



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.35 p.m. – 7.05 p.m.**

**Gibraltar, Monday, 27th July 2020**

## **Contents**

<b>Questions for Oral Answer .....</b>	<b>3</b>
Chief Minister .....	3
Q432/2020 G1 vehicle – Maintenance and repair costs since purchase .....	3
Q433/2020 Gibraltar identity and civil registration cards – Measures to deal with influx of applications.....	3
Q434/2020 Statue of Sir Joshua Hassan – Delay in completion.....	5
Q435-6/2020 Public Services Ombudsman – Revision of Act re own motion investigations; applications for vacancy arising from retirement .....	6
Q437/2020 Tobacco products – Licences for manufacture in Gibraltar .....	7
Q438-39/2020 Community Care – Government contribution; Government advice re payments to community officers.....	8
Q440-442/2020 COVID-19 crisis – Effect on revenue streams; fair application of restrictions; BEAT COVID measures .....	10
Q433/2020 Deaths in Gibraltar – January to May figures since 2015.....	12
Q444 and 470/2020 Consultancy work for Government – Arrangements with former Government Ministers; fees involved .....	13
Q445/2020 Unlock the Rock COVID-19 Road Map – Need for document to be responsive to changing situation.....	18
Q446/2020 E-visas for entry into India – Problems experienced by holders of Gibraltar-issued passports.....	23
Q447/2020 Media monitoring services – Explanation re services provided.....	24

Q448-49/2020 Victoria Keys development – MoD objections; impact of COVID-19 pandemic.....	26
Q450-69/2020 Former Commissioner of Police – Circumstances surrounding retirement ..	29
Q471/2020 Import duty on vehicles – Removal over COVID-19 lockdown period .....	46
Q472/2020 BEAT payments in May – Total amount paid; numbers of employees and employers receiving payments; number of rejected applications.....	51
Q443/2020 Deaths in Gibraltar – Supplementary question .....	52
<b>Questions for Written Answer .....</b>	<b>54</b>
<b>Order of the Day .....</b>	<b>54</b>
Bills .....	54
First and Second Reading.....	54
Civil Aviation (Amendment) Bill 2020 – First Reading approved .....	54
Civil Aviation (Amendment) Bill 2020 – Second Reading approved .....	54
Committee Stage and Third Reading .....	55
Civil Aviation (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting.....	55
Civil Aviation (Amendment) Bill 2020 – Clauses considered and approved .....	56
Civil Aviation (Amendment) Bill 2020 – Third Reading approved: Bill passed .....	56
Adjournment.....	56
<i>The House adjourned at 7.05 p.m. ....</i>	<i>56</i>

# The Gibraltar Parliament

*The Parliament met at 3.35 p.m.*

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

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

## Questions for Oral Answer

### CHIEF MINISTER

**Q432/2020**

**G1 vehicle –**

**Maintenance and repair costs since purchase**

**Clerk:** Monday, 27th July 2020, Meeting of Parliament.

(viii) We carry on with Answers to Oral Questions. We commence with questions answered by the Chief Minister. Question 432 – the questioner is the Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Government state the total maintenance and repair costs of G1 since its purchase and provide a breakdown of the costs of the specific repairs?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the total cost of repairs and maintenance to G1 since March 2015 has been €3,403.02. The cost of visits by Tesla technicians is charged at approximately £90 per hour.

The vehicle was first registered, by the way, in 2013, not 2015, but this was the first cost incurred, I understand.

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**Q433/2020**

**Gibraltar identity and civil registration cards –**

**Measures to deal with influx of applications**

**Clerk:** Question 433, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state what measure it has put in place for the influx of applications for Gibraltar identity cards and civil registration Cards and what the average waiting time is?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, staff at the Immigration section of the Civil Status and Registration Office (CSRO) are currently working additional hours in order to process an inordinate amount of applications for the renewal of identity and civil registration cards. The staff are doing so within an environment that has space limitations and whilst observing public health guidelines on social distancing.

The upsurge in applications has had an impact on processing times and the average waiting time for an identity card is currently 10-15 working days, whilst the average waiting time for a civilian registration card is between 35 and 40 working days.

**Hon. E J Phillips:** Is the Chief Minister aware of any recent complaints in relation to the delay in issuing these types of cards?

**Hon. Chief Minister:** Mr Speaker, yes, sir, this is an inordinately long period of time to have to wait. We are seeking to bring that down but there are constraints which do apply to this process, not least because of the security measures that the cards require and the printing systems.

The hon. Gentleman may recall – I do not know whether he was in the House at the time, but when we introduced the new cards ... we do not always get a card the first time. It takes, sometimes, a couple of imprints to get the card right with all the security measures. So this is not a straightforward process and the delays do not arise from the staff being dilatory or in any way of failing to provide the assistance that they would wish to provide. The machines in question have to be kept in a particularly safe environment. We cannot simply add a machine because we have a backlog. Bringing one of these machines in is a fairly complex thing which would take more time than it is likely going to take us to clear the backlog. But we are alive to the fact that this is an issue.

Again, I do not want to use COVID as an excuse but it is a reality. There has been a build-up of people not renewing, and therefore all of the renewals that we might have expected to see over a period have come at the same time and these are the difficulties that we experience as a result.

**Hon. E J Phillips:** Insofar as the comments made by the outgoing Ombudsman, insofar as complaints made against the CSRO in relation to these types of documents and others, where I think the comment was that not only the delays but the processing of applications were verging on the unconstitutional – I think that was the comment that he made to GBC – is there any link between these types of delays we are experiencing and the comment made by the Ombudsman in relation to the unconstitutionality or the potential unconstitutionality of some of the practices that were being seen at the CSRO?

**Hon. Chief Minister:** Mr Speaker, it is the CSRO.

I have not linked the two. I have not noted such comments might be related to this process. There are processes in place which pre-date us, which frankly, in my view, could operate in a different way and we hope to be able to bring a different sort of operation to them, but it is not easy. The hon. Gentleman has to understand that there are also issues relating to due diligence etc., all of which relates to applications. The applications are then sent to my office, in some instances, and other areas for information and then, rather than being sent as individual applications, they are put together as what are known as 'books'. So, that also, I think, is causing delay. Finding a different way of dealing with these issues is very much at the top of my agenda in respect of my Ministerial responsibility for status.

**Hon. E J Phillips:** Just one final question; I do not want to labour the point too much. Insofar as the Government's understanding of what would appear, from the comments made by the outgoing Ombudsman, systemic problems within the service – and although I can understand the Chief Minister saying these are longstanding issues that may have crossed over many,

potentially, administrations and that would give the Government cause for concern, especially where comments such as those emanating from the outgoing Ombudsman should be of real deep concern to members of our community, and indeed the Government on how to rectify the operations and practices of this particular office, particularly where 56% of all the complaints received by the Ombudsman relate to those types of practices – can the Government give any reassurance as to how it will deal with the complaints being received by the Ombudsman and the recommendations made back to it to try and reform the system so that we can weed out those issues that arise in that particular department?

**Hon. Chief Minister:** Mr Speaker, I confess I have not seen the interview that the hon. Gentleman refers to, but anything that Dilip Dayaram Tirathdas says is something that the Government is going to take very seriously because, having worked very closely with Dilip when he was Financial Secretary, I know that he is a person of seriousness who will not be making points unless they are valid points. That is why the Government appointed him as Ombudsman, although unfortunately it did not enjoy support across the floor of the House.

He can rest assured that even before Mr Tirathdas had said the things the hon. Gentleman says he says – I just have not seen them, so I have to rely on his version of what he said – the Government was seeking to work not just alongside the office of the Ombudsman but other agencies within the Government to ensure greater agility is brought to the process to which the hon. Gentleman is referring in the course of his questioning.

**Mr Speaker:** Next question.

#### Q434/2020

#### Statue of Sir Joshua Hassan – Delay in completion

**Hon. E J Phillips:** Mr Speaker, can the Government state the reason for the much delayed completion of the erection of a bronze statue of the late former Chief Minister, Sir Joshua Hassan?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this excellent project has fallen victim to delays arising from Brexit. I do hope it will come to fruition soonest.

**Hon. E J Phillips:** My understanding is that the Office of the Chief Minister may well have received certain designs concerning this particular statue. I think the commitment was made in 2015 and has been repeated a number of times by the Government insofar as displaying a statue of the former Chief Minister. Insofar as delays incurred by Brexit, I am not too sure I quite understand how that would have affected erecting a statue to one of Gibraltar's former Chief Ministers. I do not particularly understand the response to my question as to how that was delayed.

**Hon. Chief Minister:** Well, Mr Speaker, for a simple reason: because before COVID hit and before we had the upset of the General Election we had spent a lot of time, unfortunately, concentrating on the outcome of a referendum that went the way neither of us wanted to see it go, and I have not been able to turn my attention to the more pleasant things that one might like to do when one is in office – like the recognition of probably the man we would all universally agree is the greatest Gibraltarian of all time and indeed the father of the

Gibraltar. So, spending time looking at the different proposals and determining which should be the one to go ahead is something I look forward to being able to do.

125 He will forgive me, Mr Speaker, in the context of the exchanges that we are having today, if I just say that it is a little brass-necked of those who have been in government for a little longer than we have and who did nothing in that period to say that we are delaying this. I accept a *mea culpa* in this respect because, as I have said, it is our fault that we have not approved designs, but we want to get this right and we want to do it in a way that is fitting; and although I have had many opportunities to talk to the hon. Lady about many things, we have not had the opportunity to consult with her and with other members of her family, once we have seen the  
130 designs, which ones we would recommend to them, because we would want them to, of course, approve any effigy of a relative of theirs that is going to be put up.

So, it is not a simple process. Of all the things that I have done and will do in the time that I am in office this will be among the most pleasant, but it is not something I have yet been able to do. But it was our idea, and so therefore the hon. Gentleman will forgive me for using the  
135 reference to the type of statue that we expect when I make the reference to his brass neck.

**Mr Speaker:** Next question.

**Q435-6/2020**

**Public Services Ombudsman –**

**Revision of Act re own motion investigations; applications for vacancy arising from retirement**

**Clerk:** Question 435, the Hon. R M Clinton.

140 **Hon. R M Clinton:** Mr Speaker, can the Government advise when it intends to revise the Public Services Ombudsman Act 1998 to allow for own motion investigations?

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

145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government expects to see changes to the Act in question published in coming months. The process of appointment of the new Ombudsman ... (*Interjection*) Oh, I am sorry. Am I answering with? I will answer this question together with Question 436. Sorry, they are both Ombudsman related.

150 **Clerk:** Question 436, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, does the Government intend to invite applications for the post of Public Services Ombudsman, given the retirement of the current holder of the position?

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

**Hon. Chief Minister:** Mr Speaker, the Government expects to see changes to the Act in question published in coming months. The process of appointment of the new Ombudsman will not change before that legislation is ready and I expect to consult the Leader of the Opposition on a new appointee in coming days.  
160

**Hon. R M Clinton:** Mr Speaker, if I may, in relation to Question 436, my understanding is that the position is vacant for the moment – or is there somebody acting in a temporary capacity to undertake the functions of the Public Services Ombudsman? I would be grateful if the Chief

165 Minister could clarify what the status of the Ombudsman's office is without an appointee, as far as I am aware.

170 **Hon. Chief Minister:** Mr Speaker, I confess I am not sighted on whether or not there is somebody acting up or whether the deputy assumes the role of the Ombudsman in the period of the absence of the Ombudsman. Certainly the Government is looking to have an appointment made as soon as possible. Even if there is a deputy who assumes the role, I think the sooner we are able to see a new Ombudsman take his or her post the better, so that we can then see the office progress with the complaints that there may be for investigation by the Ombudsman etc.

175 **Hon. R M Clinton:** Mr Speaker, can the Chief Minister then confirm, if I have understood him correctly, that there will not be any advertisements for applications for the post and that it will be pointed in the manner as was done before?

180 **Hon. Chief Minister:** Mr Speaker, at this stage, before the House has had an opportunity to consider any changes to the Act, I propose to act entirely in keeping with the manner in which hon. Members opposite acted when they were in government, when they introduced this legislation and they commended the method of appointment to the House and the people of Gibraltar.

185 **Mr Speaker:** Next question.

**Clerk:** Question –

190 **Hon. K Azopardi:** Mr Speaker, can the Chief Minister...? He indicated he is going to consult me on the potential appointee in the next few days, and I am not asking him to reveal that across the floor of the House but does he have a view on when he would wish there to be an appointee in post, with effect from when, cognisant of the procedure that we have in the Act and so on?

195 **Hon. Chief Minister:** Mr Speaker, given the statement I have made, I would propose that the consultation should take place as I indicated, before the end of the month we are in, so that the House might then consider the process of appointment, which is done by motion at the next sitting of the House thereafter.

200 **Mr Speaker:** Next question.

#### Q437/2020

#### Tobacco products –

#### Licences for manufacture in Gibraltar

**Clerk:** Question 437, the Hon. R M Clinton.

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

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

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

215 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he advise, then, what drove the drafting of that specific piece of legislation? Was it a European requirement that we had to have something that covered that eventuality? Or was there perhaps something that had been mooted in the past, in which case he wanted to cover that base?

220 **Hon. Chief Minister:** Mr Speaker, the drafting of the legislation is based on the obligations set out in European legislation but in particular the Seoul Convention, which we agreed to implement in Gibraltar which provides not just for how tobacco is sold but also how it is manufactured, and it would have been an imperfect transposition of the obligations not to have a regime for production. But as I understand it – there might be some in somebody else’s desk, but it would have to come to me – there are no extant or envisaged applications for the purpose of the production of tobacco.

225 **Mr Speaker:** Next question.

**Q438-39/2020**

**Community Care –**

**Government contribution; Government advice re payments to community officers**

**Clerk:** Question 438, the Hon. R M Clinton.

230 **Hon. R M Clinton:** Mr Speaker, can the Government advise does the Government intend to make a contribution to Gibraltar Community Care in this financial year?

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

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 439.

**Clerk:** Question 439, the Hon. R M Clinton.

240 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the trustees of Gibraltar Community Care sought their advice prior to changing the policy on payments to community officers on 17th February 2020?

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

245 **Hon. Chief Minister:** Mr Speaker, at this point the Government does intend to make a contribution to Gibraltar Community Care in this financial year. However, as is the case each year, this matter will be considered at the end of the financial year in the light of all factors, including the overall cost of the COVID-19 pandemic.

250 Finally, Mr Speaker, the trustees of Community Care are totally independent. They do not seek our advice.

**Hon. R M Clinton:** Mr Speaker, if I may ask the Chief Minister in relation to the Community Care change of policy in respect of committee officers, would he not think it appropriate, given



that the Government of Gibraltar is a major stakeholder in that it is the major contributor to the charity, that at least by courtesy any particular changes of policy in which beneficiaries are identified should at least be discussed with the Government or communicated to the Government before coming into effect?

Secondly, is the Government content with the changes that Community Care brought into effect?

**Hon. Chief Minister:** Mr Speaker, Community Care is an independent trust. It is run by entirely independent trustees. If it were otherwise, the consequences for Community Care – or indeed, if anything said or done could be read in a different way, the consequences for Community Care and all of those who receive the household cost allowance – would not, in my view, bear thinking about. So, the hon. Gentleman will accept, I hope, that I am going to be fairly circumspect in dealing with the questions that he is asking.

I think the work that the trustees of Community Care have done, now for I think in excess of 30 years, has been extraordinarily favourable to the people of Gibraltar and I do not think that my being drawn further in respect of this matter in this House is in the interest of anyone who is receiving or may in future receive Community Care.

**Hon. K Azopardi:** Mr Speaker, we understand, of course, the intricacies and delicacies of the scheme, but my hon. colleague asked what I thought was a relatively simple question. The Hon. Chief Minister said, in answer to his question about whether they had sought their advice, that they were independent and they had not sought the advice ... ‘the trustees do not seek the advice’ – I think he said words to that effect. What my hon. colleague is asking and I repeat is: they may not have sought the advice, but were there discussions with the Government ahead of 17th February 2020 in relation to the changes that they announced after that date?

**Hon. Chief Minister:** Mr Speaker, what would be the purpose of such a question, other than to potentially bring those who might not have, of course, the honest animus that hon. Members opposite clearly have in respect of Community Care and the goodwill that they bring to this charity these days, and they decided that it is not a ticking time bomb that we have to get rid of, in order to permit them to interpret my answer in a way that might vitiate the obvious clear and genuine independence of the trustees?

And so, Mr Speaker, I am not answerable for the actions of the trustees for that purpose, and unless the hon. Gentleman is simply trying to play a political game to try and fix me with knowledge of something which he might think is unpopular with some, I would rather simply allow myself not to be drawn further on the subject because I do not think it is in anyone’s interest – neither those people now receiving Community Care nor those who might in the future want, wish or need to receive Community Care – for me to be drawn any further in this respect.

**Mr Speaker:** I think, with due respect to the Opposition, this will be the final question on this issue.

**Hon. K Azopardi:** Mr Speaker, we have only asked a few supplementaries on this, but let me ask –

**Mr Speaker:** But the Leader of the Opposition must understand what the Chief Minister is trying to convey, and I know he understands.

**Hon. K Azopardi:** Well, of course I understand, Mr Speaker, and with all due respect to the Chair, which of course I respect, I do not need guidance in that respect. I certainly understand that.

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

I would have thought that it would be sensible, if someone is contemplating a decision that may or may not have financial implications one way or the other, that they would have had a discussion with the Government on it. So, that is really what I was trying to ask the hon. Member, and his repeated unwillingness to answer that question may baffle people who are listening who have legitimate questions in relation to how that decision was brought about. Indeed, some of them may have sought meetings with the Government and perhaps the hon. Member may have been more willing to be frank with people who have discussed the matter with him privately than he does across the floor. I do not know because I am not sighted on whether or not meetings have been held or indeed those discussions have been held, but is the hon. Member really saying to this House that he is not willing to say whether there were any discussions at all held with him before 17th February?

**Hon. Chief Minister:** Mr Speaker, I am very happy to speak to the hon. Gentleman if he wants to have a conversation with me about this issue; I am just not happy to have that conversation across the floor of the House. If he is not playing a political game he will want to accept that and we can have a discussion about the whole thing, but if he is playing a political game he will press me.

Mr Speaker, he has asked me whether I have had meetings with others about Community Care and that there are legitimate questions being asked. If I have had meetings with people who are not the persons responsible, I do not see what relevance that would have, and frankly...

Let me just take his first point. He says surely somebody who is going to take actions which have financial consequences will want to meet the Government before they take those steps. Well, that might be the case in the context of somebody who is going to take action which has a financial consequence which increases the cost. It might not be the case in the context of somebody taking an action which has a financial consequence which is to reduce the cost.

Mr Speaker, as I have said, I am happy to have a discussion with him, if he wishes, behind your Chair.

**Mr Speaker:** Next question.

**Q440-442/2020**

**COVID-19 crisis –**

**Effect on revenue streams; fair application of restrictions; BEAT COVID measures**

**Clerk:** Question 440, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise what is the estimated effect of the COVID-19 crisis on its revenue streams for March, April and May 2020?

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

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

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

**Hon. D A Feetham:** Mr Speaker, does the Government accept that any COVID-related restrictions should be applied fairly and equally regardless of the identity of individuals and businesses?

**Clerk:** Question 442, the Hon. D A Feetham.

**Hon. D A Feetham:** What BEAT COVID measures does the Government intend to introduce post the end of June 2020?

This is the subject of the Ministerial Statement post the filing of this question.

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

**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the *Hansard* of 28th May 2020, in respect of Question 440, where I read out my letter dated 14th May to the Leader of the Opposition advising that this information would be provided to them on a confidential basis. This still remains the case. The information has now been provided to them. Any restrictions applicable are fairly applied and equally applied, regardless of the identity of individuals and businesses.

Question 442 has been answered by various statements I have made in the House in the run up to today.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer in relation to Question 440. The letter he refers to is, of course, a 'side letter', as they are known, to the Leader of the Opposition in terms of ongoing information in terms of key performance indicators and other matters that are referred to in the letter. But the Chief Minister is aware there have been statements made – my memory fails me whether by himself or by others – that there is a negative effect on the income stream of Gibraltar, and of course there are COVID Fund regulations that make provision for publication of information on that fund.

I would be grateful if the Chief Minister would indicate when he would intend to gazette that information so that the general public has an idea of what the cost of this crisis has been to this community.

Thank you.

**Hon. Chief Minister:** Mr Speaker, can I just gently say to the hon. Gentleman the cost of this crisis 'is being' to this community rather than 'has been', because, as he may have seen today, we are not out of the woods yet and the months in which, for example, our retailers would be doing well are the months we are in: the loss of revenue is ongoing.

So, the Government's intention is to publish the numbers in relation to the special fund as soon as the Financial Secretary is comfortable that they are properly in a fit state to be audited. But I think he and I will agree that what the public is going to see there, as is the case in every other nation in the world, is the brutal effect that COVID will have on Government revenues and that this will be an ongoing effect, not just in the months in which we are now but probably in future months also, and that what we hope to do is to ensure that the effect, although it may be brutal on the balance sheets of the Government and various businesses, will not be brutal on the lives of anyone who lives in Gibraltar, who works in Gibraltar or for whom Gibraltar is an economic engine that puts food on the table.

That is what I hope this House together has achieved to date in the context of the work that we have done to bring about the BEAT 1.0, so to speak – the first part of BEAT – the second part of BEAT, on which I am grateful to the hon. Gentleman for having written to me ... once I have the opportunity of consulting with him and the Leader of the Opposition, and I hope to be able to respond in respect of that communication soon ... and that all of us together have to ensure that the action that this House takes, in the context of the administration of the public purse, is designed to provide that protection to those who live and work in Gibraltar.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer, but if he could perhaps discuss with the Financial Secretary as to when he might be able to publish, sooner rather than later, because, as he is aware, questions in the media ... we are getting information piecemeal and I think it would be helpful to the general public to get the whole picture rather than, for example, individual costs such as protective equipment – all the costs will be one, then.

Thank you.

**Hon. Chief Minister:** Mr Speaker, I do not disagree with the hon. Gentleman, but the difficulty is that if we publish information too soon it will only be piecemeal information; and in order to know that we have a consolidated picture of what the position is, the Financial Secretary's advice is to publish when we have that and then to publish with regularity to update that picture. I think it is important that everyone in this community understands what we are talking about in terms of the loss of revenue and how we are going to be able to deal with that going forward.

I think you have said many things in this House in the past five months since this process started in March, in the context of the statements in this House. We have said this is a life-changing event etc. I genuinely believe that, the more that I observe what has happened and what is happening, this is actually a civilization-changing event. I think the events of the past months have, are and will change the planet, and part of what will be changed is our understanding of economics, and what money is for and what money is not for.

**Mr Speaker:** Next question.

**Q433/2020**  
**Deaths in Gibraltar –**  
**January to May figures since 2015**

**Clerk:** Question 443, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Government please state how many people died in every month from January to May for every year since 2015, including the current year?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested by the hon. Member is provided in the schedule I now hand over to him.

**Answer to Q443/2020**

2015	No of DEATHS
JANUARY	27
FEBRUARY	26
MARCH	18
APRIL	21
MAY	18
2016	
JANUARY	31
FEBRUARY	29
MARCH	22
APRIL	18
MAY	16
2017	
JANUARY	26
FEBRUARY	22
MARCH	17
APRIL	13
MAY	28
2018	
JANUARY	39
FEBRUARY	29
MARCH	25
APRIL	27
MAY	27
2019	
JANUARY	36
FEBRUARY	25
MARCH	26
APRIL	22
MAY	15
2020	
JANUARY	34
FEBRUARY	27
MARCH	24
APRIL	21
MAY	12

435 **Mr Speaker:** We can continue with the next question, and then hon. Member will be allowed to ask a supplementary.

**Q444 and 470/2020**  
**Consultancy work for Government –**  
**Arrangements with former Government Ministers; fees involved**

**Clerk:** Question 444, the Hon. D A Feetham.

440 **Hon. D A Feetham:** Mr Speaker, what consultancy agreements are there in place between the Government, any public authority or Government-owned companies and former Government Ministers?

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

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 470.

**Clerk:** Question 470, the Hon. Ms M D Hassan Nahon.

450 **Hon. Ms M D Hassan Nahon:** Has Government or any of its agencies or authorities entered into any sort of consultancy arrangement or contract with any law firm where any previous

Government Minister is an associate or partner; and, if so, what are the level of fees paid under such a contract/arrangement?

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

**Hon. Chief Minister:** Mr Speaker, former GSD Government Minister Fabian Vinet is contracted as a director of the Government's digital audio-visual system, Freeview. The sums paid to Mr Vinet are posted on the Government's information portal.

Separately, the Government pays legal fees to several law firms in which former Government Ministers are associates or partners. Those fees are also set out on the Government website.

**Hon. D A Feetham:** Mr Speaker, is there any truth in information that is reaching us that a former Government Minister who retired at the last election is now being retained by the Government on £18,000 per month?

**Hon. Chief Minister:** Mr Speaker, former Government Ministers Peter Caruana, Daniel Feetham, Peter Montegriffo and Keith Azopardi are members of law firms that receive work from the Government.

If the hon. Gentleman wants to put a question about a specific retainer, he should do so. I do not have any information here to confirm or deny that, but the information is all published on the website and if he goes to the website he will see the amounts paid to each of those relevant law firms. He seems to only want to refer to Neil Costa; he does not seem to want to refer to the law firms of others, including his own.

**Hon. D A Feetham:** Mr Speaker, bearing in mind that the Hon. the Chief Minister has mentioned the former Government Minister by name, it surprises me that he cannot answer the question more directly, which I will repeat: is Mr Neil Costa being paid £18,000 per month in a Government retainer?

**Hon. Chief Minister:** Mr Speaker, it is not that I mentioned Mr Costa by name and he did not. There is only one person who retired at the last election who is a lawyer who fits the description that he made, so he almost mentioned Mr Costa by name and it would be, in my view, improper to pretend to dance around the subject.

If the hon. Gentleman wants to ask a question about a particular individual, I do not see why he is surprised that I do not have the information about that particular individual when his question is much wider. If he goes on the Government website he will see the amounts that are paid to the law firms that fit the description that his question alerted us to. His question is about former Government Ministers; it is only his supplementary that is about former Government Ministers who retired at the last election.

There are fees paid to Peter Caruana and co, which, if you divided them by month, might reach the sort of figure that the hon. Gentleman referred to, to Hassans, of which he and Peter Montegriffo are members, both of them ex-Government Ministers – or, if you divided the amount per month it might exceed the amount that he refers to. I, of course, am a partner on sabbatical of that firm, but I am not a former Government Minister, although I know he would like me to be.

TSN – Mr Azopardi of course is a former Government Minister and they receive fees per month. If you divided per month you might reach the sort of figure the hon. Gentleman is referring to.

Mr Speaker, I know why he is making the point, I know what he is trying to do, I know that this is the sort of politics that he wants to pursue, but going back to the question that he asked us about the distribution of BEAT fairly and equitably, actually if the hon. Gentleman looks at the

fees paid by the Government to law firms, not just the ones I have referred him to but to all law firms, we think that distribution is being done fairly and equally.

505 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as the Chief Minister will know, it is also me that put in a similar question. I think it is rather telling when two opposition MPs from different parties bring something to the table.

Clearly there is, as the Government like to say, 'rumourology', but again, behind smoke there is often fire – not that anybody is saying there is anything wrong with paying fees to ex-  
510 Government Ministers, but if the Chief Minister is talking about being fair and equitable and naming certain past Ministers, why are we not getting a mention of the previous Minister in question, for the sake of inclusivity? And the Chief Minister has not answered whether this ex-Government Minister is receiving any consultation fees or whether he is involved in any contract arising from fees paid to him in terms of working for Government. Why is it that we are not  
515 getting the answer? And is there any truth in this arrangement?

**Hon. Chief Minister:** Mr Speaker, I do think the hon. Lady has understood a word of what I have said – of course not, because she asks why am I not mentioning the Minister. I have just faced the question, a moment before, that I am the one who mentioned the Minister. In other  
520 words, neither she nor Mr Feetham identified the Minister they are obviously trying to get at in their question. I identify him and I am accused by Mr Feetham, gently, of having identified him, and the hon. Lady now gets up and says 'Why aren't you talking about that Minister?' I am talking about that Minister in the context of the supplementary that Mr Feetham put. In the context of the question that she put I have disclosed the arrangements in respect of Mr Vinet  
525 and every other one of the Ministers in question.

If the hon. Lady wants to know the information about that Minister, or at least that Minister's firm, it is on the website. In other words, it is not that we are not talking about it; it is that we are telling the whole of Gibraltar, the whole of the community, the whole of the world, because it is on the website – so, the hon. Members can go to the website and see what amounts have  
530 been paid.

Mr Speaker, the hon. Lady can pretend that I am not answering, even though I am answering. The hon. Lady can pretend I am not mentioning the Minister, although I am the one who mentioned it, as *Hansard* will show. And the hon. Lady can pretend I am not giving the information, although I have told her where the information is and she and everyone else can  
535 look at it.

So, there is no attempt here not to give information. There is just frustration that hon. Members do not even get the information that is available to the general public.

**Hon. D A Feetham:** Mr Speaker, does he not accept that there is a fundamental distinction  
540 between the Government retaining or giving work to law firms and paying a law firm on a case by case basis, and a situation, which is what we are asking, whether there is a retainer in place in respect of one former Government Minister for £18,000 per month. That is what we are asking. Does he not accept that that is a valid distinction to draw?

545 **Hon. Chief Minister:** Mr Speaker, some of the fees that I am referring the hon. Gentleman to may be arising from retainers, but if he wants to know about retainers he should ask about retainers.

Instead of pussyfooting about with questions that actually expose him, the Leader of the Opposition, the former Chief Minister and the former Deputy Chief Minister, Mr Montegriffo, to  
550 be the subject of the question or the answer to the questions – and Mr Vinet – because he has asked so generically that it covers everyone, he should have had the courage of his convictions and asked that question. If he asked that question, we would provide the answer. It is that

simple, Mr Speaker. But what he obviously wants to do is to come to this House on the basis of a generic question when in fact he is seeking a specific answer, as he has now disclosed.

555 But, if it is the case that such a retainer exists – and if he writes to me or if he asks next time round, we will be able to determine whether it does or whether it does not – it might be lower than some of the other retainers or amounts that we have paid to former Members of the GSD. So, is it that it's all right, Jack, if you are a former Minister with the GSD, but it's just not on if you are a former Member of the GSLP? Because that would be totally contrary to the principle of  
560 fairness and equality that he was putting in his earlier question. That, of course, does not mean that when he says one thing he means the opposite. We all know that is who he is.

**Hon. E J Phillips:** Mr Speaker, I may not be plagued by the same difficulties that the learned the Chief Minister says that others are – not that I say they exist in the first place – but one thing  
565 that strikes me from this exchange in relation to this question is that there are many millions of pounds of taxpayers' money each year spent and paid to law firms of Gibraltar that deal with matters which the Government clearly are not able to deal with internally – civil or commercial matters or indeed conveyancing; the list is probably endless. But has the Government given any real thought as to how we can cut the cost of doing this externally by paying out taxpayers' money of many millions of pounds? In fact, over June itself alone I have calculated that about  
570 £800,000 was paid to local law firms in relation to legal fees. Is there a way that we could actively look at in-building talent within our Government legal services and creating the ability of lawyers within the service to provide that service at cost to our community rather than farming out all of this legal work to other law firms when there really could be a benefit to the community of hiring and engaging lawyers within the service potentially? I just say thinking  
575 about it as to whether we could cut the cost of that in the long run.

**Hon. Chief Minister:** Mr Speaker, I entirely agree with the hon. Gentleman that the Government should continue to invest in its own legal talent, which will then enable the  
580 Government to do more of its own legal work without having to brief that out.

In the time that I have been in office the hon. Gentleman will know that we have not just divided up the Chambers of the Attorney General into criminal prosecutions, civil advice and advice to the Government generally and parliamentary drafting; we have also grown the number of individuals employed by the Government in each of those offices. I am very keen to continue  
585 to pursue that. I agree with him that this can result in a wholesale saving for the Government in the long term.

I have been very pleased to see the level of expertise that has been developed by counsel employed by the Government in the Government legal offices in each of the respective areas of responsibility. I believe that we have one of the best drafting teams available in Gibraltar now. I  
590 believe that we have an excellent prosecutorial team and the problem with our advisory team is not that they are able, because they are extraordinarily able; it is that unfortunately they are so busy it is sometimes impossible for them to be able to deal with the additional burden that would come to the Government.

If we were to push to its conclusion the position that the hon. Gentleman is taking we would  
595 have to employ many tens of lawyers in the Government service, which would, of course, have a knock-on effect. We are very busy now; we might be less busy in the future. We are not very litigious as a Government, so a lot of what we do is not instructing on litigation, it is instructing on ... As the hon. Gentleman knows, we have been described as being hyperactive as a Government. We have a lot of agreements to put in place etc.

600 So, I am very keen to pursue that position. It is a position that I pursue with the Minister for Justice and with the Attorney General, and more recently also with the Director of Public Prosecutions in the context of the staffing of his office. I think it is the right approach going forward and I think by investing in the salary of Crown counsel or senior Crown counsel we will make more for the taxpayer than we do by paying the hourly fee – which I am not criticising –



605 which is rightly charged by those in private practice, and the reason they charge it is because they are not charging the Government, they are charging somebody else that amount. I am obviously preaching to the converted – the hon. Gentleman knows that – but I think it is a better investment of our time and money and we are in the process of growing each of those offices, but perhaps not enough that we might be able to do without briefing things out.

610 The fact is there will still, even then, be instances when we might have to brief things out, because there are some things which are very specific and in that context we might have no choice but to brief out. The one thing that obviously comes to mind is the issue of right to light, where there are a few experts in the common law world, and when you have got a right to light claim a claimant tends to instruct one of the experts and a defendant tends to instruct another  
615 of the experts, and that is about you done for, for experts in right to light. So, we would still see briefing out having to happen in more specific circumstances but not generic briefing out, as has been the case until now, because you just have not got the human hours to be able to provide the advice that the Government needs.

620 **Mr Speaker:** One final one.

**Hon. D A Feetham:** Thank you very much, Mr Speaker, for your indulgence.

Is the Chief Minister aware of any other retainer agreement that his Government may have reached with any other lawyer in Gibraltar? And does he not accept that a retainer for £18,000  
625 per month with a former Government Minister who has stepped down as a Government Minister barely less than a year ago will raise eyebrows within the community?

**Mr Speaker:** The Chief Minister does not need to answer that question. He has ventilated that question sufficiently. If he wishes...

630 **Hon. Chief Minister:** I really appreciate that, Mr Speaker, because the hon. Gentleman is not trying to ask a question; the hon. Gentleman is trying to grab a headline and he is doing it by suggesting that something exists which our Government has told him we are not able to confirm exists.

635 I do not know of any other retainer agreement. I do not know even if what he is saying is something which is extraordinary, even if it is true, because it may have happened in their time – although given the way that he is describing things it would appear that when others receive these amounts it is fine, and yet when somebody is alleged to receive this amount who is close to us it is not fine.

640 The hon. Gentleman is doing something which is transparent. It is always ever thus with him. But if he wants to have a real answer to that question and he does not want to simply propagate the possibility that maybe in a way that produces prejudice ... I put it to him that he should write to me or that he should put the question specifically at the next House.

645 **Hon. Ms M D Hassan Nahon:** Mr Speaker, maybe I can get something out of this because I am not a former Government Minister with the GSD and I am also not a lawyer, so I have no conflicts of any sort.

What I want to ask Chief Minister is: was my question not clear enough? I asked: what is the level of fees paid under such a contract or arrangement to any former Government Minister?  
650 Should the Chief Minister not have provided this side of the House with a schedule on what fees are paid to what previous Government Ministers? I think the question is very clear. Why can't the Chief Minister simply answer the question?

**Mr Speaker:** The information is already in the public domain, I think.

**Hon. D A Feetham:** No, Mr Speaker, that is not the case. What is in the public domain is what law firms receive. That is what is in the public domain. What is not in the public domain is specifically what the hon. Lady asked, which is a matter of record.

660 **Hon. Chief Minister:** I am sorry, Mr Speaker, but the hon. Gentleman does like to jump up before he thinks, and the hon. Lady has not properly described her question. I will read it to him and to her: has Government or any of its agencies or authorities entered into any sort of consultancy agreement or contract with any law firm where any previous Government Minister is an associate or partner; and, if so, what are the level of fees paid under any such contract or  
665 arrangement? That is about a contract with a law firm where a person is an associate or a partner. That information, as you have rightly pointed out, I have already said is publicly available, and it is publicly available.

Mr Speaker, if the hon. Members want to try and construct an argument over something which the hon. Gentleman says will lead to questions being asked, questions might be asked.  
670 Frankly, it is important that people should know these amounts. That is why we used to ask when we were in opposition, and as soon as we were elected into government, instead of requiring hon. Members to ask, we published all of this. There is one arrangement, which is the one I have singled out, which is the arrangement with Mr Fabian Vinet – which, by the way, was entered into in the months after he stopped being a Government Minister, immediately after he  
675 stepped down.

But Mr Speaker the Government thinks that this is entirely proper. That is why we publish all of it. That is why everyone can see the amounts in question. It is very easy, in the context of legal fees, to try and blow them out of proportion, but I think we are doing the right thing for Gibraltar. I have instructed the former Chief Minister, the man who said that I was not fit to lead  
680 our community, but I think he has ability which it is important to harness for the benefit of this community, and therefore, when necessary, we instruct him, even though at a cursory look people will see that there is over £300,000 paid by a GSLP Government to Peter Caruana & Co. And we have instructed the firm of the hon. Member, and indeed, Mr Speaker, before the hon. Member became leader of his party we instructed him because we think he has legal ability. I  
685 might disagree with him politically but I do not denigrate the fact that he has legal ability. We think it is right to use the best brains available for the benefit of the taxpayer, even though they may be expensive.

As I have told the hon. Gentleman, I think it would be a better investment for the taxpayer to employ our own lawyers and, where possible, we will do that and spend the money in that way,  
690 but transparency of what is being done in this House today is clear and obvious, and not just what is happening in this House today.

**Mr Speaker:** Next question.

#### Q445/2020

#### Unlock the Rock COVID-19 Road Map – Need for document to be responsive to changing situation

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

695 **Hon. K Azopardi:** Mr Speaker, does the Government agree that the Unlock the Rock COVID-19 Road Map needs to be a dynamic process responsive to where Gibraltar finds itself at any particular time?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir. The document itself actually sets out that position.

705 **Hon. K Azopardi:** Mr Speaker, of course I filed this question for the House some weeks ago now, and indeed wanted an indication from the hon. Member, which I think in part he may have given this morning already and in the press conference, because we are now days away from what the document called 'full unlock' on 1st August.

710 There may be people who did not hear the hon. Member this morning, and the hon. Member may wish to indicate the Government's current thinking on the process leading up to full unlock, and indeed as I understood it, what he had said is that the Government is reluctant to press the button on full unlock given the surrounding circumstances primarily outside our shores, as I understood what he said this morning – but he may wish to provide that indication, as we are days away.

715 The reason I put the question ... The hon. Member will know that this was some weeks ago, but there was at the time, some weeks ago, because this is a swiftly moving position, of course, COVID moves quickly in different directions from day to day and from week to week. About a month ago when I filed the question, I think there was a concern that the Government was moving too slowly in respect of the rollout of some of these measures. Hence we had an exchange, I think, of press releases some weeks ago, and I did want to remind the hon. Member  
720 that the document itself says it is dynamic. Dynamism goes in both directions and I am sure – I ask him to agree – dynamism means that when you have a road map that indicates a particular direction, measures may need to be taken which are either more liberal or sterner, depending on the circumstances prevailing at the time. Does he agree?

725 **Hon. Chief Minister:** Mr Speaker, I certainly hope that the statement that I made this morning has been well understood by members of our community. I would have wished, of course, today, to have been able to say that we were going to move to unlocking the Rock entirely. Instead, not out of any reluctance, as the hon. Gentleman has suggested in the way that he has posed his question, but on advice, I have set out that we require some more days to be  
730 able to consider what the position will be as from 1st August and that it is very likely that we will be continuing at a modulated phase 6 – in other words, that we may be able to make some changes which are positive in the context of loosening restraints. At the same time we may have to keep some things the same or we may indeed have to make some changes which might require us to tighten restraints in some respect. But I think the important thing is to be cautious  
735 and to understand that we must continue to work together as a community in the context of dealing with COVID-19 and not expect that we will simply be able to move in the direction of further loosening the restrictions that we saw implemented in March.

740 The hon. Gentleman and I have worked very well together in the context of the period from March to June. We had a disagreement in public in recent weeks as to the direction of travel, where he wanted to move faster – and in those circumstances it might not have been imprudent for him to suggest that – whilst we were not convinced that we should move faster, despite the evidence at that time not suggesting that there was a need not to consider that. But the advice we were receiving was to continue to observe the periods of pause.

745 In recent days, as the hon. Gentleman has indicated and has understood from what I have said this morning, it is not so much the circumstances in Gibraltar but the circumstances around Gibraltar that are causing us concern, especially if Gibraltar were to be completely unlocked, given what is happening in the United Kingdom, in Spain, in Portugal and in Morocco, all of which are areas to which we have exposure.

750 For that reason, Mr Speaker, I welcome the hon. Gentleman's opportunity to reaffirm the Government's position that this is a dynamic situation and that that dynamism can lead us to have to exercise more restraint than any of us might like to see, but the restraint that we advise

is the right and prudent course of action before we head into the autumn period, which I think is going to be potentially extraordinarily difficult.

755 **Hon. K Azopardi:** Mr Speaker, yes, and the Hon. Member knows that we will share that desire to work together on this issue because we have done so before and indeed it is an important area where we would work together in the public interest if so required; and if we are not required, that is fine too, but to the extent that it is necessary to work together we are, of course, happy to do so.

760 Can the Chief Minister indicate perhaps to those members of our community who are running businesses and so on out there, who of course will have read the documents that were gearing up in the hope for full unlock and who of course understand that there are things happening out there that make it difficult ...? But for people running bars and restaurants and so on, who were hoping to see further liberalisation and may understand that that is not possible, 765 would at least hope to receive from the Government some indication of a new road map, given that this document that was published, 'Unlock the Rock' – which was part one, after all – envisaged further road maps. I think the hon. Member gave an indication this morning that he might be in a position later this week to give an indication. Will that indication contain an element of detail, or perhaps a new road map? Or is it too early for the Government to establish 770 a road map beyond 1st August for businesses or for people, on social gatherings and so on, businesses that might be hoping that their current occupancy levels, the usage of tables and so on, might be shifted in the future?

I am sure many people out there listening to these exchanges will understand that, given the prevailing European circumstances, it might not be possible to make radical adjustments, but 775 they might welcome knowledge that the Government is working on a road map and might give an early indication of when that will be – although we fully appreciate on this side of the House that the period leading up to August and September will be crucial for everyone in Europe.

780 **Hon. Chief Minister:** Mr Speaker, I think that what the hon. Gentleman has asked me to say is exactly what I said this morning. In other words, I said this morning that I hoped by Friday to be able to say more and to say more beyond August. I think I have already given an indication also this morning that those are exactly the things that I hope to say more about, namely the number of people who might be able to gather, the number of people who may be able to book tables at restaurants, the percentage of a restaurant's space that may be used. But it is not possible to 785 predict with any degree of accuracy what is going to happen in the autumn. Therefore, what I am expecting to be able to do, for exactly those same reasons which the hon. Gentleman has indicated, which are exactly the same reasons I expressed during the course of my press conference this morning we would wish to do so, is what the direction of travel is, how we expect things will materialise, but with the caveat that we cannot be held to any of that as the picture develops in the United Kingdom, in Spain and Portugal, or in Morocco, or indeed if there 790 were changes elsewhere that were to have an effect on Gibraltar.

So, I think we need to combine the need to tell people as quickly as possible what we can and to remain also able to change the direction of travel dynamically, where necessary. That is what we, I think, did successfully in the period from March onwards, although there we were moving 795 to restrictions which amounted to a total lockdown, and I have said today that I certainly hope that we will not get back to a lockdown situation. We do understand the virus a little better than we did in March. We do know that medical science is now able to provide care, if not treatment, to people in a way that is better understood, and we have been able to build up our resources in a way that we were not ready and resilient to deal with in the first weeks of March when we had 800 five ventilators.

So, Mr Speaker, I do hope that I will be able to, as I said this morning and as the hon. Gentleman has entreated me to do, give considerably more information on Friday. The effect of what I will be able to say I cannot say will be up to the middle of autumn or until the end of the

year, but we are certainly trying, through the advice that we receive, to be in a position to say as much as we can as soon as we can.

**Hon. K Azopardi:** I am grateful for that answer and I am sure people will be interested to see what the Government says on Friday.

Can the Chief Minister also and I appreciate it is not precisely within the scope of my question, but will the Chief Minister comment on the emerging situation and any possible impact on Gibraltar, if any, in respect of the decision by the UK government to now place quarantine rules in respect of returning people from Spain? There are all sorts of rumours out there, and of course rumour is never a good bedrock for asking a question but there are all sorts of fears and concerns that people will have as to how decisions are reached in respect of that.

I saw the Spanish Foreign Minister, just an hour or so ago, say that the health officials of the United Kingdom government and the Spanish government had met and they had put a big case to the British government because the Balearic Islands have a lower incidence rate than the United Kingdom, so they wanted to create some kind of air bridge. I saw the Deputy President of the Junta de Andalucia say something similar in relation to Andalucia and so on, which may be a more complex situation, of course, to manage, given that there is no ability to stop anyone coming from the north down to the south in August on holiday.

Can the Chief Minister assist in commenting on whether he expects or indeed has had contact with the UK government in relation to this emerging situation and whether there will be any possible impact on the air bridge that we have with the United Kingdom?

**Hon. Chief Minister:** Mr Speaker, if I may start, of course, by agreeing wholeheartedly with the remarks the hon. Gentleman has made that rumour is never a good bedrock for asking a question, and commend the approach that he brings to asking questions to some others.

There has been contact between the Government and the United Kingdom government. There was contact before the United Kingdom announced the suspension of the air bridge with Spain. 'Air bridge' is the term I think the hon. Gentleman and I are using to explain an air link after which one is not required to quarantine. There may be air connections in other places but they do require the individual arriving, in the United Kingdom in this case, to quarantine for a period. So in that context the Government was in contact with the relevant officials in the United Kingdom.

Mr Speaker, the point that the Government made – which is one I made today also in the context of my intervention and when asked by one of the local journalists present – is that Gibraltar would have zero cases were it not for arrivals from the United Kingdom. I think it has been said during the course of the past week that of the five active cases in Gibraltar, four arrived in Gibraltar on the aircraft to Gibraltar from the United Kingdom and one was exposed to them. Therefore, our current cluster is in respect of arrivals from the United Kingdom, something on which we are taking detailed advice. It would therefore have been perverse for the United Kingdom to have imposed on arrivals from Gibraltar a quarantine because we had five cases.

It is also true that neither the Government of Gibraltar nor anyone in Gibraltar will want to see Gibraltar Airport used as a back door to avoid regulations in the United Kingdom. For that reason, I understand that travellers are required, even when arriving from Gibraltar Airport, to declare whether they have been in Spain in the preceding 14 days. If they have been in Spain, then even though they are flying from Gibraltar they will be required to quarantine for a period, which I understand is a shorter period of 10 days, depending on when they were in Spain; and those who are arriving from Gibraltar and have not been to Spain will not be required to quarantine.

Now a lot of this, of course, is unpoliceable. The United Kingdom Home Secretary herself has said that quarantine in the UK can only be dealt with on the basis of spot checks and people's honesty, and the filling in of these questionnaires is also something which is subject to the

honesty of the individual filling them in to comply with regulations that the United Kingdom is putting in place for reasons of public health. Of course one should always honestly answer a requirement on a form from the government when you are arriving in their location honestly. I think people might just want to reflect that if you are the case that is picked for checking, one  
860 does leave a digital trail these days and if you say you have not been in Spain but you might have used your credit card and you might have stayed in a hotel room etc., that may actually show up on the system and then the offence of misleading on a government form might be worse than simply having to stay home for a few days. So, I would always encourage people to be open and honest when filling in these forms. They are there for a purpose. These rules are no joke. They  
865 are there because of the assessment and the advice given by medical professionals to the United Kingdom government.

But in the context of Gibraltar the position at the moment is that the air bridge will continue in place without a requirement for quarantine when you arrive if you are an arrival from Gibraltar that has been in Gibraltar and not into Spain in the preceding 14 days.

870 Of course, Gibraltar Airport is not the only airport that could be used in this way. There could be access to Portuguese airports, to French airports, or other ways into the United Kingdom where people might, in that way, avoid flying from a Spanish airport and might then access the United Kingdom without having to comply with quarantine.

And so, Mr Speaker, I think the position is a fluid one and I can only describe the position as it  
875 is today, and if DFT or Public Health England make a different decision, that could have repercussions not just on Gibraltar but on other jurisdictions also.

**Hon. K Azopardi:** Mr Speaker, I am grateful for that extended answer. As I understand the answer the hon. Member has given then, it is important for people to understand in Gibraltar  
880 that if they are going to fly to the United Kingdom they will be asked if they have been to Spain in the last two weeks; and, if so, they will have to go into quarantine.

It would be important, for example, for as long as this quarantine rule regime is in place, for our students returning to university to be aware that they are going to face that kind of question and requirement, so they would probably be well advised to stay in Gibraltar for two weeks  
885 before they have to fly to the United Kingdom. Does the hon. Member agree?

**Hon. Chief Minister:** Mr Speaker, with the following caveat I do agree. This is not a form that is required to be filled in for people arriving from Gibraltar; this is a form that is, as I understand it, required to be filled in by all arrivals into the United Kingdom. The fact is that the United  
890 Kingdom has suspended its air bridge with Spain and therefore it has become particularly poignant on arrival from Gibraltar, but if you were flying ... For example, if you had spent a week in Spain and then a week in Italy and you were flying back to the United Kingdom from Italy, you would be caught by the rules in the same way.

The only thing I would also say, in respect of advising those going back to the United Kingdom  
895 to pursue their studies, is that the last time the United Kingdom had a quarantine requirement on Spain I believe it lasted 16 days. I think the United Kingdom does not want to keep these restrictions in place longer than they need to, and it may be that by mid-September or late September, when people tend to be flying to the United Kingdom, these requirements are no longer in place. I have no doubt whatsoever that if it is possible for these requirements to be  
900 lifted on the basis of prudently following the medical advice, they will be.

So, with those caveats, Mr Speaker, the short answer to his question is that I do agree.

**Mr Speaker:** Next question.

**Q446/2020**

**E-visas for entry into India –  
Problems experienced by holders of Gibraltar-issued passports**

**Clerk:** Question 446, the Hon. K Azopardi.

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**Hon. K Azopardi:** Mr Speaker, is Government aware that holders of Gibraltar-issued passports were, before the pandemic, encountering problems obtaining electronic visas for entry into India?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is fully aware that holders of Gibraltar-issued passports were, before the pandemic, encountering problems obtaining electronic visas for entry into India. This problem did not only affect Gibraltar but also Jersey, Guernsey and the Isle of Man.

According to the Indian High Commissioner in London, the Indian government has now agreed to undertake the necessary changes to their e-visa system and is now working on adding Gibraltar and the Crown Dependencies passport holder categories to their e-visa service.

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**Hon. K Azopardi:** I am grateful, Mr Speaker.

Does the Chief Minister have an indication of when these administrative processes will be carried out in respect of all these territories?

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**Hon. Chief Minister:** Mr Speaker, this is, I understand, already in train and I refer the hon. Gentleman to a press release issued by the Government on 9th January this year which alerted people to these difficulties and how the e-visa system might be able to process applications from Gibraltar passport holders.

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**Hon. K Azopardi:** Mr Speaker, I am aware of that. It is just that a case was brought to my attention that occurred after that, just before the pandemic – it must have been around February or so – so I thought it was appropriate to ask this question in the House because people were still encountering problems. That was the message that I was receiving from a few people. Certainly it was before the lockdown. I did not put this question earlier because of course we had agreed, on both sides of the House, to postpone question and answer sessions, but certainly in March it was the position that these problems remained.

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If the hon. Member has not had an update, perhaps he could seek an update from whoever drafted that answer that indicated that administrative processes were being put into train.

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**Hon. Chief Minister:** Mr Speaker, I have not had an update, as the hon. Gentleman puts it, but as I understand his question the answer provided to his question is correct to the past seven days. I also have not – and he, I understand, also has not – had more complaints. I do believe, therefore, that the matter may have been resolved, or there may not have been that much travel to India in the period. But we did have – I use the word lightly – an undertaking from the Indian High Commissioner that this was being dealt with, but many things, even here, have not been dealt with that we expected to be dealing with in this period.

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If the hon. Gentleman has any indication that this continues to be a problem, he should please bring it to my attention so that I can pursue the matter.

**Mr Speaker:** Next question.

**Q447/2020**

**Media monitoring services –  
Explanation re services provided**

950 **Clerk:** Question 447, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, will the Government explain in detail the services provided to it described as media monitoring services in head 2, 6 Convent Place, sub-head 12, which was expected to cost £465,000 this financial year and cost £460,000 last financial year, and provide a  
955 full, itemised breakdown of the cost and nature of those services, by whom they are carried out and, if under contract, the names of contractors?

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

960 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I refer the hon. Gentleman to Press Release 790/2012. Grupo Albi3n continue to provide this two-way service to Her Majesty's Government of Gibraltar. The service monitors the Spanish and international press distributed in Spain and translates press releases ensuring they are available in the Spanish media. The service does not involve the monitoring of any Gibraltar media or any Gibraltar online forums on any of the social  
965 media accessible from Gibraltar.

**Hon. K Azopardi:** I understand from the answer the hon. Member has just given that the entire sum is paid in relation to one contracting party in respect of media monitoring outside our shores – is that correct?  
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**Hon. Chief Minister:** Yes, Mr Speaker.

**Hon. K Azopardi:** And that the media monitoring services concerned relate to translations, in effect – is that right? Or do they entail other duties beyond translation?  
975 And perhaps the hon. Member can also assist – I am not sure I caught it in his original answer, but in respect of which particular countries are we talking?

**Hon. Chief Minister:** Mr Speaker, not translations. The hon. Gentleman I think has confused two parts of the answer I gave, so if I can just clarify that: so the media that is reported to us is everything that is reported in Spain about Gibraltar. That means that we will get articles published in any language which are published or available in Spain about Gibraltar. Given the nature of our ability to understand Spanish, we do not require that those be translated into English if they are published in Spanish; we simply have them provided to us in Spanish. They might be translated if we needed to refer those documents to third parties who did not speak  
980 Spanish, namely to colleagues in the United Kingdom.

Also, our press releases are translated into Spanish. That is a translation process and that information is made available to the Spanish media. That includes information which is not political information, which is cultural information, as we want to ensure that what is happening in Gibraltar culturally is also understood beyond our shores, not just here.  
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I think I have answered the aspects of the question that he put now.  
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**Hon. K Azopardi:** Yes, I think so. As I understand what he is saying, it is only in relation to activity within Spain but in respect of articles that might have, for example, appeared in the Danish press that somehow are picked up by Spanish outlets. You want to check out the original article or something, so it may require some kind of translation. I may be wrong, and if so perhaps the Chief Minister could clarify.  
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The other question I had was: beyond this kind of collation/translation service, does this group provide any kind of media liaison in Spain or any other kind of media communications service to the Government?

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**Hon. Chief Minister:** Mr Speaker, just so that we understand ourselves, this is publications about Gibraltar that are available in Spain. So, if a Danish article – to pursue the example the hon. Gentleman gave – is published in Danish in Denmark but it is accessible in Spain, about Gibraltar, then it will be brought to our attention because it is something which is accessible in Spain; and if it is in Danish, it will also be translated so that we are able to understand it, not into Spanish and then into English – it will be translated directly into English. That is the first part. In other words, anything which is available in Spain about Gibraltar is picked up and is referred to us, not just Spanish newspapers.

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And in terms of media liaison, I do not know that I understand the hon. Gentleman's question. Let me put it this way: any arrangements for interviews etc. which might happen in Spain in respect of my office or any other Gibraltar official will, nine times out of 10, originate from contact with the Media Director in Gibraltar, Mr Golt. There may be some instances where media who know that Grupo Albi3n represent us may get in touch with Grupo Albi3n and Grupo Albi3n will refer them to the Media Director in Gibraltar for arrangements to be made for interview etc. I do not know whether that is the sort of media liaison that the hon. Gentleman was referring to.

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**Hon. K Azopardi:** Yes, I was really trying to understand what the remit of the contract was: whether it was simply this sort of collation/translation service; or, if the Chief Minister decides to go to Madrid, say, for example, would they co-ordinate meetings with journalists? I am not sure if they are providing those kinds of services.

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Can the Chief Minister also comment on a couple of other observations – if I may, just questions – on this whole situation? Can he help us by explaining how many people would provide services within this contract by Grupo Albi3n to the Government and who the principal of Grupo Albi3n is with whom the Government has a contract? And can he comment on whether he believes that this contract is value for money?

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**Hon. Chief Minister:** Mr Speaker, the question of whether or not they would co-ordinate meetings if I were going to a particular Spanish city ... Certainly, for me, the person I would be in touch with would be the Media Director in Gibraltar. That is who I would seek the arrangements should be made with, but I do know that he would be in contact with his own media contacts and very likely with those who are running this contract.

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The principal we deal with is Mr Miguel Vermehren, whom he may have met, and he is the person who proposed this to the Government of Gibraltar. I do not know how many people are employed in Grupo Albi3n, but it is a large entity.

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Mr Speaker, as I told him in the context of the first answer that I gave, the press release that I referred him to is a press release of November 2012, so we have now been running this since 2012. That is almost eight years. We think it is being run very successfully.

He might recall that in that period we have faced an onslaught against Gibraltar on a number of occasions, not least when Sr Margallo was the Spanish Foreign Minister and Grupo Albi3n were seeking to correct information put out about Gibraltar almost on a daily basis, which was information improperly put out. The work that they do is very helpful in the context of dealing with factual errors that we can point to in the context of reporting in Spain, not always successfully. There are mechanisms which have to be followed by Spanish reporters. They are not always followed, but in many instances there are corrections.

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I can give him an example: only this weekend there was a reference, I believe in *France 24*, to an issue relating to drug trafficking from Gibraltar. The whole of the report was actually about the Campo de Gibraltar and the south of Spain, and after a lot of pressing I understand *France 24*

changed their report to take Gibraltar out of the headline. The rest of the article, I am told, was not a reference to Gibraltar; it was a reference to the Campo de Gibraltar.

So, we certainly do believe that it is value for money. That is why we have maintained it for eight years. We would not have done so otherwise.

**Hon. K Azopardi:** So, for my final question: how does that work? Is it that they have got a general leeway under the contract to reach out and correct these matters? Or is there a process where they tell the Government, 'Look, we have spotted this error – what do you want to do about it?' I imagine that would be lengthier, more bureaucratic and slower, but on the other hand it has the virtue of you being aware that the contracting parties are not reaching out on the Government's behalf and seeking to correct the public record. How does it work?

**Hon. Chief Minister:** Mr Speaker, it is a bit of a hybrid of those two.

So in other words one of the things that we constantly have to see is references to 30,000 companies or 300,000 companies incorporated in Gibraltar, which is just a Spanish journalist relying on an earlier report that is wrong. And so the number of companies incorporated in Gibraltar – and the hon. Gentleman will forgive me, I did not know the exact figure today because it does change – is one which Albi3n have and which Albi3n are updated on by Mr Tipping from the Finance Centre Director's Office. Whenever they spot a number in an article which is wrong, they will be in touch in respect of that because we made a policy decision with Albi3n that we wanted to push back against the use of numbers which were artificially inflated to try and pretend that the numbers of companies in Gibraltar exceeded the population. The hon. Gentleman will not be surprised to hear that in some instances we might find a reference to 300,000 companies incorporated in Gibraltar, then 30,000 companies incorporated in Gibraltar, when the number is half that, and active I think one third of that. So, having established that this was something we wanted to push back against, we asked Albi3n, every day that there was a reference which was incorrect, to immediately push back on those issues.

Otherwise, the hon. Gentleman rightly identifies that there is a communication back to the Government about what is spotted which may be inappropriate and then an agreement with the Government as to how to approach what has been reported which is incorrect or inappropriate.

#### Q448-49/2020

#### Victoria Keys development – MoD objections; impact of COVID-19 pandemic

**Clerk:** Question 448, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, are the MoD objecting to any part of the intended development known as the Victoria Keys; and, if so, what is the objection?

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

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

**Clerk:** Question 449, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, has the Government revised its views on the Victoria Keys development, its timing, financing or its extent, because of the effect of the COVID-19 pandemic?

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

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**Hon. Chief Minister:** Mr Speaker, the Government has not revised its view on the Victoria Keys development despite the COVID-19 pandemic. The design of the project is ongoing, with further geotechnical investigations of the seabed having been contracted in order to provide more information. These works were delayed by a few weeks due to the construction lockdown but they have now been completed.

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The environmental impact assessment scoping report for the creation of the land for this project has been submitted to Planning for comment from the statutory consultees. These include the Ministry of Defence, who has not objected to this reclamation project, although there are still some issues to address arising from their comments, as indeed there are from other consultees. These are the subject of further assessments and consultations.

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**Hon. K Azopardi:** Mr Speaker, I am not sure if the hon. Member answered the question in respect of the issue of the financing – whether the Government's views of the financing were going to be revised because of the pandemic. He may have done, but if he can just refresh my memory when he stands and does that.

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In respect of the whole issue of timing itself, given that the EIA scoping, the environmental impact assessment, has gone out to stakeholders and the geotechnical studies of the seabed have now been completed, can the hon. Member comment publicly on the proposed timing of the development insofar as the planning process and where they are in terms of the arrangements that the Government were finalising last time we had questions on Victoria Keys?

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman asked me about financing in the context of the Government's views, where he asked the question about timing, financing or extent, and I gave him the answer that the Government has not revised its views.

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On timing, Mr Speaker, I do not want to be drawn on what timings may be relevant because there is a planning process going on and I do not want anything to be said by the Government that suggests that we expect the process to which the Government submits itself should move in one particular way or the other.

I know that there are many applications before the DPC. Many of those have been delayed. The DPC is trying to deal with the backlog of applications. It is meeting by Zoom, something I understand has met with the hon. Gentleman's approval. The Government is an applicant there and I therefore do not want to create any hostages to fortune by seeking or expressing a view as to how the timing may develop.

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**Hon. K Azopardi:** Mr Speaker, when the Hon. Member answered the question in relation to the MoD, I thought he couched his answer in relation to the environmental impact assessment almost as if the MoD has not objected as part of the consultation on the environmental impact assessment, as part of the statutory consultation. But my question is rather wider: has the MoD raised any objection in relation to the Victoria Keys development at all; and, if so, what?

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**Hon. Chief Minister:** Mr Speaker, the time for the MoD to raise any objection has not yet come, because it would come in the context of the different stages of application. In the context of this stage of the application I gave him the answer. In the next stage of the process they can, as a statutory consultee, also make objection, but we will have to see how that develops. I have nothing to report to the House at this stage in that respect.

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**Hon. K Azopardi:** Mr Speaker, I was not tying up my question in respect of the planning process or any particular statutory processes that might be followed as part of a DPC process. The question that I put at Question 448 is rather wider than that. I know from my time on that side of the House that the MoD may formally express a position when it comes to a discussion in

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the planning process, but they may do so informally as well. They may intimate to the Government that they have certain objections to proposed development and that may not necessarily have to await a statutory kind of process being followed.

1150 What I am asking is: has the MoD intimated to the Government any degree of objection in respect of its Victoria Keys development; and, if so, what is the nature of the objection? Is it technical? Is it because of the proximity to military facilities? What is it?

1155 **Hon. Chief Minister:** Mr Speaker, the only thing that would be relevant would be if the MoD expressed an objection in the context of the planning phase. In other words, the MoD is a statutory consultee for a reason: so that if something is going to affect it, it can put its view – now publicly because, as the hon. Gentleman knows, once we were elected we made the planning process public – and in that context it can put a view that will have an effect on the determination that is made by the representatives of this community on whether a project should proceed or not proceed. Other than that Mr Speaker, the MoD – which is not an individual, it is a corporate ... Individuals in the MoD may express views to individuals who are technical officers of the Government. What matters is what they put down on paper, and in the context of what they put on paper this is what I have expressed to the House and this is the stage of ... I always get this wrong ... environmental impact assessment scoping report. When it gets to a different sort of planning, the MoD will continue to have an input as an interested stakeholder and those are the things that are relevant, not the things that people might say to each other in the gravy aisle at Morrisons.

1170 **Hon. K Azopardi:** Yes, and reading between the lines of what the hon. Member has just said, although the conversation may not have happened in the gravy aisle at Morrisons ... I do not know if there is a gravy aisle at Morrisons; last time I went there was no gravy aisle.

1175 Perhaps the hon. Member had something specifically in mind. What I take from the hon. Member's answer is that the Government may take the view that the MoD has not elevated any kind of intimation of concerns through the statutory planning process but that there must be some expression of concern behind the scenes, and the hon. Member may or may not wish to express that to the House.

1180 **Hon. Chief Minister:** Mr Speaker, he is wrong about all of that. There is an aisle where you get your Bisto and your Oxo, and that is what I refer to as the gravy aisle. *(Interjection)* Mr Speaker, he seems to be reading between the wrong lines and between the wrong aisles.

**Mr Speaker:** Next question.

**Clerk:** Question –

1185 **Hon. R M Clinton:** Mr Speaker –

**Mr Speaker:** This will be the final question on this subject.

1190 **Hon. R M Clinton:** Sorry, Mr Speaker, I was absorbed with images of gravy aisles, and distracted somewhat.

1195 Coming back to the answer to Question 449 and in light of the expenses that the Government is incurring with the COVID crisis and the additional borrowing that we know the Government has recently obtained a facility for, in terms of the financing of this project, which was originally, I believe, £50 million, can the Government advise whether this financing ...? Does it have any discretion over it, or is it now contractually committed to provide this £50 million financing?

1200 **Hon. Chief Minister:** Mr Speaker, the COVID emergency, as I told the hon. Gentleman before, or the Leader of the Opposition, concentrates, I hope, the minds of everyone in this community on what money is and is not for. A project which will increase the landmass of Gibraltar, which will add to its GDP, which will produce a return to the Government in respect of the investment that we will make, which will multiply the amount invested, is exactly the sort of investment the Government would want to see proceed. We think it is good for Gibraltar. We think it is good for the public purse.

1205 **Hon. R M Clinton:** Sorry, Mr Speaker, I have just the one supplementary to that. I did not hear the Chief Minister say whether it is contractually committed or not. Does the Government have any discretion at this stage? Or is it a document signed, on which the Government has to provide this financing?

1210 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman's question is very specific. It is about whether there is now probity of contract between the parties. I cannot give him the answer to that question today about whether or not documents have been executed or not executed. I know that there were agreements, that those agreements have been reached in principle, that there were drafts of agreements, but I cannot confirm to the House – and I do not want to  
1215 mislead the House – whether or not those have been now executed or not.

**Q450-69/2020**  
**Former Commissioner of Police –**  
**Circumstances surrounding retirement**

**Clerk:** Question 450, the Hon. K Azopardi.

1220 **Hon. K Azopardi:** Mr Speaker, was the Government sorry or surprised to see the former Commissioner of Police retire?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 451 to 469.

1225 **Clerk:** Question 451, the Hon. K Azopardi.

**Hon. K Azopardi:** No surprise, Mr Speaker.  
Has there been any discussion between the Government and the former Commissioner of Police as to his retirement, the terms of it, or any agreement entered into with him in respect of  
1230 his standing down from his post?

**Clerk:** Question 452, the Hon. K Azopardi.

1235 **Hon. K Azopardi:** Has a compromise agreement or confidentiality agreement been entered into with the former Commissioner of Police?

**Clerk:** Question 453, the Hon. K Azopardi.

1240 **Hon. K Azopardi:** Had the former Commissioner of Police lost the confidence of the Police Authority or the Chief Minister?

**Clerk:** Question 454, the Hon. K Azopardi.

1245 **Hon. K Azopardi:** Did the Police Authority consult with the Chief Minister in relation to a possible or actual request to call upon the former Commissioner to retire in accordance with section 34 of the Police Act, any other provisions of that Act or otherwise; and, if so, when?

**Clerk:** Question 455, the Hon. K Azopardi.

1250 **Hon. K Azopardi:** Was the Government or the Chief Minister asked to express a view as to whether the Commissioner should retire, be dismissed or be asked to resign or be disciplined?

**Clerk:** Question 456, the Hon. K Azopardi.

1255 **Hon. K Azopardi:** Mr Speaker, when did the former Commissioner of Police communicate a request to retire, and to whom?

**Clerk:** Question 457, the Hon. K Azopardi.

1260 **Hon. K Azopardi:** Is the Government aware of when the Police Authority discussed the possible retirement of the former Commissioner and the circumstances that led to the former Commissioner tendering a request to retire?

**Clerk:** Question 458, the Hon. K Azopardi.

1265 **Hon. K Azopardi:** Have the Government or the Attorney General disagreed with the former Commissioner of Police on any policing, operational or investigative matter during 2020; and, if so, what?

1270 **Clerk:** Question 459, the Hon. K Azopardi.

**Hon. K Azopardi:** Has any policing, operational or investigative matter during 2020 led to, or been directly or indirectly the cause or a factor in the early retirement of the former Commissioner of Police; and, if so, what matter?

1275 **Clerk:** Question 460, the Hon. K Azopardi.

**Hon. K Azopardi:** Does the Chief Minister know the reasons or causes for the early retirement of the former Commissioner of Police; and, if so, will he set these out?

1280 **Clerk:** Question 461, the Hon. K Azopardi.

1285 **Hon. K Azopardi:** Did the Chief Minister discuss the retirement, resignation or continuance in office of the former Commissioner with the then Governor prior to 11th June 2020; and, if so, when, on how many occasions, and what was the nature of those discussions?

**Clerk:** Question 462, the Hon. K Azopardi.

1290 **Hon. K Azopardi:** Did the Government have any concerns as to the conduct of the former Commissioner of Police in respect of any matter?

**Clerk:** Question 463, the Hon. K Azopardi.

1295 **Hon. K Azopardi:** Have the Chief Minister or Attorney General discussed issues relating to the former Commissioner of Police, his retirement, resignation, conduct or discipline with the Police Authority; if so, when and what was the nature of those discussions?

**Clerk:** Question 464, the Hon. K Azopardi.

1300 **Hon. K Azopardi:** Is the Chief Minister aware of (1) any concerns expressed by the Police Authority or to the Police Authority in respect of the former Commissioner of Police, and if so by whom and in respect of what; and (2) whether the former Commissioner of Police has made any representations to the Police Authority in respect of such matters or in respect of his post, tenure, conduct, retirement or resignation?

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**Clerk:** Question 465, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, was the former Commissioner of Police asked to resign or to consider his resignation or retirement by the Police Authority, Governor or Chief Minister?

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**Clerk:** Question 466, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, did the Police Authority hold the former Commissioner of Police to account on any matter under the power vested in it by section 5 of the Police Act; and, if so, on what matter and when?

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**Clerk:** Question 467, the Hon. K Azopardi.

1320 **Hon. K Azopardi:** Mr Speaker, has the Chief Minister been informed by the Governor or provided any report by him in respect of the Governor's exercise of a power under section 13 of the Police Act during 2020; and, if so, what was the nature and extent of the exercise of such power?

**Clerk:** Question 468, the Hon. K Azopardi.

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**Hon. K Azopardi:** Mr Speaker, has the Chief Minister exercised any power under section 15 of the Police Act; and, if so, what power, describing what he has required the Police Force or Police Authority to do and the dates and nature of any meetings held with the former Commissioner to discuss matters under the Police Act?

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**Clerk:** Question 469, the Hon. K Azopardi.

**Hon. K Azopardi:** Mr Speaker, is the Chief Minister aware whether the Police Authority issued guidance to the former Commissioner of Police under section 23 of the Police Act or otherwise; and, if so, what was the nature of the guidance and in respect of what issue?

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

1340 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has asked a number of questions about the retirement, performance or other aspects of a contract of employment of an individual. The Government believes that it is not appropriate for the House to be considering any matter related to the personal circumstances of a retired individual formerly in the Government service. This is not a question of not wanting to answer, but a case of what it is appropriate to address in this House.

1345 For the avoidance of doubt, however, the Government can confirm that there are no compromise or confidentiality agreements entered into with the former Commissioner, other than the usual arrangements for early retirement of any government officer.

1350 Additionally, some of the questions the hon. Gentleman has asked are out of order as they relate to matters which are public or matters for which the Government is not answerable. For example, the Government is not answerable for the actions of the Governor or the Police Authority. Another example relates to the hon. Member's question about whether or not the Chief Minister has exercised any power under section 15 of the Police Act. This is entirely contrary to the Rules, given that I have already answered, in Question 292/2020, that I exercised the power in section 15 of the Police Act. I refer the hon. Gentleman to that answer, which made the exercise of that power public and which was provided in the last six months.

1355 Finally, Mr Speaker, I would refer to the House and commend the recent statement from His Excellency the Governor appointing Mr Richard Ullger as Commissioner of Police. I very much look forward to working with Commissioner Ullger – as I have with all Commissioners of Police with whom I have coincided in office – in the areas of overlap of our constitutional responsibilities, on which we will jointly endeavour to apply our respective offices to delivering the safety, security and prosperity of our people.

1360 **Hon. K Azopardi:** Mr Speaker, that answer is a monument to trying to sidestep questions that the public legitimately has over the retirement of the former Commissioner of Police, who holds a privileged and important position in the constitutional architecture of this community.

So, I will ask the hon. Member some supplementaries, if I may, notwithstanding his attempt to obfuscate the answers and the clarity that should be forthcoming on an issue such as this.

Will the Chief Minister tell this House when he became aware of the proposed retirement of the Commissioner?

1370 **Hon. Chief Minister:** Mr Speaker, I do not have a note in my diary, or anywhere else, which might tell me when I became aware of the indication of the former Commissioner that he wished to retire.

1375 **Hon. K Azopardi:** Will the Chief Minister confirm to the House how many meetings he has held with the Commissioner in the last three months?

1380 **Hon. Chief Minister:** Mr Speaker, if I have a meeting with the Commissioner of Police which is recorded in my diary, and if I have notice of a question which asks me to tell the hon. Gentleman how many times I have met with him, then I may be able to provide to the House that information. But I also meet with the Commissioner of Police when it is not provided for in my diary, and therefore any answer I may give may not be accurate.

1385 **Hon. K Azopardi:** Mr Speaker, the hon. Member, in his attempt not to answer anything today, and in particular in this range of questions, should go back to consult the 20 questions he has cobbled together in one answer and he will see that I asked specifically about when he had met the former Commissioner of Police and give an indication. The hon. Member has had that question, so he can give the answer – he has had it.

1390 **Hon. Chief Minister:** Mr Speaker, I have consulted the list of questions that I have from the hon. Gentleman: none of them ask me the question he says he has asked me.

1395 **Hon. K Azopardi:** Mr Speaker, let's try again, shall we? I have specifically asked the question when the former Commissioner of Police communicated a request to retire, so he does not need to consult his diary. I have asked the question: when did that happen?



**Hon. Chief Minister:** Ah, Mr Speaker, full retreat, to be expected. The question the hon. Gentleman has just asked me is how many times I have met with the Commissioner of Police. I said if you ask that question, it may be in my diary and then I will be able to tell you, and if I have met him outside and it is not in my diary my answer may not be entirely accurate. The Hon. the Leader of the Opposition says, in response to that, 'That's not right, I have given notice of that question – it's in the 20 questions you have cobbled together.' In fact, I have not cobbled them together; he has cobbled them together. I have just bunched them together because they all deal with the same subject. When I have looked carefully again at those 20 questions, none of them ask what he said a moment ago – as *Hansard* will unfortunately show – he had asked me. He has now gone back to a question before, where he asked when the Commissioner had given an indication that he wanted to retire, and I told him I kept no note of that. That question I have answered: I have no note of that.

**Hon. K Azopardi:** Mr Speaker, the hon. Member will, I predict safely, give very long answers to very precise questions that I am about to put. I am not going to play the game that he wants me to play, which is a game of hide and seek. I am going to ask him precise questions and he can answer them if he wishes to, or everyone can hear that he is not answering them.

Was the retirement date with the former Police Commissioner agreed?

**Hon. Chief Minister:** I refer the hon. Gentleman to an answer I gave a few moments ago.

**Hon. K Azopardi:** Mr Speaker, when the Government found out that the former Commissioner wanted to resign or retire, did they seek to persuade him to stay?

**Hon. Chief Minister:** Mr Speaker, I will neither comment in this case or any other to such a question.

**Hon. K Azopardi:** Mr Speaker, did the Commissioner retire for personal reasons?

**Hon. Chief Minister:** Mr Speaker, if somebody retires for personal reasons, I am certainly not going to be the one answering in that vein in this House.

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

**Hon. Chief Minister:** Mr Speaker, a retirement is a retirement, and if the hon. Member looks up the definition it is expressed to be not for reasons of the type that the hon. Gentleman seems to be referring to. But I am reminded of what he said earlier, when he said that rumour was no bedrock for questions in this House.

**Hon. K Azopardi:** Is the Chief Minister saying to the House that he does not know precisely when the former Commissioner of Police intimated that he wanted to retire? And if so, can he tell us approximately when he found out?

**Hon. Chief Minister:** Mr Speaker, I can tell the hon. Gentleman approximately when I found out, because he has now asked that I should do something approximately, which means that they are not fixed with the requirement to give this House information of the accuracy failing which I would be accused of misleading it – and that answer would be in the context of the 72 hours before it happened.

**Hon. K Azopardi:** Did the Chief Minister find out from the former Commissioner of Police or from someone else; and, if so, whom?

**Hon. Chief Minister:** Somebody else: His Excellency the Governor.

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**Hon. K Azopardi:** Did the Police Authority discuss the matter of the prospective retirement by the former Commissioner of Police with the Chief Minister?

**Hon. Chief Minister:** Yes, sir.

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**Hon. K Azopardi:** What was the nature of that discussion, and when did it happen?

**Hon. Chief Minister:** That is not a discussion that I am prepared to disclose. It is a discussion between the Chief Minister and the GPA.

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**Hon. K Azopardi:** When did it happen?

**Hon. Chief Minister:** Approximately five days before the Governor communicated to me the retirement I have indicated in this House before.

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**Hon. K Azopardi:** Mr Speaker, did the Chief Minister, the Government or the Attorney General have any concerns about the conduct of the former Commissioner of Police?

**Hon. Chief Minister:** Mr Speaker, that question asks me to express my views as to the conduct of an individual who is no longer employed by the Government of Gibraltar, so I have no intention of giving a response in respect of somebody who is no longer employed.

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**Hon. K Azopardi:** Did the Chief Minister express conduct concerns to the former Commissioner of Police at the time that he was still the Commissioner of Police?

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**Hon. Chief Minister:** Mr Speaker, I do not think it is appropriate for me to refer to this House the content of conversations I may have or may have had with any former Commissioner of Police or the current Commissioner of Police.

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**Hon. K Azopardi:** Is the Chief Minister really saying to this House and the people who are listening that when he has conversations with a Commissioner of Police...? I am asking him directly and specifically if he had concerns about the conduct of the Commissioner of Police. Is he really not going to be willing to answer that question given the very special position that the Commissioner of Police holds with operational responsibility over an institution that delicately sits in our constitutional architecture? This is not the head of the refuse collection service; this is the Commissioner of Police. If he had conduct concerns, why is he unwilling to say so?

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**Hon. Chief Minister:** Mr Speaker, the first part of the hon. Gentleman's premise belies the second. Because the individual that we are talking about, as an office holder, holds such an important role in the constitutional architecture of Gibraltar and the application of the rule of law in this place, there are issues – no doubt which affect relationships generally going forward – where comment would not be in the public interest of Gibraltar.

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I am going to go further and I am going to say that to give more detail in the context of the questions I am being asked by the hon. Member is not in the interest of Gibraltar or the Gibraltarians today, even though it may be in their interest in terms of it being an interesting thing to find out about. The person who, in the constitutional architecture of Gibraltar, is the Chief Minister needs to think about what the consequences of providing more detail on things are to Gibraltar as a whole, especially given the political moment internationally in which we find ourselves. I refer the hon. Gentleman to the answer I gave him about section 15 of the Police Act and why I exercise that power.

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1500

**Hon. K Azopardi:** Mr Speaker, had the former Commissioner of Police lost the confidence of the Government?

1505 **Hon. Chief Minister:** Mr Speaker, there are provisions in the Police Act which bite in the event of the Government having lost confidence in the Commissioner of Police or indeed the Governor having lost confidence in the Commissioner of Police. The Commissioner of Police retired, Mr Speaker.

1510 **Hon. K Azopardi:** Mr Speaker, did the Government put pressure on the Commissioner of Police, in respect of any matter, on how he should do his job?

1515 **Hon. Chief Minister:** Mr Speaker, the Government that I lead has never put pressure on any police officer to do his job in a particular way or another. I already expressed the view that it would be inappropriate for the Government to put pressure on a Commissioner of Police in a set of exchanges in this House some years ago, and therefore nothing that the Government has ever done whilst I have been the leader of Government business and the Leader of this House can fairly be interpreted as putting pressure on a police officer to act one way or another.

1520 **Hon. K Azopardi:** Did the Chief Minister or Attorney General discuss or raise any issue with the Commissioner in respect of the handling of any particular investigation in the last three months?

1525 **Hon. Chief Minister:** Mr Speaker, I am answerable for myself, not for any other individual in this House. I have not raised with the Commissioner any operational issue.

**Hon. K Azopardi:** Mr Speaker, how many times did the Chief Minister discuss issues relating to the former Commissioner of Police with the then Governor?

1530 **Hon. Chief Minister:** Mr Speaker, it is impossible for me to answer that question about the Commissioner of Police or about any other office holder in Gibraltar. The then Governor held the post, I think, for three to four months and we discussed many things and many office holders in the normal run of the relationship between a Governor and a Chief Minister.

1535 **Hon. K Azopardi:** If I can be more precise, during the months of May and June, how many times did he discuss the issue of the former Commissioner of Police with the then Governor?

1540 **Hon. Chief Minister:** Mr Speaker, it is impossible for me to tell the hon. Gentleman how many times I discussed a particular office holder with the then Governor over a period of two months or over the period of a week. I have a very fluid relationship with an individual who is Governor. I work very closely and very well with them and I discuss many office holders – including the Leader of the Opposition, but I would not be able to tell him how many times I have discussed him.

1545 **Hon. K Azopardi:** Mr Speaker, did the Commissioner instruct lawyers in respect of any matter relating to his retirement or concerns expressed, or were representations made to the Police Authority or the Governor or the Government by the former Commissioner?

1550 **Hon. Chief Minister:** Mr Speaker, I understand the former Commissioner did instruct counsel and those who were instructed by him raised issues with the Gibraltar Police Authority.

**Hon. K Azopardi:** Mr Speaker, in respect of what matter did the Commissioner of Police raise issues through lawyers with the Police Authority?

**Hon. Chief Minister:** Mr Speaker, am I really expected to answer in this House for things which are raised by third parties with third parties? So, the things that the lawyers for the former Commissioner of Police raised with the GPA are the things that I am to give information about in this House? That is not my interpretation of the Rules.

The hon. Gentleman can raise this issue with the former Commissioner or with the former Commissioner's lawyers, and then he can make up his own mind whether there was any merit or necessity for the former Commissioner to instruct lawyers. It is a matter entirely for him. It is not for me to be commenting about what others have done and why they have done it.

**Hon. K Azopardi:** Mr Speaker, has the Chief Minister seen the letter drafted or written by lawyers on behalf of the Commissioner of Police?

**Hon. Chief Minister:** Yes, I have seen it.

**Hon. K Azopardi:** Well, given that you have seen it, can you tell the House what matters it relates to?

**Hon. Chief Minister:** No, Mr Speaker, because the fact that I have seen something does not make me any more or less answerable for it.

**Hon. K Azopardi:** Mr Speaker, in what capacity did the hon. Member see this letter?

**Hon. Chief Minister:** As Chief Minister, sir.

**Hon. K Azopardi:** And who was the letter addressed to?

**Hon. Chief Minister:** The Chairman of the Gibraltar Police Authority.

**Hon. K Azopardi:** Mr Speaker, the hon. Member is aware, no doubt, of the duties in the Police Act and indeed the flow of information from the Police Authority sometimes to the Chief Minister and Governor, and so on. In that context, is he unwilling to explain to the House what was the content of this letter?

**Hon. Chief Minister:** Yes, Mr Speaker, I am unwilling to explain the content of the letter, first of all because it is not my letter, and second for the reason I set out before – because there is an issue here of sensitivity where I think it is not in the interests of Gibraltar or the Gibraltarians that I provide more information in respect of the questioning that the hon. Gentleman is pursuing, which he is going to continue pursuing if he wishes, but he is not going to change the answers that I am going to give.

**Hon. K Azopardi:** Mr Speaker, what was the date of this letter?

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

**Hon. K Azopardi:** Mr Speaker, anyone listening to this debate may be puzzled by the fact that the former Commissioner of Police, who apparently intimated that he wished to retire two years ahead of schedule, had instructed lawyers to write to the Police Authority and the letter had somehow made its way to the Chief Minister, and the Chief Minister continues as I understand his answer, to be unwilling to elucidate any information in respect of that. Does the Chief Minister really believe that in the context of all that, people will think this is a normal retirement?

1605

**Hon. Chief Minister:** Mr Speaker, the Government of Gibraltar has an obligation to act in keeping with the best interests of the people of Gibraltar. The Police Act, as the hon. Gentleman has said, sets out where the flow of information is in respect of things that may or may not engage under it. The Government is satisfied that we have acted entirely properly throughout in the context of the operation of the Police Act and the Constitution and that it is in the interests of Gibraltar to say no more about this issue because of the sensitivities that are engaged.

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If the hon. Gentleman does not want to accept that, he can continue to ask questions, of course, but he knows me well enough that I would not be using the public interest of Gibraltar as a shield for any interest other than the interests of the people of Gibraltar and the nation that we both love.

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**Hon. K Azopardi:** Mr Speaker, I am not going to fall into the trap of commenting on those last assertions by the hon. Member. If I may, I just want to continue asking him the questions to try to get information about this.

1620

Did the Police Authority consult the Chief Minister on whether the former Commissioner should retire, or in respect of the retirement, or any concerns that it had in respect of the former Commissioner?

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**Hon. Chief Minister:** Mr Speaker, I am not setting a trap for the hon. Gentleman. Neither should he think that when the Leader of this House puts it to the Leader of the Opposition that the public interests of Gibraltar, of our nation and of the Gibraltarians is engaged he should believe for one moment that I do that in order to set him a trap. The hon. Gentleman needs to understand that this is not a courtroom and he is not cross-examining a witness; he is asking questions in a Parliament and the interest of the nation is what is to be protected here.

1630

The short answer to his question is that I was consulted by the Gibraltar Police Authority on the issues that he has raised now.

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**Hon. K Azopardi:** Yes, Mr Speaker, we are not in a court of law. If the hon. Member was a witness under cross-examination, the judge would probably have intervened to rule against him by now.

Mr Speaker, as the hon. Member knows, section 34 of the Police Act says:

(1) The Authority acting after consultation with the Governor and the Chief Minister and with the agreement of either of them, may call upon the Commissioner to retire...

And:

(2) Before seeking the approval of the Governor and the Chief Minister ... the Authority shall give the Commissioner an opportunity to make representations and shall consider any representations that he makes.

Were the representations that the former Commissioner of Police wrote, via lawyers, in respect of that particular provision?

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**Hon. Chief Minister:** Mr Speaker, if I was in a court of law I would not be entitled to pray in aid the public interest of the people of Gibraltar because I would be there as a witness and not as the senior elected representative of our people, which is what I am in this Parliament. The nature of the answers that I give are in the nature of the Rules of this Parliament and not in the nature of the Rules of Court, as the hon. Gentleman knows. Indeed, if I were able to explain to a judge the reasoning behind my determination – as I am happy to explain to him, if he wishes – then he and the judge would very likely agree that I am making the right decision in the public interest.

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The short answer to his question is yes.

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**Hon. K Azopardi:** If the short answer to my question is yes, then the representations received from lawyers acting on behalf of the former Commissioner of Police were in relation to the power that the Authority had to seek the former Commissioner to retire with the agreement of the Governor or the Chief Minister. Did the Police Authority subsequently, having considered the representations, seek the approval of the Chief Minister?

1655

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should note that the Gibraltar Police Authority was represented by his firm. I do not know whether he was aware of that.

The Gibraltar Police Authority was in contact with me in relation to that letter.

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**Hon. K Azopardi:** Another smokescreen from the hon. Member. Yes, they may have been in contact with you, but the question that I asked is: having considered the representations, the Police Authority has the right to ask the Commissioner to retire with the approval of the Chief Minister or the Governor – did they seek your approval with a view to seeking the retirement of the Commissioner?

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**Hon. Chief Minister:** Mr Speaker, there is no smoke screen in the truth. The hon. Gentleman needs to realise that simply because he does not get the answers that he wants in the way that he wants, he is not entitled to call an answer a smokescreen.

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The answer to his question is yes.

**Hon. K Azopardi:** Did the Chief Minister approve the Police Authority to ask the Commissioner of Police to retire?

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**Hon. Chief Minister:** Mr Speaker, I understand the Governor and I both agreed.

**Hon. K Azopardi:** Mr Speaker, what was the basis upon which the Governor and the Chief Minister – or the Chief Minister, because I cannot ask the Governor, but what was the basis on which the Chief Minister granted his approval for the Police Authority asking for the Commissioner to retire?

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**Hon. Chief Minister:** Mr Speaker, as I have told the hon. Gentleman before, there are issues here of sensitivity which I am not prepared to go into because I believe it is not in the interest of Gibraltar or the Gibraltarians that I should do so. It is important that the hon. Gentleman know that he is getting answers to the questions that he is putting which are circumspect, not because of any desire of the Government not to provide fuller answers but because the Government takes the view, after careful consideration and advice, that it is not in the interest of Gibraltar or the people of Gibraltar, given the circumstances in which we find ourselves in, for me to give fuller answers.

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I have already referred the hon. Gentleman to section 15 of the Police Act and the answer I gave at the last meeting of the House.

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**Hon. K Azopardi:** Before the hon. Member gave his approval to the prospective request by the Police Authority to ask the former Commissioner to retire, was there a conversation with the Governor? Or was the Governor's approval given in a sort of separate form to the Chief Minister without the benefit of a discussion between them?

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**Hon. Chief Minister:** There were constant discussions between the Governor and the Chief Minister on this and on many other matters.

1700

**Hon. K Azopardi:** Mr Speaker, was the former Commissioner under threat of being disciplined for any particular matter?

1705 **Hon. Chief Minister:** Mr Speaker, there is no provision in the Police Act or the Constitution, as I understand it, for any Commissioner to be disciplined.

**Mr Speaker:** May I interject just for a moment?

1710 **Hon. K Azopardi:** Yes, Mr Speaker.

**Mr Speaker:** Can the Leader of the Opposition say how many more supplementaries he proposes to ask?

1715 **Hon. K Azopardi:** Mr Speaker, I have got a few more, not many more, but Mr Speaker will appreciate that we have rolled up 20 questions. There are normally a few supplementaries per questions. I will be well within the normal parameters.

1720 **Mr Speaker:** Whilst I accept what the Leader of the Opposition says, we are now on something like 33 or 34 supplementaries and there have been 19 questions. I appreciate that it is important that he continues, but not indefinitely.

1725 **Hon. K Azopardi:** Well, not indefinitely – I am not Fidel Castro, Mr Speaker! And of course your mathematics is not far wrong. I had been keeping a tally myself, just in case this was raised, and there are 20 questions, so I have not even reached two supplementaries per question. Normally there are five or six, but Mr Speaker will hear the welcome news that I certainly do not intend to ask a hundred supplementary questions, which would be five per question. It will be much shorter than that because I only have a few more to ask.

1730 **Mr Speaker,** in the representations that the Commissioner made in respect of the prospective call that he should retire two years ahead of the appointment that he had, was he seeking to continue in office?

**Hon. Chief Minister:** I said before I am not going to make any comment in respect of those representations.

1735 **Hon. K Azopardi:** Mr Speaker, presumably the representations were not of the nature of 'Thank you very much for telling me that you might ask me to retire, and I have instructed lawyers to tell you that I am happy to go,' were they?

1740 **Hon. Chief Minister:** Mr Speaker, the representations were from a third party's lawyer to a third party and I am not going to say anything about those representations. The hon. Gentleman is going to get me to say nothing about the representations where I describe them, or answer a list of multiple-choice questions about what the representations were or were not ... that he can get to the same conclusions.

1745 **Hon. K Azopardi:** Mr Speaker, was the letter of representations by the former Commissioner of Police's lawyers provided to him by the Police Authority or by the lawyers of the former Commissioner of Police?

1750 **Hon. Chief Minister:** By the Police Authority, Mr Speaker.

**Hon. K Azopardi:** And again, Mr Speaker, if it was provided by the Police Authority, presumably it was so that the hon. Member was aware of the content of the former

Commissioner of Police's representations in respect of the matter under section 34, and given that the legal representations that were being made are, in terms of statutory process, before the Police Authority then turned round having considered the representations and asked the Chief Minister and the Governor for approval in asking the Commissioner to retire early, why is the hon. Member so reluctant not to be a bit more forthcoming about the content of those representations – not the precise content but as to whether the former Commissioner of Police was seeking to continue in office?

**Hon. Chief Minister:** For a simple reason, Mr Speaker: because I do not want to start down a process where I do not intend to continue, for the reasons that the hon. Gentleman has to understand.

I have said repeatedly already that I do not believe it is in the interest of Gibraltar or the people of Gibraltar that I go further into this matter. I think the Governor himself said almost the same thing in the context of a recent interview on Gibraltar television, where he talked about the sensitivity of this matter.

Unfortunately, sometimes it is not possible for one to be able, in the context of holding the office that I hold, to say everything one might want to say, because our responsibility in Government is not to ourselves but it is to our nation, and for that reason, in the interest of Gibraltar and of the people of Gibraltar, I am advised and believe it is not appropriate for me to go down the route of providing any further information as to the substance of this matter.

**Hon. K Azopardi:** Mr Speaker, we know that crossroads only had two roads: either the former Commissioner of Police asked to remain or asked to go. If he asked to go, I would venture to suggest it is unlikely he would have instructed lawyers to make representations; he might have done so if he asked to stay. But what we do know is that, whether he asked to go or to stay, the Chief Minister then subsequently gave his approval to the Police Authority asking him to retire.

The hon. Member really wants to maintain the position that it is in the public interest that people should not be told whether that power was exercised in a responsible manner, indeed in the interests of the people in Gibraltar?

**Hon. Chief Minister:** No, Mr Speaker, I do not expect that. It is just that the hon. Gentleman has not thought this through. I would not be asked for my consent for the GPA to ask somebody to retire if the person had written to the GPA saying that he wanted to retire. My consent is not required in those circumstances.

**Hon. K Azopardi:** Yes, precisely, Mr Speaker, and because of that, clearly the representations can only have been because the former Commissioner wished to stay. So, in that context of a former Commissioner who clearly was enthused by his job, that was prominent, for him to retire two years early in the context of making representations to the Police Authority indicating that he wished to remain, and for the hon. Member to rise and say, 'Yes, I approved that the Police Authority should, contrary to the former Commissioner of Police's desire, call on him to retire' ... For him to rise and say, 'Well, it is in the public interest of Gibraltar' ...

Look the public interest of Gibraltar needs to be scrutinised and tested and it needs to be objectively, correctly applied. The hon. Member, by not responding or giving further detail as to the exercise of those powers, is putting himself in the position where many people listening to this think that there is something untoward.

**Hon. Chief Minister:** Well, Mr Speaker, I do not think the hon. Gentleman has quite wanted to hear the answers I have given him, because if he had he would not have made the last point.

First of all, the Chief Minister has no power to ask the Commissioner of Police to resign or retire. The Chief Minister is asked by the GPA, as the Governor is asked by the GPA, whether the



GPA should request or require that an individual who holds the post of Commissioner should retire.

When the hon. Gentleman asked me earlier whether I had given my consent, I told him that I had given my consent and the Governor had given his consent. So, what is a statutory provision that requires either the Governor or the Chief Minister to give consent to a retirement request from the GPA elucidated the answer that the GPA should proceed to ask the Commissioner to retire, not just from me – in the context of the question that he has put, the hon. Gentleman has said that people will think there is something untoward because I gave my consent – but also from the Governor.

I put it to him, therefore, that when he continues his questioning he may want to do so having reminded himself that it was not just the Chief Minister who agreed with the GPA that they should ask the former Commissioner to retire but also the Governor, and that not getting into the letter and whether that is or is not in the public interest is not a matter for the general public, it is a matter for the persons who hold, or persons who hold the respective offices which are engaged.

Now In this context, Mr Speaker, the hon. Gentleman might be surprised to be reminded that leadership is sometimes lonely, because one does not lead from the crowd; one has to make decisions which are in the public interest and one has to make them alone. Not by referring backwards to what the people of Gibraltar as a whole might think does one get to the right conclusion. And in this context in particular – with both the GPA, who originate the process, the Governor and the Chief Minister agreeing that the circumstances were such that those two office holders that had to be consulted both agreed that the former Commissioner of Police should be asked to retire – the hon. Gentleman might think that his views as to the energy of that individual, the enthusiasm of that individual etc., might not be relevant to how a decision is made or explained.

**Hon. K Azopardi:** Mr Speaker, I am well aware of the answer the hon. Member gave, that it was both his approval and that of the then Governor – the then Governor just a few days before the new Governor arrived. But of course the section 34 power, which gives the Authority ‘acting after consultation with the Governor and the Chief Minister and with the agreement of either of them’, is that they can call upon a Commissioner to retire ‘in the interests of efficiency, effectiveness, probity, integrity, or independence of policing’. These are fairly narrow and well-defined circumstances. Indeed, as I understand it – and I think the hon. Member said it earlier as well – the Police Act specifically carves out certain issues of discipline in respect of the Commissioner. So the Commissioner can only be removed under these very well-defined circumstances – probity, integrity or independence – so there needs to be a serious matter asserted against the former Commissioner of Police.

Was the hon. Member satisfied when he gave the approval that there were sufficient grounds complying with the statute for the Police Authority to call upon the former Commissioner of Police to retire?

**Hon. Chief Minister:** Mr Speaker, the statute sets out, in section 34, areas in which the Commissioner of Police must have failed for those tests to engage. The hon. Gentleman has asked me whether I believed that those were engaged. I gave my consent to the GPA acting as it did on the basis of having taken advice and believing that to be the case, but I will not go into which it was or why it was because that would be to get into the substance, and on the substance I refer the hon. Gentleman to the remarks I have made about the sensitivity of this matter and the interests of Gibraltar and its people.

**Hon. K Azopardi:** Mr Speaker, the Chief Minister has repeatedly said he took advice. Who is he alluding to? Who did he take advice from in relation to this matter?

**Hon. Chief Minister:** Sir Peter Caruana.

1860 **Hon. K Azopardi:** Mr Speaker, the hon. Member is aware, I am sure, that under section 5 of the Police Act the Police Authority can hold the Commissioner to account for matters which are the responsibility of the Authority. Was there a discussion with the Chief Minister in respect of the exercise by the Police Authority of that power in respect of holding the Commissioner to account on any matter; and, if so, what matter?

1865 **Hon. Chief Minister:** Not with me, sir.

**Hon. K Azopardi:** Mr Speaker, the Police Act, in section 13, makes clear that the Governor can call for the suspension or resignation of the Commissioner, but if he does so he needs to keep the Chief Minister informed. Did the Governor intimate to the Chief Minister that he intended to exercise any power under section 13 in relation to the Commissioner?

1870 **Hon. Chief Minister:** Yes, sir.

1875 **Hon. K Azopardi:** When did the former Governor – I am assuming it is the former Governor and not the present Governor, because he was not here – indicate this to the Chief Minister?

1880 **Hon. Chief Minister:** Mr Speaker, before I answer that question I want to caveat my answer by simply referring the hon. Gentleman to the fact that section 13 involves the Chief Minister only in subsection (2) as to information. In other words, it is a requirement to keep the Chief Minister informed. So, I believe that my discussions with the then Governor in respect of this section would have been approximately 72 to 96 hours before the retirement took effect.

1885 **Hon. K Azopardi:** And was this conversation with the Governor, in relation to the potential exercise by the Governor of the powers under section 13, before or after the representations letter under section 34 had been sent by the former Commissioner of Police's lawyers?

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

1890 **Hon. K Azopardi:** Mr Speaker, was it before or after the Police Authority sought approval from the Chief Minister and Governor under section 34?

**Hon. Chief Minister:** After.

**Mr Speaker:** I need to interject again. (*Interjection*) Just allow me to say a few words.

1895 Whilst it is the Speaker's duty to allow MPs to effectively scrutinise and challenge the executive, I do not think it is right that the House should be turned into a sort of court of law. I am alluding to what the Chief Minister said earlier, where he is now being subjected to cross-examination as if he were a defendant in the dock. I do not think it is quite parliamentary, to be very honest, so –

1900 **Hon. K Azopardi:** You know, Mr Speaker, that I respect your rulings, of course, but with all due respect I am not doing so. What Mr Speaker is seeing now is what perhaps Speakers have said before, that we should ask short, precise questions. I am asking short, precise questions without a big intro. I am asking short, precise questions. It is entirely parliamentary for me to elicit information in respect of matters of public interest and it will be for the court of public interest out there, the electorate, to decide whether or not they are satisfied with the answers.

1905 If I may, I just want to have a few more supplementaries, but I am rounding off now, Mr Speaker.

1910 We now know, clearly from the Chief Minister's answers, that the Police Authority had already sought the approval of the Chief Minister to ask for the retirement of the former Commissioner of Police, but subsequent to that the Governor had had a conversation with the Chief Minister on possibly using his section 13 power, which is to suspend or call for the resignation of the Commissioner. Was that because the Commissioner, having received communication from the Police Authority asking him to retire, was unwilling to do so?

1915 **Hon. Chief Minister:** Mr Speaker, I did not have a conversation with the Governor, as the hon. Gentleman refers to it, in the sense that two people who are equals in respect of a particular matter might do. I had a conversation with the Governor in keeping with the provisions of section 13(2), which I referred the hon. Gentleman to earlier, where the Governor was complying with his obligation under statute to keep me informed of what was happening.

1920 The engagement of section 13 would only happen because a Commissioner has not agreed to go under the provisions of section 34 where the GPA, having sought the view of both or either, or consent of both or either of the Governor or the Chief Minister, have asked him to go. It can only happen, chronologically after in that context.

1925 **Hon. K Azopardi:** Yes, Mr Speaker, I understand that there may have been a discussion, indeed because the hon. Member says that issue is only a matter of information, because if the Governor has decided to suspend from duty or call for the resignation of the Commissioner it is at that stage, of course, I assume, that the Governor triggers the section 13(2) power, which says:

The Governor will keep the Chief Minister informed of any exercise by him of a power under this section

1930 – Not an intended exercise, as I understand it, but an exercise by him of a power under this section –

and shall provide to the Chief Minister a copy of any report produced as a consequence thereof.

1935 So, chronologically, where we have it is that the section 13 power would have been triggered because the former Commissioner of Police would have intimated clearly that he was unwilling to retire early. That is correct, is it not?

**Hon. Chief Minister:** Mr Speaker, the Hon. Gentleman is adding words to the way that he presents things. This is not a statute which sets out anything about retiring early. It is about being invited to retire.

1940 If an Authority exercises its power to invite an individual – as the law specifically sets out – to retire and he retires, then there is nothing for section 13 to apply to. So, in the context of the way the hon. Gentleman has put it, it must have been that the Commissioner of Police did not accept the invitation that both – and I think it is important to emphasise that: not either but both – the Governor and the Chief Minister believed it was right that the GPA should invite him to take.

1945 **Hon. K Azopardi:** When the hon. Member says it must have been that the Commissioner did not accept, surely he must know whether the Commissioner did or did not accept, so there can be no 'must have been' about it. Or is the Chief Minister not in a position of saying to this House whether he knows that the Commissioner was reluctant or not reluctant to go?

1950 **Hon. Chief Minister:** No, Mr Speaker, it is not that I am not in a position to say; it is that I have tried to do the exercise for the hon. Gentleman of what the logical consequences of steps

under the Act are and illustrate to him that if he has got to section 13, the Commissioner must not have agreed to go under section 34.

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**Hon. K Azopardi:** Yes, exactly, Mr Speaker. So, the answer to the question, in that roundabout way, is the former Commissioner was not willing to go early and, it was only faced, presumably, with the exercise of a mandatory power from the Governor, who could suspend him or call for his resignation, that he then submitted his so-called request to retire. Is that not what happened?

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**Hon. Chief Minister:** Mr Speaker, giving the hon. Gentleman a breakdown of the logical steps set out in the law is not to be 'round about' anything. The hon. Gentleman does that exercise and he thinks it is to put questions in a short, sharp and distinct way, and yet when he is responded to in that way he thinks it is a roundabout way of dealing with things. I do not accept that.

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Mr Speaker, the hon. Gentleman has now reached the conclusion that the Commissioner, not having accepted the invitation to retire under section 34 and my having had a conversation under section 13 with the Governor, who would be engaging section 13(2), the former Commissioner would have retired faced with the possibility of the powers in section 13 having been exercised. Well, I would have thought that that is to take to a logical conclusion the exercise of the powers under the Act, yes.

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**Hon. K Azopardi:** Mr Speaker, apart from the instance when the Chief Minister called for a section 15 report which he gave in answer, in respect of this House, the collision at sea incident in March .... Apart from that matter, has he called for another section 15 report in the last three months?

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**Hon. Chief Minister:** No, sir.

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**Hon. K Azopardi:** Mr Speaker, there has been quite a lot of speculation about this case. I am not one to ask questions on speculation and I have been trying to probe the hon. Member in respect of these to try to get to the heart of what happened. Some of the ways that he has answered help and some of the ways that he has answered deliberately do not do so in any search for trying to understand what happened.

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But, Mr Speaker, this matter was a long trailed. On 3rd June, one of the dailies in Gibraltar, *Panorama*, talked about a serious spat over the handling of an ongoing and protracted police investigation unconnected with a fatal accident at sea. The former Commissioner then suddenly tenders a resignation, a retirement. The *Chronicle* of 10th June talked about a backdrop of speculation, of tension between the Commissioner and the Police Authority and the Government. All of this gets bagged and hastened and announced one day before the new Governor arrives, in an indecent haste, or at least a perception of indecent haste out there.

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You then have the comments of the Commissioner himself. Having apparently tendered a request to retire – which we now understand was against this backdrop of the Police Authority not wanting him to stay and the Governor potentially exercising his powers under section 13, which would have either suspended him or called for his resignation – he says that the only thing that has not changed in all his career were his ethics and morals, and he stands by it, and those remain untarnished. He made those comments as if he they were under threat.

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So, when the hon. Member reflects on the public interest, what we have seen in the context of the retirement of the Police Commissioner is that he has made powerful statements that point to the possibility that the issue that he highlights ... his ethics and morals were somehow under threat. That is why the public interest deserves clear answers. The further backdrop is that we then face bland statements, on the eve of the arrival of the new Governor, in this indecent haste to deal with a spat.

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2005 Does the Chief Minister really think that against that backdrop he wants to maintain his position that the public interest of Gibraltar requires him not to be much more explicit about what went on, who said what to whom, and the reasons why the former Commissioner of Police was asked to retire, or that the Governor shared with him he was going to ask for his suspension or call for resignation?

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman started this afternoon well. He said that rumour was no bedrock for asking questions in this House. He ends the afternoon telling us that he wants to bring together rumour and speculation in order to put a question in respect of something which has some considerable importance.

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Of course, when we address issues of considerable importance, in particular, rumour and speculation, as he will know having been a Minister, are often far removed from the reality of what is underlying, but that does not mean that we can give all of the detail given the sensitivities that may be in play, as I have said for some time. It also does not mean that we might not like to give all of the detail and unfortunately we may be deprived of being able to do so.

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I would put it to the hon. Gentleman that I think he needs to address his mind to the circumstances which I have made clear this afternoon in this House, and that is that the Gibraltar Police Authority sought and obtained – not from one of its statutory consultees but from both, one of whom is not an elected Member of this House – consent to seek the retirement of the Commissioner of Police, that absent that retirement the Governor, who is the second of the consultees and the one who is not a Member of this House, had a conversation with me informing me about his potential exercise of his powers to require the Commissioner of Police, under section 13, then not to retire but to resign – and there is a difference between those two terms – and that if there were not a resignation there would be a suspension.

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The hon. Gentleman says that there is a reference to ethics and morals in the retirement statement of the Commissioner of Police. Well, Mr Speaker, I think we all need to reflect on the fact that if a Governor and a Police Authority are engaging these powers the issue does not have to be ethics or morals, because the hon. Gentleman read to us before the criteria that would be engaged before the GPA sought the consent of both or either of the Governor or the Chief Minister, which are effectiveness etc., as set out in the statute. But if the public interest is to know what happened, and if those of us who are elected are saying that we cannot say more, people will at least take something from the fact that section 13 is a power not in an elected official of this House and that I have told the House that that individual had a conversation with me about exercising that power.

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I am sure that this community will want to reflect on the fact that they have heard that the Police Authority, the Governor and the Chief Minister thought it was appropriate to ask the Commissioner to retire under the provisions of section 34 and that, absent that acceptance of the invitation to retire, the thing escalated to section 13, where the power is in the Governor alone and we move from retirement to resignation with a potential use of the power to suspend.

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And so, Mr Speaker, anybody who might fall for the ideas, rumours and speculation that the hon. Gentleman might be referring to – those are in his mind, not mine – will want to reflect on who would be engaging the final power – it is not an elected Member of this House – and that if there is a conspiracy theory out there, it is a conspiracy theory that would have to involve a Police Authority and a Governor, not just a Chief Minister.

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**Mr Speaker:** We now need – *(Interjection)* No, there will be no more questions. *(Interjection)* No, this matter has been aired at length. *(Interjection)* No, we are not; we are going to move to the next –

**Q471/2020**

**Import duty on vehicles –  
Removal over COVID-19 lockdown period**

2055 **Clerk:** Question 471, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can Government explain the rationale within its policy to remove import duty on vehicles over the COVID-19 lockdown period?

2060 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as stated in my speech on 20th March 2020 for the Appropriation Act (Amendment) Bill, the rationale was to create continued confidence in the sector, which employs a large number of people. The aim was for people who work in these industries to keep their jobs and continue to keep their pay so that there is a stimulus for those who are in the motor trade. It is also an important element of restoring confidence in the economy as the economy opens up. Having people spend on high-value items creates a positive feeling at a time when this is much needed.

2070 I think I also said other things and the hon. Lady will have heard me put those arguments. I do not know whether that statement was made after she put her question. I think it may have been, because I think I opened the House with that statement and a question would have been put before.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, although we still do not have the figures exactly, dealers are reporting a big spike in the sales of motor vehicles, far beyond the reasoning if you like of the Chief Minister's answer where he says that we have to keep the economy alive.

2080 My question is: doesn't this reality brought on by Government expose its green agenda from the 2019 manifesto as a total hypocrisy? How does the Chief Minister expect people to believe that more cars on the road is a good thing, in contrast to the green Gibraltar that he and his administration want to build?

**Hon. Chief Minister:** It does nothing of the sort, Mr Speaker. It exposes her lack of understanding of how the market economy works and indeed how a vehicle fleet is regenerated, which I have already explained – and I thought that the hon. Lady would have wanted to pick up on the things that I said.

2085 We already indicated, I think, that 15% of the vehicles which had been bought in that period were hybrid or electric, and indeed we already indicated that this was part of how you ensure that you get newer cars on the road and those newer cars are less polluting cars than the vehicles that might already be on the road.

2090 The way that the chain of ownership of vehicles works and the context of the understanding of the Government is that when somebody changes a vehicle for a new one, they may be changing a relatively old vehicle. It is more likely they are changing a relatively new vehicle. They will then sell their relatively new vehicle either back to the dealer or privately. That vehicle will be bought by somebody who has an older second-hand vehicle and it is very likely that older second-hand vehicle will be bought by somebody who has a much older third-hand vehicle and that older third-hand vehicle will be disposed of, and so therefore you are slowly getting rid of the older cars in our economy.

2100 This is not about having more cars; it is about having more efficient, less-polluting cars, therefore playing directly to our agenda to ensure that the vehicles on our roads are less polluting, which is part of our agenda to make Gibraltar greener, which plays properly into the work that we are doing to make Gibraltar greener and to make Gibraltar a child-friendly city.

It appears to me, Mr Speaker, that I am not going to be able to persuade her of that because she simply wants to make the political point that is being made by those who do not think these things through, that our policies are somehow in contradiction when in fact they are very well thought out, they are joined up, and this is the process by which to achieve the change that can be delivered in the appropriate way.

So, Mr Speaker, I commend to her reading my statement, understanding the economics of it and understanding why we think this is actually exactly what needs to be done.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, yes, I do want to make the political point that more cars on the road is completely in conflict with wanting a greener Gibraltar, a more pedestrianised Gibraltar and a cleaner atmosphere for all.

The Chief Minister previously bragged about the cars at 20% being hybrid and now he is telling us they are 15%, but in any case, bragging about a percentage of these sales being hybrid is the same as slashing the price of tobacco and then bragging about some of those sales being of the lighter brand. They are still bad for you, so the difference is the same. He might brag about 20% or 15% being hybrid or electric, but what are the stats for the other 80%? Are they diesel? Are they cleaner? He says, very vaguely, cleaner, but what exactly are the statistics? If we have a statistic of 15% or 20% for clean, what are the statistics for non-clean? And how many of these cars have been disposed of or recycled?

These are the statistics we need to know in order to form a proper view on whether this increase in cars is actually good for our environment or not.

**Hon. Chief Minister:** Mr Speaker, despite my affection for her, I do sometimes worry that the hon. Lady falls into the trap of utter nonsense. She calls out for statistics and says that she wants to know how clean or dirty the other percentage of the vehicles is. If I said 20% last time, it was 20%; I was just not able to look at it from the statement. It is not that it has gone down to 15%.

She starts by saying that there are more cars on the road. How does she know that? There are more new cars on the road, but the hon. Lady is not able to say that there are more cars on the road. Indeed, it may be that by the end of this process there are fewer cars on the road. She needs the statistics for that, I agree, but she is making the bald statement that there are more cars on the road without the statistics to support it. Simply because you see more new cars being sold does not mean that there are more cars on the road. There are more *new* cars on the road.

And in the context of the remaining 80% of the vehicles, a diesel vehicle bought in 2010 is more polluting than the identical diesel vehicle produced and sold in 2020 because the emissions requirements across the whole of the EU have changed, and so new vehicles are better than old vehicles *simpliciter* as long as those vehicles that are being replaced are from the period before the rules changed.

It is not possible to give the hon. Lady all of the details because the period of the import duty waiver does not end until Friday, and so therefore it is not possible to do an analysis of all of the vehicles bought in that period until after Friday. And it is not possible to see how many other vehicles are sold on for some time thereafter because the hon. Lady will know that you can buy the vehicle before Friday but it may not be imported for some time; therefore the trickle-down effect on the sale of vehicles and vehicles being removed from our roads, all of which is being assisted by the other policies that we are pursuing, will not be immediate and we will be able to do that reflection in time.

But let that not stop the hon. Lady making the points that she is making, which roll off the tongue and which many who are short sighted will want to agree with and will want it to sound as if they have clanged a gong of victory against the Government on a massive political point, however wrong and illogical they may be. Mr Speaker, no one is getting used to hearing that sort of thing.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to say the affection works both ways, but it is such an insult to people's intelligence to just completely try to spin that there are more cars on the road, which is a whole bunch less than there used to be, and yet our roads are going to be filled up with fewer cars. It just does not stack up.

He says that I am making statements. I am not here to make statements, Mr Speaker; I am here to ask questions. The statements are all coming from that side of the House.

He assures us that it does not mean that there are more cars on the road, but like I say, where are the statistics to prove there are fewer? How can he, in his position, stand up and assume there are fewer without giving us any of those statistics? Are we getting rid of them? Are people buying fewer second-hand? From what I understand, and to answer the Chief Minister directly, it is the dealers and the shop assistants in these shops who are amazed by the number of sales that they are making – many more than if this incentive had not been offered.

I would like to ask Government what extra incentives are Government going to be giving buyers over and above this zero tax amazing incentive, I have to say, to buyers of specifically hybrid and electric cars? From what I understand, they are now at their lowest. At one point it was £750, then it went up to £1,000 and now it is £250. Electric cars are at £2,000, from what I understand, but, again from what I understand, hybrids are the more appropriate ... not appropriate, but the more widespread choice to buy, especially in Gibraltar – we do not have enough electric points, but let's leave that out. What incentives are Government giving to buyers now, as opposed to the blanket 0% for any and every car?

**Hon. Chief Minister:** Mr Speaker, people watching will think it is a good thing that we have affection for each other, otherwise the whole thing might degenerate further.

Let's be clear, Mr Speaker: she is the one making the assumptions when she starts her question. She is the one saying there will be more cars on the road. What I am saying to her is that is not an obvious conclusion. It is a conclusion that you cannot reach being so shallow in your analysis, and when you look at this in the longer run of play you may find that you have got it completely wrong. That will not be immediate but it will be part of this process as the cars that are replaced with new cars are sold as second-hand cars that replace third-hand cars, and eventually you see, at the bottom of the pile, the scrappage of the older cars. That is part of the programme now.

We believe we are doing the right thing. We believe that we are achieving that. One of the ways that we are achieving that is that, other than in this window where we have waived import duty, as from next Monday you go to a situation where it is only your hybrid or your electric vehicle that will engender a cashback or a duty advantage. That is what we set out to do. I have set out in a series of different Budgets how we were doing that. In the early days I was criticised for doing it, then I was criticised for not doing enough. I am just pleased that our evangelisation of things that hon. Members opposite did not used to find attractive has had the effect of turning them into converts on the way to the hybrid and electric car showroom.

**Mr Speaker:** One final supplementary.

**Hon. Ms M D Hassan Nahon:** Just a yes or no question: is the Chief Minister calling me shallow for assuming that when you buy cars under this new scheme of 0% it is shallow to assume that there will be more buyers of those cars at that amazing reduced rate?

**Hon. Chief Minister:** That is, Mr Speaker, first of all, not a question that requires a yes or no answer, because it does not elicit a yes or no answer.

Second, I am not calling her shallow; I am calling her analysis shallow.

And third, I am calling her counter analysis absolutely and completely wrong. What I am trying to say to her is that when you create the incentive that we created for people to buy new vehicles you will see older, more-polluting vehicles fall off the ownership platform, the



marketplace in vehicles in Gibraltar, and that that will also likely mean that you will have either the same number of vehicles or potentially even fewer, but we will not be able to tell that in three months or in six months because we have to allow that cycle to go through entirely.

2210 Just to explain the cycle again: somebody buys a new car, they sell their existing car to the dealer or to an individual privately, the person who buys that car is likely getting rid of a car which is third-hand, and that third-hand car is either sold to somebody who buys it fourth hand and the fifth-hand car gets thrown away or it happens in that process. What you end up with is a fleet of less-polluting vehicles. That is what we have to achieve.

2215 Just to give the hon. Lady a final example, if every vehicle in Gibraltar were changed for an electric vehicle instead of the vehicles that we have today, and you added 10 – in other words, more cars but all of them electric, none of them diesel, none of them petrol engines, not even hybrid – we would be in a better position in terms of pollution. Although you might still have the same traffic jam, you would not have the emissions.

2220 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just ask: why didn't the Government think of putting a special import duty incentive for hybrid or electric cars if the Chief Minister believes so much in this new way of travelling? Why was it a blanket 0% for anything – diesel, unleaded, hybrid, electric, all the same? Why didn't we categorise this and incentivise people?

2225 **Hon. Chief Minister:** Well, Mr Speaker, we did, and that is exactly what I am telling the hon. Lady. We did it, I do not know how many years ago, and we have had that system, which we have graduated and modulated in every Budget, and in this short period we put everything at import duty zero but with cashbacks only available in respect of some vehicles – electric, and hybrid as well. That is exactly what is in place and that is exactly what the hon. Lady is asking us  
2230 to have done. We did it.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Chief Minister think that £250 cashback for a hybrid is a good incentive?

2235 **Hon. Chief Minister:** Mr Speaker, it was higher. It was reduced when the uptake of hybrids was going up, and in fact the reduction was added to those that were electric vehicles.

Because instead of just listening to people who might give me advice on the street as I walk past, I take the advice of the experts, who are looking at how things work around the world, and decide therefore on policy based on prudent analysis of the advice that is given. For that reason,  
2240 we now have 20% of all the new vehicles bought in the last four months either hybrid or electric. Not bad. Actually, quite a good result; perhaps better than in most places, other than Norway or Finland, where the hon. Lady might like to know that the way that they have ensured that everybody buys an electric vehicle is by adding a duty of 100% – I see her nodding her head; she is obviously in agreement with it – to every diesel or petrol vehicle. We do not think that is a  
2245 good idea. We think that actually delays the fleet being renewed and cars staying around to pollute for longer.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the opportunity to ask a question in relation to this area raised by the hon. Lady.

2250 Insofar as the point that the Chief Minister has made about the cycles of replacement of vehicles – and clearly he has become an expert in this particular area – when we talk about 80% of these vehicles being diesel or otherwise, does he not accept therefore that in the short to medium term there may well be more vehicles on our roads because if those other cars are being sold to third parties, or indeed to the garage in part payment for other vehicles, there are  
2255 still more cars on our roads?

How can he justify the Government's policy on road closures, encouraging people to walk, and encouraging people to take up cycling in our community, when what he has done effectively

is entirely inconsistent with that approach: encourage the population to buy expensive cars and at the same time, in the short to medium term, populate roads with vehicles? How on earth can the Chief Minister of the day consistently stand up in this House and say that he is promoting a child-friendly, safe community when he is putting more cars on the road?

**Hon. Chief Minister:** Really, Mr Speaker, is that the sort of question that the Opposition are going to come up with? They are going to ride the coattails of the hon. Lady to make a point that if they were so serious about they would have made themselves?

Let's be very clear. The hon. Gentleman has not worked out even the percentages that he is giving as an example of the point he is trying to make. If we have replaced 20% of the fleet with hybrid and electric in respect of those vehicles purchased in the past four months, doesn't he understand that we may have 80% of new vehicles in the past four months which are diesel but we may have replaced 90% of the same amount and therefore there may be fewer diesel vehicles out there, fewer petrol vehicles out there, fewer polluting vehicles out there? Doesn't he understand that, the way I have expressed it, we may be getting rid of at least the same number of cars that we have seen imported, or will see imported in respect of this period, or more?

If the hon. Gentleman were to take a different approach, and indeed if the hon. Lady were to take a different approach, and were to say, 'Well, look, the jury is out, let's come back in a year' – they should make a note of it, Mr Speaker – 'and let's look at whether the number of vehicles in Gibraltar has gone up or down, and then I would say to them, 'Very well, then we are not going to have an argument, we are going to have an empirical analysis – we are going to look at a number today and a number in a year's time and then we can look at the number of vehicles that are diesel over 10 years old, the number of vehicles that are diesel over five years old and the number of vehicles that are diesel which are over four years old and having their MoT.'

I believe that we are doing exactly what we have to do in order to bring about that green Gibraltar and that child-friendly city by bringing less pollution to Gibraltar. We are having other policies in play which are dissuading people from using their cars. So, the hon. Gentleman can put it with the vehemence and passion that he wants. In fact, I must make the point that he usually makes his best points when he is calm and collected and not when he is allowing himself to fly off his own handle.

But if we were to do an analysis of this in a year's time we, might find that neither of us are right, or that the Government was right to pursue the policy pursued. We would not have pursued this policy other than to continue to bring about a green Gibraltar and a child-friendly city, because that is what we have committed to do, not to make a political point, not to win another General Election: we think it is the right thing to do, and I hold my hand out to him and to her to help us to deliver that green Gibraltar, that child-friendly city, not to side with those who want more and free parking in the centre of town but to side with those who understand that what we have to do is to change behaviour, to really take seriously the climate emergency that we all voted was happening and we had to address.

I will tell him one thing, Mr Speaker – he at least started with a good word: cycle. Now, there's a word I like and enjoy talking about.

**Mr Speaker:** Next question.

**Q472/2020**

**BEAT payments in May –**

**Total amount paid; numbers of employees and employers receiving payments; number of rejected applications**

**Clerk:** Question 472, the Hon. Ms M D Hassan Nahon.

2305 **Hon. Ms M D Hassan Nahon:** Can Government provide details of (a) the total amount paid out to BEAT applicants; (b) the number of employees receiving these payments; (c) the number of employers receiving these payments; and (d) the number of rejected applications for the month of May?

2310 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the total amount paid out to BEAT applicants for the month of May 2020 was £4.9 million.

2315 A total of 5,164 individuals received these payments, including both employees and self-employed persons.

A total of 923 employers received these payments.

There were 286 individuals in respect of which their application for the month of May 2020 was rejected.

2320 Can I just tell the hon. Lady by way of caveat that that is the data correct as at 23rd June 2020. We will not have an update until after the fifth week of this month. That will then roll over and update and may have a slight knock-on effect on those figures for May. I think this is as close to final as necessary, but there may have been one or two adjustments in the period of June – if she just wants to make a note that that is correct to 23rd June 2020.

2325 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for his answer. His explanation is sort of relevant for my supplementary because what I wanted to ask was if Government is aware that there are several applicants still waiting for payments for May and April, who have not been rejected but are simply pending. Can the Government give us any indication of when they will be up to date with payments? Obviously they affect people's cashflow and people are very keen, and in some cases desperate, to understand when these payments will come through.

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**Hon. Chief Minister:** Mr Speaker, when we designed BEAT, one of the things that the Government and the Opposition were keen to do was that these payments should be not subsumed in red tape. I think, from the figures, the hon. Lady will have seen we have dealt with just about all the applications which were relevant and all of the individuals and companies who might have been entitled to these payments.

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My understanding is that we are dealing with a very small number of instances where there might still be disputes or appeals. Most of those would likely be disputes or appeals as to amount – in other words, not entitlement. In some instances an individual may have been paid a part-time contribution rather than a full-time contribution because the mechanisms that were set up were designed to ensure that people who worked part time did not claim full time. There are some real instances where people might have been working two years part time and might genuinely have started working full time the month before, so the system simply just has to wash through those, if there are any still outstanding, to make sure that that was a genuine case of somebody moving to full time and not somebody trying to pull a fast one.

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If I may also say, Mr Speaker, during the course of my early interventions when I announced BEAT and I said in this House, and in the context of my public statements elsewhere, that we would come down like a ton of bricks on anybody who tried to play a game with the systems we

2350 were putting in place and tried to pull a fast one and claim amounts that were not due to them, today I have to tell the House that we should commend the vast majority of people in our community. We have found, actually, no instances of people trying to pull a fast one that have required prosecution. We have found instances, because this was a new system, of people making genuine mistakes, but people I think were understanding of the need to show social  
2355 solidarity and I am very pleased and proud not just of the product that we designed together but also of the way that people in this community have taken to BEAT 1.0 and the claims that were made. Indeed, we have found people who were entitled and who did not claim, and some who have specifically got in touch to say, 'Of course it is not easy to do without this amount, but we are specifically going to push ourselves harder and work through this emergency without  
2360 claiming this amount from the Government.' I have been greatly touched by that and the way that our business community has approached this, and in the same way as it was necessary and appropriate for me to be clear that we would be tough on people who made inappropriate claims, it is absolutely right that I should also recognise the fact that there has been no such instance of that and people have behaved with a great sense of social solidarity.

2365 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask the Chief Minister – and I thank him for his explanation – in absolute good faith: would it help him if I made the representations on behalf of people waiting, or does it make no difference because it is in the system and it is just a matter of time?

2370 **Hon. Chief Minister:** Mr Speaker, I genuinely am not sighted on any still outstanding instances. There may be instances where the Government has made a final decision and people are not satisfied with that decision, but I am not sighted on anything which is pending decision from the Government. So, I would take up the hon. Lady on her invitation in case the  
2375 Government is not aware of anything that somebody thinks is pending. It is absolutely possible that, given the numbers of claims that we were dealing with, something might literally have fallen down the side of someone's desk or disappeared out of someone's inbox, and the individuals who are talking to the hon. Lady may have incurred in the sin of patience and have not got back to those whose decision they are awaiting and therefore that may simply have  
2380 fallen off the cliff. I am very happy if the hon. Lady writes to me to seek from the Treasury, the Commissioner of Income Tax and Department of Employment whether decisions have been made in those cases she is referring to, or whether they are still pending for some other reason.

**Q443/2020**  
**Deaths in Gibraltar –**  
**Supplementary question**

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

2385 **Hon. D A Feetham:** Mr Speaker, may I return to the answer provided to Question 443? That is in relation to the mortality rates for the last five years.

In 2020, from January to May, the mortality rate actually fell from the previous two years, 2019 and 2018. Does the Government have any statistical information that might go to show whether in fact COVID-19 was present in Gibraltar prior to February of this year – for example,  
2390 any analysis or statistical information as to over-60s or over-70s in-patient admissions into hospital suffering from flu, which may be a spike on previous years; any kind of information that may shed a light as to whether the disease was in Gibraltar prior to February 2020?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we do not have that information. We have a  
 2395 plethora of statistical speculation and there is nothing that I do more with the Hon. the Deputy  
 Chief Minister, the hon. Lady and the Director of Public Health than speculate about whether  
 COVID was here, trying to seek the information, referring back to the very bad cold I had in  
 January, when I lost my sense of taste and my sense of smell – and smelled as well, probably, at  
 2400 that stage, because I was having a particularly bad week. But we do not have that information at  
 the moment.

The immunology tests are not reliable – as the hon. Gentleman knows – unfortunately. I think  
 that this is still an issue which is work in progress, and we will hopefully have greater  
 information in the future.

He will know, Mr Speaker, that there is a suggestion that in Barcelona there was COVID in  
 2405 2017, because of analysis of the sewage system there. There is now a view that it is very likely  
 that that was actually because of contaminated samples in the lab where the testing was being  
 done and that it is very unlikely that there was COVID in Barcelona in 2017. So, we will not be  
 able, I think, at this stage to have any clear view of what was happening.

If I may just refer the hon. Gentleman to the mortality rates, as he looks at them he will find  
 2410 that actually, in 2020, the number of deaths to date is lower than the number of deaths in other  
 years, which is really quite remarkable. That is not because we believe that the mortality rate in  
 other years does not reflect COVID being here, but ironically it is also about people's exposure to  
 other diseases. The way that we have protected ourselves from COVID has also protected  
 ourselves from other diseases. People may find that this year, if you had not had a cold by March  
 2415 you were very unlikely to get a cold between March and June because you were shielding  
 yourself from all of the things that would usually give you coronavirus. Let's remember that  
 coronavirus is the cold virus. It is COVID-19, which is a strain of coronavirus, which gives you  
 COVID-19. So, all of the things we are doing to avoid getting COVID-19 also avoid us getting  
 other coronaviruses.

2420 Whether COVID was here before the end of the year, or not, at the moment I think is a  
 relatively moot point. We have just got to make sure that we keep it at bay for the rest of this  
 year.

The question the hon. Gentleman is asking us is one that I ask myself repeatedly. My own  
 view is that we will not have a clear view of what the effect of COVID-19 has been in terms of  
 2425 mortality rates in each nation until we have full years to compare with. In other words, when  
 you have got a full 2020 and you compare that to a full 2018 and 2019, you will then be in a  
 better place to understand what COVID has done. One of the things that the hon. Gentleman  
 will have read could have happened is that COVID has taken what you might call the low-lying  
 fruit very quickly and a lot of the people who have died in the vulnerable category are people  
 2430 who would likely have passed away in the six to 12 months after they have passed away with  
 COVID. Not true in every instance, but to really understand what mortality rate increase we are  
 dealing with we will only be able to do that once we have a full year effect. And so I think this is  
 not just for the epidemiologists; I think this is also going to be one for the anthropologists and  
 we will not have real clarity, I think, until we are 24 months hence.

## Questions for Written Answer

2435 **Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W77/2020 to W86/2020.

2440

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

##### **Civil Aviation (Amendment) Bill 2020 – First Reading approved**

**Clerk:** Bills – First and Second Reading.

A Bill for an Act to amend the Civil Aviation Act 2009. The Hon. the Deputy Chief Minister.

2445 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time. Those in favour? (Members: Aye.) Those against? Carried.

2450 **Clerk:** The Civil Aviation (Amendment) Act 2020.

##### **Civil Aviation (Amendment) Bill 2020 – Second Reading approved**

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

2455 This is a short Bill which seeks to amend the Civil Aviation Act 2009. It is proposed to amend section 25 of the Act to include a reference to an updated plan of Gibraltar Airport which now includes property which was transferred to the Government by the Ministry of Defence, namely a fire station, in the boundary of the civil Airport. In the past, the plan has been published in the Gazette as a legal notice. However, it is now set out in schedule 4, for ease of reference. There is also a proposed amendment to section 29. This included a description of the old civil air terminal building. The section now makes reference to the aforementioned plan where the new terminal building is delineated.

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If these amendments are approved, the Civil Aviation Act 2009 will include a more accurate representation of the boundaries of Gibraltar Airport and the civil air terminal.

Mr Speaker, I commend the Bill to the House. (*Banging on desk*)

2465 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2470 **Hon. R M Clinton:** Mr Speaker, I just have one observation and no doubt the Deputy Chief Minister can clarify for the House, and that is looking at the plan I note that RAF Gibraltar seems to have continued control of the area in which the proposed tunnel would be. Is that, in fact, the case, or the intention of the Government, that the tunnel effectively becomes the property of the RAF?

2475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the area on top of the tunnel is the area of the runway and the approach to the runway, so that is still a restricted MoD area, but the ownership of the tunnel below is very much in the control of the Government of Gibraltar. I do not think the hon. Gentleman can see that, quite, from there, but we still accept that the operation of the runway, which is on top, the approach to it, is RAF.

2480 **Hon. R M Clinton:** I am grateful to the Chief Minister for his clarification.  
The current access across the runway, which is – I am not sure what colour that would be (**A Member:** White.) – White: who does that actually belong to? It is not clear on the key.

2485 **Hon. Chief Minister:** Mr Speaker, that is not an area that is changing. It stays as it is, and it has traditionally been accepted to be in the control of the Government of Gibraltar. It is the access to it that is policed by the MoD. It is Winston Churchill Avenue because it is a Gibraltar Government road. I think historically that was always the case, even before there was a runway there, although I do not think it was called Winston Churchill Avenue then; I think it might have been called Hippodrome Road or something like that.

2490 **Mr Speaker:** The Hon. the Deputy Chief Minister?  
I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2495 **Clerk:** The Civil Aviation (Amendment) Act 2020.

## COMMITTEE STAGE AND THIRD READING

### Civil Aviation (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

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

2500 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

**Members:** Aye.

*In Committee of the whole House*

**Civil Aviation (Amendment) Bill 2020 –  
Clauses considered and approved**

**Clerk:** Committee Stage and Third Reading.

2505 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Civil Aviation (Amendment) Bill 2020.

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

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

2515 **Clerk:** The long title.

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

**Civil Aviation (Amendment) Bill 2020 –  
Third Reading approved: Bill passed**

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

2520 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Civil Aviation (Amendment) Bill 2020 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

2525 **Mr Speaker:** I now put the question, which is that the Civil Aviation (Amendment) Bill 2020 be read a third time and passed. Those in favour of the Civil Aviation Bill (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

**Adjournment**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now move that the House should adjourn and return on Friday, 31st July at 3.30 in the afternoon.

2530 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 31st July at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 31st July at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday, 31st July at 3.30 p.m.

*The House adjourned at 7.05 p.m.*