



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.02 p.m. – 5.06 p.m.**

**Gibraltar, Monday, 21st December 2020**

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# 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  
75 rules. Conversely, we will not compensate those who have defied our rules, those very few who  
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.

175 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  
180 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.

185 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.

190 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.

195 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  
200 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.

205 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.

210 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.

215 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  
220 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.

225 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,  
230 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.

235 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.

240 **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  
245 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  
250 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  
255 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  
260 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  
265 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,  
270 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.

275 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  
280 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,  
285 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  
290 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  
295 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  
300 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  
305 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.

310 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  
315 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  
320 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  
325 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.

390

**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  
440 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.

445 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  
450 of a public health exemption.

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,  
455 and those other hurdles that we have put these tests through, in order to ensure that we could  
take these measures.

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  
460 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.

The hon. Gentleman asks us what is it that gave rise to this increase of infections when we  
465 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  
470 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  
475 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.

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  
480 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,

535 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.

540 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.

550 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.

560 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.

575 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

585 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 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.

690 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?

700 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?

705 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.

710 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.

715 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?

725 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?

730 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?

735 Thank you, Mr Speaker.

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



740 **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.

745 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.

755 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.

760 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?

775 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.

795 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.

800 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  
805 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  
810 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  
815 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  
820 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.

825 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  
830 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.  
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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  
840 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.

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