement	70
Q647/2020 Queensway parking – Plans for new spaces	73
Q648/2020 Line Wall Road – Data collected and costs incurred.....	74
Q649/2020 Electric vehicles – Possible subsidies	75
Q650/2020 Insurance companies – Payment of claims.....	77
Adjournment.....	79
<i>The House adjourned at 7.40 p.m.</i>	79

The Gibraltar Parliament

The Parliament met at 3.40 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

EMPLOYMENT, HEALTH AND SAFETY AND SOCIAL SECURITY

Q519/2020

Health and safety inspections at GibDock – Numbers in 2019 and 2020

Clerk: Wednesday, 17th March 2021, Meeting of Parliament. Order of Proceedings: We continue with Answers to Oral Questions.

We commence at Question 519 and the questioner is the Hon. E J Phillips.

5

Hon. E J Phillips: Mr Speaker, can the Government state the number of health and safety inspections which have been conducted at GibDock in the years 2019 and 2020 and the purpose of such inspections?

10 **Clerk:** Answer, the Hon. the Minister for Employment, Health and Safety and Social Security

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, the number of inspections undertaken at GibDock in the years 2019 and 2020 respectively were six and two.

15 The purposes of the inspections were as follows: inspection of radioactive isotope to be used; inspection of accident location and investigation; inspection of GibDock premises and gathering evidence; inspection of site equipment, to be secured for approaching gale; inspection to assess compliance of lifting equipment and PPE; inspection of workshop and machinery which caused amputation of part/finger of an employee; inspection of premises where proposed liquid nitrogen
20 works were scheduled; inspection of COVID-19 PPE available.

Q520/2020

Maternity grants and allowances – Reason for delays in applications

Clerk: Question 520, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the reason for long delays in the processing of applications for maternity grants and allowances?

Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, following contingency plans to handle the COVID-19 pandemic and the challenges that arose from this, the administration of these benefits resulted in a backlog as the Department moved quickly to reduce gatherings in public areas and explore alternative methods of providing its services. This included the rotation of teams and a transition from counters to emails and drop off boxes, which as with all transitions, experienced teething problems.

It should be noted that whilst COVID contingency measures were not implemented until early March, applications for Maternity Allowance and Grant can be made up to 11 and nine weeks respectively, before the birth of the child. Therefore, at the start of each year there are already a number of applications for each benefit awaiting to be processed.

Whilst we acknowledge that there have been delays in processing applications for these benefits, I can confirm that the lead times for these are now back to normal levels. I would also like to add that Maternity Allowance is paid for 18 weeks, which was previously paid at fortnightly intervals in cash at the Department, requiring the applicant to have to go and queue at the DSS every two weeks to receive their benefit. As part of the response to the pandemic, these monies are now credited directly into the applicant's bank account thus negating the need for them to visit the department at all.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer to the question. This arose as a result of a number of people approaching the Opposition in respect of the long delays that are being experienced, mainly on the area of counter service. At the time there was I think only one person that was dealing with this particular issue and recent emails that I have received in in the last, I would probably say, about 14 to 20 days, people are still experiencing some delays in relation to process.

So I just question a bit further as to what the Minister means by normal service, if those constituents that are approaching me in relation to maternity grant allowances are still experiencing delays?

Hon. P J Balban: Mr Speaker, I will have to ask my staff at DSS what exactly they refer to as normal. We are aware that there is obviously some lapse by them between applying for the benefit and receiving it, so I would assume that there are what we call normal lapses between date of application and payment, which we have been used to forever, so that is what they refer to as normal.

What was abnormal was, unfortunately, that people have suffered; obviously we were not in a position to remedy and as I report back to the House now things are back to normal. If the hon. Member would like me to give them further details, how much a person should reasonably be waiting, I would be very happy to define what normal is for the Department, I am aware what that is.

Hon E J Phillips: I have one further question and that relates to the recent press statement by the Government insofar as digitalising the service that I think the Hon. Mr Isola dealt with in interviews. Is it envisaged that this type of benefit will also be incorporated into a platform that will deliver, effectively, speed to the customer? I.e. will these types of benefits be incorporated into the processes of Digital Gibraltar?

Minister for Digital and Financial Services (Hon. A J Isola): Yes indeed, Mr Speaker. It is the intention that this will, as I explained yesterday, as we are working through each of the

75 Departments bringing them onto eServices, people will be able to apply for their Social Security benefits and grants in the same way online, like everybody else is.

Mr Speaker: Next question.

Q521/2020
Carers' allowance –
How to apply

Clerk: Question 521, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state how people can go about applying for carers' allowance?

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Clerk: Answer, the Hon. the Minister for Employment, Health and Safety and Social Security.

90

Minister for Employment, Health and Safety and Social Security (Hon. P J Balban): Mr Speaker, there are no provisions for a carers' allowance under Gibraltar's Social Security. If the Hon. Member can clarify what he means by the 'carers' allowance' I would be more than happy to reply to him in writing.

95

Hon. E J Phillips: Mr Speaker, this was a commitment actually by this side of the House in the last General Election and indeed I think there was some debate between Members during the General Election about individuals that remain at home with and who care for elderly and those voters that have disabilities, Mr Speaker.

The carers' allowance was something that this side of the House was committed to delivering if it was elected into Government and I simply ask the question as to whether the Government is considering carers' allowance in the context of benefits?

100

Hon. P J Balban: Mr Speaker, I would like to remind the hon. Gentleman that it was this side of the House that won the election and that side of the House which lost it. The Hon. Member refers to the care allowance, not the carers' allowance. This is, as he rightly says, paid in respect of a child who is being cared for by a relative of the child. They can apply for this allowance to the Director of Social Security via the care allowance application form, so there is a process for that.

105

Hon E J Phillips: Mr Speaker, one further question. As the Minister knows, of course they won the election, but with any luck and fair wind, they will be sitting on this side of the House in the not-too-distant future. I look forward to implementing the carers' allowance, which was a commitment by this side of the House, Mr Speaker. But I did ask him specifically about carers' allowance, which is somewhat different to care allowance. There is no indication from him as to whether they will consider that?

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115

Hon. P J Balban: Mr Speaker, seeing how certain people have brought up regarding who won the election, it was this side of the House, the Government today, has a care allowance, which is paid. The issue in this question was that the Hon. Member referred to as the carers' allowance and this is why we asked, I stated in the question, if he could clarify that, because if it was in fact the care allowance, which it was because it was referring to the person who was being looked after or who was looking after the child, but as I said earlier this allowance is available to people

by applying directly to the Department and the Director of Social Insurance via the relevant forms, which is the care allowance application form.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q547/2021

**Dog fouling –
Number of fines imposed**

Clerk: Question 547, the Hon. E J Phillips.

The Hon. E J Phillips: Mr Speaker, can the Government state the number of fines imposed on dog owners in relation to dog fouling over the last 12 months?

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

Minster for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, 39 patrols were carried out by the Environmental Agency with 118 samples collected. There was one positive DNA match which resulted in the issue of a Fixed Penalty Notice.

Hon. E J Philips: Mr Speaker, I know that the Government invested a lot of time, effort and indeed money in establishing the profiling of dog faeces in order to fine individuals who carelessly allow their dogs to foul on our streets, making them unsightly not only for our community, but also for those that visit our shores and spend their hard-earned money in our jurisdiction.

Mr Speaker, isn't this an example of a Government policy gone completely wrong when only one individual has received a fine in respect of dog-fouling in our community? Isn't this a failed Government policy?

Chief Minister (Hon. F R Picardo): Or a huge success!

Hon. Prof. J E Cortes: Exactly, Mr Speaker; absolutely not. Let me just explain that 118 samples collected does not mean 118 dogs or 118 dog owners because sometimes particular areas are sampled several times, and it is often the same dog, in order to try and see, because not all samples do develop their DNA because they may have dried and been collected rather too late in the sequence. So we are not talking about 118 dogs.

However, no, I do not agree, and it actually shows that law abiding dog owners are responsible and that all those dog owners who have taken the trouble of getting their dog analysed for DNA are actually keeping to the law because there are lots of dogs registered on the database, and those are clearly not the ones that are fouling the streets.

So, I think we have narrowed it down to those less responsible dog owners who have not taken the steps and this is why now we will be stepping up once again the stopping of dog owners in the streets and just checking that their dogs had been registered for these purposes. I think this actually shows the success of the programme. I think we have reduced the number of people who allow their dogs to foul and do not collect the fouling.

Clearly, there is a problem with dogs that have not been processed and the way to collect the DNA, and those are the ones that we now have to tackle.

Hon. E J Phillips: Mr Speaker, this is an extraordinarily expensive operation. Mr Speaker, I understand the fine is currently levelled at about £500. Each test, as far as I remember from

answers to this House in the last Parliament, I believe the cost of sending one of these for samples about £500, Mr Speaker. Perhaps the Minister could correct me if I am wrong, but all we do recall from the last Parliament is a very expensive process.

165 So, therefore, Mr Speaker, what is the Government doing to try to increase efficiencies in this area so that those that have allowed their dogs to foul on our streets and make them look unsightly for visitors and residents alike, what is the Government doing about increasing efficiencies so that we can have cleaner streets in our community to stop our citizens walking in dog mess?

170

Hon. Prof. J E Cortes: First of all, I have to thank all those, the vast majority of dog owners who are responsible, who clearly are keeping to the law, because otherwise we would be detecting the DNA in the faeces, the dog's DNA, in the faeces that is being collected.

175 I do not recall the costs. It must be in *Hansard*. I can get that information very quickly. It was certainly nowhere near £500 per test, because I would certainly not have supported it if it had been that. As I said before, what we are doing now, is challenging people who are out with dogs to ensure that they have their dogs registered and that the DNA of the dog has been taken. In that way, we will be able to ensure that we are able to detect the numbers that we would like to detect in order to further reduce the amount of dog fouling.

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Hon. E J Phillips: A question just in relation to the statistics, he did clarify that there were 39 patrols over the last 12 months. Of those 39 patrols, 118 samples were taken. He did say that only one positive result came back. In relation to the other 117 results, they were all negative, insofar as the identity of the dog – is that correct or was it too difficult to read because the faeces were dried in the sun or some of the other reasons that he articulated?

185

Hon. Prof. J E Cortes: I believe that there were no matches. I would need to confirm that I believe that it is that there were no matches, so the DNA detected in the faeces did not match any of those in the database.

190 Mr Speaker, it is often the case that faeces is not a dog but a cat, and that has happened on a number of occasions and therefore there would be no match.

Mr Speaker: Next question.

Q548-50/2020

Barbary macaques – Warning signs and safety measures

Clerk: Question 548, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state what signs have been placed in the Upper Rock in order to advise visitors and residents of the new law passed by this House prohibiting interference with Barbary macaques?

200

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 549 and 550.

205

Clerk: Question number 549, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the vehicular speed limits in areas where Barbary macaques tend to roam?

Clerk: Question number 550, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government say what measures are in place beyond speed bumps to reduce speeding, particularly in the hours of darkness in areas frequented by Barbary macaques?

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

Hon. Prof. J E Cortes: Mr Speaker, the speed limit in the Nature Reserve is 30km per hour. Signs have been up for many years informing the public that feeding or interaction with macaques is not allowed. This said, we have placed further signs which include COVID advice. The upper roads will now be closed off earlier. Stricter controls on access in the hours of darkness are being implemented, but it should be noted that in the hours of darkness the macaques will not be traversing roads.

Q551/2020
Governor's Street –
Tree planting

Clerk: Question 551, the Hon. E J Phillips.

Hon. E J Phillips: In the original plans for Governor's Street when the new payment was added, it was intended that trees planted alongside the roadside. Is this something that is being looked at for the future and is the Government intending to roll this out in other areas?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, there were no such plans.

Hon. E J Phillips: Mr Speaker, I must be entirely mistaken as to those plans to allow for trees to be placed alongside of Governor's Street. If I can slightly widen the scope of the question to tree-planting and avoiding stepping on a territory that was debated with the hon. Lady yesterday, of course, acknowledging the fact that the Hon. the Minister for the Environment is keen on trees nonetheless, I would be grateful if he could confirm what areas of Gibraltar that the Government is currently considering in terms of tree-planting more generally to increase greenery around our magnificent city?

Hon. Prof. J E Cortes: Mr Speaker, I do not want to repeat the ample information that I think I provided yesterday, in answer to the hon. Lady's question. There were no plans – and I have researched this with the pertinent departments, including Technical Services – to have trees in that section of Governor's Street, where I believe the pavement is too narrow to have taken trees.

I thought at first that there might have been a misprint and he may have meant Governor's Parade where, of course, we have put in six trees. We will put in trees wherever we are able to. It is often difficult to do this, because, sadly, there are often services under pavements in places where you would think it is crying out for trees, and it is very difficult to get clearance from

electricity, water and so on for the planting of trees. But, I have said this before, if anybody feels that we can put in trees anywhere, let us know and we will try. It is not an expensive exercise and it brings many benefits.

Q552/2020
School buses –
Rationale for cancelling

Clerk: Question 552, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state their rationale for cancelling school buses from Mid Harbours estate to St Bernard's school?

260

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the bus will be continuing and the matter will be reviewed.

265

Hon. E J Phillips: Just insofar as the cancellation obviously occurred during some of the critical periods of COVID, and therefore that is why this question appears on the Order Paper, but the Minister has confirmed that the bus is currently working that route, it is under current review by the Government, but there are no plans to cancel that route, as far as I understand?

270

Hon. Prof. J E Cortes: There are no current plans to cancel it, Mr Speaker.

Q553/2020
Fly tipping –
Number of complaints and prosecutions

Clerk: Question 553, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the number of reports it has received in relation to fly tipping and how many complaints have been prosecuted resulting in a financial penalty over the last 12 months?

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

280

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof J E Cortes): Mr Speaker, let me clarify that the 12 months I am referring to are the 12 months of 2020, given that there has been a delay in answering the questions.

285

The Environmental Agency have received a total of 47 complaints since 1st January 2020 to December relating to fly-tipping. Upon investigation of complaints, none have been forwarded for prosecution.

Complaints have ranged from fly-tipping in and around private properties, Government Estates and on public highways. If upon investigating, the Agency cannot find evidence to find those

culpable, it liaises with the Department of Housing or the Cleansing Superintendent so the waste can be removed and suitably disposed of.

290 There is also collaboration with the Litter Wardens to review CCTV footage to identify any culprits from footage they have obtained. When appropriate (considering the type of waste and the context) Environmental Health Officers have engaged informally, in order to have waste removed and suitably disposed of.

295 **Hon. E J Phillips:** Mr Speaker, this is another question about the cleanliness of our community, about which the Opposition do receive a number of complaints a year in regard in relation to fly-tipping more generally. I understand in certain locations where there is a prevalence of fly-tipping that here is CCTV footage of those incidences, Mr Speaker.

300 I am surprised to hear, of course, that there have been no penalties imposed on those that continue to disobey the rules and, after I have interacted with a number of the individuals that are in the employ of the Government, who are regularly going round Gibraltar checking these particular sites and they have a way about them which allows them to investigate who has conducted this unsightly activity, Mr Speaker.

305 I am just wondering whether the Government is giving further thought as to how we can improve the process here, because as far as I see it, the fly-tipping does occur. We have got 46 complaints within that year. I am sure it is much, much more than that in terms of the incidents of fly-tipping, and what can we do to make sure that offenders who disobey the rules, in order to make sure our community is clean and safe ...? Some of the some of the harder white goods that are deposited on our streets, quite unsightly so, can be quite dangerous, of course for young children who may want to wander around them. There are horror stories about these kinds of incidents happening in other countries, Mr Speaker, as the Minister will be aware. But what other measures is the Government currently considering in order to try to stop this activity?

315 **Hon. Prof. J E Cortes:** Mr Speaker, one of the problems is that when you have CCTV footage, it is sometimes not easy to identify the individuals in question. When there is an individual in question that is caught on camera, these are then shared with the RGP but it is sometimes difficult because of perhaps the angle on which a person comes, the person may be aware there is a camera, may be wearing a hoodie and it is sometimes that in my days as a Justice of the Peace, were the evidence provided, I might have found it unsafe to convict.

320 Therefore the Police are sometimes hesitant before taking it further because there is no certainty that they can prove that is the person. So I think what we are trying to do here is improved the quality of CCTV and review the angle at which some of the cameras are placed. The cameras are subjected to vandalism and theft, so it is a complicated issue, but we are constantly at it constantly trying to deter by identifying people when possible, and, sadly, although there have been some convictions in the past during the period in question, which in any case because of COVID was not so much an active period from the point of view of being out in the street, hopefully we will be able to improve it, but it is often difficult to identify the culprit.

330 **Hon. E J Phillips:** I wonder whether the Government would give further thought to something else. Obviously, this question intends to deal with the symptomology, of course and not the cause of this, which is ultimately people's behaviour. While it is difficult to control people's behaviour, will the Government consider education or at least some form of advertisement on GBC on our channels to show the effects of large-scale littering and fly tipping of this nature and the cost of removing it from that area so that people can become more aware of their actions and therefore avoid that?

335 So it is almost a sort of balance between the financial penalties that can be imposed by a court of law, but also on the other hand, educating members of our community to avoid doing these things in the first place.

340 **Hon. Prof. J E Cortes:** Mr Speaker, if I may just comment on a related subject, there is a little bit of a situation in which, if we allow the rubbish to remain, then clearly it is visually disturbing and it is not good for hygiene and so on. If we remove it quickly and then people suddenly say 'Well, why do I bother to take it to where I should take it? If I leave it there, the Government is going to deal with it.' But if the Government should not deal with it, then that is a problem.

345 So clearly the policy is we clean it up as soon as possible because I think that is what we want to achieve. We have awareness campaigns regularly on various subjects. We have a littering campaign which, in its broadest terms include this, being planned at the moment. The answer is yes, of course we need to increase awareness. Sadly, is it going to stop completely? I think we have to be realistic and realise that we will always have to. We will always have some situations
350 that we will have to deal with.

Q554/2020
Waste Treatment Plan –
Update

Clerk: Question 554, The Hon. E J Phillips.

Hon. E J Phillips: Can the Government update this House on the position as regards the Waste Treatment Plan?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof J E Cortes): Mr Speaker, the question that I received and which I am answering referred to the Waste Treatment Plan. Is that that what the question was, I thought I heard plant? Plan? Okay.

360 The Waste Management Plan is still undergoing review in light of recent Brexit developments. We now expect to be in a position to publish by Spring.

Q555/2020
Water production –
Less energy-intensive methods

Clerk: Question 555, the Hon E J Phillips.

365 **Hon. E J Phillips:** Can the Government confirm that it is looking into less energy-intensive methods of producing water for Gibraltar?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, as was clearly established by my colleague the Hon. Minister for Utilities in his answer to Question 496/2020, AquaGib is constantly looking at the most energy and cost efficient ways to produce water in Gibraltar and as a shareholder, HM Government of Gibraltar is
375 involved in ensuring that AquaGib does this.

Hon E J Phillips: Mr Speaker, has anything come out of the wash in relation to that at all? I know they are constantly looking at ways of improving and increasing efficiencies. I am not going to trespass on the debate that most recently I had on that question on costs, but if there is any further information as to what particular ideas have sprung out of the internal debate on this question.

Hon. Prof. J E Cortes: Mr Speaker, I think what the Hon. Mr Isola said in that meeting was that there has been a 28% saving in energy per cubic metre of water production between 2015 and 2019, which I think is extraordinary, and AquaGib has to be congratulated for that. They are constantly, I am sure, as the Minister stated at the time, reviewing how they can reduce energy consumption, and they have done it very successfully.

I wish every other entity in Gibraltar was able to achieve a similar saving, because we would have made considerable progress in our energy objectives if that had been the case.

Q556/2020
Midtown noise mitigation –
Update

Clerk: Question 556, the Hon. E J Phillips.

Hon E J Phillips: Can Government update the House on how the noise caused by the vibration of horizontal slats at Midtown is being mitigated or eliminated?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, since the last update in Parliament, there have been no new complaints made to the Environmental Agency. The Agency has however, been working in close liaison with the relevant parties. This has included joint site visits to ensure sufficient progress has been made.

The recipient of the abatement notice received proposals from an acoustic consultant. Their proposed solution consists of placing ‘supports’ to stop the reverberation. This will initially be installed on two sections of the louvres to assess and ensure that the proposal works in practice. The Agency will be involved in the verification process which will require specific wind directions and strength for an accurate assessment of noise.

The contractor recently met with the Environmental Health Officer on-site and we can confirm that most of the supports for the louvres have been installed on the Queensway and Reclamation Road-side of Midtown. It is envisioned that the works will be completed around mid-March. The EHO has a site visit with the contractor arranged for next week, just to confirm. So, it does appear that the problem has been resolved.

Q557-8/2020
Environmental Agency –
GibDock

Clerk: Question 557, the Hon. E J Phillips.

415 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of inspections conducted by the Environmental Agency at GibDock in the years 2019 to 2020 and the purpose for such inspection?

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

420 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 558.

Clerk: Question 558, the Hon. E J Phillips.

425 **Hon E. J. Phillips:** Mr Speaker, can the Government state the number of complaints that it or the Environmental Agency has received in respect of smells and noise pollution emanating from GibDock for the years 2019 and 2020?

430 **Clerk:** Answer, Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Environmental Agency has been inspecting/monitoring the activities at GibDock daily (on week days) since January 2015. The visiting officer records ships docked, wind direction and if there is any evidence of smells, noise, dust, blasting, painting as well as any other observations.

440 This is done in an effort to proactively identify any potentially problematic work practices or activities as soon as possible, so that they can be addressed. Aside from this, the Agency also carried out inspections in the shipyard in response to complaints and in order to carry out checks with regard to authorised movements of waste:

By year – 2019: two inspections with regard to TFS waste movements (inspection of lorries), 13 inspections to investigate noise complaints, one Inspection to investigate smoke from vessels.

445 In 2020: three inspections with regard to TFS waste movements (inspections of lorries), seven inspections to investigate noise complaints, one inspection to investigate oily sheen in the harbour.

In answer to Question 558, 14 complaints were received in 2019 and five in 2020.

450 **Hon. E J Phillips:** Mr Speaker, I thank the hon. Gentleman for the statistics that he has provided to us. The issue here, of course, is that a number of residents regularly update Members on this side of the House as to the noxious fumes and smells that emanate from this particular area and I know that the Government committed in its manifesto at page 81 to a full and proper compliance with the highest environmental standards. I note from his answer, he says that there are almost daily or weekly inspections. Is that right, Mr Speaker? That is just part of the first question.

455 Then he talks about 2019 and 2020, in particular naming those particular inspections, which are clearly not daily or just responsive or reactive inspections of those particular sites.

460 One of the things that I would like further information on is that there clearly is a problem at GibDock. We would not be receiving the volume of complaints that we receive about smells and noise, Mr Speaker, so for all the investigation that the Environmental Agency does and for all the reports that the Hon. Minister must have on his desk in relation to these incidences, what is the Government going to do, finally, about resolving the question over GibDock and its impact on our environment?

I understand there are commercial interests at play here, but ultimately the Government's the main plank of its offering to the public in the last General Election was about creating a greener community and a healthier community for our children and the lungs of our children.

465 It occurs to me, Mr Speaker, that in the context GibDock more generally, the Government needs to do more about that, and I ask the question to the Government. What is the Government doing about reducing those foul and noxious smells emanating from that site, but also the noise pollution in the south?

470 **Hon. Prof. J E Cortes:** I am very happy to answer that, Mr Speaker. The Government is going to be working based on real evidence. Normal monitoring is, as the answer says, daily, but I have also referred to specific occasions when they are called in. This is all being put together and analysed and a full report on the activity and the impact on the environment on GibDock is being prepared and once that has been considered by me and then shared and discussed with the Government,
475 then the Government will decide whether and what action it would need to take.

Hon. E J Phillips: In respect of the report, I am very grateful for the confirmation that a report and a full analysis is now being prepared as to finally understand the impact that GibDock has on the environment, Mr Speaker. But will the Government now confirm, once it has that report in its
480 possession with the recommendations that the report makes, it will make it public so that members of the community, who do approach the Opposition on a fairly regular basis as to the complaints that I have alluded to in this question, are fully aware that the Government has conclusively dealt with some of these issues so that they know that the Government will tackle it?

485 **Hon. Prof. J E Cortes:** Mr Speaker, there may be issues which may be commercially sensitive and therefore we would have to take a view on that, and I dare say that the environmental information is probably already available online, because all the monitors that monitor this sort of thing are on the Environmental Agency website and a lot of that information will feed into this report. There may be commercially sensitive issues where we would have to take a view.

490 **Hon. E J Phillips:** Mr Speaker, whilst I quite understand that some of the monitors in the air monitoring website that the Government has established reveal very serious high levels of pollutants within our community, I take the point that he may well make an answer to me that there are peaks and troughs in relation to this and you cannot have more than 80 incidences over
495 a 12-month period. So I know about that.

But what I did say to him last time in this House in the last Parliament was that we need data to be communicated to the community so that they can truly understand. It is very difficult. I know he understands this, plotting your way through some of those graphs is extremely difficult. If you are a data analyst, it might be easy, but not for the average Joe and average person in the
500 community who is worried about the health of their children, and that is the point, and that is why this report should be published once it is available, Mr Speaker, so that we can all accept the risk that GibDock imposes, exposes rather, on members of our community and it certainly is, in my respectful view, right that members of our community understand the level of pollution and how GibDock is contributing to that.

505 I cannot impress on him enough, it is information I received on a very regular basis as to the levels in that particular area. So I would encourage him and the Government to publish that report, warts and all, so that we can at least acknowledge the levels in our community and then and try to solve the problem moving forward.

510 **Hon. Prof. J E Cortes:** Mr Speaker, I have said that there may be sensitive issues which are commercially sensitive, which cannot be shared. Other than that, I take note of what the hon. Member has said.

Hon. E J Phillips: Mr Speaker, with respect, I do not think that is right. The Minister talks about
515 commercially sensitive information about GibDock. What can be commercially sensitive when it

when it is the lives of our community, our children and the parents of children who are being affected by these noxious fumes?

Mr Speaker, the first position should be: publish the Report warts and all, forget commercial interests. These are their lives and health care of children in our community. Does he not agree with that?

Chief Minister (Hon. F R Picardo): Mr Speaker, I am delighted that the hon. Gentleman is feeling better and that he is back with us, but I do not think that the way that he has interpreted the answer of the Minister is fair or proper. It would appear from the way that he is trying to put his supplementary that he is simply trying to suggest that he is the only one who cares about the health of our community and how pollution might affect our children.

As a resident of the South District with three children, I care greatly about how pollution affects children in the South District and in the whole of Gibraltar. Mr Speaker, the Government has been very clear that the Hon. Minister for the Environment is saying that we will publish a report, but that we will have to be conscious of the fact that there may be parts of that report, which may be commercially sensitive.

The hon. Gentleman is saying throw caution to the wind and publish warts and all. Well, the warts may not be what is commercially sensitive, but there may be aspects that may have to be redacted, excluded, etc. Because what the Government cannot do is act outside of the constitution, if there are issues relating to the rights and property of individuals or companies in our community, and simply trample over them.

That is what we are trying to ensure the hon. Gentleman understands is what would lead us to either not publish parts or redact parts of a report that is to comply with the law. The hon. Gentleman is a lawyer: he cannot be asking for a Government not to comply with the law.

Hon. K Azopardi: Mr Speaker, I am grateful for the clarification of the Chief Minister on that. Certainly on this side of the House we had interpreted a more intrusive kind of approach in respect of commercial considerations, but having heard the Chief Minister, I think we are still at a loss in respect of the answer.

I certainly can understand why there may be parts of a report which may refer to, for example, the basis of the licence arrangements of the particular company, which may be commercially confidential and those may want to be redacted and so on, but insofar as the environmental findings as to whether there is noise or pollution or breaches of the law, those should not be redacted, and will the Government agree that insofar as the environmental findings themselves, they will be published?

Hon. Chief Minister: Mr Speaker, given that you have asked us to try and limit the number of supplementaries that are put and to keep our answers short, I am surprised that the Hon. Leader of the Opposition has got up to ask me to agree with my earlier statement.

That is exactly what I said. I said that the warts that might not be published might not be the elements that are commercially sensitive because they are the elements that relate to the environmental issues, but that there may be other aspects that may have to be redacted and therefore, what we cannot do is agree to publish a report without redactions because we do not know what is going to be in the report that might be commercially sensitive. That is exactly what I said.

The hon. Gentleman may want to go back and see that he has asked me to agree with something that I said before.

Hon. K Azopardi: Mr Speaker, yesterday in your Ruling you made it clear to us that to assist this particular session, but without setting a precedent, you wanted us to keep to a certain number of supplementaries and I think we have done that.

This is the first question I asked today. You also said that it would help if Members opposite adhere to your recommendation that they should keep their answers short and – may I add, which you, Mr Speaker, did not – clear. The reason I got up to ask the answer to ask the question is because it was not clear. If it had been clear, I would not get up because I would not feel the need to do so.

With all due respect to Chief Minister, he has given his answer in such a roundabout way of what will be redacted and not redacted or warts and all, and this, that and the other, he does not string together the phrase that would give us the clarity necessary, which is: are the environmental findings going to be published, yes or no?

Hon. Chief Minister: Mr Speaker, I do not agree. I believe that I have set out clearly what the position of the Government is. I am not going to be drawn as if I was being cross-examined by the hon. Gentleman, to give an answer which is simply yes or no. This is a parliament and I am speaking from a despatch box not from a witness box. Mr Speaker, if we have to redact, the report will be redacted, just like the Lloyds report that was redacted. The hon. Gentleman might want to remind himself of that.

Mr Speaker: Next question.

Q559-60/2020
Air quality –
Monitoring

Clerk: Question 559, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the air quality monitoring system is fit for purpose?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. E J Cortes): Mr Speaker, I will answer this question together with Question 560.

Clerk: Question 560, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether it has considered the deployment of mobile air quality monitoring and, if so, please confirm the outcome?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the air quality monitoring network meets and, indeed exceeds, the minimum requirements stipulated under EU legislation, the Clean Air for Europe (CAFE) Directive 2008/50/EC. The air monitoring stations presently located in Rosia Road, Witham's Road and Bleak House were installed following recommendations at the time from the Environmental Agency's air quality consultants AEA Ricardo, in line with criteria set out in annex III, IV and V of Directive 2008/50/EC. The Witham's Road monitor will in the coming months be placed in the north district.

The Directive requires one sampling point per 250,000 population in urban/suburban areas. (Rosia Road) and one sampling point for rural (Bleak House) background, per 50,000 square kilometres. Gibraltar has two urban stations and one rural background station – clearly exceeding the requirements of the EU.

615 These stations capture data from major pollutants as per EU directives and contain reference
instruments, which are calibrated bi-weekly; passive sampling equipment, which is useful in
providing indications of average function concentrations; active sampling methods used for
particulate sampling and automatic real-time point analysers, which provide the latest up-to-date
hourly measurements of air pollution. These are reported on the Air Quality website for public
620 information.

The network is further supplemented by three mobile AQMesh pods, which are currently
located Line Wall Road, Rosia Road Clocktower and Europort Avenue, 32 nitrogen dioxide,
diffusion tube sites and 15 hydrocarbon diffusion tube sites across Gibraltar. The AQMesh pods
and diffusion tubes provide indicative measurements.

625 Mobile monitoring has been considered, but the advice we have received is that the
interpretation of the results generated by mobile equipment are not up to reference standards,
and the results therefore can only be considered as indicative. The Air Quality limit values are
based on averaging periods are not conducive to mobile monitoring – hourly, daily or annual
averages – as the results do not compare with these periods.

630 In the experience of Government-appointed consultants, the quality of data from these kinds
of instruments tends to be lacking and there is a risk that this can confuse the wider scientific
evidence and potentially diminish its value.

While these can appear an attractive option due to the relatively low price, these kinds of
technologies are still evolving and are highly susceptible to environmental interference such as
635 humanity and temperature.

These often demonstrate inconsistency with other instruments and data can even vary
significantly within their own sensor models. As a result, for the purposes for which the Gibraltar
Air Quality Network was established, hand-held monitors do not currently offer enhanced
understanding or evidential value to the network.

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Hon. E J Phillips: I am grateful for that expanded answer by the Minister on the question of
air quality, ultimately, Mr Speaker. One of the major complaints that I receive from constituents
is about Gibraltar's air quality and to be fair, Mr Speaker, and whilst I understand the number of
instruments that have been deployed to our streets, Rosia Road and other spots in our community
645 on Line Wall Road, particularly, when was the last time that Government reviewed the geography
of these instruments and where they were? I believe it was Ricardo, as the Minister said, had
recommended these particular sites for these particular monitors to be placed. Because it occurs
to me, of course, that this is a bit of a moving target, air quality.

That is just the first question; if I can bundle it together with the second question, if I may as
650 well?

In many countries around the world that most of us used to visit, of course and hopefully we
will return to travel soon, there are daily information broadcasts too, particularly those cities that
are highly polluting, on low, medium to higher levels of pollution within certain areas. Has the
Government given some thought to broadcasting the levels of pollution within our community
655 more generally, though, rather than the breakdown?

As I said, in my first intervention on this question, it is very difficult for the average member of
our community to download the data, analyse it put in the information it requires for the data to
be shown in a certain way. Therefore, wouldn't it be helpful to members of our community who
live in particular areas to know about the quality of the air that they breathe during the course of
660 the day?

In fact, I think in some countries there are mobile warnings which show either the high levels
or the low levels or the medium levels of pollution within any given particular day. It might be

helpful if the Minister could give his view as to the efficacy of those types of instruments that might be more useful in terms of information to members of the public.

665

Hon. Prof. E J Cortes: Okay, yes, the position of the large monitoring units was last reviewed just a couple of months ago and a decision has been taken, as I said in my answer to remove the one from Witham's Road to Devil's Tower Road. The reason for that is that Witham's Road mainly detected pollution from the temporary generators and the old power stations, which we inherited in the South District, which fortunately now are no longer in use and therefore air quality in south district has improved tremendously and now, we feel that with the Rosia Road monitor it is sufficient to monitor an area of traffic and Witham's Road will be used at Devil's Tower Road, so that we can get more of a sense of what is happening in the North District.

670

So that was reviewed quite recently, and we are looking at when the move will be carried out. This has to be done by specialists who have to come over from the UK and therefore we have to co-ordinate, but that should happen very soon.

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I do not know whether the hon. Member at the end of his question was suggesting that we use these temporary monitors for reporting to the public, maybe to GBC. I do not think he was saying that because these temporary monitors they can give you a relatively less than accurate reading at that particular moment, but they cannot be used for comparing like with like.

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They cannot be used for comparing overall status, because if you happen to point a monitor at a car's exhaust at this particular point in time you will get a high reading, but that is not the average for that location.

I do not think the hon. Member was saying that; I think the hon. Member was once again saying what he said before, that it should be easier for the public to interpret. There is no reason why GBC, for example, could not pick up this information from the website, with a little bit of advice on how to interpret it. That could be organised. I suppose this could be facilitated by the Environmental Agency. I will have a conversation with them.

685

I dare say that the air quality, there will be very few occasions when we can say that the air quality is as bad as in some of the broadcasts that you can get, for example, in highly industrialised cities. The air quality has, despite what people say – it has always been the worst year for rain, the worst year for heat and the worst year for cold, even though it has not been because it is our more recent recollection that we remember – therefore we might say air quality is now worse than ever, when actually it is not. Air quality is continuously improving as the statistics show.

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So it might be relatively exciting for GBC to transmit this but it is public information. I will talk in the Environmental Agency and if GBC, as a broadcaster, or any other broadcaster or news medium wants that information interpreted I am sure that we can facilitate it.

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Hon. E J Phillips: I think what I was trying to get out was the question of a pollution index information, where it could simply be added onto the weather, for instance, which is done in many countries around the world, of course.

700

I know the Minister says that air quality – and this is what these questions are about – has improved somewhat. We clearly have from the latest health report I have seen from the GHA, which is of course of keen interest to the Minister as well in terms of his responsibilities for public health, very high levels of incidents of asthma and allergic children within our community. That has been the case for some years, Mr Speaker, and in a growing numbers of asthmatics and those children's suffering from allergies.

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Mr Speaker, that is why I point towards air quality is a major issue for him and the rest of the Government in dealing with and so I would not want to minimise that point. I just think it is helpful to the community to have that information, so that they can then make decisions about their own use, for example, of pollutants themselves, such as a 50cc motorcycle, for instance, and how that impacts on the environment.

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A bit of a wider question and I invite him to comment on it, but it is certainly a point that if someone knew in our community that our pollution was particularly high in this area in a particular

715 week, 'What is our individual contribution', one would ask oneself, 'to that increase in pollution in our community?' So I think it would be helpful from a wider perspective in the population understanding their individual responsibility and impact on the environment going forward.

Hon. Prof. J E Cortes: Mr Speaker, I will never minimise the impact of pollution or the importance of air quality. This is why I work so hard during my terms of office to improve air quality, and we have done this successfully. It is not just that the Minister says it, we have been below EU levels for the last two to three years for the first time ever since the air quality monitoring began. The air quality in Gibraltar is improving steadily and will continue to improve. There is always going to be work to be done for as long as we are going to be driving a car or using fossil fuels, and we got have to work on that, but certainly air quality in Gibraltar is better than it has been for decades.

Q561-71/2020

**Air quality –
Sensor costs and data collected**

Clerk: Question 561, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many AQMesh sensors were purchased and the price per unit?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 562 to 571.

Clerk: Question 562, the Hon. E J Phillips.

Hon E J Phillips: Mr Speaker, can the Government state the cost of procuring AQMesh sensors?

Clerk: Question 563, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the maintenance and running costs of AQMesh sensors?

Clerk: Question 564, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state why the Europort AQ Centre has been offline for a month?

Clerk: Question 565, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state why an AQ Sensor has not been installed at Devil's Tower Road?

Clerk: Question 566, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the date on which the Air Quality Commission was established and how many physical or remote meetings have been held?

760 **Clerk:** Question 567, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state why the Gibraltar Air Quality Report or Digest for 2019 has not been made available to the public or otherwise published?

765 **Clerk:** Question 568, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state that it has increased the range of pollutants monitored by all air quality monitoring devices including the monitoring of Volatile Organic Compounds (VOCs)?

770 **Clerk:** Question 569, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister please state what the maximum and minimum permissible levels of: NO₂, Sulphur Dioxide, PM_{2.5}, PM₁₀ and Carbon Monoxide are?

775 **Clerk:** Question 570, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister please provide avatar daily levels of the following pollutants: NO₂, Sulphur Dioxide, PM_{2.5}, PM₁₀ and Carbon Monoxide, for the period November and December 2019 and for the period March and April 2020 and July and August 2020?

Clerk: Question 571, the Hon. E J Phillips.

785 **Hon E J Phillips:** Can the Government state the average levels of nitrogen dioxide by ug/m³ recorded by each of our pollution stations per every month for the last six months?

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

790 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, three AQMesh pods were purchased. Unit prices at the time of purchase were approximately £8,779 each. The overall price was £59,648 which included the pods, installation, data management/ratification and reporting from the point of installation. Mr Speaker, running costs so far have been £480 per pod per year.

795 Sensors are usually required to be changed every two years at a cost of £280 per sensor and each pod has five sensors. They do not all come to end of life at the same time, but if they did then it would be £1,400 per pod every two years (sensors have a life span of two years). The data management fees are approx. £2,750 per pod per year.

800 Faults with the sensor were identified, in relation to Question 564, and it was not possible to repair locally. A UK engineer's visit on the week commencing 16th October 2020 confirmed this and the sensor was returned to the UK for maintenance/repair. A message was placed shortly after on the Gibraltar Air Quality website to inform users.

An AQMesh pod was installed on Devil's Tower Road from 16th November 2019 to 21st May 2020. This pod was then relocated to Line Wall Road where it has remained since. And will be moved back to Devil's Tower Road, if I may add, from 1st April.

805 The Air Quality Commission has not yet been established.

In relation to Question 567, the material was only recently presented to the Government last month and will be published shortly.

810 All major pollutants, Mr Speaker, are measured using the three air monitoring stations in Gibraltar as well as a network of diffusion tubes and AQMesh pods. Air Quality standards and objectives adopted by the Government of Gibraltar are closely associated with the Limit Values and Target Values laid down in EU Directives.

VOCs are measured at Rosia Road using an automatic analyser. The Rosia Road site was chosen to measure VOCs as it is near a major road which is also in addition to the 15 sites throughout Gibraltar with BTEX (benzene, toluene, ethylbenzene and xylenes) diffusion tubes. The VOC analyser at Rosia Road and the BTEX diffusion tubes provide speciated VOCs and not just a measure of total VOCs. All of the low-cost sensors presently available that measure VOCs aggregate the complete mixture of VOCs in the atmosphere, which does not help in identifying sources as the specific compounds are not identified.

The information requested by the hon. Member in Questions 569 and 570 is in the schedules which I now hand over. During 2019 and 2020 there have not been any exceedances of the hourly and daily limit values for NO₂ and SO₂ respectively.

The NO₂ annual average concentrations are below the limit value of 40 ug/m³. Looking at the three highlighted periods (P1, P2, and P3) the effect of the lockdown can be seen in the NO₂ concentrations with much reduced values during the lockdown period (P2 March/April 2020).

Due to issues with the PM (particulate matter) monitoring equipment and not being able to get them repaired as a result of the COVID lockdown and travel restrictions there is a low data capture which is why this has been omitted from the table. The equipment was faulty and we tried very hard to get the engineers over but they were unable to travel during the COVID lockdowns.

The limit values for air pollutants come under EU Directive 2008/50/EC which was transposed locally to the Environment (Air Quality Standards) Regulations 2010. They are provided in the Schedule. The information requested in Question 571, is in the schedule which I now hand over.

Answer to Question 569

Pollutant	Value	Averaging period
CO	10 mg/m ³	Maximum daily running 8 hour mean
NO ₂	200 ug/m ³	Hourly mean (not to be exceeded more than 18 times in a calendar year)
	40 ug/m ³	Annual mean
PM2.5	25 ug/m ³	Annual mean
PM10	50 ug/m ³	Daily mean (not to be exceeded more than 35 times in a calendar year)
	40 ug/m ³	Annual mean
SO ₂	350 ug/m ³	Hourly mean (not to be exceeded more than 24 times in a calendar year)
	125 ug/m ³	Daily mean (not to be exceeded more than 3 times in a calendar year)

Answer to Question 570

P1 = November/December 2019 P2 = March/April 2020

P3 = July/August 2020

		P1	P2	P3
NO ₂ (ug/m ³)	RosiaRoad	33	21	26
	Witham's	28	18	25
	Bleak	23	15	18
CO (mg/m ³)	Rosia	0	0	0
SO ₂ (ug/m ³)	Rosia	3	1	2
PM10 (ug/m ³ , gravimetric)	RosiaRoad	22.4		

	Bleak House	17.8		
PM2.5 (ug/m3, gravimetric)	Rosia Road	9.1		

Answer to Question 571

Nitrogen Dioxide recorded for the last six months

Month	BH	RR	WR	ER	DTR	LWR	RRCT
June	20.1	29.1	24.5	LDC		LDC	32.5
July	17.8	26.1	LDC	LDC		33.1	31.6
August	19.6	31.5	29.5	44.9		28.6	31.0
September	LDC	19.8	18.6	LDC		19.5	27.6
October	19.3	28.8	20.4	LDC		28.8	29.4
November	14.1	27.3	18.1	LDC		23.0	27.6
December	18.4	25.4	LDC	LDC		20.1	29.4

Hon. Prof. E J Cortes: Mr Speaker, there should be 571, 570 and 569. There should be one sheet with two tables and one with one table. Have you not got that?

835 **A Member:** I have not got the second sheet.

Hon. Prof. E J Cortes: My apologies. It was in a separate paper clip, so apologies.

840 **Hon. E J Phillips:** Mr Speaker, I will come back to some of the statistical answers if need be, but I just wanted to ask the Minister this question. Why has the Air Quality Commission not been established, I would have thought that this was a vital organ for the Hon. Minister to rely when talking about whether what one of the most significant issues, which is air quality affects all of us in our community. I just wondered why it has not been able to meet or has not been established and therefore has been unable to meet as a consequence of not being established? Has the
845 Government at least identified those particular individuals that will sit on the Commission?

Hon. Prof. E J Cortes: Indeed, one of the issues is identifying suitable individuals to sit on the Commission, and this is something that I am actively looking at. I am looking at suitable individuals and also perhaps some expertise because this is very specialised. Maybe a member from outside
850 Gibraltar, and this is the sort of thing that I am looking at, and obviously the past 12 months have not been conducive to giving this perhaps the time that I would have liked. But the main thing is we are trying to identify people we feel could make a positive contribution to the Commission.

855 **Hon. E J Phillips:** Is it envisaged that members of NGOs might well populate that Commission because clearly a special interest in the quality of the air that we breathe?

Hon. Prof. E J Cortes: I think it is quite possible that there would be NGO representation. I think that that is healthy in this sort of situation.

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Q572/2020
High-pollutant bikes –
Possible ban

Clerk: Question 572, the Hon. E J Phillips.

865 **Hon. E J Phillips:** Mr Speaker, can the Government state its position in respect of the banning of highly polluting 50cc motorbikes within the city walls?

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

870 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, it is envisaged that the importation of such motorcycles will be prohibited in the future as part of the Climate Change Strategy.

875 **Hon. E J Phillips:** Mr Speaker, this is a question that I have asked on numerous occasions with varying degrees of success in relation to the answers that have been forthcoming. I note that whilst this is part of the general approach by the Government into having a cleaner community, cleaner air, it does not really answer the question. It is quite clear that these types of vehicles are highly polluting to our community. In fact, I think the Minister has mentioned that on more than one occasion in this House and that we need to discourage climates around buying 50ccs and
880 scooting around our community.

Look, it is quite often the case, and I am sure the Minister will undoubtedly be aware, that when one attains the age of 17, the first thing that one's parents does is investing in a highly polluting 50cc motorcycle and ultimately it is a change in the chip, in the culture of many members of our community in avoiding these vehicles.

885 So, I would like a bit more information, if the Minister can, on what measures the Government will be doing to ban the importation of these highly polluting motorcycles that clearly impact on the health of our community and, indeed, our children.

890 **Hon. Prof. J E Cortes:** I am being more strategic in my reply. The Climate Change Strategy will be setting up a target dates for a number of steps, are consistent with the steps that have been announced by the Chief Minister in the past Budget sessions. Completely consistent with that that and consistent with the Climate Change Act, which has been passed in this House and with a climate emergency requirements.

895 This will be part of that, and there will be times set for that. The Climate Change Strategy would have been presented probably exactly a year ago. And that was the intention. Clearly with COVID, priorities have changed, and we have had to review some aspects of the strategy. But it is going to be published very soon and this will be clearly a part of that.

900 **Hon. E J Phillips:** I assume the Government will be rolling out education programmes and the like, because ultimately, many of our young people in fact complained about this issue themselves, because of course they are intimately involved with the environment. They care much about the environment, as I know the Hon. Minister does, and all Members of this House have given our commitments to the climate change agenda.

905 Of course, those deadlines have had to be pushed back given the pandemic and the effects on Government business and, indeed the business of the entire community, Mr Speaker. But it is quite clear what needs to happen in my mind, and that is for those polluting vehicles to be banned at some point or to have that effect on the wider community, so that we make better choices about how we move around the city.

910 **Hon. Prof. J E Cortes:** Mr Speaker, I do not disagree. I think we have already taken steps, if my recollection is correct, by raising duty on such vehicles of 50cc. I would need to seek confirmation of that. But clearly the writing is on the wall and that, as he quite rightly says, it is the young generation that is going to lead on this and they are going to stop buying these motorcycles.

Q573-5/2020
Idling vehicles –
Government policy

Clerk: Question 573, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government state why it has not started an information campaign to prevent idling?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability, Climate Change and Education. *(Interjection by Hon. Chief Minister and laughter)*

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 574 and 575.

925 **Clerk:** Question 574, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker will answer the muttering under the Chief Minister's breath about idling, but can the Government state if it intends to bring legislation to ban idling of motor vehicles in Gibraltar?

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Clerk: Question 575, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why it has not implemented a no idling policy across its entire fleet of vehicles?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Government has a no idling policy for its fleet, which it does communicate to the public and various departments from time to time.

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In relation to legislation, Question 574, this is under consideration.

Hon. E J Phillips: Mr Speaker, I would invite him to repeat that non-idling policy to everyone in our community because not just me, but many members of our community walk up and down our streets, particular in Irish Town, see a number of these ageing trucks that pump out dirty, grimy fuel smells in our community and still do it, Mr Speaker. So that information programme needs to be much more verbose from the Government, Mr Speaker, and indeed from their own fleet itself.

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There are incidences, Mr Speaker, reported to me on an almost weekly basis about cars outside schools pumping out fumes and idling, whilst dropping off children and standing around by members of our community. This cannot continue to happen, Mr Speaker. These fumes that are being pumped out of all of our streets are from often decaying vehicles, old vehicles from commercial interests in Gibraltar that have not replaced their vehicles and they should be incentivised to do so, in some way Mr Speaker, but the Government must in my view lead from

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955 the front and ensure that the financial penalties imposed on people that idle in our community and pump out these noxious fumes outside our schools and other places in our community. Does the Minister agree?

Hon. Prof. J E Cortes: Yes, Mr Speaker, on leading by example, this Government has not been idling for one moment since 10th December – when was it? – 2011. (**Several Members:** Hear, hear.) It is a long time ago now. We have not been idling for one second and some of the comments of the Member opposite remind me of the ‘grimy, smelly diesel’ – GSD for short! – that we did away with at the time. (**A Member:** Hear, hear!)

965 Mr Speaker, idling is something which is to be discouraged. It is discouraged in our fleet, and it is something that has to be discouraged and a publicity campaign and so on will take place, as they take place periodically, absolutely. But as I say, we take air quality very seriously and we have succeeded in improving it tremendously. There is still a lot of work to be done, and we will do it.

Hon. E J Phillips: Mr Speaker, just on these sign issues outside schools, I know that many of the
970 Ministers must see the small signs that are being put up outside some of the schools, not all of them, of course, where children are decanting from vehicles and these cars are polluting the air that they breathe in immediately. What can we do about that, what is the Government trying to do about that?

975 Also on a wider issue, what is the Government doing about commercial interests that are pumping fumes outside, down Irish Town, for instance, which is one bugbear and one complaint that I receive quite regularly, from idling trucks that are dropping off deliveries, Mr Speaker. There has to be a real solution to that, and that is by encouraging members of the public involved in that type of business to replace their fleet so that they use other vehicles that are less polluting.

980 I think, of course, the Government in a sense, I take the point, in relation to the Post Office for instance, is leading from the front, and I have seen that; we acknowledge that, and the community is impressed by that. But this needs to be rolled out amongst all the Government and, indeed the policy needs to be much more robustly adhered to in my view, so what is the Government actually going to specifically do about tackling this issue?

985 **Hon. Prof. J E Cortes:** Mr Speaker, as the Hon. Member has rightly said, we have started with the Post Office and there are similar projects in hand, which he will be hearing about sooner rather than later, so it is definitely moving in these areas.

BUSINESS, TOURISM, TRANSPORT AND THE PORT

Q597/2020

Pedestrian crossing at Jumpers Building – Reinstatement

990 **Clerk:** Question 597, the Hon. E J Phillips.

Hon. E J Phillips: I am pleased to say that this question is redundant now effectively, Mr Speaker, and that is can the Government state whether it plans for the reinstatement of the pelican crossing adjacent to Jumpers Building?

995 **Clerk:** Answer, the Hon. the Minister for Business, Tourism, Transport and the Port.

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the works were completed on Wednesday, 24th February 2021.

Q598/2020
Green bus service –
Plans

Clerk: Question 598, the Hon. E J Phillips.

Hon E J Phillips: Mr Speaker, can the Government state its plans for a green bus service?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, on 3rd July last year, the Government issued a tender notice inviting bids for the acquisition of fully electric buses. These buses will be used where possible, to replace our existing buses. We have also last October, had the opportunity to test drive different models of electric buses, on current bus routes in Gibraltar.

Hon. E J Phillips: I am grateful to the Minister for that answer. Has the tender now been awarded? That is the first question;

The second question is what were the results of the tests conducted in relation to the particular type of vehicle that Government now will be purchasing?

Hon. V Daryanani: Mr Speaker, the tender still has not been awarded, it is something that is still at a very early stage. Regarding the actual trials that we carried out, we trialled three buses in total. one for the Upper Town and two for our flat routes.

Obviously, Gibraltar's topography does not allow us to use these buses on certain routes. It is an expensive decision to take so we are taking our time and, of course, with technology ever changing and the electric vehicle market, we need to be sure that when we take the decision that is the right decision for the taxpayer.

Hon. E J Phillips: Is the Government prepared to disclose the names of those who attended for this particular project?

Hon. V Daryanani: Not at this stage, Mr Speaker, because we still have not decided. It is not fair that we disclose names.

Hon. E J Phillips: Is one of the electric buses a BYD electric bus sourced from China?

Hon. V Daryanani: BYD you said?

Hon. E J Phillips: BYD Plus.

Hon. V Daryanani: No, Mr Speaker.

Hon. E J Phillips: Just one final question, does the Government have any idea when it will get to a decision on this change?

Hon. V Daryanani: During the course of the lifetime of this Parliament.

Q599-603/2020
Line Wall Road closure –
Impact

Clerk: Question 599, the Hon. E J Phillips.

1045 **Hon E J Phillips:** Mr Speaker, can the Government state the name of the consultant it has engaged to review the impact of the closure of Line Wall Road on Mondays?

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

1050 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Questions 600 to 603.

Clerk: Question 600, the Hon. E J Phillips.

1055 **Hon. E J Phillips:** Can the Government state the costs of engaging a consultant to review the impact of the closure of Line Wall Road?

Clerk: Question 601, the Hon. E J Phillips.

1060 **Hon. E J Phillips:** Can the Government state how it monitors compliance with the Line Wall Road ban on non-authorised vehicular traffic from Saturday to Monday weekly?

Clerk: Question 602, the Hon. E J Phillips.

1065 **Hon. E J Phillips:** Can the Government state what parking arrangements are in place for the many who, despite being Zone 2 Permit holders, are unable to park their cars on Line Wall Road on Saturday through to Monday?

Clerk: Question 603, the Hon. E J Phillips.

1070 **Hon. E J Phillips:** Can the Government confirm the cost to the taxpayer of security officers being used at each end of Line Wall Road during the weekly Saturday to Monday closure?

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

1075 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the Line Wall Road pedestrianisation is no longer going to proceed. The company contracted to analyse the data collected at Line Wall Road was Ramboll. The cost of this data collection exercise is not yet available to Government.

1080 The Government monitored the compliance of the Line Wall Road rules with Parking Management Officers and Royal Gibraltar Police Officers who were deployed at the entrances to the restricted area along Line Wall Road. There was no cost to the taxpayer in respect of these services which involved only redeployments of personnel

1085 **Hon. E J Phillips:** I am not sure the Hon. Minister answered the question in 602 and 603.

Hon. V Daryanani: Well, Mr Speaker, that applied when Line Wall Road was closed. Now we are back to normality.

1090 **Hon. E J Phillips:** Therein lies the problem, of course, because Hon. Minister completely failed and abandon his project in the first place, and that is the reason why these questions were on the Order Paper at the time and the reason why they have not been answered is because the Government abandoned its policy, which was a failed policy, it was a stupid idea in the first place, Mr Speaker, but it is what it is.

1095 Mr Speaker, I have got one question in relation to the closure is it Ramboll Ltd, Mr Speaker. I am not too sure. He said Ramboll, but he did not say Ramboll Limited who are the directors and shareholders of Ramboll Ltd?

1100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman's supplementary ends with a question about the directorship and shareholding of a company. We would need specific notice of that question, but probably the reply would be that it is publicly available information. Certainly, I do not think any of us on this desk know that information and I am surprised, Mr Speaker, that it should be a question across the floor of the House.

1105 But, Mr Speaker, the hon. Gentleman, before his question, put a preamble which referred to stupidity and accused the Minister of abandoning a policy. In fact, Mr Speaker, it was the Government that abandoned the policy. It was the Government because we felt that we had pursued a policy which was not appropriate and was not welcome and had more problems than we had reckoned with.

1110 But at every stage we did that because we thought it was the right thing to do. At every stage, we did it because we thought it would deal with issues of pollution in one way. Others took a different view. Some strongly supported us.

1115 Mr Speaker, in my New Year's Eve address, not on New Year's Eve, my New Year's message, I said that we had got it wrong, and I thought it was important that I should tell people that we had got it wrong. I think that is what mature politics is about. I think that is the politics that this community needs today.

It does not need people getting up to raise issues in the way that the hon. Gentleman has today in a manner that I think lets down the dignity of this House. Something that perhaps we might all sometimes do in the heat and passion of an argument but when we do, I think we need to reflect on to ensure that we do not go down that road, again.

1120 So, Mr Speaker, I would invite the hon. Gentleman to accept that the Government has already made a statement to the general public in Gibraltar, saying that we were wrong about this project saying that we accepted that we were wrong about this project. The hon. Gentleman is right to say that, although the Leader of the Opposition had indicated to me that he was personally supportive of the idea, many of them were against the project from the beginning, and they can claim that they were against the project from the beginning.

1125 I do not think, however, Mr Speaker, that it is in the interests of anyone that we characterise the actions of anybody in this place as stupid or in any way motivated by a desire to do anything other than to bring about the best Gibraltar for current generations of Gibraltarians and future generations of Gibraltarians, and I am sure that you agree, Mr Speaker, that that is the best way to address our differences in respect of policies in this House.

1130 **Hon. E J Phillips:** Mr Speaker, I am grateful to the Minister for the Chief Minister explaining that they made a mistake and they put their hands up and they say they got it wrong and Mr Speaker, and that is fair enough, Mr Speaker. But I have been ridiculed by the Chief Minister several times in this House, without any objection from anyone else, Mr Speaker, and I maintain it was a stupid and ridiculous decision to take in the first place. I maintain that position, Mr Speaker, I am not going to resile from it because the Chief Minister thinks he is a better man than I am on this question.

1140 But it is quite clear, Mr Speaker, they got this so dramatically wrong, the question of Line Wall Road. I am not going to give up on it, Mr Speaker. That is not what the people of this community expect me to do. But not only have they got it dramatically wrong, Mr Speaker, the current set up

– and this is the question I want to lead to in relation to Line Wall Road insofar as its efficiency at the moment – part of it still remains closed, actually by the park opposite Holy Trinity and where there are numerous 50ccs. We have just had a debate about highly polluting 50cc motor vehicles and the Government have cordoned off this particular area for motorcycles and on the other side of the park there are now a dozen motorcycles on either side of this particular park where children play.

What is the Minister going to do about the Line Wall Road project, in fact, the remnants of his failed project, where a park outside a church, on either adjacent side of the park there are probably about 100 polluting motorcycles, Mr Speaker? What is the Government going to do to resolve that remnant of his failed project, Mr Speaker?

Hon. Chief Minister: Mr Speaker, it is not his failed project. It is our failed project. This is a Government which is run on the basis of collective responsibility. It is a collegiate Government, a cabinet Government and this is not the mistake of one Member. This is a mistake of the whole of the Government because we take our decisions together.

I know it is quite different on the other side where they had different opinions and the Leader of the Opposition was expressing to me his support for the project whilst the GSD was against the project. I understand that.

But we are not going to take advice on what we should do next from somebody that tells us in one question that we need to be providing more parking on Line Wall Road, more parking in Gibraltar, in another question implying that we should be providing less parking in Line Wall Road, particularly in that area, on the basis of somebody who tells us that providing parking next to a park is bad because it causes pollution, but tells us that it is good to keep open the whole road with two-way traffic going through the other side of the park.

We are not going to take advice, Mr Speaker, from somebody that tells us that we have to be conscious of the environmental issues caused by GibDock, something on which we agree, whilst at the same time telling us that we should not be so conscious of the environmental issues that are created elsewhere.

Mr Speaker, we will continue to deploy our policies in this area, conscious of the fact that we were wrong about Line Wall Road but believing that we will continue to be right about much else and when people come to make a judgement, the ridicule of the hon. Gentleman will continue, but at the ballot box.

Mr Speaker: We need to settle down. The Leader of the Opposition may speak.

Hon. K Azopardi: Mr Speaker, first of all, I have to say it is salutary to hear the hon. Member opposite talk about dignity and about behaviour. Do you know, I will certainly get a transcript of what he said because I hope he lives by the creed that he has set out. I think, in my interventions in the House, I try to precisely be reasonable and constructive and when I have to I am robust, but I do not think I exceed myself. But there are times that the hon. Member, having set out the creed of behaviour and conduct and what should and should not happen, and when someone goes beyond the bounds of on those parameters, he does precisely that.

The hon. Member has to recognise that there are moments, perhaps in the heat of the moment, but you know there is a long list. Members opposite here, as we sit here contemplating the hon. Member, see him behave in a way that he has just chastised the hon. Member to my right. So I would make that point to the hon. Member and, in the cold light of day, perhaps he will reflect that it is not far wrong and that we should all agree and behave and conduct ourselves in a better way.

Secondly, Mr Speaker, you know, I am glad that he accepts the principle of collegiate Government. Of course, there is a doctrine of collective responsibility in the constitution as indeed we live by the same by the same principles on this side of the House.

He is right that we have had discussions about Line Wall Road, but I think when the hon. Member tries to bring that up as if it were some kind of defence to chuck back at the hon. Member to my right, he needs to properly express the context of it.

The context was that the hon. Member opposite and I were working together at the height of the COVID situation in April last year, when we were – (*Interjection*) well no, be honest about it Mr Speaker, be honest about it. We were working together at the height of a COVID situation in the drafting of the *Unlock the Rock* document, which he showed to me privately and at a few hours' notice and asking me to comment on it. I did on a candid basis and on an honest and constructive basis.

But he knew, when I did that, that I was expressing personal views only in relation to aspects of the document to assist everyone in Gibraltar to go forward in the *Unlock the Rock* document. He knows that and he knows also that the paragraph in respect of Line Wall Road, a small little paragraph, and it was clear always that it was not central to the *Unlock the Rock* document and I was going to go back and discuss it with my colleagues and the party would take a position as indeed we did. So let us put it in context.

A Member: Is there a question?

Hon. K Azopardi: There is a question, Mr Speaker, there is a question, because I fear that we are digressing and when the hon. Member to my right asks a series of questions on Line Wall Road and asks about how the remnant of the project is going to be dealt with, he got no answer. It is up to the Government if they want to answer that, but I have got a question as well.

I think the Hon. Minister said that the consultants did the work at no cost ... (*Interjection*) ... the data to be quantified. Did the consultants who concluded, who gave advice to the to the Government on the closure on the impact of the closure of Line Wall Road, did they make other recommendations in respect of traffic flows relating to Line Wall Road?

Hon. Chief Minister: Mr Speaker, that is the longest preamble that I think any Speaker has ever permitted to a question in the history of Parliament, and I think the hon. Gentleman should be grateful for your indulgence.

Mr Speaker, the hon. Gentleman needs to understand that he cannot get up and pretend to be an altar boy when it comes to the parliamentary debate, as if he never raised the ante etc. and he has to understand, Mr Speaker, that the hon. Gentleman pretends that whenever he gets tough, it is just that he is being robust and when I get tough, it is that I am being brutal.

Well look, Mr Speaker, one man's brutal is one man's robust and another man's stupid, which is what the hon. Gentleman referred to in the context of agreeing with a policy to close Line Wall Road, is his candid and honest.

The Hon. Mr Phillips says that we were stupid to agree a policy. The project was stupid.

A Member: Not you.

Hon. Chief Minister: Thank you. I appreciate that the hon. Gentleman has said that he is not calling us stupid, I really do appreciate it. But he says that the project that we embarked upon was stupid. Okay. I appreciate that that is what he is saying. I appreciate the distinction is an important one and it is appreciated, Mr Speaker.

But then in what he is saying is that the project is stupid, when we agreed to it, but when Mr Azopardi agreed to it, it was just a candid and honest agreement with the project. Mr Speaker, that is the double standards that we are dealing with.

I want to be very clear, Mr Speaker. The hon. Gentleman getting up and preaching to us about the fact that I may have been a little too robust in the context of the of the exchanges that we have had today and in the past is not going to stop me from being robust in the future.

1245 Let us be clear, in this Parliament I have been called by hon. Members opposite and not opposite, members of the party who are no longer here, things which I would never consider calling them. I do not mean by him; I mean those potentially behind him.

Now that, sometimes, we have to accept as part of the cut and thrust of the political debate. That is fine. I understand that. But in the context of a policy which the Government has already said, Mr Speaker, look we are not pursuing, we think we have got it wrong and that he agreed within the context of being candid and honest, he has to understand that when the person sitting to his right says that there was a stupid project, he is saying it is not just those of us who agreed it on this side of the House, but also of him. That is the issue.

1255 So, Mr Speaker, the approach that we are going to take to projects like the Line Wall Project, is to continue the advice that we had in the STTPP, which we think is the right advice, which is to carry out pilot projects like that because if what we want to achieve is less traffic on our roads, what we want to achieve is less pollution, we have to carry out pilot projects like that, because that is the only way that we find out whether they work or not.

1260 Believe it or not, Mr Speaker, it is not possible to simply design things on a desktop exercise and the advice in the STTPP is to try projects out like that, pilot projects like that. Therefore, Mr Speaker, we think that we did the right thing. We think we did that for the right reasons. We think that we turned the policy when we realised that it was not working and it would not have public acceptance.

1265 We do not think that stupid is a way to characterise those who took the decision. The hon. Gentleman has now clarified that that is not what he meant. We do not think that the project is properly described as stupid simply because it did not proceed for those reasons. We do not think that is the best way to go about the parliamentary debate and we do think, Mr Speaker, that, frankly, hon. Members have not wanted to withdraw their questions about Line Wall Road, simply because they wanted their pound of flesh on the project in Question Time, but that is fine. That is politics, but we are now some months away from the time that the Line Wall Road project was cancelled.

1270 These are not current questions, Mr Speaker. When the Government has other projects that it is ready to announce, which our advisers might suggest to us a pilot projects, we shall make announcements about them, What I will not do is bothered to suggest to the hon. Gentleman that he might want to agree them with me, because I will know that his candid and honest view might not be the views of his cabinet or shadow cabinet colleagues.

Mr Speaker: I think we have cleared this subject –

1280 **Hon. E J Phillips:** It is not an invitation to raise the temperature, it is a very specific question on costs. I am grateful for your indulgence, Mr Speaker. I am grateful that the Chief Minister has now clarified that this project was some months ago and it is not a current question. I am grateful for that indication, but why do we not have full visibility on the question of how much it has cost this community to pay a consultant to close a road?

1285 How simple can it be for the Minister now to tell me how much it has cost for Ramboll to be engaged to do this project?

Hon. V Daryanani: Mr Speaker, the Government is not saying that we will not have the figure. The Government is saying that we do not yet have that figure in a way that we can give across the Floor of the House.

1290 But it took quite a considerable period of time for us to work out the cost of £10 million of this community's money to end up with a hole where the Theatre Royal used to be. *(Laughter)*

Mr Speaker: The Hon. Marlene Hassan Nahon has one supplementary.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say that as a concept I do not think, my party does not think that this was a stupid idea as a genuinely environmental party. Anybody would think that the concept was anything but stupid. It was green, it was responsible and it was progressive. What was not very clever was the planning of it and how we little management and planning had gone to it.

That is what I think was not welcomed by the public, and that is my main concern, because we want people to embrace environmental incentives and not shun them. So, I would like to ask the Chief Minister in considering how unwelcome this was due to the lack of planning – which I think we are all grateful for the Chief Minister’s explanation that the project itself as it was, has failed – how are we going to bring people back in terms of attracting them to green environmental measures for the future, and not let them be left with this sour taste of the effects of this bad planning?

Hon. Chief Minister: Mr Speaker, the hon. Lady knows that I would not agree with her. She knows that I will not agree with her that the problem with the Line Wall Road project turned out to be bad planning. Nobody who was objecting to the Line Wall Road project said it would be fine to close Line Wall Road and they would agree to it if only they had been given four months’ notice or if only somebody had put 10 more notices in the *Gazette* to advise me on the days that I could and could not travel through Line Wall Road.

There was a wholesale rejection by the community of the project. We have to recognise that and it is not fair, Mr Speaker, for the hon. Lady, who is usually but not always fair, to say that the problem with the project, which, of course I understand, was an emblematic one for her, it was in her manifesto, was in the planning of it and if she had been elected, she would have delivered the closure of Line Wall Road, with better planning, in a way that would have been accepted by the community.

So for that reason, Mr Speaker. I do not accept the premise of her question. But she will note that I do agree with her that it is important that our community continue to welcome green initiatives and that the aspect of our manifesto that we will not abandon is our desire to make Gibraltar as green as possible and, on that, Mr Speaker, my view is that the community actually believes that we should be as green as possible and that the rejection of the Line Wall Road project is not about rejection of green policies, it is about simply not accepting that a thoroughfare that had been open for so long should now be closed.

There was a very interesting report this morning on the *BBC Breakfast Show* about exactly the same thing where roads are being closed in areas close to schools and how that is creating less pollution around the school but is creating huge kick-back by parents and others who want to take children to school.

So this is an extraordinarily complex area. We have to accept. We have to bring people with us in creating a greener environment for all of us. That is the challenge of politics now and in my view, it is a great challenge, because I will give the hon. Lady my honest view and assessment and that is that most people will tick the box that says walking to work is better people should, in particular, not drive polluting four-by-four vehicles to work. They will support that policy. They will say it is the right thing to do. And then they will get into their polluting four-by-four and drive to work, because people say that is the right thing to do for everyone else to do, but not themselves.

Mr Speaker, I think that I am doing as much as I can by walking to work every day that I can and for some people, it is impossible to take more than one child to school. They need to go on to take children in different directions, and I fully appreciate that and squaring the circle is not easy. There is not one right and easy answer and we will need to continue to work on those issues as a Government where we can. We should continue to try and collaborate together to achieve that, but this is the challenge of the current and future generations, and perhaps the electrification of vehicles may be what ensures that we can continue to have as many cars on our roads as we want/need without pollution being created as a result.

Mr Speaker: The Hon. Marlene Hassan Nahon, this is the final supplementary.

1350 **Hon. Ms M D Hasson Nahon:** Mr Speaker, with all due respect I think that the first problem that we have here is that our Chief Minister does not accept that this project was poorly planned and hence was a disaster because of that.

1355 The plan that my party had that we put forward in our manifesto was staged, phased, discussed with designers and architects and surveyors. It was not something that came out almost on a whim the day after an unprecedented lockdown. That is what I was trying to address is how can the Chief Minister equate the planning of the project that he came out with barely a day after a lockdown of three months with a plan that would have succeeded because it was very well thought of and prepared?

1360 This is why I would like him to perhaps reflect, if he would, and offer the community a well thought-out and managed project that would actually fly in the community instead of fail. This is my question to him if he would be willing to rethink that Line Wall Road could be a green artery with bicycle lanes, with green lanes, instead of just throw it away simply because they came out with it practically from one day to the next.

1365 **Hon. Chief Minister:** Mr Speaker, we did not come out with this project from one day to the next. Simply because one day the project was not announced and the next day it was announced does not mean that we came out with the project from one day to the next.

1370 Of course the hon. Lady could be accused of having come out with the Line Wall Road project from one day to the next, because one day she did not have a manifesto and the next day she published her manifesto, which had the Line Wall Road project in it. Is that to have come out with the project from one day to the next?

We had the benefit of considerable advice before we came out with the project, which we came out with at the end of the period of the pandemic. But, Mr Speaker, what I am saying to her, is that I do not believe that she is right that the problem with the project is planning.

1375 The position that the hon. Lady has taken, which I appreciate is honest, is that it remains her policy or her party's policy to close Line Wall Road. That is what she has said. The hon. Lady I know will realise now that I have put it quite distinctly to her, that that is an uncomfortable policy for her to have confirmed that she holds, but that is her policy.

1380 She has said that she will, if elected, ensure that Line Wall Road, becomes a green artery open only to bicycles and pedestrians, and *Hansard* will show that. So she is saying the closure of Line Wall Road can be achieved if it is a better planned, and I am saying to her that we had the best planning available and we were not able to succeed in that project and we have abandoned that project.

1385 This is not about planning, Mr Speaker. This is not about staging. This is not about phasing. This is about the end result, which is the closure of the road and matters, and that is what there has been a rejection of by our community, and that is what we have accepted.

1390 **Hon. Ms M D Hasson Nahon:** Supplementary. I do not know if that constitutes a point of order, Mr Speaker but we never called Line Wall Road a closure. They called it a closure. It was a redefining of an environmental policy.

Mr Speaker: You cannot get up to defend your policies as part of a question. You do both need to ask a question.

1395 **Hon. Chief Minister:** Mr Speaker, may I just say to the hon. Lady, it is not fair that she gets up, switches on the microphone and puts the position that she wanted to put and then, having put it, simply sits down, because that is not to play by the rules.

The hon. Lady has a position which she put in the context of her question, and she put it very clearly and *Hansard* will show how she put it, and that is what I was reflecting on, and she might

1400 now feel, Mr Speaker, that that is an uncomfortable position to be in because there has been a wholesale rejection of that. But that is the position and what you cannot do at Question Time is get up and without asking a question simply put a statement to try and get herself off the hook. She can put a motion if she likes and we can have a debate about that. He or she can issue a press release and she can do that, Mr Speaker.

1405 **Mr Speaker:** I think we need to move on.

1410 **Hon. K Azopardi:** Mr Speaker, on a point of order, the hon. Lady, yes could have put a question, should not make a statement could have put a question. But in reply the Hon. Chief Minister proceeded to give a long, discursive answer that was hardly a point of order. I think, on this side, speaking for the Members that at least I lead, we are striving quite hard to keep to the short number of supplementaries, but, yes extent more extended in terms of where we think there is a public interest as indeed with Line Wall Road there has been. But the hon. Member rose in reply to the hon. Lady, I assumed purporting to make a point of order, but in fact was not a point of order and replied to a non-question so made a redundant and unnecessary answer.

1415 **Mr Speaker:** The hon. Lady did make a statement in the short time that when she rose or partly rose, which the Chief Minister then had to respond to because she introduced issues there, which required a reply. It might not have been a question but it was a statement where she tried to clarify an earlier answer, an earlier question, which carried a prelude to it. The hon. Member rose to expand or to clarify. That was not acceptable. I allowed it because she was halfway up and saying it.

1420 Then the Hon. Chief Minister responded and I cannot criticise the Chief Minister for that because the hon. Lady was the person who brought the subject up in the way that she had tried to expand on the matter in hand. I think that is a fair analysis of what has taken place in the past moments. I do not agree with the Hon. Leader of the Opposition on that.

1430 **Hon. Ms M D Hassan Nahon:** Mr Speaker, may I? I just wanted to clarify that in my view, the Chief Minister was misleading in saying that I had called for closure of Line Wall Road. We were saying was that we had a completely new concept and we did not deem it a closure. It was a future, progressive way of having an environmental policy for Line Wall Road. It was not a closure, so when he deemed my policy as a closure I wanted to correct it. If I do not have the right to do that, I accept it.

1435 **Mr Speaker:** You have a right to rise on a point of order to correct an erroneous analysis which the Chief Minister might have made, which is what you have just done. You have not referred to it as a point of order. (*Interjection*) I know, but when you rose this is what you were doing. You were expanding and you were making a point of order, because you consider the Chief Minister to have taken the wrong analysis of it. The Chief Minister rose to counter that. Now, I think that is perfectly in order.

1440 **Hon. Chief Minister:** Mr Speaker, if I may say so, please, with respect to the hon. Lady that the Rules of the House provide that if somebody is alleged to have misled the House, they should be invited to withdraw that what they have said, which is misleading. I do not believe, but that have for one moment misled the House. I believe that I have properly characterised (a) the hon. Lady's policy as set out in her manifesto, and (b) the way that the hon. Lady herself characterised her policy as *Hansard* will show.

1445 Therefore, Mr Speaker, if the hon. Lady still believes that there is somehow any suggestion that her policies anything other than a *de facto* closure of Line Wall Road, then she should bring a motion in order to demonstrate that I will be happy to engage in that motion.

1450 Mr Speaker, I cannot believe that, given the challenges facing this community at this moment in our history, this is where this Parliament is this afternoon having a debate on something that happened six months ago something and something that is not relevant going forward. Mr Speaker, the Government will continue to give discursive answers where we believe that where we are doing so, we are giving information to the House.

1455 When we give discursive answers, we are told we are giving answers that are too long. When we do not, we are told that we are giving answers are shorter than we are not giving information. We will continue to do our best to ensure that the public is informed of the Government's policies.

Mr Speaker: Next question, please.

Q604/2020
Congestion charge –
Non-resident vehicles

1460 **Clerk:** Question number 604, the Hon. E J. Phillips.

Hon. E. J Phillips: Mr Speaker, can the Government state whether it is considering a congestion charge for non-resident vehicles entering Gibraltar?

1465 **Clerk:** Answer, the Hon. the Minister for Business, Tourism, Transport and the Port.

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, this subject will be considered in the context of the result of the negotiations for a Treaty on mobility between the UK and the EU which is being expertly handled by the Chief Minister and the Deputy Chief Minister.

1470 **Hon. E J Phillips:** Apologies, Mr Speaker, I was momentarily transported to the Westminster Parliament where people pat each other on their backs. But, Mr Speaker, one question I have in relation to this congestion charge: is it driven predominantly by the environmental policy here? Because quite clearly this question, in my view, was posed as that type of question in order to avoid the large number of vehicles coming into Gibraltar, polluting the air we breathe and the air of our children, that they breathe. *(Interjection)* Mr Isola actually produces a lot of wind and gas all the time – we can hear from but there here we go, Mr Speaker. *(Laughter)* Would the Government confirm that this is led by the environmental issue as opposed to Brexit?

1480 **Mr Speaker:** Let me intervene here. I think we should not introduce remarks which are likely to provoke individual Members and create a scenario which is not conducive to good parliamentary business. So I am asking you, with respect, to try and not make unnecessary remarks, which might attract unnecessary responses, please.

1485 **Hon. E J Phillips:** Mr Speaker, I am grateful for that indication. Of course, it is obvious when one feels goaded or one has to respond, but if Mr Speaker would send a message to the other side, Mr Speaker and say goading people from a sedentary position is not exactly how we do business, Mr Speaker, so it would be helpful. But the slap on the wrist the Speaker gives me, which I accept open-handedly but that it is also delivered on the other side, Mr Speaker, in relation to the same issue.

1490 **Mr Speaker:** I am grateful for your understanding of the matter.

1495 **A Member:** Sorry, Mr Speaker. (*Interjection*)

Hon. V Daryanani: Mr Speaker, it is entirely environmental and congestion considerations. (*Interjection*)

1500 **Mr Speaker:** When we ask a supplementary, let us keep it to ask a supplementary let us keep it to the subject matter and not introduce diversions from the subjects please.

Hon. K Azopardi: No pun intended, as we are talking about traffic. Yes, of course, I wanted to answer, as I understand the Hon. Member's original answer, it is whether the congestion charge is linked to the negotiations on the treaty, I think that is what he said.

1505 It is the first we hear of and I think it has not been made public. Nor do I think, at least my recollection I do not have in front of me, hon. Members will correct me if I am wrong, I do not think it features in the framework agreement or anything like that. Is it the Government's position that they are proactively seeking this, seeking to negotiate something like this as part of the discussions? Is that the Government's position?

Chief Minister (Hon. F R Picardo): Mr Speaker, we are not seeking to proactively negotiate such an issue. If a congestion charge were to be introduced in Gibraltar where you can introduce that charge, which vehicles will be affected etc. is not something which the Government feels it would be able to make a final decision, once we know what the state of our future relationship with the European Union would be.

1515 The hon. Gentleman will know that, even in the context of a charge to access to the Upper Rock, consideration of EU rights were engaged and so we need to understand what it is that we will be able to agree in the treaty and what consequences the treaty would have in the context of any controls on some vehicles coming into Gibraltar, because the question put by the hon. Gentleman is about non-resident vehicles entering Gibraltar.

1520 If we want an unrestricted right for Gibraltar vehicles to enter the European Union, we need to understand how that is framed how that ends up being framed or what the consequences of that are and what the rights of residence in Gibraltar would be or whether there will be rights of neighbourhood residents in respect of a particular area, etc. That is what we are talking about.

Hon. K Azopardi: I am glad for that clarification, Mr Speaker, because certainly it had raised concerns when I first heard the original answer. Can I ask the hon. Member not simply to say that they will not proactively seek it, but rather to reflect further, not perhaps today, but to reflect further on the issue and to consider the dangers on frontier flows if we were to seek to move in that direction, and I will just reflect on that and remind the hon. Member, perhaps he may recall that a Mayor of La Línea, had a similar type of the proposal was viewed very suspiciously and with concern in Gibraltar because of the effect it might have on frontier flows, and to take a step in that direction here in Gibraltar, I think would be counter-productive to a free flow at the border.

1535 **Hon. Chief Minister:** Mr Speaker, I am delighted that he has now clarified their position in that respect, because their question seems to suggest the opposite.

1540 The question seems to suggest that the Government should be considering a congestion charge. That is why we have responded, Mr Speaker, by saying that we would not be able to do so until we were clear what the final result of the negotiations with the European Union were, not just because of the example of other Alejandro Sánchez's infamous "*Bordillo*" attempt to create a charge for Gibraltarian vehicles to enter Spain, but because of the other potential consequences there could be, whilst at the same time, preserving the right to do something like that in respect of some areas, and indeed, that is the way that the Upper Rock charge for the entry of foreign vehicles was characterised at one stage, and those were the issues that arose in that context.

1545

So, Mr Speaker, the Government is entirely alive to the issues that could be caused, and it is salutary to hear the hon. Gentleman, the Leader of the Opposition supporting the Government in seeking to obtain a treaty with the European Union that maximises fluidity through the frontier, and it is something that I am sure that I will have an opportunity to remind him of should he ever suggest that we should not do so.

Mr Speaker: Next question, please.

Q605-8/2020
Pay and display machines –
Total cost

Clerk: Question 605, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the total cost of the Pay and Display ticket machines at our car parks?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Questions 606 to 608.

Clerk: Question 606, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the total revenue from Pay and Display machines?

Clerk: Question 607, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state by reference to each month from January 2020 how many complaints/reports have been received in relation to unworkable Pay and Display ticket machines?

Clerk: Question 608, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state by reference to the last 12 months the costs of maintenance and repair of the Pay and Display ticket machines?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the total cost of the Pay and Display machines is £175,950.

The total revenue from the machines from 2012 to date is £3,405,869.13.

The maintenance is carried out by two technicians that are employed on a full-time basis.

A total of £16,254.01 has been spent on replacement parts.

The information requested is in the schedule I will now hand over.

Answer to Question 607

Month	No. of Reports
Jan-20	31
Feb-20	25
Mar-20	19
Apr-20	11
May-20	12
Jun-20	35
Jul-20	20
Aug-20	22
Sep-20	28
Oct-20	30
Nov-20	25
Dec-20	29
Jan-21	44
Feb-21	38

Hon. E J Phillips: Just one question before ... [*Inaudible*] ... reports, the complaints received, in relation to the £3 million-odd received in relation to the Pay and Display machines, does the Minister have the breakdown? He has just simply refer to 2012, as the total costs when they were first installed to date. Does the Government have any some more useful information of the breakdown, of that?

Hon. V Daryanani: Mr Speaker, I do not have the breakdown with me, but it is something that I am sure I can get for him if he wishes.

Hon. E J Phillips: Mr Speaker, insofar as the complaints are concerned over a period of 12 months, there seemed to be a very significant number of complaints about the Pay and Display units themselves. I have received a number of complaints about this particular issue of people being unable to pay at any one point, either in cash or in the use of cards. I understand that the entire, the total sum – I am grateful to my hon. Friend, Mr Clinton for totting up on abacus – Mr Speaker, about 369 complaints were received in just one year about the Pay and Display units that the Government has installed.

Can the Government provide information as to why the significant levels of complaints about the functional ability of these installations?

Hon. V Daryanani: Mr Speaker, he said that there was in total of 369 complaints, so that is over the over 14 months.

A Member: 12 months.

Hon. V Daryanani: No, 14 months from January 2020 to February 2021 –14 months. So we divide that by 14 months it is 26 complaints a month. That is less than one complaint a day, and that is about and we have ... I am trying to explain to the Member opposite that it is not that many complaints as the way he puts it. These are machines that we have had for a few ... (*interjection*) yes, of course, like everything else. We have had these machines for about four years and there have been issues.

There have been issues with connectivity. There have been infrastructural issues and we need to deal with them, and we are constantly dealing with them. We are looking at ways of improving of the service, and that is the way that it is. So I think it is very unfair to say that these complaints are numerous, as such.

1620

Mr Speaker: Next question.

Q609-10/2020
Public electric vehicles –
Charging points

Clerk: Question 609, the Hon. E J Philips.

1625 **Hon. E J Phillips:** Mr Speaker, can the Government state when it will begin the rolling out of Public Electric Vehicle charging points beyond those located at Midtown?

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

1630 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 610.

Clerk: Question 610, the Hon. E J Phillips.

1635 **Hon. E J Phillips:** Can the Government state why the current charging points only allow for 30 minutes per charge?

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

1640 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the rolling out of public electric charging points will occur during the life time of this Parliament. The electric vehicle charging points at Midtown Car Park are not restricted to a half-hour charge. The points charge the vehicle until the battery is full or the client leaves before it is fully charged.

1645 **Hon. E J Phillips:** Does the Minister agree with me that Government's main plank of its promise to the community and the wider electorate in relation to a Green Gibraltar and, indeed, trying to encourage many more people to purchase hybrid and electric vehicles, Mr Speaker, to have an answer by a Minister to say within this lifetime we will deliver charging points is not satisfactory.

1650 Mr Speaker, the Government is trying to encourage people to drive electric cars and good on them, I agree. We should all be encouraged to drive electric vehicles. But the infrastructure for using these vehicles in terms of charging points must be rolled out as soon as possible.

1655 Mr Speaker, to suggest that it is in one location and to suggest that it will be delivered in the 'lifetime of this Parliament' – whenever that may be, I suppose when the Chief Minister calls it – Mr Speaker, is not good enough, quite frankly. So, is the Government reviewing this issue? Will it attempt to escalate the provision of these charging points so that it can give reassurance to members of the public who are looking to charge electric vehicles on the advice they have received from the Government?

1660 **Hon. V Daryanani:** Mr Speaker, I do not agree with the comments of the Member opposite. Like I said, we have a mandate to do this over the next four years and we will roll out this initiative during the lifetime of this Parliament.

Q611-16/2020
School buses –
Availability and parking provision

Clerk: Question number 611, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm whether or not it will increase the availability of school buses?

1665

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Questions 612 to 616.

1670

Clerk: Question 612, Hon. E J Phillips.

Hon. E J Phillips: Can the Government state what preparations were made and plans put in place for the provision of school buses before the start of the staggered school term?

1675

Clerk: Question 613, the Hon. E J Phillips.

Hon. E J Phillips: Can Government state how many on street parking spaces existed before the introduction of the STTPP?

1680

Clerk: Question 614, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many on street parking spaces have been lost since the introduction of the STTPP?

1685

Clerk: Question 615, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many parking spaces have been converted to pay parking spaces since the introduction of the STTPP?

1690

Clerk: Question 616, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many cars have been registered locally since the introduction of the STTPP?

1695

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, as the hon. Member will no doubt be aware, Press Release 617/2020 announced an increase in school buses to tackle the rise of students using public transport. Prior to the introduction of the STTPP, there were approximately 3,000 on-street parking spaces throughout Gibraltar; 529 of these on-street parking spaces have been reconfigured to create Pay and Display areas and 30 spaces have been removed to facilitate two-way traffic on Fish Market Lane. Other than that, all remain.

1700

The total number of parking spaces is therefore now 2,970 of which 2,441 are still free. I can confirm a total of 10,019 cars have been registered locally since the introduction of STTPP.

1705

Q617/2020

**Introduction of STTPP –
Number of cars removed since**

Clerk: Question 617, the Hon. E J Phillips.

1710 **Hon. E J Phillips:** Mr Speaker, can the Government state how many cars have been taken off the roads since the introduction of the STTPP?

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

1715 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the total amount of cars that have been taken off the road since the introduction of STTPP is approximately 2,240.

Q618/2020

**Illegal exhausts –
Introduction of legislation**

Clerk: Question 618, the Hon. E J Phillips.

1720 **Hon. E J Phillips:** Mr Speaker, can the Government state when it intends to introduce legislation and provide the authorities with the necessary equipment to clamp down on illegally loud exhausts?

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

1725 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the legislation is in place and the Driver Vehicle and Licensing Department (DVLD) have the necessary equipment which is used for the roadworthiness testing. If the RGP stop a motorcycle or any other vehicle which they believe to be causing excessive noise, they will take the vehicle to the DVLD and test the vehicle decibel level if necessary.

1730 **Hon. E J Phillips:** Mr Speaker, this is a question that has been raised on a number of occasions and the information that I am receiving is that the authorities do not have the particular equipment they need to measure the sound and the noise, which is causing the pollution for many of our residents, Mr Speaker. That gives rise to, obviously, complaints about that issue. But I am given to understand that the authorities do not have the equipment they need to enforce the law, ultimately.

1735 **Hon. V Daryanani:** Mr Speaker, I do not know what to say: that is information you have, but in answering this question, we know that we do have the equipment and if somebody, if the RGP, of course, arrest someone because they think they are causing excessive noise, they can take the vehicle down to DVLD and the DVLD will have the equipment to check that.

Q619/2020

**Two stroke and electric motorbikes –
Number sold**

Clerk: Question number 619, the Hon. E J Phillips.

1745 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of (1) two stroke engine motorcycles and (2) electric motorcycles sold/registered in the last 24 months?

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

1750 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker In the last 24 months, no two stroke engine motorcycles have been registered. Four electric motorcycles and 20 electric mopeds have been registered.

1755 **Hon. E J Phillips:** That could be an error on my part on the basis that a two stroke – I do not have a motorbike, so I would not know – but is a two stroke a 50cc motorbike? It is. None within two years have been registered in Gibraltar.

Hon. V Daryanani: That is proof of our success of our policy of registering two stroke motorcycles.

Q620/2020

**Segregated cycle lanes –
Testing efficacy**

1760 **Clerk:** Question 620, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not it will utilise pop up cycle lanes in order to test the efficacy of the introduction of segregated cycle lanes in certain areas?

1765 **Clerk:** Answer, the Hon. the Minister for Business, Tourism, Transport and the Port.

1770 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the Government is considering all options for the deployment of cycle lanes in Gibraltar, by reference to the recommendations made to Government as part of the STTPP, and further consultation with other organisations in the months leading to the General Election in October 2019. As part of this review, the Government is required to balance its ambition to deliver a Green Gibraltar with the practical reality on the ground today.

1775 The Government will consider the deployment of segregated cycle lanes where it considers it appropriate in the circumstances. Where relevant, the Government will be happy to consider the advice of experts in relation to the utility or otherwise of pop-up cycle lanes in the development of cycling infrastructure in Gibraltar. The Government further considers that while segregated cycle lanes are, in the main, desirable, they are not the panacea for all Gibraltar's transport and traffic challenges.

1780 The Government therefore remains committed, as set out in its manifesto for the 2019 General Election, to continuing to 'promote cycling as an alternative means of transport, creating segregated cycling lanes where possible to help encourage people. to feel safer'. It is important the Government's commitment to segregated cycle lanes should be set in this, the correct context, to which I have just alluded.

1785 **Hon. E J Phillips:** Mr Speaker, I am sure the Hon. Minister, behind the Chief Minister will be chomping at the bit to answer this question. I know he is a passionate individual cares about cycling. I know the Chief Minister is as well. I was referring to Mr Balban, of course.

1790 Mr Speaker, the problem with this question is that the Minister and I both know, but we have gone round this House many times as to the efficacy of cycle lanes in our community. It is an important nettle to grasp. I would suggest to him, and I know that his Department have investigated about long continuous lines and having the availability of areas in Gibraltar where we can use bicycles more productively and then encourage more people to do that.

But I do not think, Mr Speaker, that we are grasping the nettle and dealing with it in a way which encourages people to cycle, Mr Speaker.

1795 So what are the specific plans? I know that he will maybe come back within the lifetime of this Parliament, but where there are the real concrete proposals that he is looking at to ensure that we encourage people to cycle in Gibraltar? Pop-up lanes are pop-up lanes. They are used to trail blaze cycling in certain communities. Why is the Government not doing that now to see whether these would work in particular long routes across Gibraltar, because they are what they are, pop-up cycle lanes?

1800 I would genuinely ask him and encourage him to utilise them as soon as possible, so that we can really test on the ground. I know it is not the panacea, I agree entirely with him on that. It is not a panacea. But let us at least test on the ground and do a better job of it, in my respectful view.

1805 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Hon. Minister has said that we are considering all options. That must mean that the option that the hon. Gentleman has put is also one of them being considered.

1810 The hon. Gentleman has referred to me. I took up cycling last year. It is one of the things that most helped my mental health during the very difficult period of COVID-19 and the lockdown. It helped my head more than it helped my heart, and I hope that I have encouraged many people to take up cycling.

1815 I would put it to him that although there is still a long way for us to go in doing everything we can to encourage people to cycle and to cycle safely in Gibraltar, he might be interested to know that last week, given that I have taken up cycling, I sought to buy a further bike. I could not get one in Gibraltar. There were almost no bikes available in Gibraltar. There were almost no bikes available in the region. They are not stuck at the border, as he says from a sedentary position, not even available, Mr Speaker, in the context of the shops around us.

1820 In terms of the border, Mr Speaker, he would be very pleased to have seen our cyclists be able to continue to cycle into the hinterland at the weekends, almost as if 31st December had not happened, and I think there is a backhanded compliment there that he was giving us by making that reference because they can continue to flow across the border.

1825 So, Mr Speaker, we have not done everything that we need to do to encourage cycling and to encourage cycling safely, but we have done a hell of a lot. We are a good way down the road. The market speaks for itself almost the fact that there are almost no bikes available. Cycling is being taken up, not just by me and many others in Gibraltar is being taken up internationally. People have seen that this is something that adds a lot to their lives, and the Government is very pleased with the way the policy has been developed and will continue to be developed in coming weeks and months.

Q621/2020
Bicycle parking –
Completion date

Clerk: Question 621, the Hon. E J Phillips.

1830

Hon. E J Phillips: Mr Speaker, can the Government state when it expects to complete the roll out of the bicycle parking?

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

1835

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the roll out of 35 new bicycle parking racks, which provide parking for up to 70 bicycles, as announced in the Press Release 560/2020, was completed on 9th September 2020. This is the first phase to provide bicycle parking throughout Gibraltar. The Government are actively looking into further phases to roll out more bicycle parking as and when demand arises.

1840

Hon. E J Phillips: Just one question, does the Government now believe that the supply now meets the demand, because I think he said at the end of that question was that they will now review demand going forward, but it is currently at the moment that the supply of bicycle parking sufficiently meets the needs of cyclists in our community?

1845

Hon. V Daryanani: I think it does. I must say that when I am walking around and I see bicycle racks I like to see whether they are actually being used, because I think that that is the real barometer of it. If there is space still available, that means there is enough space. But at the moment, like I say, we are constantly monitoring it and we want we want to have a second phase of bicycle parking and will do so when we feel that there is a need for it.

1850

Q622/2020
Whitham's Road and Castle Road –
Driving against traffic flow

Clerk: Question 622, the Hon. E J Phillips

Hon. E J Phillips: Mr Speaker, can the Government state how it intends to deal with the prevalence of driving against the flow of traffic on Witham's Road and Castle Road to name a few?

1855

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, although the Ministry has not received any formal complaints regarding driving against the flow of traffic on Witham's Road and Castle Road, I have asked the Highways team to monitor the areas in question to ascertain the prevalence of this and assess if there is anything that can be done.

1860

Having said this, it would be a matter for enforcement. If the motorists wishes to ignore the Traffic Signs, they will.

Q623/2020
International Driving Licences –
Counter availability

1865 **Clerk:** Question 623, the Hon. E J Phillips.

The Hon. E J Phillips: Mr Speaker, Can the Government state why only one counter is available at the Post Office for the application of International Driving Licences?

1870 Obviously, I should preface that this Question was placed at a time where there was a huge demand on the issuing of International Driving Licences and at the time the Minister will be fully well aware of the large queues that were spilling out to the streets at the time when there was only one counter available.

1875 **Clerk:** Answer, the Hon. the Minister for Business, Tourism, Transport and the Port.

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Yes, Mr Speaker, the hon. Member was right there was one counter but because of the queues we put two there. There are currently two counters at the moment and we expect to open additional counters at the MOT test centre very soon.

1880 **Hon. E J Phillips:** Mr Speaker, with your indulgence, I would like to ask the Minister, because it is an International Driving Licence-related question and if he does not have the answer, I appreciate it, and will come back next time to discuss it. One of the issues that constituents have raised with me in relation to these licences is the fact that the authorities, as they cross over the border, at least when they are stopped by the Spanish authorities, they are not asking for these particular licences.

1885 I just wondered because there was such a rush on them at the time and obviously the Government deployed resources to get these licences out, I wonder whether the Minister would know and why the authorities – he may not be to answer that specific question, I can understand why he would not be able to answer it – why it is not being utilised ultimately now as a document to demonstrate the ability to drive or at least the licensing requirement.

1895 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker first of all, as you remember, may recall, this measure was one of the Government advertisers gave considerable publicity, so in the context of there being no agreement with the with the EU for the future relationship for Gibraltar, in the event our successful negotiation led to a framework agreement. That in turn led to bridging measures, which see us through – in relation to Spain, obviously – to the negotiation, hopefully, of a treaty which will provide for this.

1900 The short answer to the question is that that was part of the planning for there being no agreement on 31st December and people would then be required to take an international driving permit if they drove into Spain. Because there are no bridging measures in place, that international driving permit for Spain is not required.

1905 **Hon. E J Phillips:** I am very grateful to the Deputy Chief Minister for answering that question. He may be able to answer this question as well. I believe they are limited to 12 months, these particular driving licences for Spain. I think one of the problems that the members community that approached me about is the fact that you will have to renew them, even though you are not using them, and I think that they are struggling to understand why we need to get them and renew them when they are not being used and I think it would be helpful – actually it would be helpful for members the public to understand whether we need to continue to renew them now, even though we are in this very difficult period of time as to their usability. I understand that, but it is certainly a question has been raised with me a number of times.

Hon. Deputy Chief Minister: Mr Speaker, there are three different international driving permits for different countries. As the hon. Member will know the one for Spain, I think is one that is renewable every year, so that that would require the holder of the licence to renew it. There is another one that you only need to renew every three years. I think that is the one for Portugal. So, there are different types of permits for different countries which has added to the general confusion. That is a requirement of the Convention that the UK and Gibraltar both belong to.

Q624/2020
Bunker barge –
Transfer procedures

Clerk: Question 624, the Hon. E J. Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the process and procedure between the bunker barge and the vessels taking on bunkers?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the Gibraltar Port Authority has developed the Gibraltar Bunkering Code of Practice, which draws on international industry standards and goes beyond international recommendations delivering what is widely considered to be an industry exemplar of best practice in terms of regulations in a port. This Code of Practice is a 'live' document in that it is constantly updated and reviewed to ensure it keeps being at the leading edge of best practice. In its current version (version 9 – December 2020) the code of practice is a 65-page booklet.

There are numerous checklists and information exchanges which are required to take place before a bunkering operation can commence. In Gibraltar these are mandated and enforced by the GPA on all the bunker suppliers as part of the licensing regime, and forms part of the licence conditions which all suppliers must follow, at all times.

I have this document here it is quite a technical document, but if I can, I can pass it on to – if I am allowed to – I can pass it on to you so you can have a look at it.

Hon. E J Phillips: I think that is a very helpful use of time actually because otherwise I will ask questions that the Minister may need to reflect on and, in fact, do a deep dive into the document. I am grateful.

Hon. V Daryanani: I am not sure I can actually pass it on to. I need to check.

Hon. E J Phillips: As I said, Mr Speaker, I would be unable to scrutinise in the level of detail over the process and procedure, so it is pointless asking a supplementary.

Q625-31/2020

**Oil spill –
Procedures**

Clerk: Question 625, the Hon. E J Phillips.

1955 **Hon. E J Phillips:** Mr Speaker, can the Government state the process for notifying shipping operators in the event of an oil spill?

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

1960 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Questions 626 to 631.

Clerk: Question 626, the Hon. E J Phillips.

1965 **Hon. E J Phillips:** Mr Speaker, can the Government state the effect of notification to shipping operators of an oil spill?

Clerk: Question 627, the Hon. E J Phillips.

1970 **Hon. E J Phillips:** Mr Speaker, can the Government state at what time they notified shipping operators of the oil spill from the AV Gwent?

Clerk: Question 628, the Hon. E J Phillips.

1975 **Hon. E J Phillips:** Can the Government state why bunker activities have continued unabated despite notification of an oil spill from the AV Gwent?

Clerk: Question 629, the Hon. D J Bossino.

1980 **Hon. D J Bossino:** Can the Minister for the Port state whether the cause of the recent oil spill has been identified?

Clerk: Question 630, the Hon. D J Bossino.

1985 **Hon. D J Bossino:** Can the Minister for the Port provide details of the costs incurred by the Government to date in connection with the recent oil spill?

Clerk: Question 631, the Hon. D J Bossino.

1990 **Hon. D J Bossino:** Can the Minister for the Port state which private companies have been engaged to provide assistance, in connection with the recent oil spill? Recent as in when I filed the question, of course.

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

1995 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, I do not know what the hon. Member means when referring to 'shipping operators'. Bunkering activities did not continue unabated. The incident that occurred on Friday, 12th February 2021 is still on going with the clean-up operations on the final stages, with the P&I Club of the vessel representatives and the GPA working together.

2000 The investigation has been completed by the vessel's flag state and the GPA is waiting to receive a copy of such report. The RGP also concluded their investigation with evidence showing failure of the vessel's equipment stated as part of the cause and a successful prosecution was concluded.

2005 The Gibraltar Port Authority has contracted the services of Brightside, GJBS, Bland, Neptune Marine, PAS, Tarik and Molinary for the initial stages of the response. The P&I Club has now engaged with some areas of the clean-up and have contracted some local companies to work directly under them.

2010 **Hon. D J Bossino:** Mr Speaker I have not taken a full note of the answer, which I assume is the answer to Question 630. No, it is not? No, it is the answer to Question 631 where he lists the private companies which have been engaged to provide assistance and he mentions Brightside, did he say, GJBS. What is the process in relation to this? Are they like some sort of a panel which the Government can call upon when something like this happens? I see that the Minister from a sedentary position is nodding his head. In order to get on to that panel, should that be the answer, 2015 is there a tender process or that in order to achieve that positioning?

Hon. V Daryanani: Mr Speaker, I do not exactly know whether there is a panel, but I do know that in a situation like this, when there is an emergency, when you are dealing with an oil spill, what you need to get out is all the people possible. There are not that many companies in Gibraltar 2020 that can provide certain services. These companies do that, and it is not a question of a tender or not. There is an oil spill, you need to deal with it immediately and that is exactly what we did.

Hon. D J Bossino: Just to draw on the answer a bit, is he saying that all the companies that are available to provide the service were utilised or did the authorities or himself, as the Minister 2025 responsible, choose which companies he was going to be utilising for these purposes?

Hon. V Daryanani: Mr Speaker, our professionals in the Port Authority are the ones who determined who they needed at that moment in time. They did not call up to ask me whether a certain company should be brought in to deal with this emergency. 2030

Hon. D J Bossino: Does he know which criteria are used by the relevant authorities? Is there a criterion which is utilised, or is it based on because the relevant individual within the Port Authority knows the company personally? Because, you know, you could end up in a situation where it is simply because they know him or through chumocracy the company gets the job. So 2035 can he answer the question as to whether there is any criteria which is set and which is employed before a decision a decision is made in relation to the identification of the company has got to provide the service.

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise to defend the professionals in our Port 2040 Authority from any suggestion that they would at any time appoint anyone on the basis of a chumocracy. Absolutely contrary to my experience of the great professionals that we have in the Gibraltar Port Authority who have done such a sterling job of dealing with this oil spill in a way that I think will be seen, once the spill is analysed, was exactly the right way to do it.

2045 The criteria that they apply are the same criteria under the GSLP that they used to apply under the GSD: need. What do we need? How can we deal with it and what is the quickest way to deal with it? Without ministerial interference and looking at what is the best value for money for the taxpayer in order to ensure that they deal with the emergency that is developing on the basis of being able to deal with it on a cost-benefit analysis in the most cost-effective manner.

2050 Absolutely not on the basis of a chumocracy, and I would remind the hon. Gentleman that to make throwaway remarks like that is to impute the potential that someone might have acted in that way, and although I have absolutely nothing to do with it, although there is no ministerial

involvement whatsoever, I stand here and I defend the professionals of the Gibraltar Port Authority for the magnificent work that they have done, for their magnificent way they quickly rolled out the need to deal with these issues.

2055 Indeed, Mr Speaker, within a week and a half they were dealing with an explosion on another vessel and also dealing with that. People sometimes do not see and appreciate the huge amount of work that goes into keeping our ports open, attractive and operating.

2060 **Hon. D J Bossino:** Mr Speaker, there was no intention on my part and no suggestion in my part that there is anybody within the Port Authority was delving into chumocracy in relation to this. That is not what I was saying. What I was saying was, if there are no set criteria as to which company to employ, that it could lead to that situation. That is the only point I was making and the Hon. Member has answered the question by stating that the criterion which is used is based on need, which was quite frankly, in my view, pretty nebulous and too wide ranging. I think there
2065 ought to be more detailed criteria.

By way of further supplementary questions in relation to I think it is 630, which deals with the details of the costs incurred by the Government, I am not sure if I have got the answer, because he bunched quite a few questions together. I am not sure the answer is in the same order that the questions had been filed. Can I ask him to repeat that unless he does not have the information
2070 available and that is why I was not able to take a note?

Hon. Chief Minister: Mr Speaker, how can need be too wide a criterion in order to procure the services that one needs to deal with an emergency? I really do think that the hon. Gentleman is indulging in the politics of *a tirar la piedra y esconder la mano*, which is to throw the stone and
2075 hide the hand.

It is Mr Speaker, if I may say so, characteristic of some of the way that he approaches his politics, he makes the suggestion that there might be something akin to a chumocracy. When it is put to him that the suggestion is actually a scandalous one that suggests that there might be a behaviour which is inappropriate on the part of people whose professionalism is beyond repute
2080 he then resiles from it.

Well, Mr Speaker, it is up to him be able to do that politics if he wishes, and it is up to him whether he thinks that it is going to garner him any particular support, but I will tell you, Mr Speaker, that this Government will have sufficient trust in the professionals who are employed in the Port Authority in Gibraltar and indeed in other sectors of public service in Gibraltar to permit
2085 them the leeway to deal with emergencies on the basis of need.

But Mr Speaker, I would accept that if I had said that any public servant in Gibraltar can purchase anything on the basis that they need it ... a point of order, which I am sure will refer to the relevant Standing Order rule, Mr Speaker, which I am alleged to have offended.

2090 **Hon. D J Bossino:** The Hon. Member has not answered the question. The question that I asked was a supplementary in relation to Question 630, which dealt with the issue of cost at all –

Mr Speaker: That is not quite the case when you started off in response, when you started your question, in your preamble, you made certain suggestions in your preamble. The Chief
2095 Minister is responding to the preamble. You also asked a question about the cost, which has not been answered. But you did suggest something in your preamble and the Chief Minister is responding to it. I cannot accept that point of order. What I can accept is that the answer to the question that you posed at the end has not been answered. You asked about the cost.

2100 **Hon. Chief Minister:** The answer has not yet been provided, because what he wanted to do, Mr Speaker, was stop me in the flow of replying to his scandalous preamble. Mr Speaker, what I was saying was that he was giving a licence to, you know, public servants in Gibraltar to purchase outside of procurement rules simply on the basis of need across the board in any circumstances,

I would accept that that could open the possibility that people might act in manners, which were not in keeping with procurement rules. That is not what I am saying.

What I am saying, what the Government is saying, is that in this context of an emergency, aside from the fact, there are services contracted for emergencies – in other words, when there is an oil spill – people have tendered and you press a button and those who have tendered are able to provide services. When you need additional services, you procure on the basis of need. That, Mr Speaker, does not leave open the opportunity that the hon. Gentleman has suggested.

Mr Speaker, as to the second part of his question, what the hon. Gentleman was asking is about detail, which I will permit the Minister to provide if he is able to provide, but I think it would have been singularly unfair, in particular to the public servants of Gibraltar, who, in my view had their reputations imputed by the hon. Gentleman's innuendo, not to have got up to respond, first, to his question and, second, to the preamble, his supplementary question.

Mr Speaker: Will the hon. Minister be ready to give that information. Does he have the information?

Hon. K Azopardi: Mr Speaker, may I before the Hon. Minister – (*Interjection*) ... sorry, I thought before we moved on to the question of costs we could stay on the issue of the criteria, but I am happy to do it either way that is fine.

Mr Speaker: Let us sort out the question, then we can get back to ... [*Inaudible*] ...

Hon. V Daryanani: Thank you, Mr Speaker. This is ongoing, so the last figure that we have is approximately £170,000, but this will go up because there is still works to be done. I would be happy to provide further information when I get it.

Hon. D J Bossino: Does he have an idea as to when there will be finality in relation to the cost? He says it is ongoing and I appreciate he may not have that answer with him, but this does he have an idea as to when he thinks that the works are going to conclude.

According to the press reports, it is progressing quite well, the clean-up, so I wonder if he can say whether we are close to reaching a conclusion or whether it is still a few months, we still have a few months to go?

Hon. V Daryanani: Yes, I mean we are close. There are two things. One is the clean-up and then there is damage on certain parts of the harbour walls, etc. So yes, that will probably take a little bit longer, but insofar as the clean-up is concerned, we are nearly there.

Mr Speaker: Leader of the Opposition, but with a question, please.

Hon. K Azopardi: Yes, Mr Speaker, when I rise, it is usually with a question or a point of order. (*Interjection*) Well, if it is not, it is because it is not Question Time or a point of order – or because the hon. Member is asking me questions.

Mr Speaker, can I just ask on the criteria which were the subject of the answer given by the Chief Minister – which is what my right hon. Friend to my left was trying to get at – presumably, this is not done in a sort of informal way? I assume, but I ask the Government to confirm that we are a seafaring nation. So presumably there is an oil spill response plan like there was when I was on the opposite side of the House. In fact, we updated the oil spill response plan that there was.

So, presumably in the context of the overspill response plan, there is thinking and planning as to what happens in the case of an oil spill of different tiers. My understanding and my recollection from those days was that there was a graduated plan, depending on the severity of the oil spill that was caused and you would call on either local or external resources, depending on the severity. But there would have been a system of approved people that you would have called on

who would have expertise, locally and externally, in the context of a severity assessment of the oil spill.

Now, in that context of that introduction, is there an oil spill response plan currently and does it embed within it a system which sets out the criteria or a list of companies that are approved for the purpose of calling upon for these oil spills?

Hon. Chief Minister: Exactly, Mr Speaker, that is what he needs to explain to his colleague sitting next to him. The criteria, as I said to them a moment ago, establishes what rank of oil spill it is that you are dealing with.

You have a pre-tendered for how you are going to use in those circumstances. You press the button and the people who have the tender for that are the ones that come in.

But the hon. Gentleman's then was any other services, what did you do? That is what was procured on the basis of need. Who was it procured from? People or agencies or entities or companies that are already on the Government-approved contractor list or were already port operators. So all entities that have already been approved for this purpose, Mr Speaker.

So I do not think that the hon. Gentleman is saying anything that we have not already explained in the context of the answers that we have given.

Mr Speaker: One more, Damon Bossino.

Hon. D J Bossino: Yes, by way of further supplementary to Question 629, which deals with the cause of the recent oil spill. I think he mentions an investigation that has been carried out by the vessel's flag states, which obviously is common in these circumstances. Are we carrying out an investigation ourselves? Should the answer to that question be in the affirmative, or does he know the results of that investigation will be made public?

Hon. V Daryanani: Mr Speaker, the hon. Member has just said that it is common that the flag state carries out the investigation and that that is what is happening and the Port Authority is waiting to receive the report.

Mr Speaker: Does the Hon. Elliott Phillips wish to ...? We move on then to the next question.

Q632/2020
CSSC Cape Town explosion –
Investigation update

Clerk: Question 632, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for the Port provide an update with regards to the investigation being carried out in Gibraltar in connection with the explosion which occurred on *CSSC Cape Town*?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the Marine Accident Investigation Section (MAIS) of Hong Kong Marine Department is carrying out a marine safety investigation in accordance with the International Maritime Organisation's Casualty Investigation Code. They are currently in a stage of evidence collection for the full investigation of the accident.

Hon. D J Bossino: Mr Speaker, I think he is referring to the investigation which is being carried out in effect by the flag state of the vessel and there was a report in the press locally, which revealed I think the preliminary results of the preliminary investigation, which took place. But it also made a reference in tandem with that, to, I think I am correct, I do not have the report here with me, I normally do, but I would have the report here on this occasion – I think it was done by the *Gibraltar Chronicle* – about our own a local investigation into the incident. My question was really more directed at that. Does he have any information in relation to that? Can he say whether my understanding is correct that a locally produced investigation will be/is being carried out?

Hon. V Daryanani: Mr Speaker, I have no such report of an investigation of that sort being carried out, but now that he has mentioned and he says that he has seen it and so I will look into it and let him have information. Anyway, as I say, the one that carries out an investigation is the flag state and that is what is happening, like I said.

Hon. D J Bossino: Simply to add to it simply to assist, I am pretty sure that in order to then I think because there this incident, which was a very serious incident, occurred within our waters, I think the decision must have been taken by the Port Authority that it would be of benefit to all of us to establish what the causes are so that there is a prevention of this type of thing happening again, which could result, as indeed it did result, for the seamen on board, but it could also result in some danger for people of this community.

Q633/2020
Business licences –
Application delays

Clerk: Question 633, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Business state whether he is aware of the reported delays that are being experienced by applicants for business licences and if so what measures are being undertaken to address these?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the vast majority of business licence applications (that are not subject to referral to the Business Licensing Authority) are processed within a week of OFT receiving application form 2a, accompanied by all the necessary documentation and information.

There are a minority of applications which have experienced some delay, particularly where the OFT has put an application on hold while it waits for the applicant to provide complete information. Until all necessary documentation and information requested is provided the application cannot be processed.

Hon. D J Bossino: Again, Mr Speaker, this was really drawn from complaints that I have received in relation to this particular issue, and I hear what he says that they apparently only happen in the minority of cases, I think he said. But is there a way of, does he have a way of establishing, getting statistics in relation to this? For example, does how long applications take from beginning to end? I think he said within a week it is normally the case, but does he have hard statistics, which will give us the numbers in relation to the process and how long it takes? So this would enable him to be able to monitor progress, particularly when the new legislation is passed. I am sure he will be keen to establish and have that type of information available to him.

Hon. V Daryanani: This information is not available to me. It is not on the on the Order Paper. I will have to find out whether we do monitor that. But I can tell you that my understanding is and it is something that I get complaints sometimes when people cannot have their licences issued and we deal with them immediately and sort them out. They are a very small minority of cases, extremely small. But on his point of the statistics, I will find out if we have them and if we can get them.

Q634/2020
Coach parking –
Overnight reductions

Clerk: Question number 634, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state whether it intends to continue charging coach operators 50% of the usual cost for overnight parking?

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

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

Hon. D J Bossino: Mr Speaker, this is this is an area of tourist activity which has come to a halt as a result of the lockdown restrictions in connection with the pandemic. Does he not think that it would be perhaps a fairer decision from the Government to lower it as far as possible? I would even suggest that it be lowered to 0%.

In other words, there should not be a charge because these companies are receiving absolutely no income whatsoever and have not done so since the restrictions were put in place. So the answer is in the negative, he says no, but I would encourage him to at least consider it. I would ask him to please consider lowering the fee to nothing if possible or to as low as the Government feels that it can lower it.

Chief Minister (Hon. F R Picardo): Mr Speaker, I was handling of the negotiations of all these matters which relate to BEAT payments and reductions of Government rent, and we agreed to what was sought from us from the operators, which was a 50% reduction. So it is really quite remarkable that it appears that the hon. Member wants us to go further in providing a reduction than the operators had proposed to us that they needed.

Hon. D J Bossino: So, presumably, just to clarify the answer to the question is no, that it will remain at 50%. But I detect in the Hon. the Chief Minister's reply perhaps a glimmer of hope for those who have made representations to me that it may be possible that the Government would consider the possibility of reducing it further, which was really the question that I asked. But I do not, with all due respect to the Government, the two Members who are answering on this issue, they have answered that specific question.

Hon. Chief Minister: Well, Mr Speaker, the hon. Member can rest assured that if representations are made to us about this, then we will consider those representations. We considered positively the representations that were made to us seeking the reduction to 50%. Nobody has made a representation to us, as far as I am aware, or to the hon. Member, as far as he is aware, that there should be a further reduction.

It is really quite remarkable, Mr Speaker, that we should hear about this need from the hon. Gentleman and not from the entities involved, that I can count on the fingers of one hand, because

there are not more than five licence-holders in respect of these vehicles. We would of course consider, and all the other representations we are considering from entities in this and other sectors, in respect of the difficulties that they are experiencing in trading.

But they certainly will not get any joy, because the hon. Member is making representations. They should make representations to us, and it would be nothing more than an absolute and complete waste of time to make representations to members of the Opposition and not to members of the Government, because of course, the rent will not be waived until the representations are made to us. The only thing that making representations to the hon. Members opposite will do is delay the effect of the representations having any potential effect.

Mr Speaker: Next question please.

Q635/2020

**Room occupancy rates –
Arrivals and tourist arrivals**

Clerk: Question 635, the Hon. D J Bossino.

Hon. D J Bossino: Apologies, Mr Clerk. Can the Minister for Tourism provide details of the room occupancy rates for each of the months of 2019 and 2020 to date for all arrivals and tourist arrivals, respectively, in the same way as they are presented in tables 3.03 and 3.04 of the Hotel Occupancy Survey 2018?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, hotel occupancy statistics are published once a year in the annual report. The draft Hotel Occupancy Report for 2019 is still being checked by the Statistics Office. Figures for 2020 have not yet been processed.

Hon. D J Bossino: I really was not expecting that reply, Mr Speaker. Can he give me at least an indication as to when he thinks that at least the 2019 figures will be available, and will he commit to provide them to me when they are, rather than wait until the relevant survey is formally laid on the table of this House? In fact, the same would apply in relation to in relation to 2020, because obviously there is a full calendar year as well. I thought it would have helped and assisted me in relation to the next question that I have in the in the Order Paper.

Hon. V Daryanani: The report for 2018-19 is pretty much ready so we will be able to publish it very soon and obviously 2020 will come after that.

Hon. D J Bossino: Just by way of confirmation, sorry, I suggested that he provide me with that information once it is available. He has not answered that particular point, but presumably, if he simply confirms that this information will be made, will be uploaded onto the Government website, perhaps if he advises me that it is uploaded, and I will check one about whenever it is appropriate for me to do so.

Hon. V Daryanani: Mr Speaker, I will let him know what it has done.

Q636/2020
Hotel rooms –
Reason for shortage

Clerk: Question 636, the Hon. D J Bossino.

2335 **Hon. D J Bossino:** Has the Minister for Tourism made enquiries as to why Gibraltar was unable to provide enough hotel rooms for EasyJet passengers in respect of a flight which was reported to have been due to leave Gibraltar on Monday, 24th August 2020 but was delayed overnight?

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

2340

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I imagine the reason was that there were no hotel rooms available because of our success in filling hotel rooms in times when COVID is not raging.

2345 **Hon. D J Bossino:** Yes, that sort of marginally political statement that he has made there, which is very much his style. But I just really want to get to the bottom of it. The explanation, which has been given in the context of the media reports that I have seen, actually did say that it is said that, I can quote – this quote is attributed to the EasyJet spokesman who said:

We tried to provide as many hotel rooms in Gibraltar as possible. However, due to a shortage of rooms, it was not possible to provide these for all customers, so we offered accommodation in Spain for those who wanted it

2350 I just wanted to drill down a bit. Initially. I thought that explanation was rather bizarre, to be honest, given that at least anecdotally, I am told, that we would not have experienced an upturn in tourist arrivals during this period in August. Now, the information that we do have in relation to hotel occupancy, the averages are pretty much the same. You go from 2013 up to the information, which is available in public, up to 2019, the totals for each year around about there is an average of about in the mid-60s in terms of percentage occupancy.

2355 If you take, for example, the month of August. It is more or less the same. It slightly increases in 2017 and 2018, where you have a figure of mid to high 70s, but in the previous years it is in the 60, low 60s mark. So, can he offer an explanation, assuming that once he provides the figures for 2020, we do not see 100%, can he provide an explanation as to why it is that this is the reasoning that was given by the EasyJet spokesman was that, at the end of the day if there were hotel rooms
2360 available, it is a pity that Gibraltar was unable to accommodate them and, as I understand it, many of these – I say many, I do not know how many – but at least some let us say of these passengers were given accommodation and accommodated nearby in the hinterland in Spain.

Hon V. Daryanani: Mr Speaker, he has asked not one supplementary but five in one. But anyway ... (*Interjection*) Yes you have. But I will ask a very simple question why would a hotel not want to sell rooms if they had them available? On the point of 100%, when the hotel occupancy report comes out, it does not need to show that August was 100% full, because it can be full on one night and not be full on another night. So it was obviously full on the night of 24th August. That is why there were no there were no further rooms available on that night and they had to
2370 move to Spain.

But let me add, this is not the responsibility of the Government. This is the responsibility of the airline. When the airline has a technical issue or operational issue, it is their responsibility to find a hotel rooms for their passengers. In the quote that he has read out it shows that that is what they have said, they are the ones who look for their hotel rooms for their passengers.

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Hon. D J Bossino: Mr Speaker, all I am asking him to do, and that was the question – which is has he made enquiries – all I am asking him to do is to take an interest on this. He should have put in an inquiry as a result of what happened here. This should not have happened. There should have been ... (*Interjection*) This is an assumption which he is making, Mr Speaker; what I am asking him to do is to make enquiries, to call up the hotel managers and find out what in fact happened on that particular day.

The other specific question I have asked him and this is why I do not understand how it is when, on average, we have occupancy rates on a monthly basis, even the month of August, at 60% that we did not have 30% or 40% available rooms on that day. Or is he saying, miraculously on that day, on 24th August, or whatever it was, all the Gibraltar hotels were brimming with tourists? I just simply cannot accept that, Mr Speaker. I would ask him to make the proper adequate enquiries, but no doubt the Chief Minister will now answer for him, as he normally does because he is acting as his counsel more than anything else.

Chief Minister (Hon. F R Picardo): No Mr Speaker, I am acting as what he wants to be, the Chief Minister of Gibraltar. I am acting as the Leader of the House and the Leader of the Cabinet, which is what he would like to be. What I am doing, Mr Speaker, is ensuring that some of the things that he is saying which are unsustainable are illustrated as being unsustainable.

I want to tell him what it is that he said is unsustainable, which is the premise of his long-winded questions and statements, which would not be allowed in any other Parliament. First of all, the average occupancy over a month is irrelevant in the context of a day in which Gibraltar may be full, once you try to add 140 people to the number of hotel rooms available.

So on a day in August, which is the day that he is talking, about 24th August or 4th August, when Gibraltar might not be full, as he is saying, Mr Speaker, you need to find at short notice 140 rooms such as what an Airbus can carry. If Gibraltar on that day had 80 available rooms and 80 were taken up, 60 will still have to be put in El Campo de Gibraltar and the hon. Gentleman will say, this is remarkable, there were 80 empty rooms. 'Yes, but we needed 140,' EasyJet might say.

That is why his average is irrelevant. The hon. Gentleman and has said that on every month of the year the average is 60% occupancy. Those are his words. He said them a moment ago. Mr Speaker, in January, Gibraltar is often brimming and full. Every hotel in Gibraltar is full. Every guest house or Gibraltar is full. Every Airbnb in Gibraltar is full and every hotel around us is full because of the magnificent work of Mr Brian Callaghan, in bringing a Chess Festival to Gibraltar.

Yet he tells us that the average shows that we are 60% full, but there will be days in January 100% full, even though the average might still be 60%. I am not challenging that, because on 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th January we might be 60% or 30% full, which might balance out.

So Mr Speaker, what I am doing is not acting as the advocate of the Hon. the Minister for Tourism. He does not need me to act as his counsel, Mr Speaker. What I am doing is acting as the ready reckoner of reality and of accuracy for him, so that he realises that housing 140 people on one day in August at short notice in Gibraltar may not be possible because the Government has done enough work, the operators have done enough work, the airline operators, the hotel operators *etc.* to attract sufficient people to Gibraltar that you might not be able to find 140 hotel rooms or 120 or 100. There might be couples in the context of the flight. Or some people might not need those rooms in Gibraltar.

Now, Mr Speaker he may or may not like my answer. I imagine he will not like my answer. But it will not stop me, Mr Speaker, from telling him that we believe that the assumptions that he has made in putting his question are what are deviating him from the reality of what happened on that day and the sorts of issues that an airline faces and hotel operators face when dealing with these issues *ad hoc*.

Unfortunately, Mr Speaker, I have to get up to explain these things to him because otherwise, Mr Speaker, the House will be stuck having to deal with these issues. Now, having asked more than two or three supplementaries in respect of this matter, and given that he is not even the

Leader of the Opposition, let alone the Leader of the House or the Chief Minister, I assume he will leave it there.

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Mr Speaker: We need to move on. Next question please.

Q637/2020

**Gibraltar-Malaga helicopter service –
Start date**

Clerk: Question 637, the Hon. D J Bossino.

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Hon. D J Bossino: Mr Speaker, I am not the Leader of the Opposition, I am not the Leader of the House, but he needs to also acknowledge that I think the recommendation (*Interjection*) of the Speaker was that answers should be kept as short as possible and to the point which is not something that the hon. Member is doing. (*Interjection*) Sit down, sit down!

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Chief Minister (Hon. F R Picardo): You are not the Speaker, either! (*Interjections*)

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Mr Speaker: Right, as from this moment, I am going to ask all Members to keep their preambles as short as possible, the answers as short as possible; to try not to insinuate things which do not exist, and to try and cool down the tone in the House because it is getting out of hand again. I think you are both to blame to a certain degree. (*Interjection*) Your friendship was re-established yesterday, let us now continue along that line to re-re-establish the friendship. Please, let us settle down, let us lower the tone. (*Interjection*)

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Hon. D J Bossino: Exactly. I would agree with that. We do not need to kiss and make-up Speaker. Sorry, have we called the question? Just by way – this is not a political point, this is a procedural preamble – I am just addressing a procedural point and the Chief Minister needs to relax. He can rest assured that it is not a political point, it is not a jibe or anything like that.

2455

The question I am going to be asking is the question which I originally filed. Then we were given the opportunity, I think, to amend those questions, because of the delay, in order to make the relevant as to time. That is in fact what I did. That question, although it was the amended question, is the one that actually appears on the Order Paper, as the Minister will see for himself. But I understand that the answer, which he has prepared for the question, is to the original un-amended version.

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So, I have been asked to read out that one and then the offer has been made that I ask the questions that I had in the amended question by way of supplementaries.

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Mr Speaker: That is absolutely correct. Because of an admin error on the part of the office, in the office, we cancelled the original question, replaced it with the amended question, but somehow in the general scheme of things the original question was answered, or was produced to the Government for answer. But I take the point and he will be allowed to ask those supplementaries.

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Hon. D J Bossino: So, the question is can the Minister for Aviation provide further details regarding the proposed new helicopter service between Gibraltar and Malaga to include when it is expected to connect?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the service was due to start on Friday, 30th October 2020. However, due to the restrictions on movement put in place by the regional government of Andalucía just after that time and the subsequent restrictions both in Spain and Gibraltar because of the pandemic, services have not yet started. There is currently no new date for the launch of these services.

Hon. D J Bossino: I am grateful to the Minister for the reply. The individual – Mr Barranco, I think it is – who is taking this initiative forward said that he was working with Malaga Airport to help Gibraltarians transfer from one terminal to another internally to catch the next flight. I know that it is an unfair question, given that it has not, excuse the pun, taken off for reasons, which are extraneous to anything that we have done, but does he know whether he has during the course of this lull managed to secure this service through Malaga Airport?

Hon. V Daryanani: I am not aware of any arrangements that Helity have with Malaga Airport, so I am really not in a position to give him an answer on that.

Hon. D J Bossino: This is going to be, I am afraid, a repeat question in relation to the other question I have got on the Order Paper. I would ask him to state whether any financial incentives have been provided by the Government, whether direct or indirect, for the securing of this particular service.

Hon. V Daryanani: We have not provided any financial assistance, Mr Speaker.

Q638-41/2020
Air services to Gibraltar –
Financial incentives

Clerk: Question 638, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism please state whether the Government has provided any financial incentives in connection with the Wizz Air flights which have commenced to Gibraltar and, if so, what these are?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Questions 639 to 641

Clerk: Question 639, Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism please state whether the Government has provided any direct or indirect financial incentives or assistance to Eastern Airways and, if so, what these are?

Clerk: Question 640, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism please state what is the financial cost to the Government of the agreement it entered into with British Airways to secure its services to and from Gibraltar airport during the UK lockdown period, which ended in December?

Clerk: Question 641, the Hon. D J Bossino.

2520 **Hon. D J Bossino:** Can the Minister for Tourism state how many airlines have expressed an interest in commencing flights since the Framework Agreement was entered into?

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

2525 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, in keeping with the position taken by successive governments, including the GSD, the Government is not prepared to disclose any commercial agreements that may be in place when attracting new airline services and carriers to Gibraltar, simply because the Government is in constant dialogue with many airlines and would not want to discuss what are commercially sensitive issues.

2530 The detail in respect of the BA flights has been provided privately to his colleagues Mr Azopardi and Mr Clinton.

I am in constant touch with new airlines with intentions of attracting them to Gibraltar. I can confirm that I have already had conversations with a few of these as to the effects that the Framework Agreement will have on movement in and out of Gibraltar. I can also confirm that the news has been received with great enthusiasm and with a view to market potential increasing as a result of the potential fluid movement in the Schengen area.

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Hon. D J Bossino: I think if I could deal with the last question last question first, when I asked how many airlines have expressed an interest. He says a few of these. Can he say exactly how many and who they are?

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Hon. V Daryanani: No, Mr Speaker.

Hon. D J Bossino: Mr Speaker, why is that the case? I can understand why he may not be able to disclose to this House who they are – I do not see why not – but certainly I think I would be grateful to hear from him a precise number of those, because what I want to test is his claim that a few airlines have had expressed an interest following the entry into Framework Agreement.

2545

The interview that he gave the GBC directly pegged the greater interest in Gibraltar from airlines to the Framework Agreement, and that is what I am trying to establish whether that is in fact the case specifically or not. This is what he said on GBC, that there is a lot of a lot of interest in Gibraltar, especially now so far as airlines is concerned, with the possibility of Gibraltar forming part of the Schengen zone and I want to understand how many there are.

2550

That is a simple question and, by way of further supplementary, I simply want to know why it is that airlines expressing an interest because we have the possibility of entering into the Schengen zone.

2555

Hon. V Daryanani: Four airlines are interested, Mr Speaker.

Hon. D J Bossino: Thank you. It took some time to get that answer from the Minister. *(Interjection)* Yes, it did, Mr Speaker. I asked how many and I asked who and I said, being generous to the hon. Member, that he may not be in a position to state who. But I insisted on how many, because initially he said ‘few’ and I think he said, when I asked how many he said, no, he was not willing to reply to the question. Eventually, we have got the answer.

2560

But the second part of the question, that I asked in my supplementary related to Schengen. Why does he think, why is it, what are these airline companies telling him that makes Gibraltar more attractive because we are going to be in Schengen? Why is it not the case that this service cannot be provided now, before any possibility of an entry into Schengen? That is the question I asked, which he has not answered.

2565

2570 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we do not think he asked how many or why, until now. He asked who. We said we cannot say who. Then he said, okay, you cannot say who, how many? So we immediately said four. Now he has asked why and we are happy to tell him why. *(Interjection)* No, because you asked a question that you are going to get an answer to, so I would have thought you would be happy to get the answer.

2575 Now, Mr Speaker, let me explain to hon. Gentleman why these airlines potentially find Gibraltar more attractive after the New Year's Eve Agreement and with the prospect of a UK-EU treaty. In 1984, Spain negotiated its entry into the European Economic Community, as it then was. They entered in 1986. An airport agreement was signed in December 1987, which was rejected by the people of Gibraltar, because it made Gibraltar not have the rights that we would have had as
2580 a British regional airport since the designation of those airports in 1982.

As a result of a motion in this House, the whole of the House rejected the airport agreement. Airlines therefore flying to Gibraltar would have the difficulty that they would not be dealt with as a British regional airport for the purposes of arrivals of aircraft of a particular size.

2585 That resulted in a stalemate for many years until the Cordoba Agreement of 2006, which opened up the possibility of airlines flying to Gibraltar from the European Union, with Gibraltar as a British regional airport. In 2011, months before we were elected, the Partido Popular, which is a Spanish political party, was elected to government in Spain, and the role of foreign secretary was given to a man called José Manuel García-Margallo. He immediately undid the Cordoba arrangements before we were elected.

2590 As a result, Mr Speaker, there were a number of directives on what was known as air liberalisation, which then became known as air services, which would no longer be able to apply to Gibraltar because they are known-as Cordoba suspension clause was not included in those measures.

2595 The Spanish Government under the then Partido Popular would not permit licences to fly to Gibraltar because they would find ways to stop them from flying. As a result of all of that, Mr Speaker, it was not possible for airlines from Spain, in particular, to fly to Gibraltar and any airline that purported to fly to Gibraltar from any other part of the Schengen zone was told by Spain that if they did so, they would find that the best slots at Barajas Airport would suddenly become 5 a.m. in the morning and not the more attractive slots.

2600 All of this history is known to most people in Gibraltar, Mr Speaker. The Spanish Government changed after a motion of censure where the socialists took power in Spain. As a result of that, the negotiations we had begun under the Partido Popular administration, then with Snr Dastis in the Foreign Affairs Ministry, resulted in an opportunity to reach an agreement which we reached for Gibraltar to be included in the Withdrawal Agreement arrangement and the transitional period
2605 and, more latterly, the New Year's Eve Framework Agreement, that provides the opportunity for the UK-EU treaty, where Gibraltar will have, hopefully, an arrangement if the treaty is acceptable, which will provide for fluidity of people between Gibraltar and the Schengen zone.

2610 That will mean that flights arriving at Gibraltar will be able to be dealt with in a way that does not result in the problems that were experienced in the context of the 1987/Airport Agreement in the context of the Cordoba Agreement, etc.

2615 All of that history being known to most people and to many of these airlines – and I am surprised that the hon. Gentleman needs it explained to him – has meant that those airlines that see the possibility of Gibraltar Airport, having potential for them are now interested in pursuing the possibility of flying to Gibraltar. There are already four such airlines that the Government is in contact with for those reasons.

Mr Speaker, we hope that we will be able to bring home a treaty, and we hope that those airlines that we are talking to will already start the process of wanting to fly to Gibraltar, and I hope you will agree that this would be a very good thing if we can achieve it for Gibraltar and for its region.

2620 Our remit is Gibraltar and its people, and we think that this would be good for Gibraltar and its people, and we will continue to pursue this line of opportunity, and I will hope that he will accept

from me that it seems a little intemperate of him to be disappointed that we have given him a number, which is in the plural, which is more than one and which, hopefully will result in a successful filing of applications to fly from different destinations within the Schengen zone to Gibraltar, in short order.

Hon. D J Bossino: Mr Speaker, we have had a long lecture by way of reply from the hon. Member, in breach of your recommendation once again. But Mr Speaker, I am grateful, nevertheless, for the reply that he has given and of course, I would be the first to welcome the announcement by the hon. Minister opposite should more airlines come to this place, but simply by way of correction of the hon. Member, he says that I did not ask how many. That is actually the question that I had in the Order Paper. So, I was justified in making the remark that I made that I had to almost prise that information out of him. His reply was a few airlines but I actually specifically asked for the precise number.

But I move on. Mr Speaker, when he says that he, in relation to the financial incentives in connection with the arrival of Wizz Air flights and Eastern Airways, I think his reply, he has bunched these questions together, but his reply was that he in practice I think he says of previous Governments, he is not willing to disclose the commercial arrangements.

Can he, without going into the specifics of it, without being granular in his reply because he says he cannot, can he at least answer whether financial incentives have been provided, whether a direct or indirect, without going into the detail of that?

Hon. V Daryanani: Mr Speaker, state aid rules do not allow us to provide any of this information, the financial incentive also, of course. So there is no information because we cannot be providing financial assistance due to state aid rules.

Hon. D J Bossino: Fine, but his initial answer, the question as in the Order Paper, is very clearly set out, like when I when asked about the number of airlines. His answer was that I cannot disclose because they are commercially sensitive. Do I take it now that he is telling us that no financial incentives, whether direct or indirect, have been provided, because he cannot because of state aid rules?

Hon. Chief Minister: Mr Speaker, state aid rules provide that financial incentives cannot be provided to any sector in order to ensure that industry players operate in one way or another incentivised by government payments. So therefore the Government is not doing anything in the context of providing financial assistance in breach of state aid rules.

Mr Speaker: Next question, please.

Hon. D J Bossino: Mr Speaker, I would like to ask by way of confirmation, please, because I am not an expert on state aid rules, I am afraid. I am not sighted in relation to that. I know the hon. Member for long enough and well enough to know when he is being very specific in his reply.

Is he able to confirm, as I understand it, the financial incentives which have been provided in the past, were basically three-fold and it was either by way of participating in advertising budget, by way of lowering passenger tax by way of either reducing, or exempting the airline from landing charges? Any of those three incentives, which I would consider to be indirect incentives in the sense, other than the first one I mentioned, that the Government may put some money in any of those three incentives – have they been provided in relation to these two particular airlines? I would add actually the helicopter service as well because he answered in the negative.

(Interjections)

Mr Speaker: This is really getting out of hand and I am not going to permit it from either side. I think the hon. Member needs to answer *(Interjection)* ... we are then going to move on.

2675 **Hon. V Daryanani:** I have told the hon. Member that in keeping with the position taken by successive Governments, including the GSD, we are not prepared to disclose any commercial agreements. Mr Speaker, it would be detrimental for Gibraltar if we were to do so. The Government is in constant negotiations with airlines and everyone has their own requirements and, like I say, would be detrimental to disclose this across the floor.

2680 **Mr Speaker:** Next question.

Q642-3/2020
Gibraltar Tourist Board –
New CEO appointment

Clerk: Question 642, the Hon. D J Bossino.

2685 **Hon. D J Bossino:** Can the Minister for Tourism state which company has been appointed to recruit the new CEO of the Gibraltar Tourist Board with details of the fees charged by the company?

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

2690 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 643.

Clerk: Question 643, the Hon D. J. Bossino.

2695 **Hon. D J Bossino:** Can the Minister for Tourism provide details of the expected earnings of the new CEO of the Gibraltar Tourist Board to include details of any financial or other assistance outside of direct earnings, such as housing, car use or other benefits?

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

2700 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, I am not in a position to provide details of the expected earnings as these have yet to be defined and will be commensurate with the candidates that may be shortlisted. The recruitment company is called Odgers Berndtson and the fee to be charged is presently being negotiated.

2705 **Hon. D J Bossino:** Mr Speaker, I think I have four questions anyway. I think he has answered the second question first, so I will start with that one. He says that he has not yet decided what the expected earnings are going to be. Can he – surely – have an idea of at least the bracket that, one, he is looking at in order to attract the particular individual who is going to be doing all these wonderful things? For example, the press release said very specifically that he wants a strong
2710 candidate, well placed in tourism, transport and maritime sector with the contacts and the initiative. He also wants him, or she or he to focus in particular on the development of commercial air services and the growth of their cruise ship business. In addition, the CEO will be tasked with the development of the port and maritime related business.

2715 This is a huge, wide berth; this is a huge responsibility. Surely he must have an idea of what price tag people, an individual, of this experience is going to be seeing as an attractive option, and also he must have an idea of the price tag that he is willing to pay for it. So at least can he provide me, can he provide this House with that figure, at least the brackets, Mr Speaker?

2720 **Hon. V Daryanani:** Mr Speaker, it is not in the interests of Gibraltar's negotiating position that I disclose this. Of course, I have an idea. I have thought this through very well, but I am telling him that I am not in a position to answer his question because, like I say, it is detrimental to Gibraltar. It seems he does not want Gibraltar to succeed.

2725 **Hon. D J Bossino:** I find that answer, quite frankly, remarkable, when he ought to be at least telling us is what brief and what remit has been given to this, as he describes it, this prestigious company. He must have given them a remit. I do not see why that will affect the Government's negotiating position. It will come to a point when I assume the position is going to be advertised. As I understand it, it is going to be advertised in the UK and Gibraltar, so why is he not able now to tell us what the price tag is?

2730 It is a very simple question. I think it is unfair of the Minister to hide behind, I do not know, I cannot remember the exact wording he used, the negotiating position of the Government and not provide a specific answer to what is a very simple and specific question.

2735 **Hon. V Daryanani:** Mr Speaker, the salary will be commensurate to the experience of the candidate. I do not see why he cannot wait for a couple of weeks, for two, three weeks when he will see the advert and we will be in a position to discuss. Like I said, it hinders our negotiating position and I am not prepared to do that. It brings up the price of the CEO, if we keep on discussing figures. I do not know. You do not understand it because you are not in Government. That is why the hon. Member does not understand it.

2740

Hon. D J Bossino: Mr Speaker, can he tell us at least what the current CEO earns on an annual basis? We could not find it in the book. Perhaps if he could be so kind. This is an obvious supplementary, surely, that he would have prepared for. Can he not answer that question?

2745 **Hon. V Daryanani:** The answer to that is no. It is in the book, Mr Speaker. It is in the book, Mr Speaker.

Mr Speaker: This is the final, final one.

2750 **Hon. K Azopardi:** Mr Speaker, can I at least ask this. If it is in the book and we cannot find it but of course we will try again, can the Minister confirm, given that he has said, I think publicly, in his press release and in his interview, that the appointment will be cost neutral, that it will be the same kind of salary? Or is he saying that it will be for a different kind of salary?

2755 **Hon. V Daryanani:** The salary, as I said, will be commensurate to the experience of the candidate and it will be cost neutral to the Government.

2760 **Hon. K Azopardi:** Mr Speaker, can I just say on this that it is obviously in the public interest – Mr Speaker, you did say that in issues of public interest, I think you would exercise a bit more latitude. Can I just explore this in one question? Cost neutral to the Government – if it is going to be cost neutral to the Government, meaning cost neutral to the taxpayer of Gibraltar, ultimately, this is it, so by that surely the only conclusion for anyone listening to the debate is that cost neutral to the taxpayer means that the taxpayers are not going to pay more money for having a London-based CEO and in which case surely the conclusion would be right, would it not, that the person
2765 is going to be paid the same kind of money by the taxpayer? Is that right or wrong?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, that is as wrong as is most of what we have heard from the hon. Members opposite. I will tell him why, because the sort of linear thinking that the hon. Gentleman is expounding really does not disclose any understanding of how public

2770 finances work, so let me explain to the hon. Gentleman what cost neutrality may mean in respect of this.

If you have somebody who is based in Gibraltar who travels to London twice a month, and the cost of that travel to London involves air tickets, let us give a very easy example, £100 per ticket return times two flights – and that is cheap, obviously, because these people at those grades tend to travel club, etc. – and you multiply that by two, that is £200, and you multiply that by 12, that is £2,400; you add hotels, let us say that they stay and it costs £100, again twice a month, that is £4,800.

Let us say, Mr Speaker, that the person who is employed in Gibraltar is going to be paid £50,000 – I am using round figures so that the hon. Gentleman understands my thinking – £50,000, plus the £4,800 at the cost of travel and hotels involved to get to London would amount to £54,800.

If the person who is in London does not need to travel to Gibraltar more than once a month, £2,400 spent, spends the same £100 in Gibraltar. Let us say that that cost is therefore £2,400 in a year paying the person in London £52,400, although it is £2,400 more than the person was paid in Gibraltar, is cost neutrality.

2785 That is what cost neutrality is about. Cost neutrality is not about same salary; it is about cost neutrality. What the Government believes, Mr Speaker is that we can achieve cost neutrality and potentially actually a saving for the taxpayer, which is what we are looking to achieve, in trying to achieve efficiency, in trying to ensure that we get the same service but at a more efficient rate and in a way that we believe is the right way to do it and that, Mr Speaker, is the way that we would consider cost neutrality.

2790 It is not a zero sum game, saying if you pay a penny more than you paid to the guy in Gibraltar, then you have not achieved cost-neutrality. We may pay less or we may pay a little more, but we will achieve cost neutrality, because that is what we are setting out to do. I think that to simply say that the way to run Gibraltar is to continue to do the same thing all of the time, to continue simply to seek to stand still, is to lack vision and to not have the desire to take Gibraltar where it needs to go.

I commend the Hon. the Minister for Tourism and Transport for having come up with a plan that we think will not just be cost neutral, it will be positive for Gibraltar for the promotion of its tourist product at this difficult time in particular, to go further in the reach of the Gibraltar product. Mr Speaker, he has not just persuaded each and every one of us individually who are here; he has also persuaded the Minister for Efficiency, Sir Joe Bossano, who has responsibility for financial stability, that his plan is a good one that will be great value for money for Gibraltar and will be cost neutral.

2805 So, Mr Speaker, frankly, we think we are doing the right thing. We think that cost neutrality needs to be explained with the sophistication that it incurs and not the sort of linear zero sum attempt that the hon. Leader of the Opposition has attempted to do today. I can see why he is trying to do it. We are never going to let them get away with it, Mr Speaker, and the interests of Gibraltar will always be first for us, even Mr Speaker, if it means that we cannot share information now about something that will be public very shortly.

2810

A Member: He has not answered.

Mr Speaker: I know. But we have aired the subject at length, we need now to move on. I am sure there will be opportunities down the line for you to ask further questions in due course.

2815

Hon. K Azopardi: The hon. Member did ask a number of questions, not just on the specific salary. The problem is that, of course, if we do not get clarity, the hon. Member cannot ask a supplementary. Can I just come back on this issue, because surely the answer to the question that I asked ... and I asked a very simple question, is it going to be cost neutral here? We have a fairly sort of long, rambling answer. What the Hon. Chief Minister has just said, in effect, is it is not going to be cost neutral.

2820

It is cost neutral with a new gospel invented by the hon. Member on his feet on the alleged pretext it is some kind of financial sophistication, because people on this side of the House do not understand public finances, when we cannot even find the salary in the book that he says exists. The reality is that some of the expenses that he has even talked about may not actually be incurred, it is all going to be loaded into a hypothesis to up the salary of someone who has been chosen or at least the parameters are being demarcated by a prestigious firm, which will probably be charging a hefty fee. How can that be cost neutral to the taxpayer of Gibraltar? No one listening to this out there believes that.

Hon. Chief Minister: Mr Speaker, I am not going to write new gospels on anything, I am not going to write them on costs. I am not going to write them on expenditure or revenue. I am simply going to stick to what are the established principles that we would apply in Government or indeed in any business.

If the hon. Gentleman wants to get up in a populist attempt to try and pretend that somehow the taxpayer is going to be negatively affected by something that is a positive development, which will help us to further promote Gibraltar, so be it. Look, Mr Speaker, we are able to make statements of the sort that the hon. Gentleman has made, pretending that cost neutrality can only mean that a person is paid exactly the same or otherwise there is not cost neutrality. Of course he can say that Mr Speaker, but in the end most people understand how a business is run will know that he is simply trying to get the populist support that he is so keen to try and enlist.

This is not about bumping up anybody's salary. The salary may be the same or less than the salary that is paid now because the hon. Minister has told him it is going to be commensurate to the experience of the person who we take on. So, the salary is not yet determined, but we are going to deliver cost neutrality in the context of all of the costs that we incur today, if we continue running this in the way that it is run today.

So, Mr Speaker, you can take a horse to water, but you cannot make him drink. We have tried to explain the logic behind this to hon. Members. It seems to me that they only want to question, question and question. They just do not want to see the logic of the plan that the Hon. the Minister for Tourism has got.

I supported him, the Cabinet support him. We think it is a good idea and therefore we believe that this is in the interests of Gibraltar, Mr Speaker. That is what we are here to do, to pursue the interests of Gibraltar. We are not pursuing our own interests, we are not pursuing our partisan interests. We are pursuing the interests of Gibraltar, such as we think is the right way to pursue them.

Mr Speaker: Next question.

Q644/2020
Cruise calls –
Return to Gibraltar

Clerk: Question number 644, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide an update as to when cruises are likely to commence calls to Gibraltar?

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

2865 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** Mr Speaker, the major companies are still in the process of planning their itineraries. I have been in touch with all those that visit Gibraltar, and we await more news.

The Government is committed to the resumption of cruise ships visiting Gibraltar but will do so when it is safe. The safety and security of our people comes first. I hope to make an announcement on this very soon.

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Hon. D J Bossino: Just one supplementary, Mr Speaker, relax! I think he mentioned the cruise line companies, is he expecting the ones that ordinarily visited the port here to resume visits here? Is that his expectation? I look forward to his announcement, as he says very shortly, but I just wanted to ask that that specific question.

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Hon. V Daryanani: Yes, very much so.

Hon. K Azopardi: Can I just ask him this specifically? In his discussions with the local operators that engage with cruise operators and so on, has he been told, for example, that cruisers have recommenced certain routes and that we are awaiting a decision in Gibraltar or is it generally cruisers have not started again? So, local trade is not being affected by the inability to arrive at Gibraltar Port?

2880

Hon. V Daryanani: I think there are a few issues. There are some companies that have started cruising within Britain, as in the British Isles, and they are calling it a staycation. They are not visiting the Mediterranean yet because they feel that they cannot come to Gibraltar because there are no other ports they feel that are safe enough yet.

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There have been certain cruise companies that have started in Israel because they see that as a safe destination and they are cruising between Israel, Greece, in that area. So it is not that we are not getting people Gibraltar simply because they do not want to come to Gibraltar. It is that they are waiting to see how they can come to the Mediterranean. I am trying to see whether we can get them to Gibraltar before that, obviously, using our excellent roll-out of the vaccine.

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Hon. D J Bossino: I was actually suggesting the contrary, it is not that they do not want to come to Gibraltar. I was asking whether there are no cruise liners doing Mediterranean kind of business for which they would dock at Gibraltar, or is it that they want to come here, but we are not quite ready yet?

2895

Hon. V Daryanani: Mr Speaker, I think we would be ready. It is just that they are not coming to the Mediterranean. We would be ready.

2900

Mr Speaker: Next question.

Q645/2020
Gibraltar economy –
‘Back better than it was’

2905 **Clerk:** Question 645, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state on what basis he says that the Gibraltar economy will be ‘back better than it was’?

2910 **Clerk:** Answer, the Hon. the Minister for Business, Tourism, Transport and the Port.

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I believe the hon. Gentleman is asking this question in relation to an interview that I gave to GBC on several subjects on 25th January. I am glad to hear that he follows me on TV.

2915 My statement is based on a belief that I have, and that I am sure we all share, of optimism for the future. Recently we have faced one of the most challenging periods in our history. Our economy has taken a beating, yet we are proving as a Government that we are not only helping to support our business community in the current situation, but that we do not stop working behind the scenes to ensure a prosperous future. This not only concerns my areas of responsibility but also those of all my colleagues in Government.

2920 Before this pandemic started and specifically in terms of tourism, there was an indication of growth. This would undoubtedly have continued had this pandemic not come along to challenge us. One of the things this pandemic has done is certainly to have helped Gibraltar gain more awareness, due to the enhancement of our tourism virtual assets and our media and online marketing campaigns, both in Spain and Gibraltar over the last year.

2925 At times, when we have been the only destination in Europe that British tourists have been able to visit without the need to quarantine, this has brought much attention to Gibraltar. Mr Speaker, the hon. Gentleman has only to see the wonderful coverage we received late last year in the UK media as a testament to this.

2930 Additionally, Mr Speaker, the excellent job being done by the Chief Minister and the Deputy Chief Minister in the EU negotiations, with our full support in Government in each of our areas of Ministerial responsibility, is positively affecting all areas of our economy. In particular, the potential for a mobility deal has created great expectation and opportunity. This really is creating a positive vibe. *(Interjection)* Do you want to have an answer to the question or not?

2935 I can tell you, Mr Speaker, that the airline industry and cruise industry hold Gibraltar in very high regard, particularly for our proactive approach, not only is more routine but certainly in times of need. For example, our willingness to continue to handle cruise ships, in terms of provisions and crew changes under strict protocols has been very well received by the industry and will no doubt help us in the future to have an even better relationship with the cruise lines.

2940 The resilience of Gibraltar International Airport during these times and its ability to generate traffic, even with a very reduced schedule, has been noted. It must also be apparent that this Government is delivering air services to Gibraltar in an unprecedented manner, and I will continue to work towards delivering more services to Gibraltar.

2945 Our excellent roll out of the vaccine is also another reason to be optimistic and to think that we will be 'back to better than it was'. I would like to take this opportunity to put on record my gratitude to all the GHA staff who have worked tremendously hard and have been successful in inoculating our community.

2950 So, this is why, Mr Speaker, I have a right to think that the economy will be 'back better than it was' as the Government is working at full throttle and continues to strive for economic prosperity. Mr Speaker, the hon. Gentleman will, no doubt, not want to talk our economy down. That would not be good for Gibraltar.

2955 **Hon. D J Bossino:** I have a supplementary. What we are being given now and treated to is nothing other than a salesman's pitch, a party political broadcast, which is what he normally tries to do, not in keeping with the recommendation, again, of the Speaker. He obviously came with that prepared reply but he has done it before when I have asked that I suppose he considers to be an open question to give this a really long reply to extol the virtues that he has brought to the Government Benches as the Minister for Tourism.

2960 He has done better than all his predecessors, not only from my party but also from his own Government. He so fantastic and so brilliant. But there is nothing other than political fluff is what we have heard right now. There is nothing – nothing – of what he said and I congratulate him in respect of certain things that he has done. Of course I do. The arrival of Eastern Airways and Wizz Air, of course that is good.

But I have asked him a specific question. The thing is he is prone to coming up with these sweeping statements. It is true that I listen to him. It is my responsibility. That is what we get paid for and he is right. I shadow him and I shadow some of his responsibilities. But he has come without – and I asked the question – what empirical evidence other than a wish, and I think and the excellent job that his colleague has done as the Chief Minister, that he thinks it is going to be better than it was? What hard facts, empirical evidence, does he have to support the economic analysis that he gave to the people of Gibraltar on I think it was 25th January in the GBC interview and he has just given us now?

Mr Speaker: Right, that is the question.

Hon. V Daryanani: Mr Speaker, what the hon. Member sees in the public domain is only the tip of the iceberg of the work that this Government does. Being in government is a serious matter. It brings huge responsibility. Being in opposition, they like to oppose. Oppose for the sake of opposing, whether it is good for Gibraltar or not.

It is important that we are optimistic. We know the work that we do. We have been working extremely hard to make sure that this economy comes back to what it was before and better. What I am not going to do is give the hon. Member a blow-by-blow account of what I do when I get to my office and the type of people that I speak with – some very, very senior people in the world of business – in trying to attract new business to Gibraltar. But Mr Speaker, he wants me not to be optimistic. I think it is important that we are optimistic and we shall have a track record, our economy has a track record of working, of being successful, and we are not going to stop now.

Hon. K Azopardi: Mr Speaker, optimism is, of course, good and I welcome positivity and optimism, but how does he reconcile that with the statement of the Minister for Economic Sustainability, whatever his new title is, who on 14th January said the Gibraltar economy will not return to 2018-19 levels this side of the next election? Presumably, his prediction of the economy coming back better is well beyond that, presumably? Otherwise he is irreconcilable with a fellow Minister who is in charge of what appears to be the post-Brexit plan.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the positions are not irreconcilable. The positions are actually entirely reconcilable because, Mr Speaker, what the Hon. Mr Daryanani is saying is that although we have had to go to a stop in respect of most economic activity, we are going to take off better than most and better than we were, Mr Speaker.

That does not mean that we are going to be at the levels at which we were when we stopped. Of course it does not mean that. It means that we are going to start our route more energetic than we were, pushing harder than we were because there is pent-up demand in this economy. We have great entrepreneurs in this economy and there is great interest from outside this economy in what we are doing in this economy.

Mr Speaker, the Minister with responsibility for Financial Stability – and, as Mr Bossino said before, it is their job to shadow us, so I am surprised the Leader of the Opposition does not know the title of the Hon. Sir Joe Bossano in this respect – is saying, what he is saying, is that the economy will not be at the levels at which it was until after the next election, because it has to start again almost from scratch. Almost from scratch.

Mr Speaker, the statements are not in any way irreconcilable; they are the statement of members of the team working together on exactly the same page and understanding what it is that we need to do to ensure the economic stability of Gibraltar, the financial stability of Gibraltar and the fact that people have elected us to ensure that we deliver against that both this side and I am very confident also, Mr Speaker, the next side of the General Election.

Mr Speaker: The Hon. Damon Bossino.

3015 **Hon. D J Bossino:** A very short supplementary, Mr Speaker. From what he said, I do not think he has added anything to the information that I am seeking him to reply to. Will he accept that is what he has treated us in this House today, and that is what he treated viewers on 25th January was a baseless, careless and, quite frankly, sweeping statement, which he cannot back up and all it is, is a desire for a better world in a few years' time? Will he not accept that?

3020 **Hon. V Daryanani:** no Mr Speaker. I disagree with him entirely and I think by making statements like the one he has made today, it is detrimental to Gibraltar.

Several Members: Hear, hear.

Q515/2020

**Rental homes currently unoccupied –
Reasons not yet allocated –
Supplementary to original answer**

3025 **Mr Speaker:** Before we continue, is just that a Minister Linares wanted to say something in regard to an attachment, which he wants to give.

3030 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Yes, Mr Speaker, just there as a matter of good order, Mr Reyes has asked me to give him – I have already spoken to him that we would put it in *Hansard* – the fact that he wanted a list of why, in relation to Question 515, when he asked me to provide details of how many rental homes are currently unoccupied, and he wanted to know the reasons why. I am just passing on a schedule to him and to the Members opposite, so that we have it in *Hansard*. That is all. Thank you Mr Speaker.

Schedule to Question No: 515/2021

RKB	Status
1RKB	IN REFURBISHMENT
1RKB	IN REFURBISHMENT
1RKB	IN REFURBISHMENT
2RKB	IN REFURBISHMENT
2RKB	IN REFURBISHMENT
2RKB	IN REFURBISHMENT
2RKB	Stock, awaiting visit of Housing Authority
2RKB	IN REFURBISHMENT
2RKB	IN REFURBISHMENT
3RKB	IN REFURBISHMENT
3RKB	IN REFURBISHMENT
3RKB	IN REFURBISHMENT
3RKB	IN REFURBISHMENT
3RKB	IN REFURBISHMENT
3RKB	Stock, awaiting visit of Housing Authority
3RKB	Stock, awaiting visit of Housing Authority
3RKB	Stock, awaiting visit of Housing Authority

3RKB	Stock, awaiting visit of Housing Authority
3RKB	Stock, awaiting visit of Housing Authority
3RKB	Stock, ready for Allocation
3RKB	Stock, ready for Allocation
4RKB	Stock, awaiting visit of Housing Authority
4RKB	Stock, ready for Allocation

3035

Mr Speaker: Next question.

Q646/2020

**Royal Gibraltar Post Office –
Electric vehicles lease arrangement**

Clerk: Question 646, the Hon. R M Clinton.

3040

Hon. R M Clinton: Mr Speaker, further to Press Release 879/2020, whereby the Government announced the replacement of all Royal Gibraltar Post Office vehicles to brand new 13 electric vehicles, can the Government advise the implicit financing cost of the seven-year lease arrangement entered into with Bassadone Motors, what was the alternative cost of outright purchase and who will maintain these vehicles and at what cost?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the total cost of 13 vehicles per month is £5,167, which would be £434,028 in total for the seven years. This monthly premium includes service, maintenance, running and replacement costs, amongst other features. This will also provide the Government the option to extend the arrangement with brand new vehicles after the seven years, or alternatively purchase the existing fleet at their depreciated market value.

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In what is fast developing technology the Government feels this is the most prudent and viable way in which to significantly deliver on its Green Go Electric Commitment without requiring any huge upfront capital outlay. The alternative cost would have been £341,473 to solely purchase the 13 vehicles.

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Hon. R M Clinton: I am grateful to the Minister, but I think half of his answer was already in his press release. I did not catch the implicit financing costs that I specifically asked for in the leasing arrangement. As he will no doubt be aware, leases have an inbuilt financing cost, otherwise the leasing company would never really make any money on it. So could he please advise me if he has the information? He should have the information because I did ask for it. What is the implicit financing costs and the lease arrangement, and if he could confirm the cost he gave me, I could not quite catch him, as he read it off, £34,000? I did not quite catch what he said, I presume that is per vehicle, if he could just clarify that for me?

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Hon. V Daryanani: The cost of the 13 vehicles if we had purchased them outright would have been £341,473. That would have been the cost if we had purchased them outright, the 13 vehicles. Yes, exactly so. Over seven years insofar as the lease is concerned, we were paying £434,020, so the difference is approximately £100,000 and that covers service, maintenance – *(Interjection)* £92,555 – which covers the service, maintenance, the running replacement costs and everything else involved.

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3075 **Hon. R M Clinton:** Mr Speaker, so effectively the cost, in addition, we could have bought these £92,000 cheaper outright. Again, I have not heard from the Minister the implicit financing cost. If he could give me that information?

3080 **Hon. V Daryanani:** There is no finance cost, as you call it. There is not. The cost is that. That is the total cost, £434,000. So the £92,000, the £95,000 that we are talking about, that includes everything. We have not done a finance deal, we have done a lease deal. There is a difference, because if you do financing, that means you are purchasing it because you can purchase it and then finance it. But we have not purchased the vans, we have leased them. At the end of the seven years, we will find ourselves in a situation where we can say, well, seven years have gone, we do not like these anymore and we want new ones and they will replace them and we carry on paying what we are paying.

3090 **Hon. R M Clinton:** So, Mr Speaker effectively, what you are suggesting is that there is no financing costs in this arrangement. Mr Speaker, I am conscious that I have another, wider question on the Order Paper about the advert that appeared in December 2016, for the replacement of entire vehicle fleet, so I will not delve too much in that area. But £92,555, over seven years, that is obviously £13,000 a year, so effectively we are talking about £1,100 a month on a maintenance which may or may not be required. Is that what the Minister is telling us is that there is no implicit financing costs in the ways he is seeing this arrangement, but there is obviously an inbuilt cost of maintenance and repair?

3100 **Hon. V Daryanani:** Mr Speaker, it is all rolled up. It is maintenance. It is the replacement, let us say if the car breaks down, they will replace that car for you. I think what is even more important is the technology that is so quickly changing that it is, like I say, after seven years, with the technology having advanced, we will be in a position to give back those cars and bring in new ones and have the latest technology for the Government.

3105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in case it is of assistance to the Hon. Mr Clinton, it works up to £84 per car per month. All the maintenance, all the rolled-up financing costs, the cost is £84 per car per month.

Hon. R M Clinton: I am grateful to the Chief Minister for his division and his mathematics, but he just said, including financing. Is that a slip of the tongue or not?

3110 **Hon. Chief Minister:** No Mr Speaker, it is not a slip of the tongue. What we are telling him is it or rolled up cost. There is no breakdown of finance costs or maintenance costs. There is a rolled-up cost, which he has been told by the Minister is the difference between the outright purchase cost and the cost of the lease.

3115 That difference is £92,555 over seven years in respect of the 13 vehicles, which breaks down to £84 per vehicle per month, for all of the element of costs that may be involved, whether that is financing in the way that the lease company has worked out what it needs to provide for, whether that is maintenance or any of the other costs, the replacement of vehicles etc. that might be occasioned to the company granting the lease over the period of the seven years. That is all rolled up. For the Government it is one fee, which includes all of that, £84 per month per vehicle.

3120 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, but of course it is very hard for me from this side of the House to work out the elements of this £92,000, which the lease company would deem to be a financing costs, which, of course, as the Chief Minister has alluded to, they would have had to enter into that kind of thinking otherwise they would not be in the business of leasing.

3125 Mr Speaker, can the Minister, just moving on slightly on the point, give an indication of what the arrangement would be on the expiry of the seven-year lease? Is there an agreed peppercorn

payment to be made if the vehicle is not going to be replaced, in which case you move to a purchase position?

3130 **Hon. V Daryanani:** Mr Speaker, there is no agreement in place because I think when the seven years expire, we will be in a position to take a decision whether we want to actually buy those vehicles. If that happens, then we will buy them on a value that is a lot lower than what the original cost will be. If we feel that the technology is no longer good and is and there are other cars on the market that are better for the service that we want to provide. We will continue the leasing
3135 arrangement and have the, replaced, as simple as that.

Mr Speaker: Hon. Member, please. Hon. Lady Member.

3140 **Hon. Ms M D Hassan Nahon:** Thank you. Mr Speaker, these arrangements that I know with a person leasing, often when the lease is finished, you get some kind of, not capital back, but some kind of credit to re-lease. Does this arrangement include the possibility that you do not actually start from zero when you lease again, you actually have some of the value left to re-invest as such in a new lease and you do not have to start from scratch?

3145 **Hon. V Daryanani:** No, there are no such fleet deals that are on offer. There is no company that provides it.

Hon. Chief Minister: In those sorts of deals you have to pay back a final payment with a car and that is then carried forward.
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Hon. V Daryanani: It is a very simple deal. We have gone round here in circles and the difference of outright purchase and the lease is £90,000, £92,000. That includes absolutely everything. When the time comes after seven years, we will be free to purchase them at a much lower price and if we do not want to purchase of them, as I say, we can have them replaced with
3155 new vehicles and continue paying the lease.

Hon. K Azopardi: I just have one quick question, really just rolling up. So I understand what the Minister has just said in the context of answers he has given to Mr Clinton. In assessing whether there was such a good deal, have they done an exercise on the historic maintenance cost to
3160 compare whether it was a good deal, and if so, what is it?

I understand the answer the Minister has just given me. He said that at the end of the seven years ... if the Minister does not listen to the question it will be more difficult for him to answer. *(Interjection)* The Minister has a crystal ball as well! I might as well just sit down then and let him answer the question that he thinks I am going to ask him.

3165 If, at the end of the seven years, he has just said well, we will have the option to buy it at a lower price. So, is he saying that actually there is an in-built schedule of agreed prices in this deal, or is it just the sort of loose statement that actually, what you end up with at the seven-year deal is basically a termination and a renegotiation?

3170 **Hon. V Daryanani:** Yes, I guess what has been agreed is that we will, we will revisit the situation after seven years, and we will then, the Government will then decide on how they want to proceed. I think it is very important that we take into account that the cars, the vans, that we have actually replaced are 17 year-old vans. These are petrol-guzzling vans. As the Hon. Mr Phillips said *(Interjection)* – exactly – and there were some there some of these vans, as I said, 17 years old,
3175 parts not available and we were having to look for parts which were costing £500 each time that we went to the garage.

I think this is an excellent investment for the taxpayer above all. It also ticks the green box. For the value, which is £90,000 over seven years, I think we have managed to achieve a fantastic deal, an excellent deal for the taxpayer.

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Mr Speaker: Next question.

Q647/2020
Queensway parking –
Plans for new spaces

Clerk: Question 647, the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, has the Government got any plans to create any new parking areas in Queensway or increase the numbers of available parkings there?

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

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Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, there are no immediate plans to create additional parking spaces in Queensway. Queensway is already well catered for with a total of 190 Pay & Display parking spaces at Ragged Staff, ex-Queens Cinema site, Grand Parade, and Coaling Island.

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Additionally, Midtown Car Park has capacity of 390 spaces, of which three hours are free of charge for residents. Lastly, there are also 37 Residential Zone 2 parkings opposite Queensway Quay that allow for free parking during restricted hours of the day. Having said that, the Government is always looking at other possibilities.

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Hon. K Azopardi: Mr Speaker, given that the hon. Member has just rattled off a number of parking areas and so on, I asked whether you have plans to create new parking areas, not what the existing parking areas are. In answer to my question, you have said no, because there are sufficient parking spaces which provide adequate parking in effect, that is what you have said.

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So is the Minister not aware – presumably, he is – that the Government have a project to convert the ex-Romney Huts site, which is currently used for parking, into a green area. Now that will include, therefore, a loss of significant parking on Queensway, so are there plans to re-provide those parkings elsewhere?

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Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Member's Question is about Victoria Keys, sorry about Queensway, but the question that he has asked about Romney Huts car park and our manifesto commitment is one that is linked to Victoria Keys. In other words, we said, we would seek to relocate those parking spaces to the Victoria Keys underground parking spaces when those were ready and in that way we would be providing more parking. That parking would not be at Queensway, it would be at Victoria Keys, but that is how we set out that we would deal with it. His question, however, was about Queensway.

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Hon. K Azopardi: Mr Speaker, I am sorry I am entitled to ask whatever supplementary I want. I have not asked about Victoria Keys. In my supplementary, I am giving the illustration, that in terms of adequacy we are going to lose parkings there. Now, if the Chief Minister is going to reopen that debate to Victoria Keys, I have no idea whether the Government are still going to pursue those arrangements to allow the Victoria Keys development to proceed in the current economic climate. There is a question mark, I assume, but I have not asked for that.

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What I do know is that the Government have repeated their commitment on the ex-Romney site, which is in Queensway, so that will entail a loss of parkings. Now, my supplementary is simple, are those parkings going to be re-provided within Queensway? If the answer to that is no because the hon. Chief Minister says it will come whenever Victoria Keys comes. Well, there will be a loss of parking in Queensway. Are there any other areas which the Government is considering for parking?

Hon. Chief Minister: Mr Speaker, I do think this afternoon, when I came into the door of the Parliament, I must have come down the rabbit hole, because I really find it very difficult to follow the logic of the hon. Member. So I am not complaining that his question is about something slightly different to his main question. He can ask not whatever supplementary question he likes; he can ask whatever supplementary question you permit him to put. I have no complaint about his supplementary question. What I am saying, Mr Speaker, is that his question, his original question, is are you going to create more parking in Queensway? The hon. Minister has given him an answer.

His supplementary is, 'Ah, but you are going to remove some parking from Queensway, aren't you, because you are going to get rid of the Romney Huts car park?' And our answer has been yes and we are going to replace those parking places, not at Queensway – that is the answer he wanted – but at the Victoria Keys underground parking when it is ready. His retort is, 'Ah, so then you are going to get rid of some parkings at Queensway', and the responses are, yes, we are going to do that because we are going to relocate those parkings to the parkings that will be provided at Victoria Keys.

It is not complicated, Mr Speaker. I know that what he wants to do with this particular question is to raise the flag that he is now the champion of parking in Queensway. Well, Mr Speaker, we will be the champions of a huge parking at Victoria Keys.

Mr Speaker: Next question, please.

Q648/2020
Line Wall Road –
Data collected and costs incurred

Clerk: Question 648, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Now that Government has reverted Line Wall Road back to the two-way system, can Government provide details to this House on the following: (1) any and all data collected; (2) who/what company was contracted to analyse the data; (3) the cost incurred of the plans drafted/preliminary works/any other costs incurred on the LWR closure; (4) what consultation will Government take on from here and with whom; (5) by when Government will make a decision on future plans or strategy for Line Wall Road?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the Government is of the view that it has no obligation to publish the data collected. This data will be used internally by Government officials or for other projects in the future. The company contracted to analyse this data was Ramboll. The Government is not in a position at this moment in time to disclose the cost of this project as we have other ongoing projects of similar nature. Therefore, unveiling this information will be detrimental to competitive rates and costings of these.

The Government will continue consulting with relevant stakeholders. We are committed to involving as many people as possible in the decision making. Following on from the Chief Minister's New Year Message, we have completely stopped this project.

3275 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister expand on why he believes that anybody who is interested in green ways into the future, transport or whatever, would think that there is no obligation or the state does not owe people the data that they collect, the data that people have effectively paid for? This is a transparency issue, which I think the Government should explain.

3280 To say that to divulge the cost is detrimental, again, I believe that the Government has a duty to divulge the cost, and I would be surprised for them to say that it is detrimental. I would think that it will not this be reflected in the Budget, anyway? This is information that belongs to the public, not that belongs to the Government.

3285 **Hon. V Daryanani:** Mr Speaker, first of all this kind of data has not been provided, is not provided, it is not a done thing, because it is very difficult data to actually bring to the House. But if she wishes I am happy to provide access to it. *(Interjection)* Exactly, the reason why we cannot bring it to the House is because it is not in publishable form.

3290 **Hon. Ms M D Hassan Nahon:** If I remember correctly, just now, the Minister said that there are no future plans or strategy for Line Wall Road at present. But did he not talk earlier about bicycle provisions? Is that not a strategy that would flow through Line Wall Road? Why are they saying that there is nothing in Line Wall Road on the one hand, but then there are plans for bicycle lanes on the other?

3295 **Hon. V Daryanani:** Mr Speaker, it may flow through Line Wall Road, it or may not flow through Line Wall Road. It does not mean that we have a bicycle strategy that it has to go through Line Wall Road. Because remember, when you put bicycle lanes you have to close roads. It is very difficult in Gibraltar to do certain things with the roads are very narrow. We need to follow guidelines, they have to be of a certain size. So, all these things have to be taken into account and, like I said, that does not mean that the cycle lanes have to be on Line Wall Road.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I accept that. It we take that into consideration, and we accept that there are no plans for Line Wall Road, then can we have a confirmation from the Minister that bicycle lanes are being looked at some stage of planning for other roads?

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Hon. V Daryanani: Yes, Mr Speaker, bicycle lanes are definitely being looked at.

Q649/2020
Electric vehicles –
Possible subsidies

Clerk: Question 649, the Hon. Ms M D Hassan Nahon.

3310 **Hon. Ms M D Hassan Nahon:** Can the Minister confirm if, after giving huge incentives to purchase diesel and petrol vehicles, it will announce significant subsidies for electric vehicles, in particular for commercial vehicles at a time when businesses are largely tightening their belts?

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

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Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, the Government is always looking at options to incentivise the purchase of electric vehicles for private and commercial use. An announcement will be made during the lifetime of this Parliament.

3320 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would the Minister understand that people who are looking forward to incentives and to a greener, brighter way of a transport plan might feel cheated by simply an announcement in the lifetime of this Parliament, because this Government came in with a manifesto of Green Gibraltar and what we are looking at now is at the very best an announcement in the lifetime of this Parliament? What does an announcement actually achieve?

3325 **Hon. V Daryanani:** Mr Speaker, the announcement will give details of the actual incentive. But let me just give a little bit of background to come to incentivising businesses to go electric. Shortly after I became Minister for Transport, I engaged with the Chamber of Commerce, with the Federation of Small Businesses and with all the motor, the food delivery companies and I told them that I would like to proposed that they all go green with their deliveries and that and that we should have a situation where people, businesses should replace their petrol vehicles.

3330 They understood the Government's vision on a Green Gibraltar and I was happy to discuss the incentive package for them, but then COVID hit. I find it very difficult, I have not done so since that day, because I find it very difficult to actually approach businesses who are going through difficult times and to tell them now to get them into another expense, which would be the replacement of their vehicles. It is something that I want to move on, again, and I will do so, and then that will include the announcement of the package of incentives that the Government will offer.

3340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, when the Minister said that he does not want to make it harder for companies. The whole point of an incentive is to make it easier for people and actually encourage them with incentives. Those incentives are not there to make it harder and in the same way as the Government saw fit to put to a 0% import duty on diesel and unleaded petrol vehicles, they could be doing a similar incentive for electric vehicles.

3345 So, at this point anyway, what I would like to ask is whether the Government is looking to increase the charge points in Gibraltar, of which there are very few, and that is certainly not incentivising companies to switch to electric, and whether they are also looking to switch to biofuels with the switch of setting the new filters needed, offsetting against the taxes, corporate or personal tax?

3350 **Hon. V Daryanani:** What I meant was that, even if we give them incentives at this moment, they might not be interested in the actual incentive because we cannot buy cars for them, we cannot give them the cars for free.

3355 You say the import duty, the import duty on electric vehicles is zero at the moment and we actually have a cashback, so there is an incentive in place. So, if a business wants to buy an electric vehicle and compare in comparison to a petrol vehicle, they would pay zero tax, zero import duty, plus on top of that, they will get £2,000 cashback. So there is already an incentive in place.

3360 What I want to do, what the Government would like to do, is, as we move forward as things as the economy improves and as businesses stand on their own two feet, we can offer them an even better incentive so that they can purchase their car. Whatever it is, they are still going to have to pay for their car, whether today or tomorrow. So they need to pay for the car, with an incentive with a cashback, perhaps even an increased cashback. But at the moment I do not think it is fair that we ask them to replace their vehicle fleet.

3365 **Hon. Ms M D Hassan Mahon:** Mr Speaker, regretfully the Minister was talking whilst I was asking a question, which I do not think he heard, and I will repeat it. Is the Government looking at increasing the charge points in Gibraltar, of which there are very few and we get many representations from people who would like to switch to electric and have not, and are they

looking to encourage a switch to biofuels in order to bring about a cleaner technology, with regards to transport?

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Hon. V Daryanani: Mr Speaker, I have answered a question on charging points a couple of hours ago, with the Hon. Mr Phillips.

On the issue of biofuels, it is not something we are currently looking at.

Q650/2020

**Insurance companies –
Payment of claims**

Clerk: Question 650, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Is Government in liaison with the insurance industry locally (insurers, and intermediaries) to set out our expectations of any insurers for BI policies – where the insurer has an obligation to pay – to ensure valid claims are progressed as quickly as possible?

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

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, no, sir.

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Hon. Ms M D Hassan Nahon: Mr Speaker, has Government not requested companies to provide information of any BI insurance that they may have in place?

Hon. V Daryanani: Mr Speaker, no one has brought this to my attention or has asked me for any assistance on the matter.

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Hon. A J Isola: Mr Speaker, if I may, by way of assistance, I am aware of them representations made through the Finance Centre Council in respect of the cost and difficulty of obtaining professional indemnity insurance, particularly for DNO firms, which have that requirement in every single firm that is licensed by the Financial Services Commission. I am not sure if that is what she is referring to, and if she is, we are engaged with the Finance Centre Council, not with any insurer in particular, to see what we can support.

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Hon. Ms M D Hassan Nahon: I thought that the announcement by the backbencher, Mr Gilbert Licudi was indicative that companies had a right to claim and by my understanding –

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Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, my friend, the hon. backbencher made a comment on the same day the Supreme Court in the UK handed down a judgment in which they allowed a claim on behalf of people who have been claiming business interruption as a result of the COVID pandemic under their existing insurance policy. The position here is as in the UK, if somebody has got that particular type of insurance within their policy then, of course, following the judgment, they would be eligible to apply. Nothing more than that.

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Hon. Ms M D Hassan Nahon: I would just ask one last question. Would not this have been in the BEAT questionnaire asking companies if they can claim from their insurance policies in order to perhaps have less of the shouldering of BEAT payments?

3410

Hon. A J Isola: Mr Speaker, that would not have been possible physically because of course the BEAT programme commenced long before the judgment, so the position at the time of the BEAT questionnaire, the position was the court filing claim could not be made. The appeal went onto the Supreme Court who changed their position and went on side of the insured, as opposed to the insurer, and so that would not have been possible.

My understanding and the information that I have is that there are very few, if any, businesses in Gibraltar that had pandemic insurance, which I believe you had to have had to be able to make a claim. There is another word for pandemic, I cannot remember what it was.

Hon. D J Bossino: Mr Speaker, I think I can assist, and I will ask a question. It is a very long judgment of 326 paragraphs, which I have read in a professional capacity. I think what it dealt with was it analysed, I think, was about four or five different clauses and the wording was 'notifiable diseases', I think, was the wording which cut across all the clauses.

The Minister is right that when the BEAT programme was put in place, it was at a time when I think that the Hon. Chief Minister, in response to the question, which was posed to him by the hon. the backbencher, Mr Licudi, said that the reason why the BEAT payments were introduced was precisely because there was a difficulty in companies being able to gain that financial assistance under the insurance cover.

Given that that is no longer the case as a result not in respect of that. Obviously, it is all in the wording it all depends on the clauses of the insurance provision, but there may be companies will now as a result of the very positive guidance which has been given by Supreme Court judges in that particular judgment will be able to make a success of their claims now.

Now, in that context, I wonder if the Government has considered ... I am not sure how they would do it from an administrative perspective, but I think the question is whether the Government has considered whether it can recoup the money from companies in respect of the payments that they have made in the past in relation to BEAT payments?

Hon. A J Isola: Mr Speaker, I think that comment the Chief Minister made at the time was that if companies had that insurance cover, which, under the Supreme Court judgment, they were eligible to claim, they should claim it.

At the time that the BEAT payments were conceived and the whole structure was done with the Covid Emergency Liaison & Advisory Committee (CELAC), the intention was to provide assistance to firms that had no assistance whatsoever from anyone. I do not think we have had in our minds at that time, business interruption insurance, and so I think that the reasoning and the thinking as to what we did at the commencement of the BEAT programme was absolutely right and was irrelevant in terms of the insurance that the hon. Member is referring to.

I think in terms of the future, certainly if the Government were to become aware of firms successfully claiming from their insurance firms for business interruption, those that have the wording that the hon. Member has referred to, which the Supreme Court now seeks to allow, that would be something we would consider at the time, but we are certainly not aware of any such firms that have that. We have not been informed of that, and if the hon. Member is aware of those, we would love to have that information.

Mr Speaker: Next question.

Clerk: Question 651, the Hon. E J Phillips.

ADJOURNMENT

3460 **Chief Minister (Hon. F R Picardo):** Mr Speaker, at a gone eight o'clock in the evening and conscious that once again you have done a marathon session in the Chair, I think this would be a convenient moment to now adjourn the House to 3.30 p.m. *(Interjection)*

Mr Speaker, if you wish to continue, *(Interjection by Mr Speaker)* the Order Paper that I have, we have reached the end of one particular set of questions, and that is why I was of the view that this would of a – *(Interjection)* Sorry? No. I mean, as far as I am concerned, you have reached
3465 the end of Questions to Mr Daryanani, so we are moving on to a different Minister. I thought you did not need my crystal ball to work that out. I know that he would like a lot of what I have, Mr Speaker, and I am not going to give it away!

But, Mr Speaker, I thought, therefore this would be a convenient moment to adjourn the House to 3.30 p. m. tomorrow afternoon, when we can continue with ministerial questions. Because this
3470 Meeting as a catch-up Meeting, I afraid we will not be able to do questions to the Chief Minister tomorrow afternoon, unless we get to them in the context of the Order Paper. We will continue through the ministerial flow of questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday,
3475 18th March at 3.30 p.m.

I now put the question, which is that the House do now adjourn to Thursday, 18th March at 3.30 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn to Thursday, 18th March at 3.30 p.m.

The House adjourned at 7.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.35 p.m. – 8.00 p.m.

Gibraltar, Thursday, 18th March 2021

Contents

Questions for Oral Answer	4
Deputy Chief Minister	4
Q651/2020 Commercial and heavy goods vehicles – Number crossing land frontier	4
Q652/2020 Parliament building – Plans for lift installation	5
Q653/2021 Freedom of Information Act – Commencement date	6
Q651/2020 Commercial and heavy goods vehicles – Number crossing land frontier – Supplementary questions	7
Health Authority, Justice, Multiculturalism, Equality and Community Affairs	8
Q654/2020 Driving against flow of traffic – Reports received	8
Q655/2021 Driving offences– Numbers stopped for certain activities	9
Q656/2020 Paternity leave – Legislation for provision	10
Q657/2021 National Drug Strategy – Date for publication	11
Q658-660/2021 Drugs at work policy – Random tests conducted and rollout to entire Civil Service; number of positive tests and support offered; advance notice to individuals tested	12
Q661/2020 Minister for Health – Reason for not being based at St Bernard’s Hospital	14
Q662 and Q749/2020 Blindness – Number of people affected	15
Q663/2020 Childhood obesity, diabetes and respiratory conditions – Data collected	17
Q664-66/2020 Plans to promote healthy living and anti-smoking among young people – Health Matters report	19
Q667-68/2020 Nitrous oxide/hippy crack – Use among young people	21

Q669-70/2020 Health cards – Renewals and waiting times	23
Q671-73/2020 GHA facilities – Cleaning and maintenance services	24
Q674/2020 Primary Care and Children’s Health Centres – Position re pending defects	26
Q675-77/2020 Medicines, pharmaceuticals and vaccines – Procurement process; quality and safety controls re inspection	27
Q678/2020 Vaccination uptake – Statistical data held	27
Q679/2020 St Bernard’s Hospital canteen and kitchen – Overall costs	28
Q680/2020 MRI scanning services – Update re provider	29
Q681/2020 Health Service – Plans for full restoration	30
Q682/2020 GHA telephone service – Redeployment of public servants	32
Q683/2020 GHA telephone service – Complaints	33
Q684-87/2020 GHA appointments – Face to face; open-ended; cancellations	33
Q688/2020 Cancelled surgeries – Numbers since January 2020	35
Q689/2020 Trained CCU nurses – Number currently available within Health Service	35
Q690 and 726-32/2020 Elderly Residential Services – Respirators and ventilators, members of staff testing positive, frequency of testing, location of residents testing positive; Mount Alvernia waiting list, number of residents, containment of outbreak to fourth floor, number of resident deaths	36
Q691/2020 COVID vaccinations by age group – Question withdrawn	45
Q692/2020 COVID vaccinations by priority group – Question withdrawn	46
Q693-95 and Q743-45/2020 COVID vaccinations – First dose for frontline food workers, private dental practice workers and returning students; training for vaccinators; plans to use vaccines other than Pfizer; sourcing of vaccines	46
Q696/2020 Prof. Derek Burke – Receipt of letter from a number of doctors re loss of confidence	48
Q697/2020 Director of Public Health’s tweet re donation of travel certificates – Background	49
Q698/2020 Question withdrawn	50
Q699 and Q761-64/2020 Residential mental health facilities – Properties used as halfway houses	50
Q700/2020 Parental alienation – Progress of Government consultation	55
Q701/2020 Anti-Corruption Authority – Government intention to establish	56
Q702/2020 Leave of absence for mental health patients – Number granted by Minister for Justice	57
Q703 and Q705-06/2020 Mental health patients subject to hospital orders – Number since introduction of Mental Health Act; leaves of absence granted; Responsible Clinician reports	58
Q704/2020 Hospital orders – Number of patients	59
Q707/2020 Mental Health Board – Adverse comments re detention of mental health patients in Gibraltar	60
Q708/2020 Mental Health Review Tribunal – Successful appeals by patients resulting in detention	62

Q709-12/2020 Second Opinion Appointed Doctor Certificate of Consent to Treatment – Number issued; number of referrals; avoidance of treatment review by Responsible Clinicians	63
Q713/2020 Anti-psychotics – Inappropriate prescribing	66
Q714/2020 Mental health patient records – Assessment of capacity information	67
Q715/2020 Mental Health Act 2016 – Code of Practice and list of section 12 approved doctors	68
Q716/2020 Mental Health Act 2016 – Referral of patient cases to Mental Health Review Tribunal after six months since applicable day	70
Q717/2020 Mental Health Act 2016 – Referral of patient cases to Mental Health Review Tribunal after three years since last referral	71
Q718/2020 Mental Health Board annual report – Amendment of Mental Health Act 2016 to lay directly before Parliament	72
<i>The House adjourned at 8.00 p.m.</i>	73

The Gibraltar Parliament

The Parliament met at 3.30 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

DEPUTY CHIEF MINISTER

Q651/2020

Commercial and heavy goods vehicles – Number crossing land frontier

Clerk: Thursday, 18th March 2021. Meeting of Parliament.

Order of Proceedings: we continue with Answers to Oral Questions, and we commence with Question 651. The questioner is the Hon. E J Phillips.

Hon. E J Philips: Mr Speaker, can the Government state the number of commercial vehicles and/or heavy goods vehicles crossing the land frontier each month in the years 2019 and 2020?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, yes, the information requested is in the schedule that I now pass to the hon. Member.

Answer to Q651/2020

EASTGATE	VEHICLES	
DATE	G - PLATES	OTHERS
Jan-19	410	3,243
Feb-19	337	3,743
Mar-19	468	4,346
Apr-19	341	3,572
May-19	411	4,349
Jun-19	424	4,884
Jul-19	544	4,266
Aug-19	594	4,114
Sep-19	526	3,688

Oct-19	544	4,578
Nov-19	540	4,165
Dec-19	392	2,966

EASTGATE	VEHICLES	
DATE	G - PLATES	OTHERS
Jan-20	491	2,973
Feb-20	481	3,294
Mar-20	486	3,278
Apr-20	303	2,368
May-20	445	3,118
Jun-20	586	4,348
Jul-20	549	3,967
Aug-20	507	3,903
Sep-20	662	4,000
Oct-20	573	4,097
Nov-20	574	3,909
Dec-20	543	3,560

15 **Hon E J Philips:** Mr Speaker, it may be helpful if I review that whilst my hon. and learned Friends next to me carry on with Questions 652 and 653.

Q652/2020
Parliament building –
Plans for lift installation

Clerk: Question number 652. The Hon. D J Bossino.

20 **Hon. D J Bossino:** Can the Government provide details of the plans it has for the installation of a lift at the Parliament building?

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

25 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, the Government intends to submit a new planning application to the Development and Planning Commission, this time for an internal lift. The details of this will be made available to the general public on the website of the DPC once the application has been made. The Government has offered the Opposition and the hon. Lady the opportunity to review and discuss those draft plans beforehand, next week.

30 **Hon. D J Bossino:** Mr Speaker, the hon. Member will have had sight of what he intends to do, I imagine. Is he able to advise this House that he is satisfied that those people who need it will be able to enjoy disability access to this place, whilst at the same time not having the architectural and potentially heritage-sensitive impact that the original plans were going to have? Is he satisfied that these plans will be able to achieve these dual aims?

35 **Hon. Deputy Chief Minister:** Mr Speaker, hopefully the hon. Member will be able to have an opportunity to meet with me and review the plans – and I will also ask the Leader of the Opposition, who also has a question on this subject, and the hon. Lady.

This is an internal lift. It means the external impact that the previous design was going to have on the building will no longer be there, because the lift is inside, but it is subject to a number of
40 consents: first of all, planning consent, and this now will require approval and permission from the Development and Planning Commission; the consent of the Government as the landlord; and, thirdly, a heritage licence, because this is a listed building. The licence is normally issued by the Minister for Heritage, my colleague Prof. Cortes.

The Government is satisfied that this will have less visual impact than the previous design, if
45 that is his question, and he will be able to have an opportunity to view it for himself.

Mr Speaker: Next question.

Q653/2021
Freedom of Information Act –
Commencement date

Clerk: Question 653. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when will the Freedom of Information Act be commenced?
50

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the aim of the Government is to commence the Act on 1st June 2021.
55

Hon. K Azopardi: Can I invite the Minister to perhaps comment on the delay since the passage of the Act? I appreciate that presumably some preparatory work needed to be done in relation to all the Departments, but perhaps he can explain, first of all, the delay, and secondly, the kind of public awareness perhaps that might be put out to people, so that people understand what rights
60 will be bestowed on the citizen as a result of the Freedom of Information Act.

Hon. Deputy Chief Minister: Yes, Mr Speaker, he is right, this is not an easy piece of legislation, first of all to produce, then to take to the House – we had issues with the UK and with the Convent at that time; the hon. Member, I think, was not in the House but was probably aware of the issues
65 we had then – and also then to administer.

We are very conscious throughout that we should not repeat the mistakes that occurred in the United Kingdom which led the then Prime Minister, Tony Blair, to describe this as one of the biggest mistakes in his political career in government, so we are conscious of the need to do things slowly, cautiously and well.

Also, I think I made it clear at the time when the Bill was introduced that it is normal practice to have a period of years between the passing of the legislation and the implementation of the legislation because the public service, and indeed the general public, as he himself has said, need to be prepared for it. In the UK, I understand it took five years from when the law was passed to when the law actually came into force, and in Malta, for example, it took three, so I think we are
70 not that far off, in terms of the international comparisons.

The public sector was being prepared for this and the Information Commissioner had delivered a number of courses towards the end of 2019, which were part of that preparation and part of that introduction to this, which would be completely new to many public servants. Sadly, as you
75

80 know, at the beginning of 2020 the Government had to deal with other, perhaps more pressing
issues relating to our departure from the European Union and also the consequences of the
pandemic. The pandemic itself led to the redeployment of officers to other parts of the public
service, some working in contact tracing, others working in different places and others working
from home, so it became impossible, really, to pursue it at that particular time. Now, as the
pandemic has subsided, the Government has thought it is the right time to commence the
85 legislation and to do that in June.

There are also, I am told, a number of changes that need to be made to the Act, which can be
done by secondary legislation – our intention is to have it done before or on 1st June – in relation
to our departure from the European Union. There are aspects of the Act as drafted that are now
not consistent with the reality of our situation today, and also comments received from the Chief
90 Justice in relation to the application to the courts and to disclosing information in relation to the
courts are also something the Government will need to look at, but it is certainly my intention to
address all that before 1st June, so that we can keep to that date.

Just by way of further information, the training of relevant staff is expected to take place in
May, so the Act will then commence in June.

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Mr Speaker: The Hon. Elliott Phillips.

Q651/2020
Commercial and heavy goods vehicles –
Number crossing land frontier –
Supplementary questions

Hon. E J Phillips: Mr Speaker, just going back to Question 651, quite significantly, the column
'Others', referring to, no doubt, foreign-registered plated vehicles, most likely to be Spanish-
registered vehicles, amounts to a very significant proportion of those commercial vehicles
100 entering the land frontier. Approximately 125 other vehicles a day cross our border. I have
included weekends in relation to that as well, but it is likely to be, as it says, from January 2019,
3,243, right through to 2020, and it seems to have continued to be unabated in terms of the
volume of traffic across the land frontier for all commercial vehicles.

The Deputy Chief Minister yesterday commented on the fact that there may well be a form of
105 congestion charge being imposed on vehicles. No? He did not comment on it, but I think it was in
the context of questions that were asked yesterday. There was a reference to – (*Interjection by*
Hon. Deputy Chief Minister) on the licences. That said, though, has any consideration been given
to any commercial interest in charging large volumes of commercial vehicles coming through our
border in relation to a congestion charge? It seems to me that these are either commercial
110 vehicles and/or heavy-duty vehicles crossing our borders, which obviously impact on the surfaces
of our roads continually, and with the pollution that some of these vehicles cause I wonder
whether the Government has given any consideration to an additional congestion charge in
respect of those vehicles.

115 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I understand what the hon. Member
is saying. This question has come to me because it is to do with the border and figures and
numbers of people or trucks, or what have you, crossing the border. It is not something which I
am aware of. If there is any initiative in that regard, it would be my colleague the Minister for the
Environment or my colleague the Minister for Traffic and Transport who would be leading on it.

120 In terms of the numbers, he is correct to say that most of the commercial vehicles coming in
are not Gibraltar registered, and that has always been the case; that is not new. What happens
generally is when people place orders for goods, these are delivered generally from within the

European Union, largely from Spain, and that would explain why the number plates on the vehicles are not local plates.

125 But on the other issue that he raised, I am afraid he would have to ask one of my colleagues. It is not an issue that I am aware of, or which has crossed my desk as I stand here this afternoon.

Hon. E J Phillips: The only reason I mention it now, of course, is because whilst it is quite clear that the Government's policy and the whole framework of its manifesto was about green
130 Gibraltar, creating green lungs within the community, faced with many thousands of vehicles a month crossing the land frontier one would have thought that some consideration ... I understand what he means, in that this question is probably more appropriately put to the Environment Minister, but quite clearly there are three to four thousand vehicles, not Gibraltar registered, crossing our land frontier, where we do not have the ability to inspect these vehicles – they may
135 be aged vehicles that are pumping out fumes into our community – and I would have thought that the Government may have some view on how that could be controlled to minimise the impact of pollution on our community and our residents, given the very large numbers of commercial vehicles and heavy-duty vehicles coming across the land frontier.

Hon. Deputy Chief Minister: Mr Speaker, the hon. Member will have seen that the numbers for 2020 obviously relate to the pandemic, perhaps 4,000 down on what they were in 2019, so numbers have gone down. Sometimes we have larger trucks delivering multiple consignments, which may explain that. These vehicles do not come into Gibraltar for no reason. They come in bringing the food to our supermarkets and our restaurants for people to be able to eat in their
140 homes, bringing medicines and bringing supplies. They come in out of necessity because we need the supplies that they transport in this form of transport. At the moment, this is carried out by land. There are opportunities for people to also import goods by sea. I am aware that as part of the planning in relation to Brexit that has gone on, that is happening. There is more container traffic now, for example, than there was when we were in the European Union. I am not sure
145 whether that is necessarily a more environmentally friendly form of transport, but it may be if you can consolidate the volume in one particular vessel. And the third way in which we bring goods in is by air. Sadly, that capacity has been reduced, again because of the pandemic, because the number of airlines serving Gibraltar today, as we come out of the pandemic, and the fact that some of them do not carry air freight at all means that all our supplies, including things like food, medical supplies and all the rest of it, have to come in through the border by land, and it does so
150 by truck.

Hon. D J Bossino: And –

160 **Mr Speaker:** Next question. Sorry, no, we must move on. Next question.

**HEALTH AUTHORITY, JUSTICE, MULTICULTURALISM,
EQUALITY AND COMMUNITY AFFAIRS**

Q654/2020

**Driving against flow of traffic –
Reports received**

Clerk: Question 654. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many reports have been received in relation to driving against the flow of traffic?

165 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, during 2020, the Royal Gibraltar Police have received
170 zero reports.

Mr Speaker: Next question.

Q655/2021
Driving offences–
Numbers stopped for certain activities

Clerk: Question 655. The Hon. E J Phillips.

175 **Hon. E J Philips:** Mr Speaker, can the Government confirm the numbers of people being stopped by our law enforcement for the following actions over the last 12 months: (i) mobile telephone use whilst driving; (ii) video calls when driving; (iii) smoking in cars occupied by minors; and (iv) use of e-scooters on pavements and other pedestrianised areas?

180 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, questions (i) and (ii) fall under the same offence
185 category, and the number of people reported for that was 213.

In respect of the third question, there have been zero reports of smoking in cars occupied by minors.

There have been 21 reports of the offence of the use of e-scooters on pavements and other pedestrianised areas.

190 **Hon. E J Philips:** Mr Speaker, I am slightly taken aback by the volume of people being stopped for use of mobile telephone or *video* calls whilst driving, although I did see one yesterday and it is quite the most remarkable thing. A young woman, whilst driving a motorcycle on the other side of the road, overtaking the car that I was in, driving whilst looking at the phone – quite an
195 incredible sight, I must say. What is the Government going to do just to show how ridiculous that is, in terms of not only a traffic offence but how dangerous it is to the rider and pillion, and indeed members of the public who use pedestrianised areas, and traffic? I agree, it is a shocking number, isn't it, Mr Speaker? But what is the Government doing insofar as awareness campaigns to prevent this from happening?

200 **Hon. Miss S J Sacramento:** First of all, Mr Speaker, I would like to thank the Royal Gibraltar Police for being able to process these numbers, because of course the importance of infringement of these matters is the enforcement, and this is what brings us to where we are, the fact that there has been a high volume of enforcement in this respect.

205 Insofar as the other question that the hon. Gentleman asked, it is something that I will consult the Royal Gibraltar Police on.

Mr Speaker: Next question.

Q656/2020
Paternity leave –
Legislation for provision

Clerk: Question 656. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when it will legislate for the provision of paternity leave in Gibraltar?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, a consultation paper was finalised and further internal consultation continued at the beginning of this year. In the public sector we already provide 10 working days of paternity leave. The consultation process that we embarked on was with stakeholders, including the private sector.

Unfortunately, all of this had to be put on hold because of lockdown procedures put in place as a result of COVID. As you may appreciate, Mr Speaker, our main priority has been to deal with the COVID pandemic, and indeed because COVID-19 is changing the way both public and private entities are interacting internally and externally, we hope to be able to recommence the consultation process now that the demands of COVID are easing off.

Hon. E J Phillips: Mr Speaker, just two questions. The first one is can the Minister confirm ...? I got the impression from the first part of her answer that she said the Government is in the process of finalising the process of consultation, and then in the second part of her answer she also referred to further consultation. Can the Minister clarify what she meant by that and how they can be reconciled, those two points?

Hon. Miss S J Sacramento: Mr Speaker, yes, the first process of consultation happened a while ago, and that was stalled because of COVID. As a result of the first process of consultation, we have to go back and look at further detail of issues that have arisen from that consultation. So, we need to look at those issues, and once we have improved upon the working document that we have, then we will put it out for consultation again. Unfortunately, a lot of the work that was done a year ago has been stalled. Work has been done during the course of the pandemic and now we can go back to finish that work at better speed, now that we can release our commitments from COVID.

Hon. E J Phillips: Mr Speaker, one final question. I quite understand that COVID has presented many difficulties for the consultation process in relation to this particular area, but I have a sense of déjà vu because on 19th September 2019 the Hon. the Minister confirmed that the consultation process was in the final stages – a similar story to what we are hearing now, in 2020 – and indeed she clearly said that she would be publishing plans in relation to paternity leave in the legislation that would flow from that. I am not too sure how COVID impacts on her previous statement, on 19th September, where she said the consultation was being finalised, and the position she repeats today. It is almost a repetition of exactly what the Minister said on 19th September 2019, and therefore I ask the Minister why this is being delayed.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, having just come in to hear this exchange, as an observation I think the hon. Member characterises the position rightly in saying in September it was almost complete, but of course you can remove the 12 months intervening where nothing has happened, as the hon. Lady has, I think, in an exemplary manner

driven our effort in respect of our defence and attack on COVID, leading to the wonderful work that she has done on Operation Freedom. I would not have expected her to have any time to do anything else, and certainly not care too much about the consultation the Member refers to at a time when she has been dealing with what I, and I think we all, consider are far more important things at this moment in time. So, I understand that he is right, September last year would have been almost there, *(Interjection by Hon. E J Phillips)* but let's not forget what has happened in the intervening period.

Hon. E J Phillips: I think, with respect to the hon. Gentleman, Mr Speaker, paternity leave has been far outstanding in this community for a very significant time. It is a matter of public interest that we do not have an explanation for the delay. It is not 2020, with the greatest respect to Mr Isola. It is 2019 when the Minister made a statement, not 2020. I can quite understand the year, but in 2019 the Minister confirmed that the consultation process was being finalised. It was also being finalised in 2020, and now we hear, in 2021, that it is being finalised again, so I am asking the Hon. Minister what is the reason for the delay – it cannot be just purely a question of COVID intervening within that period.

Hon. Miss S J Sacramento: Mr Speaker, I answered that question precisely with my initial answer, where I very clearly said that there had been a first process of consultation, which is the one that the hon. Gentleman is referring to, that we discussed in Parliament in 2019. As a result of that, issues arose, as I said earlier, which have led us to improve it and make changes, and there then has been the gap as a result of COVID, and now we would like to finalise it.

I am very glad, Mr Speaker, to be able to now devote my efforts to other things not related to the COVID pandemic, not related to Operation Freedom, and go back to other things which unfortunately have had to be delayed as a result of the pandemic that has hit not only Gibraltar but also the world.

The Speaker: Next question.

Q657/2021
National Drug Strategy –
Date for publication

Clerk: Question 657. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when it will publish its National Drug Strategy?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: **(Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 659 and 660.

Mr Speaker: The Hon. Minister may need to have a look at that answer again, because it is different to what I have here.

Hon. Miss S J Sacramento: Mr Speaker, apologies, yes, I was looking at the wrong paper. Work on that strategy has been unavoidably delayed due to the COVID pandemic.

Hon. E J Phillips: Mr Speaker, this House will recall that, before the last election, the Hon. the Chief Minister took it upon himself to cover the portfolio on drugs, given the very significant impact that drug misuse was having on our community, and I think the Chief Minister grappled with the issue and said that he would head up the fight and the war against drugs within our community. The difficulty we have with that, of course, is that the drug strategy has bounced around a number of Ministers since this Government was elected in 2011, and it is clear that no serious effort is being made by this Government to pursue a national strategy in respect of drug misuse within our community.

Whilst I quite understand COVID is going to be the excuse for not getting things done, Mr Speaker –

Mr Speaker: No, that is unfair. That is very unfair. COVID has been a huge issue and there have been delays generally because of COVID, so do not –

Hon. E J Phillips: There is nothing negative about the word ‘excuse’. It is an excuse, and a reasonable one at that, Mr Speaker.

Mr Speaker: I do not agree.
Next question.

Q658-660/2021

Drugs at work policy –

**Random tests conducted and rollout to entire Civil Service;
number of positive tests and support offered; advance notice to individuals tested**

Clerk: Question 658. The Hon. E J Phillips.

Hon. E J Phillips: Further to the former Minister for Justice, former Commissioner of Police and the RGP senior command being the first volunteers for drug and alcohol testing as part of the new drugs at work policy on 3rd August 2018, can the Government state how many random tests have thus far been conducted and whether this is now being rolled out to the entire Civil Service?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 659 and 660.

Clerk: Question 659. The Hon. E J Phillips.

Hon. E J Phillips: Further to the Government’s drug testing policy, can the Government state how many individuals tested positive for drugs and/or alcohol since 3rd August 2018 and what support was offered to those testing positive?

Clerk: Question 660. The Hon. E J Phillips.

Hon. E J Phillips: Further to the Government’s drug testing policy, can the Government state whether individuals submitting to a drugs and alcohol test are given advance notice of the request?

345 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, the Government's drug testing policy has not been rolled
350 out to the entire Civil Service. The Royal Gibraltar Police have their own policy and the following answers reflect the position within the Royal Gibraltar Police.

The RGP have conducted a total of 175 tests.

No RGP officers or members of staff have tested positive.

No RGP officers or members of staff were given advance warning of the test being conducted.

355 **Hon. E J Phillips:** Mr Speaker, the Government, in August 2018, to much fanfare, ensured that the then Minister for Justice, Mr Neil Costa, and the former Commissioner of Police, Mr McGrail, were tested in order to demonstrate the efficacy of testing across the RGP and those frontline workers – which is supported, of course, by Members of this House. When this question was put
360 to the Hon. Minister, we questioned when this would be extended to the wider Civil Service, and I think in the last Parliament it was confirmed that this would be extended, in the article in the *Chronicle*, which I will read now:

In a statement the Government said the programme aims to maintain the integrity of all its departments, agencies, authorities and companies by preventing any alcohol and substance misuse among its employees ... The policy will be introduced, initially, for RGP officers and civilian staff, but will ultimately be extended to all public services.

So, I will ask the Minister: when will drugs testing be extended to the public service, Civil Service, since this statement was made in August 2018?

365 **Hon. Miss S J Sacramento:** Mr Speaker, the drug testing policy and strategy has obviously commenced because it is undertaken in the Royal Gibraltar Police, and, as the hon. Gentleman has just read out, the intention when the matter was announced was that it be commenced at the Royal Gibraltar Police, which it has, and then it will be extended to the rest of the public sector.

370 I imagine, given the juncture that we are at, it is a question of looking at the policy, refining the policy and, of course, commencing the policy. It is something that I have to say I have not had any involvement with. As Mr Speaker is aware, I became the Minister for Justice at the last election. A couple of months after I was appointed Minister for Justice we commenced with the pandemic. We all know what has happened in the last year, and this is not something that I can say I have
375 devoted my attention to in the last year, but as I said in the previous question and quite likely will say in subsequent questions, all efforts have been prioritised to fighting the COVID pandemic. Now that things are slowing down, we will be able to go back to normal business.

380 **Hon. E J Phillips:** I can understand that, and I understand what the Minister is saying about COVID. I am not going to use any words that might cause offence, but what I would say is that this statement was issued in August 2018, well before the onset of the COVID pandemic, and therefore we are looking at two and a half years of, effectively, inactivity, in my submission. So, I ask the Minister: why is there a delay insofar as rolling this important strategy out to the Civil Service?

385 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman clearly wants to go round in circles on this issue. He confuses the fact that the policy has not been rolled out and tries to imply that there has been inactivity. They are not one and the same thing. I am sure that clearly there has been a lot of work done on this policy. I will check to see where we are at, to see that we can roll it out as soon as possible.

390 In ordinary circumstances, it would have been something that I would have done before, but we find ourselves at this juncture. We are where we are, and now we can go back to normal business and resume things that unfortunately have been parked for a considerable period.

Mr Speaker: One final question from the hon. Member? Fine.

395

Q661/2020

Minister for Health –

Reason for not being based at St Bernard's Hospital

Clerk: Question 661. The Hon. E J Phillips.

400 **Hon. E J Phillips:** Can the Government confirm why the new Minister for Health – which I believe was her at the time I wrote this question – will not be based at St Bernard's Hospital?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(**Hon. Miss S J Sacramento:**) Mr Speaker, this question baffles me. Where I work from is irrelevant. What matters is that the work gets done, and if the past year has shown us anything, it is the ability to work remotely, which means that we can work anywhere. But, if it helps the hon.
410 Gentleman, my office at St Bernard's Hospital has a red wall, so in case he is wondering where I am when he sees photos in press releases, this is where people tend to find me.

Hon. E J Phillips: I thank the Minister for that colourful analysis of where the Minister works, but I understand that new premises have been located for the Minister for Health, and the
415 Minister for Health will be located in other premises not within the Hospital itself. Can the Minister confirm or deny whether that is an accurate description of the current position, or indeed the intended position moving forward?

Hon. Miss S J Sacramento: Mr Speaker, I am going to read out to the hon. Gentleman the responsibilities and portfolios that the Minister for Health also has. As gazetted in the latest
420 Gazette of 25th August, I am the Minister with responsibility for equality and minorities, disabilities, civic rights, Citizen's Advice, the Ombudsman, Civil Contingencies, Justice, the Gibraltar Health Authority, the promotion of healthy lifestyles, elderly residential services, the Care Agency, families, children and social development, the control of drugs misuse, the Gibraltar
425 Fire and Rescue Services and the Airport Fire and Rescue Services.

I do not have an office at the Care Agency, at St Bernadette's, at Dr Giraldi Home or at the Children's Home. I do not have an office at the Royal Gibraltar Police or at the courts. I do not have an office at Mount Alvernia. But I do have an office in St Bernard's Hospital. I do also have an office where the other members of staff from the Ministry of Justice and the Ministry of
430 Equality sit. In fact, I have various offices, but quite frankly I pretty much permanently live in my office at the Hospital, if that answers the hon. Gentleman's question.

And one more thing, Mr Speaker. The reason the question baffles me is ... I want to refer the hon. Gentleman to the GSD's manifesto of 2019, where the GSD stated that the Minister's office would be relocated out of the Hospital.

435 So, I have an office in the Hospital where I mostly am, but I have other offices too. In fact, yesterday I was at my office in Governor's Parade.

Hon. E J Phillips: Mr Speaker, one final question, if I may. Can the Minister confirm that in relation to the responsibilities that she holds as Health Minister, the physical office that she occupies at St Bernard's Hospital is the same one that was occupied by her predecessor? And if it
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is not, and it is a new premises within the same geographical footprint of St Bernard's Hospital, has there been a new lease granted, and what are the terms of that lease?

Hon. Miss S J Sacramento: Mr Speaker, I sit in the same office that Minister Paul Balban sat in before the reshuffle, where Neil Costa sat before him and where John Cortes sat before him. It is the same office. It looks different because I have painted the wall red, but it is the same office.

Mr Speaker, I will invite the hon. Gentleman to visit me in my office, if he wishes, if he does not believe that the Ministry for Health is on the seventh floor of St Bernard's Hospital, where previous Ministers for Health have had their office and where indeed previous Ministers for Health from the GSD had their office. It is the same office. It looks different, I have moved the furniture around, but I am inviting the hon. Gentleman to visit me in my office if he does not believe me.

Mr Speaker: Next Question.

Q662 and Q749/2020
Blindness –
Number of people affected

Clerk: Question 662. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the number of people affected by blindness, broken down into avoidable and permanent blindness?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 749.

Clerk: Question 749. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government provide this House with the public health figures on blindness, both avoidable and permanent, over the past 10 years?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the GHA does not distinguish statistics on blindness in the terms that are being asked.

Most hereditary types of blindness may be unavoidable. However, not all types of non-hereditary sight loss may necessarily be avoidable. During the past 10 years, 137 individuals have been registered as visually impaired. Of these, 106 cases were non-hereditary.

Mr Speaker: Does the hon. Member have a question?
Does the other hon. Member have a –? Yes.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for that answer.

Given that 106 of these 137 are not hereditary, is there anything that the Government is pursuing in terms of awareness campaigns or public health campaigns that aim to make the public

aware of how different conditions can lead to blindness? I can just, offhand, think of, for example, the consumption of sugar, diabetes and issues like that. Are they invested in such campaigns?

Hon. Miss S J Sacramento: Mr Speaker, these kinds of campaigns are led by Public Health Gibraltar. There is a specific campaign in relation to diabetes, and one of the effects of diabetes can be consequences to vision and loss of sight. Not all visual impairments that are non-hereditary are necessarily preventable, but where they are preventable, such as in the case of diabetes, then they will have their own campaigns.

I hope that is clear. I see that the hon. Member is trying to ... These are questions that I asked myself when I got the answers. It is just that I think that our starting point is ... Whereas I see where the hon. Gentleman is trying to get to, and the hon. Lady, obviously because we are not clinicians the question has been asked in a different way, so what I have tried to do is explain it and marry it to the kind of data that I have been provided with, so that there is, as logical as possible for us non-clinicians, an answer to the questions that have been posed. I hope that that satisfies the question from the hon. Lady.

So, yes, anything that may result in a disability will obviously have an awareness campaign attached to it. Usually, these are driven by Public Health, but not exclusively.

Hon. E J Phillips: Mr Speaker, COVID, for many of the questions that are being asked of the Health Minister today, presented a very good opportunity for us to review where we are with individual healthcare and how people's diets and nutrition affect their daily lives.

One of the questions I would like to ask is whether the Minister had a further breakdown of the age groups in relation to permanent and avoidable blindness. That is part one of my supplementary.

The second part is that the reason why these are divided into avoidable and permanent blindness is to, obviously, elicit a response from the Government as to what the Government is doing to avoid this in the first place. For example, conditions like glaucoma, age-related macular degeneration or diabetic retinopathy are just three examples of avoidable blindness. I would ask, in relation to those three, does the Minister have anything more, on the crib sheet that has been prepared for her, in relation to how we can avoid that and what measures are currently in place within the Health Service to inform people as to what steps they may need to take in terms of not only their diet but activity levels, and indeed any other adaptations they need to make to their lifestyles to prevent blindness?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is right in the example that he suggests. There are, of course, other examples as well.

When it comes to avoidable visual impairment, there are numerous factors, and awareness is, of course, a fundamental and very important one. From the GHA's point of view, a lot of the health promotion side of what they do goes into patients' awareness of the problem, so that problems are identified at an early stage, they have timely access to eye care and they are in good health – and there is a further question later on in relation to health and well-being generally – and also, importantly, compliance with treatment and generally a good understanding of the condition, so that in cases where it may not be avoidable it at least may not deteriorate, and we always look to make sure that we have availability of treatment. So, it is a combination of many factors, but awareness, of course, being a pivotal one.

Mr Speaker: One final question.

Hon. K Azopardi: Mr Speaker, speaking as someone whose grandmother unfortunately went blind in her old age – and I was actually quite struck by the number of non-hereditary blindness cases – does the Minister have an awareness of the kind of age group we are talking about? Is this elderly people? In any event, can I urge her perhaps ...? In the preparation for this, she might have

struck already, but can I urge her to perhaps ask questions internally, within her staff, to try to get a better factual handle on this grouping, to understand perhaps how they can be subcategorised?
 540 It may simply be people who have gone blind for reasons that ... perhaps they are too elderly to operate, but nowadays there are operating techniques that can be done. They operate on cataracts in a way that they did not before.

I am quite struck by the number, and I just wonder why it is relatively ... It sounds high to me, nearly 140 people with non-hereditary blindness, when nowadays you can pretty much operate
 545 on most things.

Miss S J Sacramento: Mr Speaker, I apologise to the hon. Member, Mr Phillips, because he did ask me if I had a breakdown of the ages, and I am sorry I do not. That point has been taken up by the Leader of the Opposition – I do not have it.

550 In relative terms, given the size of our population, the number of people who are registered with the GHA does not mean that everybody is blind. There are different categories of blindness, and on the scale of visually impaired ... Some people may be slightly visually impaired, and these are included in these statistics. Roughly, when we talk about people being visually impaired or blind, someone who is blind generally does not have any sight, whereas you may have people who
 555 are visually impaired, and then there are different graduations of visual impairment. If we look at that in the round, I do not think that the numbers are particularly high because they include other people.

I know that there have been a lot of developments in the GHA in this respect. I am not quite sure when the hon. Gentleman's grandmother unfortunately became blind, but there have been
 560 a lot of developments and advancements that perhaps would not be an issue nowadays. In any event, these are things where generally the treatment will be led by the GHA, but it is one of the things that I have asked the Director of Public Health to look at. The Director of Public Health obviously has been extremely busy of late, but since I became the Minister for Health there are particular things that I would like to look at from a Public Health point of view within the GHA, so
 565 that the GHA can then formulate any particular strategies that we need to deliver.

Mr Speaker: Next question.

Q663/2020

Childhood obesity, diabetes and respiratory conditions – Data collected

Clerk: Question 663. The Hon. E J Phillips.

570 **Hon. E J Phillips:** Mr Speaker, can the Government state whether it collects data on levels of (i) childhood obesity, (ii) childhood diabetes and (iii) childhood respiratory disease/conditions such as asthma; and, if so, can the Government state the levels for the last three years?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, yes, the Child Health Nurses annually collect data on Reception and Year 6 children in schools as part of their health programme.

580 The percentage of children aged 0 to 16 who are obese is: 2017, 14.49% (approx. 15%); 2018, 13.02% (approx. 13%); 2019, 7.55% (approx. 8%).

Childhood diabetes aged 0-16: 2017, 0.17%; 2018, 0.22%; 2019, 0.22%.

Childhood respiratory conditions aged 0-16: 2017, 2.21%; 2018, 1.64%; 2019, 1.35%.

585 **Hon. E J Phillips:** I thank the Minister for those statistics, and I am sure she agrees with me that clearly these are aspects that we continually need to tackle in our community. Very significant numbers, in my view, and although it has been pitched at 15%, it is a significant number of children, I think, who suffer with obesity in our community.

I quite understand that most of these figures are usually included in a health report that we will come on to in another question on the Order Paper, but what is the Government doing on the ground to inform parents and other individuals, parents and guardians as to the effects that bad nutrition and a lack of exercise have on the health of children, particularly given the very significant sums that our community expends on healthcare – and quite rightly, of course?

590 Health must come first for our population, but in order to drive down the financial commitment that we place on healthcare, we need to change the chip insofar as nutrition and exercise among the younger members of our community, so that they do not learn difficult habits that they carry through most of their lives and then create the same pattern of behaviour for their children, creating an even bigger financial commitment by our community in relation to healthcare.

I know that this is a matter that is close to the heart of many people in our community, and particularly the Director of Public Health, who is very keen on dealing with this question of healthcare and the wider sense of it in terms of one's own individual responsibility, so can the Minister explain in detail what measures are in place to inform parents and guardians as to better nutrition and greater exercise amongst our young people?

600 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman is right, and these things are, of course, very important, but the hon. Gentleman has answered his own question because he knows that this is an important matter to the Director of Public Health.

Public Health Gibraltar has a strategy in this respect. A lot of the delivery of that strategy is aimed at children in schools, but because we have had a strange year this year and there has not been a lot of school for the last year, this is the kind of thing that we have not been able to develop.

610 I know that the GHA commenced work on a new programme with the Director of Public Health when Paul Balban was Minister for Health because it is something that he felt very strongly about, so there was one that was existing already, and I know that a lot of work was done to develop that – and this will be relevant to a few other questions that I have on the Order Paper.

615 These are policy matters and public health matters and things that I have discussed with the Director of Public Health. Indeed, I did with him this morning in the context of another meeting, and my words to Dr Bhatti literally were, 'Please can we go back to all the other things that we discussed when we had a break from COVID, so that we can go back and continue to develop them?'

620 Anything that relates to public health policy of the GHA arising from public health strategies has also been on the back burner while the Director of Public Health has been concentrating his efforts on other things – we all know what that is.

Hon. E J Phillips: Just a short one. I think it is right saying, though, that the COVID pandemic itself has presented ... I do not want to trespass on any other questions, because this may come into other points, but it has given the ideal opportunity, since every single one of our citizens, save for the younger generation, at this stage anyway, has interacted with a member of the Health Service in getting a jab in the arm ... In a sense, there has been an ideal opportunity to review where every one of our citizens is, in terms of healthcare. I know that we cannot have every single one of our citizens assessed in terms of body weight and categorised every time they see the nurse for the jab, but it presents an ideal opportunity for us to actually make an assessment of general healthcare of our community and the health of our citizens.

Has the Government used that as an opportunity to gather a bit more detail about the health of citizens in our community?

635 **Hon. Miss S J Sacramento:** Mr Speaker, I am not quite sure I understand what is being suggested. The vaccination programme has been delivered with military precision in a way that people have attended either at St Bernard's Hospital or the ICC to get a COVID vaccine, which has been delivered impeccably at top speed, and it has made us become one of the most successful countries in completing our population vaccination. So, the answer is no. When people attended
640 for their vaccine, and we have not been able to have a general check-up for the 30,000 people to whom we have delivered the vaccine – in fact, even more.

I think the progress we have made on the vaccination programme is remarkable. People in the Hospital have been working 12-hour shifts seven days a week to be able to deliver these vaccines to every individual, not only Gibraltar residents but also frontier workers. So, no, Mr Speaker, that
645 was not the time to ask people any other questions.

Mr Speaker: Next question.

Q664-66/2020

**Plans to promote healthy living and anti-smoking among young people –
Health Matters report**

Clerk: Question 664. The Hon. E J Phillips.

650 **Hon. E J Phillips:** Can the Government state how it intends to promote healthy living amongst young people?

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

655 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 665 and 666.

660 **Clerk:** Question 665. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not it intends to roll out an anti-smoking campaign targeted at young people?

665 **Clerk:** Question 666. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state why the GHA has not issued its annual Health Matters report since 2015?

670 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, the GHA's Public Health department will be developing
675 and launching a new health promotion strategy as soon as resources can be diverted away from the COVID response.

The GHA currently has a campaign called COVIDFit, which has smoking cessation as an integral component. Details can be found on the Public Health website 'Healthy Gib', and the GHA's Public Health department regularly posts on social media to reach the younger generation.

680 The last report, relating to the years 2014 and 2015, was published in 2016. The material is usually collated by the Director of Public Health. A new project was going to be initiated by the new Director of Public Health when he commenced work and began preparing a report in January last year, but dealing with the COVID pandemic took precedence. Nevertheless, a lot of the information contained in the report is communicated by press release, and a lot of GHA statistics
685 are available online.

Hon. E J Phillips: Just in relation to the health report, the Minister is, of course, right that the data that was collected for publication in 2016 related to data that was collected in 2014 and 2015. Whilst I quite understand that the more recent year has been problematic, what was the
690 reason why this data was not published in the form that it always has been in terms of the Health Matters report, in relation to 2016-17, 2017-18 and 2018-19? There are a number of years where this would have provided our community with a bit more information. In fact, this report talks about obesity and diabetes and key issues of healthcare, so I would just ask the Minister for an explanation why these reports for those missing years have not been published.

Hon. Miss S J Sacramento: Mr Speaker, I answered that question in my substantive answer. First of all, the report is always a year behind, published a year after the data that it refers to. The stage when the next report was going to be published I think coincided with when the new Director of Public Health was appointed, and as I said in my substantive answer, he wanted to do
700 it in a different way and commenced a new project. When he was working on that, COVID took precedence. But the hon. Gentleman can rest assured that the Director of Public Health will go back and review these things.

Another thing, Mr Speaker: because a report is not published does not mean that the GHA does not hold the data and does not continue to undertake its policy work nevertheless.

Hon. E J Phillips: Mr Speaker, the purpose of this type of report is to provide information to members of the public about the general state of the nation's health. There are a number of years that are missing, and all the Minister can do is explain the delay by reference to the appointment of a new Director of Public Health, who has been very busy indeed, extremely busy in the context
710 of COVID. She has not answered, with the greatest of respect to her, the question that I have asked, which is why this data has not been put in a tabulated form, as it always has been, for those missing years. If that is her answer, that is her answer and I respect it, but it is simply not good enough, in my view.

Just coming back to Question 664, the Minister has now said that the policy that is currently in place is COVIDFit. The Minister therefore has suggested that they will now promote policy for healthy living amongst young people moving forward. That is to say, then, of course, that there was no policy before COVIDFit – is that correct?

Hon. Miss S J Sacramento: No, Mr Speaker. Because of the impact of COVID on smokers, one of the strategies that was developed very much at the beginning was a specific COVIDFit strategy awareness campaign for smokers. So, the COVIDFit campaign is the general campaign that was revamped for COVID because of the risks that COVID exposed smokers to, but the GHA has always had a no-smoking campaign, and in fact, in addition to the campaign, the GHA has a very good smoking cessation programme. I have spoken to people who have engaged in the GHA's smoking
725 programme – and that is delivered at the PCC – and it is extremely successful. So, there has always been a generic no-smoking strategy. That strategy was heightened during COVID because it posed a greater risk. We are now looking at targeting it specifically towards younger people, so that is new, but the COVIDFit campaign, which is a generic no-smoking campaign and applies to everyone, not just young people, is very much ongoing and has been ongoing for almost a year. In
730 fact, I was listening to GBC radio the other day and the COVIDFit advert was on the radio – I heard it when I was in my car – so it is very much still being played. And Public Health and COVIDFit have

a social media presence, so changing the way that Public Health communicates and having a lot of posting on social media by its very nature will better reach younger people than other campaigns in the past.

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Hon. E J Phillips: Mr Speaker, just one further question in relation to this. Would the Minister commit to, or at least confirm that the Government is committed to publishing a combined or consolidated report covering those missing years in terms of data analysis? It seems to me that whilst I do not really have an answer for the missing years ... Will the Government now have a consolidated version covering those years, and obviously, post the pandemic, include further information about that?

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Hon. Miss S J Sacramento: Mr Speaker, that was, of course, very much planned. What we need to do is provide an annual snapshot. There are things that I need to discuss with the Director of Public Health and indeed the Minister for Public Health in relation to generally all the strategies, but this one in particular.

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If I can go back to the question the hon. Gentleman asked me earlier about smoking and youth, he will of course be aware that we also have introduced regulations banning smoking outside schools and banning smoking in parks. This is done not only for health reasons but also for awareness, so that children are not as readily exposed to people smoking as a normal thing. This is very much part of the awareness. As the hon. Gentleman knows, this is already in place and this is something that the Minister with responsibility for Public Health led on in the past.

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Mr Speaker: Next question.

Q667-68/2020
Nitrous oxide/hippy crack –
Use among young people

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Clerk: Question 667. The Hon. E J Phillips.

Hon. E J Phillips: Is the Government aware of the recent popularity and increased use of nitrous oxide, also known as hippy crack, amongst the younger members of our community?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 668.

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Clerk: Question 668. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what is the Government doing to counter the increased use of nitrous oxide, otherwise known as hippy crack?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the Government is aware of the use of nitrous oxide (NOS).

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As with other substances of this type, and which are known to be used by young people, the Government's Drug and Alcohol Service works with a whole host of agencies and authorities as part of the inter-agency approach to tackle the issue of drugs. The service is working closely with the Department of Education to provide schools with tailor-made drug-awareness presentations ranging from Year 4 up to Year 13, delivered in a way that is age appropriate, and also engaging with other key stakeholders such as the Royal Gibraltar Police. This will form part of the schools' yearly curriculum. Presentations to schools already commenced in January 2020. However, due to further lockdown and school closures, the programme was interrupted during this period.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer.

The genesis of this question relates to an exchange that I have had with the Hon. the Chief Minister, given a number of instances that I have encountered on my walks around Gibraltar when we have found numerous cylinders disposed of, together with plastic balloons. As the Minister will be aware, nitrous oxide is used in baking, creating a whipping cream for cakes. I know that the Government has introduced certain legislation around the import of this particular gas, but the Minister will understand, of course, that the use of this gas by predominantly young people ... The canisters themselves are secreted with a balloon and the individuals concerned inhale these noxious fumes. It goes into their lungs and affects their ability. It is often described as a 'legal high' in other jurisdictions.

When I engaged the public on social media about this question, because many people were approaching me about it, the response was actually fairly mixed. One was, 'Oh, Mr Phillips, stop being a killjoy,' and the other was saying this is absolutely something that the Government needs to deal with. Although there were mixed responses to it, I was given to understand that the Government may be looking at ways of potentially criminalising what has been described as a legal high, and I just wondered what the Government's attitude towards that is, given that this particular nitrous oxide has an impact on young people and developing children, on their brains and other parts of their body. So, I was wondering whether the Government is going to legislate in this area to protect young people from this very innocuous substance, because it is used for whipping, but clearly young people are getting hold of it and using it as part of their entertainment. There are split views on these types of subjects, but I would invite the Minister to comment on the Government's policy in relation to nitrous oxide and its use.

Hon. Miss S J Sacramento: Mr Speaker, so much for your ruling two days ago on supplementary questions being concise.

The question is, essentially, will the Government look into further steps in relation to this, and this is something that I have already discussed with the Commissioner of Police and with the Drugs Service professionals, so in answer to his question, yes, this has already been done. It is something that we are working on, and we are considering what the best solution is, because, as with all legal highs ... Legal highs is a very complex area of law because it shifts, and this is a legal high because it has another use, so we have to balance the risk of the necessity of its proper use with the risk to abuse. So, the answer to his question is yes and it has already commenced.

Hon. E J Phillips: Just a small point of order about supplementary questions. I think, in relation to this type of question, a particular context must be provided to this House because there may have been other questions in relation to this point. Not many people are aware of what hippy crack is, and I think it is important that the Parliament be aware of the overall context of this particular substance. I was trying to be helpful, that is all. I appreciate the direction that we need to keep them short, and I will try to do so.

Mr Speaker: That is fine.

Q669-70/2020
Health cards –
Renewals and waiting times

Clerk: Question 669. The Hon. E J Phillips.

830 **Hon. E J Phillips:** Mr Speaker, can the Government state how many applications for renewal of health cards it has received since January 2020 to date?

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

835 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 670.

Clerk: Question 670. The Hon. E J Phillips.

840 **Hon. E J Phillips:** Mr Speaker, can the Government state how many health cards have been renewed and issued between January 2020 and the date of this question, and confirm the average renewal waiting time?

845 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the number of applications for renewals received from January 2020 to February 2021 was 11,654.

850 A total of 12,803 cards were renewed during this period. The average waiting time for a renewal is currently two weeks.

855 **Hon. E J Phillips:** Mr Speaker, that does seem like a very significant number of renewal cards, particularly given the lifetime of these cards – as I understand it, three years. I will have to check the one I have in my wallet, but I think they are three years, the renewal periods, so it seems like a very significant number. I am not sure of the total number of people registered to receive medical care – I assume it is around the population size. *(Interjection)* It is more, okay, so it is around the 40,000-45,000 mark. I am shocked to see it is even more – maybe 50,000 or 60,000 people due to benefit from having a GHA card. It does seem like a very significant number for one year, and whilst I understand that there may have been a particular rush in this year to renew cards, because most people keep them in their wallets thinking, ‘Well, I can access healthcare and I do not really need to renew,’ – I know there have been numerous examples of that. Is that the reason for the very high numbers during the particularly awful year that we have all experienced?

865 **Hon. Miss S J Sacramento:** Indeed, Mr Speaker, this year has been an exceptional year, and one of the main drivers for people wanting to renew their cards has been Brexit.

870 A lot of people who, as the hon. Gentleman says, have had expired cards and really not been that worried about them have rushed the GHA to renew them. People may not have been aware that they had expired cards, and they may have needed them for their COVID swabbing or for their COVID vaccination. So, in an exercise, I think, for personal housekeeping, everyone has pretty much inundated the GHA’s registration office for the renewal of their cards, to the extent that we had a bit of a difficult period in processing all these renewals. But things were restructured and more resources were added, and I am glad to say that the turnaround now is much quicker.

875 There is now a target for renewals, and it is two weeks. I know that is being kept to, and I would like to take this opportunity to thank all the people who are processing all of these thousands of GHA cards. The demands placed on them have been considerable in the last few months, but they have been able to clear all the backlog and are now up to date.

Mr Speaker: Next question.

Q671-73/2020
GHA facilities –
Cleaning and maintenance services

880 **Clerk:** Question 671. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why Europort staff can be seen cleaning the Children's Health Centre?

885 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 672 and 673.
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Clerk: Question 672. The Hon. E J Phillips.

895 **Hon. E J Phillips:** Can the Government state what contractual arrangements are in place between Europort and the GHA/Government for the provision of cleaning or any other services, including maintenance, for the GHA?

Clerk: Question 673. The Hon. E J Phillips.

900 **Hon. E J Phillips:** Can the Government state the name of the company which has contracted with the GHA for the provision of cleaning/maintenance services for the GHA and the costs of that contract?

905 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, Europort staff can be seen cleaning the Children's Health Centre because it is important that it is clean.

910 In addition, Europort is currently engaged in providing cleaning services to offices of the GHA's IT department and maintenance to the Children's Health Centre.

Other than this, the GHA holds contracts for the provision of facilities management and maintenance services with Cardus Ltd in respect of St Bernard's Hospital catering facility, at a monthly cost of £3,500 and with EMM Ltd in respect of Ocean Views at a monthly cost of £15,000.
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Hon. E J Phillips: Can the Minister clarify the evidence that I have in relation to Europort, that a Europort employee with the name emboldened on the back, or embroidered on the back – I am not sure which Europort company it is – was seen cleaning, at a pertinent period, the Children's

Health Centre? It is great that it is kept clean – of course, we all want it to be – but my question is that there is clearly an attempt by the Government to move the maintenance and cleaning of its facilities outside the scope of the cleaning staff that are engaged by the GHA or the Government: is this an attempt to privatise cleaning services in the GHA?

Hon. Miss S J Sacramento: Mr Speaker, I am afraid that the hon. Gentleman's conspiracy theory is misconceived. The GHA cleaners, as I am sure he knows, clean the St Bernard's building. We recently opened the Children's Health Centre in another part of Europort, outside St Bernard's Hospital, so the Children's Health Centre is maintained by Europort because they own the building. At the time, it was agreed with the previous Minister and past management that this was the most viable option, as they have an in-house maintenance team and maintain the complex themselves, and they do not – this as the most important part – let outside contractors work on their systems. However, the GHA team maintain the dental equipment and the specialist drug fridges.

The bottom line is that this is a new facility in a different place, outside of St Bernard's Hospital, in a Europort building and subject to the Europort rules.

Hon. E J Phillips: Whilst I can understand that the Government is utilising the services of Europort employees to clean a particular facility which is run by the GHA, I just ask this question. There are certain standards in healthcare, in terms of cleaning, that have to be adhered to, and of course many of the GHA cleaning staff, whom we should take an opportunity, actually, to congratulate for the sterling work that they have done through the pandemic ... There are certain standards that they keep to for cleaning St Bernard's Hospital. How is the Government monitoring the standards of an external third party cleaning the children's clinic? How are they ensuring that those standards are met by this third party, who is clearly paid a fee for those services?

Hon. Miss S J Sacramento: Of course, Mr Speaker, in the same way that we pay a fee for anything that we engage, including the staff at the GHA, because we pay for them via their salaries. The way we check is, because the Children's Health Centre is used on a daily basis there will be GHA staff and GHA management attending the Children's Health Centre, so if something that a provider has been engaged to do is not done, they will automatically report it.

If level of service delivery does not meet the standard required, then the service provider will be held to account. It is very simple. They are engaged to clean, and if they do not clean, then it may have to be followed up. It is clearly monitored by the people who are there. The Children's Health Centre will have a management team on site and at work every day. If there is an issue, they will raise it.

Hon. E J Phillips: Can I just ask the Minister ...? I am not sure I picked it up properly, but insofar as the particular facility we are talking about, the Children's Health Centre, what are the specific costs of that process of cleaning it? That is what I asked, I think, in my question. The Hon. Minister referred to Cardus and EMM in respect of other facilities, £3,500 and £15,000 respectively, but not in relation to the Children's Health Centre. Perhaps the Minister could clarify that point.

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is right, I did not give him that figure. I apologise. I will find out what the figure is, and I will give it to him. I apologise. It is not in the answer. I think that those preparing the answer have got confused and just given the figures for the last question and not included the Children's Health Centre in the answer to that question, so I need to check that for the hon. Gentleman, and I will let him know as soon as I have the answer. I apologise to the hon. Gentleman. I did not spot that.

Hon. E J Phillips: Just to be absolutely clear, there is no policy of the Government to privatise cleaning services in relation to St Bernard's Hospital or any other GHA facility, for the ones that

970 have been identified as being the proper resource of GHA funds to deal with cleaning of other facilities?

Hon. Miss S J Sacramento: Mr Speaker, this is a new facility. There is no question of anything being privatised, because we cannot privatise something that did not exist before. I think the hon. Gentleman is confusing two different issues, but there is no question of privatising the cleaning in St Bernard's Hospital.

975 The Children's Health Centre is not St Bernard's Hospital and it is not something that has been privatised, it is something that has been outsourced because those are the requirements of the landlord of the building where the Health Centre finds itself.

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Mr Speaker: Next question.

Q674/2020

Primary Care and Children's Health Centres – Position re pending defects

Clerk: Question 674. The Hon. E J Phillips.

985 **Hon. E J Phillips:** Can the Government state the position in respect of pending defects in the works completed at the PCC and the Children's Health Centre?

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

990 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, there are no pending works in respect of the Children's Health Centre. Any defects that arose were referred to the contractor and repairs were made under the warranty.

995 The current defects in respect of the Primary Care Centre are already being addressed by the contractor, also under warranty.

1000 **Hon. E J Phillips:** Does the Minister have any information about the exact nature of the defects in the PCC that are being remedied? The second point I would like to ask is when those defects will be completed by the contractor.

Hon. Miss S J Sacramento: Mr Speaker, the main defects being addressed at the PCC include LED lighting replacement, toilet door locks, toilet drainage on the ground floor and rain water ingress from the glass atrium.

1005 Any defects are reported to Europort International Ltd and they are addressed by the main contractor, Casais. I know from a recent meeting that of course we want to ensure that these defects are all remedied as soon as possible.

Mr Speaker: Next question.

Q675-77/2020

**Medicines, pharmaceuticals and vaccines –
Procurement process; quality and safety controls re inspection**

Clerk: Question 675. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the process for the procurement by the GHA of medicines, pharmaceuticals and vaccines?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 676 and 677.

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Clerk: Question 676. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether it uses the services of intermediaries to procure medicines, pharmaceuticals and vaccines for the GHA; and, if so, who?

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Clerk: Question 677. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state what quality and safety controls are in place for the inspection of medicines, pharmaceuticals and vaccines for the GHA?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, all medicines, pharmaceuticals and vaccines are procured for the GHA by its Pharmacy department using the GHA's procurement programme.

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The GHA's Pharmacy department occasionally uses intermediaries – approved distributors and wholesalers – both in the UK and locally, to procure medicines and pharmaceuticals. These are Miller & Miller, Knox Pharmaceuticals, Celgene Ltd, Totty Pharmacy, Alexion UK, Grifols UK, Rovi Biotech Ltd, Giblon Ltd, Alfrend Swantex, Geratt Holdings, Meadow Laboratories Ltd and Clarity Pharma Ltd.

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The GHA Pharmacy department adheres to the Medicines and Healthcare Products Regulatory Agency (MHRA) guidance on Good Distribution Practice, which ensures safety and quality of medicines at point of receipt. The GHA also has a policy in place for the safe handling and storage of the medicines on wards and departments.

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Mr Speaker: Next question.

Q678/2020

**Vaccination uptake –
Statistical data held**

Clerk: Question 678. The Hon. E J Phillips.

1050 **Hon. E J Phillips:** Can the Government confirm what statistical data is held in relation to vaccination uptake in Gibraltar?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the GHA holds a record of all immunisations administered and those who have received them, for clinical safety reasons. The GHA also keeps a record of individually prescribed batch numbers.

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Mr Speaker: Next question.

Q679/2020

**St Bernard's Hospital canteen and kitchen –
Overall costs**

Clerk: Question 679. The Hon. E J Phillips.

1065 **Hon. E J Phillips:** Can the Government state the overall costs of the hospital canteen and kitchen based at St Bernard's Hospital?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, there is no cost to the GHA in respect of the canteen. In fact, because the running of it is outsourced, the GHA receives a rent.

In relation to the Hospital's catering department, which provides food to patients and other service users throughout Government, the average monthly cost is £174,000.

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Hon. E J Phillips: Therefore, insofar as the canteen itself is concerned, the Government has contracted with a third party to run the cafeteria, effectively – the Minister can confirm that that is right?

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Hon. Miss S J Sacramento: Yes, Mr Speaker. This was before my time, but I recall that it was a tender that was issued a while back, and the successful tenderer is running the canteen.

Hon. E J Phillips: Will the Minister disclose the name of that third party and the price of the contract?

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Hon. Miss S J Sacramento: Mr Speaker, I am afraid I have checked my supplementary notes and it is not information that I have, but it is information that I can get to the hon. Gentleman. I am sorry, I do not know because it is before my time. Had it been something I had been involved with, I would probably know the information, but I do not know the information. I will find out for the hon. Gentleman.

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Hon. E J Phillips: The reason why I ask that question is because it has been brought to my attention that the staff of the GHA go to the cafeteria, to obviously acquire the products that are being produced there – coffee, toast, or whatever it is; it is generally breakfast – and a very large

1095 book is placed in the cafeteria, where it is just signed off by a Government Department, and I understand that other Departments within the Europort facility are also using that cafeteria, but it is always signed off. That is why I am trying to understand how the contractual relationship works, because my understanding is that various individuals within the service simply order something and then sign a book with their name and the Department, and that is it, so there is no
1100 exchange of cash to the cafeteria by the individual concerned. Does the Minister know how this operates generally?

Hon. Miss S J Sacramento: No, Mr Speaker, I do not recognise what the hon. Gentleman is saying. I have been to the cafeteria, not often but I have ... In fact, it is closed. It may have reopened
1105 now, but it was closed for a long period because of COVID, so you could only go and get a takeaway; it could not be a cafeteria. But on the number of occasions that I have been to the cafeteria for lunch myself, I have ordered food in the same way as you do in any other cafeteria, and paid for it myself – with my own money, for the avoidance of doubt – and sat there and had lunch as you would in a normal lunch place.

1110 I have not noticed a book, so I honestly do not know what the hon. Gentleman is referring to. I have not seen a book. I was not looking for a book, so I may have missed it, but the cafeteria is not very big. You walk in, you order your food, you pay for it and you sit down or take away, as the case may be. *(Interjection)* I have not been there long, but I think there is only one canteen. Maybe the hon. Gentleman and I can have a separate conversation about this. As far as I am
1115 aware, it is a normal canteen: you go in, you order your food and you pay for it.

Mr Speaker: Next question.

Q680/2020
MRI scanning services –
Update re provider

Clerk: Question 680. The Hon. E J Phillips.

1120 **Hon. E J Phillips:** Mr Speaker, further to Question 224/2020, can the Government now update this House on who has been contracted to provide the MRI scanning services to the GHA?

Clerk: Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.
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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, as per the answer given to Question 224 on 19th May 2020, the answer remains the same.

1130 **Hon. E J Phillips:** Mr Speaker, as the Minister will be aware, the issue of the MRI scanning services to the GHA has evolved over time. Initially, there was announcement about 'bringing MRI services back home', I think was the description by the former Minister, the Minister's predecessor. That evolved into a different position where the Government was looking at a service provider in relation to the MRI scanner, rather than buying this quite expensive bit of kit to be
1135 installed within the Hospital. Then we learnt that the MRI scanner may well be located off site from the particular venue in the Hospital, and then we learnt that it may be incorporated within the Hospital with a team that would be outsourced.

I still remain unclear as to what the Government's view is in relation to the MRI scanner. Is a third party going to be contracted; and, if so, how much are they going to charge for that service?

1140 Quite clearly, as far as I understand the position, many thousands of MRI scanners go off to the hinterland in Spain, for which services are used from tertiary providers. I can understand the rationale for bringing home those services. It was originally the position that the Government would buy this piece of kit, as I said, but that has now somewhat changed to a different position whereby the Government now intends to contract with a third party for those specific services.

1145 If the Government could give the House a bit more of an update as to what the current position is and where this machine is going to be geographically located, and if the Minister can now actually confirm the name of the company it will be contracting, it would be helpful.

Hon. Miss S J Sacramento: Mr Speaker, the issue of repatriating the MRI service is an incredibly complex one. The hon. Gentleman is right, there was talk initially of purchasing an MRI scanner, but if a service for an MRI scanner is provided, it provides better value for money and reduces the liability for the upkeep and maintenance of the machine. So, the starting point is that we want to repatriate the MRI services but in the most cost-efficient, cost-effective way to the taxpayer, obviously maintaining standards.

1155 The latest progress in this respect is, I understand, that there are various companies that have given presentations to the GHA as part of the procurement process, so the procurement process kicks in and we will analyse which of these companies will provide the best value for money. But I can confirm to the hon. Gentleman that, as it stands at the moment, the GHA is going down the route of looking at a service level agreement with a provider of the technology, because that is felt to be the best, most effective, cost-efficient way forward for the GHA.

Hon. E J Phillips: Just one supplementary. I am grateful for the answer. The Minister has clearly identified that there are potentially various in the running. Can the Government confirm whether these are local enterprises or external companies pitching for this procurement job? I understand it is a very expensive bit of kit. It is something like £150,000, as far as I understand the position, for one of these machines – very expensive – if not more.

Mr Isola seems to know more about it. I wonder if he might want to help with the costings.

Hon. Miss S J Sacramento: He does not want to.

Hon. E J Phillips: Okay, he does not want to help; it was an invitation. Are these local enterprises or international companies that are pitching for it?

Hon. Miss S J Sacramento: Mr Speaker, I have not been involved in the detail, but I do not think that they are local companies; I think they are international established companies in this field. I am not sure, but I know that there was a meeting recently, only a few weeks ago, and I am waiting to be briefed on the update of that meeting. I stand to be corrected, but to the best of my knowledge, I do not think it is local companies.

1180 **Mr Speaker:** Next question.

Q681/2020
Health Service –
Plans for full restoration

Clerk: Question 681. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm that they will publish the current plans for the full restoration of the Health Service?

1185 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, the situation is currently reviewed on a weekly basis,
1190 and more often if required, by the GHA's Gold Command. Some services never ceased, despite the Hospital's alert status, cancer treatment being an example. Most services have already been restored, subject to conditions. Full services will be restored as soon as it is clinically safe to do so, with patients informed accordingly and public announcements made.

1195 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer.

The Minister is also referring to the road map that was set out in the Unlock the Rock document, which set out the stages in which our Health Service would eventually return to normal, and of course we went back into lockdown, so that framework, or that roadmap, effectively was put to one side in order to focus all of our efforts on the lockdown, the pandemic
1200 and the very sad loss of life during that period of time.

I would ask whether the Minister does have a replacement roadmap that can focus the mind on how we restore our Health Services moving forward. As the Minister will appreciate, COVID has presented significant difficulties for the delivery of care outside the COVID context, and genuinely people are concerned about missed appointments or delayed appointments and the
1205 natural impact that that will have on healthcare within our community. I think it is right that the Minister expand on her answer so that she can give assurance to members of our community that the delivery of care will now hopefully restore to the normal levels that we experienced pre COVID, so that regular appointments and check-ups to identify serious ailments and patient concerns can be tackled.

1210 Clearly, throughout the world, many Governments have experienced –

Mr Speaker: You are extending the patience of everybody. A preamble has to be shortish.

Hon. E J Phillips: I apologise for extending that. I am not too sure Mr Speaker can speak for
1215 everyone else, but obviously I understand I might be delving into your patience a little bit, Mr Speaker. But I will ask the question. I think the question has been asked as to the restoration of Health Services.

Hon. Miss S J Sacramento: Mr Speaker, I have in excess of 120 questions on today's Order
1220 Paper. If every supplementary question is going to take five minutes, we are going to be here until way past midnight.

In terms of what the hon. Gentleman has asked, of course the Hospital is mindful of the effect that COVID has had on the general public, and everyone is keen to restart the running of the Hospital as soon as possible.

1225 Mr Speaker will know that we are continuously making announcements as and when we trigger. We had announcements last week in relation to the opening up to visitors. We had announcements the week before in relation to our cancer services and encouraging people to come back to the GHA for their screening appointments, etc.

What I have done on this occasion is, at the senior management meeting last week I started a
1230 process and have put together a working group within the GHA to come up with a plan, which we have called Reset, Restart and Recover the GHA. The objective of this group is to look to see what we have learnt from COVID. Obviously, COVID has had a tremendous impact on the GHA and our clinical services, but we have also learnt some very good things from our adapted working practices. So, the objective of this group is to look at the good things that we can take out from
1235 our working practices in COVID and look to see how we can deliver our Health Services in Gibraltar

better in future, with a particular focus to use this as an opportunity to clearly restart and refocus our services and drive them in a more focused way for our community.

Mr Speaker: Next question.

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Q682/2020
GHA telephone service –
Redeployment of public servants

Clerk: Question 682. The Hon. E J Phillips.

1245 **Hon. E J Phillips:** Can the Government state why the GHA decided to return deployed public servants away from the telephone service?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, during lockdown, some public servants were deployed to the GHA to assist with the additional pressures as a result of COVID, including manning telephone services. As lockdown eased and they were needed in their departments, they were recalled accordingly. In some cases, the COVID demands had also eased, so they were no longer required. In other areas, those who were recalled because they were needed in their department of origin have been replaced by public servants.

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Hon. E J Phillips: Mr Speaker, whilst I can understand that it is a difficult issue managing the telephone lines because of the volume of calls that the Government is getting during this period, it is a complaint that keeps coming up on the radar, not only insofar as 111 but also vaccines as well. It is a regular occurrence. Has the Government investigated how it can make that process more efficient and looked at ways of doing things differently?

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Hon. Miss S J Sacramento: Mr Speaker, indeed, but the volume of calls that the GHA has received, in particular services ... The hon. Gentleman does not specify which telephone line he is referring to, but the GHA has multiple telephone services, the 111 and the vaccination centre being just two of many services. What we have done temporarily ... In fact, what happened was that the GHA, in order to set up these new additional services, used up all the phone lines that had been allocated to the GHA, so, to that extent, we had to procure mobile phones. The mobile phones were used to call out, so that it did not clog the lines and stop them from being able to ... for calls to be received because, they were used for outgoing calls. That was one of the things we did.

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In relation to the vaccination centre, I think there was a press release issued about three weeks ago to announce that we had added, I think, an additional six telephone lines, because of the traffic that we were experiencing, for people calling the 66966 number. But a lot of these procedures are also offered online, the vaccination being a perfect example. Everybody has the option of registering for an appointment for the vaccine online. These forms are regularly updated and regularly announced. We remind people to use that as a preferable option, because it is much easier for the GHA to receive an e-mail as soon as someone completes the form, and they will call them out. People prefer to use the telephone instead of taking advantage of the e-Government procedures that we are introducing, but we nevertheless have introduced them because the more people who rely on e-Government the fewer people rely on the phone lines, so the phone lines

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1285 are there for the people who cannot use e-Government. I think that is a mind change and a mindset that we still need to work on promoting, because people are still used to using the traditional ways.

Mr Speaker: Next question.

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Q683/2020
GHA telephone service –
Complaints

Clerk: Question 683. The Hon. E J Phillips.

1295 **Hon. E J Phillips:** Can the Government state what it is doing to reduce the significant level of complaints about the GHA telephone service?

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

1300 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, the Government has not received a significant level of complaints about the GHA telephone service. Some complaints have been received and they relate to the PCC.

1305 Assuming that this question relates to the PCC telephone service, the GHA introduced a second call centre on 10th July 2020, increasing the number of telephone lines at the PCC with an additional six officers answering calls. The GHA has also reintroduced the MyGHA automated appointments booking system for telephone consultations, to alleviate the pressure on the telephone lines.

1310 **Mr Speaker:** Next question.

Q684-87/2020
GHA appointments –
Face to face; open-ended; cancellations

Clerk: Question 684. The Hon. E J Phillips.

1315 **Hon. E J Phillips:** Can the Government state when it anticipates seeing the return of face-to-face appointments and the return of the established booking system?

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

1320 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 685, 686 and 687.

Clerk: Question 685. The Hon. E J Phillips.

1325 **Hon. E J Phillips:** Can the Government confirm whether it has considered moving to an open-ended appointment scheme for PCC appointments?

Clerk: Question 686. The Hon. E J Phillips.

1330 **Hon. E J Phillips:** Can the Government state how many PCC appointments have been cancelled over the last two months?

Clerk: Question 687. The Hon. E J Phillips.

1335 **Hon. E J Phillips:** Mr Speaker, can the Government state how many medical appointments with the GHA primary, secondary and tertiary care have been cancelled since January 2020 to present?

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

1340 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(**Hon. Miss S J Sacramento**): Mr Speaker, face-to-face appointments with GPs have never stopped, even during the peak of lock down. If, after a telephone consultation with a GP, it was felt that the patient needed to be seen face to face, this option was offered and the patient asked to attend
1345 the Primary Care Centre for an appointment.

Face-to-face appointments that could be booked by patients themselves were reintroduced on 20th July 2020. Patients are able to book these directly by calling the PCC on 200-52441. Furthermore, if a patient has booked a telephone consultation, and the GP feels that they need to be seen, this will be arranged directly by the GP.

1350 An open-ended appointment scheme is not a sustainable long-term operating model, and neither is it safe to have no limit on numbers of appointments available, as an open-ended appointment scheme increases risks to patients.

No PCC appointments have been cancelled. For various reasons, some appointments have had to be rescheduled for a different day.

1355 **Hon. E J Phillips:** Mr Speaker, I am not too sure I got an answer for Question 687 on primary, secondary or tertiary care for medical appointments. I think the Hon. Minister answered the PCC appointments, but not –

1360 **Mr Speaker:** It is on the reverse of the prepared answer.

Hon. Miss S J Sacramento: Thank you, Mr Speaker, yes, the hon. Gentleman is indeed right.

1365 In answer to Question 687, during the period from January 2020 to February 2021, the number of rescheduled appointments in GHA primary care is 42,505, the number of cancelled appointments in secondary care for the same period is 39,137, and there have been no cancellations for tertiary appointments in Spain or in the UK. All appointments have either been rescheduled or carried out as telephone consultations, where clinically appropriate.

Mr Speaker: Next question.

1370

Q688/2020
Cancelled surgeries –
Numbers since January 2020

Clerk: Question 688. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many elective and non-elective surgeries across the GHA have been cancelled each month from January 2020 to present?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, the total number of elective and non-elective surgery cancellations per month, since January 2020, are as follows: January 2020, 12 elective, one non-elective; February, 31 elective, zero non-elective; March, 78 elective, zero non-elective; April, 27 elective, one non-elective; May, six elective, zero non-elective; June, four elective, zero non-elective; July, 14 elective and two non-elective; August, nine elective, zero non-elective; September, four elective operations and zero non-elective; October, 14 elective and zero non-elective; November, 18 elective and one non-elective; December, 15 elective, one non-elective. For January 2021, there were 72 elective cancelled and no non-elective, and the same figure for February.

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Mr Speaker, I have to say that those numbers also include cancellations by patients.

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Hon. K Azopardi: Mr Speaker, does the Minister have any sort of information on the ...? They have been cancelled. Are there projected dates when these operations will be carried out?

Hon. Miss S J Sacramento: Yes, of course, Mr Speaker. There is currently an exercise that we commenced some three weeks ago in relation to surgery. Everybody is being contacted, re-assessed and evaluated for their surgical needs, and prioritised so that we can restart all pending surgeries as soon as possible – in fact, we have already started.

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Hon. K Azopardi: I mean on non-elective, in particular. At the end of the day, elective is what it is, so I guess there is less urgency, but in terms of non-elective can the Minister confirm that they are prioritising those non-electives and when those would commence? Or is the Minister saying the non-elective surgery has commenced?

1400

Hon. Miss S J Sacramento: Mr Speaker, in relation to the figures I have just given, since January 2020 there have been six non-elective surgeries that have been cancelled, so it is a very small number and we have already commenced the surgical waiting lists. If these people have not been contacted in the last couple of weeks already, they are about to be contacted.

1405

Mr Speaker: Next question.

Q689/2020
Trained CCU nurses –
Number currently available within Health Service

Clerk: Question 689. The Hon. E J Phillips.

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Hon. E J Phillips: Can the Government state the number of trained CCU nurses currently available within the Health Service?

1415 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, there are currently 42 trained CCU nurses in St Bernard's Hospital.
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Mr Speaker: Next question.

1425

Q690 and 726-32/2020
Elderly Residential Services –
Respirators and ventilators, members of staff testing positive, frequency of testing,
location of residents testing positive;
Mount Alvernia waiting list, number of residents, containment of outbreak to fourth floor,
number of resident deaths

Clerk: Question 690. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether any of the respirators or ventilators are permanently based at ERS locations in Gibraltar?
1430

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 726 to 732.
1435

Clerk: Question 726. The Hon. K Azopardi.

1440 **Hon. K Azopardi:** Mr Speaker, how many people were on the Care Agency waiting list for Mount Alvernia at 31st December 2020, broken down by location of applicant?

Can I say I tabled that question because that information was not available, but I think I noticed recently that the Government website was updated?

1445 **Clerk:** Question 727. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many residents were there at Mount Alvernia on 1st December 2020, 1st January 2021 and 1st February 2021?

1450 **Clerk:** Question 728. The Hon. K Azopardi.

Hon. K Azopardi: How many members of staff at ERS tested positive for COVID after 1st December 2020?

1455 **Clerk:** Question 729. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, were staff working at ERS tested for COVID on a daily basis from 1st December 2020 to 17th February 2021; and, if not, how frequently were they tested?

Clerk: Question 730. The Hon. K Azopardi.

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Hon. K Azopardi: What was the breakdown by ERS facility of location of the 131 residents who were COVID positive on 15th January 2021?

Clerk: Question 731. The Hon. K Azopardi.

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Hon. K Azopardi: Did the ERS initially seek to contain the December 2020/January 2021 COVID outbreak at Mount Alvernia to the fourth floor, and when did it spread to other floors at Mount Alvernia?

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Clerk: Question 732. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many residents of ERS died during the period January 2017 up to and including January 2021, with figures broken down by calendar month?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:

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(Hon. Miss S J Sacramento): Mr Speaker, there are no mechanical ventilators at any of the ERS facilities. However, the ERS does have non-invasive ventilators, namely four CPAPs and five Optiflows. Other than this, respirators such as oxygen, 100% oxygen masks and Venturi masks are permanently based at ERS sites.

There were 336 applicants on the ERS waiting list on 31st December 2020. The breakdown by location of these applicants is as follows: 310 were at home, 12 were in hospital and 14 were in Ocean Views.

1485

There were 119 residents at Mount Alvernia on 1st December, 124 on 1st January 2021, and 90 on 1st February 2021.

One hundred and forty eight ERS staff tested positive for COVID after 1st December.

Between 1st December 2020 and 17th December 2020, ERS staff were PCR swabbed twice a week, staff on shift patterns either three or four days weekly. Between 18th December 2020 and 28th December 2020, staff were tested on alternate days. As from 29th December 2020, staff are swabbed daily.

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Of the 131 ERS residents who were COVID positive on 15th January 2021, 105 were at Mount Alvernia, seven at the Jewish Home, 11 at Bella Vista and eight at the John Mackintosh Home.

1495

Initially, 16 isolation beds in the annex area of the 4th floor of Mount Alvernia were used to accommodate the COVID-positive cases. On 29th December 2020, positive COVID cases were identified among residents of the second and third floors. Those residents were then transferred to the fourth floor, which became a COVID ward on 31st December. Once all the beds on the fourth floor were occupied, the second floor was also converted to a COVID ward, on 4th January 2021. All residents deemed close contacts were transferred to the ground floor of Mount Alvernia. Positive cases were then identified amongst the residents of the first floor on 1st January 2021 and these were relocated to the COVID wards. This was the strategy agreed within the ERS contingency plans, the standard operational procedures with Public Health, Civil Contingency and the GHA.

1500

The numbers of ERS patients who sadly passed away between January 2017 and January 2021 are as follows. Mr Speaker, I apologise to the hon. Gentleman, I do not have a table, but perhaps I can pass him a copy of my answer so I do not have to read out all of these numbers.

1505

Answer to Q732/2020

Month Year	2017	2018	2019	2020	2021	Total
January	6	21	11	17	50	105
February	7	11	8	5	-	31
March	2	10	7	6	-	25
April	5	11	10	6	-	32
May	8	16	9	5	-	38
June	7	7	5	6	-	25
July	3	12	6	12	-	33
August	5	6	8	5	-	24
September	4	10	4	5	-	23
October	7	9	9	10	-	35
November	6	6	4	10	-	26
December	11	10	9	5	-	35
Total	71	129	90	92	50	432

Hon. K Azopardi: Mr Speaker, we have rolled up together quite a number of issues, but if I may, I will just ask a few questions.

1510 The Minister talks about the change in the COVID testing of staff at ERS. It goes from twice a week ... She gave a period between 1st December 2020 and 17th December 2020, so twice a week. Then, between 18th December 2020 and 28th December, alternate days, and then swabbed daily from 29th December. Can she explain the rationale for that, because of course 20th December was, I think, the day that the Government took the decision to close restaurants. It may have been
1515 the 18th. It was the Friday. I cannot remember if it was the 18th or the 20th, but on that Friday. By then, it had become obvious that the COVID cases were exponential enough for the Government to take the decision that it needed to close restaurants in a bid to shut down the virus or minimise it as much as possible. At that stage, at ERS you were still swabbing twice a week, and then it only changes to alternate days. So, why not, at that stage, a system of daily testing of
1520 staff?

Hon. Miss S J Sacramento: Mr Speaker, this was the strategy that was directed on Public Health advice. It is a combination because we have to read them together in relation to the swabbing and the testing, but what is clear is that the plan was very fluid, and as soon as the numbers of positive
1525 cases in the community and in Mount Alvernia escalated, the frequency of the testing and the swabbing was also increased accordingly, to the extent that it rose to happening on a daily basis, and in fact continues to happen on a daily basis, for now, on a precautionary basis. No, sorry, Mr Speaker, they are swabbed on alternate days at the moment.

1530 **Hon. K Azopardi:** Mr Speaker, can the Minister remind us ...? I am sure it may have been out in the public domain with all the statistics that came out, but the first ERS case – and this was second wave – was when?

1535 **Hon. Miss S J Sacramento:** Mr Speaker, I am afraid I cannot give the hon. Gentleman the exact date. I have so much COVID data in my mind that it gets very confusing and I am loth to give the wrong answer.

1540 **Hon. K Azopardi:** Mr Speaker, in any event, we are talking about Mount Alvernia, which I think the Minister said had 119 residents on 1st December and 124 on 1st January, so we are talking about 120-odd people based on different floors, and there was an attempt initially to contain it to the fourth floor. Can she illuminate us a bit on what kind of precautions were taken when there

was a management decision to contain it to the fourth floor, the COVID outbreak? What precautions were taken in relation to spread? She indicated in her answer that there was then a subsequent spread to the second and third floors by around 29th December, then they tried to put them back on to the fourth floor, as the COVID ward, but what kind of precautions had been taken before the spread?

Hon. Miss S J Sacramento: Mr Speaker, all possible precautions were taken, from the very frequent swabbing and COVID testing to always the use of PPE.

The hon. Gentleman will recall that there was a lockdown at Mount Alvernia, so there were no visitors and no personnel who was not an employee of Mount Alvernia. Throughout the lockdown, Mount Alvernia has also been segregated into bubbles to try and minimise cross-infection. The bubbles extended to everyone, the residents and the staff, and that was not only contained within the floors of Mount Alvernia but also within sections of Mount Alvernia. The hon. Gentleman will recall that Mount Alvernia is a sort of an L-shape on some floors, but the floors themselves were sectioned off into bubbles, so that residents and staff were not mixed.

As you see, I think every single possible precaution to contain the spread of the virus in Mount Alvernia was taken, but the prevalence of the virus in Mount Alvernia was reflective of the prevalence of the virus in the community, and that is essentially why we had such a high number of positive cases in Mount Alvernia. I recall Mount Alvernia management were in contact and taking Public Health advice, as well as advice from the Contact Tracing Bureau specifically, as to how to configure Mount Alvernia and its staff as and when more positive cases were identified. Initially the one floor was allocated to become the positive ward, so everyone who was positive was on that ward, but it got to the stage where there were so many positive cases that an area was allocated for those who were not positive, because it was easier to contain them that way, but always assuming that they were close contacts and that it was very likely that they would become positive at some point. So, it was kind of contact tracing in reverse. As soon as everything started to escalate, Mount Alvernia immediately went into lockdown, and the hon. Gentleman will recall that this was at the time when the GSD were saying that visitors should be able to visit Mount Alvernia. It all happened very quickly. Mount Alvernia just triggered its civil contingency plans and they were reviewed on a daily basis, always in consultation with Public Health advice.

Hon. K Azopardi: I am loth to correct the hon. Lady, but I think she is wrong that this was at the time when the GSD was saying that ... I think the hon. Lady is wrong about that. What I had discussed with the Chief Minister was representations that had been made to me before the renewed opening of Mount Alvernia – it must have been around November, the representations that it should reopen for visits then it opened for a short period, but we were certainly not saying in December that there should be an opening at the time of the prevalence of cases.

Can I ask the Minister: given that there was an attempt at containment of the cases at Mount Alvernia for a period, why was there not an attempt to decant cases to, say, the Nightingale facility, to maximise the chances of segregation of people who were not COVID positive?

Chief Minister (Hon. F R Picardo): Mr Speaker, I answered exactly that question from him at the time when I made one of the statements on COVID in the House. He asked me for clarification on exactly that point. I said that the advice we had was also that moving people from Mount Alvernia, in particular those with Alzheimer's or dementia, is not in the interests of their long-term care and a balance was being done, by those who are responsible for the care of our elderly loved ones at Mount Alvernia and in the other facilities, as to whether it was safer to move them out with all of the consequences that that might have for somebody who is suffering from Alzheimer's or dementia, or to keep them in the segregated way they were being kept in Mount Alvernia. The advice was – or the view was, because it was not advice for Ministers to take a decision; this was a medical decision that was made by medical professionals and it was made with the support of Ministers – that the safest course was for people to stay in Mount Alvernia or in the other ERS

1595 facilities. If the hon. Member looks back, that is what I said at the time when he asked me that question.

Hon. K Azopardi: Mr Speaker, I cannot not recall asking the question, but I am grateful for the answer.

1600 The hon. Lady says that 148 ERS staff tested positive for COVID after 1st December. That is from a total of what?

Hon. Miss S J Sacramento: Mr Speaker, I am afraid I do not have that figure.

Hon. K Azopardi: It looks like quite a big figure. That is a lot of people testing positive.

1605 Can she perhaps explain to us in a bit more detail the swabbing procedure that was followed, as she explained, twice a week, alternate days and then daily? How does it work? The staff were swabbed where? At ERS in an external facility? If they were swabbed, did they have to wait somewhere until the results of the swab? Presumably they did not get on with their duties while they were doing stuff.

1610 **Hon. Miss S J Sacramento:** Mr Speaker, swabbing at Mount Alvernia and all ERS sites is undertaken on site because ERS has its own dedicated swabbing team for infection control purposes.

1615 We have to be mindful as well that the frequency of the swabbing was extremely high. Swabbing goes hand in hand with the wearing of PPE. There is a schedule for how staff are swabbed. Staff are swabbed at work on their shift, and staff are also swabbed when they are not at work, because of the rota that you have in Mount Alvernia.

1620 We have to remember that this is screening swabbing; it is not swabbing because people have symptoms. There are two types of people who have the COVID virus, symptomatic people and people who are not symptomatic. If you are symptomatic, we go down the 111 route, you do not go to work and you are swabbed to see if you are positive. The other swabbing is for asymptomatic people, and that is done on a daily basis, pretty much, but it is almost the same procedure that we have in the GHA. For example, in the GHA, if you work in a non-clinical-facing department you are required to be screened, so you are swabbed as part of the screening programme –
1625 notwithstanding that you have had your vaccines – on a weekly basis. For example, yesterday was my turn, so I went to the swabbing thing, I was swabbed, I went to my office and eventually I got a negative result, but I carried on at work because this is asymptomatic screening swabbing.

1630 **Hon. K Azopardi:** That is interesting. Is the Minister saying that the asymptomatic swabbing was that you tested the staff member but they then got on with their role, so they would then have interaction with the ERS residents and later in the day they would get the result, and some of them would be positive? Is that what was happening?

1635 **Hon. Miss S J Sacramento:** In some circumstances yes, and in some circumstances no, depending on the shift pattern, but the staff were always working with PPE and were mindful of that. In most cases, because the swabbing is undertaken in house, the result comes very quickly.

1640 There are two types of swabbing at ERS. There is the PCR test, which is the one that most of us have had. It is the high-sensitivity swab. It is taken to the Public Health lab and the turnaround for that ... ERS swabbing is expedited, so, essentially, the minute the swabs are collected ... The swabs are done first thing in the morning, they are taken by a messenger to the lab, and as soon as the ERS swabs arrive at the lab they are put through the machine, and, very shortly after, the tests arrive.

In addition to that, there are also the daily lateral flow tests that are undertaken before you go in. That is the one where you get your test within half an hour. So, there are three barriers for the

1645 surveillance. Remember that this is surveillance. This is the screening that is undertaken as a precaution, and in an abundance of caution, in case staff are positive but not showing symptoms.

When you reach Mount Alvernia, you do your lateral flow test, and that is the pregnancy-test style of test where you do not need to send it to a lab and where you will have your result within 30 minutes. In addition to that, you have the screening process and the high-sensitivity PCR test that is done on a less frequent basis. And then, all the time, anyway, you are wearing your PPE.

Hon. K Azopardi: I understand all those layers of control, but isn't it quite extraordinary, at the height of this virulent explosion of cases in December-January ...? The Minister put it in terms of all those controls in case they get it, but the reality is that a high proportion of staff members were getting it. My hon. colleague has kindly pointed out that in the Budget Book there is a figure of 260 ERS, so we are talking about more than maybe 55% of people, if that is the sort of complement that we are talking about.

Isn't that a fairly extraordinary kind of practice, given that, at the time, the public health message given by the Government was let's try to bringing this virus down? The virus was everywhere. ERS staff were obviously leaving to go home and would have interaction with the public in a way that residents would not, and there was a greater likelihood that they would bring the virus in. Wasn't that the time to have greater controls in terms of daily swabbing, plus also telling staff that perhaps they needed to wait until the result before they got on with their duties?

Hon. Miss S J Sacramento: Mr Speaker, this was the Public Health advice at the time, and this was what was deemed to be safe at the time.

In terms of the staff – and I am grateful to the hon. Gentleman for checking the number in the establishment, but throughout the COVID period we have also supplemented the staff at ERS, and indeed the Hospital, and there have been a lot of supernumerary staff in this period to be able to cover all the sickness absences. Otherwise, if we were down by such a huge amount of staff, it would have been impossible to run the home and run the facility.

Hon. K Azopardi: I certainly appreciate the difficulties. I do not underestimate the difficulties of the management of the whole situation. I think the hon. Lady said, in answer to a previous question, that what happened at ERS was in accordance with the prevailing situation of the virus, but I would put it more highly than that, because actually it was an environment where there were simply vulnerable and elderly people. It is a backdrop that is much more absorbent of the worst effects of the virus and therefore the precautions need to be higher.

I think a lot of the precautions that the hon. Member has highlighted today were well taken, but I am questioning that, on reflection, on looking at the analysis that the hon. Member has made and explained to us, against the backdrop that several measures were being taken in the wider public out there, it seems to me that the swabbing part of it may have been a deficiency, and is that not something that the public health authorities need to look at?

Hon. Miss S J Sacramento: Mr Speaker, I cannot agree with the hon. Gentleman because ERS and the ERS facilities demonstrated the strictest regimes in relation to swabbing, testing and all of the possible precautions that were undertaken. I dare say that we would be hard pressed to find this kind of situation in other counties, because we went, I think, at this time, over and above in relation to the safety precautions that had to be undertaken at Mount Alvernia.

The hon. Gentleman also has to remember that when we look back ... He is asking us to look back and look at it with hindsight, and I want to remind the hon. Gentleman that he is the one who always says that we never read history backwards. Of course, hindsight is a wonderful thing, but putting it into context, we have to remember that the escalation of the positive cases back in December happened very quickly. Within a couple of days we had the positive cases increasing at a very rapid rate, so we were keeping up with monitoring the cases and keeping up with

developments as and when they were happening, to make sure that we had the safest and most stringent possible precautions in place in Mount Alvernia.

Hon. K Azopardi: Mr Speaker –

Mr Speaker: This is the eighth question.

Hon. K Azopardi: Is it? I have not been tallying. I am glad Mr Speaker is taking a count. *(Interjection and laughter)* I only have two questions, Mr Speaker, if I may.

Hon. A J Isola: Yes, you repeat them many times.

Hon. K Azopardi: Well, only so that you are listening well.

Mr Speaker, some of the residents' families who have spoken to me about this ... I think one of the things they feel aggrieved about is that at the height of when all of this was happening, apart from the communication issues that some of them were having, they felt that the families were almost being marked as ... the virus was brought in by family members. But hearing the Minister, does the Minister accept that the virus, at that time, was likely brought in by ERS staff?

Hon. Miss S J Sacramento: Mr Speaker, I do not know which of the parts of that to start with. He says that there were aggrieved family members because there was a lack of communication. What I can tell the hon. Gentleman is that, at that time, all of the staff, the management staff and the staff on the shop floor at Mount Alvernia, were doing everything possible to care for the residents and to keep the virus out.

At times when you are down on staff, there sometimes are not enough hours in the day to have the live video calls between the residents and their families, however much the staff would have wanted to have done that, but the staff were more engaged in prioritising the clinical side of keeping as many people as safe as possible within Mount Alvernia. I cannot praise enough the dedication of the staff at Mount Alvernia, particularly in December, when this was happening and everybody was doing their best to keep it out.

As I recall, when it came to the contact tracing of the initial positive cases in Mount Alvernia, at the time ... Mr Speaker, I deal with a lot of data in relation to COVID, so I may easily have been mistaken, but, as I recall, the first two positive cases from Mount Alvernia were attributed to a family member who was visiting, and another one was attributed to a member of staff.

But I have to remind the hon. Gentleman of the extra layer of precaution that was introduced in December. I said earlier that we introduced the lateral flow tests. I get confused because we have different types of tests, but in December we introduced the antigen test as an additional barrier to the virus entering, and that was done on a daily basis before they went in, so that was the first barrier that we had, and that is, I think, a very important precaution that we introduced then.

Hon. K Azopardi: Mr Speaker, on this side of the House we entirely appreciate the difficulty and how appalling it must have been for staff in managing a situation which was never encountered before, and certainly staff members have our support, appreciation and gratitude too. But I think the last 12 months have at least shown us that the unforeseeable, or what we thought was unforeseeable, can happen. So, what lessons does the Government think it has learnt as a result of that experience, were something like that to happen again?

Hon. Chief Minister: Mr Speaker, many and myriad, like governments around the world and like people around the world. I do not think it is only governments that have been surprised by the effects of the pandemic; I think the whole planetary population has been affected by the pandemic. These are the lessons that it is hugely important that we learn, so that ... I think it is

more likely *when* rather than *if* a pandemic hits again. I hope many decades, if not centuries from now, those lessons are properly recorded and the same mistakes are not made again.

1750 I think the inquiry that is going to be on foot is the place to record those lessons. I hope that all Members will co-operate with that inquiry and that the inquiry will be able to call for evidence widely, not just in the ministerial team and the people most involved in advising the respective Ministers for Health and Public Health, but in the community generally. I think this will be an important learning exercise and an exercise in leaving behind those lessons for the future, and
1755 also the things that have been done right.

I think one of the things to also realise is that we learnt lessons from the last pandemic. There was a good record of what happened during the first and second waves of the Spanish flu in late 1918 and 1919, but there just needs to be a better record now, preserved for posterity. Those will be key issues in the future.

1760 The way the vaccination programme has been rolled out in such a short period probably will be something that will be looked at as very long period, and as we have learnt more about non-viral messenger DNA and all the rest of it, it may be possible to develop vaccines even more quickly and to control pandemics even more quickly.

1765 But the lessons cannot be written down – as I put it to the Hon. the Leader of the Opposition he is suggesting that we do – on the back of a fag packet. These are things that need to be looked at very carefully and in the context of that inquiry, so that we do not make mistakes, even in the context of what we think the lessons that we have learnt might be.

1770 **Mr Speaker:** The Hon. Marlene Hassan Nahon. (*Interjection by Hon. E J Phillips*) I beg your pardon. You may rise and ask the supplementary.

1775 **Hon. E J Phillips:** Mr Speaker, in relation to Question 690, I wonder whether the Hon. the Minister for Health would have the answer to this question: as a result of the lack of mechanical ventilation that she alluded to in the answer to the question, does the Government know the numbers of people in ERS facilities that were transferred to St Bernard's Hospital for mechanical ventilation, given the lack of support available at those facilities?

1780 **Hon. Miss S J Sacramento:** Mr Speaker, if I can just clarify, it is not a lack of mechanical ventilation at ERS; it is that this type of ventilation is offered at a CCU because people need to be, obviously, intubated and sedated. It is not that the ERS is short of these kinds of ventilators; it is that it is not the kind of staff or place where these kind of ventilators are found, nor is that treatment delivered.

1785 There were a number of ERS residents who were transferred to the CCU, but off the top of my head I cannot give the hon. Member the figure.

Mr Speaker: The Hon. Marlene Hassan Nahon.

1790 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I just wanted to pick up on something that the Chief Minister said, and ask a question based on his comment that moving people, especially frail and elderly people, was not in their interests, but we also have been arguing for the last year that the cognitive decline as a result of the measures needed to be taken to keep them safe ... One could argue, and families argue that they are not in the interests of their well-being, but what we want to do is keep them alive. So, given the high death toll – because it is a high death toll – in the ERS, and when we reflect on the reality that we did turn a care home into a hospital to try and serve
1795 both purposes, is it not fair to assume, considering the death toll, that it did not serve its purpose on either front, especially when we spent so much money on a facility like the Nightingale, which remained empty?

Hon. Chief Minister: Mr Speaker, I think the hon. Lady is enquiring, not accusing, and I am going to take her question in that way.

The Nightingale facility is what you might call a bare-bones bed, oxygen and food facility. It is no more than that. Nightingale facilities are usually just places where nurses would be ensuring that individuals who are there, in their care, have the hydration that they need and are properly fed, and doing little more than that – and checking vital signs in case they then need to be moved to hospital care. So, although ‘Nightingale’ carries the word ‘ward’ after its name, it is not a hospital ward.

We were advised from the beginning that we would put people in the Nightingale hospital who were what you might call the walking wounded. In other words, people who were mobile, people who needed to be under observation if we had huge numbers of people who were on the cusp of needing hospital care and we needed to move them from home because there might be issues in the home where they might infect others, etc. That is what Nightingale was for.

Having seen the magnificent work that is done by our people in the elderly residential facilities of the Government, the ERS facilities are much more than a place where hydration is assured of what you might call the walking wounded. This is a facility where, as the hon. Lady will have seen, we have people who are really looking after the residents, who need much more than just hydration. They really do need care. They need care with their personal hygiene, they need care with their cognitive skills and they need physiotherapy, all of the things that we know are done so effectively in ERS.

Those gerontologists who advise the Government took the view – rightly, in the view of the Government, but it was their view – that it was safer and better for those geriatric cases to remain in those facilities where they were able to get exactly that care, which is in addition to the care that they would have needed as COVID patients, and so segregation was the key element.

I recall the hon. Lady spending many a sleepless night in the early days of the pandemic, when she was not Minister for Health, delivering for us, as Minister for Housing in those days, a move of individuals who held residential facilities in Mount Alvernia, so that the Cottage – if I remember what it is called – could be turned into an isolation facility in the Mount Alvernia grounds, so that people who were suffering from Alzheimer’s or dementia, or were residents otherwise of ERS at Mount Alvernia, could be taken into the isolation facility at the Cottage and stay within their environment and with the nurses they knew, etc.

The advice we have is that it would be very traumatic to move patients with Alzheimer’s and dementia in particular, and in fact it was put very starkly to me by one of the doctors, who said to me, ‘If we move them, we may as well kill them.’ That is the sort of stark advice that we were receiving about why decisions were being made. Remember that, here, a Minister is not a decision maker; a Minister as a facilitator. You are facilitating that the doctors can have what they need, and if they tell you that they need an isolation facility in the infrastructure of the ERS, that is what you move to provide because they tell you things that stark, and that is what you act upon.

And so the hon. Lady can rest assured that these decisions were made in good faith, on the basis of the advice that we had, and that advice was designed to reduce the number of casualties that we might have, cognisant of the fact that COVID could get into the rest of the facilities, as they did, despite the very best efforts of all of the professionals involved in providing care at ERS.

I must say the care that the carers have for their charges, the way that they ensured that they were in maximum PPE all of the time – not to protect themselves from their charges but to protect their charges from them – was really quite remarkable. The hon. Lady may recall seeing a photograph of one of them and how they carried the wounds about their bodies and faces – and they still do, because this is not over in those facilities – so that the maximum protection was afforded to those who were still in their care.

But the Nightingale facility was entirely outside of where it was advisable that we should move residents of ERS.

Hon. Ms M D Hassan Nahon: Just one more, Mr Speaker?

Mr Speaker: One very short question.

Hon. Ms M D Hassan Nahon: Mr Speaker, following on from the Chief Minister's logic – I appreciate his report – there were patients/residents moved from ... I do not know if it was just the Jewish Home or the John Mackintosh Wing in general to Mount Alvernia. They were moved, and some of them did die. So, following on from his logic, why were some ERS residents moved from one location to another following subsequent deaths?

Hon. Chief Minister: Mr Speaker, I follow on the hon. Lady's logic: they were not moved to a field hospital, they were moved to an ERS facility where they had all those facilities.

I am not able to answer her question in the context of whether those who were moved from the Jewish Home were people who had dementia or Alzheimer's, or whether they were simply people who were elderly residential services residents who did not suffer from Alzheimer's or dementia. That is something on which I would have to take specific advice if she asked the question, and at what stage the Alzheimer's and dementia might be. All of those are the issues that the doctors would have taken into consideration when making those decisions.

As I understand it, those sad deaths that we did have had arisen from COVID, they did not arise from other reasons, and if they did arise from other reasons they may be reasons that might have manifest anyway. They may not have been deaths which might have arisen in the context of the advice that we were given by the doctors, which was that moving them could give rise to the death that might come for reasons related to what the doctors tell us are the events that might afflict an Alzheimer's or dementia patient who is moved in the way that we were advised should not be the case.

I just want to be clear, Mr Speaker, that what is being questioned here ... I say 'questioned' not in an aggressive term. What we are inquiring into in the context of these questions are not ministerial decisions, they are medical decisions because what Ministers did in this context was facilitate what the clinicians were telling us they needed.

Mr Speaker: Next question.

Hon. Miss S J Sacramento: To clarify a supplementary question that Mr Phillips asked earlier in relation to any ERS resident sent to CCU for mechanical ventilation, the answer is none, on the advice of the doctors that they were not suitable candidates for this type of invasive ventilation.

Of course, when doctors take these decisions they have to follow the NICE guidelines. I recall that residents were sent to CCU, but they were sent to CCU for CPAP ventilation, not for the intubated mechanical ventilation, on the basis of the clinical advice. I hope that clarifies the question.

Mr Speaker: Next question.

Q691/2020

COVID vaccinations by age group – Question withdrawn

Clerk: Question 691. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, I appreciate that this question is now redundant, largely for very good reasons, namely that in our community the adult population has been vaccinated against COVID, and of course remarks in another place, in the United Kingdom, by the Secretary of State,

1895 no less, confirming what we all know to be true and gladly welcome, the vaccination of our community. But I will read the question for –

Mr Speaker: Do you want to withdraw the question?

1900 **Hon. E J Phillips:** I am quite happy to. Based on the fact that, quite clearly, we have achieved a huge milestone, and in the face of being congratulated by another place, by the Secretary of State for Health in that jurisdiction, Mr Speaker, there is no real reason to ask that particular question now.

1905 **Mr Speaker:** Question 691 is withdrawn.

Chief Minister (Hon. F R Picardo): Can I just clarify that what I said in this House was that Gibraltar will be the first country to have a fully vaccinated population? I think we are hours away now – not that we had, but we are hours away.

1910 **Mr Speaker:** Next question.

Q692/2020
COVID vaccinations by priority group –
Question withdrawn

1915 **Clerk:** Question 692. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, we will withdraw that question as well.

Mr Speaker: Next question.

Q693-95 and Q743-45/2020
COVID vaccinations –
First dose for frontline food workers, private dental practice workers and returning students;
training for vaccinators; plans to use vaccines other than Pfizer; sourcing of vaccines

1920 **Clerk:** Question 693. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state when supermarket workers and others in the food industry in a front line public role will receive the first dose of the Pfizer vaccine?

1925 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(**Hon. Miss S J Sacramento**): Mr Speaker, I will answer this question together with Questions 694 and 695, and 743 to 745.

1930 **Clerk:** Question 694. The Hon. E J Phillips.

1935 **Hon. E J Phillips:** Mr Speaker, can the Government state why a number of people working in dental private practice who are currently carrying out or involved in supporting dental procedures have not been offered vaccines as of the date of this question, despite falling into category 3 of the GHA published priority list?

1940 **Clerk:** Question 695. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what training programme was made available to those involved in the administration of the vaccine?

1945 **Clerk:** Question 743. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government expect to use any licensed COVID-19 vaccine that becomes available?

1950 **Clerk:** Question 744. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, is the Government sourcing the COVID-19 vaccine only from or via the UK government?

1955 **Clerk:** Question 745. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, given the limited shelf life of the COVID Pfizer vaccine, how and when will the GHA offer the COVID vaccine to university students who return to Gibraltar at Easter or in the summer?

1960 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

1965 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, in answer to Question 693, over 90% of supermarket and other food industry workers have already received their first dose of the vaccine.

In answer to Question 694, clinicians working in frontline dental services have been offered the vaccine. A small number of appointments for people in this group had to be delayed, as individuals cannot be vaccinated until at least 28 days after a positive COVID test, and also cannot be vaccinated while isolating as a result of being a close contact. If any frontline healthcare professionals who are in active clinical practice have not yet been vaccinated or received a date for the vaccination, they should contact the vaccination team at the GHA, who will expedite this.

1970 A variety of training was undertaken by those involved in the administering of the vaccine. The amount of training given depended on the existing skills and experience of the vaccinators. Training delivered has included assessment against the e-learning for health, COVID vaccination competencies, and specific training sessions for vaccinators at the two vaccination centres before opening, including dry runs. For the final-year student nurses, bespoke training directly supervised by clinical tutors was provided until their competency had been signed off. The practice development nurse also provided training sessions in anaphylaxis awareness and response for vaccinators. Clinical supervision of all vaccinators is in place on all sides by senior nurses.

1975 In answer to Question 743, this is a rapidly moving area. The UK government has provided stocks of its Pfizer vaccine supply, together with support materials needed to administer them. These began arriving on 9th January 2021 and the first doses were administered on 10th January, as has been widely publicised. The Pfizer supplied vaccine requires an ultra-cold chain, and we believe that Gibraltar, and the GHA, has demonstrated that it is able to work within these arrangements. The UK government, through Public Health England, sent the next batch of the

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same vaccine in the last week of January, and then every two weeks thereafter. The other vaccine that is currently available is the one produced by AstraZeneca and is likely to go to those Overseas Territories that are not able to maintain the ultra-cold chain due to the logistical challenges – for example, extreme distance or poor transport links. It is unlikely that the UK government will provide supplies of any other type of vaccine any time soon.

In answer to Question 744, the UK government has kindly offered to extend its supply of vaccines to cover the Crown Dependencies and the UK Overseas Territories. These are being provided free of charge, along with support materials such as syringes and needles.

In answer to Question 745, university students in Gibraltar have now received their first dose of vaccine, and those students currently away from home will be offered the vaccine when they return home for Easter.

Hon. K Azopardi: Just on the last one, if I may, they will be offered the Pfizer vaccine at Easter, so there is a presupposition ... Given that the Pfizer vaccine has a short shelf life, the Minister is confident, therefore, that we will have Pfizer vaccine in Gibraltar at Easter time to allow the delivery of vaccines to students returning, the first vaccine? For those students who have not had the vaccine at all and are returning and getting it for the first time, I think there needs to be a maximum of 12 weeks between vaccines. Again asking the same question, so that I do not have to get up again, is the Minister confident that 12 weeks later, in June or July, there will be Pfizer vaccine available in Gibraltar; and, assuming that a student is receiving the vaccine for the first time in the summer, that there will be COVID vaccine later in the summer, in September, for them to receive the second one?

Hon. Miss S J Sacramento: Yes, Mr Speaker, all of these eventualities have been factored in by the Vaccination Committee and we have already earmarked a batch of the current vaccine that we have, in expectation of the students who are returning. We are also mindful that not all will be able to have the second vaccine during that period, so we already have the vaccine that we have in place here. I am not sure what the expiry date is. I asked when we received the last consignment, but I did not ask when we received the current consignment, but in any event, because it is planned for, the arrangements have already been made.

I think the plan is that we will always have a stock of the Pfizer vaccine. Obviously, because we are reaching the end of our programme, we do not need to receive the Pfizer vaccine in the huge doses that we are receiving, but we do know that there are people who may wish to avail themselves of the offer of the Pfizer vaccine who are not in Gibraltar at the moment. All of these things are in hand and we are very much in control of future planning as well.

Thank you.

Mr Speaker: Next question.

Q696/2020

Prof. Derek Burke –

Receipt of letter from a number of doctors re loss of confidence

Clerk: Question 696. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that it has received a letter from a large number of doctors stating that they have lost confidence in Prof. Derek Burke?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, yes.

2035 **Hon. E J Phillips:** Can the Minister disclose the nature of the loss of confidence that the large number of doctors had in this very senior position within the structure?

2040 **Hon. Miss S J Sacramento:** Mr Speaker, we have never discussed any particular case or the details of a particular case across the floor of the House. I am happy to have a conversation with the hon. Gentleman behind the Speaker's Chair.

Hon. E J Phillips: I am grateful for that offer, but I would just ask this question before we engage in that conversation: does the Government share the concerns made by large numbers of doctors?

2045 **Hon. Miss S J Sacramento:** Mr Speaker, given what I have just said, I find that supplementary question quite incredible. I will be making no further comment on any particular matter of this nature.

Mr Speaker: Next question.

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Q697/2020

Director of Public Health's tweet re donation of travel certificates – Background

Clerk: Question 697. The Hon. E J Phillips.

2055 **Hon. E J Phillips:** Now for another incredible question: can the Government state the background for the Director of Public Health's tweet in which he appears to donate travel certificates in the value of £40,000 from his 'office' to the GHA?

2060 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, this question refers to a tweet that Dr Bhatti made from his personal Twitter account, and as such was not an official communication.

2065 The information contained in the tweet was not correct. All official communications from the Government are generated through press releases or any other announcements made through the Press Office.

2070 **Hon. E J Phillips:** Mr Speaker, this is obviously one of a number of tweets that individuals have put out on social media, but there is a clear reference by the Director of Public Health to travel certificates in the value of £40,000 that he considers to be from his office, which I assume means the public's money, effectively the taxpayers' money. Does the Government agree with the tweet that he has made?

2075 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as Ministers are at pains to ensure that everyone understands, the spending of public money can only be done in keeping with the Estimates Book which is brought to this House and in the approved heads and the approved manner that this House determines at an Appropriation Bill debate. Any movement of money from one head to another is subject to a virement and has to be properly approved. That is not to

say that somebody might think, in a moment of exuberance, that a particular Department has generated an element of income and that it could be used for a particular purpose. I do not think we should read much more into it. Certainly, as the hon. Lady has already made clear, it would be incorrect, and as Minister for Public Finance I am happy to confirm that that would be an incorrect understanding of the way that public finance can be spent, employed or in any way or committed.

I think it would be remarkable, frankly, if we spent the afternoon discussing tweets. I am quite happy to pull up my own feed and see some of the things that others have put in tweets which we might not necessarily agree and which we could have a lively debate on, but in the same way as the spending of public money can only be done in keeping with the rules set out by this House in an Appropriation Act, we have to stick to the rules of this House at Question Time, and this is not the time to debate tweets, it is the time to ask questions of the Government.

Hon. E J Phillips: Mr Speaker, just one very quick one. I am grateful, Mr Speaker.

So, the Government can confirm that the Director of Public Health has not donated this amount, or the Government?

Hon. Miss S M Sacramento: Mr Speaker, in case the hon. Gentleman did not hear what I said in my first answer, the information contained in the tweet is not correct.

Mr Speaker: Next question.

Q698/2020

Question withdrawn

Clerk: Question 698. The Hon. E J Phillips.

Hon. E J Phillips: I will withdraw this question, since it has been published and we have had a long debate on it, Mr Speaker.

Mr Speaker: Next question.

Q699 and Q761-64/2020

Residential mental health facilities – Properties used as halfway houses

Clerk: Question 699. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government update this House on the use by Meddoc of No. 5 Sandpits as a residential mental health facility?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 761 to 764.

Clerk: Question 761. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say that the wording might sound a little out of date, but I think the Minister will know the information we are trying to ask, because it is retrospective.

2125 Is Government aware that a privately owned house, with no change of use, not fit for purpose and with no certificate of fitness is being used as a halfway home for mentally ill patients?

Clerk: Question 762. The Hon. Ms M D Hassan Nahon.

2130 **Hon. Ms M D Hassan Nahon:** How much has Government paid to sustain the old Raquets house on Sandpits Road as a halfway house for mentally ill patients, in (1) staff costs and (2) general maintenance costs, (3) since it commenced housing these patients some nine months ago – now over a year ago – to date?

2135 **Clerk:** Question 763. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government provide the Opposition with a list of any private properties that it has either purchased or entered into a contract with, in the last five years, to use as a halfway house for mentally ill or vulnerable patients?

2140 **Clerk:** Question 764. The Hon. Ms M D Hassan Nahon.

2145 **Hon. Ms M D Hassan Nahon:** Has Government gone into any similar arrangement, like it did with the Racquets Sandpits property, with any other private buyer of any other private home, to eventually or imminently house mental health or generally vulnerable patients needing a halfway house?

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

2150 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, in answer to Question 699, this is a property purchased by Meddoc and currently used to provide a sheltered accommodation service.

In answer to Question 761, no, I am not aware of this.

2155 In answer to Question 762, the GHA pays Meddoc for a sheltered accommodation for former Ocean Views patients who are transitioning back into the community.

The answer to Question 763 is none.

2160 In answer to Question 764, the Government has not paid to sustain the old Raquets house on Sandpits Road, nor does it pay for its staff or maintenance. The GHA pays for the provision of a service, which includes sheltered accommodation and life skills for former patients transitioning back into the community. Other than this, I am not aware of any private properties that the GHA has purchased or entered into a contract with.

2165 **Hon. E J Phillips:** Mr Speaker, just two supplementaries in relation to No. 5 Sandpits. This arose in the context of information that the Opposition received about No. 5 Sandpits. We understand that retrospective permission was granted by the DPC in relation to the use of this particular residential property. Whilst I can understand that the Government wishes to roll out services in relation to those transitioning, as the hon. Lady describes in her answer, is the Government satisfied that all the work that needed to be done to this property, to bring it to a standard where it could be utilised for that purpose, had actually been done?

2170 Quite clearly, from what we understand the position to be, it followed a highly irregular pathway to DPC without this going through the proper channels in the first place. So, if the Minister might be able to explain in a bit more detail when it was identified, how it was identified

in the first place, and what modifications were made to make sure it was fit for purpose for the residents who were required to use it, who were in transition back into society from Ocean Views.

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Hon. Miss S J Sacramento: Mr Speaker, I am unable to go into the detail of the genesis of this arrangement because it pre-dates my time as Minister for Health, but this is ... First of all, it is [inaudible] and it is, as I said in my substantive reply, a temporary arrangement.

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Everybody cares about mental health until we do something to change the system in relation to mental health. This is a new facility, or a new offer for people who are discharged from Ocean Views. They are clinically discharged but may not be ready to live alone in the community, so this is, as the hon. Lady mentioned, a halfway house because it is a transitional period for people who are already medically clinically discharged.

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In relation to the other part of the supplementary, where the hon. Gentleman refers to any works as such, this is not a facility for people who have disabilities; this is their home. This is a big house shared by individuals who, more likely than not, were living at Ocean Views together. When someone has been living in an institution, particularly if you have been in an institution for a long time, you cannot automatically be discharged into the community because it can be very overwhelming, so this is a stepping stone for people who are clinically better, to help them develop and further enhance their life skills with a view to them moving on to living independently in the community. This is a transition and this is a new model that was piloted ... It is in its pilot phase and in fact is very successful for those individuals.

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The alternative is that these individuals live in the community by themselves, in which case ... they may not be ready. Although clinically better, they may not be emotionally equipped to live alone. Obviously what we want to do is, at the right opportunity, bring these individuals out of an institution. If someone does not need to be in an institution such as Ocean Views, we do not want to keep them there for any longer than they need, but by the same token we are not going to rush them out into a home in the community if they are not ready. So, this is a transition period, so that people can get more familiar with living in the community, yet not being alone, gain their confidence and gain life skills. When they are in this accommodation, they are not in care, because they have been clinically discharged, but they are supported so that they are not alone.

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Hon. Ms M D Hassan Nahon: Mr Speaker, in answer to ... Sorry, Mr Speaker, you did not ... I just stood there without your address.

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Mr Speaker: Thank you for asking.

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Hon. Ms M D Hassan Nahon: Mr Speaker, in answer to a supplementary to Question 761, the Minister answered no, and I do not know whether she is saying no because technically, like I said, now they do have the permissions and they did not before; or if she genuinely is not or was not aware that a privately owned house with no change of use, not fit for purpose and with no certificate of fitness was being used for almost a year to house mentally ill patients.

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I would like to ask: how did the GHA allow these private healthcare providers to put mentally ill, vulnerable patients in a property which was not fit for purpose and did not have the right certificates? What safety did that afford the residents in the house? How would that have affected the insurance and other such issues?

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There are questions about the DPC as well, rolling the supplementary into one of many questions I would have. Doesn't this make a mockery of the DPC? So much for the new way of managing the DPC. At the end of the day, what are we saying? What example are we setting? Can I make all the changes I want to my house and then apply for it retrospectively? What example and what care did the GHA effectively have over these patients and responsibility over the way that things are done here?

Hon. Miss S J Sacramento: Mr Speaker, I invite the hon. Lady to re-read the question that was asked. The question – unlike the question posed by the hon. Gentleman, which is specific – is vague. But yes, if we are talking about the property at Sandpits, then I am aware, because it has been reported and it is in the public domain, that what this property did not have was a change of use.

It is not about someone asking ... I am not familiar with the detail, but my understanding is that the application that went to the DPC was for permission to change the use because of the terms of its underlease, I imagine. Thinking logically, it was a private dwelling where those who purchased the private dwelling wanted permission to use it as a commercial enterprise. It is not about premises – which is the premise of the supplementary question – not being fit for purpose for people. People live in a home. It was a home to begin with, and it was then purchased by somebody as a home and then offered by this entity as a home for people, as a stepping stone out of a mental institution.

While the hon. Lady is right and the DPC requirements exist for a reason, those who breached the DPC protocol were this private enterprise, so it is not the liability of the Government that the DPC protocols were not followed. This is the responsibility of the private entity that purchased the property and offered the service to the service providers.

Hon. Ms M D Hassan Nahon: Mr Speaker, there are enough lawyers in this room to probably know deeper what the implications of the answer are than me, but is the Minister disassociating herself with the irregular use and procedure of its own healthcare providers, who are engaged to care for the patients or residents that she basically has care of as the GHA Minister? Is that what we are saying, that she is disassociating herself from these irregular practices?

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, if I may be of some assistance as I look after town planning and building control, the issue before the DPC was not about a certificate of fitness, was not about any works being done, was not about anything other than a legal technical change of use. So, the clients in the property were not impacted at all in respect of any delay in that process that had not been followed. It was, in fact, the Town Planning department that approached them and said, 'You have not got this.' They were not aware of it. They were told to rectify, they made the application, and sometime later it was taken to the DPC, considered and approved.

So, the hon. Lady should not worry herself that there is any shape or form of anybody being at risk by failure of a certificate of fitness or otherwise. There was no such certificate of fitness granted or necessary. It was simply a matter of a change of use. That is what was before the DPC and that is what was finally approved.

Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate the Hon. Minister's answer, but he himself said that there was a legal technical need for a change of use, and that came retrospectively. So, is the Government effectively saying they can override requirements for legal and technical changes of use, however small or procedural? Are we all allowed to take the same liberties from now on, or just the GHA? (*Interjections*)

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Lady is right. The Government has been able to do what it wants in respect of planning until some months ago, when this Government subjected itself to the planning application procedure.

What was being dealt with here actually was not the Government. She has asked a question about whether the Government thinks it can act without the DPC's consent. The answer has been yes until a few months ago. Successive administrations of Gibraltar, since it has had a Government, have acted without having to go to the DPC.

The GSD told us, when we proposed the change, that we were wrong to subject the Government to the consent of the DPC. I was implored by the former Chief Minister not to subject

the Government to the control of the DPC – implored; he used that sort of language – but we said, ‘Look, it is our policy. We think we should be subject to the DPC.’ Then we were attacked for not having subjected the Government to the control of the DPC soon enough. Some months ago, one of my colleagues gazetted the change which subjected us to the control of the DPC, so she is right – the Government had not been subject to the control of the DPC until we made ourselves subject to it.

This is probably in the cusp of that period, but this is not what we are dealing with. The consent to a change of use arises in two respects here: first, because the Government, as landlord, has to grant – give; it is in our gift – the change of use, the consent, and that was given; and then, additionally, there is a requirement for that to be approved by the DPC. It is a two-pronged thing, and now, even if the facility were owned by the Government, which it is not, that second limb has to be complied with. It would always have had to be complied with, in the context of this case, because it is not the Government that would be dealing with it; it is a private entity.

That is all that happened, that whoever was advising this entity did not realise that there was a second limb to be gone through, which was the DPC, which is the consent that something that was used for residential purposes should be used now for what is deemed to be another purpose. That is it. We could make a mountain out of a molehill and pretend that there is some danger to the people there, because the words ‘the DPC consent is granted’ had not been written on a page in their meeting in respect of something which the Government had already consented to, but that is not what was happening here.

Mr Speaker, if I may say so, we all want to talk about mental health, we all want to talk about looking after mental health. The hon. Lady is supporting a motion on the Order Paper by the Leader of the Opposition in respect of mental health. When we do something to help people with mental health, all there is concern and, if I may say so, with respect, Nimbyism. *(Interjection by Hon. Ms M D Hassan Nahon)*

Mr Speaker: Right, two more questions and then we finish. Okay? Right, fine.

Hon. Ms M D Hassan Nahon: Mr Speaker, in response to the Chief Minister, it is all about the protection of vulnerable people. This is what led me to this line of questioning.

Hon. *[inaudible]*

Hon. Ms M D Hassan Nahon: Well, no, it is a – *(Interjection)* Okay.

Mr Speaker, I would like to ask my supplementary question now. On Question 762, can I ask if any of the apartments in Ocean Views are being used similarly as a halfway House?

Hon. Miss S J Sacramento: Mr Speaker, there are also flats at Ocean Views which also provide this kind of halfway house facility, but each patient at Ocean Views – and they are patients, the ones who are at Ocean Views – is assessed, and they all have their own individual care plans. Their care plans, as well as their discharge plans, will be assessed by a multi-agency group of specialists, so that the outcome is person centred and the best outcome for that individual.

If there are individuals who are living independently or sharing a flat within the Ocean Views estate, it will be because they are at the higher end of the needs spectrum and therefore need the support and the oversight of the Ocean Views staff. Mental health patients who have been successfully discharged but need that additional element of support are referred to this other facility as a stepping stone out of being in an institution, and that will, by its very nature, mean that these individuals, because they have been clinically discharged, are better able to fare in this property which gives them a higher element of independence, because they do not need such a high level of support.

Mr Speaker: Final question.

2330 **Hon. Ms M D Hassan Nahon:** Mr Speaker – thank you for that – as a supplementary to Question 764, can the Minister confirm whether there is a house in Flat Bastion Road similarly used by a private buyer to eventually or imminently house mental health or generally vulnerable patients needing a halfway house?

2335 **Hon. Miss S J Sacramento:** Mr Speaker, I have absolutely no knowledge of that situation or any flat in Flat Bastion Road owned by a private provider. If the hon. Lady does know, then I would be grateful if, behind the Speaker's Chair, she could give me any details of what she is aware of, but if I do not know, then it would not be something that would be engaged by the GHA, I would think.

Mr Speaker: Next question.

Q700/2020

**Parental alienation –
Progress of Government consultation**

2340 **Clerk:** Question 700. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, at what stage is the Government's consultation process on parental alienation?

2345 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

2350 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:** (Hon. Miss S J Sacramento): Mr Speaker, the consultation is progressing well. At this stage, the consultation process with members of the general public has been completed after having spoken to a considerable number of people myself, with members of my team in person and later virtually. There is now a need to consider the points raised as we move to the next phases.

Hon. D A Feetham: Mr Speaker, can the Minister indicate what the next phases are, please?

2355 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, where I left it literally on the cusp of the lockdown, where I had met with, I think, in excess of 50 individuals in person as part of the consultation process, and then, when we went into lockdown, I had further virtual consultations as and when time permitted. It has been, I have to say, an incredibly helpful and insightful process, having spoken to so many members of the community who have raised so many issues.

2360 Following that, we have prepared a huge matrix of all the issues that have been raised, both legal issues and issues in relation to understanding or misunderstanding of procedures and how Departments work. This was something that had progressed incredibly, but unfortunately again something that had to be paused temporarily because of the pandemic and the lockdown situation, but we have prepared a list of the issues for each Department, and I know that my office
2365 has been engaging with those Departments to be able to report back to me on the progress that they have been able to make.

2370 The next step that we are going to launch, quite soon, is an information booklet for all the people who find themselves in this situation. It is a guidance and advice booklet, because a lot of what came from the consultation process actually was a misunderstanding of the procedures and a misunderstanding of how the court procedures work and how Social Services work. The hon. Gentleman will remember from his time as Minister for Justice that he produced some booklets as guidance. We have brought those out – I actually had my own personal copies from when they

were published – and it is a kind of guidance obviously updated from that. It is not going to be an update from that, because the way that we are doing it is going to be different, but it is that kind of information and that kind of booklet. We want to be able to empower people who find themselves in these situations and empower them with knowledge, empower them with the proper procedures and a guide on timeframes, timelines and what to expect from the process. I am very hopeful to be able to take that to the next level as well.

I am going to be spending the next few months pretty much catching up with what I have not been able to do for the last year, so I am going to be, clearly, incredibly busy.

Hon. D A Feetham: I wish her all the best in that endeavour, because this is obviously something that is extremely important.

Does the Minister envisage that there might be some legislative changes that might be introduced in order to strengthen the provisions that there may be to help combat parental alienation?

Does she also envisage that there is going to be cross-departmental work in relation to this? I refer, in particular, to housing, and of course the way that normally it is men – not always, but normally it is men – because they have to leave the matrimonial home.

Hon. Miss S M Sacramento: Mr Speaker, cross-departmental work for sure – that has already commenced and changes have been made to operating practices; legislative changes, possibly, and that is something that we are looking at very carefully and consulting very carefully on with all stakeholders, including the judiciary.

Mr Speaker: Next question.

Q701/2020
Anti-Corruption Authority –
Government intention to establish

Clerk: Question 701. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government intend to continue with its manifesto pledge to create a Corruption Authority?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): No, sir, we will create an *Anti-Corruption Authority*.

Hon. D A Feetham: Thank you very much for the syntax/semantic distinction.

Mr Speaker, the parties opposite included this in their manifesto commitment in 2011 and they effectively changed their minds during those four years. She is now saying that it is going to go ahead. Can she give a timeframe in terms of how long it will take, and also just give a flavour to the House of the resources that are going to be put at the disposal of the Anti-Corruption Authority? It is not just about creating the legislative framework, for example; it has to be staffed, and that is going to obviously mean financial expenditure and human resources, all of that. So, can she give a flavour in terms of timescale and also the resources that she envisages will be put at the disposal of the Anti-Corruption Authority?

Hon. Miss S J Sacramento: Mr Speaker, in terms of the timeframe, I have an advance copy of the framework legislation which I am looking at with Minister Isola, as Minister with responsibility for financial services, as well as with our key stakeholder advisers. That is at quite an advanced stage but we have still got work to do on that, because obviously it is something that needs careful thought and careful planning. I wish we could have progressed more, earlier, but at the risk of repeating myself once again, we all know what we have been held up with in the last year, unfortunately.

In terms of the structure, that will all be contained in the legislation, so it will be clear once it is published and is something that again is one of the important things that we are considering and giving thought to.

Mr Speaker: Next question.

Q702/2020

**Leave of absence for mental health patients –
Number granted by Minister for Justice**

Clerk: Question 702. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many leaves of absence have been granted by the Minister for Justice to patients under section 16 of the Mental Health Act 2016?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(**Hon. Miss S J Sacramento**): Mr Speaker, two.

Hon. D A Feetham: Mr Speaker, if I may, in a preamble, just place this into context, because of course people will not understand what section 16 is about – with your indulgence?

Essentially, if a patient has been sectioned, the consultant has no power to grant that person a leave of absence, for example to see their family, even if the consultant believes that that is part of that person's reintegration into the community, so part of that person's health plan. There is no power unless the consultant produces a report and essentially asks for that patient to be granted leave of absence.

Given that she said two, can the Minister indicate how many of these reports and requests for leave of absence have been received since 2016, when this Act came into operation?

Hon. Miss S J Sacramento: Thank you, Mr Speaker.

The Act did not come into operation in 2016, it came into force in April 2018, and I am afraid I do not have that detail.

Hon. D A Feetham: Mr Speaker, I have been briefed – and he will see from the nature of the questions, when Mr Speaker hears them, from people who are phenomenally in tune with this area and some very good sources – and we are being told that in fact there have been a number of these, certainly many more than two.

Does she not agree that for there to be these reports and for those reports not to be responded to in a timely way, it potentially interferes with the patient's healthcare plan – reintegration into the community, for example – and that that cannot possibly be justified?

2465 May I ask that if the Minister is not aware of this – and I am surprised if she is not aware of it, because she must have gone back to the public servants who would have briefed her in relation to these questions, but if she is not aware, can she undertake to this House to go back and ask how many of these are pending, and in fact get them dealt with?

2470 **Hon. Miss S J Sacramento:** Mr Speaker, I would agree with the hon. Gentleman if what he is saying were true, but I have to say that, as Minister for Justice ... and obviously there is an overlap as I am the Minister for Health, but in this context, as Minister for Justice I have not received any requests for leave of absence in my tenure.

2475 I have gone back and I have asked the public servants who provided me with this information to take me back to the circumstances where it was, and these were granted by the former Minister for Justice. So I have gone back, as the hon. Gentleman suggests. I did ask, Mr Speaker. That is the information that I have, as Minister for Justice. These are not requests that have come to me. I have asked, because these questions came in quite a considerable time ago, and while I have only been Minister for Health for about six months I have been the Minister for Justice for a little bit longer than that, and it is something that I am obviously very keen to make sure is correct. But I will go back again, given his suggestion, because he may have more detail.

2480 I would also invite the hon. Gentleman that, if he has details and names that I can look into, he tell me behind the Speaker's Chair, or indeed tell me before he poses a parliamentary question, because if this is an issue about helping patients or people who are detained, then it is not a matter that should wait for a parliamentary question. If the hon. Gentleman or anyone on the other side of the House has concerns about a mental health patient or anyone who is vulnerable, then I invite them to contact me directly, as soon as possible. This is the practice that the hon. Lady and I have had in place for a long time. If it is about helping the person, then come to the source as soon as you can, and we will help them as soon as we can.

2490 **Hon. D A Feetham:** Mr Speaker, just in relation to that, my understanding is that in fact this has been raised by the Mental Health Board. I will come to questions in relation to that in due course.

2495 So, the answer to my supplementary is that, in fact, as far as she is aware, only two reports have been made and those have both been answered. That is really the answer to the supplementary, isn't it?

Mr Speaker: Next question.

Q703 and Q705-06/2020

Mental health patients subject to hospital orders – Number since introduction of Mental Health Act; leaves of absence granted; Responsible Clinician reports

Clerk: Question 703. The Hon. D A Feetham.

2500 **Hon. D A Feetham:** Mr Speaker, how many leaves of absence have been given by a Responsible Clinician to patients who are subject to a hospital order, when and for what period?

2505 Mr Speaker, hospital orders are the equivalent of the previous question but in the context of the Criminal Evidence and Procedure Act, so it is in a criminal context – just so that Mr Speaker can follow.

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

2510 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 705 and 706.

Clerk: Question 705. The Hon. D A Feetham.

2515 **Hon. D A Feetham:** Mr Speaker, how many patients in Gibraltar have been subject to a hospital order since the Mental Health Act was introduced, providing particulars of when they were admitted and the length of time they have been detained?

Clerk: Question 706. The Hon. D A Feetham.

2520 **Hon. D A Feetham:** Mr Speaker, section 117(8) of the Mental Health Act requires that while a person is subject to a hospital order, the Responsible Clinician shall, at such intervals, not exceeding one year, as the Minister with responsibility for justice may direct, examine and report to the Minister with responsibility for justice on that person, and every report shall contain such particulars as the Minister with responsibility for justice may require.
2525 How many such reports have been produced since the Mental Health Act was introduced?

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

2530 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, in relation to Question 703, in relation to a hospital order, no leaves of absence have been given by a Responsible Clinician. A hospital order is issued under section 657 of the Criminal Procedure and Evidence Act 2011, and any leave of absence made under this order would require the approval of the Minister for Justice.
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Since the Mental Health Act was introduced in April 2018, one person has been subject to a hospital order. This was in December 2018, and the length of stay was two years and three months.

2540 In relation to section 117(8) of the Mental Health Act, there have been four reports by the Responsible Clinician to the Minister for Justice in respect of patients on hospital orders.

Mr Speaker: Next question.

Q704/2020
Hospital orders –
Number of patients

Clerk: Question 704. The Hon. D A Feetham.

2545 **Hon. D A Feetham:** How many patients in Gibraltar are currently subject to hospital orders, providing particulars of when they were admitted and the length of time they have been detained?

2550 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, as at 16th March 2021 there are four patients subject to hospital orders.

2555 Patient 1 was admitted on 24th November 2016, so the total time in hospital is four years and four months.

Patient 2 was admitted on 5th October 2016; total time in hospital, four years and five months.

Patient 3 was admitted on 20th November 2017; total time in hospital, three years and four months.

2560 Patient 4 was admitted on 10th December 2018; total time in hospital, two years and three months.

Hon. D A Feetham: Mr Speaker, my information in relation to this question is that in fact one of those patients had not been adequately treated – that is the information that I have – for several years before the tribunal intervened, and then the position was corrected. Is she aware of this?

Hon. Miss S J Sacramento: Mr Speaker, I have reports on each of these four individuals.

2570 What I am very concerned about is that the hon. Gentleman tells me that he is told that someone is in hospital and not given the proper treatment, and instead of calling me immediately and alerting my attention to it, just to check that I know, he posed a parliamentary question months ago.

Hon. D A Feetham: Is she saying that she does not know and has received no complaints by anybody, including the tribunal, no information at all that one of those patients was not adequately treated for several years before receiving proper treatment?

2580 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, this has not been formally brought to my attention, but I have asked for reports on these individuals, these patients, and on the basis of those reports I have asked for further reports. This arises out of questions that I have asked of the Mental Health Services, as opposed to anyone bringing it to my attention. It would have been very helpful, if the hon. Member was aware of this, if he could have brought it to my attention sooner.

Mr Speaker: Next question.

Q707/2020

Mental Health Board –

Adverse comments re detention of mental health patients in Gibraltar

2585 **Clerk:** Question 707. The Hon. D A Feetham.

2590 **Hon. D A Feetham:** Mr Speaker, in *HL v United Kingdom* in 2004, the European Court of Human Rights found that the informal admission to a psychiatric hospital of a compliant but incapacitated adult was in contravention of Article 5 of the European Convention on Human Rights. It therefore forbids the de facto detention of a person without a legal basis, so that no one can be held in a hospital because of mental disorder unless meeting the requirements of mental health legislation and being detained under a section of such legislation.

2595 Is it true that members of the Mental Health Board in Gibraltar have commented adversely on the fact that there are patients being detained in Gibraltar without the protection of the Mental Health Act 2016?

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

2600 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, yes, the Mental Health Board has raised this concern. However, an 'informal patient' is neither detained formally under the Mental Health Act, nor has a deprivation of liberty in place. An informal patient, therefore, is one who is admitted to hospital on a voluntary basis.

2605 Whilst it is true that patients detained under the Mental Health Act may have increased formal legal protection and legislative protocols, the mental health professionals have a responsibility to advocate for all patients, capacitated or otherwise, to ensure care and treatment is in the least restrictive environment possible.

2610 I can confirm that as part of the concerns raised by the Mental Health Board, the Mental Health team have now completed capacity assessments on all patients admitted to Ocean Views, irrespective of formal or informal status. These capacity assessments are periodically repeated throughout an individual's stay in hospital, depending on needs such as financial, housing and treatment.

2615 **Hon. D A Feetham:** Mr Speaker, again, the information that we have is that there is a ward of these patients without section and in respect of whom the Mental Health Board has repeatedly voiced concerns to the Government. *(Interjection)* Who is responsible for this, Mr Speaker? The Mental Health Board is raising concerns. I would presume that it goes to the relevant authorities for which the Government is responsible, unless the Minister is saying that it has not come to her attention – which I do not understand, but that is what the Minister has in fact said.

2620 What is being put in place in order to ensure that this does not continue to happen and that there are no patients in wards in respect of which there is a question mark about capacity and therefore consent, and that the concerns of the Mental Health Board, which is ultimately there as a watchdog – they are people, some of whom are volunteers that their concerns – are taken on board?
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Hon. Miss S J Sacramento: Mr Speaker, everyone on the Mental Health Board is a volunteer. It is a Statutory Board and they are appointed to a Statutory Board in the same way that all people to Statutory Boards are appointed: voluntarily.

2630 I have answered the hon. Gentleman's question in my first answer. These individuals he is referring to are not detained, so it means they are not captured by that relevant section of the Mental Health Act, and they are there voluntarily. Having looked into the matter and looked into the individuals concerned, unfortunately sometimes they present as people who have been institutionalised for so long that they volunteer to be there because they feel safe and they feel
2635 more comfortable there. So, the practice that is being employed is that whereas they are not sectioned and they are not subject to a deprivation of liberty order and therefore that particular regime of the Mental Health Act does not kick in – and that is why they are there voluntarily – in order to safeguard them, essentially what is happening is that those protocols are being applied.

2640 As I said the first time I answered, they are being subject as a matter of practice, as opposed to a matter of law, to assessments periodically and they are repeated throughout the individual's stay in hospital. So, they are being assessed and they are being considered, and the treatment, whether they stay there or not – remembering that they are there voluntarily – will depend on their situation and any other needs that they have.

2645 **Hon. D A Feetham:** And is she satisfied, in relation to these individuals, bearing in mind the concerns expressed by the Mental Health Board, that in fact they have capacity to consent? The question is about compliant but incapacitated adults. That is in relation to this European Court of

Human Rights case. Has she investigated the matter and is she satisfied that these individuals are capable of providing consent?

2650 Unless she has satisfied herself about that, then I am afraid that the hon. Lady has a problem, because potentially these are people who are being kept in detention illegally. That is the reality of the situation. Forget about the legalities. There is also the question of the failure of all the other provisions in the Mental Health Act kicking in, because they kick in in order to protect people who have been detained.

2655 **Hon. Miss S J Sacramento:** Precisely, Mr Speaker. The Mental Health Act does not kick in, but again he does not seem to have heard my first response. There is a capacity assessment being undertaken on these individuals periodically, so the capacity assessment will indicate whether they have capacity or not. I cannot assess a mental health patient or a resident at Ocean Views to see whether they have capacity or not. That is a clinical decision and the assessment is taken by the clinical professionals at Ocean Views.

2660 My answer is very clear. There are clinical assessments of these individuals being periodically undertaken and repeated. It is in that assessment that the professionals undertaking the assessment will determine whether they have capacity or whether they do not have capacity. I cannot second guess an assessment undertaken by a mental health clinical professional.

Hon. D A Feetham: Well, Mr Speaker, we are coming to second opinions –

Mr Speaker: Final question.

2670 **Hon. D A Feetham:** Yes, we are coming to the issue of second opinions in a moment, (*Interjection by Hon. Miss S M Sacramento*) which is a statutory requirement.

2675 Mr Speaker, I am told that in fact the Mental Health Board has issued a second report. There is another question on the Order Paper, but there is a statutory obligation for there to be annual reports. They have issued a second report, which has not been filed with Parliament. Can she explain why that is so?

2680 **Hon. Miss S J Sacramento:** Mr Speaker, the answer to that is very simple. It is because up until recently Parliament has not been meeting, but I am ready to lay the report before Parliament.

Mr Speaker: Next question.

Q708/2020

Mental Health Review Tribunal – Successful appeals by patients resulting in detention

Clerk: Question 708. The Hon. D A Feetham.

2685 **Hon. D A Feetham:** Mr Speaker, may I just simply say I do not want to make life difficult for you at this late hour, but these are 18 questions and I am not asking supplementaries on all of them. I just hope that Mr Speaker will –

Mr Speaker: I am grateful for that recognition.

2690 **Hon. D A Feetham:** Thank you very much.

Mr Speaker, since the Mental Health Act was introduced, how many patients have succeeded in an appeal to the Mental Health Review Tribunal but (a) have then found themselves de facto detained, and (b) on what legal authority have they been so detained?

2695 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, since the introduction of the Mental Health Act, four
2700 patients have successfully appealed to the Mental Health Review Tribunal, of whom only one subsequently remains at Ocean Views, on a voluntary basis.

Mr Speaker: Next question.

Q709-12/2020

Second Opinion Appointed Doctor Certificate of Consent to Treatment – Number issued; number of referrals; avoidance of treatment review by Responsible Clinicians

2705 **Clerk:** Question 709. The Hon. D A Feetham.

Hon. D A Feetham: This question is relevant to some of the issues we have discussed, Mr Speaker.

The Mental Health Act, Part 3, sections 44 to 54, inter alia, details the law for consent to treatment. Since the Act was introduced, how many detained patients have had a Second Opinion
2710 Appointed Doctor Certificate of Consent to Treatment issued, and when?

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

2715 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 710 to 712.

2720 **Clerk:** Question 710. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, since the Mental Health Act was introduced, how many referrals to the Second Opinion Appointed Doctor have been made?

2725 **Clerk:** Question 711. The Hon. D A Feetham.

Hon. D A Feetham: Is the Minister aware that the Mental Health Board has examined many of the patients where referrals to the Second Opinion Appointed Doctor have been made and concluded that Responsible Clinicians are issuing certificates inappropriately, thus avoiding
2730 subjecting their treatment plans to a Second Opinion Appointed Doctor review?

Clerk: Question 712. The Hon. D A Feetham.

Hon. D A Feetham: Would the Minister agree with us that by bypassing the Second Opinion Appointed Doctor service, Responsible Clinicians avoid the scrutiny of inappropriate prescribing

2735 and deprive patients of the safeguards legislated by Parliament? I think that is the point that I was making earlier.

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, the Second Opinion Appointed Doctor has issued a total of 50 Consent to Treatment Certificates. In 2018 there were 26, in 2019 there were 21, in 2020 there were four, and in 2021 there were none.

2745 There have been 52 referrals made to the Second Opinion Appointed Doctor.

In answer to Question 711, the question suggests a contradiction in terms. If referrals are made to the Second Opinion Appointed Doctor, then Responsible Clinicians cannot therefore be avoiding subjecting their treatment plans to the Second Opinion Appointed Doctor. If, however, what the hon. Member is asking is whether there may be instances where patients have not been referred to the Second Opinion Appointed Doctor, thus avoiding scrutiny of their patients' treatment plans, then the answer is that I am not aware of any such cases.

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In answer to Question 712, if Responsible Clinicians were to bypass referring patients to the Second Opinion Appointed Doctor in order to avoid the scrutiny of inappropriate prescribing, I would agree that this could lead to depriving patients of the safeguards legislated by Parliament.

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Hon. D A Feetham: Mr Speaker, in relation to that last one, is she aware that the Mental Health Board have in fact suggested that there are false certifications of consent, and that therefore there is a concern that some patients are not getting the scrutiny of Second Opinion Appointed Doctors?

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Hon. Miss S J Sacramento: No, Mr Speaker, I am not aware that there is an allegation of a false certification of consent. I will speak to the hon. Gentleman so he can give me more details, and I will look into it.

Hon. D A Feetham: Mr Speaker, just in relation to that same question, is she not aware as well that in fact I am told that the Mental Health Tribunal has raised similar concerns?

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Hon. Miss S J Sacramento: Mr Speaker, on this point in particular I do not think so, but I will go back and check, and if there is a concern, then needless to say I will follow it up and I will look into it.

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Hon. D A Feetham: Mr Speaker, has she read the second report that I am told has already been filed by the Mental Health Board, the statutory report? I see she is ready to answer, so I will ...
[Inaudible]

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Hon. Miss S J Sacramento: Mr Speaker, I wonder whether I should ask the hon. Gentleman if *he* has read the Report before it has been tabled in Parliament.

Yes, I have read the report and I have read the previous report, Mr Speaker. We have to bear in mind as well that I have been the Minister for Health for six months and I have read countless reports, but there are only 24 hours in the day.

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Hon. D A Feetham: Mr Speaker, in relation to Question 709, patients have to have the capacity to consent, or it then goes to the Second Opinion Appointed Doctor. So, if there is a question mark about capacity, then it goes to a second opinion doctor. I am being told that even where there is perhaps a proper certification by a doctor first time round, the patient can consent – and consent is necessary, of course, because of consent to the medicine that is being administered to the patient, just reducing it to a very basic level – and that in fact there are no regular assessments of

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capacity and therefore consent. What can she tell us about that? This is something that has come to our attention in a complaint that has been made to us.

2790 **Hon. Miss S J Sacramento:** Mr Speaker, as the hon. Gentleman may be aware – I am sure he is – I commissioned a review into the Mental Health Services and a study and a road map for a review that was commenced in January, so there have been a lot of changes in relation to mental health in the last three months and there will be big changes coming on in the near future.

I am, of course, needless to say, very keen to ensure that all formalities when it comes to all
2795 healthcare, but in particular mental health, are dealt with. So, as part of that review, if there are gaps in the system or if there are issues that need to be enhanced and improved, they will of course be improved by the external review that is being undertaken.

The hon. Gentleman is right to raise issues, because if there are issues of concern in relation to mental health then we need to look at them, we need to review them and we need to fix them,
2800 but if they are particular issues that the hon. Gentleman is aware of, and I may not be aware of them, then the hon. Gentleman has my phone number and he can call me at any time if there is an issue concerning a patient in relation to mental health.

Everybody can rest assured that there will be an in-depth review into the mental health services that we provide in Gibraltar, in the GHA and wider in Gibraltar, with a view to radically
2805 changing the way we do things in the future for improvement of the service.

Hon. D A Feetham: I have a few more supplementaries. There were four questions that were bunched – I have two more.

Mr Speaker, just on Question 710, in 2018 I think she said there were 26 referrals for second
2810 opinion, and in 2019, 21, so more or less the same numbers, but then there is a significant drop in 2020 and 2021. There are none in 2021 and four 2020. That must be COVID related, but I just ask the Minister whether that is the answer.

Hon. Miss S J Sacramento: Possibly, but not necessarily, because COVID has not impacted
2815 whether people are in-patients in Ocean Views or not. Ocean Views is a medical facility, and that has carried on notwithstanding COVID, but clearly, in relation to 2021, we are not even at the end of the third month of the year.

I also noticed that we were quite low in 2020, and it is something that I need to check but I have not had the time to check.

2820 **Hon. D A Feetham:** It may well be that some of the concerns relate to the drop in 2020, but I had assumed that that might have been COVID related.

Mr Speaker, turning to Question 711, just to bring some context to this question, I am not a doctor but I am told that there are effectively three people who are involved in prescriptions when
2825 a patient is prescribed a medicine. There is the doctor who prescribes, the pharmacist who provides the medicine, and the nurse who provides the treatment. In relation to these patients, when a prescription goes to the pharmacist, and in fact to the nurse, attached to it there will be a consent – in other words, that the patient has consented to that medicine – or, alternatively, some form of document that essentially demonstrates that that person has capacity. I am being told
2830 again that in fact when this was going to a pharmacist and also when nurses were administering the medicine, that sheet of paper demonstrating consent was not attached. Is she aware of this?

I perhaps should add that we are not talking about just simply a one-off, we are talking about a number of cases, and again this comes from somebody who is involved in the system. I would not be raising it in Parliament if I felt that there was not a basis for this.

2835 **Hon. Miss S J Sacramento:** Mr Speaker, I repeat what I said earlier. If he feels that there is a basis for it, he can always raise it with me directly and does not have to wait until it is raised in Parliament. I will check that point.

Mr Speaker: Next question.

Q713/2020
Anti-psychotics –
Inappropriate prescribing

2840 **Clerk:** Question 713. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, the UK government has very recently issued new guidelines for the use of anti-psychotics following the death of several patients. Is it true that two consultants ceased being employed by the GHA since the Mental Health Act 2016 came into force because of the inappropriate prescribing of anti-psychotics?

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

2850 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, I am not aware of any consultants ceasing their employment at the GHA in connection with any inappropriate prescribing of anti-psychotics.

Hon. D A Feetham: Perhaps she can go back to the public servants about this supplementary, Mr Speaker, as well, which is that I am being told that the Board and the Tribunal have also complained – or raise concerns, I should say – about a third consultant and that he is still in post. Is she aware of this; and, if she is not aware of it, could she please undertake to go back to public servants and perhaps investigate this further?

2860 **Hon. Miss S J Sacramento:** Mr Speaker, this is a question in relation to the prescription of anti-psychotics, not about the people who work there, so I will deal with the two issues that the hon. Gentleman raises.

It is one thing for someone to make an allegation, but another one is if an allegation of the seriousness of this nature is believed to exist then I would invite people to report it immediately, not only to the GHA but also to the individual's professional governing body, because this is an extremely serious offence.

The question is am I aware whether people have left the employment of the GHA because of allegations of wrongly prescribed anti-psychotic drugs. The answer is no. People join and leave the GHA all the time. That is not a reason for leaving, as far as I am aware. But if there is an issue of misconduct by a medical professional in the exercise of their duty, I would ask that this be brought to my attention immediately.

The hon. Gentleman refers to someone in the employment of the GHA where the Tribunal has raised issues in relation to this individual. Mr Speaker, I am not going to comment on any individual doctor in the GHA or allegations made about them, and I am not even sure if the hon. Gentleman is referring to this individual on the basis of the question that he has asked or it is just a throwaway remark – and I am not inviting the hon. Gentleman to answer, but if the hon. Gentleman has a concern, then he can raise it with me directly behind the Speaker's Chair.

Hon. D A Feetham: Mr Speaker, how many times has the hon. Lady met with the Mental Health Board and with the Tribunal?

Hon. Miss S J Sacramento: Mr Speaker, I have not formally met with the Mental Health Board or the Tribunal, because in the last six months I have not had the opportunity to speak to every

single board or stakeholder that I am responsible for. Indeed, Mr Speaker, it is also difficult to be meeting groups, because we have, up until recently, been in lockdown, but of course they are on my list of people to meet. However, I have had contact from people who sit on these boards because when they have had serious issues of concern they have contacted either me or my office, or the GHA directly. But the hon. Gentleman's question as to whether I have met the Board ... In fact, Mr Speaker, I do not think I have met anybody in the last three months because it has been impossible to do so.

Mr Speaker: Next question.

Q714/2020
Mental health patient records –
Assessment of capacity information

Clerk: Question 714. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, is it true that a review of the medical records has failed to detect any – in fact, I am being told it is not any, it is very few – records of the required assessment of capacity information given to patients regarding the treatment under consideration or justifying informed consent?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I am not entirely sure which review the hon. Member is referring to. However, upon a recent check of patient notes at Ocean Views, it has been confirmed that they all contained documentation relating to each individual's capacity, which is recorded on admission.

Hon. D A Feetham: Does she have a number in relation to these reviews? And are there any that are pending at all? Or, as far as she is aware, have all the reviews in relation to this been undertaken?

Hon. Miss S J Sacramento: Mr Speaker, I am not entirely sure what the supplementary question is, or what review we are referring to. Reviews are continuous when you want to progress and improve a service, so if the question is do I have a particular detail in relation to a particular aspect of the operational side of Ocean Views, then the answer is no, but I will most certainly check.

Hon. D A Feetham: No, Mr Speaker, let me make myself clear. I thought that it was clear from the question, but I am being told that in fact there are reviews that are undertaken in relation to the records required for an assessment of capacity. These questions, most of them, are about capacity for a patient to consent to treatment. That is really what a lot of these questions are about. I am being told that there are a number of these reviews that should be taking place, and in fact there are a number pending. Originally when I drafted my question, I understood that in fact there had been a failure to detect any records of required assessment of capacity. So, the reviews had been undertaken but no records had actually been found to exist in relation to the patient having the capacity to consent. In fact, today I asked my source again and I was told very few have been found now.

2930 So, the question is: does she have the information on how many of these reviews have taken place and how many are pending?

Hon. Miss S J Sacramento: No, Mr Speaker, I just said in the answer to the previous supplementary I do not have that detail.

2935 **Mr Speaker:** Next question.

Q715/2020
Mental Health Act 2016 –
Code of Practice and list of section 12 approved doctors

Clerk: Question 715. The Hon. D A Feetham.

2940 **Hon. D A Feetham:** Mr Speaker, why has the Code of Practice – see section 106 of the Mental Health Act – still not been published in a definitive form, and no list of section 12 approved doctors – see section 107 of the Mental Health Act – been gazetted or otherwise published?

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

2945 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:**
(Hon. Miss S J Sacramento): Mr Speaker, a draft Code of Practice is nearing completion. This is a substantial document which has taken some time to prepare. Once the document is completed and reviewed, and subject to any amendments, the Code of Practice will be published soon after.
2950 There is a list of approved section 12 doctors and this does not require publication under the legislation.

2955 **Hon. D A Feetham:** Mr Speaker, in relation to the Code of Practice, does she accept that the Code of Practice is, in actual fact, a manual on how the provisions in the Act would work and how they are to be used, and therefore phenomenally important to the workings of this Act? And if she agrees with that, how can she justify that the code has still not be published, bearing in mind that this legislation came into operation in 2018?

2960 **Hon. Miss S J Sacramento:** Mr Speaker, the legal framework of the Mental Health Act was introduced in April 2018 and a considerable amount of training was offered on the implementation of the Act at the time.

2965 While the Code of Practice, which is the practical implementation of the plan and how it applies to the services, has been drafted, the staff at Ocean Views and elsewhere in the GHA have been applying the previous Code of Practice that existed and following the model in the UK, so the absence of this Code of Practice under the Act does not mean that there is not an existing modus operandi to give effect to the Act properly. The Act, as the hon. Gentleman will know, is very closely modelled on the UK legislation and the staff at Ocean Views are using the UK code of practice and operational practical procedures as a guidance while the document, the Code of Practice, is being finalised. The absence of a published document does not mean that there is the absence of proper procedures being followed.

2970 **Hon. D A Feetham:** Mr Speaker, there is a statutory obligation. It is a matter of law that the Code has to be published. I hear what the hon. Lady has to say about them using the English code. The Act in Gibraltar does not follow the English legislation word for word. It is a different Act with

different provisions, and what we have is a situation where, unfortunately, the law requires a code to be published and that code has not been published.

2975

Mr Speaker, can she inform the House as to when she intends – because it is *her* statutory obligation – to comply with her obligations under the Act?

Hon. Miss S J Sacramento: Mr Speaker, as I said in my original answer, there is a document in existence and there is work being done on the document.

2980

I go back to what I have been saying in practically every question where it is relevant: obviously a lot of work at policy level has been delayed for a year because of COVID. Pretty much, had the world not stopped for a year then we would have progressed a lot on policy matters, but resources for the last year have been completely diverted to COVID as a priority, to save lives.

2985

Whereas the Gibraltar Mental Health Act may not be exactly the same as the UK Mental Health Act, word for word – of course it is not going to be, because it is going to be adapted to our needs and it has to satisfy our local community – the principles are the same. Our nurses, as everybody knows, are trained in this way, and for everything else, pretty much, we follow UK practice and NHS models, so it is not as if we have been operating in a vacuum since the introduction of the Mental Health Act, since 2018.

2990

This is a considerable document. It is a document that I have been reviewing when I have had the opportunity to do so, during slower times during the pandemic. It is a document that is with the legal drafters and with the stakeholders who are giving instructions, and with all the professionals who need to give the necessary input.

2995

So, the answer to the obvious question is that we are trying to progress this document as much as possible because we are aware of its importance, and I am very keen that we have a written framework as a point of reference for everyone who works in the service.

Mr Speaker: Next question.

3000

Hon. D A Feetham: Mr Speaker, now I have the second part of the question. These are two questions rolled into one. I could have split them up, but I have chosen to deal with it like this. This is about section 107. These are important issues. Mr Speaker can see that we are dealing with important issues about legal obligations of Ministers.

3005

In relation to section 107, the list that we are talking about is a list of doctors, effectively, who can certify competence. In England, there is a UK independent panel that effectively advises the Secretary of State, I think it is – I could be wrong, but certainly advises whether a doctor is competent, and that certificate will then last for five years. If the doctor is retired – because there are some doctors who continue to do this but they are retired – the certificate will last every year. How are we assured that this list of competence is in fact a true reflection of the competence of the doctor? How is it assessed? As I have told the Minister, in England there is a panel. In Gibraltar, how are these doctors essentially certified as being competent?

3010

Hon. Miss S J Sacramento: Mr Speaker, I am looking at the law and I am looking at section 107 of the Mental Health Act, and the statute does not require that a panel appoint or that a panel advise. The question is a practical one, as opposed to a legal one, but I just wanted to start with the premise that it is not a legal obligation to do so.

3015

I also have to start from the premise that a clinical professional is deemed to be a competent legal clinical professional until proved otherwise, because otherwise they would be struck off. In Gibraltar we have a regime for clinical professionals, for doctors, and they need to be registered with their professional body. That comes with certain requirements of professional accountability for the professional body.

3020

In terms of the mechanics, I am not aware of what the practical mechanics are because I have not appointed anybody under section 107 of the Mental Health Act myself in the last six months, and therefore it is not something that I have practical experience of.

3025

Hon. D A Feetham: Mr Speaker, the question of competence, just so that the Minister is not ... Maybe it is my fault, in the way that I have phrased the supplementary. When we talk about competence, we are not talking about somebody being compos mentis, we are talking about competence in relation ... or just simply because somebody is a doctor; they have to be competent in relation to the Mental Health Act. We are talking about competence in relation to the provisions of the Mental Health Act and what needs to be done, familiarity with the Code of Conduct – when it is published – and the Act, and therefore there has to be a filtering process to make sure that the people who are appointed are in fact competent to administer this regime. Otherwise, what you have is a fantastic piece of legislation but administered by people who simply do not know, unfortunately, as much about the regime as they ought to.

I have told her there is a panel. Will she, at the very least, consider perhaps the UK route – I know there is no legal obligation – of appointing a panel to make sure that doctors who are appointed are in fact competent in relation to the Act and the Code of Conduct, etc? I am being told and I can tell the Minister that subsequent to this question being asked – (**A Member:** Your source?) Well, yes, my source, Mr Speaker – that there has been some certification and the signing of an e-mail coming from up there in relation to this list, and she should know. All I am interested in is ensuring by raising these issues that the system can be improved and that the system can be run properly – that is all.

Hon. Miss S J Sacramento: Thank you, Mr Speaker. I am not sure what the supplementary question is, but anyway, I think we are all agreed that if things can be improved they will be improved, and certainly that is my commitment.

But in relation to the last supplementary question ... Maybe it is because it was so long but I have missed the question, Mr Speaker. But in any event –

Mr Speaker: What he wanted to know is whether you were prepared to appoint a board which could oversee the appointment of –

Hon. Miss S J Sacramento: I suppose, Mr Speaker, then I need to look at the competence of the board that looks at the competence of the board, but in a place like Gibraltar we are very limited in the number of doctors we have. Unlike in the UK, where you have a vast array of doctors, in Gibraltar the majority of the doctors will work for the GHA. In any event, it is something that I will consider if it does not already exist – it may well do and I just do not know.

Hon. D A Feetham: But, Mr Speaker, how does she –?

Mr Speaker: No, I am afraid not. We need to continue.
Next question.

Q716/2020
Mental Health Act 2016 –
Referral of patient cases to Mental Health Review Tribunal
after six months since applicable day

Clerk: Question 716. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, the Mental Health Act 2016, section 93(2), requires that on expiry of the period of six months beginning with the applicable day, the Authority shall refer the patient's case to the Tribunal. The Opposition has been told that no such reference has ever been made since the Act came into force, though some 30 to 45 patients are detained, on average, each

3070 year. Is this true? If not, how many patients have been detained per year and how many referred to the Tribunal since the Act was introduced?

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

3075

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the number of patients who have been detained under the section order is as follows: in 2018 there were 71, in 2019 there were 89, in 2020 there were 77, and so far in 2021 there are 15.

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Since the Act was introduced in 2018, 106 patients have been referred to the Mental Health Review Tribunal, of whom 14 were long-term patients and the referrals were made on their behalf.

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Hon. D A Feetham: Mr Speaker, in relation to the referrals, the 106, does she know when those patients were referred?

Hon. Miss S J Sacramento: No, Mr Speaker, I do not have that data.

3090

Hon. D A Feetham: Can she confirm that the bulk of these referrals have not taken place after I posed my question?

Hon. Miss S J Sacramento: Mr Speaker, I do not subscribe to that conspiracy theory, but the answer is I do not know. I am taking the answers that I have on this paper at face value.

3095

Mr Speaker: Next question.

Q717/2020

Mental Health Act 2016 – Referral of patient cases to Mental Health Review Tribunal after three years since last referral

3100

Clerk: Question 717. The Hon. D A Feetham.

3105

Hon. D A Feetham: Mr Speaker, the Mental Health Act 2016, section 93 (6), requires that the Authority shall also refer the patient's case to the Tribunal if a period of more than three years has elapsed since his case was last considered by the Tribunal. The Opposition is told that some nine patients currently detained have never been referred to the Tribunal. Is this true? If not, how many such patients have been referred to the Tribunal?

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

3110

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, since the introduction of the Mental Health Act, 14 long-term patient referrals have been made to the Mental Health Review Tribunal up to and including 16th March.

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Hon. D A Feetham: How many of these 14 up to 16th March are included within the nine when I posed the question in September of last year?

Hon. Miss S J Sacramento: Mr Speaker, I am afraid I do not have that information. Because I am not given the names of the patients, it is not something that I can cross-refer, but it is something that I can check and get back to the hon. Gentleman on later.

3120

Mr Speaker: Next question.

Q718/2020

**Mental Health Board annual report –
Amendment of Mental Health Act 2016 to lay directly before Parliament**

Clerk: Question 718. The Hon. D A Feetham.

3125

Hon. D A Feetham: Mr Speaker, the Mental Health Act 2016, section 116, requires that the Mental Health Board shall make an annual report to the Minister and every such report shall be laid before Parliament. Will the Minister consider amending the Act so that the report is made and laid directly before Parliament?

3130

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs:
(Hon. Miss S J Sacramento): Mr Speaker, the mechanism exists in statute.

3135

Hon. D A Feetham: Mr Speaker, perhaps she can enlighten me in relation to that. Is she referring to section 116, which basically says the Board shall make an annual report to the Minister at the end of each year concerning its activities and every such report shall be laid before the Parliament?

3140

I was going to ask another supplementary, just to ensure that we move along. How many of these reports have in fact been made to the Minister since the Act came into operation, and how many have been laid before Parliament? I think she said two.

3145

Hon. Miss S J Sacramento: Mr Speaker, I may be wrong, but I am aware that there are two. Obviously, as Minister, only one has been given to me because I have not been the Minister for Health for very long at all.

3150

I understand that the hon. Gentleman raises the issue, and the question obviously surrounds the issue of the delay in the laying of the report, but I think that is attributable to this year being an exceptional year, and the report is in fact ready and will be laid before Parliament. I do not envisage that the kind of delays that we have experienced in this exceptional year will be an issue going forward, subject to us not being subjected to another pandemic, so I do not see that there is a need to change the legislation in that respect because I do not think that this will be an issue going forward.

3155

From memory, I have only seen the current report and one report before that, which is the ... The report that needs to be laid before Parliament now is the 2020 report, and the only other one that I have seen is the 2019 report, which makes sense as the Act only came into force in 2018. I think I am sure that there are two reports, Mr Speaker.

3160

Hon. D A Feetham: Mr Speaker, am I right that the second report was in fact provided by the Board to the Government? Whether she has been Minister or not, it is a report that was provided to the Government – correct me if I am wrong, but I think over a year ago?

Hon. Miss S J Sacramento: Mr Speaker, I do not know when the report was provided, but I have it, and I am able to lay it before Parliament. I do not know when it arrived, but I know that I have had it, I have seen it and I have read a copy.

ADJOURNMENT

3165 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, with, once again, amazement at your ability to control your bladder for so many hours, I would move that the House should now adjourn to tomorrow at three o'clock in the afternoon.

3170

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 19th March at 3 p.m.

I now put the question, which is that this House do now adjourn to Friday, 19th March at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

3175

The House will now adjourn to Friday, 19th March at 3 p.m.

The House adjourned at 8.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 6.30 p.m.

Gibraltar, Friday, 19th March 2021

Contents

Questions for Oral Answer	3
Health Authority, Justice, Multiculturalism, Equality and Community Affairs.....	3
Q719 and Q766/2020 Discharged patients – Aftercare for mental health patients; arrangements for the homeless	3
Q720/2020 Illegal entry into Gibraltar – Number of arrests by year	6
Q721/2020 Deportations – Number by year and nationality.....	7
Q722/2020 Global Health Insurance Card – Entitlement of Gibraltarians and British residents of Gibraltar	8
Q723/2020 Discretionary assistance for users of social services – Authorisation of social workers and other Government officers	10
Q724-25/2020 Patient consultations – Remote platforms	11
Q733/2020 Surgical operations – Number undertaken between 1st March 2019 and 31st August 2020	17
Q734/2020 Cancer cases – Number diagnosed between 1st March 2019 and 31st August 2020	17
Q735-739/2020 Nursing staff in GHA – Nursing assistant short-term contracts and renewals; nurses, nursing assistants, sisters and charge nurses by nationality;	18
Q740-41/2020 Dr Giraldi Home – COVID positive cases since March 2020; precautions against spread of COVID	20
Q742/2020 Statistics re COVID recoveries – Inclusion of non-residents	21
Q476/2020 Cybercrime – Number of reports and breakdown of people charged and prosecuted	22

Q747/2020 Emergency calls – Filtering of non-fire and rescue calls through Gibraltar Fire and Rescue Service.....	23
Q748/2020 Patient and constituent grievances – GHA system/policy re timeframe for answering.....	24
Q750-53/2020 GHA Human Resources and Finance departments – Relocation to Europort	25
Q754-55/2020 GHA Clinical Governance team – Annual salaries and qualifications.....	27
Q756-57/2020 Nightingale facility – Security and cleaning companies during COVID crisis.	29
Q758/2020 Agency nurses – Cost and duration in COVID-19 period	29
Q759/2020 Mental Health Service – Actions to improve nurse-patient ratio.....	30
Q760/2020 Mental health patients – Vehicle for outings	30
Q765/2020 Assisted living – Accommodation for the elderly and those with dementia	31
Q767-771/2020 Dementia sufferers – Total number with early onset dementia, number on ERS waiting list, support facilities; number of dementia patients at Ocean Views; number of Ocean Views residents waiting for ERS beds	33
Q772/2020 Mental health prescribing, admissions and treatment – Statistics for pandemic period	35
Q773-74/2020 Children’s home – Number of residents and ages; number of counsellors .	37
Economic Development, Telecommunications and the GSB.....	38
Q775/2020 NVQ Level 2 and 3 in Mechanical Engineering – Number of trainees and method of assessment.....	38
Q776-797/2020 Public finances – Cost and financing of proposed hostel on MoT site; Sinking Fund balances; public, gross and aggregate debt, and cash reserves and net debt; effect of COVID on annual GDP and forecast; cost and financing of Post-Brexit National Economic Plan; GSBA Ltd shareholdings; GoG or GDC-owned companies under investigation re financial irregularities; Barclays Bank loan facility; GIB facility drawdown; Gibraltar National Mint Ltd audit, turnover and profit and loss, economic purpose and reason for joint venture with Gib 3000 (International) Ltd	39
Q798-99/2020 Government-owned companies – Early exit schemes	50
Q800-01/2020 Intended funding re supported employment for persons with learning disabilities – Median income in Gibraltar 2015-20	51
Q802/2020 Bishop Caruana Road residential home for the elderly – Outdoor facilities	52
Digital and Financial Services and Public Utilities	53
Q803/2020 Cyber security – National strategy.....	53
<i>The House adjourned at 6.30 p.m.</i>	54

The Gibraltar Parliament

The Parliament met at 3.06 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

**HEALTH AUTHORITY, JUSTICE, MULTICULTURALISM,
EQUALITY AND COMMUNITY AFFAIRS**

Q719 and Q766/2020

Discharged patients –

Aftercare for mental health patients; arrangements for the homeless

Clerk: Meeting of Parliament. Friday, 19th March 2021.

Order of Proceedings: we continue with Answers to Oral Questions. We commence with Question 719 and the questioner is the Hon. D A Feetham.

5

Hon. D A Feetham: Mr Speaker, what duty of aftercare is there in relation to detained mental health patients once discharged?

10 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 766.

15 **Clerk:** Question 766. The Hon. Ms M D Hassan Nahon.

20 **Hon. Ms M D Hassan Nahon:** What are the existing arrangements for discharging persons from hospital or Ocean Views in cases where they do not have a home to be discharged to but their health condition requires a functional, clean, safe, accessible, reliable and secure home?

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

25 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, upon discharge, the GHA retains a duty of care for all patients, including mental health patients. This may include a review appointment, medication reviews and referrals to appropriate specialities to support their recovery.

When patients are preparing for discharge, the GHA's Mental Health Services will hold discharge planning meetings, which include discussions with the patient and family, if appropriate,

30 about the aftercare they will require. Discharge summaries are completed upon discharge and sent to GPs and the Community Mental Health team. Once drawn up, the completed forms are placed in the patient's clinical notes at the Community Mental Health Service. Aftercare for patients may include follow-up by a psychiatrist to monitor the effectiveness of treatment prescribed, and a key worker in the community may be allocated, if deemed appropriate, to monitor mental health and progress. The key worker may be required to undertake home visits and keep in regular contact with the patient.

Discharge planning begins at hospital from the moment of admission. Through a multi-agency, multi-disciplinary approach, each patient's circumstances are looked at on an individual basis. Social housing and health status are also considered when planning discharge, and through close working relationships with the Housing Department, Care Agency and Elderly Residential Services, the most appropriate and safest discharge is sought for each individual's needs so that, once discharged, all steps are taken to reintegrate the person back into the community.

Hon. D A Feetham: Mr Speaker, in the United Kingdom, under section 117 of the Mental Health Act, there is a statutory duty placed on the Secretary of State in England, together with local authorities, in relation to the duty of care to patients once discharged, and that may include the issue of housing and other issues that have been outlined by the Minister in answer to the question. Where are these criteria? Where are these guidelines in relation to the duty of care owed to patients once discharged? It occurs to me that of course the Minister can provide an answer in this Parliament to do with what is done in relation to patients, but it would be extremely useful for that, for example, to be set out in the Code of Conduct, and I ask the Minister whether that is one of the plans for the Code of Conduct.

Hon. Miss S J Sacramento: Mr Speaker, it is not only one of the facets in the Code of Conduct, which is a very substantial document, but it also forms part of the recent review that we have undertaken since 1st January this year when we have looked at all the services and, more importantly, enhanced the multi-agency working of the services when it comes to supporting patients with mental health needs and particularly the discharge pathways. So, that is something that, operationally, has recently been enhanced. We are still working on improving the model in the future, but in terms of the structure it is very much one of the things that will be contained in the new document when it is published.

Hon. D A Feetham: Just finally, Mr Speaker, housing is obviously absolutely critical in relation to this, because if you discharge a mental patient and he or she has nowhere to go, then obviously that is just going to lead to a spiral and you are going to find that that person just simply comes back into Ocean Views. What conversations have happened in relation to your Ministry and also the Ministry for Housing, and what decisions have been made about ensuring that anybody who is discharged has a house to go to, in order to prevent that from happening?

Hon. Miss S J Sacramento: Mr Speaker, in this particular instance, it is actually quite helpful and the hon. Member may recall that I was the previous Minister for Housing, so these are protocols that I know are in place because these are things that I did when I was the Minister for Housing, but we continue to work on them in terms of the discharge – because obviously I am now looking at it from another point of view – to see how we can improve the systems that have already been in place.

One of the fundamental improvements, and as a result of conversations that I had, when I was Minister for Housing, with the Minister for Health at the time was the crucial support, when it comes to housing, of the halfway house. Yesterday, we had a lengthy discussion and there were several questions in relation to the halfway house, but the hon. Gentleman's question right now demonstrates how important the element of provision of housing is, as well as the element of provision of sheltered accommodation, so both are being catered for. We now know that they are

catered for, but we all know how crucial housing is in these circumstances and we very much have very fluid conversations between Ocean Views and all the relevant practitioners there and the Housing Department. At this stage, there is no real need for there to be a conversation at ministerial level because the policy decisions have already been taken. I have, of course, had these discussions with my colleague Minister Linares, but it is not something that we get involved in at an operational level because operationally it is dealt with by the Departments.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for her answer, but as she knows – because I do talk to her whenever I get the chance about situations that I have – I am afraid that a lot is left wanting in terms of what she cites happens afterwards, like regular contact, the social housing and the follow-up that she talks about. It would seem that, from my point of view – where I can already think, off the top of my head, of half a dozen constituents who have ended up in this situation – the system seems to be failing. From what I can see, there seems to be a lack of multi-agency co-ordination.

Would the Minister accept that the multi-agency co-ordination needs to be improved? Can she suggest some better working structure for perhaps MPs to deal with her Ministry when these constituents are left down and out? Otherwise, we end up, like my hon. Friends here to my right said, in some kind of spiral where they actually continue to have to go back into the system and out of the system. I personally see this all too often, so I would like to find some working solution to better their situation.

Hon. Miss S J Sacramento: Mr Speaker, it is true that the hon. Lady and I frequently discuss cases, and I am grateful that when the hon. Lady has an issue brought to her attention she immediately contacts me so that we can look to see what the issue is and help the person directly there and then. In that respect, of course I would get involved, because the hon. Lady, in her capacity as an MP, speaks to me in my capacity as an MP, and that is the protocol of this House, that Members of Parliament speak to each other. I will then, of course, pass it on to the relevant officials should action be necessary.

While of course there are systems in place, systems are not perfect and systems sometimes fail, and that is the reason why I specifically commissioned a public health adviser, who has been working with me in the Ministry and undertaking this project for the last three months. She commenced at the beginning of January and she left Gibraltar last week. She has been working on this. We began in October and again in November, but she has been working solidly in Gibraltar for three months and this is one of the things that has arisen as a result of the review, so that established multi-agency working practices are better enhanced. In fact, I chaired a meeting of all the heads of the multi-agency stakeholder organisations recently, to look at a national working practice to better support people from mental health, so that new structure is now very firmly embedded and, whereas I accept that there will have been problems in the past, I am very confident that, as a result of this review, things are going to get much better in the future. Multi-agency working I think now has been developed much more successfully, and I do not think that we will see, going forward, problems and pitfalls that we have experienced in the past.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you. I thank the Minister for her answer once again. I just wanted to ask: is the Minister aware that, more often than not, when these ex-patients from Ocean Views come out and end up with relatives for somewhere to stay and it gets very difficult from a mental health and social perspective, the main solution at that point is often to call the Police, have the Police intervene, and, vicariously through the Police, the social work kicks in? Does she think that this is a working solution, which is what is happening most of the time right now?

Hon. Miss S J Sacramento: Mr Speaker, I am not aware that that is a frequent working practice. I am aware that it may occur on occasions, where the Police may have to be called. Of course the Police also have a role to play within the wider framework, but that does not mean that the role of the Mental Health Support Services, whether at the GHA or Social Services, is displaced. There are different circumstances and steps will be taken, depending on the circumstances, when appropriate.

We all have to be mindful that mental health is a very complex issue. Of course, everybody wants to support and help patients with mental health problems, but it is not always an easy solution. Clinical treatment for patients with mental health ... is not the same as clinical treatment when someone has an accident and may break their leg, where they have surgery and the problem will, more likely than not, be fixed. Mental health issues are very complex and they are ongoing, so at the point of discharge a person may be well and they will be discharged with multi-disciplinary input and packages of support, but it is also possible that patients who suffer from mental health may also relapse. At that point, it may become an issue where the patient may become violent, in which case it is appropriate that the Police be called, and the Police will then follow their mental health protocols. There has been training by the Royal Gibraltar Police on this aspect, and then there are other resources that the Royal Gibraltar Police can trigger to then provide further support in relation to individuals.

Mr Speaker: Next question.

Q720/2020

Illegal entry into Gibraltar – Number of arrests by year

Clerk: Question 720. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many persons have been arrested for entering Gibraltar illegally during the period 1st January 2010 to 31st December 2020, broken down by year?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the number arrested for the offence of being a non-Gibraltarian found in Gibraltar without a valid permit or certificate, under the provisions of the Immigration, Asylum and Refugee Act, is as follows: policing year 1st April 2016 to 31st March 2017, 39; policing year 1st April 2017 to 31st March 2018, 14; policing year 1st April 2018 to 31st March 2019, 42; policing year 1st April 2019 to 31st March 2020, 57; policing year 1st April 2020 to 31st March 2021, 35 – data is up to 16th March of this year.

The RGP system cannot be searched in this way before 2016, so the data I have provided relates to 2016 onwards.

Hon. K Azopardi: I understand that the RGP systems went through an overhaul probably around 2016-17, so that may account for that, but is there no other way of obtaining statistics on persons arrested for entering Gibraltar illegally, or indeed being arrested for any crime before 2016?

Hon. Miss S J Sacramento: Mr Speaker, I did ask that question when I received the answer, and I was told that the system could not be interrogated in that way. However, I am happy to go back

to the Police, if I have more time, to get the further detail and then the hon. Gentleman and I can discuss the figures thereafter.

Mr Speaker: Next question.

Q721/2020
Deportations –
Number by year and nationality

Clerk: Question 721. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many deportations of persons have there been during the period 1st January 2010 to 31st December 2020, broken down by year and by nationality of person?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the number of persons deported from Gibraltar during the period 1st January 2016 and 15th February 2021 are as follows.

In 2016 there were a total of 25 – 20 Moroccan, two Chinese, one Ghanaian, one Albanian and one Bangladeshi.

In 2017 there were four. All four were Moroccan.

In 2018 there were 38, of which 28 were Moroccan, one was British, two were Chinese, six were Algerian and one was Senegalese.

In 2019 the total was 39, of which 32 were Moroccan, two Albanian, one Uruguayan, one Algerian, one Australian, one Cuban and one Ukrainian.

In 2020 the total was 29, of which 22 were Moroccan, five Albanian, one Chinese and one Pakistani.

Again, Mr Speaker, the RGP system cannot be searched in this way before 2016, so the data that I have provided relates to 2016 onwards.

Hon. K Azopardi: Mr Speaker, in this respect, in terms of deportations, is it, I ask, only an RGP collation exercise? I assume that deportations have happened as a result of some kind of court order; and, if so, are there not centrally held statistics at the courts that could be accessed?

Hon. Miss S J Sacramento: Mr Speaker, again, I asked the same question, particularly given that the question preceding this is provided to me in terms of policing year and the second question is provided to me in terms of the calendar year. I asked the exact same question, but the answer that I received was that these statistics are kept by the Royal Gibraltar Police. However, Mr Speaker, following the Parliament session, when I have more time, I will go back to this again because the supplementary questions that the hon. Gentleman has asked are the exact same questions that I also asked.

Hon. K Azopardi: I am grateful and glad to see that we are on the same wavelength, because there does not seem to be a consistency with that, and indeed, as the hon. Lady will know from her experience at the Bar, certainly in respect of the second question there should be some kind of cross-check and not just RGP statistics.

In relation to the year 2018, she said that there were deportations of two British subjects. How is that possible?

Hon. Miss S J Sacramento: Indeed, Mr Speaker, in 2018 there was ... The statistic I have been given is that there was one British subject. I will find out the detail and get back to the hon. Gentleman.

Hon. K Azopardi: Finally, Mr Speaker, I appreciate she is doing work with the authorities and indeed probably the courts as a result thereafter, but perhaps there can be an exercise done so that we understand to what extent ... I am assuming, for the purposes of my number crunching of these statistics, that the deportations that are happening are happening in respect of illegal entries in that year, but of course it is difficult to ... First of all, we would like confirmation of that. Secondly, it is difficult to do that if the first set of statistics is given against not a calendar year but the second are. So, it is impossible to conduct that exercise and I think it would be helpful, not just for Members on this side of the House but indeed for the Government, to understand that if there were 39 illegal entries in a particular year, there may have been 36 deportations. Maybe a couple of them are seeking asylum if you are able to track it, but otherwise, if you do not have the statistics constructed on the same basis, then you cannot – so, perhaps the Minister would take an interest in the issue.

Hon. Miss S J Sacramento: Yes, I will, Mr Speaker, because when I was analysing the statistics I wanted to compare them, and then, when they were presented to me in the way that they were, I had difficulty in doing so, so it is something that I need to go back and check further.

Mr Speaker: Next question.

Q722/2020

Global Health Insurance Card – Entitlement of Gibraltarians and British residents of Gibraltar

Clerk: Question 722. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government confirm whether Gibraltarians and British residents of Gibraltar will be entitled to a new Global Health Insurance Card to access emergency medical care in the EU when their current European Health Insurance Card issued by the GHA expires?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, there is currently no agreement with the EU on a Global Health Insurance Card.

Hon. K Azopardi: Mr Speaker, can I ask the Minister to clarify? Does she mean there is no current agreement with Gibraltar in relation to a Global Health Insurance Card, or does she mean there is not one generally?

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, if I may assist the House, my understanding is that the Gibraltar health card, as a result of the New Year's Eve agreement, will

continue to be valid in Spain, and the Spanish health card that exists will also continue to be valid in Gibraltar. That is a bridging measure, though we have negotiated with a view to a final treaty coming at some point later on in the year. That is the card that we are using and that we can use in Spain, I stress, and the card that Spanish citizens can use in Gibraltar on a reciprocal basis for the moment, until a treaty comes along, where that may change.

Hon. K Azopardi: With respect, I am not sure the hon. Member has answered the question I asked. Is it that the Government is saying to us that there is not an agreement in relation to a Global Health Insurance Card, or that there is not one in place with Gibraltar?

Hon. Deputy Chief Minister: Mr Speaker, we can answer, obviously, for our cards and for Gibraltar, and there is no agreement in place for Gibraltar at this moment in time. There may be one, but there is not one at this moment.

Hon. K Azopardi: The hon. Lady perhaps will be familiar that the NHS is putting out information, and I will just read an extract, where it says:

UK-issued European Health Insurance Cards (EHICs) are still valid and offer the same cover as GHICs in the EU. Once your EHIC has expired, you'll be able to replace it with a GHIC.

That is the NHS information. That is why I was asking whether we had a similar system in place, and so can I just ask that ...? One of the things the Chief Minister has said in his previous interventions in this House is that while at the moment we have, as the Deputy Chief Minister says, bridging measures under the framework agreement ... That is all they are; they are informal bridging measures that are not legally binding, but we are grateful for them. The Chief Minister has said often, I think, that insofar as the UK-EU agreement, most of that is irrelevant, but there may be some personal benefits in that agreement that may transmit to Gibraltar.

If there are benefits in the current UK-EU agreement that are in respect of health rights across the EU, can I ask the Government perhaps to engage into whether rather than take the position that we do not have these rights at the moment, perhaps investigate the possibility that we may already be able to claim those personal rights in relation to healthcare stemming from the EU-UK agreement on the basis that whatever agreement we are going to do in respect of Gibraltar is a sort of territorial agreement, but insofar as there are specific rights pertaining to individuals who were British EU citizens before, we should be in no different place to someone who is from Bradford?

Hon. Deputy Chief Minister: Mr Speaker, as the hon. Member has said, Gibraltar is excluded from the UK-EU agreement that currently exists. As I have understood the question, there are some benefits that British citizens everywhere may be able to tap into regardless of the exclusion.

In terms of the card, this is something that is under discussion, which I have been discussing with my hon. Friend and her Department, and also with the United Kingdom, so it may well be that it is something that happens, but we cannot confirm that one way or the other at this stage.

Mr Speaker: Next question.

Hon. K Azopardi: Sorry, I am just asking the hon. Member to take on board the position that, while I accept that of course Gibraltar is not covered, there is no territorial application in the EU-UK treaty to Gibraltar, the Chief Minister has said before that there may be rights stemming from it, and can he keep the issue in mind when considering the issue of healthcare, which is important to people when they are travelling throughout Europe, whether or not there is an agreement in future?

Hon. Deputy Chief Minister: Mr Speaker, yes, certainly, as I said, the matter is under active consideration.

Hon. D A Feetham: Mr Speaker –

Mr Speaker: No, we need to continue.
Next question.

Q723/2020

**Discretionary assistance for users of social services –
Authorisation of social workers and other Government officers**

Clerk: Question 723. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, are social workers or any other Government officers authorised to provide users of services discretionary assistance or support by way of materials, food or household or general goods?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, social workers provide clients with discretionary services on the basis of an assessment of need. In cases of severe financial hardship creating an element of risk to a vulnerable adult, assistance is provided by way of materials, food or general household goods through donations or through formal process requests to the Financial Secretary for money through the Hardship Fund.

Hon. K Azopardi: Just pulling the thread from the last part, there is provision in a budget somewhere in the Government for this? The hon. Lady described it as the Hardship Fund – is that the official name? And against which kind of criteria? Does it require a recommendation by a senior officer in the Department? And is there a limit to the Hardship Fund that would be released to a particular applicant?

Hon. Miss S J Sacramento: Mr Speaker, the Care Agency budget has provision for such circumstances. However, we also live in an extremely generous community, where we find ourselves in a situation where people continuously offer the provision of food and assistance. In these circumstances, these offers are directed to Social Services, who will then, with the consent of individuals, receive goods and pass them on to people who may be on the Social Services' radar, whether they are on the vulnerable adults list or the like, or people who may need particular things may be put in touch with organisations.

So, as I said in my first answer, there are two channels. There is the informal channel, but, always having GDPR safeguards, all sorts of safeguarding protocols that are triggered; or alternatively, there is the formal channel through the Care Agency, which would be authorised by the Controlling Officer of the Care Agency, who is the Chief Executive Officer, so it is the official at the highest level.

Mr Speaker: Next question.

Q724-25/2020
Patient consultations –
Remote platforms

Clerk: Question 724. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, is the GHA contemplating Zoom-type or other remote/telematics consultations for patient appointments with locally based or visiting consultants?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 725.

Clerk: Question 725. The Hon. K Azopardi.

Hon. K Azopardi: What investment is the GHA making in terms of technical or human resources, equipment and infrastructure to support a move to deliver greater care, patient consultations, appointments and follow-up telematically or telephonically?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, yes. Indeed, this has already been done; in fact, this was already in place before COVID and its use has now been expanded for obvious reasons.

For patient consultations, particularly with tertiary centres, the GHA had already installed a secure medical teleconference platform.

Hon. K Azopardi: Mr Speaker, I am grateful to hear that, although slightly surprised, I have to say, from a personal experience that I am about to recount. I filed this question some time ago, but recently, during the height of lockdown, I had a follow-up with a consultant in Gibraltar. I was offered a telephone consultation and I made enquiries as to whether I could have a Zoom call, because now we live our lives on Zoom and I thought it would just be better to see the consultant face to face. I was told that the systems were not in place to do that, and indeed that it was against the rules on data protection. I thought, 'Well, I am the patient, so I am happy to waive my rights on data protection.'

I then proceeded to have the telephone consultation – and let me assure the hon. Lady I have been treated really well by the GHA throughout my troubles in the last few months, but I am telling the story. I am not sure that the message is getting across, to those who need to conduct the consultations, that the Zoom technology is available, and therefore can the Minister perhaps think about ways of transmitting that message first of all to the staff and then to the public?

Hon. Miss S J Sacramento: Mr Speaker, I am sorry to hear that from the hon. Gentleman; I wish he had been in contact directly. What may have confused the staff is ... The question is whether we will introduce Zoom-like calls, therefore I am assuming that he means any app. When I am at my office at the GHA, in the building at St Bernard's Hospital, on the seventh floor in the Minister's office, I use all sorts of apps because it also depends on who is inviting you to the meeting. So, in the last year we have used Zoom, Microsoft Teams and various other ones, which is extremely confusing, especially for someone like me, Mr Speaker, because I sometimes get very easily

confused with these things. But if the hon. Gentleman asked the GHA for a Zoom call, because the app in the GHA is called something else, then the reply could have been, 'No, sorry, we cannot do Zoom because our system is called Webex.'

410 Webex has enhanced security and is supposed to be the most secure platform for medical consultations, and that is why they have that one, because it was requested by the clinicians. I recall when Webex was launched, and it was launched by Neil Costa when he was the Minister for Health ... I asked my officers to come up with a press release of when it was, because I vividly remember that for the press conference there was a demonstration between the Minister for
415 Health then and doctors in the UK. So, Webex has been installed in the Hospital for quite a long time.

Like all of the other teleconferencing platforms, you do not have to be a subscriber to Webex to be able to use it, so, in the same way that you can download Microsoft Teams or any other app for the 'Zoom' call, the hon. Gentleman should have been told that we do not use Zoom but that
420 we use Webex because it is a more secure, clinically recommended platform, and the hon. Gentleman could have very easily downloaded it on his phone.

I apologise to the hon. Gentleman, given that it affected him personally, and I will once again go back to the GHA and ask them to better communicate.

425 **Hon. K Azopardi:** Mr Speaker, I thought I had made it clear, but it is not that it affected me personally in any significant way. I was fine with it, and indeed the care I receive is very good. I take on board what the hon. Lady has said. Perhaps it is just a question of there being better transmission of information, that is all.

430 **Mr Speaker:** I think I am not going to allow you to ask a question, because what we are saying here is that if a Member asks a question, the person who is entitled, in my view, to follow-up supplementaries is the person who posed the question originally. That is how I am operating now. Yes?

435 **Hon. K Azopardi:** Mr Speaker, on a point of order, that would be different to how we have been operating in the last three days. In the last three days you have allowed other people –

Mr Speaker: I think Members are not taking account of what I said at the time. In the first couple of days, you are quite right, I was a wee bit flexible, but there were not too many people
440 who were not asking supplementary questions that were not supplementary questions in relation to their own questions. What I am saying here is it is not the correct thing to do to allow Members who are not asking the questions supplementaries on a question that was tabled by somebody else.

I think I am trying to move persons towards what happens in other parliaments. You are quite
445 right to point it out, but this is what I am doing now and that is my decision. Thank you.

Hon. K Azopardi: Mr Speaker, can I just say, on that, it would be a variation to the practice that this House has had for the last 50 years. It would certainly be to place the Opposition in a position which would constrain its Members in a way that has not happened for decades, in a way that
450 would not affect the Members opposite, who sometimes jump in on each other's answers to assist each other. There are things that may occur to –

Mr Speaker: Let me say something. I have allowed your good self, as Leader of the Opposition, to come in if you feel that a Member of the Opposition has missed an opportunity to ask an
455 important question, and I have allowed you to come in to ask a question in the same way as the Chief Minister or any other person here on the Government side can come in, if a Minister is unable to answer a question or has not answered a question properly, to respond to that. That is the way I have focused this. Perhaps I did not explain at the time and give the advice, but if I am

constraining or restricting Members of the Opposition to a certain number of questions, then it is obvious that if another Member piggybacks on somebody else's question, I cannot allow it to happen.

It may well be something that you might wish to bring up when we have the Select Committee on Parliamentary Reform. You might want to bring this up.

Hon. K Azopardi: Mr Speaker, with all due respect, I think that to change what is decades-long practice in a way that suddenly constrains the Opposition to do its job in a Parliament where we have an inbuilt minority and the executive has an inbuilt majority is to completely put hurdles in front of the job of the Opposition. It makes it so hard for us to keep accountability on Ministers. When someone asks a question and asks supplementaries, it is obvious that there may be other Members sitting around the table who have thought of other issues that are matters of public interest that do need to be raised.

With respect to the Hon. Mr Speaker, I understood at the outset of these last four days the need for us to be more disciplined to cut through the backlog of questions, which was not created by us. We have done that, but Mr Speaker assured us that after that was over we would go back to the normal run of things. What Mr Speaker has just said would put us in an even worse position than we were at the outset of Mr Speaker's ruling.

Can I just say, in closing, that I would ask Mr Speaker to perhaps reflect on those issues, and clearly I would say that the weight of precedent over the last four decades is at least for continuing the practice until such time as there is a process of parliamentary reform and we all agree to change working practices, but until that happens we should do things as we have always done.

Mr Speaker: The issue here is that there are many supplementaries which are asked, and what we end up here with is a cross-examination in a courtroom type of scenario and we have Members of the Opposition jumping in to get their questions in. It has happened in the past. (**Hon. A J Isola:** Always.)

That is the way I am focusing the issue. It is not trying to muzzle or remove from the Opposition an opportunity for asking a supplementary; it is trying to control and manage it as best as possible, because there are occasions when it is a free for all, and personally I am not having it.

Hon. K Azopardi: Mr Speaker, if I may – it may not come across as muzzling, and of course that is not the intention of Mr Speaker because I know Mr Speaker is not intending that, but it certainly will have that effect.

If there is a reason why things are taking so long it is that sometimes the Members opposite do not give brief answers; they give extremely long answers. I am trying really hard to keep my questions fairly short – although sometimes they need an introduction, but fairly short – but the answers on the opposite side ... I am not talking about today, because I thought today we were actually going quite well, but on other occasions the reason for delay is the length of the answers and rambling nature that does not keep to the original answer. That is the issue, and if that is then having the effect of delaying proceedings, the consequence cannot be that Members on this side of the House, who are trying to fulfil an important function in holding the Government to account, are told that they cannot ask questions of the Government.

Mr Speaker: No, I am not saying that. I am saying that we are restricting the number of questions in order to be able to expedite dealing with the backlog. What I do not think is right is that whenever a question is made and the supplementaries have been dealt with by an individual Member, other Members come into play and are all asking questions. It has happened, it happens regularly, and I think that is not right.

[Inaudible]: It does not happen in any other Parliament.

510 **Mr Speaker:** Precisely.

Hon. K Azopardi: Mr Speaker, it has happened for 50 years in this Parliament and no one has ever bothered to constrain the Opposition. This would be a precedent –

515 **Mr Speaker:** No, it is not. I am sorry, but it is not. It is a view taken by the Leader, but it is not. I am trying to manage business as well as possible. The Member might object, fair enough, and I understand his objection.

The issue of asking a supplementary is to elucidate. The Standing Order says here:

(5)(i) A Member may put a supplementary question or questions for the purpose of further elucidating ...

520 Fine, but we should not have cross-examination-type questions. Yes, it happens, and if you are telling me it does not happen, I do not agree.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may assist the House, I think it is important that we do bear in mind that this is not without precedent. It is totally unfair and wrong to think that this is without precedent. I was in the House when Speaker Alcantara, after I think a particularly fractious meeting and a meeting with a lot of questions, directed, as you are directing
525 now, that at least whilst he was dealing with what was a very large number of questions he was restricting the number of supplementaries, and I recall myself not being allowed to ask supplementaries of another person's question, which is actually the practice in most parliaments and was the practice in our Parliament for a period of time.

530 The Government is answering many hundreds of questions because there is a backlog. We hope to go back to the monthly rhythm of questions, where there will therefore be fewer questions, I assume, and we will be able to deal with that.

In the parliamentary reform process, Mr Speaker, the Hon. Mr Azopardi is the one who tells us that we have to change things and modernise them. It is remarkable that now he is telling us he
535 wants to rely on a practice that has gone on for 50 years.

What we are witnessing is really just an attempt to grab a headline based around parliamentary martyrdom. The reality is the Government *is* answering questions, the Government *is* giving as much information as it is able to do so and we will continue to do so, and the hon. Member knows that. Frankly, I think we all need to realise that this is an exceptional meeting held in exceptional
540 times, hoping to clear a backlog and come back to normal processes.

Hon. K Azopardi: Mr Speaker, the hon. Member was not even here when the vast majority of that exchange between you and I took place, so I am afraid that he has not captured what this point was about. The point was that I had understood Mr Speaker now saying that you wanted to
545 take a more radical position than you did at the outset of your –

Mr Speaker: That is not the case.

Hon. K Azopardi: Well, if I can just make this point, Mr Speaker?
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Mr Speaker: Yes, of course.

Hon. K Azopardi: On concluding your ruling on Tuesday – or Monday, I forget which day it was because we have been here every day – you said that we would return to the more liberal fashion. I think you said that phrase exactly.
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Mr Speaker: When this session is over.

Hon. K Azopardi: Exactly. That is what I am asking for.

Mr Speaker: When this session is over, yes.

Hon. K Azopardi: But I am also asking for a recognition that it is not unreasonable for Members on this side of the House to sometimes pitch in with questions that they have which are a different issue of public interest on a particular matter. That is not cross-examination; it is matters of public interest that people are entitled to hear.

Hon. Chief Minister: Mr Speaker, I would say that that is not the way that we have ever behaved in this Parliament. In this Parliament, we have always been permitted only to ask supplementaries about the question that is put, not to raise a new issue –

Hon. K Azopardi: Not what I am saying.

Hon. Chief Minister: Well, if that is what you are saying, that is not what came out of your mouth.

Mr Speaker, if that is what the hon. Member is saying, that is not what came out of his mouth and he needs to realise that what he has said is something different.

If something does not arise from an answer, then no supplementary arises from it. I have been on the butt of findings in that respect on a number of occasions when I have been in the Opposition. You take the rough with the smooth. That is how democracy works.

Mr Speaker: In order to move forward – we are spending too much time on something which, in my view, can be sorted out – let me just refer to what I had to say on Tuesday. I said:

I am turning to Speaker Alcantara for guidance, who introduced the practice of allowing hon. Members to ask two supplementaries...

Initially, he said, ‘This is how it is going to be.’ Representations were made. He then allowed things to change, and then he brought the system back into play because there were complaints made about the number of supplementaries that were asked at the time. So, there is precedent for it, but having said that, I did say also:

allowing hon. Members to ask two supplementaries and three in respect of the Leader of the Opposition. I intend to follow this practice and will exceptionally allow the Leader of the Opposition a further supplementary for the purpose of elucidating any matter arising out of an Oral Question posed by an Opposition colleague.

So, I am allowing you to do that. What I am not doing is allowing other Members to come in. I noticed yesterday – (*Interjection*) No, the odd one here and there because I wanted to be as understanding as possible. That is the truth. (*Interjections*)

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say, with all due respect, that in the seven years I have been in this House... We all know that I broke away from the GSD a few months into my coming in on the first term – (*Interjection*) For you. I remember distinctly (*Interjection*) that when the GSD asked their questions I always waited and Speaker Canepa would let me ... In particular, I have visions of this happening with Elliott Phillips because we shadow similar things and I always remember waiting for him. I also remember them waiting for me when they wanted to come in.

This is all news to me, Mr Speaker. That is all I wanted to say.

Mr Speaker: I am not saying –

Hon. Chief Minister: Sorry, if I may, it is important that I make a point in relation to the hon. Lady. Of course it is news to her, because she has had the benefit of being elected for six years, not seven, in a Parliament run, as Leader of the House, by me with the Hon. Deputy Chief Minister, where we meet every month – when we are able to, except in the exceptional period in which we have found ourselves – and therefore every month there are fewer questions and every month we got into a rhythm of things and there was able to be more leeway. What Mr Speaker has told us all is, ‘Let’s get back to that, when I will be as liberal as I have been and I will continue to permit as much cross-questioning as I have, but not now because we are trying to deal with the backlog.’ That is the issue, Mr Speaker.

The other point that I will make is that the Rules are no longer fit for purpose. The Rules need to be changed and they need to be modernised. Mr Azopardi is wrong to say that simply because something has been happening for 50 years it should continue to happen. We have to give business *(Interjections)* modernity and agility to this Parliament, and that is what we must do in the Committee on Standing Orders.

Mr Speaker: I think the point here is that the Leader of the Opposition has accepted the guidance that I gave on Tuesday. You accept? Then what is the issue –? *(Interjection by Hon. K Azopardi)* Hold on. What is the issue if I extend the way we are managing the questions further, like in the case where I have said to you that you can ask a separate question, a supplementary, in respect of questions posed by others? I have said that – *(Interjection)* hold on – and I did say:

I will return to a more liberal practice when monthly meetings of the House are resumed.

Right? *(Interjection by Hon. K Azopardi)* So, this is particular for this question and answer session.

Hon. K Azopardi: Yes. You ask what the issue is. The issue is that what you said on Tuesday is more restrictive than what has been the practice before, and I accepted it. I did on Tuesday, Mr Speaker knows that. What I heard you say now is more restrictive still than Tuesday. That is the issue for me. We are in the final stretch of this set of questions, so let’s just keep the Tuesday ruling, which is more restrictive than it was, and go back to the more liberal fashion in the future. That is the issue for me. And then let’s get together and amend the Rules of the House, which are not fit for purpose.

Mr Speaker: Good. I think everybody is agreed. Thank you. *(Interjections)* No. In fact, I did say here:

I will afford the Hon. Marlene Hassan Nahon the same courtesy.

I did say that. **(Hon. Ms M D Hassan Nahon: Yes.)** So, on this occasion – hon. Member, please – it was an error on my part not to allow you to ask the question, because I did say you could because I was going to afford the same courtesy to you.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, for acknowledging that. I did think I had heard that a few days ago, but we have been here for so long that I am getting a bit of cabin fever and I did not want to – *(Interjection by Hon. Chief Minister)* On the supplementaries.

Mr Speaker, my supplementary was simply to ask the Minister – *(Interjection)*

[Inaudible]: He wants less rambling.

Hon. Chief Minister: Less rambling, yes.

Hon. Ms M D Hassan Nahon: So, let's stop rambling. Okay.

650 I wanted to ask the Minister ... I wanted to tell her, actually, before asking, that I also have had an experience. My mother has had a Zoom with doctors in Spain. Clearly she talks about getting the communications better and all that, but I wanted to ask her if the GHA is going to embark on some awareness campaign so that the people of Gibraltar know that it is an option, because I do not think people know it is an option. Obviously they want to expand that service. Can we hear
655 more about it and how the technology works, and how people understand through the media and through the press how the Zoom option will be possible in the future?

Hon. Miss S J Sacramento: Mr Speaker, yes, this is all part of the Reset, Restart and Recovery programme for the GHA that I explained yesterday. I will remind the hon. Lady that I said it is not Zoom. The programme that we have is called Webex, but it can be downloaded by patients as well.
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Mr Speaker: Next question.

Q733/2020

Surgical operations –

Number undertaken between 1st March 2019 and 31st August 2020

Clerk: Question 726 to 732 have previously been answered, so we now move to Question 733
665 and the questioner is the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many surgical operations were undertaken in Gibraltar by the GHA in the following six-month periods: 1st March 2019 to 31st August 2019, 1st September 2019 to 29th February 2020, and 1st March 2020 to 31st August 2020?
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Clerk: Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the number of surgical operations undertaken by the GHA for each six-month period were: 1st March 2019 to 31st August 2019, 1,692; 1st September 2019 to 29th February 2020, 1,787; 1st March 2020 to 31st August 2020, 1,033.
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Q734/2020

Cancer cases –

Number diagnosed between 1st March 2019 and 31st August 2020

Clerk: Question 734. The Hon. K Azopardi.

680 **Hon. K Azopardi:** Mr Speaker, how many cases of cancer were diagnosed in Gibraltar at the GHA in the following six-month periods: 1st March 2019 to 31st August 2019, 1st September 2019 to 29th February 2020, and 1st March 2020 to 31st August 2020?

Clerk: Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.
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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the number of diagnosed cancer cases for each six-month period were: 1st March 2019 to 31st August 2019, 82; 1st September 2019 to 29th February 2020, 81; 1st March 2020 to 31st August 2020, 85.

Mr Speaker: Next question.

Q735-739/2020

Nursing staff in GHA –

**Nursing assistant short-term contracts and renewals;
nurses, nursing assistants, sisters and charge nurses by nationality;**

Clerk: Question 735. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many nursing assistants were employed within the GHA on 31st March 2020 on contracts of six months or less or contracts of under 12 months, and how many of these have been previously renewed once or more than once?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 736 to 739.

Clerk: Question 736. The Hon. K Azopardi.

Hon. K Azopardi: How many nursing assistants were employed within the GHA on 31st October 2020 on contracts of six months or less or contracts of under 12 months, and how many of those have been previously renewed once or more than once?

Clerk: Question 737. The Hon. K Azopardi.

Hon. K Azopardi: Can the Government state the number of nursing assistants working in the GHA on 31st March 2012 and 31st March 2020 respectively broken down by nationality?

Clerk: Question 738. The Hon. K Azopardi.

Hon. K Azopardi: Can Government state the number of nurses working in the GHA on 31st March 2012 and 31st March 2020 respectively, not including sister/charge nurses, broken down by nationality?

Clerk: Question 739. The Hon. K Azopardi.

Hon. K Azopardi: Can Government state the number of sister/charge nurses working in the GHA on 31st March 2012 and 31st March 2020 respectively, broken down by nationality?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, there were eight nursing assistants employed within the GHA on 31st March 2020 on contracts of six months or less and a further nine nursing assistants employed on contracts of over six months but under 12 months. Of those eight nursing assistants on contracts of six months or less, all eight had been previously renewed. Of the nine nursing assistants on contracts of over six months but under 12 months, seven had previously been renewed.

There were 25 nursing assistants employed within the GHA on 31st October 2020 on contracts of six months or less, and a further eight nursing assistants employed on contracts of over six months but under 12 months. All these had previously been renewed.

The number of nursing assistants working in the GHA on 31st March 2012 and 31st March 2020 respectively are as follows: 80 on 31st March 2012; 129 on 31st March 2020. The breakdown by nationality is as follows. In 2012 there were 79 who were British and one who was Swedish. In 2020, there were 119 who were British, six who were Spanish, one who was Dutch, one who was Irish, one who was Polish and one who was Portuguese.

The number of nurses working in the GHA on 31st March 2012 and 31st March 2020 respectively, not including sister or charge nurse, is as follows: 287 on 31st March 2012, and 388 on 31st March 2020. The breakdown by nationality is as follows. In 2012, 240 were British, 40 were Spanish, two were German, two were Polish, one was French, one was Irish, one was Portuguese. The nationalities of those in 2020 were 252 British, 121 Spanish, three German, three Portuguese, three Romanian, two Italian, one French, one Irish, one Latvian, one Polish and one Swedish.

The number of sister/charge nurses working in the GHA on 31st March 2012 and on 31st March 2020 respectively is as follows: 32 on 31st March 2012, and 40 on 31st March 2020. The breakdown by nationality is as follows. In 2012, 31 were British and one was Malaysian. In 2020, 34 were British, five were Spanish and one was Malaysian.

Hon. K Azopardi: Mr Speaker, can I just ask about the process on the renewals of the nursing assistants? At 31st October 2020, the statistics the hon. Member gave were that there were 25 nursing assistants on contracts of less than six months and eight between six and 12 months. They had all been previously renewed. There was also a significant number of previous renewals in the previous answer of 31st March 2020. What is the criteria and what is the process of renewal? When is a decision taken for someone being made permanent? The information that I am getting sometimes is that people are being kept on an almost regular renewal basis, even though they may be local nursing assistants. Is the hon. Lady aware of that?

Hon. Miss S J Sacramento: Mr Speaker, the problem is that this is a difficult period when it comes to the renewal of these nursing assistants. If the hon. Gentleman compares the numbers between 2012 and now, he will see that in every category the figure is remarkably higher for October of last year than it is for the period in 2012. That is because we have engaged a lot of supernumerary nursing assistants, particularly on the bank. However, if they are employed in the bank, they will still be on a fixed-term contract. A lot of these have been offered short-term fixed contracts, which are at present renewed depending on the COVID room demand, but as we settle down we will look at the establishment and regularise the position of those that need to be regularised. It is just where we find ourselves at this juncture of the pandemic. This is the way that we are handling this matter right now because the demand for the staff is such.

Hon. K Azopardi: I certainly understand that, and I was not making a point on anything like that, because I understand that as a result of the pandemic of course the GHA had to recruit people on short-term contracts, which was necessary to do. I was making more the point that people, if you go back, would have been on historic renewals even before the pandemic came about.

Is the hon. Lady saying that because of the pandemic there may have been people on historic renewals, but it is only post pandemic that the matter will be settled and reviewed and the complement will be looked at?

Hon. Miss S J Sacramento: Mr Speaker, the answer is probably yes. Because we have been in a pandemic, the status quo has continued and people on fixed-term contracts have been extended for expediency, probably, but also to be mindful that we have had a lot of additional people because of the pandemic. But now I am keen to review the situation in respect of all those who are on fixed-term contracts.

Mr Speaker: Next question.

Q740-41/2020

Dr Giraldi Home –

COVID positive cases since March 2020; precautions against spread of COVID

Clerk: Question 740. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, have there been any COVID positive cases at the Dr Giraldi Home since March 2020; and, if so, how many to 29th January 2021?

There is no magic in the figure. That was the date I filed the question, that is why it is 29th January, so if the hon. Member has another date ...

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 741.

Clerk: Question 741. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what precautions against the spread of the COVID virus are being taken at the Dr Giraldi Home?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, from March 2020 to 29th January 2021, a total of 50 cases were detected at the Dr Giraldi Home, of which six were residents and 44 were staff.

To ensure that the risk of the spread of COVID was mitigated as far as possible, the following measures were implemented at the Dr Giraldi Home: contingency plans were generated and updated monthly, or sooner if needed, in consultation with Public Health and the Infection Control Team at the GHA; staff were placed at the entrance to the building to monitor temperature and symptom check of those entering; ensuring all people entering the premises are informed they must wear personal protective equipment; contractors were informed they needed to be screened prior to entering the premises; all meetings took place remotely via online platforms; educating staff and service users on the importance of wearing PPE and the need to maintain social distancing; PPE equipment was procured and a rolling stock is in supply at all times; twice weekly swabbing of all staff in order to detect positive cases; increase in cleaning inside and

outside of the premises; a quarantine area identified for use by service users symptomatic and testing positive for COVID-19; screening of service users as per Public Health guidelines; Dr Giraldi Home has been in lockdown since 29th December 2020; restricted families visiting sites; creation of bubbles of staff to prevent cross-contamination; audits for hand hygiene implemented on a regular basis; and generated risk management plans to mitigate the risk for service users.

Hon. K Azopardi: Mr Speaker, I think the hon. Lady said that the Giraldi Home has been in lockdown. Is it currently in lockdown?

Hon. Miss S J Sacramento: No, Mr Speaker, I apologise. I do not believe that the Dr Giraldi Home continues to be in lockdown, but there are stringent measures in relation to visiting.

Hon. K Azopardi: Mr Speaker, the 50 positive cases, 44 from staff – does she have dates when those staff members became positive?

Hon. Miss S J Sacramento: No, Mr Speaker, the dates will be for the period that was requested in the question, but I do not have a monthly breakdown of the positives.

Hon. K Azopardi: In relation to the Dr Giraldi Home I think she said swabbing twice a week of staff. Like in ERS at the height of the lockdown and the more virulent strain, was the swabbing frequency increased?

Hon. Miss S J Sacramento: Mr Speaker, the answer that has been prepared for me by the officials says that the testing was undertaken twice a week, but I understand, wearing my Civil Contingency hat, that at that time swabbing was increased and it was undertaken in the same way that it was undertaken at ERS because we were monitoring ... Because it is all related to the increase in infectivity in the community, as the cases were increasing in the community we escalated the precautions at the homes. So, on that basis, Giraldi Home was treated in the same way as ERS was being treated. Although I do not have it in my answer, from memory I think that swabbing was increased.

Mr Speaker: Next question.

Q742/2020

Statistics re COVID recoveries – Inclusion of non-residents

Clerk: Question 742. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, are non-residents included in the figure of recovered cases in the daily COVID-19 statistics published by Government, and have they been since 31st August 2020?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the answer is yes, non-residents are included in the recoveries.

Hon. K Azopardi: Yes, since 31st August 2020, I think there were some ... I have to perhaps ask the hon. Lady to go back to Public Health and see how they produce those statistics. We have been doing tracking of those statistics and if that is the case, well then there are deficiencies in the statistics because the numbers just do not stack up. The only way that we thought they could stack up was by non-residents not being included in the recovered cases for a period of maybe even two or three months during that period. So, I would ask the hon. Lady ... If she wants, I can share the statistics that I compiled as well. She will find when the number crunching is done that those numbers that are published do not stack up, if that is the case.

Hon. Miss S J Sacramento: Mr Speaker, I am not aware that they do not stack up, but I will discuss the matter with the hon. Gentleman after the session.

Mr Speaker: Next question.

Q476/2020

Cybercrime –

Number of reports and breakdown of people charged and prosecuted

Clerk: Questions 743 to 745 have previously been asked and answered, so we now go to Question 746 and the questioner is the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Given the recent GFIU reports in the press that eight businesses lost over £500,000 to cybercrime, and the ever-increasing and evolving threat that cybercrime presents to individuals and businesses alike, can Government please confirm, in respect of the data available, how many reports of cybercrime were made to the Royal Gibraltar Police in the last three years, and of those, the breakdown between people actually charged and prosecuted?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, in the last three years, 214 reports of cybercrime were made to the Royal Gibraltar Police. Of those, 12 have been charged and subsequently prosecuted.

Hon. Ms M D Hassan Nahon: Mr Speaker, it is widely accepted that cybercrime is vastly under-reported and therefore the actual incidence is much higher than the figures suggest. In any event, does the Minister not agree that, given the nature of such crimes, it makes it very difficult for law enforcement bodies to pursue those cybercrimes that are actually reported, because they often straddle a number of different jurisdictions, and obscure jurisdictions, and that a new and fresh approach is required to combat this ever-increasing and evolving threat?

Does she agree that there is a new strategy that is needed, or is it the case that the Hon. Minister is satisfied with the Government's current strategy?

Hon. Miss S J Sacramento: Mr Speaker, this is a complex one because cybercrime as a criminal activity targets a wide range of potential victims, whether they be individuals or businesses, by the use of computers and networks and mostly by people wanting to make money illegally, though not exclusively.

Cybercrime is prosecuted by the Police in serious ways. Because there are different elements to different types of cybercrime, there are certain facets of cybercrime that I have been in discussion with the Royal Gibraltar Police on, and it is something that we are already looking at.

Hon. Ms M D Hassan Nahon: Mr Speaker, it has been since 2017, I believe, that ... It was actually in the *Gibraltar Chronicle*, a report that the Gibraltar Contingency Council was working on developing a national cyber strategy for the Rock. Fast forward four years, in the RGP's Annual Policing Plan 2020, under priority number one, the report says at point 10 of its delivery plan:

Continue to pursue the creation of a National Cyber Security Strategy, which when published will inform the RGP's own Cyber Crime Strategy with an uplifting programme.

925 So, it is clear the RGP are calling out for a fresh strategy. Is there nothing forthcoming from Government in order to resource them and empower them in a jurisdiction like ours, where we have so much digital industry that we are clearly crying out for a solid cyber strategy for the future?

930 **Hon. Miss S J Sacramento:** Mr Speaker, there is another question on this topic on the Order Paper, but it has been put to the Minister with responsibility for digital services. Can I ask that we deal with that under that question? It would be more appropriate.

935 **Mr Speaker:** Yes, there is another question which is very similar. It is Question 803 and the Minister for Financial Services and Public Utilities will answer that question.
Next question.

Q747/2020

Emergency calls –

Filtering of non-fire and rescue calls through Gibraltar Fire and Rescue Service

Clerk: Question 747. The Hon. Ms M D Hassan Nahon.

940 **Hon. Ms M D Hassan Nahon:** Can Government tell this House if it is satisfied with the current arrangement whereby emergency calls not pertaining to issues relating to fire and rescue are filtered through the Fire Service?

945 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

950 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, the Gibraltar Fire and Rescue Service (GFRS) was appointed as the dispatch hub for fire and emergency ambulance over 20 years ago. This arrangement was agreed and endorsed at the time by Unite the Union and it remains a responsibility of the GFRS today. This responsibility is clearly highlighted in the Fire Control Operator job specification. The Fire Control Operators have dispatched assets since then, and recently the GFRS has introduced new protocols to more efficiently triage by adopting a shared multi-agency approach to the overall dispatch model through an SOP with the GHA.

955 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is my understanding that the telephonists who answer these calls are not medically trained and that they have no medical qualifications and are not even required to hold a first-aid certificate. What happens, from what I understand, is that they receive a one-day training course on how to handle calls. Is this not effectively irresponsible and dangerous for the caller? I have had several representations from people who have
960 experienced the pathology of these calls and how there is a lot lacking in terms of medical attention and advice.

Hon. Miss S J Sacramento: Mr Speaker, this is the way that it has been done for the past 50 years. It is misleading to say that calls are being received by telephonists. They are not received by telephonists; they are being received by fire control officers who are trained in taking emergency calls. However, just because this has been the practice for the last 50 years does not mean that we do not continue to work on it. I have alluded to a standard operating procedure that has been prepared by the GHA and by its relevant departments, and there is engagement now, and much more engagement, between the GHA and the GFRS on the subject.

Hon. Ms M D Hassan Nahon: One more: I do not necessarily know how fire officers may have the same training needed as they do to answer phones for medical emergencies, not fire-related emergencies, but could I just ask the Minister if there is any chance that – perhaps given that now the 111 system is going to, hopefully, naturally shrink after the COVID days that we have had – that team would perhaps be of any interest to restructure and work in a similar way as a standard response team with professional advice, in a similar way as they were doing during the COVID months?

Hon. Miss S J Sacramento: Mr Speaker, once again, as I alluded to yesterday, the GHA has embarked on a project called Reset, Restart and Recover, where we are looking at the best of COVID to see how we implement the best going over. Like everything else in healthcare, it is something that is under continuous review so that we can improve patient care and the way that we deliver and interact with all our services.

Mr Speaker: Next question.

Q748/2020

Patient and constituent grievances – GHA system/policy re timeframe for answering

Clerk: Question 748. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is there a system or policy within the GHA that deals with patients or constituents' grievances within a reasonable timeframe?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, all complaints are dealt with by the Patient Advisory and Liaison Services (PALS) on the same day, who will revert to the patient within five working days. If the complaint cannot be resolved, then it is referred to the Complaints department.

As per GHA policy, all formal complaints are acknowledged by the Complaints department within five working days of receipt. A response is given as soon as any pertinent inquiries or investigations have taken place, and no later than 25 working days after receipt of the complaint. If, for any unexpected reason, there is any delay during the investigation process, the complainant is duly informed of the need for an extension beyond the initial 25 days.

Hon. Ms M D Hassan Nahon: Mr Speaker, it has been well recognised, I am sorry to say, that PALS does not work. If only it was five days, or even weeks. I have constituents who come to me who have actually been waiting for years for a response – I will happily remind her of their names. Who do constituents actually go to when PALS does not work? Because it does not.

Hon. Miss S J Sacramento: Mr Speaker, I do not accept that it is widely recognised that PALS does not work. It may be that also we have to consider that some people may make complaints and some complaints may not be resolved to the expectation of the person making the complaint because it may not be possible to deal with it that way. In relation to complaints, anyone within the GHA who is not satisfied in respect of anything will always have recourse to the senior management, and invariably a lot of things – sometimes unnecessarily, but invariably, because we are in Gibraltar – will either be brought to the attention of the office of the Medical Director or indeed my office. It is not something that the Ministry of Health should be dealing with, because the responsibility of the Ministry of Health is something else, but invariably, if a complaint is brought to my attention then I will obviously immediately engage the procedures that are required to investigate the complaint.

Hon. Ms M D Hassan Nahon: Mr Speaker, is the Minister saying that PALS is accountable to her Ministry directly?

Hon. Miss S J Sacramento: Mr Speaker, no, I have not said that PALS is accountable to the Ministry. What I have said is that invariably people will call my Ministry, because that is the practice and the nature of the expectation in Gibraltar. What I did say is that calls end up in the office of the Medical Director of the GHA. Ultimately, everything is the responsibility of the Medical Director of the GHA. He is the person at the top of the tree.

Mr Speaker: One final question.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you. I meant to rephrase: who is PALS actually accountable to, then?

Hon. Miss S J Sacramento: Mr Speaker, within the structure of the GHA it will be within the clinical structure. PALS is the Patient Liaison Service. Patients can have complaints which are wide ranging, so it depends whether a patient is going to complain about the clinical treatment, about the way they may have been spoken to by counter staff, or they may have a complaint about the food that they have been served on the ward, so depending on ... PALS is where complaints will be received, but then, depending on the nature of the complaint, it will be followed up by other departments and within the senior structure of the management of the Hospital.

Mr Speaker: Next question.

Q750-53/2020
GHA Human Resources and Finance departments –
Relocation to Europort

Clerk: Question 749 has previously been answered, so we move now to Question 750 and the questioner is the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Why did the GHA Human Resources department relocate to 7.3.3 Europort?

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

1050 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 751 to 753.

Clerk: Question 751. The Hon. Ms M D Hassan Nahon.

1055 **Hon. Ms M D Hassan Nahon:** How much is the rent for the newly relocated GHA Human Resources department at 7.3.3 Europort?

Clerk: Question 752. The Hon. Ms M D Hassan Nahon.

1060 **Hon. Ms M D Hassan Nahon:** Why did the GHA Finance department relocate to 9.4.3 Europort?

Clerk: Question 753. The Hon. Ms M D Hassan Nahon.

1065 **Hon. Ms M D Hassan Nahon:** How much is the rent for the recently relocated GHA Finance department at 9.4.3 Europort?

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

1070 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, Human Resources and Finance moved out of St Bernard's Hospital so as to make space, which was required for clinical and patient services, as some GHA services have been repatriated in preparation for Brexit or because staff have been trained to be able to offer such services locally as this is preferable for the patient.

1075 The rent for the Human Resources office at 7.3.3 Europort is £85,485 per annum, and the rent in respect of the Finance office at 9.4.3 Europort is £88,400 per annum.

1080 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell me when the leases of these offices were entered into and by whom, and by whom were they authorised?

Hon. Miss S J Sacramento: Mr Speaker, Human Resources moved in May 2019 and Finance moved at the beginning of December 2020. I do not have a copy of the leases, but I would imagine that the leases would have been executed by the GHA.

1085 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell us why the rental of these offices in Europort is not in the Estimates of 2019-20? And can she also tell us the length of these leases?

1090 **Hon. Miss S J Sacramento:** Mr Speaker, I do not know that they are not in the Estimates. Not having prepared those Estimates myself, it is not information that I have at the tip of my fingers, so I cannot take it at face value that they are not reflected in the Estimates. It is very unlikely that we will find a line in the Estimates that refers to one rental contract, so it would be unusual for them to be there in any event because there are various global heads under which they could appear.

1095 I do not know the length of the agreement, I am afraid. It is not information that has been provided and I do not have a copy of the lease or the agreement.

1100 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it appears that the rentals have been highlighted on page 197 of the Gibraltar Estimates Book 2019-20 under subsection (26), with no detail on this. If I can just pass it to the Minister, perhaps she can enlighten me further.

Hon. Miss S J Sacramento: Mr Speaker, as I said, it is not an estimate that I have prepared in the past, so it is not knowledge that I have a working knowledge of. Whereas some rent may be reflected in the Estimates Book, it is also possible that other rent may be reflected in other heads. Indeed, it may be that there are a number of possible explanations. The budget of the Gibraltar Health Authority is, of course, a very substantial budget and therefore it has numerous other heads. But I will look into the point and look to see what the answers are, and I will let the hon. Lady know after this Parliament.

Mr Speaker: Next question.

Q754-55/2020

**GHA Clinical Governance team –
Annual salaries and qualifications**

Clerk: Question 754. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What are the annual salaries of the Clinical Governance team at the GHA by title and post?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 755.

Clerk: Question 755. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What professional qualifications does each member of the Clinical Governance team possess, by job title?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the Clinical Governance team comprises two members, one at consultant level and one at an allied health professional senior 1 level. The salary scales of both these posts are published in the Government Estimates Book.

They meet their professional competences. These are clinical professionals assigned to undertaking a clinical task.

Hon. Ms M D Hassan Nahon: Mr Speaker, it is interesting to hear the Minister answer that they meet their professional competences, when 98% of PCC doctors and 20% of the secondary care sector doctors of all grades signed a vote of no confidence against the lead of Clinical Governance. I do not know if the Minister has seen the letter, but how can the Government justify what I can imagine to be a very large salary for the leader of a Clinical Governance team who has so little confidence from his doctors – as well as the union, which has expressed grievances – and was the source of a Government walkout and demonstration?

1145 **Hon. Miss S J Sacramento:** Mr Speaker, we had a similar situation in Questions yesterday and we said that we would not comment on any individual members of staff across the floor of this House.

1150 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I believe that the question yesterday was very different. I am simply trying to establish how the Government can justify salaries, which is a matter of public interest, and when you juxtapose that against the reality that the leader of the Clinical Governance team does not enjoy any support from most doctors and has caused, effectively, walkouts because of the lack of confidence in him, I think that the Minister is duty bound to give us an answer.

1155 **Mr Speaker:** Please resume your seat. I need to point out to the hon. Lady that in 17.1 of the Standing Orders it does say:

The right to ask questions shall be governed by the following rules

and this rule says:

(viii) a question shall not be asked as to the character or conduct of any persons except in his official or public capacity;

1160 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you for that, but the vote of no confidence is all related to the professional capacity of this individual. I have not mentioned any names, but we are talking about his role within a clinical governance team. My question stemmed from how we allocate funds, salaries and jobs to people who do not enjoy confidence for their roles, so I think that my question falls within the scope of the allowance to have an answer for it.

1165 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Lady refers to a walkout, but I would remind the hon. Lady that this walkout took place in July of last year, and in a way this is now a historic question. I would invite the hon. Lady to read the press release that the Government issued in July of last year in respect of this subject, and therefore the Government's position in this respect is already in the public domain.

1170 **Hon. Ms M D Hassan Nahon:** Mr Speaker, when the hon. Lady reminds us that this walkout took place in July it makes the situation even more worrying, considering that for the last seven or eight months and throughout a second wave of a pandemic we have been under the clinical governance of an individual who does not enjoy the confidence of his doctors. So, I would like to ask the Minister if she is looking at the root cause of this situation and how it is that we can afford a figure of around £150,000 plus allowances when this doctor has zero confidence from his colleagues in the service. How can we justify this expense? I think that is a very normal question from an opposition MP.

1180 **Hon. Miss S J Sacramento:** Mr Speaker, I would like to remind the hon. Lady what clinical governance is actually about. Clinical governance relates to the safety standards and the patient standards in hospital. What the Clinical Governance team was set up to do was ensure that clinical, safety and professional standards within the Hospital were established, followed and met. It is, I think, natural by extension that sometimes this may cause situations which may be difficult for people, but that does not mean ... This role is about making the Hospital better and ensuring the safety and standards of patients.

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Mr Speaker: Next question.

Q756-57/2020

**Nightingale facility –
Security and cleaning companies during COVID crisis**

Clerk: Question 756. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: How many security companies were involved in the Nightingale facility?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question with Question 757.

Clerk: Question 757. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the name of the cleaning company contracted to work at the Nightingale hospital during the COVID-19 crisis months?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, there has been one company involved in the security of the Nightingale hospital.

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The following companies were engaged for the cleaning services at the Nightingale hospital: Environmental Support Services and Elite Cleaning.

Mr Speaker: Next question.

Q758/2020

**Agency nurses –
Cost and duration in COVID-19 period**

Clerk: Question 758. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What was the financial cost of contracting agency nurses during COVID-19 period and how long were they contracted for?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the total cost of contracting agency nurses up to 31st August in relation to COVID-19 was £2,291,589.74. The contract duration of those agency nurses ranged from three weeks to 24 weeks.

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Mr Speaker: Next question.

Q759/2020

**Mental Health Service –
Actions to improve nurse-patient ratio**

Clerk: Question 759. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the Health Ministry doing to improve the ratio, as reported by the Mental Health Report, of three mental health nurses and six enrolled nurses for 901 active patients?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, following some reviews and changes recently – dementia patients predominantly supported by Outreach Memory Clinic from Bella Vista – I can confirm that there are 480 active adult cases that presently come under Community Mental Health team, of which 120 patients would be allocated to a nursing staff member at a point in time. The remaining patients are reviewed by the consultant psychiatrist.

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There are currently seven nursing staff for the above 120 patients who need nursing intervention or support at any point in time, and this is broken down as follows: one team manager, who would be allocated to up to six of the most complex cases; three registered mental nurses, who would be allocated 12 to 15 cases; and three enrolled nurses, who would be allocated 20 to 25 active cases.

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Mr Speaker: Next question.

Q760/2020

**Mental health patients –
Vehicle for outings**

Clerk: Question 760. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When will Government comply with the recommendation of the Mental Health Report to obtain a vehicle to transfer patients to outings, or has it done so already?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the vehicle with the required specifications has been identified and an order will be placed as soon as possible.

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Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for that.

When the Hon. Minister says that an order will be placed as soon as possible, do we have a timeframe by which patients/residents can expect this vehicle to be delivered?

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Hon. Miss S J Sacramento: Mr Speaker, I know that the team have been working on this vehicle, but I do not know the exact details of how long it will take for the vehicle to be procured and delivered.

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Mr Speaker: Next question.

Q765/2020

Assisted living –

Accommodation for the elderly and those with dementia

Clerk: Questions 761 to 764 have previously been answered.

We now move to Question 765. The questioner is the Hon. Ms M D Hassan Nahon.

1275 **Hon. Ms M D Hassan Nahon:** Does the Government have plans to build assisted living accommodation for the elderly/people living with dementia?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, the Government has built and will continue to build purpose-built flats for the elderly. These flats, which are designed with the input of social workers, occupational therapists and other such professionals, are fully accessible and are designed with a view that tenants can continue to live independently for longer. In addition, the Government will also offer packages of care to those who live with dementia, upon assessment by the Care Agency social workers.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I do acknowledge that this administration has built some assisted living centres for people living with dementia, which is a great thing, but looking into the future, can the Minister, given that she has told us that they will continue to build, identify the locations they are looking at and what designs have been taken into account?

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Hon. Miss S J Sacramento: Mr Speaker, some years ago, when we were redesigning the Hillside residential facility for people with dementia, I engaged someone who specialised in designing for dementia. This was an award-winning ... I cannot remember whether he was an architect or an engineer, but he had a lot of experience in designing dementia facilities. Through the process of designing a residential home for dementia, we actually learnt a lot about dementia design – things like colour coding and easily accessible features. What we did particularly in relation to residential facilities was absolutely crucial for the dignity of the person who lived there.

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But this question is about living in the community, and we incorporated all the learning that we had from Mr Wilson, who was here back then – because he taught us a lot on dementia – and we incorporated a lot of that learning when we designed the latest block for elderly living, which we did at Charles Bruzon House and Seamount Lodge. So, there is a lot of cross-learning and cross risk practices that we can implement from the residential home that we did into purpose-built flats for the elderly to improve the quality of life of people who live in the community. It makes it easier for people who live with dementia, but it makes it easier for everyone all round.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask whether Government is working closely with GAAD to make the future assisted living projects dementia friendly, and if they have a long-term plan to eventually incorporate dementia assisted living residents within mainstream estates in the future?

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Hon. Miss S J Sacramento: Mr Speaker, GAAD, of course, is a charity and a support group. We work closely with them and they are consulted with professionals, but when we design, primarily our advice comes from qualified professionals, whether they are clinical professionals or professionals in design. GAAD, as the hon. Lady may recall, worked very closely with us when we designed what is now Hillside. In fact, Mr Speaker, I made a point of inviting GAAD before we demolished what I discovered when I went there in 2011, and I vividly recall how emotional that

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1320 was. I really wanted GAAD to see what it was that I was working with. GAAD have always been involved in our projects, so we consult with them closely. Unfortunately, because of the lockdown, we have not been able to meet personally, but I am sure that will change in the future.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

1325 Can I just ask the Minister to clarify that when we talk about assisted living we are both referring to the same thing? From what I understand, it is a system whereby you need a flat in the block for carers 24/7 in order to assist with any emergency or to care for the residents. Is this what the Minister will be providing in the future, in order to fulfil the personal needs of these residents?

1330 **Hon. Miss S J Sacramento:** No, Mr Speaker, that is not what I answered in my substantive answer. The model that we have developed as a Government has been that we build purpose-built flats for the elderly. The way that these flats are designed, an elderly person will be able to live independently at home for as long as possible as they age, whether they deteriorate in their health, whether they acquire a disability or have a disability and it may deteriorate, or whether
1335 indeed they have dementia, and that is all down to the design of the home. Depending on the individual, after an assessment by social workers they may be offered home help, and that is what makes it assisted living.

The hon. Lady may be thinking of some kind of sheltered accommodation, and that is the kind of provision that we discussed yesterday for people who suffer from mental health. On this
1340 occasion, the model that we have is that people can remain at home independently for longer, until they reach a stage where they can no longer live in the community and they can no longer be independent, in which case residential care is best for them.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am confused because assisted living means living
1345 with assistance, otherwise it is not assisted living. This is why I was asking about ... Globally, the model is that you have carers there at the ready to assist people to live in their older years. For me, this is news and I believe that most dementia societies are under the same impression.

Hon. Miss S J Sacramento: Mr Speaker, the problem is that I do not think the hon. Lady has
1350 understood my answer. In her mind, she wants it to be what the hon. Lady wants it to be, and that is not what I have said.

I am perfectly aware what other models exist in other, larger countries. In fact, I visited a dementia village in Amsterdam once. It was part of a dementia conference that I attended once with the head of ERS. In other countries, where you have the luxury of space, you can build a
1355 purpose-built village for people with dementia. Ideally, of course, there is nothing more we would like to build, a village for people with dementia and other needs in Gibraltar, but the way we have to do it in Gibraltar, because of our size, because of our needs and in order to meet everybody's needs, is that the home itself is as accessible as it can be and the assistance comes by way of domiciliary care. That is a model that we introduced in 2011. It is a model that we have been
1360 working on, building on and improving as the years go.

Mr Speaker: Next question.

Q767-771/2020

Dementia sufferers –

**Total number with early onset dementia, number on ERS waiting list, support facilities;
number of dementia patients at Ocean Views;
number of Ocean Views residents waiting for ERS beds**

Clerk: Question 766 has been previously answered.

We move to Question 767. The questioner is the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Following the last parliamentary session, where the former Health Minister confirmed that there were 30 people with dementia on the ERS waiting list, can the newly appointed Health Minister confirm if that list of 30 includes in it anyone with early onset dementia?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 768 to 771.

Clerk: Question 768. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the number of people with early onset dementia in Gibraltar?

Clerk: Question 769. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What support/facilities are available for people with early onset dementia?

Clerk: Question 770. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the number of people with dementia at Ocean Views?

Clerk: Question 771. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the number of patients at Ocean Views waiting for a bed at ERS facilities?

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

Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, there are no individuals with early onset dementia on the ERS waiting list.

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There is currently one known person living with early onset dementia.

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Individuals living with any form of dementia are offered the same support. This includes intervention of allied health professionals, day care facility for those with moderate to severe dementia, neuro-psychology stimulation, access to home help, respite services, direct access to GPs and counselling services, direct access to the Memory Clinic, access to research centre in UK, admission to ERS, access and support in accessing neuro appointment for those who are at home,

access at home by the Dementia Outreach team, close collaboration with families and the Care Agency, planned therapeutic activity for stimulation for those at home, and access to the Dementia Outreach team, which includes regular telephone contact and domiciliary visits.

There are currently 13 patients at Ocean Views living with dementia, 10 of whom are on the waiting list for admission to ERS.

Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate the Minister's answer, but I was a little worried to hear that the strategy for people with early onset dementia is the same as the one for people who are more elderly. Can she elaborate on whether the Government might have a different strategy that they might want to apply in the future for people with early onset dementia? For example, when she says that they have this direct access to ERS, imagine somebody who is 40 or 45 and has early onset dementia. You would hope that the strategy for them, in terms of their care, and especially in the early years when they still have not fallen so deeply into the condition, would not be an ERS solution. So, I would like to ask her if the GHA is working on a strategy for people suffering from early onset dementia.

I also find it difficult to believe that there is only one person, because from my understanding and connection with people, there are more people with early onset dementia in Gibraltar. Are these statistics updated and current?

Hon. Miss S J Sacramento: Mr Speaker, I can confirm that this answer has been provided to me by clinicians. There are a very limited number of clinicians who deal with people with dementia, because they specialise both in treating elderly patients and patients with dementia. The definition and classification of early onset dementia is a clinical one, and therefore I am confident that if this answer has been provided to me by the most senior consultant in elderly care, then it is the correct clinical response to the question.

In relation to the other supplementary, I am afraid that I think the hon. Lady has misunderstood what I have said. We have one person with early onset dementia, but what I have said in relation to this question and other answers that I have provided is that all our care is always person centred, and if we were to find ourselves in a situation where someone had a case of early onset dementia or any other need, if it is person centred, because there is a multi-agency approach then all other resources would kick in.

The hon. Lady is right to say that it would not be appropriate for someone in their 40s to be admitted to Mount Alvernia or any ERS facility, and there is no question that anyone would be. If that were to be the case, and say for example the person had housing needs, then the social housing or the medical housing pathways would trigger. Generically, this has happened in the past, and where people require additional levels of care the Housing department has even allocated a new flat which is not only completely accessible but may even have an additional bedroom if that person will need additional care.

So, I can tell the hon. Lady to rest assured that there are all sorts of protocols in place to assist people in our community in Gibraltar.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

Can I just ask the hon. Lady how long patients waiting for a bed in ERS who are in Ocean Views typically stay before they get that place at the ERS facilities?

Hon. Miss S J Sacramento: Mr Speaker, that very much depends on the individual patient, because the assessment will depend, and particularly at the time, on whether their dementia needs outweigh any other clinical need they have. Usually, if someone is admitted to Ocean Views, it may be because they have another clinical priority, which may take priority over the dementia.

Hon. Ms M D Hassan Nahon: Mr Speaker, when people go into Ocean Views to be assessed and once they are, do they go home or do they stay? I ask because my concern is whether these

individuals are monitored once they have been administered medication and deemed safe to go home, or whether they are held back to monitor their reaction or levels of agitation.

1465 **Hon. Miss S J Sacramento:** Mr Speaker, once again, it depends on the person. There will be an evaluation as to what is in the best interests of the individual. I had a very similar question yesterday, where I went through a whole list of the responsibilities and the tasks that the GHA will go through before somebody is safely discharged and the responsibilities that they will continue to have for that patient once they are discharged.

1470 **Hon. Ms M D Hassan Nahon:** Mr Speaker, one last supplementary. Does the Minister agree that the system or structure ... that they do not aim, they do not want and they do not encourage dementia patients to stay long term in Ocean Views if they do not have a mental problem as such, and that they hurry it along for them to move on to ERS and not stay at Ocean Views?

1475 **Hon. Miss S J Sacramento:** Mr Speaker, it depends on what is in the best interest of the patient. Again, any statistics that they give in relation to this year are going to be somewhat different to the normal course of things. Because of the COVID situation, for the last year we have been reluctant to move people from one facility to another, particularly when they have dementia, because of all the reasons that were aired yesterday, which I will not go into again today.

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Mr Speaker: Next question.

Q772/2020

Mental health prescribing, admissions and treatment – Statistics for pandemic period

Clerk: Question 772. The Hon. Ms M D Hassan Nahon.

1485 **Hon. Ms M D Hassan Nahon:** Have we seen a rise in anti-depression and anti-anxiety medication, admissions to Ocean Views and psychiatric or psychological treatment in the last year as a result of the COVID pandemic; and, if so, can Government provide this House with any statistics to this effect?

1490 **Clerk:** Answer, the Hon. the Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

1495 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, the overall average admission rate to Ocean Views from March to December 2020 was nine per month. This was the same average admission rate as the corresponding period the previous year. However, on closer examination, during the period of lockdown from March to June 2020, there had been a slight increase in admissions of 1.15% over the same period the previous year.

1500 The Mental Health Liaison Service had an average of 45 patient contacts per month. The lockdown between April and June 2020 saw a slight increase to an average of 48 patients per month. In the post-lockdown period between July and September 2020, patient contacts saw a rise to an average of 53 per month. As this is a new service, we cannot compare to the year before.

Counselling Services received a total of 274 referrals during the period April to September 2020. This is approximately 10 a week. During the period January to December 2020, Psychology Services received an average of seven per month.

1505 Patient referrals to Psychiatry Services in the period from January to December 2020 saw an average of 9.5 per month.

The number of patients prescribed anti-depressants from 1st March 2019 to 29th February 2020 was 2,652, and from 1st March 2020 to 28th February 2021 was 2,547.

1510 Those who were prescribed anti-anxiety medication: from 1st March 2019 to 29th February 2020, 4,093; and 1st March 2020 to 28th February 2021, 3,407.

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

1515 Mr Speaker, can the hon. Lady tell us who is now monitoring trends when the doctors who formerly embarked on an audit over benzodiazepines resigned recently for unknown reasons?

Hon. Miss S J Sacramento: Mr Speaker, again, I do not want to delve into conspiracy theories, as was attempted yesterday, so I do not accept that remark.

1520 In relation to supervision, there are multiple safeguards within the GHA. Ultimately it would be the kind of thing that would be considered by the Director of Public Health and by the Medical Director of the GHA.

1525 **Hon. Ms M D Hassan Nahon:** Mr Speaker, how has the GHA managed to care for new and existing drug-related conditions or prescription drugs or otherwise when the two doctors with speciality in drug rehabilitation resigned a couple of months ago? Who is looking after Bruce's Farm patients? Who is taking care of this speciality now?

Hon. Miss S J Sacramento: Mr Speaker, with respect, that supplementary question is completely unrelated to the initial question. It is completely unrelated.

1530 **Mr Speaker:** I agree. One final question.

1535 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I wanted to ask you why it is that you think it is unrelated when the two lead doctors who deal with drug addiction are no longer there ... that it is not in the public interest for an MP to ask who is taking care of the drug issue when those two doctors formerly charged to deal with that are not there anymore.

1540 **Hon. Miss S J Sacramento:** Mr Speaker, if I may: because Question 772 deals with anti-depression and anti-anxiety medication, admissions to Ocean Views and psychiatric or psychological treatment. Bruce's Farm is nothing to do with the GHA, and this question is in relation to the GHA and Ocean Views. Bruce's Farm has absolutely nothing to do with the GHA and is a centre for rehabilitation for addictions.

1545 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I accept that, but my first question, which the Minister also did not seem to accept, was about who is taking care of the audit, because these doctors were dealing with that audit, so they were not just working for Bruce's Farm, clearly.

1550 **Hon. Miss S J Sacramento:** No, Mr Speaker, and I do not accept that, because doctors who work for Bruce's Farm, which is not connected to Ocean Views, would not be undertaking an audit of Ocean Views, so I am afraid that the hon. Lady has misunderstood, and once again we find ourselves in another conspiracy theory which is unfounded.

Mr Speaker: We need to move on now. Next question.

Q773-74/2020

Children's home –

Number of residents and ages; number of counsellors

Clerk: Question 773. The Hon. Ms M D Hassan Nahon.

1555 **Hon. Ms M D Hassan Nahon:** How many residents are there in the children's home and what are their ages?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 774.

Clerk: Question 774. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: How many counsellors are there working at any one time in the children's home?

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

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Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento): Mr Speaker, there are currently 10 children at the home, between the ages of one and 18. There is also one young adult over the age of 18, who is in the process of transitioning out.

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There are currently four counselling professionals working within Children's Residential Services. They are not based there, because it is a home, but they are assigned to the children there.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for that answer.

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How do we monitor and evaluate the impact of taking children into care, in terms of once they have had this care? Do they carry out impact evaluations or any type of quality control? Does Government receive any information or feedback from past residents in order to improve delivery of care?

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Hon. Miss S J Sacramento: Mr Speaker, some four months ago I commissioned a working group to look at exactly this situation.

Unfortunately, a lot of the children who end up in care for some reason or another will have suffered some childhood trauma because of the reason why they have been taken into care, and I am very concerned about ... One of the running themes through a lot of the social policy that I am trying to develop in these new responsibilities is looking at breaking the cycle, whether it is in relation to victims or whether it is in relation to perpetrators. I have been working with a lot of the therapeutic professionals and some other professionals in other key stakeholder departments to look at the effect that trauma has on children and what we can do to help them break the cycle and help them become their best selves in future life.

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Mr Speaker: Next question.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q775/2020

**NVQ Level 2 and 3 in Mechanical Engineering –
Number of trainees and method of assessment**

Clerk: We now move on to questions to the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1600 We commence with Question 775 and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, how many trainees are currently working towards obtaining their NVQs at either Levels 2 or 3 in Mechanical Engineering, and how are they being assisted to complete their course of studies if there is still no instructor/assessor presently delivering tuition in this grade?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1610 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, the number of trainees currently working towards obtaining their NVQs at either Level 2 or Level 3 in Mechanical Engineering is five at Level 2 and two at Level 3.

1615 A trainee assessor was selected in January 2020 and entered Government of Gibraltar employment at the end of February. Due to COVID-19, he was deployed to the COVID Support Reaction team. Towards the end of May, he was redeployed back to the Gibdock Training Centre prior to the start of the new intake of Level 2.

1620 The new trainee assessor has been registered with EAL for the award of Certificate in Assessing NVQs (Mechanical). He has undergone induction training into the award and is now working towards achieving the certification by June 2021. All current Level 2 and Level 3 candidates will be assessed by the new qualified assessor, with the exception of those candidates who completed in December 2020, who are currently being assessed by a local external qualified assessor.

Hon. E J Reyes: Thank you, Mr Speaker. I am grateful to the Father of the House. I wish to add that it is extremely good news to know that this is in place.

1625 I think it is implied, but just to make sure, is it now established that this individual will remain in a permanent position at the Gibdock Training Centre, or is it just a short-term contract taking on the new instructor/assessor?

1630 **Hon. Sir J J Bossano:** It is not a question of short-term contract, it is a question of whether he is successful in getting the qualification he requires – and there is every indication that he will be successful. Of course, it is a good thing because otherwise we would have to start the process all over again and look for someone. It is not easy to recruit someone. We have avoided, so far, bringing people from outside and have used local resources, and we want to continue doing that.

1635 **Mr Speaker:** Next question.

Q776-797/2020

Public finances –

Cost and financing of proposed hostel on MoT site; Sinking Fund balances; public, gross and aggregate debt, and cash reserves and net debt; effect of COVID on annual GDP and forecast; cost and financing of Post-Brexit National Economic Plan; GSBA Ltd shareholdings; GoG or GDC-owned companies under investigation re financial irregularities; Barclays Bank loan facility; GIB facility drawdown; Gibraltar National Mint Ltd audit, turnover and profit and loss, economic purpose and reason for joint venture with Gib 3000 (International) Ltd

Clerk: Question 776. The Hon. R M Clinton.

1640 **Hon. R M Clinton:** Mr Speaker, can the Government advise the total anticipated cost of the proposed 20-storey, 665-bed hostel on the site of the MoT centre, and how does the Government expect to finance its construction?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1645 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer together with Questions 777 to 797.

Clerk: Question 777. The Hon. R M Clinton.

1650 **Hon. R M Clinton:** As expected, Mr Speaker. There are 22 questions, so I will be as fast as I can. Can the Government advise the balance on the General Sinking Fund on the following dates: 1st June 2020, 1st July 2020 and 1st August 2020?

1655 **Clerk:** Question 778. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st September 2020 and 1st October 2020?

1660 **Clerk:** Question 779. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following date: 1st January 2020 and 1st December 2020?

1665 **Clerk:** Question 780. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following date: 1st January 2021?

1670 **Clerk:** Question 781. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following date: 1st February 2021?

Clerk: Question 782. The Hon. R M Clinton.

1675 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for the public debt for the following dates: 1st June 2020, 1st July 2020 and 1st August 2020?

1680 **Clerk:** Question 783. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for the public debt for the following dates: 1st September 2020 and 1st October 2020?

1685 **Clerk:** Question 784. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st November 2020 and 1st December 2020?

1690 **Clerk:** Question 785. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date: 1st January 2021?

Clerk: Question 786. The Hon. R M Clinton.

1700 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date: 1st February 2021?

Clerk: Question 787. The Hon. R M Clinton.

1705 **Hon. R M Clinton:** Mr Speaker, can the Government advise what it estimates as the likely negative impact the COVID-19 crisis will have on annual GDP on a percentage basis?

Clerk: Question 788. The Hon. R M Clinton.

1710 **Hon. R M Clinton:** Mr Speaker, can the Government provide a forecast for GDP for the financial year end 2020-21 and 2019-20?

Clerk: Question 789. The Hon. R M Clinton.

1715 **Hon. R M Clinton:** Can the Government advise how much it expects its Post-Brexit National Economic Plan will cost and how it intends to finance it?

Clerk: Question 790. The Hon. R M Clinton.

1720 **Hon. R M Clinton:** Can the Government provide a list of all company shareholdings owned by GSBA Ltd at 31st December 2020, showing company name and percentage of each company owned?

1725 **Clerk:** Question 791. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if any Government or Gibraltar Development Corporation owned company is currently under investigation for any financial irregularities?

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Clerk: Question 792. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the Barclays Bank £50 million loan facility was repaid on 29th June 2020, and has it been replaced with new borrowing; and, if so, with whom and on what terms?

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Clerk: Question 793. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how much has been drawn down, as at 31st August 2020, of the £150 million facility provided by the Gibraltar International Bank?

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Clerk: Question 794. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the Gibraltar National Mint Ltd has been externally audited; and, if so, by which firm and for which financial years ended?

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Clerk: Question 795. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the economic purpose of Gibraltar National Mint Ltd, and what has been its turnover and net profit/loss in each of the last five full financial years of operation?

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Clerk: Question 796. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the economic purpose of Gibraltar International Mint Ltd and why is it a joint venture between the Gibraltar National Mint Ltd and Gib 3000 (International) Ltd?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

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Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I cannot advise the cost of the proposed 20-storey hostel, and the Government does not expect to finance its construction.

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The balance on the General Sinking Fund on the requested dates was the same as in May 2020. The gross public debt and the aggregate debt on the requested dates were: June 2020, gross £537.7 million, aggregate £525.6 million; July and August 2020, £567.7 million and £555.6 million; September to December 2020, £597.7 million and £585.6 million; January and February 2021, £622.7 million and £610.6 million.

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The cash reserves and net debt on the requested dates were: June 2020, cash reserves £53.7 million, net debt £471.9 million; July 2020, £ 66.6 million reserves, £489 million debt; August 2020, £32.3 million reserves, £523.3 million debt; September 2020, £38.1 million reserves, £547.5 million debt; October 2020, £81.7 million reserves, £503.9 million debt; November 2020, £55.5 million reserves, £530.1 million debt; December 2020, £44 million reserves, £541.6 million debt; January 2021, £45.3 million reserves, £565.3 million debt; February 2021, £26 million reserves, £584.6 million debt.

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I cannot provide an estimate of the COVID-19 negative impact on the GDP or a forecast of the GDP for the current financial year.

With regard to the Post-Brexit National Economic Plan, this information has already been provided.

The GSBA owns 100% of the Gibraltar National Mint.

No Government or GDC company is under investigation to my knowledge.

The Barclays Bank loan was repaid and replaced by a loan from the GSB at 3.15% interest with maturity of five years.

By 31st August the whole of the £150 million facility had been drawn down.

The Gibraltar National Mint has not yet been audited and therefore has not filed accounts.

The economic purpose of the Gibraltar National Mint is the production and sale of Gibraltar coins for the numismatics market.

The company's turnover and net profit/loss ratios in each of the last five full financial years of operation will be available after the audit is completed.

The joint-venture Gibraltar International Mint was the entity that introduced the Gibraltar coins into the international market.

Hon. R M Clinton: Mr Speaker, I beg your indulgence, as with 22 questions technically I could have 44 supplementaries, but I am only going to focus on some very specific questions, as most of them were just seeking technical number updates.

If I can turn the Minister Question 776, where he advises the House that he cannot give an estimate of the costs of the hostel and that the Government will not finance it, can he advise the House how this will be built? Is it that he is proposing to use the model that he explained to the House in respect of the Rooke nursing home, in which the land will be purchased by GSBA Ltd and a developer will build the building at their expense and then it will be rented to the Government? Is that what the intention is?

Hon. Sir J J Bossano: The first thing, of course, is that the hostel has not gone to planning permission, and therefore whether it will remain with 20 floors or not is not known and we still have not got to the stage of being able to have an idea of the costs. I hope that it will be going to planning permission within a matter of one or two weeks, and then we will see what happens after that.

The intention is the same model, and therefore what the Government will be doing, in effect, is renting space in the hostel like they would be renting space in the home. The intention is that the long-term lease on the land will be held by GSBA. Clearly, the development will have the support of my Ministry, which will be sponsoring the project and providing support and backup, like I am doing already with the old people's home, and that will be true of all the other projects as they are delivered, all of which should have been proceeding at a much faster rate than they are, regrettably, but I hope to start catching up later on this year.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for that clarification, and that he is in fact using the same business model or structure as he is for the Rooke nursing home.

Can I ask him: has GSBA already purchased the land that has been identified, i.e. the site of the MOT Centre, I guess the site of the MOT Centre is still in use, has anything actually been put in place, and so is the purchase. At the moment, is he able to identify who would be building, or who would be dare I use the word 'partnering' in this project to construct this hostel?

Hon. Sir J J Bossano: There has been no transaction, again because the transaction will start once we know that it is going to happen because it has been approved. We may find that we need to adjust where it was going to be on the original site in the light of objections that had been put and that kind of thing. Once we have a definitive decision on where the footprint is going to be, then we will have the negotiation with LPS to get the valuation of what the land is.

In terms of the actual nature of the construction, this will be modular, so it will be the same company that is doing the elderly residential home – which is not a nursing home, incidentally; a

nursing home is for people who are basically at the later stage, in terms of deteriorating health, and this is really for ... There may be a need to provide some part of the home for people with less mobility and that kind of thing. It is not intended to be a place where you have doctors as part of the staff of the place, but there will be, and there is already, provided a room for doctors to be able to come and deal with patients in the home and the home not having to have people being taken to hospital, even though it is very near.

Hon. R M Clinton: Mr Speaker, just one final one on this one. I am grateful to the Minister for his answer. He may not have the information available, but can he advise what the expected lifespan is for modular-construction buildings? I notice that this building, 20 storeys of it, is obviously a lot more than the Rooke nursing/care home, whichever way we want to describe it, although on the architect's drawings I must point out it is called a nursing home. Does he have an idea what the lifespan of these sorts of building methods is compared to the more traditional, concrete/mortar type approach?

Secondly, is it then exactly the same entity that is doing the Rook site as will be doing this one? By that, I mean not the method of construction but the actual developer.

Hon. Sir J J Bossano: The modular building is very advanced. You can have a type of modular building that will have a guaranteed life of a thousand years, and the cost is commensurate with that sort of guarantee. We would not expect to be using stainless steel with a thousand-year life to build a hostel, but it is available in the sources that we have accessed. We are looking at something that will have maybe a 60- or 70-year life in terms of the hostel.

The modular components have not yet been identified because the design and everything else has to receive approval, but it will be the joint venture that we have here that will be responsible for actually putting it together. It is likely to be different, in terms of methodology, from the other one. It will be what is called a flat pack. The rooms will not be ready-made, there will be there more assembly needed here, but it could be that the whole thing is a steel structure, as opposed to the home, which is going to have a concrete structure and the individual rooms will be modular components.

Hon. K Azopardi: Mr Speaker, if I may, just before my hon. colleague moves on to a different subject, I think the last time there was an exchange on the issue of the hostel was last year some time, so I wanted to ask the hon. Member if, because of the size of it – it is 665 rooms – that project would be affected in any way if the Government were to enter into a post-Brexit agreement, if the framework agreement matures into a treaty? The hon. Member I think expressed both publicly, and indeed I think in this House, that part of the rationale might have been for workers and so on, cross-frontier workers who may be based here, maybe because of difficulties. If, however, there is a treaty, does the hon. Member think that would affect in any way the project's size, if not the project?

Hon. Sir J J Bossano: The answer is no. There are no plans to reduce the size if there is an agreement that provides fluidity at the Frontier. I think there is a need for a hostel here in Gibraltar independent of how many people come or do not come across. Of course, if they did not come across, we might need 10 of them.

Hon. R M Clinton: Thank you, Mr Speaker. I will move on to other questions.

I am grateful to the Minister for providing all the Sinking Fund, net debt, gross debt and cash reserve numbers, which I obviously ask at each session but they are all lumped together in this one.

At the risk of stating the obvious, the net debt figures are off the scale compared to normal years, but I think we all know the reason for that. My question would be not in relation to that, but in relation to the Sinking Fund. Does the Minister have an intention of increasing the level of

the Sinking Fund so as to be in a position, for example, to repay the RBS facility which will come due in three years' time?

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Hon. Sir J J Bossano: The hon. Member will have already worked out that we have not contributed to the Sinking Fund since 2019, and that the House provided for a contribution both in 2019-20 and 2020-21, which has not yet happened. I wish that it would happen, but it may not be possible for it to happen. The hon. Member is provided with the same numbers that I am provided with, so I do not need to persuade him of what the numbers look like – he can do that as well as I can.

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I think it would be difficult, in the context of the revenue and expenditure situation we are facing today in terms of recurrent expenditure and recurrent revenue, to think that we are going to have money left over in order to increase the contributions to the General Sinking Fund. I would hope to at least be able to retain the level we were having before, but even that may not be possible. We are two weeks away from closing the financial year and anything that we might project for next year will be estimates that would be better described as guesstimates, because there are not based on facts, they are based on speculation about probability of things happening over which we have no control. We know what is happening in the labour market today but we do not know what is going to be happening in the labour market in a year's time. We do not know whether there are going to be cruise liners in a year's time. We know that we have airlines saying they are coming, but we do not know how full they are going to be or how empty they are going to be, or how long they are going to be around. The last two years have seen a situation where, for example, when our visitor arrivals from the UK reached their peak, the next month Monarch disappeared and we lost 40% of our traffic overnight. Things like that mean that you cannot realistically expect to get a particular outcome. I think at this stage of the game we can only say what we would like to be able to do as a minimum, and as a minimum we would like to see a continuation of what we have been able to put aside for [Inaudible], but if it is not possible, it is not possible.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his analysis. I will move on to other questions of less purely debt-related numbers.

In respect of GDP, Questions 787 and 788, the Minister advises that he can neither give an estimate as to the effect of COVID on GDP or in fact what the GDP might be for the financial years 2019-20 and 2020-21, but can the Minister advise the House ...? What is his sense of the economic impact on Gibraltar? Is it worse than the UK? The UK is already talking about -9% or -10%, or maybe even more. Are we in that realm, or double that? Does he have a sense of the ...? There is obviously a negative impact, but how negative would he think it could be? I know he says he cannot give an estimate to the House, but he must have his best guesstimate as to what he thinks the position will be. In fact, has the Statistics Office produced a draft of the GDP for 2019-20?

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Hon. Sir J J Bossano: I think [Inaudible] does, but we use a different methodology of calculating the GDP than they do in the UK in terms of the data that we have, not in terms of the component [Inaudible] but how we arrive at calculating those elements. In the UK, they have surveys of a small percentage of businesses and so on covering all the different sectors all together. This is then revised many times. Ours is only revised because of late delivery of information, not for any other reason. So, because we say the GDP is composed of self-employed earnings, company profits and employed people's earnings. So, those are the four elements. If the companies are late, then the system thus makes an assumption about whether the ones that have not yet reported are going to be showing the same performance as the ones that have already reported. That is the only element in it that is guesswork, and this is the only kind of revision that ever takes place.

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On that basis, when we are talking about COVID, in fact it is not COVID, of course, it is the lockdown. Even if we had had no COVID in Gibraltar, the fact that other people had it and stopped travelling would have affected us.

1935 I think we are going to do better than the UK. That is my gut feeling, but I do not have any numbers to make me believe it is something that I can say is a prediction – and since my predictions have always been 99%, I am not going to make a prediction that is going to be out.

I also need to remind the hon. Member that in the election campaign and in the National Economic Plan I have made a point of saying we are focusing on a different metric rather than on GDP, where we are saying GDP keeps on growing because we keep on having more people coming in. And to some extent it is not an entirely accurate picture of what is happening in Gibraltar because the calculation of the GDP of Gibraltar on a per capita basis is based on residents, whereas the output is not the output of the residents, it is the output of twice the number of resident workers because half of them are on the other side. It is not something we have invented, it is something that happens in Luxembourg, happens in Singapore and happens in all these places that have a large frontier worker population. The emphasis that I think we should be having is on efficiency and output per worker. I think it is better for Gibraltar to have the same GDP one year after another, but the second year it is produced by fewer people and therefore shared on a per capita basis at a higher level.

1950 So it is a different approach. We are still going to publish all the statistics that we have published in the past with the same things, but in fact as far as the Economic Plan is concerned, what it is trying to do is increase output per person, not increase global output by adding more input of more workers.

1955 **Hon. R M Clinton:** Mr Speaker, I am grateful, as always, for his analysis and commentary on the GDP.

If I can move on to Questions 789, in relation to his Post-Brexit National Economic Plan he tells the House that it has been published. Can he clarify what he means by that? Does he mean in the election manifesto? If so, I must confess I did not see a number in there. There was a debate we both participated in, where the number £500 million came up and then subsequently there was perhaps some confusion as to what the £500 million represented, whether it was a number of investment or a GDP growth number, but certainly I do not have any recollection of an actual number being put in the plan in terms of the total costing. Certainly there is a methodology in the manifesto, but not costing per se. So, if the Minister could clarify what he means by ‘published’, or where it was published, in terms of financing again.

Hon. Sir J J Bossano: Mr Speaker, I told him when he was sitting next to me on GBC that it would not be financed by the Government, and the position has not changed. If it changes, I will let him know.

1970 In terms of the value, the quantum of £500 million is the impact on the output, which is the value of the money that is going to be invested in creating the assets. It will have that initial impact and then it will have a subsequent impact depending on whether the product is one that ... For example, if we are creating storage and people buy storage, that has an initial impact on the economy, but it is ultimately financed by the people who buy the storage, and then, depending on what the storage is used for, it has additional impact if it creates employment because somebody employs storemen, or it does not create employment because the guy who buys it is putting all his stuff in his house, for which he has no room.

We are at a stage now which is very little advanced from where we were in the election, I regret to say, because the lockdown has simply brought every movement in the construction sector to a halt, and the sourcing of materials – we would have gone through stages of sending people and visiting the place where the materials were being made and so forth – has not happened because travel is not possible, and therefore we are having to be more careful if we are doing things remotely and online than if we could go and see it for ourselves. We have not been able to pursue the idea of having a facility in which we would be investing, which would be supplying Gibraltar and would be nearer to Gibraltar than where we are coming from.

All those things mean that we are at the same starting point we were at when we were sitting next to each other in the studio, basically. I still am determined to believe that in three years what should have happened in four.

1990 **Hon. R M Clinton:** Mr Speaker, if I can move on to some other questions, not the economy but some other general questions, in terms of Question 791 the Minister has answered no. Can he advise if any have been under investigation in say the last two or three years, and what has been the outcome of those? And has the Government got full confidence in GJBS?

1995 **Hon. Sir J J Bossano:** So, this was a underhand way of asking about GJBS, yes? All right, well, the answer is the Government has no reason not to have full confidence in GJBS. GJBS is a company that has proved to be so good and so efficient that the GSD, who tried to eliminate everything that I had started, kept it going for 15 years. It is as good now as it was in those 15 years and as good as when those dedicated workers, when the dockyard closure happened in the 1980s, were wise enough not to take the redundancy pay and instead accept retraining and move from being the joiners' shop in the naval dockyard to being the joinery and building company that has been responsible for delivering many of our projects here. Okay, it has had recent problems with contracts, but nothing as bad as all the important companies have had before, including the companies that GJBS had to step in and salvage Government projects from when the GSD was in government. When the GSD was in government, the companies that went bust included companies that were getting money from the Government after they went bust – and owned by foreigners, not owned by the state.

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2005 The only safe way to do construction, in my view, is modular, so I hope everybody adopts my philosophy.

2010 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he advise, in terms of the problematic contracts he mentioned, whether any of those have occurred in the last three years and what the quantum of the problem was or is? And, if so, can he confirm or deny whether anybody from Treasury has been seconded to GJBS?

2015 **Hon. Sir J J Bossano:** Mr Speaker, it is not for me to say what the company has problems with its customers. We have companies that have been doing things for us that are now saying we have to pay them more money because there were things that we had to change, or we wanted to change, which were not in the original ... These things happen in construction. In some cases, it makes the result of the project not as profitable as was originally envisaged – and I am not talking about GJBS, I am talking about people who have been building things for us who are now in dispute with us over whether we owe them money because we asked them to change things and then we did not pay them. That kind of thing happens in the construction industry. With GJBS it has happened on some occasions, less than with almost any other construction company in Gibraltar.

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2025 As far as I am concerned, Mr Speaker, I am answering the hon. Member's questions as the Minister for Economic Development, and I am not the shareholder of GJBS, nor its general manager; nor am I here to answer questions over the performance of the company.

2030 **Hon. R M Clinton:** Mr Speaker, then I must ask the Minister why he is answering my question if he is not responsible for any company that is under investigation of any financial irregularities. I would point out to him that GJBS is owned by Gibraltar Holdings, which is a Government company.

2035 **Mr Speaker:** I think that is an unreasonable –

Hon. R M Clinton: No, not at all, Mr Speaker.

Mr Speaker: Yes, it is. The Father of the House is a person who likes to explain. He does not hide behind the questions, so he is very helpful, but I think you are digressing.

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Hon. R M Clinton: Mr Speaker, I respectfully disagree, but anyway he did not have an answer to –

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Hon. Sir J J Bossano: I have said there are no investigations. If there were, I would know.

Hon. R M Clinton: Okay, just one final one on this, Mr Speaker. I did not hear an answer on whether anybody had been seconded from Treasury to GJBS.

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Hon. Sir J J Bossano: I am not aware of anybody being seconded to GJBS, Mr Speaker.

Hon. K Azopardi: Can I just ask, because I think it is in the public domain that people have been drafted in to GJBS. If it is not an investigation, it is to assist them with what exactly?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I think the issue has been touched upon by the Hon. the Father of the House. The difficult trading circumstances in which we find ourselves have meant that projects have not been able to continue in the normal way, and that requires assistance to ensure that this particular company, which is owned by the taxpayer, does not experience the problems that other companies in the sector may be experiencing.

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In this context, although in many instances the client of this company is the Government, there are some instances where the client is not the Government and those projects which have been the operational work of GJBS have also been impacted by the pandemic and other usual building difficulties. Some of the projects have been impacted by the pandemic where the client is the Government and we just need to make sure that this company is able to trade through this difficult period in a way that all of the shareholders of the company, all the taxpayers of Gibraltar and all the citizens of Gibraltar would expect, which is to ensure that we are supporting the company through this very difficult period – difficult for all companies in our economy, not just this one.

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Hon. K Azopardi: That explanation suggests almost a role as a quasi-administrator. Is that what the Chief Minister is talking about?

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Hon. Chief Minister: Mr Speaker, absolutely not. Here, the shareholder is providing assistance, that is not an administration by any stretch of the imagination. Hon. Members know the consequences of the words they use. ‘Administrator’ has a meaning in company law which has absolutely no application whatsoever by any stretch of the imagination to GJBS, ‘financial irregularities’ has a meaning which has absolutely no application whatsoever to GJBS, and ‘investigation’ has a meaning which has no application whatsoever to GJBS. Here, what we are dealing with is a representative of the shareholder providing its assistance to a company where we are the shareholder, to ensure that through the particularly difficult period they are able to continue trading as successfully as they have done in the past in the assistance of successive administrations of Gibraltar, the first GSLP administration, the first – and I hope only – GSD administration, and the second GSLP Liberal administration.

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Mr Speaker: Will the hon. Gentleman continue with his supplementaries?

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Hon. R M Clinton: Mr Speaker, I just have one final question on this matter. Can the Government advise whether they have made any kind of capital injection into GJBS, or any loan?

Hon. Chief Minister: Mr Speaker, no, sir.

2090 **Hon. R M Clinton:** Mr Speaker, I want to move on now to Question 792 in respect of the repayment of the Barclays Bank facility. The Minister has kindly advised the House that the Savings Bank has in fact replaced Barclays Bank in providing £50 million to the Government. The Minister may have it in front of him, and I know at the end of the session I will get the Savings Bank's accounts, but can he advise what the total amount of lending to the Government now stands at
2095 by the Savings Bank, in terms of holding Government debentures?

Hon. Sir J J Bossano: No, I cannot, but it will be what it was before plus £150 million, obviously. The rest has [Inaudible]

2100 **Hon. R M Clinton:** Mr Speaker should be delighted to hear I am coming towards the end of my supplementaries.

The Gibraltar National Mint Ltd, as the Minister has already said to the House, is owned by GSBA Ltd, but the House may not remember the GSBA Ltd is in turn owned by the Savings Bank 100%.

2105 I must admit I was very surprised by the Minister's answer, saying that the National Mint had not yet been audited. This is a company that was incorporated in April 2013. This is a company that deals with precious metals, I presume, or gives out contracts for the minting of coins made in precious metals, in gold, silver, presumably platinum or any other precious metal, and the margins on this sort of business ... Looking at the sort of margin the Government can earn on just circulating
2110 coins, which is in the Book, the turnover could be quite significant, as could the profits or losses.

Is the Minister comfortable that there has been no audit at all of this entity, an entity which, at least as per Companies House, has an issued share capital of £850,000? This is a company probably, I would estimate, with a net asset value, I would hope, of more than £1 million. Is the Minister seriously telling this House he is not concerned that this company gets properly audited
2115 and files accounts at Companies House? And if it is not audited, how on earth is the Principal Auditor going to come to a view of the assets of the Savings Bank, when this significant subsidiary of GSBA has not been audited?

Hon. Sir J J Bossano: I do not think the Principal Auditor will have any problem, because if he had had a problem he would have said so himself. But in any event, given that the Principal Auditor audited the accounts of the GSD for 15 years without any one single company having had its accounts completed or audited, and the only accounts they audited were the ones I left in 1996, which they criticised me for ... As is the norm in the methodology of the GSD, they criticised me for being late because I was a few years late when we were in government, so they came in and
2120 since they were better at everything than we were, they did it for 15 years, so they were 15 years late. This is no more desirable, undesirable or reprehensible and unprincipled than what the previous Government was doing, except that we have still got time to catch up with the 15-year record they have.

2130 **Hon. R M Clinton:** Mr Speaker, that kind of response is getting a bit tired; we have heard it time and time again.

This is a company that he himself, or presumably under his Ministry's direction, incorporated, because it comes under the Savings Bank and he is responsible for the Savings Bank. But the Savings Bank has the people's money in it and this is an entity which is using the people's money,
2135 I presume – unless he is borrowing from somebody else – and making investments.

This week, we have seen this boxing coin produced in London. Throughout the pandemic we have seen all sorts of coins being produced, so his business has not stopped because of the pandemic – in fact, it just continued with business as normal, which is great, but I would like to share in congratulating him on his success by seeing exactly what results it is producing. There is
2140 no point in him sitting on that side of the House as the Government, managing the people's money and not wanting to tell us what he is doing with it. That is not the way it works.

As to what may have happened 20 years ago, I do not think people care. People want to know what he is doing in his administration. This is an entity that he has incorporated. This a business that is really active, by the looks of it, and frankly, every other week on Facebook we see a new coin being launched, and yet since 2013 – 2013, Mr Speaker, we are talking eight years – you have not had time to have this entity audited. Is there an issue with it? Frankly, I have to ask the question: is there an issue? Was the audit too expensive? Could you not find an auditor willing to do it? Do you not believe in audits? I do not understand, Mr Speaker. How can he have an entity as important –?

Mr Speaker: Can we have the question now, please?

Hon. R M Clinton: Well, fine, I will give you the question, Mr Speaker: is there any reason why this company has not been audited?

Hon. Sir J J Bossano: Mr Speaker, people will not be interested in what happened in the previous 20 years, but people have to be reminded of the standards of the Members opposite and the U-turns that upset so much the colleague he has next ... but whatever he may think about the U-turns I do, their U-turn is that when they were in government they spent 15 years not auditing one single company. We come in, we audit all their companies, and this one is late. If it is such a terrible crime that this one should be delayed, then it is a miniscule crime by the same criteria being applied to the party in government to which he belongs. He cannot say that people are not interested in what was happening before. I am saying the judgement that you make of what you do when you are in government is a judgement that I am entitled to judge you by when you are in opposition and you try to change the colour of your skin [Inaudible] But I can tell him that, so far, I have a record of making money and not losing money. When the accounts come out, he will be, I am sure, very happy to see how well it has done, but I am not prepared to talk about how well it has done until an auditor certifies that it is true, correct and accurate.

Hon. R M Clinton: Well, Mr Speaker, I look forward to the day when he will judge me, when I am in Government. *(Laughter and interjections)*

Mr Speaker, can I ask the Minister – moving on to hopefully my last supplementary and the last question – in terms of the Gibraltar International Mint Ltd, what is the actual commercial relationship with the National Mint? Is there a contract in place? What value does it add? Is there any cost to the Gibraltar National Mint? Is this company active or dormant? Has it made a profit? What expertise does it provide to the Gibraltar National Mint?

Hon. Sir J J Bossano: When we started, we were making profits in the thousands, a few thousand pounds, and we had no knowledge of what the potential of the market was. We were approached by somebody who was interested in marketing our clients and indeed helping us to expand the work that was being done in coinage. Initially, we were looking also at creating not just collectors' coins but coins that people would invest in for their metal value. The result of that joint venture, which actually has finished up not making a profit because it was marketing and teaching us how to market and introducing us to different companies – introducing me, basically. I went out with the team of people who were introducing me to where we could sell coins, and then we started, with them, the first presence at the Berlin World Money Show, which is the biggest one in the world, attended by something like 30,000 people, and we had a stand there. Then, when I learnt everything that was to be learnt, I decided that we could do better by ourselves, so we then terminated the relationship.

At the end of the day, nothing we are doing now, frankly, would have been possible for me to do if I had not learnt how to do it with a partner, but we came to the conclusion eventually that, other than having made the contacts possible for us, there was no other expertise there which justified us paying a fee to the joint venture for all the marketing; we could do it on our own. Thus,

2195 what we do now is go once a year to the Berlin Money Show and we take people from the Treasury, and we are now doing more business than when we were with a partner. The partnership is no longer functioning, and once the accounts are finished, probably the joint venture will no longer be needed.

Mr Speaker: Next question.

Q798-99/2020
Government-owned companies –
Early exit schemes

2200 **Clerk:** Question 798. The Hon. K Azopardi on behalf of the Hon. D A Feetham.

Hon. K Azopardi: Mr Speaker, how many employees of Government-owned companies since November 2011 have been the subject of an early exit scheme, identifying the company concerned?

2205 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):
2210 Mr Speaker, I will answer with Question 799.

Hon. K Azopardi: In relation to those employees of Government-owned companies who have been the subject of an early exit scheme, please state how many of those were (a) aged 60 or over, (b) aged 45 to 62, (c) below 45 years of age, and what correlation there has been between
2215 age and lump sum payable?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

2220 **Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano):**
As at 30th November 2020, a total of 69 employees of Government-owned companies have been subject of an early exit package since November 2011. The breakdown of employees by Government-owned companies is as follows: Gibraltar General Support Services Ltd, 44; Gibraltar Mechanical and Electrical Services Ltd, 16; Gibraltar Cleansing Services Ltd, nine. Of the 69
2225 employees of Government owned-companies subject to an early exit scheme, the following is a breakdown by age group: 62 and over, 12 individuals; 45 to 62, 57; and there are none below 45.

The correlation between the payment and the age of the recipient is as follows. At age 61 the payment is a lump sum equivalent to one year's basic salary if under 64. If over 64, then the lump sum is equivalent to the basic salary for number of weeks left to the 65th birthday. At age 52 to
2230 61, the lump sum is equivalent to the basic salary for the weeks remaining to the 61st birthday, subject to a maximum of three years and a minimum of one and a half.

Mr Speaker: Next question.

Q800-01/2020

**Intended funding re supported employment for persons with learning disabilities –
Median income in Gibraltar 2015-20**

Clerk: Question 800. The Hon. K Azopardi.

2235

Hon. K Azopardi: Mr Speaker, what plans and funding is Government putting in place in terms of sheltered or supported employment for persons with learning disabilities from 1st January 2021?

2240

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): I will answer this question with Question 801.

2245

Clerk: Question 801. The Hon. K Azopardi.

Hon. K Azopardi: What was the median income in Gibraltar in each calendar year from 2015 to 2020?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, Government intends to maintain the provision of funding for the Supported Employment Company. Sheltered employment is normally paid for by the private sector employer after an initial training period.

2255

The median income derived from the Employment Survey Reports for the years 2015 to 2018 are as follows: 2015, £21,091; 2016, £21,230; 2017, £21,995; and 2018, £22,807.

2260

Hon. K Azopardi: Can I start with that one first? I think the hon. Member said from 2018 – did he? Or from 2015? I have four. I made a note of four instead of five.

Mr Speaker: That is correct, it is four.

2265

Minister for Digital and Financial Services (Hon. A J Isola): Fifteen to eighteen.

Hon. K Azopardi: Yes, but I asked for 2015 to 2020.

2270

Hon. Sir J J Bossano: Well, yes, Mr Speaker, the answer says the source of information is the Employment Survey, and the last Employment Survey we have got finished is the 2018 one.

Hon. K Azopardi: Okay, so the answer is you are unable to provide those figures for that reason. Okay, I understand.

2275

In terms of the sheltered supported employment, the Minister confirms the maintenance of the Supported Employment Company, which I am grateful for. The reason for this question was that I had read ... Perhaps there has been a misinterpretation, but I heard a remark made, I thought attributed to the Minister, as to the period after 2021, almost suggesting that post our departure from the EU it would have an impact on the plans for supported employment. But he confirms that that is not true, that the Government will continue the programme – is that correct?

2280

Hon. Sir J J Bossano: There are two elements: the ones where the Government gives an indefinite contract to somebody, and that is 100% funded by the House, by the money voted to the departmental budget; and the other one is where we are helping people by putting them into private sector employment and, in effect, providing a subsidy. That subsidy was being done with EU funding. We have now got £500,000 from the UK initially – hopefully, we will get more, but in any event we are committed that if there is any retrenchment in terms of the volume that we do, it will not be for those people. They are a very small part of the overall expenditure that we have in giving work subsidies and in giving training. There are no circumstances in which that element of the package is at risk.

Mr Speaker: Next question.

Q802/2020

**Bishop Caruana Road residential home for the elderly –
Outdoor facilities**

Clerk: Question 802. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What outdoor facilities will be available at Government's planned project for the elderly at Bishop Caruana Road?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, there are no outdoor facilities within the area of the plot on which the new elderly persons residential home is planned to be built, but there will be, hopefully, an extensive public garden area on the Rooke site if one of the proposals is approved and proceeds as planned.

Hon. Ms M D Hassan Nahon: Mr Speaker, will the Government be consulting stakeholders in terms of ensuring that the design achieves the quality of life that these residents merit? I do remember that the DPC it was shared, and I quote from the *Chronicle* on 4th September – by one of the architects, I believe – that it is 'purely a functioning nursing home; we cannot have restaurants or amenities'.

There is a lot of concern in the community that there is going to be very little community space. Can Government make us rest assured that there will be a thought process that goes into ensuring that the speculation that this care home might just be a 'warehouse' – and I quote again one of the respondents in the DPC ... that there will actually be thought going into the design to ensure that the residents do have quality of life?

Hon. Sir J J Bossano: The facilities that are planned are better than anything that exists today. That is something that I can tell the hon. Lady. Each individual room will be bigger than anything that exists today, and each one has the facilities such as showers and everything in the room, and there are common areas.

It is of course something that is intended to be privately owned and privately operated, and we are just making sure that the standards that are being applied are the best standards taken from the standards that are required by the care organisation of the government in the United Kingdom that inspects these places and makes sure that there is the level of facility that gets them the qualification to be considered to be providing good, very good or unsatisfactory ... We have asked the people who have designed it to look to the UK for the design, and indeed to go to the

UK for everything that is going to go into the building down to the last nut and bolt by ensuring British standards as part of the ... The reason why the preparatory part has been taking as long as it has been is because we are checking that everything that is being done is being done to the best standards required in the United Kingdom.

2330

Mr Speaker: Next question.

DIGITAL AND FINANCIAL SERVICES AND PUBLIC UTILITIES

Q803/2020

**Cyber security –
National strategy**

Clerk: Question 803. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the Government confirm whether a national cyber security strategy is being developed; and, if so, when we can expect this to be in place?

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

2340

Minister for Digital and Financial Services and Public Utilities (Hon. A J Isola): Mr Speaker, the Government is currently updating and upgrading its National Cyber Security Strategy in order to build upon our digital society, which will continue to increase resilience to cyber threats and will be equipped with the knowledge and capabilities required to maximise opportunities and manage risks.

2345

Gibraltar, as any other country, is critically dependent on the internet. However, the internet is inherently insecure. Although the threats can never be eliminated, the risk can be mitigated, and the systems are in place to respond to such a breach were it to happen. The Government hopes to complete, the implementation of the new strategy, within the next 12 months.

2350

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for his answer. He is right that it is a crucial policy that we need in place and that virtually every government in the modern world has already developed a national cyber security strategy.

2355

I ask him if he would be forthcoming in assuring us how we will manage to have a cyber-strategy in place within the next 12 months. I know that, like I said earlier, since 2017 the RGP has been crying out for one, and in their Policing Plan of 2020 they repeated the call, so what can the Minister tell us in terms of what has changed, in that over four years there has been such a demand for it and now we are assuring people that it will be completed within the next 12 months?

2360

Hon. A J Isola: Mr Speaker, what will be completed in the next 12 months is the *new* cyber strategy. There has always been a security policy in place and there continues to be one today. That is what ITLD work towards. What we are doing is reviewing it, updating it and making it more secure, mitigating the risks, improving the processes, so that in the event of a breach we are able to respond to it quickly.

2365

I think we need to be clear that you never finish. The minute this is fully implemented we will need to begin to work on the next one because, as you know, these risks and these threats are changing as technology moves and you need to be vigilant. You have to assume you are going to be breached, and therefore you need to also improve, at the same time, the processes, the systems and how you are going to respond.

2370 What the police report is seeking to call for is a co-ordinated approach, not a new strategy but
a co-ordinated strategy, which is coming through down from the Civil Contingency Council, where
it is feeding down to all the different Departments to ensure there is cohesion and co-ordination,
so that if there is a significant breach, the process that you use to deal with that breach is to
engage with all your stakeholders in the community, all the different Departments in Government
2375 and elsewhere to ensure that you are best placed to deal with that breach.

My point would be that we do have a strategy today. It is in place today. We are improving and
enhancing, and we hope that will be done within the next 12 months, but it will remain a live
document in the sense that it is always being worked on and always being improved.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to
2380 Monday the 22nd at 3.30 in the afternoon. I wish all hon. Members a restful weekend.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday,
22nd March at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Monday, 22nd March at
2385 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Monday, 22nd March at 3.30 p.m.

The House adjourned at 6.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 7.50 p.m.

Gibraltar, Monday, 22nd March 2021

Contents

Standing Order 7(1) suspended to proceed with Government Statement	3
COVID update – Statement by the Chief Minister	3
Standing Orders 7(1) and 19 suspended to proceed with Government motions	6
Government Motions	6
Public Services Ombudsman for Gibraltar – William Ronald Coram appointed	6
Mayor and Deputy Mayor of Gibraltar – Christian Santos and Carmen Gomez appointed ...	13
Crimes (Amendment) Act 2019 – Referendum re commencement – Amended motion carried	17
<i>The House recessed at 5.10 p.m. and resumed its sitting at 5.30 p.m.</i>	22
Standing Order 7(1) suspended to proceed with Government Questions	22
Questions for Oral Answer	23
Chief Minister	23
Q804, 819 and 843/2020 Sports facilities – Staffing levels; Lathbury construction costs; Sale and/or management of Europa facility and accommodation blocks	23
Q805-07 and Q872-73/2020 Affordable housing schemes – Houses sold and remaining to be sold; construction completion and handover dates; concessions for purchasers on reduced incomes; progress re allocation;	24
Q808/2020 Pedestrian safety – Review of crossing points	29
Q809/2020 Holy Trinity children’s play park – Rationale for motorbike bay	30
Q810/2020 Spanish authorities’ impounding of Gibraltar-registered vehicles – Investigation into claims	31

Q811/2020 Tax refunds – Amount outstanding and whether delays in making repayments	32
Q812/2020 Rooke site – Expressions of interest received and notification of preferred bidder	33
Q813/2020 Parking spaces – Numbers sold at St Anne’s School and the comprehensives ..	34
Q814/2020 Government vehicle fleet – Arrangement with Bassadone Motors	35
Q815-818/2020 Bassadone Automotive Group – Parking spaces at Lathbury sports facility and Europa Business Centre.....	36
Q820/2020 Government borrowing – Terms of any new arrangements	40
Q821/2020 Victoria Keys development – Signing of loan agreement and drawdown.....	40
Q822-23/2020 £500 million loan guarantee – Commitments made to UK government; plans for use of moneys.....	41
Q827-29/2020 156 Main Street – Net annual values of Units 1-4; compensation agreed with tenants of Piazza; consultation with Opposition re works to Parliament building.....	43
Q830/2020 Music festival – Government support for event in 2021	49
Q831-32/2020 Telecom providers’ dispute – Government intention to broker a solution; TV channels – Continued availability in Gibraltar	50
Q833/2020 Commonwealth Day public holiday – Retention on second Monday in March each year	51
Q834/2020 Select Committees – Resumption of meetings	52
<i>The House adjourned at 7.50 p.m.</i>	54

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*]

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament – Monday, 22nd March 2021.

Order of Proceedings: 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 a Government Statement.

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

COVID update – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Minister for Health and I were delighted to note yesterday that there were no COVID patients at St Bernard's Hospital. This was the first time since late December that St Bernard's was free of COVID patients. This will bode well for the restart of routine GHA work, which I know is so important to so many in our community. Additionally, it is an important demonstration of the effectiveness of our lockdown and the vaccination programme. Indeed, it is now four weeks since our schools reopened, it is now three
- 15 weeks since our catering industry reopened, it is two weeks since we started to relax restrictions even further, and today, for the fourth day in a row, we once again report zero new cases of COVID – zero cases in hospital and zero new cases reported. This is the direction of travel we all hoped, wished or prayed to see developing.

- 20 In these circumstances, I can confirm that we will no longer have a curfew in Gibraltar. The curfew will end on Thursday, 25th March. I know this will be a blessed relief for our Jewish community in particular, who will be celebrating their Passover feast starting this weekend. I wish all members of our Jewish community I hope I have pronounced that moderately well. Additionally, it will be a blessed relief for our Roman Catholic community, whose Easter Vigil Mass on Easter Saturday also starts late – on Saturday, 3rd April – this year.

- 25 In terms of the numbers of people who can gather, we will see the football and boxing bouts in coming days. These are almost public health experiments, in great measure. We will see people gathering for these events but in a controlled manner. I expect we will also be able to greatly relax our measures as to numbers in restaurants and more generally in coming weeks. We should also hope to be able to take a different approach to areas in which masks may be necessary.

30 We are at last leaving behind us our deadliest winter; we are at last entering our most hopeful spring. It is worth noting that we are making progress. We are all anxious, I know, to leave the pandemic behind us, but we are wrong to think that it is all over quite yet. We must continue with prudence, caution and care to progress safely, so that we do not have to suffer or inflict a further lockdown in the future.

35 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, obviously we welcome the fact that we have zero cases, which was the platform for the Chief Minister's Statement just now, and indeed we also welcome the fact of the lifting of the curfew.

40 As the Chief Minister indicates, the trend of cases allows the GHA to reopen in a more vigorous way its services that had been affected by the lockdown, which is something we welcome. I wonder whether, by way of clarification, the Chief Minister has anything to say on that, beyond what was already indicated by the Minister for Health a few days ago. I appreciate that it was only a few days ago, so the answer might be that there is little to be said, but it may be that he has spoken to his colleague and is able to reassure people of specific steps.

45 In relation to other restrictions, there are fewer now, obviously, which is something that we welcome, but can the Chief Minister give us a bit of an idea in terms of timescale, given the trend of these cases? And while of course he is right to say that we cannot let our guard down, COVID is all around us and indeed there is still a chance, even vaccinated, that you can get COVID, although a smaller one, so we have got to be careful, can he give us an idea on timescales in relation to the restrictions on restaurants and social gatherings in particular, and indeed the call that has been made by some social groups and NGOs, and indeed the unions, as to the right to demonstrate in Gibraltar?

55 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the Hon. the Leader of the Opposition's request for clarification.

60 The GHA is working very hard indeed to start the process of returning to normal in the sense that it is hugely important that we are able to treat all those who are suffering from ailments other than COVID and who require attention other than in respect of COVID. That is enormously clear to the Minister for Health and to everyone in the infrastructure of Health in Gibraltar. The communications that will be made in respect of that are to follow. They are to follow because they will be generic to each of the different areas as each of the different areas are able to come back, but there is no desire to delay that for one moment longer than is necessary.

65 It is not prudent for me to give timescales in respect of restaurants and social gatherings etc., but we will be making announcements as soon as we are able to do so. The hon. Gentleman knows that there are now many fewer restrictions in respect of the restaurant trade, and once the curfew is gone there will be even fewer restrictions because the ability to operate later will therefore materialise for our catering establishments. In terms of social gatherings and the number of people who can gather not just in catering establishments or elsewhere, this is something that has to be judged carefully. We need to be able to see the numbers of cases continuing to stay flat. We are seeing that at the moment; we need a little longer period in order to have the confidence to entirely lift the bar that there is on social gatherings being beyond the number that they are today. As soon as we were able to, we will be making an announcement in that respect, not because there is any particular desire to demonstrate or indeed that that is the way it has been put by the unions that have referred to it. They have referred to the desire to hold their annual meetings etc. I know that the hon. Gentleman ... It might be his job, he might think, as Leader of the Opposition, to promote demonstrations against the Government, or indeed any demonstrations at all, but I am very keen in particular to be able to see us all being able to return to our general meetings,

especially those of us who lead organisations that assemble more than a handful of people at the time of our general meetings.

85 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his Statement, and obviously on this side as well welcome the lifting of the curfew in time for religious festivities, but also in time for people to slowly get their lives back, which we so urgently need.

90 It is also fantastic to hear that there are no cases in hospital at the moment with COVID, and of course this must have a lot to do with the brilliant organisation and the uptake of the new vaccines.

Mr Speaker, as we leave the deadliest winter in our history, as the Chief Minister has rightly said, I think people are needing more clarification about the very high death toll in the ERS. I would like to ask the Chief Minister to let us know if and when he is looking to start this inquiry process, so that we can establish exactly why we had such a high death toll, which, compared to other countries, shows very high trends. It is crucial to understand these trends that happened in Gibraltar before, heaven forbid, we have a repeat, or a strain that comes in and ravages our community once again, so I ask the Chief Minister for clarification on timings for this inquiry.

100 Thank you.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Lady for that question. The reality is that we believe it is right to start that process only once we know we are free and clear of the pandemic. The number of hours that it will take to do this inquiry and to do it properly cannot be underestimated and so we do not believe it would be a process that would contribute positively if it were one that were taking away from the actual management of the pandemic whilst we are in it. I do believe that we are close to being able to see ourselves out of it, but as the Director of Public Health has spent a year telling us, COVID is a tricky virus, and as I have said in my Statement, we do not want to find ourselves once again having to go back into a lockdown. We have to ensure that we are well out of the pandemic before it is appropriate for us to start the process of inquiring into how we dealt with the pandemic. I do hope, having said that, that it will be fairly soon and that we will be able to at least kick off the inquiry very soon indeed.

115

Mr Speaker: Does any other hon. Member wish to ...? The Hon. Elliot Phillips.

Hon. E J Phillips: Mr Speaker, just one particular area of clarification in relation to mask wearing and social distancing more generally in the Government's policy.

120 Obviously, it was received well by members of our community that certain areas were unrestricted insofar as mask wearing is concerned, but given the relative open nature of our border, and particularly given the growing misunderstanding, if I can put it like that, insofar as different variants of the COVID-19 pandemic, and indications given in the United Kingdom that mask wearing and social distance will form a very significant part of their way of life in coming years – in fact, it looks as though mask wearing and social distancing will feature very significantly in the lives of those people in that country – what is the Government's current thinking insofar as relaxing those measures in relation to mask wearing and social distancing, given the fact that we are slowly, as the Chief Minister has described, coming to a very real situation where most of our community can be unlocked and the curfew order will ease away? What is the Government's thinking on mask wearing and social distancing in the future, given the comments by many European countries and indeed the United Kingdom most recently?

130

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the reality is that what we have tried to avoid in dealing with the issues that we have faced is Government thinking. In other words, we wanted to have scientific thinking, we wanted to have Public Health advice, and we have therefore made up our minds on the basis of the advice that we have. That is why I have said that we will continue to keep under review the use of masks and where they are necessary, but that will be something that is shaped by the numbers of those infected in our community and outside of our community and the numbers of people who are coming into Gibraltar to work who are vaccinated, which is part of the regime being pursued by the Minister for Health.

We will be in a better position to make an assessment in respect of how the pandemic is progressing in Gibraltar and around us on a weekly basis as we go and to determine these issues on a weekly basis as we go. That is why I have always eschewed crystal-ball gazing in respect of these issues.

Mr Speaker: We now proceed to the next point on the Agenda.

**Standing Orders 7(1) and 19 suspended
to proceed with Government motions**

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

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

Clerk: Government motions. The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

I beg to move, under Standing Order 59, to proceed with the suspension of Standing Order 19, in order to proceed with Government motions.

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

GOVERNMENT MOTIONS

**Public Services Ombudsman for Gibraltar –
William Ronald Coram appointed**

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

This House:

RESOLVES TO HEREBY APPOINT Mr William Ronald Coram to be Public Services Ombudsman for Gibraltar under section 3(2) of the Public Services Ombudsman Act 1998, for all the purposes of that Act and for a period of three years.

It was a pleasure for me to have moved in this House that Mr Dilip Dayaram Tirathdas should be appointed as Ombudsman in 2017. In the time that he was Ombudsman, Mr Tirathdas really

threw himself into the responsibilities of that role in a way that was, as everything I have had the experience of doing with Dilip, absolutely exemplary. As Ombudsman, Mr Tirathdas was able to assist many in our community, and because he was a retired civil servant and knew the inner workings of Government he was able to bring to that assistance also the ability to resolve disputes with the officials in the administration in a way that perhaps others who come from outside the administration might not be able to do. Having said that, he was also very forthright when he found against the administration. I think, once again, understanding the administration from the inside led him to understand, when those who were involved in the administration of a matter where the Ombudsman was not with the administration ... whether he might have identified some were being recalcitrant in their approach and were just not willing to listen to his position, and I thought that his reasoned decisions as Ombudsman therefore had that extra quality.

Now that Mr Tirathdas has indicated to the Government that he is not prepared to continue in the role any further, having done a very successful stint as Ombudsman, and delayed by the period of the pandemic, it is my pleasure to move that Ronald Coram should become the Ombudsman for Gibraltar. Mr Speaker, if I may say so just to start, one of the joys of moving this motion is finding out that the man I have always known as Ron is actually called William as I sought his full name for the purposes of the motion.

Ron's early working career began as far back as 1978, when he was employed in Gibraltar originally as a trainee technician in the former Department of the Environment with the old PSA, as it was known – the Property Services Agency – in which Ron was enrolled as a technician in an apprenticeship in electrical engineering. This really set his interest going and he went off ... In those days, when it was not common for individuals to be able to go to the United Kingdom on a scholarship, he went on a scholarship to Preston Polytechnic, now known as the University of Central Lancashire, and completed a Bachelor of Science degree in 1985 in Electrical and Electronic Engineering.

In 1986, he was recruited to the UK Civil Service as a graduate engineer, working also in the PSA, and later he was seconded to the MoD on overseas projects. There, he obtained further professional qualifications, including full membership of the Institute of Electrical Engineers, and became a chartered electrical engineer. Ron also achieved full membership of the Chartered Institute of Building Services Engineers, where he is registered as a chartered engineer. Both those routes, engineering and electrical engineering, enabled Ron to reach the grade of Senior Professional and Technological Officer (SPTO) at the young age of 29.

In 1993, PSA International was privatised and Ron then decided to take the opportunity to pursue a master's degree in Construction Project Management at Heriot-Watt University in Edinburgh, and that led Ron to a much greater personal interest in the field of management services, particularly focusing on the area of change management. That led him to enter into research and he obtained a doctorate at the University of Manchester in 1997, and after that point, Ron rightly decided that it was time to come back home to Gibraltar.

From 1998 to 2002 he was the Chief Training Officer at the Department of Education, where he was directly involved in setting up the Government of Gibraltar's training strategy for young adults and identifying the skills gap that there might have been locally. That led to the introduction and delivery of numerous training schemes, such as the apprenticeship programme at Cammell Laird, the City and Guilds qualification at the Gibraltar Construction Training Centre, and the Gibraltar Government apprenticeship scheme in the old Buildings and Works Technical Services department, the Electricity department and even in GJBS. That work involved the implementation of the framework for the UK-recognised National Vocational Qualifications in Gibraltar. Ron therefore designed the Vocational Training Scheme, which was in place for many years. He introduced management programmes – which many in the local administration decided to enrol on – through Durham University, and those were actually delivered locally for many who did not wish to leave Gibraltar because they were in employment and had already established themselves with families.

From 2002 to 2012, Ron then became the Principal Housing Officer, the senior officer in the Housing department, which means that he fully understands all of the issues that relate to that particular department. In that period he was charged with senior management of the general Government housing stock, the buildings and works capital housing project, including its budget, and at that time that included the development of the Waterport Terraces project.

Then, from 2012 to 2020, Ron was the senior officer at the Ministry for Employment and he was also Director of Employment and Principal of the School of Health Studies and Director for Economic Development. In that period, the latter period that he was employed in government service, Ron was responsible for analysing numerous employment trends and assessing the future skills gap within our economy. He was the author, also, of a comprehensive report that focused on employment patterns and movement within the local construction industry. Part of that actually led to the re-establishment of the Nursing College, and that saw Ron directly involved in the training of over 120 registered local nurses and setting up the local framework for university degrees, both at bachelor and masters level.

In May 2018, Ron was awarded an honorary degree, a doctorate, in recognition of his outstanding contribution to enterprise, education and employment within Gibraltar, by Kingston University.

In June of last year, Ron retired from the Civil Service after completing 22 years of service.

Mr Speaker, I think that is a curriculum vitae that speaks for itself and demonstrates that Ron has the understanding of the workings of the local administration that will enable him to understand, empathise, sympathise and support those who require the support of the Office of the Ombudsman, and that he is somebody who enjoys the respect of the heads of department in each of the agencies that he is likely to have to be dealing with in his role as Public Services Ombudsman in Gibraltar.

The Minister for Financial Services will also say a little more about the role of the Financial Services Ombudsman, in respect of which he has had discussions with Mr Coram, and where we hope to be able to see the work of the Financial Services Ombudsman also discharged by the Public Services Ombudsman in Gibraltar.

In selecting an Ombudsman it is important that the individual who is selected enjoys both the respect of senior officers of the public sector and the respect of the community generally, and, in the opinion of the Government, Ron Coram meets all of those key requirements. This is not an easy post to fill if you are going to find somebody who enjoys the respect of both his peers in the community and the individuals at the head of the Departments, agencies and authorities of the Civil Service.

Mr Speaker, I had the opportunity to speak to the Leader of the Opposition and consult him on this appointment and also to speak to the hon. Lady about this appointment, and both of them have indicated to me that they will be supporting the appointment of Mr Coram to this important role.

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

The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, on behalf of this side of the House, certainly we support the proposed appointment of Ron Coram as Public Services Ombudsman under the Public Services Ombudsman Act.

Before I speak to that issue itself, can I also take the opportunity in the context of this motion to thank Dilip Tirathdas in respect of his service as the current Ombudsman, whose tenure has now expired. It is a pleasure to have seen, since I was on that side of the House, 23 years ago, when I presented the Ombudsman legislation It was embryonic at the time. There were not that many ombudsman pieces of legislation around the Commonwealth to look at, and we had looked at the Maltese model in particular and were taken by the fact that it was ... We had been

told it was helpful to have ombudsmen who came from a public sector services background – not necessarily always the case, of course, and it is not a requirement, but I think the fact that Mr Tirathdas and indeed Mr Coram come from that background is probably helpful for them in discharging their duties. Whether they are poachers turned gamekeepers or gamekeepers turned poachers I do know; it really depends on how you view it. I want to take the opportunity to thank Dilip for his service. He had a long career in public service before he came to this post. He has deployed his knowledge of the public service well in his role. I think it has been very useful to him, as indeed it has been to other ombudsmen who have occupied that role, whether or not they came from the public sector. We have had ombudsmen who have not come from the public sector but they have had a huge degree of knowledge of the public sector, not least, of course, Henry Pinna, who constantly had interaction with the public service, if I can put it that way.

So, on this side of the House we thank Dilip, and on a forward-looking basis we welcome Dr Coram to his post. He is someone who has worked for every single achievement in his own personal career, starting with ... I will not go through it again, the long description of achievements that the Chief Minister has read out from the time he left Gibraltar originally in the late 1970s to his return to Gibraltar, having already, at that stage, got a doctorate and acquired not just knowledge as an engineer but in change management, which he put to good use in his Training role and indeed in his Housing role within the Government. He joined public service when I was still a Minister on that side, and so in that role I did have some interaction, although I was never responsible for the Ministries that he was working in, but he was always someone who came across as someone very polite, courteous and discreet but effective in the discharge of his role. I had some interaction with him when I left Government, on a number of professional matters, again discharging his role in a very effective way.

We think Ron Coram will make a very good Ombudsman. I say little about the latter part of the Chief Minister's contribution in relation to the financial services role. That is something that I was unaware of, and indeed we may take a different view there. We will hear what the Minister has to say on that. That is a specialised area, and so we would want to be persuaded as to that, and we reserve our position on that. But in relation to the wider role of the Public Services Ombudsman himself, the traditional role that the Ombudsman has had, he has our full support. We think he will make a very good Ombudsman for Gibraltar, given his intimate knowledge of all these areas, and in particular, of course, because ombudsmen tend to deal with complaints that come from certain areas, and one of the more popular areas, if I can put it that way, for the Ombudsman role is housing, and Ron has a lot of experience in that regard. So, we welcome the appointment and we will support it fully.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to take this opportunity to firstly thank Mr Dilip Tirathdas for his work as Ombudsman, welcome the new Ombudsman, Ron – William – Coram, and express my relief, in that this appointment is long overdue.

The last year has been a difficult one and the challenges of the pandemic have seen our Government implement restrictions to people's civil liberties of the kind we have never seen before in Gibraltar. These restrictions were necessary to protect our community. However, not all of our citizens responded to them with solidarity and resignation. Many citizens have become distanced from their institutions and from those who run them, particularly us, the politicians sitting around this Chamber. It is a real pity that throughout this episode of great tension between freedoms and restrictions, one of the symbols that best represents the protection of those civil liberties was left to one side, because the Act demands that in the absence of a suitable candidate for replacement, an interim Ombudsman must be implemented, and this did not happen. In fact, we have been without an Ombudsman since June 2020, something that I believe has been sending our people the message that Government is not particularly bothered about protecting these civil

315 rights at a time in which the destructive potential of these kinds of messages has grown exponentially.

It was also disappointing to see messages coming out of Government at the time about how excruciating it was to limit people's freedoms to protect the health of the most vulnerable. Effectively, the clash between individual liberties and the common good will be one of the great issues of our time, throughout the pandemic and beyond, and I expect our new Ombudsman to have a lot to say in this debate because politicians must be seen as trustworthy custodians of freedom and able judges of the common good.

So, I take this opportunity to welcome Mr Ron Coram as our new Ombudsman and wish him the best of luck for his new role.

325 **Mr Speaker:** Does any other hon. Member wish to speak on the motion? The Hon. Albert Isola.

Minister for Digital and Financial Services (Hon. A J Isola): Thank you, Mr Speaker.

330 I think the first point to make is that this motion is not in any regard about the appointment of Mr Coram; in fact, there is no requirement for a motion before this House for that to happen. I think the Chief Minister was just alerting the hon. Members opposite to the fact that this is the direction we are going in, simply because we will be able to have a central ombudsman service that will give far more efficiency to the delivery of our work that he has to do both in respect of the Public Services Ombudsman duties and the Financial Services Ombudsman's duties.

335 As the Hon. the Leader of the Opposition has indicated, the Financial Services Ombudsman will require specialist advice and specialist assistance, and that is what we intend to provide him with, so he will have access to the technical people that he will need in respect of each area. That could be an area on pensions, it could be an area on banking ... It is a very wide area that the Financial Services Ombudsman legislation covers, and consequently we have come to the view that it is far more efficient to enable the Public Services Ombudsman to have access to that advice, rather than try to find one person who has all of those qualities, which is not easy to find. Consequently, the thinking on this side of the House is that Ronald Coram has all the attributes that he will require, with the benefit of the advice that he will have available to him, to be able to carry out these functions in the manner that Parliament intends. I am grateful to Mr Coram for having signalled by his acceptance to carry out that function with the support of the specialist services that he will require from within the offices of the main Public Services Ombudsman.

340 I would like to also say a huge thank you to Dilip for his work, not just here but obviously before. He has given many years of excellent service to our community. I am grateful to him and add my thanks to the other Members who have spoken before me.

350 I would also like to wish Ron every success in his new endeavours. I think he will do Gibraltar proud as he does these different functions and I have every confidence in his ability to deliver, both in respect of the Public Service Ombudsman service and indeed the Financial Services Ombudsman service.

Thank you, Mr Speaker.

355 **Mr Speaker:** The Hon. Roy Clinton.

360 **Hon. R M Clinton:** Mr Speaker, just to pick up on what the Hon. Minister has just said, as he is fully aware, this has come, as the Leader of the Opposition has said, as a complete surprise to this side of the House and I would have hoped that he would have had at least the courtesy to advise us that that was the Government's thinking. He knows as well as I do that the Financial Services Ombudsman, certainly in its incarnation in the United Kingdom, does require a huge amount of skill and knowledge of the industry, even at a very basic level. Personally, I remain to be convinced that you can combine that skill set with the skill set that the proposed Ombudsman has, which is not to denigrate it, but financial services is a very different creature to the public service and it is meant to mediate disputes in financial services. Some of these disputes could be quite significant

and you require a significant degree of knowledge of financial services. It is all very well to say you can buy in the services, but you could do that in anything. You could appoint anyone you want and say you will just buy in the services, but it is also about a signal you send to the public in terms of how the Financial Services Ombudsman is structured and what expertise they themselves have, that the public have confidence that they can approach a Financial Services Ombudsman who knows exactly what the issues are or has a better idea than somebody who is uninitiated in the arts of the world of financial services as opposed to somebody who is completely unsighted. And so I remain to be convinced that this is in fact the best approach. It might be cheaper, for sure – that I do not doubt – but I do not think it necessarily is what was intended when the Minister introduced the legislation for the Financial Services Ombudsman.

In terms of the Ombudsman in general, I think I have said before in the House that personally I would like to see the post be advertised in future. That may require a change in legislation in due course, but a role as important as this I think should be open to invitation for application. On the Financial Services Ombudsman angle to this, I really am surprised and remain to be convinced that this is the best course of action.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Thank you, Mr Speaker.

It is a very small point. Obviously, I endorse and back everything my hon. Friend Mr Clinton has just said. I think he makes fair points and I am sure the hon. Member will agree with me, but there is one specific question that I ask and it is this: how are those resources going to be provided in terms of the advice that Mr Coram will absolutely need to rely on? Most of us know Mr Coram personally. We have heard the long list of his achievements as set out by the Hon. the Chief Minister. None of them include financial services and he is not known as an individual who has had any experience in that world, so clearly he is an individual who will have to rely a lot on advice, so what type of resources are going to be made available to him within the office to provide that advice? If he could answer that question.

Hon. A J Isola: Will the hon. Member give way, please?

Hon. D J Bossino: Yes, I will give way, of course, Mr Speaker.

Hon. A J Isola: Mr Speaker, clearly the appointment of Mr Coram is only being done on the basis that he will be given the specialist advice in whatever area of law it is he requires. That will come from the private sector through the creation of a panel of appropriate people on pre-agreed rates. They will be asked, if they are not conflicted to be able to support the work of the Ombudsman, if they wish to.

Mr Speaker: If no other Member wishes to speak, I will call on the Hon. the Chief Minister to respond.

Hon. Chief Minister: Mr Speaker, I am grateful for the Hon. the Leader of the Opposition's support, which he had already indicated privately, and for joining me in thanking Dilip Darayam Tirathdas for the magnificent work he has done in the time that he was Ombudsman.

I just wish to reiterate that I was informing the House of the fact, out of courtesy, that we had asked Mr Coram to also do the work of Financial Services Ombudsman. The reason I thought it appropriate to inform the House out of courtesy was because this is the motion appointing him Public Services Ombudsman. There is a word in common between Public Services Ombudsman and Financial Services Ombudsman, but not a role in common. The role is completely different. It is for that reason that once I had informed the Hon. the Leader of the Opposition and discussed with Cabinet colleagues, the Minister for Financial Services pursued for himself, after having

cleared it with me, whether or not Ron Coram was prepared to also do the work of Financial Services Ombudsman, something which he said he was definitely prepared to do. I very much welcome that, and I will speak generally to the points made in that respect by hon. Members by saying that I think it is absolutely right that the person who is Financial Services Ombudsman in Gibraltar should be a lay person – in other words, a layperson to financial services. Why? Because the interests being represented are the interests of lay people. In other words, it is lay people seeking to have their issues dealt with in the context of financial services, and I think the most important nexus of empathy that should be provided for in the context of a Financial Services Ombudsman should be the nexus of empathy with the persons who are seeking to have their issues determined, and with advice. Sometimes it is not easy for people to establish relationships or approach those who are lawyers, accountants or senior financial services professionals, and therefore I think it is going to be more useful and helpful – and I agree with the Minister for Financial Services – to have a layperson to financial services leading that role in a way that will enable that person to communicate to those he is dealing with on those issues. Of course, he will be dealing with financial services firms, he will be dealing with financial services operators, but he will have the necessary advice in doing so.

But this motion is not about that; this motion is about the appointment of Ron Coram as Public Services Ombudsman, and that is what the House is dealing with, although the House was informed as a courtesy, a courtesy that Mr Clinton believes should have been extended to him in private or earlier. Well, Mr Speaker, we considered it appropriate to inform the people and the House at the same time in courtesy in this respect.

Of course, the Hon. Mr Clinton will forgive me for not putting much store by what he says about the appointment of an Ombudsman, because on 26th July 2017, when we were dealing with the appointment of Dilip Darayam Tirathdas, what Mr Clinton told us was that it was not appropriate, in his view, necessarily to appoint a senior public service veteran to the post of Ombudsman. Indeed, in that debate, what Mr Clinton believed was not just that we should have an external competition for the post of Ombudsman but that somebody who had been a senior civil servant was not best suited to deal with these issues. We have today heard the exact opposite, rightly, from the Leader of the Opposition, who reminds us – because, of course, in the context of this motion it is convenient that he has sat on this side as a Member of the GSD when this particular Act was designed and that one of the areas that they looked at was Malta, where senior civil servants had done the post in the past ... The Leader of the Opposition has rightly said it does not have to be a former senior civil servant who does the role. It has not always been. He gave the excellent example, with which I agree wholeheartedly, of Henry Pinna, a man who had interacted greatly with the public service, in particular in his field of expertise, if I may put it that way, which was housing, because of Action for Housing, but it would be very difficult to find somebody who understood the inner workings of Government in the way that you need in order to be able to deal with the issues that an Ombudsman is faced with, and a former senior civil servant is actually very well suited to do that role. Now Mr Clinton tells us you cannot have a layman doing a Financial Services Ombudsman post, so I will take his criticism of the appointment of Mr Coram to the post of Financial Services Ombudsman with the very large pinch of salt with which I took his very personal support for Mr Tirathdas but his political complaint of Mr Tirathdas' appointment way back in 2017.

It is also true that Ron Coram was away from Gibraltar for 20 years in the time he was obtaining his qualifications before coming back the senior Civil Service posts that he held in Gibraltar, and I think that is also an important feather in his cap, in the sense that he has seen how other administrations work and we may be able to see that reflected also in the views that he brings to his findings as Ombudsman.

Mr Speaker, I do not accept for one moment the suggestion from the hon. Lady that we have sent out any destructive message in the time that we have been dealing with the pandemic, far from it, but she is right that the question of individual liberties versus the general public interest has been a key factor of the past year in our community. She, however, is one of the people who

have been urging us constantly to impose *more* restrictions. That is to say she was erring on the side of less civil liberty and more restrictions because of the general public interest, so she will forgive me if I detected a slight turn in the approach that she is taking now, as if she were suggesting that that has been a balance that we might somehow have got wrong. I hope I am
475 misinterpreting her.

The Hon. Mr Clinton said that he remained to be convinced that Ron Coram could do a good job as Financial Services Ombudsman, but he was sure that it would be achieved and of that he had no doubts. I do not know whether he was arguing against himself there, or whether he was just recognising that we have been able to demonstrate, contrary to some of the assertions that
480 he has made from those benches, that the proposals that we make are successful. I hope that is what he was suggesting, because of course that would be in the interests of all of us.

The Hon. Mr Bossino made some points about how resources will be provided, which I think have been more than adequately answered by the Minister for Financial Services. I do not want to go any further in respect of the role of financial services, because this is not what the House is considering under the motion. I will simply round up by saying that despite those, if I may put it
485 this way, relatively technical issues that have been raised by hon. Members opposite about not the role that Mr Coram is to discharge as a result of this motion, I am very pleased that we are going to be able to see this appointment supported unanimously across the floor of the House. Mr Darayam Tirathdas did not enjoy the benefit of unanimity across the floor of the House and it
490 did not stop him doing a magnificent job, but I do believe that the appointment by unanimity of the House is a fairer wind for the beginning of the role that Ron Coram will discharge as Gibraltar's Public Services Ombudsman by resolution of this House.

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

**Mayor and Deputy Mayor of Gibraltar –
Christian Santos and Carmen Gomez appointed**

Clerk: The Hon. the Chief Minister.

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

This House:

HEREBY APPOINTS Mr Christian Santos to be Mayor of Gibraltar and Ms Carmen Gomez to be Deputy Mayor of Gibraltar as from 1st June 2021.

Mr Speaker, it is an honour to rise, two years almost to the day since the motion appointing John Gonçalves as Mayor and Christian Santos as Deputy Mayor, to reflect on a period under John Gonçalves where he has done an absolutely magnificent job as Mayor – a time cut short, of course, this time last year by the COVID pandemic, although John continued some activity in the mayoralty and was able to re-establish some activity in the interim period during the summer months. I know
500 that John still has a lot of what he wants to do as Mayor. For that reason, I am moving that the House should appoint Mr Christian Santos to be Mayor of Gibraltar from 1st June, to ensure that Mr Gonçalves still has 60-odd days in order to be able to bestow some of the Mayor's awards which have been granted in his time and carry out other activities to which he has become committed in the period of his mayoralty. I have no doubt that, knowing John Gonçalves, this will
505 not be the end of his contribution to public life in Gibraltar and there will be much more for us to see John Gonçalves do.
510

Mr Speaker, in the time that he has been Deputy Mayor, Christian Santos has already been extraordinarily supportive of John Gonçalves and he has continued his excellent work in the Gibraltar Academy of Music and the Performing Arts. He has lost none of the *joie de vivre* that characterised him by his appointment as Deputy Mayor, and indeed I very much look forward to him bringing that style, panache and flair to his role as Gibraltar's next Mayor. You will know, Mr Speaker, that his work can go from the extraordinarily sensitive, which will bring tears to your eyes, to the extraordinarily funny that will split your sides and will bring other sorts of tears to your eyes. I am sure that he will bring all of that talent to the role of Mayor of Gibraltar, and I am sure that he and his husband Samuel will do Gibraltar very proud indeed as they take the mayoralty forward from 1st June.

Mr Speaker, I cannot pretend to stand here and introduce Carmen Gomez and what she represents. Carmen Gomez is somebody those of my generation have all grown up seeing representing Gibraltar internationally or on our own local television screens, and those of an older generation saw her trajectory as a great Gibraltarian talent who started in Gibraltar Drama Festivals, went through the early days of GBC and ended up on the West End stage, produced by Andrew Lloyd Webber himself. Who can't forget the image of Carmen dressed as Carmen Miranda, with that fantastic fruit-filled hat she wore in that performance on the West End stage? This is a Gibraltarian who has travelled the world, who has brought art to the world internationally and who has consistently been a defender of Gibraltar, wherever she has been. I was honoured to be asked by Carmen Gomez to write a foreword to her autobiography and I reminded readers then that she was known to have taken on none other than Sir Robin Day on one occasion when he was said to have spoken unkindly about Gibraltar. He was unfortunate enough to come across Carmen Gomez and she gave him a right old talking to and put him in his place. So, it is my pleasure to see that Carmen Gomez has agreed to take the post of Deputy Mayor and become Mayor after Christian Santos, and I am very pleased that, having consulted with the Leader of the Opposition, he agreed that this would be a position that they could support her for. I also spoke to the hon. Lady, who indicated that she would be supporting this appointment.

It is not lost on me that we will go from a sportsman today in John Gonçalves who has represented Gibraltar internationally in sport, to a Mayor in Christian Santos who has represented Gibraltar internationally in the arts, especially in the musical arts, to a Mayor, after Christian Santos, in Carmen Gomez, who has represented Gibraltar internationally in the arts, in particular in drama. That, I think, is a demonstration of the depth of Gibraltar beyond its politics and beyond the headlines that so often are about Gibraltar relating to the politics of our relationship with our neighbour etc., and demonstrating a cultural and sporting depth in our community which I think is very well suited indeed to our representation in the mayoralty and the municipal representation of all Gibraltarians.

I commend the motion to the House.

Mr Speaker: I propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. Edwin Reyes.

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

On Thursday, 21st March 2019 this House unanimously supported the Government motion presented by the Hon. the Chief Minister appointing Mr John Gonçalves as Mayor of Gibraltar, which he did as from 4th April 2019. The motion also noted that Christian Santos be appointed as Deputy Mayor, to take over the role of Mayor after John Gonçalves. It therefore follows that, with the greatest of pleasure, the GSD Opposition will today confirm that it continues to support the appointment of Christian Santos to take over as Mayor from John Gonçalves.

At this stage, I would like to take the opportunity to thank John Gonçalves personally for his exemplary service as Mayor over the last two years. John has certainly discharged the required mayoral duties to the best of his abilities, and had this last year not forced upon us strict

restrictions due to the COVID 19 pandemic, I am sure John would have carried out even more public duties, which ultimately promotes and benefits our community as a whole. I personally thank John for his companionship at the events we have both attended in our official capacities. Although best known for his outstanding contributions, both locally and internationally, in the sport of basketball, I fear that Gibraltar as a whole should also be made aware of John's knowledge and passion for the game of football. Having sat for 90 minutes at a time at Victoria Stadium jointly cheering with our distinguished Mayor for our national team, I can honestly say that I thoroughly enjoyed those football matches even more than normal, thanks to John's positive animation and encouragement of our players' performances. I dare say if ever any TV sports channels should find themselves looking for new commentators I would have very little hesitation in recommending our soon-to-be Mayor emeritus for such a job.

Mr Speaker, referring now specifically to Christian Santos, the Opposition notes his personal background and experiences, which we sincerely hope will serve him in the discharge of his forthcoming duties. Christian holds a Bachelor degree in Contemporary Art from the University of Nottingham Trent, as well as a Postgraduate Diploma in Acting and Musicals. He has worked in the entertainment industry and performed for companies such as Openwide International, the English Theatre Company, Sun Cruises and even Disney. His training was in musical theatre and he has worked mainly as a vocalist. He returned to Gibraltar after four years with Disney in Tokyo and in this relatively short period of time he has already become a local household name. After founding Santos Productions, he has produced several shows, including the Miss Gibraltar pageant. It was during my tenure as Minister for Culture that I got to know Christian as a very efficient professional, and we shall forever treasure the memories of a particular Miss Gibraltar pageant from where the beautiful Kaiane Aldorino went on to be crowned Miss World 2009 in Johannesburg, South Africa. It seems Christian will have a very hard act to follow to catch up with his mayoral predecessors. Christian is well known on the Rock for his original comedies, including household names like *el suston*, *Ms Ilanita International*, *El Cuento*, or the comedy and audiences with Rock Masters. As the vocal preparer and director of the Santos Choir, he has become a favourite of the local public and has achieved international successes in competitions both locally and abroad in the UK and Barcelona. He leads a young choir at GAMPA and usually presents the most relevant public events in the cultural agenda on the Rock. We hope his duties as Mayor will not curtail his contributions to and ever-popular successes in local performing arts. As rightly highlighted by the Chief Minister himself during his contribution to the motion in respect of the appointment of the Mayor in 2019:

it is important that the mayoralty continues to be open to young people and that our City Hall and our civic representative, the Mayor, is not alien to young people and is somebody who young people consider approachable. With John [Gonçalves] we achieve that in the context of sports and with Christian Santos we achieve that by dint of him being a younger man and indeed somebody who is involved in teaching of young people and involving them in the performing arts.

Our City Hall will certainly be a prestigious place of entertainment in the future.

Mr Speaker, we equally welcome the proposal of Carmen Gomez as Deputy Mayor to succeed Christian Santos upon completion of his tenure. The ever beautiful Carmen Gomez was crowned Miss Gibraltar in 1970, when she was 21 years of age. After her reign as Miss Gibraltar, Carmen ventured to London in order to pursue an acting career. Whilst in London, she performed in various West End productions and had an opportunity to work with Andrew Lloyd Webber. Carmen started her acting career with a part in *Buddy*, but most unfortunately that show wrapped up in London to return to Broadway. However, she persevered with her acting career and went on to feature in the science-fiction popular series *Dr Who*. Other notable performances were playing the part of Ferula in Isabel Allende's *The House of Spirits* and she also ran her own dazzling West End production of *Carmen Miranda*. It is an established tradition that when military units that hold the Freedom of the City of Gibraltar exercise their right to parade through the city with bayonets fixed and colours flying, it is the Mayor who takes the salute on behalf of the citizens of

610 Gibraltar at the Main Street entrance to this prestigious House. Those of us who have had the privilege to form part of a contingent marching up Main Street exercising such rights will know at the highlight of this march past is the salute given to the people of Gibraltar through their Mayor just outside Parliament House. It does not take much imagination to foresee the delight which will be experienced in the future by military personnel when they follow the words of command 'Eyes
615 right' and their eyes immediately feast upon such beauty as that radiated by the delightful Carmen Gomez.

With these words, and before I get into any trouble, I have the privilege and pleasure to once again confirm that the GSD Opposition will be supporting the Government motion laid in this House by the Hon. the Chief Minister.

620 Finally, thank you, John Gonçalves for your service to Gibraltar and we wish all the best to both Christian Santos and Carmen Gomez for the future in the fulfilment of their mayoral duties.
(Banging on desks)

Mr Speaker: The Hon. Marlene Hassan Nahon.

625 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

I would like also to thank John Gonçalves for his tenure as Mayor of Gibraltar. His time as Mayor has not been the easiest of times for our community, or for the world indeed, but he can rest assured that he leaves with the community's respect, affection and gratitude towards him firmly
630 in place.

The appointment of my friend and remarkable artist Christian Santos as Mayor of Gibraltar is great news for the community. It will provide another impulse to Gibraltar's burgeoning artistic and cultural scene, and it will dignify an institution in great need of a little weight and substance. Since our days as teenagers, the larger than life Christian Santos has been contributing to our
635 community with song, dance, drama and entertainment in reaching our cultural agenda with his vision and professionalism in a way that has taken culture in Gibraltar to new levels, inspiring the young and the elderly in equal measure. It is also worth mentioning that Christian will be Gibraltar's first openly gay Mayor, something that will go a long way to further the equality agenda and make people understand the value and beauty of diversity. I congratulate him on his
640 appointment and I thank him in advance for the hard work I am sure he will put into his role.

Of course the appointment of Carmen Gomez as his deputy also constitutes a positive step in this respect, as this will mean that yet another woman will be Mayor of Gibraltar, of which there have been few, as we all know. These symbolic yet important steps bring us closer and closer to a world free from bigotry and discrimination, and this is something that I am sure we can all
645 celebrate.

I extend mine and my party's heartfelt congratulations to these two candidates on their appointment as Mayor and Deputy Mayor.

Thank you, Mr Speaker.

650 **Mr Speaker:** Does any other Member wish to speak? The Hon. Prof. Cortes.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Hon. the Chief Minister has already expressed the Government's views, but it would be remiss of me, as Minister for Culture, not to just add a few comments, firstly to
655 thank John Gonçalves, with whom I have worked very closely over the last year and a bit, this difficult year for everyone, to thank him and congratulate him for the work that he has done, and also to welcome with enthusiasm both Christian and Carmen, who not only have I known for many years but are part of the world of the performing arts that I have long been a member of, or have been in the past. I look forward very much to working closely with them.

660 I think that this reflects the cultural richness of our community and will reflect also the importance of culture in the recovery of Gibraltar from the tribulations of COVID, so I am very

happy with these appointments, and if I may use theatrical jargon, which Christian and Carmen will both appreciate: Christian, Carmen, break a leg.

665 **Mr Speaker:** I now ask the Chief Minister if he wishes to respond.

Hon. Chief Minister: Mr Speaker, thank you to all hon. Members who have spoken to support the proposed appointments.

670 I think the appointment of Christian Santos will definitely involve the continued presence of young people in the City Hall. John Gonçalves has attracted a huge number of young people through his connections with sport, and Christian I am sure will attract a huge connection with young people also because of his connection to the performing arts. The one thing I promised myself I would say in the context of this debate is that this motion sees Rock Masters beat that other guy to a post in our civic representation – those who follow Christian’s plays will know exactly who I mean.

675 I am delighted with the support that we have heard from hon. Members opposite for the appointment of Carmen Gomez. I would just say that, a little in the vein of what the hon. Lady said, these days when soldiers turn their eyes right one should not make any assumptions as to what they might consider to be eye candy, and indeed they might not just be desiring to look at Carmen Gomez, whatever one’s view of her heavenly endowed attributes may be, so I think we need to leave those concepts a little behind.

680 I want to end by saying that Carmen Gomez is a woman who broke glass ceilings before it was fashionable, and I think that is the best way to think of her epitaph, and I want to thank John Gonçalves for the excellent work he has done in the two years he has been appointed. Although in one of them he has been so severely challenged, he has nonetheless continued to discharge the mayoralty as well as he has.

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

**Crimes (Amendment) Act 2019 –
Referendum re commencement –
Amended motion carried**

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

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

THIS HOUSE:

1. *NOTES the motion passed unanimously by this House on Friday, 20th December 2019, to hold a Referendum that the question of the commencement of the Crimes (Amendment) Act 2019 would be put to the people of Gibraltar in a Referendum.*

2. *ENDORSES the text of the said motion.*

3. *RECALLS the Order for a Referendum on the 19th March 2020 was revoked on the 12th March 2020 as a result of the then developing Public Health emergency arising from the COVID 19 pandemic.*

AND THEREFORE RESOLVES that an Order for a referendum under Section 3 of the Referendum Act 2015 now be made convening the referendum to be held on Thursday 24th June 2021.

Mr Speaker, this motion is simply the motion that is required for the purposes of re-establishing the referendum and setting the date for it.

The House had an opportunity in December 2019 to debate the merits and demerits of that referendum, and the motion was nonetheless passed unanimously because of the mandate that we had from the General Election to hold that referendum. The motion before the House at the moment does no more than bring back that motion and provide a new date for the referendum.

I am advised and I have circulated a proposed amendment to the effect that it would be helpful, to ensure that there is no lack of understanding of what it is that the House is doing, that we add a new paragraph 3 to the motion, which reads as follows:

APPROVES the neutral information document for the Referendum on the amendment to the Crimes Act that had previously been approved by this House on 20th February 2020, subject to the appropriate change of dates.

All this does is include a specific reference – as there is in the notice, I understand, convening the referendum – to that neutral information document, which in fact had already been approved by all of us and had already gone out, I believe, at the time that the referendum was last suspended, to make sure that it is clear that there will be no change to that neutral information document other than the date of the referendum, which will now be fixed by this House for 24th June.

Mr Speaker, I commend to the House this motion, which, in effect, just re-dates the referendum and gives us the opportunity to have that exercise in democracy on the decision of whether or not to commence the Crimes Act. I commend the motion to the House.

Mr Speaker: I now propose the question in terms of the motion, with the amendment – we can deal with this as a combined motion – as moved by the Hon. the Chief Minister.

Hon. K Azopardi: Mr Speaker, we will support this motion. It does little more than reinstate a referendum that was barely seven days away when it was cancelled because of the COVID situation, which made it impossible for that referendum to be held safely, which was, I think, the paramount consideration at the time. We had spoken on the issues of detail at the December motion and indeed fully ventilated those questions. We had come to that kind of scheme and, indeed, as the Chief Minister says, the House had already viewed and approved the booklet that was subsequently sent out by the referendum administrator, so we think it is appropriate that the motion should also reflect an additional paragraph to do that, so that the referendum administrator does not need to seek the House's new approval for something that the House has already seen. I think that is important. So, we will support it, and the referendum will then be back on track as had been intended, given the Government's mandate that it had obtained at the last election, and people can then make a decision and decide how they wish to exercise their votes at the time, on 24th June.

Can I just ask the Chief Minister, in the context of the motion, when he replies if perhaps he can address these points? I had understood from his public statements that there will be no new additional finance in respect of the funding of the campaigns, as far as – at least, I speak for myself – I assume that we are going to proceed on the basis of the mechanics that had already been approved by the House. In other words, there was already an approved campaign for the yes and no sides, so I am not sure what the logistics of that would be if new approval needs to be sought. There would have been expenditure already. I think the Chief Minister has said that there would be no new finance given, and that would be a position that of course we would support, so that there is no new finance in relation to that.

Secondly, in relation to the logistics of the day itself, obviously this will be in June, so three months hence, and it may be that it is a completely controlled COVID situation – and I hope that it will be exactly that – but can the Chief Minister perhaps outline any thinking that there may have been already in terms of the logistics of the day itself and the voting process, so that people

can know and have confidence that when going to exercise their vote on the day, public health precautions will be taken? The Public Health authorities will no doubt be advising as to how the day should be carried out.

745 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

As much as I welcome the long-overdue rescheduling of this referendum, I cannot but express
750 my disappointment at the way this announcement has come about.

Firstly, I would like to remind this Chamber, in which I am firmly convinced that there is a small yet clear majority that respects women's right to reproductive freedom, that in the past year a significant number of women have suffered enormously as a result of this postponement. Given the restrictions imposed on the other side of the border, where women have been accessing
755 abortions for decades now, it is probable that the lives of several women have been affected forever for lack of access to what is widely considered a human right. This means livelihoods have been jeopardised, dreams stolen, mental health compromised and abusive relationships cemented behind this piece of legislation. There are personal problems unfolding that need to be recognised.

760 The three-month window between the referendum announcement and the referendum date itself will have a divisive effect on the community, which this community does not need after one of the toughest years in our history. While bars and restaurants are now open and the curfews are slowly being lifted, and while Government is encouraging and putting the wheels in motion for the option of postal voting, a three-month-long campaign has the potential to divide this
765 community all over again. It is a concern, and I would like the Government to explain whether they have considered the impact that three months of de facto campaigning will have on Gibraltar's social fibre.

It seems like a lifetime away, but only a year ago we had a full campaign. We rallied, we debated, we went to several public and televised debates and we argued aggressively on social
770 media platforms. The product of this was torn families and broken friendships, and this is no exaggeration. How personal and profoundly divisive this issue is cannot be understated. Polarisation is ripping western societies apart, creating the perfect backdrop for populism and extremism. It is causing pain, violence and unhappiness, and it is undermining our democratic institutions. In Gibraltar, we are far from seeing the episodes witnessed in the US and other
775 countries, for example, but we must remain vigilant and pre-empt these grievances. We have just survived a year of COVID debates that have also been entrenched and divisive, and tensions remain high.

On the matter of funding, it is also particularly worrying to think that at this moment in time, when it is clear that there are big pressures on our public purse after a year like no other, the same
780 funding budget will continue to apply and either side of the campaign can still draw the balance of funds from their £50,000 apiece allocation for the campaign, which, as it was, was a ludicrous amount at almost twice the size per side of what is allowed to be spent in an electoral campaign, which does not comprise of a single issue but numerous issues spread across 10 candidates. This could have been more modestly adapted in these times and would have gone a long way to
785 minimise also the potential for more extravagant campaigning fuelling further the division I have highlighted.

We have already campaigned, we know how we want to vote and we need to vote now. I look forward to getting this referendum out of the way as soon as humanly possible and seeing an end to our women being viewed as criminals in our own home. Despite my reservations on the delay
790 of the referendum date, I will be supporting this motion, given that, as things stand in terms of announcements and decisions already taken, it is now the fastest and only road to this unnecessary ordeal.

Thank you.

Mr Speaker: Does any other hon. Member wish to speak on the motion as amended?

Hon. D J Bossino: Mr Speaker, thanks – just a few words.

I must say that I am astounded at what the hon. Lady has just said. I am glad that she will be supporting the motion, but everything she has said as a prelude to that would lead anybody listening to her to the conclusion that she would be against a referendum, (**Hon. Ms M D Hassan Nahon:** I am.) which, in fact, is her position, as she has said so already.

But she must accept and realise two things: first, that as a matter of principle her position is totally, utterly and inherently undemocratic, and for somebody who espouses democratic views, she cannot in her own mind think that that position is in any way defensible. Basically what she is telling us is let's get on with this, let's change the Crimes Act, let's allow abortion to go through without allowing the people of Gibraltar to have a say. I think that position is utterly unacceptable and, quite frankly, remarkable for anybody who describes herself supposedly as a democrat.

The other point to make is that it is conceivable, is it not, and does she not accept this proposition, that people in Gibraltar, expressing their views in the ballot box in the referendum, may reject this law, so that this law, passed by this House in a previous Parliament, is not commenced? That is within the realms of possibility, and I certainly, as an individual who will be campaigning as a matter of conscience for no votes, hope that that will be the result. There is a voice that has to be given to individuals who think that way, and if another three months, two months, or whatever it takes to persuade a majority of the plebiscite out there to vote in favour of no on this position in relation to this referendum ... that opportunity should be there and should be given to individuals. I think that is the inherently democratic position, which the vast majority of us have taken in this House, and I think it is for that reason that I am wholeheartedly, from an individual perspective ... and I am proud that the GSD is supporting the Government in supporting this motion. People need to have their say and reject the idea that this needs to be proceeded with and the law changed.

Mr Speaker: Does any other hon. Member wish to speak on the motion? Then I will ask the Hon. the Chief Minister to respond.

Hon. Chief Minister: Mr Speaker, can I start by just thanking all hon. Members for indicating their support for the motion from their different perspectives of logic.

I will start with an issue that I think has been raised by both the Hon. the Leader of the Opposition and the hon. Lady, which is a funding one. The position of the Government has been that we are not changing the position taken by the House, which was to provide £50,000 of campaigning funds for both sides of the referendum campaigns. We were just one week away from the final vote when the referendum was suspended last time, and what I am proposing is that the campaigns should be able – not that they have to, but they should be able – to draw the unexpired residue of the amounts that they had available to them. So, the draft of the regulations which would be promulgated would set out that those who are campaigning for the coming into force of the legislation would still have available £19,580 and those who are campaigning against the coming into force of the Crimes (Amendment) Act would have £14,090 available. That is the unexpired amount from the original £50,000 that would be available.

The Hon. the Leader of the Opposition also asked me whether there would be any more funding available. We do not think that any more funding should be available, and I think that is what we agree should be the case.

I do not agree with the hon. Lady that that would have been too much funding or too little funding. I do fear that if we had set for the figure lower she might have attacked us for not providing enough. I think here it is important that we provided not as we do in a general election campaign, where the calculation is done per candidate, but we provided for an issue which can be described as divisive or can be described as one which raises passions.

845 I was asked by an international newspaper this week whether I considered that this issue was
a divisive one, and my view was that division is the essence of democracy. The fact that there may
be a difference of opinion does not mean that this is an issue which is therefore dangerous for
society. This community can be described as having been divided on many issues on which we
have passionately debated different points of view. Indeed, general elections have in the past
850 been referred to as having divided families and broken friendships. Passionately pursuing a point
of view I do not think is something that is just divisive, unless you take the view that if somebody
disagrees with you they are being divisive.

The issue of how we will deal with voting on the day is one which is a live issue with Public
Health Gibraltar. We want to ensure that everybody is as safe as possible, not least our polling
855 staff and our civil servants, and so we will be bringing an amendment – on which I will consult with
the Leader of the Opposition and the hon. Lady – on postal voting, so that you will be able to
postal vote in this referendum even if you are in Gibraltar. Our current postal rules are quite
different to postal rules in other countries. You have to be out of the country to be eligible for a
postal vote or believe you are going to be out of the country to be eligible for a postal vote. Here
860 we are going to ensure that people are able to postal vote, even if they are not going to be out of
the country, if they do not wish to go to a polling station.

We will not, however, have absentee voting. Absentee voting provides for a roving ballot box,
which would involve our civil servants going into people's homes, and what we are going to
propose is that, for the purposes of this referendum, there should not be a roving ballot box where
865 civil servants go into people's homes, there should just instead be the option of more postal
voting, and of course there will be polling station procedures, etc.

Those are not issues that the House is dealing with in this motion, they are issues on which I
will consult before I promulgate the regulations, but, as the Hon. the Leader of the Opposition has
raised it, I think it is important that I should deal with that.

870 The hon. Lady should not think that we are for one moment, therefore, in any way trying to
fuel division and that £50,000 is too much money in the context of the campaign. These days, you
can fuel division with an advertisement on Facebook that costs \$70, and in a community the size
of Gibraltar that goes very far indeed. This is about ensuring that both campaigns were able to set
out their positions as clearly as they wished to be able to do so.

875 In terms of referring to this referendum as an unnecessary ordeal, I have to say to the hon.
Lady that she went into a general election campaign saying that there should not be a referendum
and that the law should be passed immediately to make abortion legal in Gibraltar without
anything further. We had passed the law that made abortion legal in Gibraltar but we had not
commenced it, and it is the commencement that was going to the people. She told people in the
880 general election campaign that there should not be a referendum for that purpose and if she were
elected she would commence the law, and she lost the election. Therefore, I do not consider this
as an unnecessary ordeal. This is giving effect to the will of the people, because this is what the
people chose in the general election campaign.

Mr Speaker, although I would gently say that to the hon. Lady, I would say to the Hon.
885 Mr Bossino that his remarks are, frankly, unbelievable and they are in the tenor of the sort of thing
that one has to get used to hearing from him. He will get up to say whatever it seems to him is
going to garner him a headline, these days. He is really quite unrecognisable. I do not know
whether he has gone from pigeon to pugilist, because these days he seems to want to be picking
a fight. As I say to the hon. Lady she said in the general election campaign that if she were elected
890 she would commence the law, he said in the general election campaign and his party said in the
general election campaign, 'We will not have a referendum, we will not commence this law.' Now
he says to her, to boot, that it is contrary to democracy and an affront for the hon. Lady to say
that we should have a referendum being a bad thing, and that the referendum is a very good thing
and that we must have it in order to be able to hear the will of the people. Mr Speaker, he is
895 adopting our position in doing so. She is still in the position that she was, saying that the
referendum should not be done, and that is how she failed to persuade the majority at the General

Election. He has moved from a position where he did not want a referendum to a position where he is saying he is defending a referendum because he is going to use every day that passes to persuade people to vote the way that he believes they should vote. It is such a fundamental U-turn on an issue that is so central to the decision making in our community that I have to put it to him that he is demonstrating that he is the person I have always known. He is for one thing one day, for one other thing the other day, and just not quite able to make up his mind. I suppose if there is one thing that I have to be grateful for, it is that he is entirely predictable in that respect, because if anybody thinks that the noises he is making these days are because he wants to perhaps be leader of his party, one might just refer him to the fact that at least his current leader had the gumption of putting the post up for competition after the last General Election, and he did not have the gumption to take the step forward, but now he decides to go for the hon. Lady because she has said that she does not want a referendum. I disagree wholeheartedly with the hon. Lady, but I welcome the fact that she is sticking to the position that she defended in the general election campaign. He is not able to pray in aid that assistance that he is at least saying the thing that he was saying in the general election campaign, because he went to the people saying no referendum.

Finally, Mr Speaker, he says that when we hear the voice of the plebiscite ... No, Mr Speaker, people are not plebs. He needs to remember that. The plebiscite is the referendum, the exercise of voting. It is the people who vote, and it is really quite unfair – and he may regret it when he looks back at how he expressed himself in *Hansard* – that he referred to the people as the plebiscite. They are not, and they will see through his change of position today and many of his changes of position to date.

I commend the motion to the House.

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

Hon. Chief Minister: Mr Speaker, it is with great pleasure that I rise to now recess the House for 20 minutes.

Hon. Members will want to join me in wishing Mrs Irene Featherstone, the widow or Mr Maurice Featherstone, a very happy 100th birthday. One of the great honours that the Chief Minister of Gibraltar is called upon to perform is to be Her Majesty the Queen's postman and deliver her postcard and telegram to those in our community who reach their 100th year. As the widow of a former Member of this House, I have no doubt that I go to deliver that card with the well wishes of this House whilst all the rest of you enjoy a cup of tea. (*Banging on desks*)

Mr Speaker: This House will know recess until 5.30.

The House recessed at 5.10 p.m. and resumed its sitting at 5.30 p.m.

SUSPENSION OF STANDING ORDERS

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

Clerk: 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) to proceed with Government Questions.

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

Questions for Oral Answer

CHIEF MINISTER

Q804, 819 and 843/2020

Sports facilities –

Staffing levels; Lathbury construction costs;

Sale and/or management of Europa facility and accommodation blocks

940 **Clerk:** We continue with Questions. We commence with Question 804 and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports update this House on any progress made in determining staffing levels at all the newly built sports facilities?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 819 and 843.

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Clerk: Question 819. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what are the anticipated total gross construction costs of the Lathbury sports facility's completion?

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Clerk: Question 843. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, has there been a sale of the Europa sports facility or of the accommodation blocks that were used for the Island Games, or an agreement for the management of the facility or of the accommodation blocks; and, if so, what are the main terms of any agreement and who are the parties?

960

Clerk: Answer, the Hon. the Chief Minister.

965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there has been no sale of the Europa sports facility. In respect of the accommodation blocks, I am assuming that the hon. Member is referring to the student accommodation block. In relation to this, the tender for the management of the student block went out as an expression of interest in July and August 2019, with seven parties showing an interest. The successful applicant was G & JB Hotels Ltd.

970 Regarding the hon. Member's question on staffing levels, Her Majesty's Government of Gibraltar is negotiating terms with the sporting bodies who have formed a trust with a view to the management of the facilities at Europa. Therefore, we are not in a position at this moment in time to determine the staffing levels of these facilities. The other newly built facilities, at Lathbury, will be managed by the GSLA, and the staff complement will be determined once the venue is complete. The Special Olympic sports complex is operated by Special Olympics Gibraltar.

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In relation to the construction costs of the Lathbury sports facilities, this is subject to agreement of the final account once the project is completed. However, the expected gross construction cost is of the order of £28.9 million.

980 **Hon. K Azopardi:** Mr Speaker, can I ask, on the accommodation blocks in Europa, if I can just roll up my questions altogether for the Chief Minister, to make it easier, if I may?

He refers to the tender for the management and the main expressions of interest process, and the successful party being G & JB Hotels. Am I right in thinking that that is the same party that runs or owns the Caleta Hotel? Can he confirm that to the House? As he said they have been
985 successful, has the management of the accommodation block started? If so, when did it start and what are the financial terms of the agreement and indeed the purpose that the Government sees for that management? Will the blocks continue to be used for accommodation of presumably the University, or other purposes? Can the Chief Minister perhaps give us a better idea of the scope of the management agreement?

990 **Hon. Chief Minister:** Mr Speaker, I can confirm to the hon. Gentleman that G & JB Hotels Ltd are the managing entity behind the Caleta Hotel. I cannot give him an exact date when they started the management of this facility, but it was shortly after the Island Games, I believe, or during ... I believe it was during the Island Games, because I think the expressions of interest
995 provided for that.

I am afraid I do not have the exact financial terms. Looking at the hon. Gentleman's question – and hon. Members know that this has been a very strange meeting; we have had questions from October etc. – it would not have been unfair for me to have those terms with me today, but I do not have them today, for that I apologise to him. If he wishes – and those listening, make a note –
1000 I am quite happy to write to him setting out the financial terms on which that arrangement has been done. I do recall at the time that it was the most financially attractive of the options that we had.

The provision of this arrangement does provide, of course, for the University to have access to this accommodation on preferential terms and to have more of this property made available to
1005 them exclusively as they have a requirement to fill it with students. We would expect that the short- to medium-term position in respect of this property was that it would slowly be filled by students from the University, and as that happened then the University could make its own arrangements for the management of the property, which could be to take over the arrangements that we have with G & JB Hotels or to make its own arrangement for the management of the
1010 property. But I am quite happy to set out those terms for the hon. Gentleman in a letter in the coming days, or indeed to hand it to him tomorrow when we are back in the House.

Mr Speaker: Does any other hon. Member wish to pose a question? Next question.

Q805-07 and Q872-73/2020

Affordable housing schemes –

**Houses sold and remaining to be sold; construction completion and handover dates;
concessions for purchasers on reduced incomes; progress re allocation;**

Clerk: Question 805. The Hon. E J Reyes.

1015 **Hon. E J Reyes:** Further to the answer provided to Question 304/2020, can the Minister update the House with details in respect of the number of homes sold and the number of homes still to be sold at (a) Hassan Centenary Terraces, (b) Bob Peliza Mews, and (c) Chatham co-ownership projects?

1020 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 806, 807, 872 and 873.

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Clerk: Question 806. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide this House with updated details in respect of estimated construction completion dates and handover dates for purchasers in respect of the following housing projects: (a) Hassan Centenary Terraces, (b) Bob Peliza Mews, and (c) Chatham Views?

Clerk: Question 807. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide details of any special financial concessions granted or arrangements made with purchasers at any of the affordable housing projects who may not have been able to keep up with the monthly payments due in respect of purchases whilst they were on reduced income and receiving only BEAT payments?

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Clerk: Question 872. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: On the new affordable housing schemes, can the Government confirm whether all these have now been allocated; and, if not, how many are left?

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Clerk: Question 873. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Are Bob Peliza Mews and Chatham Views developments still on track?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, before I start answering this question, can I just caveat my answer by saying that these numbers could change on any day. What I have tried to do is ensure that these numbers are correct today and I have had them updated this morning. For reasons that I will come to, these numbers can change.

The number of homes sold and still to be sold is as follows. At Hassan Centenary Terraces we have sold 657 and we have eight still to be sold. The unsold homes will be allocated within those who originally applied to Hassan Centenary Terraces.

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The allocation process for Bob Peliza Mews and Chatham Views resumed on 22nd February 2021, shortly after the lockdown was lifted. At Bob Peliza Mews we have sold 258 and we have 141 still to sell.

At Chatham Views, we have sold 179 and we have five still to be sold.

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Mr Speaker, the reason I entered that caveat in relation to the numbers is that when I had the numbers for a previous session where I might have been able to provide answers, there were only two properties to be sold at Hassan Centenary Terraces. Inevitably there are people who feel that they do not wish to proceed with purchases, very often as a result of the breakdown of relationships, and at this stage of the proceedings they hand back properties. That is why I had cause today to ask that this number be checked. Eight had been returned to the Government because the two that I had down on my list as still to be sold had been sold, and then, in the period between the second week in January and now, another eight have come back, and those will, I have no doubt, very soon once again be sold from the pool of those who were not successful originally.

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There have been concessions of non-payment or reduced payments to those purchasers who have been on reduced income and receiving only BEAT payments.

1075 The first phase of Hassan Centenary Terraces is progressing steadily and completion is expected during the first quarter of 2023. The second phase will start once the rubble on that site is fully cleared. Completion of the second phase will follow 30 months after it is started.

The construction of Bob Peliza Mews is programmed to take 35 months from when it is started. The latter is, however, linked to the clearance of the site which is currently occupied by the
1080 Waterport power station and the AquaGib reverse osmosis plant, both of which need to be decommissioned and demolished.

The construction of Chatham Views estate is programmed to take 27 months from when it is started. This too is linked to the clearance of the site currently occupied by the old Westside School buildings and the Westside Mews.

1085 The start of Bob Peliza Mews and Chatham Views estates are delayed, as this is dependent on the respective sites being cleared for the reasons I have already given. The Bob Peliza Mews site is currently occupied by the Waterport power station and the AquaGib reverse osmosis plant, both of which are in the process of being decommissioned and demolished. The Chatham Views site requires the clearance of the Westside Mews buildings, followed by their demolition and that
1090 of the old Westside School, which is also in the process of being done. Needless to say, the past 12 months of disruption have occasioned unavoidable delays to progress.

Hon. E J Reyes: Thank you, Chief Minister, for that information. I may have missed something the Chief Minister said. In respect of the construction and completion dates for Hassan Centenary
1095 Terraces, I think the Chief Minister said that the scheduled date for completion of the first phase was during the first quarter of the year 2023. What did he say in respect of the other phases? I did not fully capture the correct detail.

Hon. Chief Minister: Thirty months from the start of works.

1100 **Hon. E J Reyes:** From the start of works, and that would happen after completion of phase 1? Am I correct in that logic, or not?

Hon. Chief Minister: No, the second phase is dependent only on the removal of the rubble.
1105 That is when the second phase can start.

Hon. E J Reyes: Okay, and I suppose, Mr Speaker, in the same way as the Chief Minister said that Bob Peliza Mews would take 35 months from when the site is available – for reasons he explained, like the old generating station – and the same with Chatham Views, 27 months, does
1110 he have at least a rough estimate of in which quarter, this year or next year, we would expect, hopefully, that they will be handed over to the developers, who would then start the 35 months countdown?

Hon. Chief Minister: Mr Speaker, I am going to tell him that we are going to do everything possible to ensure it is as close as possible to this calendar year, because all of those issues which might delay us in respect of demolitions have hopefully now been put behind us. The pandemic is not an excuse; it is a reality which has made it impossible to contract and see works commence if you had not already contracted. Hon. Members need to understand if you contract in the middle
1115 of a pandemic, the difficulty you have is you are contracting and you do not know when works will be able to start, so that created a great difficulty.

The commissioning of the LNG facility is now complete and therefore the decommissioning of Waterport is now complete also. I was very pleased to see the Hon. the Minister for the Utilities and the Minister for the Environment shaking hands before a decommissioned Waterport power station. That is now a process of decommissioning, which is not an easy process, because, of
1120 course, as the hon. Gentleman knows, it involves polluted materials which need to be removed from the site with care. That is a process that is already commencing. When you can have a clean
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site is an issue which will, we hope, be something that during the course of this year or next year we will be able to hand over to not the developer, but the contractor. Here, the developer is the Government, so it is the contractor that we are handing over to.

1130 On the Westside School, the issue has been related to the demolition of the two other schools which were alongside, which required sensitive removal because there was asbestos etc., which meant working on site was complicated in the rest of the site. We will now be able to start what I hope will be a phased demolition. I am looking forward to the completion, at the other end of that plot, of the St Martin's School site, which will then hopefully have its own ring-fenced area, and
1135 we would then start to be able to see the works in the context of Chatham Views and the other two schools there.

Mr Speaker: The Hon. Marlene Hassan Nahon.

1140 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to Question 873, can the Chief Minister explain why those who have been allocated homes at Chatham and Bob Peliza have not signed a purchase agreement yet, despite having signed the reservation agreement and put down a deposit of £500?

Thank you.

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Hon. Chief Minister: I have absolutely no idea, Mr Speaker. I assume because it is not something that has ever been an issue that the purchasers have been keen to progress. Here, the developer is the Government. We do not permit people to gazump each other. We do not take something that we may have sold to someone and say, 'Oh, I am so sorry, I made a mistake, I have
1150 sold it to somebody else.' Here, purchasers usually want to delay that process because I think there is a payment on signing of the purchase agreement. We are dealing with these contracts through LPS, I believe, who was dealing with all of them, and LPS will be simply catching up. Remember that we have just reopened after the shutdown of January and February, and so people are agreeing the purchases but the documents are catching up. There is absolutely no delay that
1155 is going to be occasioned or any potential loss that is going to the purchasers. Indeed, they would probably be advantaged if they needed to withdraw for any of the reasons that we repeatedly see; they would be better off if they had not yet signed the purchase agreement.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask the Chief Minister again if, given that I
1160 have made him aware of this now, he would be looking to expedite this process? Or is he happy with letting it run, as it has been, for now, with this perceived delay on my part anyway?

Hon. Chief Minister: It is not a delay, Mr Speaker. It is not as if there is any issue that arises to the purchasers. If anything, it is an issue that arises to the administration because, as developer,
1165 we do not have the purchasers bound in by their agreement. If the hon. Lady is saying that purchasers are not to be trusted and they are to be bound into the purchases by agreement, then she does not trust the people of Gibraltar, like I do, to see a good deal when they have one and to want to complete on an affordable property. There is absolutely no loss whatsoever to the purchasers here. There is no appreciable delay. None has been brought to my attention and I do
1170 not perceive that there is any issue whatsoever to be pursued.

Mr Speaker: Next question.

Hon. K Azopardi: Sorry, Mr Speaker, I was just letting the principal questioners get their
1175 questions in first.

Mr Speaker: Right. The Leader of the Opposition.

Hon. K Azopardi: Just one question. Obviously I understand the issue of the pandemic, everyone does, but what does the Chief Minister have to say to those prospective purchasers in these developments who were told in 2017 that some of the homes would be available in 2019 and in early 2020?

Hon. Chief Minister: Mr Speaker, the people who were told that have fully understood why it is that we have not been able to complete and that there has not been any desire by the Government to delay completion, that there have been events beyond the control of the Government that have delayed completion.

The hon. Gentleman can be forgiven for forgetting the world before COVID – many people do – but there was another small matter, called Brexit, that happened too, which made contracting particularly difficult, especially when it came to doing deals with the preferred tenderers who might be seeking to contract in euros and who might be looking for assurances of what would happen in respect of the movement of goods across the Frontier.

I think people have fully understood that the delays that are being occasioned are not being occasioned for any reason which is in the control of the Government and the Government has failed to deal with with all due alacrity and with a desire to be able to provide to every Gibraltarian the home that they wish to purchase as soon as we are able to provide it.

Mr Speaker, I really do not think that there is more than I can add to that.

Mr Speaker: Next question.

Hon. K Azopardi: Mr Speaker –

Mr Speaker: I do not really want to return to the situation on Friday, but I said I did intend to allow the Leaders of the Opposition a further supplementary for the purpose of elucidating any matter arising out of an oral questions posed by an Opposition colleague.

Hon. K Azopardi: Mr Speaker, I think it is important, and I thought I had understood your ruling not to be dogma, in the sense that there would be a degree of flexibility given the public interest in different questions. We have been told that there are prospective purchasers of more than a thousand homes out there. There is a big proportion of people out there who will have interest in these questions. I was going to ask one follow-up question and I think it is right that I should do so.

Mr Speaker: I will allow it, then.

Hon. K Azopardi: Mr Speaker, the Chief Minister says that in the context of the small matter of Brexit, as he puts it, agreeing arrangements with contractors in euros and so on, but of course all that was known already when the Government set out its timetable in 2017. It was after the Brexit referendum. It knew we were having to negotiate, it knew that in parallel it had those things, yet it did stay it set the timescale and it set the timescale clearly, that people would be able to move into their homes in early 2020, and that was before the pandemic. Does he not accept that in setting that timetable the Government knew the backdrop of Brexit and therefore those timetables really will have disappointed a lot of people out there who were prospective purchasers and thought that by now, in 2021, they would already be in their homes?

Hon. Chief Minister: Mr Speaker, on 7th December 2018, when we launched Hassan Centenary Terraces, we talked about the closing date for returns of applications being 31st January 2019. That year, we went to a general election. We set out what we thought then would be the likely periods for completion, and the vast majority of people who voted in that general election decided

that we were doing a good job and should be returned to continue doing the job that we were doing in relation to inter alia the building of these affordable homes.

Will people be disappointed because they have not got their homes yet? Well, Mr Speaker, some people who are living in cramped accommodation will be very disappointed and will wish that we had been able to have superhuman powers to deliver these homes. Some people who are saving up will consider an extra few months in order to be able to save up a blessed opportunity to be able to make more payments towards their home. So, do I recognise what the hon. Gentleman says are a number of people who are disappointed about our inability to have kept to our original timetable? What I would say is that we have revised the timetable when we have had to. He refers to 2017. I am referring to December 2018, to applications closing in January 2019. He cannot be referring to the people who are buying now at Hassan Centenary Terraces, at Bob Peliza Mews and at Chatham Views, because they know what the timetable is – I have set it out.

The only thing that I will do is say that I am not the sort to pretend that things have gone entirely according to plan when they have not, and we would of course have wished to have been able to do more sooner, and no doubt that would have availed some people of some relief in terms of their housing situation, but others will have been relieved that we have not been able to complete in time. I would not think that it is really as dry and clear as the hon. the Leader of the Opposition makes out.

Mr Speaker: Next question.

Q808/2020
Pedestrian safety –
Review of crossing points

Clerk: Question 808. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that it will publish its review of crossing points and set out the solutions it has identified for the proper protection of pedestrians consistent with its policy to promote walking in Gibraltar?

Mr Speaker: Answer, the Hon. the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

Hon. E J Phillips: Mr Speaker, can the Chief Minister explain, and maybe amplify his question from a one-word answer, when that will be?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman's question did not seek a date when that might happen. It asked for a negative or positive answer to a question about publication, and I have given the answer that the hon. Gentleman sought. I do not know whether he sought the negative or the positive, but I gave one of the two answers that were possible. I am not able to give him, on my feet, any indication as to what the timing of that is, but I see absolutely no reason once it is clear to the Government what our review of crossing points sets out and what our solutions are in respect of encouraging walking and the proper protection of pedestrians, I see no reason why that should not be published.

Mr Speaker, if I may say so with respect to my fellow Gibraltarians, the easiest way to promote a healthier lifestyle is to walk. Sometimes in the mornings I am unable to walk because I have commitments which require me not to walk, but most mornings I walk its salutary I see more of

the geography of our nation, I see some things that need my attention, and I really recommend it to everyone.

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Hon. E J Phillips: Mr Speaker, whilst I agree with some of the sentiments that the Chief Minister has made in relation to walking more generally, the reason why we asked this question was so that we could ascertain where the Government was in the commitment in its manifesto to this particular point. I think I was eliciting a response within the lifetime of this Parliament, but I understand from his answer that that review of crossing points has been conducted and therefore they are in the final stages. Or is it the fact that we have not even got to that stage yet?

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Hon. Chief Minister: Mr Speaker, I do not have all of that information here, so I do not want to mislead the House by saying something that might inadvertently be incorrect. The question I am answering is only about whether we would publish or not publish, and I am happy to give the hon. Gentleman the confidence that we will publish.

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Mr Speaker: Next question.

Q809/2020

**Holy Trinity children's play park –
Rationale for motorbike bay**

Clerk: Question 809. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the rationale for placing a motorbike bay next to the children's park adjacent to the Holy Trinity Church?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, exactly the same rationale that hon. Members employed when the GSD established the motorbike bay next to the children's park adjacent to the Cathedral of the Holy Trinity.

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Hon. E J Phillips: Mr Speaker, I think there are two parking zones. The newest one that was created post ... has been described as a fantastic idea to close Line Wall Road, one of which we said was an utter failure. The Chief Minister knows which side I am talking about. It would be helpful to know what the rationale for closing that part of the road is, and now motorbikes are placed on that road at the junction with Lovers' Lane.

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Hon. Chief Minister: Mr Speaker, hon. Members, when they were in government, included a parking bay to the north of this park, and obviously they must have thought it was a very good idea. We have added a parking bay to the south of the park. In doing so, we have stopped the park becoming a roundabout, in effect, which is what it was. We thought that having the park as a roundabout was not in the interests of the children who use it. In fact, one of the things we tried to do with the closure of Line Wall Road was to stop the park being surrounded by traffic, but hon. Members thought that was not a good idea. We are going to keep the southern parking bay, which is identical to the northern parking bay that they put in themselves. At least that insulates the park a little from being no more than almost a de facto roundabout for traffic.

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Hon. E J Phillips: Just one further question, Mr Speaker. Doesn't the Chief Minister accept, given the exchanges that this side of the House has had with their side of the House in relation to

highly polluting 50cc motorcycles, that the huge build-up on the north and south sides of the park is creating a health problem for many of the children and parents who frequent the park when it is open? That is the reason why we have asked this question and why we have asked questions previously in the House as to the dominance of polluting 50cc motorcycles on both sides of the park, north and south.

Hon. Chief Minister: Mr Speaker, as ever, the hon. Gentleman's question is riddled with assumptions. At the times when I have driven past that area or walked past that area, I have not seen it predominantly loaded with parked 50 cc bikes. I have seen bikes, but these days bikes are 400 cc bikes, 200 cc bikes or 100 cc bikes, and none of those are two-stroke engines. But the thing that is predominantly the characteristic of the vehicles in those parking bays is that the vehicles are parked. In other words, they are not polluting when they are parked. What we have done, therefore, is remove the possibility that many more 50 cc two-stroke engines, or indeed large three-litre V6 engines of the diesel variety, would be idling on the southern side of the park, on the give way to the road that crosses from Duke of Kent House to make its way towards the Bristol Hotel in Line Wall Road.

So, the hon. Gentleman, in my view, is entirely wrong to say that what we have done is creating more pollution in the area of the park. First of all, our plan to close Line Wall Road would have entirely eliminated pollution in the area of the park, and they did not support that. Second, their proposal to add a parking bay to the north of the park did not add to pollution and the identical southern parking does not add to pollution. And finally, if the hon. Gentleman were to take a photograph on any given day, I put it to him he would not be able to make out his case that the vehicles parked there are 50 cc vehicles. I think the hon. Gentleman will find that there are very few what we would call mopeds these days that are 50 cc two-stroke vehicles. The answers that he has been given in this House during the lifetime of this particular Question Time actually demonstrate that none have been registered this year, I seem to recall, and therefore I think he is wrong to believe that there are that many stationery vehicles to the north or south of this park, either in the bay developed by the GSD, which he seems to take no issue with, or in the bays developed by the GSLP Liberals, which, for some reason, seem to be so much more damaging, in his view.

Mr Speaker: Next question.

Q810/2020

Spanish authorities' impounding of Gibraltar-registered vehicles – Investigation into claims

Clerk: Question 810. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether it has investigated or conducted inquiries into reports being received as to Spanish authorities impounding Gibraltar-registered vehicles?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I refer the hon. Gentleman to Government Press Release 160/2021.

Hon. E J Phillips: Just for clarification, Mr Speaker, this was a question that was posed before the press release, well before. Quite clearly, the Government took the view that it was in the

public interest to release a press release before answering my question, but that is the reason why it was asked and I did not withdraw it.

1365 **Mr Speaker:** So you are withdrawing the question?

Hon. E J Phillips: I am not, no.

1370 **Mr Speaker:** You are not withdrawing it? Okay.
Next question.

Q811/2020

Tax refunds –

Amount outstanding and whether delays in making repayments

Clerk: Question 811. The Hon. R M Clinton.

1375 **Hon. R M Clinton:** Mr Speaker, can the Government advise the amount of tax refunds outstanding at 30th June 2020, split between personal and corporate; and can it further advise if there are currently any delays in making repayments?

Clerk: Answer, the Hon. the Chief Minister.

1380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as at 30th June 2020 the total due to taxpayers in respect of refunds for completed assessments not yet issued was as follows: in respect of personal taxation, £13.93 million, and in respect of corporate taxation, £6.09 million.

1385 In the period to 30th June 2020 there were no delays in making repayments. Indeed, quite the opposite is true, as I will explain. In the period 1st May 2019 to 31st March 2020, the Income Tax Office paid out a record total of £17.88 million to taxpayers under its refund programme as part of Her Majesty's Government's ongoing initiative to eliminate the backlog on repayments owed. This is the largest annual amount ever paid in tax rebates in the history of our community and is in keeping with our policy of seeking to be as up to date as possible in respect of the amounts repaid to taxpayers. I believe the earlier record had been set by us the year before.

1390 Mr Speaker, as you will know, historically the amount owed by Government in tax rebates has been very significant and we embarked on a policy of seeking to catch up and bring things up to date. Doing so requires rebates that are larger than those arising from adjustments in any given year, to make proper inroads into the historic balance. This is why these figures noticeably increased post 2015-16, as we embarked on a determined programme to address these historical issues. To put this in context, let me set out the amounts that have been paid every year so far: in 1395 2010-11, £4.7 million; in 2011-12, £5.7 million; in 2012-13, £6.6 million; in 2013-14, £10.6 million; in 2014-15, £6.6 million; 2015-16, £6.5 million; in 2016-17, £11.1 million; in 2017-18, £15.3 million; in 2018-19, £16.7 million; and in 2019-20, £17.88 million.

1400 The COVID pandemic naturally impacted on our ongoing assessment and rebates programme. A new refund programme plan is to be incorporated into Consolidated Fund charges funding levels for the forthcoming financial year, 2021-22, in order to restore some normality to the annual process following this pandemic. Nevertheless, as an additional assistance measure following the lockdown earlier in the year, and to continue to ease the financial burden individuals faced as they navigated those difficult and uncertain times, tax refunds were accelerated in line with and on the basis of the OECD recommendations and wider tax administration policy responses to the 1405 COVID-19 pandemic. In the period from April 2020 to date, approximately £1.1 million has been rebated to individuals.

Finally, as has been the case with individuals, and as an additional assistance measure to local corporates feeling the downturn in business as a result of the COVID-19 restrictions and lockdown, approximately £1.65 million has been paid out in the period from April 2020 to date in order to ease the continuing financial burden as the pandemic evolved.

Mr Speaker, when we lay the Estimates Book for 2021-22 we will set out our calibrated thinking as regards these refunds for the financial year ahead.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his comprehensive Answer – (*Interjection*) I will get one later; I think that is fine – and I fully appreciate what the Chief Minister is telling the House, that the Government appears, from the numbers he has given us, to be making inroads into, as he said, a historic amount of tax refunds. In that respect, I note that the number that he quoted of £17.88 million is very close to the estimated amount for revenue repayments in the Budget book for 2019-20.

But I would ask him whether there was in fact not a policy but perhaps an instruction issued to the Tax Office during the COVID pandemic not to issue any new assessments, in effect freezing the mechanism for assessments. The reason I say that is because I have had a number of constituents come to me – some professional, others individual – who have been told by the Tax Office that that is the case, and I would ask the Chief Minister whether that instruction or policy has been rescinded or will be rescinded.

Hon. Chief Minister: Mr Speaker, there is no such instruction to rescind, certainly not from my office, and I believe my office is the one that would give it. Whether or not at an office level, if people have been redeployed to do COVID work – I am literally speculating on my feet – somebody has said, ‘Leave the assessments because you are going off to do a, b or c’ ... I do not know whether people from the Tax Office have been assisting in that way or whether they have been deployed otherwise during the COVID period. Certainly no instruction has been issued by my office in that respect which might be rescinded.

Mr Speaker: Next question.

Q812/2020

Rooke site –

Expressions of interest received and notification of preferred bidder

Clerk: Question 812. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many expressions of interest it has received for the Rooke site, and has it notified any preferred bidder?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government received eight expressions of interest for the Rooke site. A combined proposal has been selected. Notifications have recently been sent to the applicants setting out the terms and conditions of the proposed grant. The Government is not yet in a position to make an announcement about the preferred bidders for this expression of interest, but we are confident it will be one which will be very welcome by the community.

Hon. R M Clinton: Mr Speaker, I am obviously pleased to hear that. Is there anything he can tell the House further in terms of the combined proposal, in terms of what it is likely to include?

At the time of the General Election I think we were all talking about police stations, fire stations, other things as well. Can he advise the House whether that is still envisaged within the site? I think Sir Joe last week tangentially referred to the possibility of a park area. Can he give the House any sense of what might be on the site?

Hon. Chief Minister: Certainly, Mr Speaker, I can tell him that the conditions that were set out in the expressions of interest will be complied with by those who have expressed an interest in having the site, and those things which the hon. Gentleman referred to in respect of fire and police were conditions.

I do not want to say more at this stage; we have not finished the negotiations. The hon. Gentleman knows that in relation to this site he was the one who gave me advice that I should not make statements until the ink is dry on the paper, and so I cannot answer his question and follow his advice at both times. I am going to assume that his advice was tendered in good faith and I am going to follow it.

Hon. K Azopardi: Mr Speaker, can I just ask, on the phrase that he used, 'the combined proposal', was he talking about the elements of the proposal being combined as a sort of menu being thrown back to someone who was selected as the preferred party from the list of eight, or did he mean combined in the sense that actually there is a proposal, a view that the Government has as to what it was, but they are choosing more than one of the preferred bidders and combining the proposed applicants, if you see what I mean, rather than the purpose?

Hon. Chief Minister: Mr Speaker, I confess that I was a little taken by his reference to combinations and menus. These are not *platos combinados* that we are proposing to the community. What we are saying, and I think it was quite explicit, is that a combined proposal has been selected. That means more than one bidder put together – bidders, not people who are extraneous to bids but bidders the Government has put together – in order to try and see whether in that way we can come up with a proposal that is the in the best interests of the community. We found that the bidders are prepared to have that discussion, and they are now negotiating with the Hon. the Deputy Chief Minister that combined proposal and the terms of the grant from the Government.

Hon. K Azopardi: Just so I understand it, is the Chief Minister saying that there have been bidders and the Government has introduced bidders to each other, they have had a conversation and then come back to the Government confirming a sort of marriage of bidders?

Hon. Chief Minister: That is not an unfair way to present it, Mr Speaker. That is what has happened, yes.

Mr Speaker: Next question.

Q813/2020
Parking spaces –
Numbers sold at St Anne's School and the comprehensives

Clerk: Question number 813. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many parking spaces it has sold under each of (a) St Anne's School and (b) the comprehensives, as at 31st August 2020?

Clerk: Answer, the Hon. the Chief Minister.

1500 **Chief Minister (Hon. F R Picardo):** Mr Speaker, 75 parking spaces have already been sold under the comprehensives. There are no parking spaces for sale under St Anne's school.

Hon. R M Clinton: Mr Speaker, just for clarification, would I be right in saying then that the one that had parking spaces underneath it was Notre Dame School?

1505 **Hon. Chief Minister:** That is correct, Mr Speaker.

Hon. R M Clinton: Mr Speaker, perhaps pushing my luck here, I do not suppose he would have the information on that school?

1510 **Hon. Chief Minister:** Mr Speaker, I believe that the Hon. the Minister for Transport and the Deputy Chief Minister are in contact with the tenants' associations at Laguna about the best way to manage that parking.

Mr Speaker: Next question.

Q814/2020
Government vehicle fleet –
Arrangement with Bassadone Motors

1515 **Clerk:** Question 814. The Hon. R M Clinton.

1520 **Hon. R M Clinton:** Mr Speaker, given that the Government, in Press Release 879/2020, advises that Bassadone Motors were the only ones to apply in response to the invitations for expressions of interest in December 2016 to move the Government's entire vehicle fleet to a leased basis, can the Government advise, other than the Post Office vehicles, what current or future vehicle lease agreements have been entered into with Bassadone Motors, and what is the total value and duration of the lease arrangements envisaged?

1525 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are no other fleet arrangements entered into with Bassadone Motors.

1530 **Hon. R M Clinton:** Mr Speaker, is the Chief Minister advising the House that Bassadone Motors' interest is only in respect of the Post Office vehicles and that there are no other such arrangements that are being negotiated or envisaged? For example, I just heard today that Buildings and Works might be having electric vehicles too. Is the Chief Minister saying that the Post Office vehicle arrangement with Bassadone Motors is the only one that is envisaged and there will be no others?

1535 **Hon. Chief Minister:** No, Mr Speaker, I am answering his question, and his question is 'What current or future vehicle lease agreements have been entered into with Bassadone Motors, and what is the total value and duration of the lease arrangements envisaged?' I cannot answer that question about something that is prospective. I can only answer it once it has been done, because
1540 he is asking me for calculations, etc. If a lease arrangement is done in respect of any other Department, then it will have been entered into, and then I will be able to give him the total value

and duration of the recent lease arrangements envisaged under the agreement, but I cannot give it to him otherwise. The hon. Gentleman knows we have given it to him in respect of the one that has been done, which is the Post Office arrangement, and we have had a detailed discussion about the numbers there, but I cannot give him an arrangement that has been entered into if it has not been entered into. Even if it has been discussed or considered, I can only give it to him once it has been done.

Hon. R M Clinton: Mr Speaker, I am sorry to come back to this, but obviously the advert that appeared back in December 2016, which I happen to have a copy of, was quite comprehensive in the terms of 'Her Majesty's Government of Gibraltar's fleet, including over 400 vehicles and motorcycles'. It was quite a comprehensive expression of interest. Is it the Government's intention still that Bassadone Motors would be covering the entire vehicle fleet of the Government?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows, for example, that the G1 vehicle at present is not a Bassadone vehicle. It is a vehicle from another provider – from Gedime, I think, or Capurro; I do not know which of the two relevant entities it would be – but that is not a fleet arrangement. The hon. Gentleman is asking us about a fleet arrangement done, so in terms of a done deal, this is the only one I can disclose to him. But, as he knows, and he has indicated that he is aware of it, we are discussing other Departments entering into these arrangements, and if other Departments enter into those arrangements, which are the fruit of the advertisement that we are dealing with, then once those arrangements are done they will be advertised. The hon. Gentleman asked about the Post Office fleet because there was a press release that set out that we had done those arrangements. If we do those arrangements in respect of any other Department, we will say that we have done them and then the hon. Gentleman can ask us for any detail that we may not have put into our press release about those arrangements when they are done. But there are not any other arrangements in place at the moment that I can give him an answer for.

Mr Speaker: Next question. (*Interjection*) I think he asked two supplementaries to his question.

Hon. K Azopardi: On that issue, has the Government entered into or is in discussions on an umbrella agreement in relation to those matters?

Hon. Chief Minister: Mr Speaker, I think I have already answered that question. The answer is no. We are looking at this on the basis of Department by Department. The Hon. the Minister for Transport already gave an indication that there has been a successful test for some electric buses. The buses will be dealt with under their own agreement. There will be different terms in respect of each Department in some areas, because a bus is not the same as a fleet for the Post Office, but a fleet for a Housing Works Agency might be the same as a fleet for the Post Office and therefore there may be parity of terms between certain arrangements, but not an umbrella agreement. That is not what is being considered at this stage.

Mr Speaker: Next question.

Q815-818/2020
Bassadone Automotive Group –
Parking spaces at Lathbury sports facility and Europa Business Centre

Clerk: Question 815. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to its Press Release 498/2020, can the Government advise how much the Bassadone Automotive Group is paying for (a) the underground parking at the Lathbury sports facility and (b) part of the Europa Business Centre, individually, and the lease terms of each?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 816 to 818.

Clerk: Question 816. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise how many parking spaces the Bassadone Automotive Group is acquiring at the Lathbury sports facility and what annual service charges are to be paid on these?

Clerk: Question 817. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm that the delay to the construction of the Lathbury sports facility was due to a late change in specifications adding an extra floor of underground parking spaces?

Clerk: Question 818. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why there was no tender for the sale of the Lathbury sports facility parking or the Europa Business Centre?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Bassadone Automotive Group is not acquiring any parking spaces at Lathbury. They have acquired a total surface area.

The Group is paying a total amount of £12.5 million for the Lathbury lower level parking area and part of the upper level parking area, and a total amount of £7.5 million for the dockyard site. The lease terms are 149 years and a number of months to be determined once the head lease is entered into.

The annual service charges to be paid by the Group have not yet been concluded by Land Property Services.

The provision of underground parking levels was included in the scope of works for the Lathbury sports facility tender package. It was therefore part of the project before construction began.

As already explained in my interview on GBC on 29th July 2020, in this context we are dealing with a relocation of the Bassadone Group, from an area which the former administration sold to them but could not deliver, to a new area where they can have the space promised but not delivered to them by the GSD, and consolidate what they are doing. They can do more and they can add to the economic activity of Gibraltar.

Hon. R M Clinton: Mr Speaker, I will just go through each, one by one.

In relation to Question 815, can the Government advise whether these amounts have actually now been paid to the Government?

Hon. Chief Minister: Mr Speaker, I believe we have not yet completed, and the money is paid on completion. That may not be correct as to both amounts, but I believe it is because I know the different completion dates were set for different parts of this process and those completion dates

1640 have shifted because of the pandemic and the ability of people to come in and sign documents,
etc. So I cannot tell him that the moneys have been paid or not paid yet in respect of each of the
two sites.

1645 **Hon. R M Clinton:** Mr Speaker, in respect of Question 816, the Chief Minister has talked about
a total area rather than parking spaces, but he must know how many parking spaces would have
fit in that area. Does he not have that information with him?

1650 **Hon. Chief Minister:** Mr Speaker, I was reminded by the Hon. the Minister for Financial Services
when I sat down that in fact we have not yet been able to provide vacant possession of one of the
sites in question, and that is why we have not been able to complete. We are just finishing off the
vacant position issue now. I hope that is helpful.

1655 In terms of parking spaces, it is not possible to give the hon. Gentleman the answer that he is
seeking, because this area could be marked out in many different ways. There was one proposal
to mark it out for garages, which produced one number. There was one proposal to mark it out
exclusively for saloon-style vehicles, as you might see in any public parking, which produced
another number. It is quite a different number if you sell it to a vehicle importer of the sort that
1660 we have two very successful vehicle importers in Gibraltar, where they park back to back, in effect,
subject to the vicissitudes of their business. This area is worth one thing as one type of parking,
another type as garaging and another type of commercial parking, and so the answer is not one
that can easily be given to the hon. Gentleman, because he would have to ask me how many
parkings you can fit for normal NCP-style parking in that area, and that will be one answer, and
then there would be different answers for any different style of parking.

1665 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can I perhaps
phrase the question in a different way? How many vehicles is it envisaged will be parked in that
space?

1670 **Hon. Chief Minister:** Well, Mr Speaker, if they imported the lovely and snazzy new Honda Civic
the answer would be one number, but that would probably double if they import in the larger
four-by-four vehicles for which they are known and stored them there. The hon. Gentleman will
know that this company is selling different types of vehicles. There are some which are what you
might call the four-by-four variety, there are some that you might call the commercial vehicle
variety which are converted to ambulances, and there are some which are more the cheap style
variety which are almost, I would have thought, two-thirds or half of the length of the four-by-
four varieties. So, it depends which vehicle it is that you want to park there, because some of these
1675 vehicles are very long and very high and others of these vehicles are much shorter.

1680 **Hon. R M Clinton:** Mr Speaker, I move on to Question 818. The Chief Minister referred to a
relocation, but I believe he has used that explanation for the original dockyard site that was
tendered to the same group, and that was, I presumed at the time, the end of it. But what he is
suggesting to the House is that there was also a need for parking spaces as well and that would
not have been covered by the original, if I remember correctly, reclamation there would have
been of the runway. Was it in fact the intention that the site would have covered not just the
offices and a showroom but also the parking spaces? It would have been quite a large site for all
that. And can the Chief Minister advise the House whether, in fact, the group is actually
1685 surrendering their site on Devil's Tower Road to the Government?

Hon. Chief Minister: Mr Speaker, I have not used anything as an excuse. I have set out the
information to the House.

1690 Let me go back for the hon. Gentleman to understand. The former administration sold to this
group the land to be reclaimed from the windsock to Western Beach. For that deal, this group

paid an amount. From memory, it was between £4 million and £5 million and I think we found that it was impossible to do the reclamation for less than £12 million or £20 million. And so the deal that had been entered into was probably the worst deal in history – another one of the golden legacies that Mr Bossino sometimes likes to refer us to of the GSD – because it was going to lose us money from the word go. In the context of that deal, this group did not hand over its showroom on Devils Tower Road and all the other properties it had in Devil's Tower Road; those are in the ownership of the group and they bought this new area on Western Beach. The area on Western Beach included offices, showroom and a huge parking for thousands of vehicles. So, what we had to relocate was exactly that, the showroom facility, the facility to do the works on the vehicles, and parking, and that is why in the designing of these sporting facilities we wanted to ensure that we provided for that which had not been provided.

We were able to renegotiate with the group, who actually had a signed agreement with the Government. I believe they may even have paid. I cannot remember exactly, so I would have to check that, but they had a signed agreement with them, so we had to honour that agreement but we renegotiated the cost, because we explained to the group, 'Look, this is the difficulty that we have.' We considered with the group – because they were not the Government, and sometimes the Government is unable to do things at the best available rate – whether they could create the reclamation for that money, and even they could not create it for anywhere near that money. And so, for that reason, we are providing in the dockyard and in this facility the equivalent of the facility that hon. Members' former administration sold to this group. They did not require that they hand over the possession of the properties they had on Devil's Tower Road, Flint Road and in that area, and we could not require that, but we have required them to pay a lot more, either double or four times what hon. Members had secured from them in the context of the reclamation at Western Beach.

Hon. K Azopardi: Can I just ask on that, given the explanation, is the price that he has spoken about at Lathbury and the dockyard site over and above the price negotiated for that Western Beach area, or is that price incorporated in the figures he has given?

Hon. Chief Minister: These are the free-standing prices of those two. In other words, £20 million is the amount payable.

Hon. K Azopardi: Perhaps the hon. Member has not understood my question: £20 million is the price payable, but are you taking into account, given the relocation, that they have already paid £4.5 million, or is it that it is over and above the £4.5 million? In other words, that the Government took the view that the whole deal is worth £25 million, but they have already paid £4.5 million?

Hon. Chief Minister: No, Mr Speaker, I think the hon. Gentleman has not understood that I told him that I cannot recall whether the amount that relates to Western Beach has been paid or not paid but was committed to be paid, but what I am telling him definitely is that the consideration payable is £12.5 million for one and £7.5 million for the other. If £4 million or £5 million has been paid already and that is deducted from the consideration payable or not is different. The sum fixed for sale and the value given for sale, which will appear on the leases, will be the £12.5 million and the £7.5 million.

Mr Speaker: Next question.

Q820/2020
Government borrowing –
Terms of any new arrangements

Clerk: Question 819 has already been asked and answered, so we move to Question 820. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise if it intends to enter into new borrowing; and, if so, for what amount and on what terms if these are being negotiated?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, since this question was asked in September, any new borrowing that was being considered has been laid before the House, these being the Gibraltar International Bank loan for £150 million and the NatWest facility, with the sovereign guarantee of the UK Government backing it, for £500 million.

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Whilst no other new borrowing is being considered by the Government, we are considering extending the Gibraltar International Bank facility for a few extra months as they assist the bank with its capital ratios.

Mr Speaker: Next question.

Q821/2020
Victoria Keys development –
Signing of loan agreement and drawdown

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Clerk: Question 821. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the £50 million loan for the Victoria Keys development has been signed; and, if so, on what date and has any amount yet been drawn?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not signed a £50 million loan for the Victoria Keys development.

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Hon. R M Clinton: Mr Speaker, my question did not actually say has the Government signed it, it says can it advise if it has been signed, and if so, on what date and if any money has been drawn. Specifically, we know that a Government-owned company would be involved. I would like that information in respect of that Government-owned company.

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I believe, if I may remind the Chief Minister, that in a previous session he did not want to give an answer unless he checked whether or not the contract had been signed or the amounts had been drawn, which is why this question is on the Order Paper.

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Hon. Chief Minister: I have checked, Mr Speaker, and the answer is as true for the Government as it is for a Government company.

Hon. R M Clinton: Finally, Mr Speaker, is it still the Government's intention to proceed with this loan?

1780 **Hon. Chief Minister:** Mr Speaker, it is certainly the Government's intention to proceed with the project.

1785 **Hon. K Azopardi:** But in relation to the announced structure, financing and so on which the Chief Minister set out, or the Government set out when it first announced the Victoria Keys project, he does not need reminding by me that there was a facility that was spoken about through a structure. Is it the intention for that still to proceed?

1790 **Hon. Chief Minister:** Mr Speaker, the Government wishes the project to go ahead, and elements of what was already considered will likely still be part of how this project goes ahead, but it is now, I think, some 12 months since that discussion. A lot of water has gone under the quay, and it may indeed be that the Government is not the most attractive lender at this time, given that interest rates are even lower now than they were before. So, what I want to do is leave open the possibility that there may be other financing opportunities on the table. I would be very happy to see the Government pursue this option. I think it is a very good option for the Government. It produces a very good return for the taxpayer, probably the best return on investment the taxpayer has ever seen in Gibraltar, so it is very good for the ordinary Gibraltarian to see this process go ahead and this funding model go ahead, but it may be that there are more attractive funding models available to those who would be the developers here.

1800 **Hon. K Azopardi:** Would I be right in thinking, given that explanation, that this matter is under active consideration between the Government and the developers?

Hon. Chief Minister: In active gestation, Mr Speaker.

Mr Speaker: Next question.

Q822-23/2020
£500 million loan guarantee –
Commitments made to UK government; plans for use of moneys

1805 **Clerk:** Question 822. The Hon. R M Clinton.

1810 **Hon. R M Clinton:** Mr Speaker, further to the written statement by the Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom on 19th November 2020, can the Government advise what commitments it has made to the UK government in respect of 'transparency and information sharing' as regards the provision of the £500 million loan guarantee?

Clerk: Answer, the Hon. the Chief Minister.

1815 **Chief Minister (Hon. F R Picardo):** I will answer with Question 823.

Clerk: Question 823. The Hon. R M Clinton.

1820 **Hon. R M Clinton:** Mr Speaker, can the Government advise how it intends to utilise any moneys raised under the £500 million loan guarantee, and what third party loans does it envisage refinancing?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the information with regard to the loan guarantee has already been laid in Parliament and the information is in the public domain now.

Hon. R M Clinton: Mr Speaker, I am not talking about the loan guarantee. In fact, I am specifically referencing the statement by the Secretary of State, and he says:

The Government of Gibraltar has made commitments on transparency and information sharing and has ensured compliance with all relevant international standards in this respect.

This is in a paragraph where it is talking about the contingent liability checklist being approved, the Government identifying a bank etc. I am just asking has the Government made any commitments to the UK government on transparency and information sharing; and, if not, perhaps he could enlighten the House as to what the Secretary of State was intending by this statement. I appreciate, Mr Speaker, that it is not for him to interpret the mind of the Secretary of State, but certainly in such an important written statement I would have thought that there was a lot of thinking that went into the words.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman can find similar statements from the former Chancellor of the Exchequer, George Osborne, and the former Prime Minister, David Cameron, in relation to Gibraltar, talking about Gibraltar's commitment to transparency and information sharing and ensuring compliance with all relevant international standards in this respect. In the time that I have been Chief Minister there was what was known as the 'Cameron transparency agenda', which the hon. Gentleman will recall, when the United Kingdom took the chair of the G20 and I was invited to the UK alongside other leaders of Overseas Territories. At that time, Mr Cameron said in the House of Commons something which I am sure we are all very proud of, that Gibraltar led the way in terms of commitment to transparency, accountability and global standards. This is a very similar remark.

The hon. Gentleman will know that we have now entered into a Double Taxation Agreement with the United Kingdom. We have a public Register of Beneficial Ownership in line with the EU's Fifth Anti-Money Laundering Directive, a commitment that we have given in respect of global tax standards and compliance with all applicable EU directives and regulations for financial services, taxation and money laundering, which is demonstrated by Gibraltar's membership of the OECD G20 Inclusive Framework on BEPs. These are the standards that we are dealing with and the way that Gibraltar is rightly, I think we all agree, regarded not just by the United Kingdom but generally internationally, and indeed, despite the controversy that has been elicited in this House, there are even voices in Spain that refer to us now in these halcyon terms.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the clarification, because certainly from a cold reading of the paragraph in which it sits it seemed a bit out of place.

Would the Chief Minister then agree that effectively that particular sentence could have been omitted without detracting from the essence in terms of the loan, because it obviously has no rebuffing to do with the grant of loan? Or is the Chief Minister implying that, for the UK, in their mind, there was some conditionality attached to the loan that had nothing to do with COVID?

Hon. Chief Minister: Mr Speaker, I do think that there was conditionality. The hon. Gentleman needs to understand that we are ... I hesitate to say the only, but probably the only Overseas Territory that has had the benefit of a sovereign guarantee. We were the first Overseas Territory that committed to and delivered an open register of beneficial ownership in respect of companies. As the leader of one of Her Majesty's Overseas Territories, I do not want to refer to other Overseas Territories in terms that are anything other than referring to our own kith and kin, but this sort of facility has been sought by others and indeed has been in negotiation by others for some years, but they have not been granted.

The things that I am saying to him are the things that would be considered to be normal, if I may say so in that respect, in membership of the European Union – you could not be in membership of the European Union and not commit to the things that I have just read to the hon. Gentleman – but there are others who are not in the same situation, and so I have no doubt that if Gibraltar were not at the advanced stage of development as a financial services centre, and indeed in the development of its commitment to transparency and accountability generally, we would not have fared so well in the context of the negotiation of something quite as complex as a sovereign loan guarantee and something might have been dangled before us as something that we might have so long as we complied with any of these. But we comply with these, and that is why I think the Rt Hon. Secretary of State – although you rightly say I do not know his mind, I do know what led to the statement being made – has used words which have been used before in relation to Gibraltar, not in respect of this £500 million loan guarantee. That is why I referred to him the statements of the Prime Minister, David Cameron – and I think the former Chancellor, George Osborne, but certainly the Prime Minister, David Cameron – who had spoken in equally glowing terms about Gibraltar at a time when Gibraltar was under attack because the then Foreign Minister was the one we all know has recently published a book about Gibraltar and therefore is keen to get his name in the headlines in respect of those comments. So, I would say that this is something to be read very positively.

Mr Speaker: Next question.

Q827-29/2020

156 Main Street –

**Net annual values of Units 1-4; compensation agreed with tenants of Piazza;
consultation with Opposition re works to Parliament building**

Clerk: Question 827. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the current net annual values of the following units at 156 Main Street, i.e. the Parliament building and kiosks, namely Unit 1, Unit 2, Unit 3 and Unit 4?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 828 and 829.

Clerk: Question 828. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what financial or other compensation has been agreed to be paid or has been paid to the tenants of the premises at the Piazza, 156 Main Street, adjacent to or that forms part of the ground floor of the Parliament building?

Clerk: Question 829. The Hon. K Azopardi.

Hon. K Azopardi: Why wasn't the Opposition consulted on the prospective works to Parliament when they were announced by the Government last year, and why was the Opposition not consulted when the Government cancelled the prospective works earlier this year?

Clerk: Answer, the Hon. the Chief Minister.

1915 **Chief Minister (Hon. F R Picardo):** Why didn't you tell me you were going to do it? Why didn't you tell me you weren't going to do it?

Mr Speaker, the net annual values are as follows: Unit 1, £1,650; Unit 2, £1,875; Unit 3, £16,596; Unit 4, £9,362.

1920 The Government has agreed to pay the tenants the sum of £885,000.00 for the surrender of the two cafeteria units and one kiosk on the ground floor of the Parliament building at 156 Main Street.

Hon. R M Clinton: I am grateful to the Chief Minister for his answer to Question 827.

1925 Can I ask the Chief Minister: were the net annual values used in any way in a formula for calculation for the compensation amount that would normally be set out under Schedule 5 of the Landlord and Tenant Act, or some other methodology used, and, if so, what?

1930 **Hon. Chief Minister:** Mr Speaker, this was a negotiation between the parties. The operators of the two cafeterias approached the Government and said that they wished to retire, in effect, and they asked for a price. We negotiated against that price and we were able to reach this arrangement, which we were advised by our land agents was actually a very positive result. I do not know whether that is related to net annual values, because here what we are doing is taking the land back for the Government. We are not allowing it to be let again. We were not looking at an assignable value where two commercial parties were negotiating; we were looking at taking this back for the Government.

1940 **Hon. R M Clinton:** Mr Speaker, the Government will be aware that both leases expired on 1st January 2021, and given the length of the previous leases the tenants would have had, if the Government had just issued a notice under the Landlord and Tenants Act wanting to recover the premises it would be a multiple of the NAV that would have been used by way of compensation. The sort of calculation I would come up with, based on the years, would be something more like £283,000. Again, the valuation of the businesses themselves ... In the last published financial information that I can find, these businesses ... If you will bear with me ... They are not what I would call a huge international business ... I seem to have lost it, which is strange, but certainly the balance sheets would have ... Here they are. The balance sheets are pretty limited in terms of size. Certainly the holding company only has funds of £1,000 and the other entities certainly would not have come to more than a couple of hundred thousand pounds – and I am being generous. So, again, I ask the Chief Minister how is the calculation arrived at – it just seems to be a lot higher than what had been calculated on a termination basis, where the Government, in its right as landlord, would have asked for the termination of the lease, which it would appear would have terminated in any case in January of this year. Can the Chief Minister provide any information?

1955 **Hon. Chief Minister:** Well, I must say, Mr Speaker, that a Government led by him or which includes him would not provide Government tenants much certainty. The way that I understand this would have worked is quite different, actually. Hon. Members would know that a tenant has the right to renew his lease and would have been able to renew their leases, and perhaps would have had to pay a premium in that respect, but they would have been able to renew their leases and then just renew for the continued rent, and then would have been able to assign their leases. These were two businesses that the hon. Gentleman refers to as not enjoying great international
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repute, but I must tell him that the pain that we have suffered since we entered into this transaction has been simply because we have closed these businesses where people want to continue to see them operating. I know that he was a frequent patron of one of them, Mr Speaker. The reality is that the tenants would have been able to renew, and then the issue of the lease expiry would not have been relevant at all, and they could have assigned to third parties for the continued operation of the restaurants and cafeterias there. So, I do not agree with him that the
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Government could simply not have renewed at the end of the year. That is not how we consider

that it is possible to provide certainty into the market in which we do business, and it would be very strange indeed to see a Government act in that way.

1970 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Thank you, Mr Speaker.

I think the question is why couldn't the Government get a better deal, because if these gentlemen approached the Government to say, 'Look, I want to retire,' the Government could have said, 'If we were to recover the premises under Schedule 5 of the Landlord and Tenant Act, our right to recover business premises for ourselves, we would pay compensation of £283,000.' So, why is it that the Government then felt driven towards the £885,000, which is a very big difference indeed, of £600,000, in relation to the compensation that would have been payable if the Government had initiated the discussion and that at which they arrived? The point is that, yes, of course they could have attempted to assign those leases with Government consent. Government would have been in the driving seat as to whether to consent or not. They could have done that, but why is it that the Government, instead of, in the discussions, raising the issue that they could have paid £283,000, felt the need to be driven to a position where the taxpayer had to pay an additional £600,000? Why is that commercially the right thing to do?

1985 **Hon. Chief Minister:** Mr Speaker, the £283,000 is not a figure that is relevant other than in the calculations that have been put here today by hon. Members. It is not relevant in any other way. The hon. Gentleman knows that value is not worked out on that basis. These are statutory tenancies anyway, Mr Speaker, which were protected. He understands that we cannot do the thing that his hon. colleague is referring to.

The Government was asked for a lot more money in the negotiation. The Government went in a lot lower and we negotiated a figure which we were advised by our land property agents was the right figure at which to settle. The Hon. Mr Clinton has said £283,000 and he said a few hundred thousand more for the other units, so the Hon. Mr Azopardi is not being fair at all – not that he sets out to intend to be fair. It is £283,000 plus a few hundred thousand more. A couple of hundred thousand more is £200,000 more. A few must mean £3000,000, so that is £583,000 more. That is not a number that is relevant in any way because, as far as the Government is concerned, hon. Members are making it up. They could just as well have said, 'The value of this is £100,000 and you paid £800,000,' or 'The value is £50,000 and you paid £800,000 and we would have negotiated a better deal because you have permitted yourself' – to use his language – 'to be driven into paying £885,000.'

This is just an attempt to pretend that hon. Members are better negotiators than the Government. Well, Mr Speaker, given that we have just been debating a question in which they landed us in a situation where we have had to make good a deal that they did for a reclamation where they undersold the land for less than it could be produced, there is hardly any evidence that hon. Members are better negotiators than we are. It is true that the Hon. Mr Azopardi gets up and says, 'I would have negotiated a better Tax Treaty, I would have negotiated better MoUs, I would have negotiated a better New Year's Eve agreement. I would have always negotiated better than you.' But the reality is that when he comes to doing a contract with the people for the job of leadership of this community, he never manages to seal the deal. We have sealed the deal with the people and we have sealed the deal at the right price in respect of these units, as far as we are concerned, based on the advice that we have. We do not think that is an unfair place to be.

2015 **Hon. K Azopardi:** Mr Speaker, the other day you did say to us that we should try to keep our questions short and concise, but I think the same is sauce for the gander, because –

Mr Speaker: I agree. I must ask the Chief Minister to be more concise in his answers.

Hon. K Azopardi: It is the issue of being concise, Mr Speaker, but in the wide-ranging issues of the Tax Treaty or the election ... We can do this every day, but it will make it much longer. I am not going to stray, but in the same way as I am not going to stray, Mr Speaker will understand the point that I am making that the Chief Minister should not stray.

Mr Speaker: I accept the point.

Hon. K Azopardi: Mr Speaker, the point is this. We are not making it up. These are protected tenancies and they had the right to seek a renewal, but under the same framework that gives them the right of renewal there is a legal provision that says that if the landlord wants the premises back there is a mechanism for compensation. The mechanism for compensation under the same Act that protects these tenants takes you to the point that if you do the maths, as the Hon. Mr Clinton has done, they would be entitled, if the Government were to recover the premises, to compensation of £283,000. Instead, the Government has paid £885,000 on the request of retirement, which is no more than an offer: 'I want to retire. Do you want it back? Do you want to recover it?' If the Government has a statutory mechanism that says that compensation should be £283,000, why was that not a factor in the negotiations? Why did you not tell those tenants, 'Of course I am interested in taking it back, but the maximum entitled compensation that you would be given under the law is £283,000, so why do you think you are entitled to any more money?' And if so, why does the Government think it is a commercially correct decision for the taxpayer to pay an additional £600,000?

Hon. Chief Minister: Mr Speaker, I am afraid I must say that I think that if I am asked about our ability to negotiate, for me to refer to other negotiations and the result thereof – negotiations which the Hon. the Leader of the Opposition seeks to impugn – and to refer to them in my answer, with respect, I do not think is straying too far, but I will follow your advice and try and stick to this negotiation.

Everything the hon. Gentleman has said is wrong. He is saying it because he wants to go from this place to pretend that we have overpaid for a hereditament, in order to try and make politics. He is completely wrong. I will tell him why he is completely wrong.

First of all, what he is referring to is, in effect, a compulsory purchase. A compulsory purchase has not been done in the history of our Constitution. Yes, Mr Speaker, it is a compulsory purchase, because if somebody does not want to release land and you force the price on them, that is a compulsory purchase. What would have happened in that situation, in the negotiation run, as the hon. Gentleman has suggested, is that the individuals who used to own these properties would have assigned them to other individuals, who would now own these properties and who would be running them now as those businesses and we would not have a chance of getting them back. If we did not have a chance of getting them back, we would not be able to do the lift for disabled people to access the building without having to do it on the outside, which raises the heritage issue etc. We would not be able to add the spaces we are hoping to discuss with hon. Members we are going to be able to add for the Parliament to be able to discharge its functions etc.

We started – I have told him, but he chooses to ignore it – from a much lower figure. They started from a much higher figure. We negotiated to a figure that we were advised by our land property agents, who have no candle in either the party politics of it or anything else – £885,000 – was the right sort of figure at which to settle because of the opportunity. It is not very often that the Government has the opportunity to get back units like this. The retirement of these individuals was the opportunity. This is not just that they came and asked us to retire and we decided to fund it, which seems to be what the Hon. the Leader of the Opposition wishes to suggest for the purposes of making out his political theory of this, which is based on his own imagination and nothing else. This was a negotiation around a value.

Is the calculation set out in the statute likely to produce a figure of the sort that the hon. Gentleman is talking about? Perhaps. Is that the figure at which these properties would have been

assigned in the open market? Of course not. Somebody would have bought these properties, probably at a higher price than we have paid for them, and continued to trade very handsomely indeed from there, whatever it is that their balance sheets say. We think this was the right decision at the right price for this community to develop this building and to develop our democracy, because we think that we need to do more in our Parliament and we need to do it in a more accessible way.

When I say that, the Hon. the Leader of the Opposition laughs. When the camera is on him, he will go poker faced and he will pretend that he is a champion of accessibility, disabilities and a more open democracy, but when it comes to putting his money where his mouth is, he will not. Well, Mr Speaker, we think we have done the right thing. We have spent taxpayers' money in the right amount, in the right way and for the right reason.

Mr Speaker: I think this will be the last question.

Hon. K Azopardi: Mr Speaker, we have not got to Question 829 yet, but we will....

I am laughing because I do not believe that the Chief Minister is a champion of democracy. I do not believe that he actually is committed to the cause of democracy and I do not believe that he actually wants to make the changes that need to be made. Actually, I think the Chief Minister has also been the Chief Minister for so long he has forgotten his law, because he says I am wrong on the compensation regime and that this is a compulsory purchase, and it is not a compulsory purchase. Compulsory purchase would be made under the Land Acquisition Act. That is where a compulsory purchase takes place. The compensation scheme that I am talking about is the one under the Landlord and Tenant Act when the landlord wants the property back. They would have been entitled to £283,000. The Government instead paid £885,000. Nothing the hon. Member has said has justified the basis of it or the calculation for the basis of it. That is the point.

Mr Speaker, can I ask, on Question 829, which is the question I had tabled, why wasn't the Opposition consulted on the prospective works? I do not believe the Chief Minister gave an answer in his original answer on the issue.

Hon. Chief Minister: Mr Speaker, for a simple reason: because, as I understand it, we are still waiting for him to respond to a message sent to him in recent days to consult with us in the context of the plans that we are going to put. If we are not champions of democracy, what are we doing consulting with him on how we want to develop the Parliament building, now that we have acquired these units?

Whether the proposal that he is putting is under the Landlord and Tenant Act or the Purchase of Land Act, it amounts to the same thing: the forced sale by Government of property that is in the hands of private individuals. That is what the hon. Gentleman is saying to us is the regime that would provide for if he were Chief Minister of Gibraltar. He would take any tenancy that the Government holds, if he were Chief Minister, and at his whim he would say, 'This is what the legal calculation is. Get out of the tenancy.' That is what he says as a champion of democracy he would do. I must tell him that it is not an environment which would provide the certainty that men and women of business need in order to be able to enter into transactions with Government. It is not going to be the issue whilst I am in government. We will always pay the right commercial rate. We will not pay a penny more, but neither will we pay a penny less.

I am very pleased that we have been able to get these properties back, so that we can do the refurbishments that we are going to do, which will provide ... Indeed, it should be now. One of the reasons we are doing this is to provide offices for Members of the Opposition and more offices for the Clerks etc. Ministers have offices. This is about providing more for them because I believe they are going to be in opposition for a very long time, and I want to make them even more comfortable whilst they are there.

Mr Speaker: Next question.

Hon. K Azopardi: Mr Speaker, he had not given me an answer on Question 829 and he has just given it for the first time, so I think I am entitled to come back to him on this issue.

2125 Mr Speaker – (*Interjection*) No. The Chief Minister makes a mockery of the questions that we ask on this side of the House, and he knows that. The government that we would be is not a government that would ... He says he is a champion of democracy. We would be the champions of democracy and of the taxpayer. If there is a regime in the law that talks about the compensation, it is not being overly difficult to say to people that is the basis and we would need
2130 to compensate. If you are going to champion the taxpayer, where have you championed the taxpayer by paying over the odds by £600,000? That is the point.

In relation to the question, for him to say that the answer to the question that I asked months ago ... I asked months ago why wasn't the Opposition consulted on the prospective works to Parliament when they were announced and why was the Opposition not consulted when they
2135 cancelled it, and he says the reason he has not answered it is because he is waiting for us to come back to him. It makes a mockery of this Parliament, because the email that he is talking about was sent to us on 17th March, four days ago, and we have had an intervening weekend. That is the email where the Deputy Chief Minister has asked to see Mr Bossino and myself to discuss the plans. It makes a mockery of it for that to be his answer.

2140 The works on Parliament were announced in September 2020. We were not consulted. They were cancelled subsequently, months later, and we were not consulted. The point is not about whether we wish to be consulted or not on the mechanics or the detail. The point is that the hon. Members opposite treat this Parliament as an extension of the Government, as if they can do whatever they want with the Parliament. They can decide the business, they can decide when the
2145 businesses is heard, they can decide every single thing. They can even decide on how the refurbishment of the building –

Mr Speaker: I think the hon. Member is digressing. Let's keep it to –

2150 **Hon. K Azopardi:** I hope I am not digressing from the question. The point is if the Chief Minister is really committed to democracy and the reform of Parliament, as he says, it needs to start not just with the refurbishment but with everything that follows after that.

Hon. Chief Minister: And if the Hon. the Leader of the Opposition wants to say that he is the
2155 one who follows the rules, the least he could do at Question Time is ask a question when he gets up, I would have thought, Mr Speaker, because what he has done is get up and deliver a political soliloquy of the sort that really should not be clothed as if it were a question, because it is not, even with an interrogatory at the end.

Let me deal with all of the issues that he has raised, Mr Speaker. First of all, I have answered
2160 on 36 occasions, since I had the honour of becoming the Chief Minister of Gibraltar in December 2011, the questions of the public directly on public television, or of the editors of newspapers, without having any notice of the questions I would answer. Apart from that, and apart from the last three years because of the terrible situation of Brexit and COVID, I have been here as Chief Minister every month to answer questions. He was a Member of an executive who answered
2165 questions on one, two or three occasions maximum a year. I am not going to take lessons on democracy from a man who was a pillion rider on dictatorship in the GSD; a pillion rider on somebody sitting here deciding exactly what they wanted and when they wanted it, and not even telling us what we were dealing with. (*Interjection*) Elected dictatorship, Mr Speaker.

Second, what has got to be very clear is that if there is a regime in law about the calculation of
2170 the value of land, then I would say why is it that that was never used when they were in government? Or is it that we have forgotten the amount that they paid for the Theatre Royal, a piece of land ...? I know that Mr Phillips sinks every time he is reminded of the record in government of the party that he joined, because he used to fully denigrate them when he was the acolyte of the Hon. the Leader of the Opposition in the PDP, and now he forgets how much

2175 denigration he used to do of the GSD when they helped us to win the election in 2011 by defeating them. But what about the Theatre Royal, where that user clause had been completely failed for decades and they paid £10 million? Where was the calculation then? Where was the negotiating skill then? And what about – I am just going to put it very lightly, Mr Speaker – the units at the market that were paid for by hon. Members when the market stalls could have had their licences
2180 determined by a letter? A licence is determinable at will. The street amount for distinction did not apply. These were licences determinable at will with a letter with a 5p stamp, and if they do not know, Mr Speaker, they paid hundreds of thousands of pounds. Where was the calculation then? They were not doing the calculation then.

They have never done in government what they are preaching from opposition now. They have
2185 done the opposite, and we have done the right thing. But imagine a world in which a government tenant goes to a bank to seek lending and the security of the property, and the banks says, 'No, we cannot lend you money now. Keith Azopardi is Chief Minister and Keith Azopardi says that the value of your property is not this commercial valuation that we have. Let me have the Act. Oh, yes, the value of your property is £200,000. It is not £800,000. You cannot have this borrowing,
2190 you cannot create the jobs, you cannot continue to run your business.' That is the regime that we are facing if the hon. Gentleman were ever to form a government, so this makes absolutely no sense, other than just trying to play politics.

In the context of the consultation, I did answer. I got up and I said, 'You complain that we do not consult you when we are going to do something and you complain that we do not consult
2195 when we are going to stop doing that which we did not consult you we were going to do.' We stopped that plan and the Deputy Chief Minister has had been in touch with him and Mr Bossino, the leaders of the GSD, in order to start a consultation, because we now have the bottom units and we want to do something different. We have been in touch with the hon. Lady as well. This is an issue for parties because we do not see ourselves as an executive making all the decisions. We
2200 see ourselves first and foremost as parliamentarians elected by the people of Gibraltar to this House, and from this House we form the executive in Gibraltar. We form it to always do the right thing by the Gibraltar taxpayer, but not to flirt with the Gibraltar taxpayer and pretend that we would do one thing when, in fact, your record in government says the complete opposite. Let the facts stand on their own and be the indictment of hon. Members opposite.

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Mr Speaker: Next question.

Q830/2020

Music festival –

Government support for event in 2021

Clerk: Question 830. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, will the Government support the holding of a music festival in
2210 2021?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, due to the uncertainties of the COVID-19
2215 pandemic and the need, in organising an event of this magnitude, to plan and commit funding many months in advance, the Government has decided that it will not proceed with a music festival in 2021 on the scale of previous ones. Should the situation change, there will be the option of organising other events, albeit on a smaller scale.

2220 **Hon. K Azopardi:** When the Hon. the Chief Minister adds 'on a scale not like the previous ones', is he alluding to the press release that was, I think, issued a few days ago, after we tabled this question, in relation to a local type of music festival? Is that what he is talking about?

2225 **Hon. Chief Minister:** Mr Speaker, I am referring to the press release that was drafted, I think, some three weeks ago, or in fact four weeks ago, but was not issued until 15th March because we wanted to ensure that all of the logistical issues that the Hon. Minister for Culture was providing for were in place, and which was not prompted at all by this question. In fact, when I saw this question, which was after the press release had been issued, I realised that I should expect him to refer to it and that I hoped to see him there.

2230 **Hon. K Azopardi:** Yes, all of that waffle up to the point ... We filed this question months ago. Whether you saw it the other day or not after 15th March is neither here nor there. He should have seen it, because we filed it months ago.

2235 If he was alluding to the more local music festival, has he got in mind the kind of financial commitment that would represent?

2240 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman considers everything which is not to praise him as waffle. I am surprised that he thinks that in the months that have passed, which I have described today as, I think, our darkest winter, I would be sitting on the edge of my seat in No. 6 Convent Place waiting to read the questions that he and hon. Members had filed. In fact, I have not turned my attention to them at all until it has come to the time to answer them, because I knew, for example, that if we spent time compiling data, we would simply have to recompile it, as was the case in the context of those who provided me with the information relating to Hassan Centenary Terraces and the other estates, where they have had to go back and re-do the data this morning in order that I could give the House the most up-to-date data.

2245 And yes, Mr Speaker, I was referring to that local concert, and the outlay in respect of that concert will be exactly as it has been every National Day since National Day started and there has been a National Day concert and a stage provided for that purpose.

2250 **Mr Speaker:** Next question.

Q831-32/2020
Telecom providers' dispute –
Government intention to broker a solution;
TV channels –
Continued availability in Gibraltar

Clerk: Question 831. The Hon. K Azopardi.

2255 **Hon. K Azopardi:** Will the Government seek to broker a resolution to the dispute between telecoms providers?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Question 832.

2260 **Clerk:** Question 832. The Hon. K Azopardi.

Hon. K Azopardi: Will the Chief Minister seek agreement or assist to ensure that TV channels enjoyed by consumers continue to be shown in Gibraltar?

2265 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is working with the telecoms providers to find a solution to this problem.

2270 The Government is seeking to do all that it can to ensure that legally available content is enjoyed by consumers in Gibraltar. As the hon. Gentleman will know, this is not about what we can achieve but rather what licensing rights the content holders have to transmit these channels outside geographic areas. Changing these licensing rights is not a matter in the Government's gift. However, Government is seeking to work with the content holders to encourage them to obtain such rights.

2275 **Hon. K Azopardi:** Again, I tabled this question some time ago when there was a bit of a public furore, just to get a feel for the Government's position, especially as the Chief Minister had also intervened publicly. I appreciate that he probably had not read it until Saturday because of the explanation he gave in relation to the earlier answer, but given that this more recent manifestation of the controversy – because the controversy goes back some time; it surfaces from time to time – is a few months ago, can he give us a bit of an insight into the discussions he has been holding and the kind of breakthrough there would be? We fully appreciate the difficulties and complexities around the issue of the licensing of rights.

2285 **Hon. Chief Minister:** Mr Speaker, last Thursday, actually, I think I saw this question. I am afraid I cannot give any of the indications that the hon. Gentleman has suggested, at least not across the floor of this House, but I am quite happy to have a conversation with him. I forget whether, in his time as a Minister, he was Minister for Telecommunications at any stage or whether he otherwise held the chairmanship of Gibtelecom, but I am quite happy to have a discussion with him behind
2290 the Speaker's Chair to tell him what is going on. There is ongoing discussion and negotiation, but I think it is sensitive enough that we should not be airing it across the floor of the House.

Mr Speaker: Next question.

Q833/2020

Commonwealth Day public holiday – Retention on second Monday in March each year

2295 **Clerk:** Question 833. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, will the Government consider retaining the Commonwealth Day public holiday on the second Monday in March every year?

2300 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

2305 **Hon. K Azopardi:** Mr Speaker, why not? Can we understand the thinking there? It is not as if there is not a public holiday. The Government has moved it, at least this year. I do not know what its intentions are for next year, but it moved it on the basis that the public holiday we got – I think it was 24th February – was Commonwealth Day, but it is actually not Commonwealth Day

anywhere in the Commonwealth. It is a bit like celebrating Boxing Day on 28th December. Nobody else celebrates it as Commonwealth Day, and yet we are given the public holiday on that day. It would be quite different to say there will not be a public holiday at all, which is, I think, the explanation given by the Deputy Chief Minister in a more recent interview, that it is not removed, it has been transferred. We just do not understand the thinking. If it is going to be celebrated as a public holiday, why not celebrate it on the day that it is celebrating?

Hon. Chief Minister: Well, I think that is the position, Mr Speaker. Commonwealth Day does not move. Commonwealth Day is not fixed in Gibraltar. It is a day fixed by the United Kingdom and the other heads of government of the Commonwealth as the day on which we celebrate Commonwealth Day. What we did was move the bank holiday that was given for Commonwealth Day to a bank holiday given in February. The reason for that is to create a mid-term for our schoolchildren, so that they have a mid-term in the spring term. And so there is a mid-term in the autumn term and there is now a mid-term in the spring term as well, which is usually the longer of the two terms. This creates the opportunity for children in public schooling in Gibraltar to have the opportunities that have been available to children in private schooling in Gibraltar and elsewhere to have that week for skiing, for example, and we wanted to give parents the opportunity of having also a day off around that time, so we moved the Commonwealth bank holiday to this bank holiday. But it should not be referred to as the Commonwealth Day bank holiday, and I think that has been the error. The error has been to refer to that holiday as the Commonwealth Day bank holiday in February. It is not the Commonwealth Day bank holiday. It is a bank holiday in February for a spring mid-term to be enjoyed by schoolchildren in public schooling in Gibraltar and their parents.

Hon. K Azopardi: I am grateful for that explanation. Just to give a bit of background, the reason for my question was because ... I do not know if the Chief Minister will recall, but this came up in a question and answer exchange that I had with the Hon. Mr Licudi when he was on the Government front bench, where he was explaining that this Monday bank holiday would be done in a transfer of arrangements. I asked him is it possible to, in effect, transfer this Commonwealth Day bank holiday, and he said yes, or words to that effect. Hence my subsequent question, as I then went back and confirmed the view that I had taken when I was on my feet – but of course I did not have the resources – that Commonwealth Day is Commonwealth Day, it is an immoveable day, and therefore it does not change, so it could not be celebrated in February.

The Chief Minister has, I think, clarified, as I understood his explanation, that in fact this should no longer be viewed as the Commonwealth Day bank holiday; it is an additional bank holiday. Is that the position? Not additional in the sense that you are exchanging one for one, but as I understand it, it is additional in the sense that ... The Government has taken the view that it removes the Commonwealth Day bank holiday and it is now bestowing a new bank holiday, without a tag to it, on the Monday when people are having mid-term. Is that correct?

Hon. Chief Minister: Yes, Mr Speaker, that is correct: Socialist Liberal mid-term bank holiday.

Mr Speaker: Next question.

Q834/2020
Select Committees –
Resumption of meetings

Clerk: Question 834. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when will the Select Committees on the Environment, Parliamentary Reform and Constitutional Reform that were due to meet in March – I should add 2020, because that is how long this question was outstanding – now meet?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the meetings in March of the Select Committees were cancelled as a result of the COVID-19 pandemic. It is intended to convene meetings of all Select Committees as soon as it is possible. This is likely to be in April, even though that is not a month when the Parliament would otherwise meet.

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Hon. K Azopardi: Mr Speaker, I need not remind the Chief Minister that in the Unlock the Rock document it says that there was a desire for those meetings to take place. The Unlock the Rock document allowed us a relative working period after the end of May right through to the end of November. While I accept that there have been important challenges, business also has gone on in a number of areas and these meetings are now well overdue given the projections that there had been. Will the Chief Minister be able to fix those meetings with specific dates in April, or are they loose commitments?

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Hon. Chief Minister: Mr Speaker, given that the Select Committees on the Environment, Parliamentary Reform and Constitutional Reform were established by my Government, he can understand that I am very keen to see them meet and start to do their work. I am very keen that we should start the process of having those meetings, and I really do not think it is fair to pretend that there has only been a slight bump in the road and that we surely could have met to deal with the Select Committees. I think that what we have gone through as a community is far from just a bump in the road and that there have been many issues to deal with. It is not just COVID, it is COVID with the negotiations of the New Year's Eve agreement on top, and I think people are being baited by the Hon. the Leader of the Opposition to forget the complexity and the difficulty and frustrations the Government has been through.

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Nonetheless, I am very much looking forward to convening these meetings. I am looking forward to convening them for April. I have not said that we should wait until May, which is the month in which Parliament will come back, and I expect that we will be able to meet probably in the third week, which is the week in which I was anticipating to hon. Members we would meet in Select Committees, usually the Tuesday of a week in which the Government was in session.

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I hope that is sufficient information for him to consider that we are serious about convening the Select Committees that we ourselves have brought motions to this House to create.

Mr Speaker: Next question.

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Clerk: Question 835.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious that it is already 10 to eight in the evening, and I would now therefore move that the House should recess to continue with questions tomorrow, to return tomorrow at 3 p.m.

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Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 23rd March at 3 p.m. (*Interjections*)

2400 **Hon. Chief Minister:** Mr Speaker, my mistake. I understand that the Hon. the Leader of the Opposition is the questioner on the Order Paper that I am dealing with. I thought I had questions from other Members. He, I understand, is available at 5 p.m. tomorrow, so given he is not available at 3 p.m., I am happy to adjourn the House until 5 p.m. tomorrow afternoon.

2405 **Mr Speaker:** I now re-propose the question, which is that this House do now adjourn to Tuesday, 23rd March at 5 p.m.

I now put the question, which is that this House do now adjourn to Tuesday, 23rd March at 5 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 23rd March at 5 p.m.

The House adjourned at 7.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.04 p.m. – 7.10 p.m.

Gibraltar, Tuesday, 23rd March 2021

Contents

Questions for Oral Answer	3
Chief Minister	3
Q836/2020 Property modifications to comply with Disability Act – Extension of tax concessions	3
Q837/2020 AA vacancies – Whether filled	4
Q839-41/2020 Asylum, section 12 and naturalisation – Applications and appeals against decisions	4
Q842/2020 Deaths in Gibraltar – Number in period 2017-21	8
Q844-846/2020 Former Commissioner of Police – Payments received on retirement; property purchased from Government; appointment of chairman of public inquiry	9
Q847-48/2020 Eastern Beach/Catalan Bay rubble mountain – Progress re removal; cessation of deposits	12
Q849/2020 Companies with contracts with HMGoG – Identity of beneficial owners	14
Q850/2020 Incident near Waterport – Whether Government aware	14
Q851/2020 Incursions into Gibraltar territorial waters – Number by Spanish vessels from 2012 to 2020	16
Q852/2020 GSLP manifesto commitments – Impact of COVID and Brexit spending	18
Q853/2020 COVID-19 pandemic – Update to Unlock the Rock strategy; BEAT scheme post September 2020	18
Q855-56/2020 Travel to the UK – Restoration of quarantine-free air corridor; exemption from quarantine rules for COVID-vaccinated Gibraltar residents	21
Q860/2020 withdrawn	23

Q857-59 and Q861-64/2020 Future relationship with the EU – Feasibility of joining Customs Union and consultation re arrangements; effect on handling of hot pursuit situations; negotiations re possible treaty and timescale	23
Q865-68/2020 Bland Ltd and 36 North Ltd – Details of existing and terminated contracts, payments made; NSCIS maintenance service	29
Q544/2020 Outstanding debts re scholarships for uncompleted courses – Clarification re typographical errors in attachments.....	32
Q850/2020 Incident near Waterport – Clarification re Guardia Civil vessel identity	33
Questions for Written Answer	33
Procedural – Estimates of Expenditure to be circulated before end of April	33
<i>The House adjourned at 7.10 p.m.</i>	<i>33</i>

The Gibraltar Parliament

The Parliament met at 5.04 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q836/2020

**Property modifications to comply with Disability Act –
Extension of tax concessions**

Clerk: Tuesday, 23rd March 2021. Meeting of Parliament.

Order of Proceedings: we continue with Answers to Oral Questions. We commence with Question 836. The questioner is the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, will the Government extend the regime providing tax concessions to businesses available for the modification of properties, so as to make these more disability friendly when the present scheme runs out, and is Government prepared to put this permanently in place and extend the scope to private individuals and internal works to homes?

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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 considering extending the measure in time, but not making it permanent. The extension would arise from the fact that works may not have been undertaken during the pandemic period. It would, however, make no policy sense to make the concession permanent. The extension to private dwellings is also under consideration.

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Hon. K Azopardi: Mr Speaker, can I just probe what the Chief Minister has said about it not making policy sense to make it permanent? Can he expand on that issue?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that the requirement to modify property for the purposes of ensuring compliance with the Disability Act is already in our law, and the purpose of the tax concession is to promote that the works that are relevant should be done now, when they are not works which are required. The position is that upon any refurbishment it is necessary to ensure that the refurbishment complies with the new rules, and in any new build it is necessary to ensure that the property complies with the rules. The purpose of the concession is to promote that people should now, because of the concession, decide to make reforms to the internal structure of a building that are required by the legislation. If we simply make this permanent, then of course there is no incentive to act now. People would then, whenever they

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decide to refurbish, have the benefit of the concession. The policy behind the tax concession is to try and promote that work being done sooner rather than later.

35 **Hon. K Azopardi:** Can I ask, on the extension of the scope to private individuals, which he said was under consideration, would we be right in thinking that if an announcement is going to be made in that respect, it would be made at Budget time?

Hon. Chief Minister: Mr Speaker, yes, sir.

40 **Mr Speaker:** Next question.

Q837/2020
AA vacancies –
Whether filled

Clerk: Question 837. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, will the Government be filling the AA vacancies it advertised in September 2019?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, these have been filled.

50 **Mr Speaker:** Next question.

Q839-41/2020
Asylum, section 12 and naturalisation –
Applications and appeals against decisions

Clerk: Question 839. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many asylum applications and appeals against asylum decisions have been filed under the Asylum Regulations 2008 during the period 1st January 2010 to 31st December 2020, broken down by years and numbers of applications and appeals?

Clerk: Answer, the Hon. the Chief Minister.

60 **Chief Minister (Hon. F R Picardo):** Asylum, Mr Speaker. I will answer this question with Questions 840 and 841, and I will answer them on the basis of applications in Gibraltar for asylum.

Clerk: Question 840. The Hon. K Azopardi.

65 **Hon. K Azopardi:** I am not sure what he means by that, but I am sure he will illuminate. I am not asking for asylum yet.

How many applications for exemption under section 12(2) of the Immigration, Asylum and Refugee Act have been filed in the period 1st January 2012 to 31st December 2020, broken down by year, and how many of those remained pending at 31st December 2020?

70 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the throwaway remark was about the reports in newspapers about Gibraltar being used for the processing of asylum applications (*Interjection*) to other nations. (*Interjection*)

Mr Speaker: We need to –

75 **Hon. Chief Minister:** So, yes.

A Member: There is one more.

Hon. Chief Minister: Oh, there is one more. I see.

80

Clerk: Question 841. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many applications for naturalisation as a British Overseas Territory citizen had been filed in the period 1st January 2012 to 31st December 2020, broken
85 down by year, and how many of those remained pending at 31st December 2020?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the information requested is set out in the schedule that I
90 now hand over.

Answer to Q839/2020

YEAR	ASYLUM APPLICATIONS	APPEALS
2010	8	1
2011	1	0
2012	6	0
2013	0	0
2014	1	0
2015	3	0
2016	3	0
2017	1	0
2018	0	0
2019	6	1
2020	4	0

Answer to Q840/2020

YEAR	S 12(2) APPLICATIONS	PENDING APPLICATIONS
2012	309	5
2013	364	4
2014	144	7
2015	178	20
2016	126	13
2017	152	15
2018	161	5
2019	172	74
2020	144	132

Answer to Q840/2020

YEAR	NATURALISATION APPLICATIONS	PENDING APPLICATIONS
2012	250	0
2013	424	0
2014	308	0
2015	132	0
2016	120	0
2017	107	0
2018	152	0
2019	95	0
2020	216	0

Hon. K Azopardi: Mr Speaker, can I ask about Question 840, which is the question about applications for exemption from section 12? For anyone listening out there, that is about a sort of waiver application that needs to be filed under the Immigration Act, which is usually a prelude to making a naturalisation application, in many cases. Can I understand the figures on the second column? For example, looking at the period 2012 My question asks how many applications had been filed, broken down by year, and how many were pending at 31st December 2020. Is it right that in respect of the year 2012 there are still, eight years later, five applications pending? And is it right that in respect of the year 2013 there are still four applications pending, and in respect of 2015, for example, there are still 20 applications pending? Is that correct?

Hon. Chief Minister: Yes, Mr Speaker, that is correct.

Hon. K Azopardi: Would the Chief Minister comment on that? Obviously I understand that insofar as 2020 or even perhaps 2019 is concerned, there would be a backlog of applications for a variety of reasons, and processing and so on, but when someone has made an application four, five, or even nine years ago in 2012, how is it justifiable that those applications are still pending?

Hon. Chief Minister: Well, it is very simply justifiable, Mr Speaker. If the hon. Gentleman looks at the number of section 12 applications, we were dealing, in 2012, with 309. I would say that is the sort of backlog that I found when I was elected, and if there are five still pending it is because there may have been either deficiencies in the application or reasons why the decision was not to grant the application. We will have gone back to the applicants in all instances and we will either have got back from the applicants further information and have had to go back to them again and again, or we will have deferred the application, rather than refuse it, after consideration with the applicant of whether there should be a deferral so that they can cure the problems or whether they would prefer a refusal so that they have the certainty of refusal, or they can then make the decision to challenge a refusal. They can also, of course, challenge a deferral if it is not a deferral that has been agreed. That is the sort of process that you go through, where you seek more information, where you try and tease out that information where it is not otherwise forthcoming, in order to be able to deal with the numbers.

If you look at the column of pending applications, other than for 2019 and 2020, where there is a backlog which we have to clear – and not just in relation to section 12 applications but in relation to so much more that I know is in my pending tray as we come into this period post pandemic, I hope – we have actually what I would say to the hon. Gentleman is a very good track record of dealing with section 12 applications. In the context of the numbers who have applied, getting through 304 applications in one year, getting through 360 applications in another year, all of these, or most of them, entirely granted – 134 applications granted in 2014, 158 in 2015, 113 in 2016, 137 2017 and 156 2018 ... Those are large numbers of applications to go through. They each require analysis by our Civil Status and Registration Office. They do an excellent job of giving

me, as the Minister responsible, a summary of each case, a table. In some instances, there is a requirement, for example, to have a knowledge of English; in other instances, where an applicant is over 65, there is no requirement for a knowledge of English. This is a complex area of law, as the hon. Gentleman will recall from his time in Government. Indeed, from his time in practice he will know that. And so those that are outstanding, which I expect will be greatly reduced for 2019 and 2020 once we are able to deal with the backlog, are those on which we are either pending further information or where we have deferred or where we are not getting further information and they remain as pending. In some instances people may not have been in contact with us when we have sought further information because they may have left Gibraltar.

Hon. K Azopardi: In relation to that, just on this issue of the pending, and again making the point, as I did earlier, that I understand the issues of backlog in relation to 2020 and 2019, but in the more historic ones would it be right that those, as they are categorised as pending applications, not only the Department but also the person considers it a live application in some way – there is a sort of toing and froing of process and so on – so there are still people the Department is interacting with sufficiently so that the Department thinks it is a pending application in respect of applications that have been made seven, eight, nine years ago? Is that right?

Hon. Chief Minister: Mr Speaker, at the moment, we are in the very happy position that the hon. Gentleman describes. That is to say that we have, in most years, single-digit still-pending applications, in some years double-digit still-pending applications. When I was elected, I found triple-digit pending applications going back many decades, which I thought was in fact summarily unfair. The hon. Gentleman will know, in particular, that visa applications sometimes have gone on for many years. I have tried to clear all of these backlogs because I think people deserve the benefit of certainty in respect of these applications.

Where the Department is still considering live an application it is because they either still are in contact or seeking contact with an individual, but if we do not get contact back we leave the application as pending unless we are asked to consider it withdrawn by the applicant. I am going to entirely speculate, but in respect of those pending since 2012 we may have gone back to those individuals to seek further information. They may no longer be here. They may not be getting back to us, and we will not consider the application withdrawn in case they get back to us for some reason, because we would consider it unfair to consider the application withdrawn. We do not consider an application dormant either. Indeed, it may be that we are still in contact with some parties, or if a party has had a reason why we might refuse the application, we might have decided not to refuse the application and keep it pending so that they have the benefit of an application rather than a refusal.

But in the context of the backlog that the hon. Gentleman is referring to, this is the lowest backlog in the history of our community in respect of section 12 applications, and I confidently expect that by the summer, when I have had an opportunity of going back to the administrative work that I have not been able to do over the past 12 months, we will see that reduced even further, in particular in respect of 2019 and 2020 and some of the early years which may still be requiring my attention.

Hon. K Azopardi: Can I ask, just finally, generally in respect of all questions – and I appreciate the Chief Minister has answered the question I asked, but he may have this statistic in the supplemental information that the Department may have produced for him – does he have the number of applications that were actually granted in respect of asylum, section 12 and naturalisation? If not, I can submit a supplemental question another day.

Hon. Chief Minister: I am pleased for the hon. Gentleman to file a question for a future session which provides for that, because I do not have the data for the years that are in the table.

What I can tell him is that for the years 2019 and 2020, in September 2020, I am told, in respect of the previous five years, 15 requests for asylum were made and one application was approved, and in the 12 months leading up to September 2020, 53 people of various nationalities were arrested for being on the Rock without valid papers and 117 arrested for the same offence between April 2017 and September 2020.

That is all I have, which gives him, I think, the data he wants for one year only, so if he files a question in respect of applications approved, then we will be able to have that data on the record.

Mr Speaker: Next question.

Q842/2020
Deaths in Gibraltar –
Number in period 2017-21

Clerk: Question 842. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many persons died in Gibraltar during the period January 2017 up to and including January 2021, with figures broken down by month?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested is set out in the schedule I now hand over.

Answer to Q842/2020

	2017	2018	2019	2020	2021
January	26	39	36	34	89
February	22	29	26	27	29
March	17	25	27	24	-
April	13	28	22	21	-
May	28	27	15	12	-
June	23	21	17	16	-
July	17	21	20	23	-
August	24	23	21	22	-
September	29	30	17	23	-
October	27	22	21	25	-
November	25	21	16	26	-
December	36	28	30	17	-

Mr Speaker: Next question.

Q844-846/2020

Former Commissioner of Police –

**Payments received on retirement; property purchased from Government;
appointment of chairman of public inquiry**

Clerk: Question 843 has already been answered. We now move to Question 844. The questioner is the Hon. K Azopardi.

205 **Hon. K Azopardi:** Mr Speaker, what payments were made to the former Commissioner of Police on his retirement, specifying the nature of the payments and the amounts?

Clerk: Answer, the Hon. the Chief Minister.

210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Questions 845 and 846.

Clerk: Question 845. The Hon. K Azopardi.

215 **Hon. K Azopardi:** Mr Speaker, has the Government sold any property to the former Commissioner of Police in the last six months; and, if so, at what price?

Clerk: Question 846. The Hon. K Azopardi.

220 **Hon. K Azopardi:** Mr Speaker, when will the chairman/commissioner of the public inquiry into the circumstances surrounding the retirement of the former Commissioner of Police be appointed?

Clerk: Answer, the Hon. the Chief Minister.

225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government can confirm that no payments have been made to the former Commissioner, other than the sums that may have been due to him as a result of his service.

230 It is not considered a proper use of data controlled by the Government for the information on gratuity or pension of an individual to be disclosed in this House, and it never has been in respect of anyone, as far as I am aware. The same is true in respect of any sale of property to identifiable individuals.

The appointment of a chairperson in respect of this inquiry will be announced as soon as the Government is able.

235 **Hon. K Azopardi:** Mr Speaker, on the issue of the property, is the Chief Minister saying that the Government is simply not prepared to say? The information we have is that a property was sold to the former Commissioner of Police and we wanted to inquire as to the basis of that sale.

240 **Hon. Chief Minister:** Mr Speaker, it is uncomfortable for the Government to be asked any question about any individual and what may have been sold to them, and to have a discussion about that in this House.

245 I can confirm that a property was sold to the former Commissioner of Police whilst he was Commissioner of Police, but disclosing the details of that I do not think is necessarily fair or appropriate, given that the Government holds that information as data controller. I can tell the hon. Gentleman that the sale involved not just the consideration in cash, but also the release of a Government rental property to the Government and the assignment to Government of a privately owned property also, in exchange for the property in question.

Hon. K Azopardi: And this transaction happened in accordance with the sitting tenant formula that the Government applies in the usual cases?

Hon. Chief Minister: No, Mr Speaker. I do not mind disclosing to the House, because I think it is also not unfair to do so, that this was in the context of the former Commissioner considering that he could not continue to live where he was, for reasons which were operational, and the Government wanted to assist, of course, as we have in other instances where we have had difficulties involving police officers.

This was a property which the Commissioner was not the resident of, but which had come into the position of the Government as a result of a tenant moving out. The Commissioner handed in his tenancy, handed in another tenancy, in fact another private property which was owned by his partner, and a cash consideration in exchange for that other property.

I am just reminded by the Hon. the Minister for Financial Services that of course this transaction will be on the register. Because it is a public transaction, the lease will be registered. I am quite happy to give an indication to the hon. Gentleman, if he wishes, of what the address is – not across the floor of the House – and they can then search the register and obtain a copy of the lease, if they wish. That, I think, is the best way to ensure that they have the information they want without entering into exchanges about an individual across the floor of the House.

Hon. K Azopardi: I am grateful for that. Perhaps he can do that, so we can make our own view on it.

On the inquiry itself, when he says ‘as soon as possible’, I think he said –

Hon. D J Bossino: As soon as the Government is ready.

Hon. K Azopardi: As soon as the Government is ready – I am grateful to Mr Bossino for that. I just remind him that he told this House on 31st July 2020, so nine months ago:

The Government expects to be able to set up the inquiry quickly. It may take some weeks.

That was the position that the Government had on 31st July. He said also to the House on 31st July:

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 Chief Minister will recall the Government decided to convene an inquiry for reasons made known by the Chief Minister in his Statement to Parliament, but it was against the backdrop where the former Commissioner of Police had issued a statement where he had said, as part of his statement:

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.

‘As a loyal servant of the Crown these past 36 years and a loyal Gibraltarian, he cannot stand by and watch this potential tarnishing of our City.’ Does he agree with me that having comments like that being made public, it is important that the convening of the inquiry take place sooner rather than later?

Hon. Chief Minister: Mr Speaker, the Hon. Mr Bossino did the Hon. the Leader of the Opposition no favours by inappropriately referring to what I had read out. The words I used were as follows:

The appointment of a chairperson in respect of this inquiry will be announced as soon as the Government is able

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– not ‘ready’.

The Government was prepared to convene an inquiry because Mr McGrail had called for it. Unfortunately, as hon. Members know, a lot got in the way of our ability to discharge business in 2020, especially in the latter part of 2020. Towards the end of July, we went into the summer
295 break. There was work being done in order to identify the parameters of the inquiry. Counsel were appointed by the Government and we were in the process of seeking, with correspondence with those representing Mr McGrail, to finalise arrangements for the inquiry. Of course, everything has stopped dead after that period.

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I breathe an air of normality about Gibraltar at the moment and I have started to go back to holding meetings, which I am delighted to be able to do, and I very much hope that, therefore, we
300 will be able to resolve this matter as soon as possible. That is why we are talking about the Government appointing a chairperson as soon as we are able.

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Hon. K Azopardi: Obviously, I appreciate all that has transpired in 2020, that is the case, but I am just reminding the Chief Minister that he said to this House on 31st July it would take a few
305 weeks. Gibraltar went into a second lockdown at the end of the year, so six months on from that. There was a period of significant at least social normality, although we were living in an unreal world for most of 2020, but insofar as that, can the Chief Minister elaborate a bit more why, given the forecast that he made in July to the House that it would take a few weeks, nine months on we
310 are still in this place? What progress has been made towards that? Can he say to the House who has been appointed as counsel and solicitors? Have they approached? Do they have a particular chairman in mind who tentatively has accepted the appointment, that he could inform the House about?

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Hon. Chief Minister: Mr Speaker, if the hon. Gentleman wants me to tell him what has happened since then, he will recall that, apart from the pandemic, we were also dealing with the small matter of trying to negotiate Gibraltar’s departure from the European Union without a hard
315 Brexit, which continued until 31st December, unfortunately, but which the Deputy Chief Minister and the whole of our team were trying to bring to a head and conclude even before the UK TCA had been announced. So, there was a lot of activity consuming the Government in that period. It is true that we were not able to resolve this within a few weeks, as we wanted to, which would have been my desired course of action, but there are only a certain number of hours in the day and this issue requires attention so that it can be dealt with entirely properly, as is necessary.

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We have appointed Sir Peter Caruana & Co as counsel for the Government and we have already, I understand, had an indication from a judge who is prepared to be appointed, but that
325 will be subject to agreement between all relevant parties. We will seek to resolve this as quickly as possible, not just for the reasons that the Hon. the Leader of the Opposition has highlighted, but also because the Government wishes to be able to deal with these matters and resolve them as soon as possible.

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Hon. K Azopardi: I appreciate that indication. Of course we were in a fairly abnormal situation, and of course there are priorities such as Brexit and so on, but does he accept that if assertions are made of a very serious nature, as indeed the former Commissioner of Police made when he issued his public statement calling for an inquiry, these are not helpful and should not stay
335 festering, they need to be inquired into by the public inquiry that the Government said it would convene – it said that it was eager for those issues to be dealt with – and the sooner these things are established, the better it is?

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Will the Government give the convening of the inquiry a sense of urgency? Beyond that, once a chairman of the inquiry is appointed, then the momentum of the inquiry is out of the

340 Government's hands, it is a matter for the chairman of the inquiry and it takes as long as it takes, but until that happens, the ball is squarely in the Government's court on the appointment.

Hon. Chief Minister: Mr Speaker, many of the questions that we are dealing with today, as the hon. Gentleman knows, were filed on or about October and the business of the administration has really, to a very great extent, unfortunately, ground to a halt. I both apologise and make no apology for the fact for the Government, I think, has rightly concentrated on dealing with the pandemic issues and with the issues that relate to Brexit. Not all of those are obvious. In other words, when we are in the throes of the worst moments of a pandemic, all of us know it is happening because we are all stuck at home, we are subject to a lockdown etc., but there is a lot of action going on behind the scenes so that the Government can be ready at that moment to deal with the pandemic in a particular way. On the issue of Brexit, this was also an all-consuming issue which was happening constantly behind the scenes with Government in this period, and I think all parties would want to ensure that the Government is dealing first with issues that affect the whole community, whilst once again being able to deal with matters that relate to individuals.

355 The question we were dealing with a moment ago, about applications under section 12, is apposite. Those are applications that affect individuals. They need to be resolved. You can see from other years that we have resolved with alacrity the applications under section 12, but in respect of 2019-20 we have a backlog, quite unlike the backlog we have had in any other year. This is one of the victims. The resolution of this matter is one of the victims of those issues that consumed the last half of 2020, in particular the last quarter of 2020. It is almost tautologous to talk about two all-consuming issues, because if something is all consuming there is nothing left for another thing to consume, but in the context of the end of 2020 the Government has been faced with two all-consuming issues, the first the pandemic, the second the negotiations in relation to Brexit. It has been an extraordinarily difficult year and this is but one of the victims or casualties of us not being able to deal with those issues, but I have already given the House an indication that the Government is seeking to resolve this matter as soon as possible.

Mr Speaker: Next question.

Q847-48/2020

**Eastern Beach/Catalan Bay rubble mountain –
Progress re removal; cessation of deposits**

Clerk: Question 847. The Hon. K Azopardi.

370 **Hon. K Azopardi:** Mr Speaker, what progress is being made to remove the rubble mountain between Eastern Beach and Catalan Bay?

Clerk: Answer, the Hon. the Chief Minister.

375 **Chief Minister (Hon. F R Picardo):** I will answer with Question 848.

Clerk: Question 848. The Hon. K Azopardi.

380 **Hon. K Azopardi:** Is rubble from construction or other works still being deposited at the rubble mountain between Eastern Beach and Catalan Bay?

Obviously, I filed that question before the press release.

Clerk: Answer, the Hon. the Chief Minister.

385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the removal of the rubble from the Eastside is linked to the planned reclamation at Coaling Island for the magnificent Victoria Keys development. The environmental impact assessment and the planning application for the reclamation project are currently undergoing the planning process, and once this is completed it will be possible to begin the removal.

390 The Eastside rubble tip was closed on 18th January 2021 and no further construction rubble is being accepted as from then. That is, I think, the reference the hon. Gentleman made.

Hon. K Azopardi: In relation to the alternative arrangements for rubble, can the Chief Minister elaborate perhaps on that? Obviously rubble is still being created. Can he comment on the arrangements for taking rubble to Spain?

Hon. Chief Minister: Mr Speaker, the Government is not able to comment on the mechanics of the rubble from construction sites being taken to Spain, other than to say that there are commercial operators in Gibraltar who have obtained licences in order to be able to undertake that activity. The Government, in future, will deal with its own construction rubble in a particular way. We will have the ability to deal with it. We will want to assist those who have small-scale rubble arising from non-commercial ventures. For example, somebody who rips out a bathroom will have the assistance of the Government in order to be able to deal with their rubble without having to fly tip, but commercial operators will have the obligation to deal with rubble themselves and they will be able to find a number of other operators in the market who will have the necessary permits for the purposes of exporting rubble. In the medium to long term, we hope to be able to have a rubble processing plant in Gibraltar, which will enable us to then revert to dealing with rubble locally once we have made space.

The hon. Gentleman knows from his time in Government, no doubt – I think at one stage he used to deal with lands – that the most difficult Rubik’s cube in the world is relocations in Gibraltar. One of the things that we are embarked upon is, in the context of all the many relocations to come – and relocations are always to come – the opportunity to find space for a rubble recycling plant, which is one that is high on our agenda.

Hon. K Azopardi: Can the Chief Minister comment on this? Obviously one of the questions is about the removal of the rubble mountain, and I believe in his original answer he is talking about linking that removal in respect of the Victoria Keys development, but of course removal means, I assume, in effect, partial removal, because you are still building Hassan Centenary in that area, so it is presumably partial removal of the rubble mountain. What is the timescale of that kind of operation? Has the Government received advice on that? Bearing in mind I think the Government has a manifesto commitment to have started the removal of the rubble mountain by now, can he elaborate on that?

Also in relation to his comment on the hope that there will be a rubble processing plant in Gibraltar, is there an identifiable site, and is this a project that the Government anticipates will go out to tender?

Hon. Chief Minister: Mr Speaker, in relation to one of the earlier questions, I am told by an avid listener that I confused my tautology with my oxymoron in respect of two all-consuming things. It is good to know that we are not speaking just to each other and that people are listening and watching.

The timetable for the removal of that part of the rubble mountain that the hon. Gentleman refers to, and more of it, is hopefully to start during the course of this calendar year. Again, this has been a victim of the halt to which all Government projects have succumbed in the past six to 12 months. I very much hope that we will be seeing progress not just in the removal of that part of the rubble mountain that represents the area where the second phase of Hassan Centenary Terraces will go, but also a very large part, if not most of the rest of what the hon. Gentleman

refers to as the rubble mountain. Part of the referred-to rubble mountain is also used to square off the plot and level it off, so it does not all go from there; part of it is used to level off.

440 I am always reminded, Mr Speaker, that when hon. Members are opposite they refer to this area as a rubble mountain, and when they are here they tend to refer to it by more luxurious references, like, for example, Sovereign Bay. I am sure we all agree that we want to see that which is termed the rubble mountain dealt with as soon as possible and the development of the Eastside progressed as soon as possible.

445 **Hon. K Azopardi:** I suppose we can both agree to call it Sovereign Mountain, if he prefers.
Can the Chief Minister confirm the kind of cost of removal of the rubble? Is there a cost per tonne? Is there a projected cost for the removal of the rubble over a period of time?

450 **Hon. Chief Minister:** Mr Speaker, perhaps we should add to the 'not one grain of sand, not one breath of air, not one drop of our waters' not one sigh of our dust from the rubble mountain in terms of our Sovereign Mountain.

There are different estimates as to the cost of handling this rubble, depending on how it is handled and how it is moved, and the use of it for different projects would involve different costs. I do not have those costs available here today.

455 **Mr Speaker:** Next question.

Q849/2020
Companies with contracts with HMGoG –
Identity of beneficial owners

Clerk: Question 849. The Hon. K Azopardi.

460 **Hon. K Azopardi:** Mr Speaker, does the Government know the beneficial owners of all the companies it has entered into contracts with since 2011?

Clerk: Answer, the Hon. the Chief Minister.

465 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we believe we do.

Mr Speaker: Next question.

Q850/2020
Incident near Waterport –
Whether Government aware

Clerk: Question 850. The Hon. K Azopardi.

470 **Hon. K Azopardi:** Mr Speaker, is the Government aware of an incident on or about 5th October 2020 which resulted in a vessel crashing onto the rocks near Waterport after two occupants of the vessel were allegedly fired upon and injured with rubber bullets from a Spanish Aduanera vessel?

Clerk: Answer, the Hon. the Chief Minister.

475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is aware of an unacceptable incident that occurred at sea on 5th October 2020 and that the matter continues to be investigated by the Royal Gibraltar Police.

Briefly, because the matter is *sub judice*, I can only report on certain facts. On 5th October 2020, at shortly before 0903 hrs, the Spanish Guardia Civil RHIB the S-2, and not the Spanish Aduanera vessel, commenced a pursuit of a local pleasure craft G2050 being piloted by a local 480 Gibraltar with another local Gibraltar also on board. The pursuit commenced in the area of Puente Mayorga in Spanish waters, by the beach near the oil refinery. The Royal Navy Gibraltar Squadron on patrol in the bay also observed the pursuit at the time. The pursuit subsequently entered British Gibraltar Territorial Waters and continued in an easterly direction towards the 485 western end of the Airport runway. Whilst in BGTW, the S-2 conducted manoeuvres in what appeared to be an attempt to stop G2050 and made contact several times. During one of these contacts, well within BGTW, one of the officers aboard the S-2 fired at least two shots using a long-barrelled firearm, discharging two non-lethal rubber balls into the vessel. Shortly after, the S-2 disengaged from the pursuit in the area off the LNG power plant and G2050 travelled 490 approximately 200m to 300m due east, crashing into the North Mole by the area more or less where the GibMaroc premises are. As a result of the impact, the occupants were seriously injured in the crash, but have since recovered.

Mr Speaker, can I just say that in the answer I have been given the Spanish Guardia Civil RHIB is referred to as S-2 or S-21. I do not know which of the two is correct. I have referred to S-2 495 throughout, but it may be identified as S-21.

Hon. K Azopardi: Mr Speaker, I am grateful for that, and without straying into the perhaps investigative dimensions being conducted by the RGP – that is a matter for the RGP – I posed this question because information had been given to me and I had been provided with a brief on what 500 had occurred by people who are close to the families and was shown photographs of the injuries of the occupants, and it seemed, to me, right to table this question.

Does the Chief Minister agree that, the investigative criminal dimensions to one side, which is a matter for the RGP, these incursions into our waters are unacceptable and that they are doubly unacceptable if those who were steering the Aduanera vessel then took shots with rubber bullets 505 at occupants of an apparently peaceful craft in Gibraltar waters?

And does he know whether the British government, either directly or at the request of the Gibraltar Government, has been taking the matter up diplomatically?

Hon. Chief Minister: Mr Speaker, I entirely agree, with the following caveats only. First, it is 510 not an Aduanera vessel, it is a Guardia Civil vessel, as I told him in the context of my answer. Second, there is absolutely no excuse whatsoever to shoot at a vessel in BGTW, other than in keeping with Gibraltar law, and that would mean if you are a properly empowered Gibraltar law enforcement agency. There is, nonetheless, a law enforcement reason why it might not be entirely correct to describe this vessel as a vessel that was engaged only in peaceful navigation of our 515 waters, which I do not want to get into because it relates to the substance of the allegations in the context of the Gibraltar investigation, but I would simply add that caveat. Nonetheless, even with that caveat added, I make that caveat in respect of his description but not in respect of whether or not there should be any shooting with rubber bullets or otherwise, because that is entirely unacceptable, whatever the circumstances.

520 There is a diplomatic process which was engaged as a result of this. The Hon. the Deputy Chief Minister and I have dealt with issues like this in the past also at the United Nations, where we have elevated these issues to the knowledge of the Committee of 24 in New York when a similar incident occurred in the area of Western Beach and I referred the C24 to the fact that we had had, in that context, a jet-skier fired upon in our waters in breach of the United Nations Convention on 525 the Law of the Sea. The hon. Gentleman knows that there has been no session of the C24 since 5th October 2020, but these matters are matters that we raise routinely there, so that we also

give them the international dimension that is necessary, because this is an international breach of law also.

530 **Mr Speaker:** Next question.

Q851/2020
Incursions into Gibraltar territorial waters –
Number by Spanish vessels from 2012 to 2020

Clerk: Question 851. The questioner is the Hon. K Azopardi.

535 **Hon. K Azopardi:** Mr Speaker, how many incursions into Gibraltar territorial waters by vessels of Spanish authorities have there been since 1st January 2012, broken down by yearly figures to end of 2020?

Clerk: Answer, the Hon. the Chief Minister.

540 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested.

Answer to Q851/2020

Date	LEA Incursions			Military Incursions		
	Innocent Passage	Surface Incursion	Executive Action	Innocent Passage	Surface Incursion	Executive Action
2012	0	0	0	0	0	0
2013	142	194	786	11	3	9
2014	1057	276	87	18	1	17
2015	1134	235	169	9	0	35
2016	955	426	130	13	8	14
2017	152	80	4	20	8	7
2018	1365	724	20	32	6	9
2019	1157	598	51	3	2	9
2020	1140	591	73	14	3	22

Hon. K Azopardi: Can I ask the Chief Minister to comment on the schedule in these respects, if I may? In relation to 2012, across the board the results are zero. Is it because statistics were not compiled for that year?

545 In respect of the other years, can he perhaps elaborate? What does 'LEA' stand for? And when something is categorised as 'surface incursion' and 'executive action', perhaps it would help to understand the table he has given me if he explains those.

550 **Hon. Chief Minister:** Mr Speaker, an LEA is a law enforcement agency, compared to a military incursion. An innocent passage, as I understand it, is when there is no change of course and the assets would otherwise be defined as innocent passage under international law. A surface incursion is where that innocent passage has deviated from the rules on innocent passage, namely

by a change of course, for example. And executive action is when a law enforcement agency has acted in a manner that is to seek to act in our waters as if it had jurisdiction in some way.

I hope that is helpful.

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Hon. K Azopardi: I see, but I suppose that exercise of plotting it is done against the backdrop of if it is innocent passage because they say it is innocent passage or looks to someone keeping the statistics as innocent passage. A surface incursion then is if you are on a route of innocent passage but then you deviate, but you still do not look as if you are taking assertive action. And then I suppose the executive action is more of an assertive catalogue. Who takes those statistics and how do they get catalogued? Is it based on a judgement call of the particular compiler? Or is the fact that certain things get put in one column or the other because there is a particular classification depending on the individual circumstances of the incident, and someone has made a judgement call as to that?

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Hon. Chief Minister: Mr Speaker, as I understand it, these statistics are compiled, since we have been in office, by the Gibraltar Port Authority, who are the ones who make a decision as to innocent passage etc. by looking at the activity and ensuring that it is in keeping or not in keeping with the United Nations Convention on the Law of the Sea (UNCLOS) in any particular respect, and I think also the RGP and MoD are involved in the compilation of these statistics using their own data from Windmill Hill and our data from BTS.

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Hon. K Azopardi: I am grateful for that. I do not think the Chief Minister gave me an answer on why 2012, across the board, is zero. I do not know if he has that information.

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Does he agree that we are still seeing a significant number of what have been classified as executive action incursions, either by law enforcement authorities or by military vessels in the last few years?

Hon. Chief Minister: Mr Speaker, I believe the data was not maintained before we were elected, and that is what I said a moment ago.

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We are seeing a disappointingly high number of continued incursions, which of course relate to the respective positions of the Government of Gibraltar and the United Kingdom versus the position of Spain in respect of the waters around Gibraltar, where only one position has any substance in international law and it is the position of the government of the United Kingdom and the Government of Gibraltar.

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As hon. Members know, UNCLOS is the definitive charter of waters around the world. Gibraltar has been set out to have its territorial waters under UNCLOS since 1982. Spain has entered a reservation in respect of that position, which is well known to the House, but the reservation does not operate as an estoppel against the application of UNCLOS, and therefore the only position recognised in international law is the position of the governments of Gibraltar and the United Kingdom.

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Hon. K Azopardi: Given that he says that we are still seeing a disappointingly high level of incursions throughout these years, and given that we are in discussions, or we are about to enter into discussions, more meaningful ones, on the possibility of a treaty, that may include discussion about the monitoring of waters and so on, is he going to deal with those issues in those talks? What can be done? What is the Government thinking it could do in relation to those 'disappointing' – to use his word – incursions that really should stop?

595

Hon. Chief Minister: Mr Speaker, we have already raised this issue. We will continue to raise this issue in the context of any contact we have with Spain and with colleagues. The hon. Member knows that in the 16 years that they were in government, they had – although there are no statistics, but there is anecdotal evidence that he will recall – many incursions also. We continue

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605 to try and ensure that BGTW is entirely inviolate when it comes to its recognition in international
law, because what there is here is an attempt to use these incursions by Spain in order to be able
to demonstrate de facto that they have jurisdiction, and that is why, although sometimes fellow
Gibraltarians are very frustrated to see another *note verbale* go in from the British Foreign Office
to Spain after these incursions and ‘only a *note verbale*’ etc., which is a sentiment that all of us
610 have felt, it is hugely important that those *notes verbales* are understood to be essential in the
context of preserving the inviolability of Gibraltar’s waters under UNCLOS and their continued
recognition in international law as only British Gibraltar Territorial Waters.

Mr Speaker: Next question.

Q852/2020

**GSLP manifesto commitments –
Impact of COVID and Brexit spending**

Clerk: Question 853. The Hon. K Azopardi.

615 **Hon. K Azopardi:** Mr Speaker, what GSLP manifesto commitments are not going to be carried
out as a result of the extra spending caused by the COVID pandemic or as a result of the impact of
Brexit?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, as I stated in my New Year’s message, in this
post-COVID financial world we will deliver what we can and what we need to from the 2019 GSLP
Liberal manifesto. Our manifesto was written to be delivered despite Brexit but not despite
625 COVID. As we take policy decisions on which projects we can and cannot undertake, we will make
relevant announcements.

Mr Speaker: Next question.

Q853/2020

**COVID-19 pandemic –
Update to Unlock the Rock strategy; BEAT scheme post September 2020**

Clerk: Question 852. The Hon. K Azopardi.

630 **Hon. K Azopardi:** Mr Speaker, will the Government be publishing a new, subsequent or
supplementary part to the Unlock the Rock strategy for the period after September 2020? If so,
when; and, if not, why not?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 854.

Clerk: Question 854. The Hon. K Azopardi.

640 **Hon. K Azopardi:** Mr Speaker, does the Government envisage any further BEAT or BEAT-type scheme for the period beyond 30th September 2020?

Again, I tabled that question some time ago.

Clerk: Answer, the Hon. the Chief Minister.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given the very fluid situation we have confronted during the second wave, the Government decided to set out progress in successive statements. We have done so from Convent Place and in this House, when appropriate, in trying to stick to the system of statement one per week. This has included various announcements on
650 BEAT measures.

Hon. K Azopardi: Mr Speaker, the reason for the first question that I ask, which is the need for the subsequent or supplementary part to Unlock the Rock is because the Unlock the Rock strategy that was published in May, I think it was, or April – I cannot remember – actually described itself
655 as part one. It could be one of those Netflix first season and last season wonders, and so I am asking was that the season that we followed or was there going to be a different document? Is it that the Chief Minister is saying that the current thinking, or the thinking that evolved in Government since that document was published, is that the situation in COVID is so fluid, I suppose, if I can put it that way, that in fact it is not now the view of Government that there would
660 be a published road map, as it did in May last year? Is that the position, that you would rather stick to a more regular updating of the public on a developing panorama basis? Is that the situation?

Hon. Chief Minister: Mr Speaker, the best series all end with a cliff hanger, and we have absolutely no intention of being anything other than a blockbuster Government, so before we play
665 the Queen's gambit, and in order to ensure that we do not give up the crown of Government, (*Laughter*) and in order to show hon. Members how to get away with delivering a manifesto, I would say to them that what we learnt from Unlock the Rock is that we never got to the end of part one of Unlock the Rock.

670 Hon. Members might know – well, in fact, they may recall; we have been in touch on these issues – we never unlocked the Rock. The final step that was to be taken under part one of Unlock the Rock has not yet come because we never moved to a fully unlocked Rock before we once again found ourselves having to set new restrictions over the summer. We were very close. I think we were within 48 hours of actually making the statement that was 'The Rock is now unlocked.' I do
675 hope that we might get to that during the course of this calendar year, if at all possible, full unlocking of the Rock. It would be then that part two would be irrelevant.

What I think we have learnt in that process is that this was such a quickly developing situation that came back at us with its second wave that actually committing to print, which we all thought – I think the hon. Gentleman was with us in the context of this idea – was the right approach and
680 we worked together on, including the paragraph on Line Wall Road, I would gently once again remind him.

I think we have decided that it is not in anyone's interest that we seek to set out in a document how we will once again deal with the issues of unlocking. What we need to do is deal with the issues now of recasting how we go forward, and that, I think, will likely be done in the context of
685 Government statements, indeed in the Budget etc., as the whole process develops. The two things have really become so intimately entwined: the Brexit and post-Brexit world and the negotiations, and the COVID and post-COVID world and the removal of restrictions. All of those create a cocktail for the future that we still have to determine the exact ingredients of.

690 **Hon. K Azopardi:** Mr Speaker, much as we all enjoy thrillers and cliff hangers, I do not think as a community we want a cliff hanger in this particular season of the pandemic. I certainly do not

want to discover Bobby Ewing waking up in the shower after he had been killed in relation to COVID. I am showing my age with that analogy, which I am sure is lost on the Netflix generation.

I actually expected a slightly different answer. I expected the answer not that we have not got to the unlock, because the Unlock the Rock strategy, the timescale and road map, all led us, with very structured timescales, to 1st August 2020 and beyond, when, yes, for reasons that have been well ventilated, the Government decided to keep certain measures in place, but I thought actually the thinking had evolved into a position of a more dynamic, less straightjacketed, perhaps, if you could take that view ... Not that I think that the Unlock the Rock document was a straitjacket, because it was a pretty dynamic document, but I thought that the approach had evolved so that the Government was going to rule out a more published road map. But I hear what the Chief Minister is saying.

Can I ask him, on the BEAT measures? The reason I left this question on the Order Paper is ... Yes, the Government has made its views known on the BEAT schemes beyond 30th September. The feedback I am getting from those in certain sectors, in particular the restaurant and catering sector, is that those sectors are seeing a pretty mixed reaction – there are good days and bad days, consumer confidence is not consistent, fairly volatile – that there are some places that are full one day and not on others, and that they are feeling the restrictions that continue in place.

So, can I urge the Government to consider as soon as possible lifting the restrictions, or at least softening the current restrictions that remain in place in respect of the catering industry, in particular in terms of one of the things that was unclear when the Government, for example, announced the lifting of the curfew and perhaps the Chief Minister could clarify? One of the things that I have been asked post the announcement of the curfew is does that mean then that it affects the closing times of restaurants and so on as well? There is a lack of clarity and I would be grateful if he would he would clarify that.

Hon. Chief Minister: Mr Speaker, I do not think it is the Government trying to create a cliff hanger that we found ourselves, at the end of Unlock the Rock, not being able to Unlock the Rock. It was the inevitable consequence of the return of infections, indeed not just in Gibraltar but also around us. The Government has to have an eye to what is happening not just in Gibraltar but what is happening around us, especially in the context of the period when we did not have vaccinations and infections were going up around us.

The hon. Gentleman will forgive me for disagreeing with him also in the context of Bobby Ewing. Nothing could make me happier than to wake up sometime in February 2020 to find that everything that we have lived since then is no more than a nightmare. This is called dream sequencing in screenplay, and I really do wish that I were dreaming and I had not lived this and that all of us could wake up once again in February 2020 without having to go through what we have gone through and the loss of life.

The hon. Gentleman puts to me as what he thought my position would be exactly what I explained to him was my position, but described in a different way. I said we are going to be more dynamic by dealing with the issues in Government statements going forward, rather than creating a document that might be stale, so to speak, as soon as it is published. That is what we learnt in the first wave. The Unlock the Rock document still gives us, in my view, a lot of detail, which has been very helpful as we have been unlocking at restrictions this time. We have referred back to sporting associations being able to go back to activity as they did under the Unlock the Rock document etc., so it is a valuable document but it is not a document that is apposite now. I really do think that the way we are approaching it now has the benefit of the lessons that we learnt as a result of the initial lockdown having come to an end.

In respect of the restaurant and catering sector, there are very few restrictions still in place. There is the requirement that waiters and other members of staff are double masked. That is a requirement that will continue until we are satisfied that all those who are working in catering establishments are properly inoculated. The only other restriction, I think, which is apposite is the one relating to last orders. There are none of the other restrictions in place anymore. I have

745 already been in touch with the President of the Gibraltar catering association this morning and clarified that those restrictions will be removed with the curfew, and indeed I have also clarified that those are not restrictions in regulations, they are just in the permits granted for operation.

It is also true, as I understand it, that there are some sectors of our community that are going to be more affected going forward than others, depending on whether or not we see the return of tourism during this calendar year. I would say that probably the catering sector is one of the sectors that is going to be affected, but not as affected as other sectors.

750 One of the areas that I know will be particularly affected is the tourism transport trade. The Hon. the Minister for Transport and I have had a very positive meeting today with the Gibraltar Taxi Association, who I must say have been incredibly helpful to the Government in the roll-out of our vaccination strategy. They have assisted us greatly in conveying people to the vaccination centre when they have not been able to convey themselves there. They have really worked with us. This is a sector that has been in receipt of BEAT payments for longer than most, but because their business is just not arriving in Gibraltar we have worked very closely with them to ensure the protection of the livelihoods of those who are working in the taxi trade and including those who work in the taxi offices, and we will look at other sectors that require that level of assistance also, 760 to ensure that we can continue to provide help.

In the catering sector, many will be relatively back to normal, absent their tourist trade. Many did not rely on the tourist trade and will be back to their very successful local trade. So, we now move to perhaps a less industry significant understanding of the issues, because in one industry you can have one player doing very well indeed because he has got his business back and another player who has not got his business back. Indeed, one of the things that is relevant now is that Gibraltar is closer to being unlocked than we have been for some time, but the areas around us are not so open, and so many people are choosing to stay in Gibraltar and therefore avail themselves of the fact that Gibraltar is relatively open and hopefully will be even more open soon, and indeed that in Gibraltar it is easier to sit at a table in the catering establishment and do other things outside of the town centre. 770

I think this will now be a more sophisticated analysis of what we need to continue doing in terms of assistance, and with respect to the House, I think the Government, in some parts also by agreement with the Opposition, has done an important job in supporting those sectors of our economy that could not continue operating during the pandemic in a way that has cost the public purse greatly, but this was the right way to spend public money at this time in order to keep operators and our economy alive and ready to continue activity as soon as we were able to resume where we had left off. 775

Mr Speaker: Next question.

Q855-56/2020

Travel to the UK –

**Restoration of quarantine-free air corridor;
exemption from quarantine rules for COVID-vaccinated Gibraltar residents**

780 **Clerk:** Question 855. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can Government update the House as to when the quarantine-free air corridor with the UK will be restored?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 856.

Clerk: Question 856. The Hon. K Azopardi.

790 **Hon. K Azopardi:** Is Government in discussions with the UK so as to ensure that Gibraltar residents who have been vaccinated for COVID-19 are exempt from the UK quarantine rules?

Clerk: Answer, the Hon. the Chief Minister.

795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as all hon. Members will know, the United Kingdom suspended its travel corridors with effect from 18th January. The United Kingdom government's roadmap for easing lockdown restrictions in England was announced on 22nd February. In respect of international travel, the United Kingdom government has stated that the Global Travel Taskforce will report on 12th April with recommendations aimed at facilitating a
800 return to international travel as soon as possible while maintaining the risk from imported cases and variants of concern. Following that, the United Kingdom will determine when international travel should resume, which will be no earlier than 17th May.

The United Kingdom government has, as yet, not published any plans for travellers who have been vaccinated for COVID-19 to be exempt from the UK quarantine rules. Indeed, even travellers
805 who have received the vaccination are still required to provide evidence of negative tests and be tested on arrival at the airport. However, the United Kingdom government's roadmap out of lockdown has indicated that vaccinations could offer a route to that safe and sustainable return. It has stated that once more is known about the evidence of vaccines on transmission and their efficacy against new variants, the Government can look to introduce a system to allow vaccinated
810 individuals to travel more freely internationally. We will continue to be in touch with the United Kingdom Department for Transport through the Foreign, Commonwealth and Development Office and the Convent in Gibraltar.

Hon. K Azopardi: Given that the UK, most recently, I think, in the House of Commons, has
815 commented on the vaccination programme in Gibraltar in glowing terms through the mouth, I think, of the Secretary of State for Health, is the Government impressing upon the UK ...? Obviously we understand the structural roadmap that the Chief Minister has given, and that indeed the UK has indicated that international travel may not start until 17th May, but have the Chief Minister and the Government impressed upon the UK hopefully the correlation between the
820 success of the vaccination programme and the restrictions, or the facilitation that could be made to travellers from Gibraltar given the trend of cases in Gibraltar, which presumably in large measure has been also driven not simply by the lockdown but also by the vaccination programme?

Hon. Chief Minister: Mr Speaker, the Government, I think, is able to point to a huge success in
825 the context of our relationship with the United Kingdom government in this respect. Our travel corridor was not suspended with the United Kingdom when it was operative, even at times when our figures were worryingly high when calculated over the 100,000 because the United Kingdom, in particular the Foreign and Commonwealth Development Office and the Department for Transport, understood that the travel corridor with Gibraltar is not just about tourism. Indeed, it
830 is not just about business. It is about the umbilical link between Gibraltar and the United Kingdom.

I think the Hon. the Leader of the Opposition must, in setting his question, no doubt reflect upon the incredible success, because when we were subject to weekly analysis by the United Kingdom and when our numbers were higher than the numbers of other European countries, the reality of Gibraltar, namely that there were not 100,000 people here and therefore the
835 extrapolation over that figure was an unrealistic one, and also the fact that the corridor is not just for tourism or business but it is about that umbilical link, and there are other human reasons for movement between Gibraltar and the United Kingdom which cannot be established in any other way, and the work that we were doing with Public Health England, very closely working with Public Health Gibraltar, and the Gibraltar Health Authority working closely with the Department of

840 Health and Social Care and the United Kingdom ... All of those things, and the transparency that they had from Gibraltar, enabled us to maintain the air travel corridor between Gibraltar and the United Kingdom when others might have expected it to go down. I think that is a demonstration of the depth of the relationship and of the support that Gibraltar has had from the United Kingdom in this period. When all of the travel corridors went down, only then did ours go down.

845 In the context of looking forward, we are in constant touch, through the FCDO and through the Convent, with relevant Whitehall departments. We have very good arguments to make, not just those which the Hon. the Leader of the Opposition has put.

Gibraltar has, in effect, been part of the UK's vaccination programme. Just today the Hon. the Leader of the Opposition may have noted that the news is about the extension of the travel ban in the United Kingdom into July. That is part of the news. The opening headline of today's *Times* is 'Overseas travel ban extended until July', so this is an issue which is still very much at large. It is about not importing variants of concern from the continent to the United Kingdom. Gibraltar expects that we will not be seen just as part of the continent of Europe, because with a fully vaccinated population and a fully vaccinated imported working population there should be no variance of concern in Gibraltar.

855 There is the possibility of restricting travel to the United Kingdom from Gibraltar to those who are residents of Gibraltar and to those who are vaccinated. All of those options are on the table in order to give the United Kingdom the confidence that Gibraltar is a place through which a travel corridor in the nature of that umbilical connection can safely be established.

860 The Hon. the Minister for Transport has done a lot of work to ensure that there are already continued flights between Gibraltar and the United Kingdom, and we hope that the extensive schedule of flights – more extensive than has ever been the case, to a network of airports like there has never been before – can be re-established as soon as possible. Then, the magnificent work of Samantha Sacramento, as Minister for Health, and the excellent work of Vijay Daryanani, as Minister for Transport, will really come into its own.

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**Q860/2020 withdrawn
Q857-59 and Q861-64/2020
Future relationship with the EU –
Feasibility of joining Customs Union and consultation re arrangements;
effect on handling of hot pursuit situations;
negotiations re possible treaty and timescale**

Clerk: Question 857. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, has the Government commissioned any study or expert report in relation to questions concerning the impact or feasibility of joining the Customs Union as part of a future relationship with the EU?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 858 to 864.

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Clerk: Question 858. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, I just tell the Clerk that I am going to withdraw Question 860, which has been dealt with publicly since I tabled the question.

880 Mr Speaker, how will hot pursuit situations be dealt with in a possible Schengen association stemming from the New Year's Eve agreement on a future relationship with the EU?

Clerk: Question 859. The Hon. K Azopardi.

885 **Hon. K Azopardi:** When and how will the Government be consulting about any possible Customs Union type arrangement or bespoke goods arrangements with the European Union as part of any agreement on Gibraltar's future relationship with the EU?

Clerk: Question 860 has now been withdrawn.

890 We go to Question 861. The Hon. K Azopardi.

Hon. K Azopardi: Have there been any formal or informal talks between the EU and the UK or the UK, Spain and Gibraltar, in relation to progressing the discussions towards a possible treaty for a future relationship with the EU in respect of Gibraltar, since 1st January 2021; and, if so, will the Government update the House in relation to such talks?

895 **Clerk:** Question 862. The Hon. K Azopardi.

Hon. K Azopardi: Is the Government aware of the state of discussions to establish the EU negotiating mandate in respect of the negotiations with the UK concerning the possible treaty for a future relationship with the EU in respect of Gibraltar?

Clerk: Question 863. The Hon. K Azopardi.

905 **Hon. K Azopardi:** Is it still expected that the talks to conclude a treaty setting out a future relationship for Gibraltar with the EU will require until the end of June 2021, or does Government expect the process to require time beyond that?

Clerk: Question 864. The Hon. K Azopardi.

910 **Hon. K Azopardi:** In the event that talks to conclude a treaty on a future relationship with the EU in respect of Gibraltar require to be extended beyond the end of June 2021, what plans are being discussed or agreed to enable the current regime of extended or temporary recognition by Spain of Gibraltar-issued documents, driving licences or pet passports or current regime for movement across the border to continue pending the conclusion of such talks?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I invited the hon. Gentleman to review his questions and see whether he was going to withdraw any some days ago. For him to withdraw it now is really unhelpful, in the sense that I have already got a prepared answer in respect of that question.

The in-principle agreement reached on 31st December 2020 has already been made public by a leak in a Spanish newspaper.

925 The Government is taking professional advice on all aspects of the proposed EU/UK treaty, including the aspects that relate to trade in goods. The Government is already talking to interested parties in our economy and has set up a committee, which will start considering information and proposals the Government will be relying on in the forthcoming negotiation. This committee, the Treaty Liaison and Advisory Committee (TLAC), will meet this week for the first time.

930 The Government will not be making any statements on any particular negotiating position in respect of the proposed EU/UK treaty at this stage, other than to say that the position of Gibraltar is clear as to what is or is not acceptable. We will not accept any incursion on our sovereignty, jurisdiction or control. We will not waiver from that position. I am happy to report to the House that this is also the position, unwaveringly, of Her Majesty's Government of the United Kingdom,

and in particular of the Foreign Secretary, the Rt Hon. Dominic Raab and the Prime Minister, the Rt Hon. Boris Johnson.

Since 1st January 2021, the EU, Spain, the UK and Gibraltar respectively have been working towards settling the separate negotiating mandates of each for the future proposed treaty between the EU and the UK in relation to Gibraltar. Certainly as far as the UK and Gibraltar are concerned, I can assure the hon. Member that a lot of work is being done on developing the Gib-UK negotiating mandate with the full involvement and participation of my office as the lead negotiator for Gibraltar, and the office of the United Kingdom Foreign Secretary.

The negotiations for a future treaty between the EU and the UK in relation to Gibraltar have, unfortunately, still not started. It is therefore impossible to say at this stage whether the treaty will be concluded by the end of June. That remains the target date for the conclusion of the treaty, but clearly much will depend on how the negotiations progress once they start. The June date should not be seen as being hardwired into the process, but it remains the aspiration of Her Majesty's Government of Gibraltar to conclude this treaty as soon as possible.

The Government has successfully negotiated a number of bridging measures. The bridging measures are under constant review and there is an understanding that they will be extended until such time as the future treaty between the EU and the UK in relation to Gibraltar enters into force. The same is true of the MoUs under the Withdrawal Agreement, which are in the process of being extended.

Hon. K Azopardi: Mr Speaker, the Chief Minister has rolled up a few questions, so I have a number of supplementaries, if I may.

In relation to the Customs Union, he says he is taking professional advice. From what kind of profession? Can he give us an indication in respect of that? And when was the engagement of those particular professionals undertaken? Is this a historic engagement of professional advice because in the run up to post Brexit they thought they wanted advice, or is this a more recent engagement on a more focused exercise?

Hon. Chief Minister: Mr Speaker, the Government has contracted – apart from the extensive professionals that it employs, who provide excellent advice in respect of all aspects of this treaty – with external entities to provide advice. One of them is Sir Jonathan Faull, who is a former senior Commission official; another is a gentleman by the name of Michel Petite of Clifford Chance in London, a former head of the Commission legal service; and the Government has also engaged Messrs Ernst & Young.

Hon. K Azopardi: Is this Ernst & Young locally or the London base of Ernst & Young? And is Ernst & Young specifically advising on the conducting of feasibilities in relation to joining the Customs Union and the different permutations? And, if so, can he give us an outline of the kind of work they would be doing? It is, I imagine, a fairly constrained period of time before which a judgement needs to be made by those negotiating the treaty in respect of the Customs Union parts.

Hon. Chief Minister: Mr Speaker, the engagement involves Ernst & Young London and Ernst & Young Gibraltar and is a wide engagement and includes elements that relate to the Customs Union.

Other advice is also being obtained in respect of the Customs Union involving other professionals inside the Government service, in particular the expertise that we have available from our own Customs department. The consultation with TLAC that rules will be particularly relevant. I think that the Government is very well placed to do the analysis it needs to do in the context of the decisions that we will need to make as a result of this negotiation.

985 **Hon. K Azopardi:** In respect of the Customs Union itself, does the Chief Minister agree with me that ...? Obviously, we have been outside the Customs Union for many years. It is not suggested, of course, that there is an inevitability of a Customs Union, because the Chief Minister has explained on previous occasions that there are different permutations, and one of them is a bespoke Customs Union arrangement. But even to do that, to define the measuring up of the suit process, there will need to be a wide engagement and understanding of the Gibraltar economy, the projections, the feasibility, the business case for it.

990 Shouldn't there be an engagement with the business community well beyond simply this committee that the Government has set-up? How is the Government, if it considers it is going to engage more widely with the business community, going to do that? And how are the experts the Government has commissioned going to make a judgement on feasibility of options without the most wide engagement with the business community on all these issues?

1000 **Hon. Chief Minister:** Mr Speaker, the hon. Member, by looking at the composition of TLAC, will see that actually it encompasses the representation of just about every economic actor in our community, so the Government is satisfied that, through TLAC, it will actually have a reach through into all of our business community. But at the same time the Government is engaging directly with industry leaders to ensure that the information that we have, both through TLAC and through the Government's own data, is accurate and that we have interpreted it accurately.

1005 We have taken the heat maps that we took at the time of the referendum, which gives a lot of data, which enables us to make decisions about what are relevant aspects of our economic activity going forward that we need to protect and what are the opportunities for our economy that we need to look out for. And so, in the engagement that we will have with those who represent all of the sectors of our community and with the engagement that we will have with those who are industry leaders in their particular sectors, I think that we will have all of the information that we need to make the right decisions for Gibraltar. That is a process that has already begun and will become even more apparent as we are freed from the difficulties that we had during the COVID pandemic to be able to engage more directly also with the parties that I am describing.

1015 **Hon. K Azopardi:** Can the Chief Minister confirm whether, in the context of the work by these experts, Ernst & Young in particular, they are conducting simulations of economic models going forward in relation to the different permutations of the Customs Union and what kind of Customs Union, as a bespoke arrangement or not? Are they conducting surveys that would assist with that work? Are they doing that kind of work also? And will that work fan out into the community?

1020 **Hon. Chief Minister:** No, Mr Speaker, the work that is being done by Ernst & Young is more strategic in its nature. A lot of the work that the hon. Gentleman is describing, we would be doing in the context of the work that our Customs department is able to do, and indeed we do not very often nowadays need questionnaires. We actually have a lot of data available to us through the ASYCUDA system and through the expertise of those who already serve the Government. What we do not want to do is waste the time of economic operators in Gibraltar by asking them to fill in questionnaires, unless that becomes essential. We have a good see through to the imports into the Gibraltar economy and we have a good understanding of the market, but we want to test that to ensure that we are not missing anything, and that is why we are going to be talking to the representative groups and to the individual industry leaders, to ensure that we have properly interpreted the data that we have, and we will seek further data from them if we need to.

1035 **Hon. K Azopardi:** So, am I right in understanding the role of Ernst & Young as strategic in the sense that the Chief Minister says, 'We think we have got the data and we then funnel it up to Ernst & Young' – he has not put it that way, of course – 'and they will then crunch the numbers against a backdrop of strategic options; we will then engage with those experts and decide a way

forward, also in consultation with the industry leaders and the committees'? Is that the role of the engagement of Ernst & Young? Have I understood it properly?

1040 **Hon. Chief Minister:** No, Mr Speaker, it is not. The role of Ernst & Young is as I have described it. It is much more strategic than that.

Hon. K Azopardi: Mr Speaker, I will give him another opportunity because I am failing to understand it. I thought it was strategic in the way that I have described it. In other words, they get data. But perhaps he can elaborate as to the strategy.

1045 And can he answer, just on the Customs Union point, before I move on to other questions that I have: is there an intention for the Government to put out a consultation paper once it reaches a conclusion as to the kind of bespoke customs arrangement it envisages, so that the community is more widely informed and there can be feedback?

1050 **Hon. Chief Minister:** Mr Speaker, the work that has been done by Ernst & Young, as I have already said, is strategic. In other words, it is about the development of Gibraltar and the region around it and how the opportunities that we expect we will see arise from the treaty might assist us all to create an area of shared prosperity, and indeed some of the areas that we might not appreciate that the treaty could open up if we were able to conclude it.

1055 What the hon. Gentleman is describing is tactical advice for the purposes of dealing with just one aspect of what the treaty might provide for, and that, we are entirely satisfied, will be something that we are able to do by taking the advice of the representative organisations, as we are going to do in the context of the work of TLAC, by then talking to the industry leaders without the need to do the questionnaires or consultation paper that the hon. Gentleman has proposed, because we do not think that that is an efficient way of managing this process. I mean this in no disrespectful way, but I think that is quite a pedestrian way to see how we might progress through this period. We think we are being much more proactive by doing the work we are doing, analysing the data that we have, knowing the market as we know it and consulting on the potential for the market to develop, and therefore making decisions about how we might approach the final text of the treaty, ensuring that we do not in any way shut off any potential strategic advantage for Gibraltar going forward that we might not otherwise be cognisant of, and in a way that delivers this potential for the whole area to work together to create a larger economic benefit for all.

1070 **Hon. K Azopardi:** Mr Speaker, I am going to move on, but can I also ask whether, in relation to that, and apart from the engagement of Ernst & Young, there have been any more historical studies or expert reports in relation to the impact of the feasibility of joining the Customs Union? I am not sure if the Chief Minister answered that, but I will give him an opportunity to perhaps answer it again, or fill in that information if he did not provide it: more historical than Ernst & Young but post Brexit? I am not talking about much more historical than that, but has the Government engaged with experts in relation to this field before the engagement with Ernst & Young on these issues?

1080 **Hon. Chief Minister:** Mr Speaker, I think I have told him that our heat map set out a lot of data about how our market operates, and that includes how our market in goods operates. The electronic system that we have in place, ASYCUDA which deals with the importation of goods into Gibraltar, is now something that we can interrogate very quickly to see what is being imported and at what price it is being imported, and we can see at what price those goods are going in the market. Therefore, we have a very good see through of what is happening in our economy in goods, and by correlating that to the work that we are going to do with the representative bodies and TLAC and with the industry leaders we will be talking to specifically, we are satisfied that we will have the most up-to-date and most relevant data available in making the decisions that we will have to make in the context of the negotiation of the treaty.

Hon. K Azopardi: Moving on to other questions, if I may, the Chief Minister talks about work towards settling the mandate. I assume the negotiating mandate at least with the EU needs to be approved by the European Council of Ministers. Does he have information that he could share across the floor of the House in respect of the progress of the mandate? He said talks had not started yet, but again, does he have visibility of the kind of timescale for the start of the talks at a more serious level?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is asking me about the state of play on what we might call the other side of the negotiating table, and I do not think it is appropriate for me to comment in that respect because we have not yet engaged with the EU with us having a mandate ready to go and them having a mandate ready to go. Therefore, it would be unfair and almost disrespectful to seek to impute to the European Commission any timetable which they have not yet officially shared.

Hon. K Azopardi: Mr Speaker, I was not asking him that question. I may have misunderstood his response, but I understood when he used the phrase that they were working towards settling the mandate, I thought that this was a free-flowing exchange of discussions between the EU, the UK, Spain and Gibraltar as to where the respective sides were in settling their own mandates, without obviously sharing confidences on the EU side on what they are talking about, so I thought that he would be in a position to indicate when the talks would commence. Is he in a position to do that? He has spoken about not being able to talk about the opposite sides' mandate, but is he in a position to indicate when he thinks talks will start?

Hon. Chief Minister: Mr Speaker, if I had a date on which I knew talks would start, I would have already informed the public in Gibraltar.

Hon. K Azopardi: Mr Speaker, given that it is Easter next week and we are coming into April ... I hear what the Chief Minister has said about the expectation on whether it is possible to conclude a treaty by the end of June, and he said that there was an understanding that the bridging measures would be extended. I think in the context of the run-up to and implementation of a treaty ... Am I right in understanding what he said as being that as long as in principle there is progress and the parties are about to enter into a treaty, there will be an extension? What happens if actually we are not at that stage? Is the understanding on the extension that while talks are proceeding the bridging measures will be extended, which is a position that will give people more comfort? Or is it the position that the understanding on the bridging measures is that they will only be extended if, in principle, a treaty has been tentatively agreed?

Hon. Chief Minister: Mr Speaker, the position is as I informed the whole of the community on the national broadcaster during *Direct Democracy* last week, on 16th March, when I said that whilst we believed that there was going to be a treaty, we might not be able to achieve it by June; we were giving ourselves until the end of the year in the context of extension of bridging measures and MoUs. If we get to the end of the year and we have not yet got a treaty, but all sides feel that it is likely that there is shortly to be one, then I am sure there would be an extension, but we would all hope to have been able to resolve matters before the end of the year and I would still try to see whether it is possible to resolve matters before the summer.

The important thing is that we have the right treaty. As Gibraltar knows, this Government certainly will not sign up to a treaty that is not the right treaty for Gibraltar. We would rather no treaty than a bad treaty, but we will work for a good treaty and we will continue to be optimistic that we will be able to achieve a good treaty, just as we were optimistic that we would be able to achieve in-principle political agreement, and we did.

Mr Speaker: Next question.

Q865-68/2020

Bland Ltd and 36 North Ltd –

Details of existing and terminated contracts, payments made; NSCIS maintenance service

1140 **Clerk:** Question 865. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government have any existing contracts or contractual arrangements with Bland Ltd or paid that company for any services; and, if so, when, for what service or work, and how much has been paid in the last 12 months?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 866 to 868.

1150 **Clerk:** Question 866. The Hon. K Azopardi.

Hon. K Azopardi: Has the Government entered into or terminated any contracts or contractual arrangements with Bland Ltd or paid that company for any services; and, if so, when, for what service or work, and how much has been paid over the last 12 months?

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Clerk: Question 867. The Hon. K Azopardi.

Hon. K Azopardi: When were the agreement or contractual commitments or arrangements between the Government and Bland Ltd in respect of services concerning the maintenance of the National Security Central Intelligence System entered into, and what monthly or annual remuneration or fees or other payments have been made by the Government under it since then?

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Clerk: Question 868. The Hon. K Azopardi.

1165 **Hon. K Azopardi:** Has the Government entered into any contracts or contractual arrangements with 36 North Ltd or paid that company for any services; and if so, when, for what service or work, and how much has been paid?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has a number of different arrangements with the Bland Group, which trades under different names: Bland Ltd and OSG.

The services provided by the Bland Group are quite extensive, from the provision of security at No. 6 Convent Place and various sites, to the offering of IT deliverables such as programmes to handle the Employment Department databases, to the operating of the NSCIS system to help protect our borders, to airport handling services and the provision of travel arrangements, including the use of the Rock Hotel and the storage of documents, non-issued notes and coins.

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The total sum paid to Bland OSG in the past 12 months to date has been £6,942,516.07. The total amount paid to Bland in the previous 12 months and in each year since 2011 has been as follows, and totals in excess of £55 million: in the financial year 2011-12, £1,384,555.54; in the financial year 2012-13, £4,304,262.96; in the financial year 2013-14, £4,958,639.15; in the financial year 2014-15, £5,373,383.27; in the financial year 2015-16, £5,962,879.21; in the financial year 2016-17, £6,319,688.49; in the financial year 2017-18, £6,728,894.48; in the financial year 2018-19, £6,747,600.87; in the financial year 2019 - 20, £6,442,404.89; and in the financial year 2020-21 to date, £6,942,516.07. That makes a total of £55,164,824.93.

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The figures above show a gradual increase in the amount paid to the Bland Group over the years.

There are ad hoc agreements entered into on an ongoing basis, so, for example, in terms of security we are constantly taking decisions to ask the Bland Group to relocate staff at different locations. An example of this was during COVID, when it was deemed necessary to increase security at some Government frontline services.

Clearly, when we have asked them to write software – for example, in the context of the Employment Department – there has been a specification etc. in place. These things usually follow a tender process which sets out the specification of what Government is looking for. That said, there is no agreement that I know of that has been terminated in the last 12 or 24 months. The only major contract that has reached an end of term is the Air Terminal Handling Services Agreement, which has been entered into by the former GSD Government and which expired on 28th November 2018. Despite this contract having reached its termination, both parties have agreed to continue with the arrangement that is in place until such time as the Government is able to focus on how it sees the Airport developing.

It is difficult to analyse the types of services provided, given everything is invoiced in the name of Bland Group. However, by focusing on the Departments, I can broadly confirm to Parliament that the following services were provided in the last two financial years.

The service of information technology in the year 2019-20 produced a payment of £59,648.84; and in the year 2020-21, £110,341.45.

In the context of travel, £1,824.50 was paid in 2019-20, and £1,776 was paid in 2020-21.

In the context of security, £2,985,287.62 was paid in 2019-20, and £2,792,018.97 was paid in 2020-21.

The NSCIS contract attracted a payment of £500,710 in 2019-20, and £975,599.25 in 2020-21.

There was no payment for the hire of buses in the financial year 2019-20, but there was a payment of £86,570 in the financial year 2020-21.

In the context of airport handling services, £2,894,933.93 was paid in 2019-20 and £2,976,210.40 was paid in 2020-21.

That represents the totals I have given the House before in respect of 2019-20 of £6,442,404.89, and in respect of 2020-21, £6,942,516.07.

As regards the NSCIS system, this originally started out as a contract designed at the bespoke request of the Government to monitor border fluidity, which has evolved into something that is a lot more sophisticated. This agreement dates back to January 2015, but in those days it was just to enable us to monitor the length of the border queue and accurately report this to the EU. Since then, it was decided, in combination with OSG, to turn this into a mechanism to protect our borders and monitor activity. This contract now covers a lot of security-related matters, such as the scanning of passports at entry points and the ANPR logging of number plates of vehicles crossing the border. It is a very wide agreement, and given the sensitivity of some of the functions carried out for Government in the security space, I would rather not disclose all aspects of the arrangement publicly. I am happy, Mr Speaker, to have a detailed discussion with the hon. Gentleman to tell him everything that the system does. We are presently being charged £67,644.75 per month for this arrangement. This amount has varied over the years as the services have increased.

The discrepancy between the figures for NSCIS between 2019-20 and 2020-21 is on account of an issue relating to an outage of service dating back to September 2018. Since that date, the Government has paid a reduced amount of £50,000 against their monthly invoices of £66,693.75. A settlement was recently reached with Bland covering the period for a total of £338,979.

In respect of 36 North, I preface my answer by saying that, as my declaration of interests shows, I am a partner, on sabbatical, of Hassans. The partners of Hassans have an 33.33% interest in 36 North through a holding company called Astelon Ltd. The sums paid to that company in the last two financial years are as follows. In the financial year 2018-19, a sum of £22,340.61, and in the joint financial year 2019-20, which is a two-year period, £79,647.84.

The 2018-19 figures were, in the main, made up of a number of services provided to the Environment Department, including security for their new premises at Leanse Place at £1,261.66,

1240 and a consultancy on a cable to Morocco in respect of renewable energy at £1,500 per month for seven months, together with other small services provided. In addition, there was a card reader deployed to the Borders and Coastguard Agency for £1,997.02.

1245 The 2019-21 figures include the consultancy to the Environment, which continued for a further 18 months. In addition, the Education Department purchased two thermal imagers and tripods for a total of £28,222.00. The Upper Rock and Beaches department also purchased a further thermal temperature sensor for £9,933.18. The rest is made up of small individual purchases by the Environment Department totalling some £14,000.

None of these contracts have been approved or cleared by me. They are within the limits of what heads of department are able to agree without regard to my Ministry.

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Hon. K Azopardi: Mr Speaker, can I just ask, in terms of the difference in the figures in the National Security Intelligence System, and without treading into the areas that the Chief Minister has said that ... I am happy to have a discussion with him behind the Speaker's Chair. I am not sure if I followed the explanation of the difference between the £500,000, loosely, and the £975,000. 1255 He said it was an issue with the outage of the service, but why was it then that there was a much higher fee figure the subsequent year? Or is he saying that there was a lower figure the previous year because of the outage of the service? I did not quite understand the explanation.

Hon. Chief Minister: Mr Speaker, what I said was that the discrepancy arose from that outage 1260 of service, because, since the outage, the Government had paid a reduced amount. We had paid £50,000 a month instead of the whole amount, by agreement, whilst the whole thing was settled, instead of £66,693; and then a settlement was reached covering the total period since that outage, and the payment in respect of that settlement was £338,979. So, all of that would have been weighted in the year in which that settlement was paid.

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Hon. K Azopardi: In relation to the Bland contracts themselves, he has given us the figure of about £55.1 million over the last few years since 2011-12, he said, and the current contracts in relation to the Bland OSG Group I think he said is now around £6.9 million this year to date and previous years, in the last four or five years, have been in excess of £6 million. Can he indicate to 1270 us which of those services have been put out to tender?

Hon. Chief Minister: Not without notice, Mr Speaker, because there are many contracts, so I would need to be able to show exactly where there have been tenders or where there have been continuations of contracts which have simply increased in volume.

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Hon. K Azopardi: Mr Speaker, I am grateful. In part of his answer he spoke about some of the contracts that had been put out to tender, so I thought he had that information, but I will table another question at another time for that and ask him for that information.

1280 In respect of the National Security Intelligence System – and again, I am not dealing with the more sensitive issues that he said, but I understand that, as he said, it was originally designed for a particular purpose but then it has moved on into a more dynamic organism for other purposes.

In other questions that I tabled in the House, which were answered by the Deputy Chief Minister some time ago, in October, he told me that there were problems with the counting system in the ANPR CCTV system, because he said at the time ... I am just quoting to facilitate the 1285 hon. Member's answer. When he gave me certain statistics on the numbers of vehicles crossing into Spain and Gibraltar, he said:

The hon. Member should note that these figures are collected automatically through the ANPR/CCTV system, and I am told that they are supplied with the proviso that they are less accurate than the manually taken entry figures.

Is this ANPR vehicle numbers collation system part of the work being done under this system?

Hon. Chief Minister: Yes, Mr Speaker. I specifically, I think, referred to the ANPR aspect in the context of my first answer. In fact, I said the contract now covers a lot of security-related matters such as the scanning of passport entry points and ANPR logging of number plates of vehicles crossing the border.

I think, in the context of the answer that the Hon. the Deputy Chief Minister gave the hon. Gentleman, it was about the exit area, where counters had also been provided. There had been a change of how vehicles exited and how individuals exited, and there had not been a realignment of cameras, and for a period we had lost the exact count that we had had earlier, but this is provided by the same system.

Hon. K Azopardi: I am grateful, Mr Speaker.

In relation to 36 North he has declared the issue that the equity partners of Hassans are 33% owners of one of the shareholders of 36 North, and he ended his answer saying that none of the contracts were cleared or approved 'by me'? Was he aware that the Government was going to contract with 36 North before the contractual arrangements were entered into?

Hon. Chief Minister: The answer to that question, Mr Speaker, is no. I have been made aware of these contracts in providing the answer to the hon. Gentleman in this House. In fact, I had the Hon. the Minister for the Environment advise me of the existence of this contract during the past 48 hours for the purposes of the compilation of the answer for the House.

Hon. K Azopardi: So, if I understand the Chief Minister's answer, he is saying that his knowledge about these contracts was only acquired after I tabled these questions. That is what he is saying?

Hon. Chief Minister: Mr Speaker, that is correct in the context of all of the answers that I have provided him on contracts which 36 North has entered into with the Government.

Q544/2020

Outstanding debts re scholarships for uncompleted courses – Clarification re typographical errors in attachments

Mr Speaker: We have come to the end of the Question and Answer session.

Before the Chief Minister tables the Answers to Written Questions, I believe the Hon. Prof. Cortes wanted to speak regarding Question 544, because he has some amendments to the attachments.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Yes, Mr Speaker, thank you very much.

Apart from in Question 544, I did write to the Hon. Edwin Reyes with some clarification on Question 539, but it was merely clarification.

In respect of Question 544, which was related to the amount of debt owed by students, there have been two sum-ups which were inordinately high and they were picked up. One read £133,375; another £159,104. Those were typographical errors. Entry number 89 should have read £13,375.40, and entry 161 should have read £15,904.80. I apologise for the typographical error, but I have already clarified that in an exchange of emails.

Thank you, Mr Speaker.

Mr Speaker: I will ensure that the correct information is recorded in *Hansard*.

Q850/2020

**Incident near Waterport –
Clarification re Guardia Civil vessel identity**

Chief Minister (Hon. F R Picardo): Mr Speaker, can I also clarify that I have had confirmation from my office that in relation to Question 850, the relevant identifier for the Guardia Civil launch is S-21?

Questions for Written Answer

1335 **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 W87/2020 to W118/2020.

Mr Speaker: Ordered to lie.

**Procedural –
Estimates of Expenditure to be circulated before end of April**

1340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, believe it or not, this session I think started some time last year, when we could not imagine the winter that was to come. But now, in the early days of spring, it gives me great pleasure to utter the words that I move that the House should now adjourn *sine die*.

1345 **Mr Speaker:** Before I propose the adjournment, as hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the Estimates of Expenditure for the next financial year be circulated to hon. Members on a confidential basis not later than 30th April. Since the House is now not scheduled to meet until May, I am proposing that the provisions of the Constitution will be deemed to have been met if the Estimates are circulated to all hon. Members
1350 before the end of April. This is what we have been doing for the last few years, so I propose that it should be the case again for this year. Is that agreed?

Members: Aye.

ADJOURNMENT

1355 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*. Those in favour?
(**Members:** Aye.) Those against? Passed.
This House will now adjourn *sine die*.

The House adjourned at 7.10 p.m.