



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.39 p.m. – 7.58 p.m.

Gibraltar, Thursday, 2nd July 2020

Contents

Suspension of Standing Orders	3
Standing Order 7(1) suspended to proceed with Government Bills	3
Papers to be laid	3
Questions for Oral Answer	4
Economic Development, Enterprise, Telecommunications and the GSB.....	4
Q341-60/2020 Abstract of statistics; commemorative coins; public finances; estimates of GDP; identity of modular construction development partner; GBIC Ltd directors' remuneration; debentures issued to GSB; Rooke site nursing home	4
Health and Care	25
Q361-67 and Q379/2020 Acquisition of PPE – Providers; GHA employee with direct interest; due diligence conducted; external verification of samples; compliance with EU Regulations; commercial relationship with providers.....	25
Q368-70/2020 GP consultations – Face-to-face and by telephone	36
Q371/2020 St Bernard's Hospital – Policy re accompanied patients.....	40
Q372-73/2020 GHA waiting times – Surgical and routine.....	41
Q371/2020 St Bernard's Hospital – Supplementary questions	41
Q372-73/2020 GHA waiting times – Supplementary questions.....	42
<i>The House recessed at 6.40 p.m. and resumed its sitting at 7.25 p.m.</i>	<i>43</i>
Q374-76, Q381 and Q391-93/2020 Mental health services provision – Steps to implement change following 2019 inspection report; reasons for delaying Mental Health audit; publication of Mental Health Report; Ocean Views smoking policy; Ocean Views and Coaling	

Island patient numbers and staffing requirements; new code of practice; management and audit of lithium use	43
Adjournment	51
<i>The House adjourned at 7.58 p.m.</i>	51

The Gibraltar Parliament

The Parliament met at 3.39 p.m.

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

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

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament, Thursday, 2nd July 2020.

Order of Proceedings: Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of a Command Paper on the table.

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

PAPERS TO BE LAID

Clerk: (iv) Papers to be laid – the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to lay on the table a Command Paper on a draft Bill to make provision for the establishment of a National Trails Co-ordination Board and statutory public rights of access to land for recreational and other purposes, to make further provision for the recording, creation, maintenance and improvement of public paths and for connected purposes.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

ECONOMIC DEVELOPMENT, ENTERPRISE, TELECOMMUNICATIONS AND THE GSB

Q341-60/2020

Abstract of statistics; commemorative coins; public finances; estimates of GDP; identity of modular construction development partner; GBIC Ltd directors' remuneration; debentures issued to GSB; Rooke site nursing home

Clerk: (viii) Answers to Oral Questions continued.

10 We continue with Question 341/2020 and the questioner is the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when it intends to publish an update to the 2016 Abstract of Statistics?

15 **Clerk:** Answer, the Hon. the Minister for Economic Development, Enterprise, Telecommunications and the GSB.

Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 342-360.

20

Clerk: Question 342, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government describe the process for the design and approval of new commemorative coins?

25

Clerk: Question 343, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why it is that the Queen's effigy will, for the first time, not appear on the obverse of the coins to be issued under Legal Notice 203/2020 in respect of the 2020 'Rolling Stones Collection 50th Anniversary of the Iconic Lick'?

30

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

Hon. R M Clinton: Mr Speaker, further to W69/2020, can the Government advise whether the balance on the General Sinking Fund on 1st April 2020 was £12.1 million or £15 million?

35

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

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

40

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

Hon. R M Clinton: Can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date: 1st May 2020?

45

Clerk: Question 347, the Hon. R M Clinton.

50 **Hon. R M Clinton:** Mr Speaker, further to W70/2020, can the Government advise why it is not possible to compile quarterly estimates of GDP?

Clerk: Question 348, the Hon. R M Clinton.

55 **Hon. R M Clinton:** Can the Government provide an analysis of the 2018-19 GDP estimate of £2.4 billion by sector percentage?

Clerk: Question 349, the Hon. R M Clinton.

60 **Hon. R M Clinton:** Can the Government advise the full legal name and UK Companies House number of the legal entity that signed a joint venture agreement with Gibraltar General Construction Company Limited for the development of modular construction in Gibraltar via GBIC Limited and the date of such agreement?

65 **Clerk:** Question 350, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, are the Gibraltarian directors of GBIC Limited receiving any remuneration from that company?

70 **Clerk:** Question 351, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the £20 million borrowing by GSBA Limited by way of debentures issued to the Gibraltar Savings Bank?

75 **Clerk:** Question 352, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what security GSBA Limited has given to underwrite the issue of £20 million of debentures to the Gibraltar Savings Bank?

80 **Clerk:** Question 353, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the £20 million borrowing by Gibraltar Properties Limited by way of debentures issued to the Gibraltar Savings Bank?

85 **Clerk:** Question 354, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what security Gibraltar Properties Limited has given to underwrite the issue of £20 million worth of debentures to the Gibraltar Savings Bank?

90 **Clerk:** Question 355, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if it is in negotiations with Gibtelecom to repurchase the Haven building?

95 **Clerk:** Question 356, the Hon. R M Clinton.

100 **Hon. R M Clinton:** Mr Speaker, who is the ultimate beneficial owner of Community Supplies and Services Limited, who is described by the architect for the elderly care nursing home as the client for the proposed building on the Rooke site?

Clerk: Question 357, the Hon. R M Clinton.

105 **Hon. R M Clinton:** Mr Speaker, what premium has been agreed for the sale of a 1,000 m² plot at the Rooke site, i.e. 1 Bishop Caruana Road; and what are the terms of the lease and to whom has it been granted?

Clerk: Question 358, the Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, how many of the available rooms does the Government envisage taking up at the privately run elderly care nursing home at Rooke, and has any agreement yet been signed?

Clerk: Question 359, the Hon. K Azopardi.

115 **Hon. K Azopardi:** Mr Speaker, why is the Government willing to permit a high-rise development for the elderly on the Rooke site?

Clerk: Question 360, the Hon. Ms M D Hassan Nahon.

120 **Hon. Ms M D Hassan Nahon:** Given the recent Government announcement on the new elderly residential complex to be built on the Rooke site, can Government confirm that, given that the facility is largely a private venture, it will have the necessary safeguards in place to avoid elderly care tourism and instead ensure that the places will be reserved for local residents?

125 **Clerk:** Answer, the Hon. the Minister for Economic Development, Enterprise, Telecommunications and the GSB.

130 **Minister for Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, new commemorative coins, themes and designs are proposed to the Gibraltar National Mint by its partners who market the coins. If the theme is agreed, then the design is approved by me, the Chief Minister, His Excellency the Governor, the Foreign and Commonwealth Office and Her Majesty the Queen, in that order. A small number of commemorative issues are initiated by the National Mint but follow the same procedure.

135 The commemorative issues which have the Gibraltar crest instead of Her Majesty's effigy on the reverse side are mainly precious metal issues for investors or carry themes or images which are not considered to have a relevant connection with Gibraltar, and these issues are approved by me and the Chief Minister

The General Sinking Fund stood as £12.1 million on 1st April and on 1st May this year.

140 The Gross Public Debt, Aggregate Debt, Cash Reserves and Net Debt figures for 1st May 2020 after the application of the Sinking Fund was: Gross Public Debt, £497.7 million; Aggregate Debt, £485.6 million; Cash Reserves, £30.1 million; Net Debt, £455.5 million.

It is not possible to compile quarterly estimates of GDP because the data collection process does not permit it.

145 The percentage contribution of the different sources of income for the estimated GDP in 2018-19 is as follows: employment income, 44.3%; company profits, 43.9%; rent, 8.6%; self-employed income, 3.1%; and gross trading enterprises of the Government, 0.1%.

GSBA and Gibraltar Properties have raised funds to expand their businesses and no additional security has been provided in respect of the debentures they have issued.

150 The answer to the questions on the Abstract of Statistics, the legal name and UK Companies House number referred to by the hon. questioner, the remuneration of directors and whether Government is in negotiation to purchase the Haven is no to all of them.

The Government does not provide information as to who are the beneficial owners of the entities with which it does business.

155 The elderly residential building proposed height is required to enable the project to be economically viable by providing the proposed number of units of accommodation.

The premium for the Rooke site has been established by LPS at £½million and a standard lease on the property has been issued to GSBA.

160 How many pensioners there will be in the proposed elderly residential building will be decided at the appropriate time. I can confirm, however, to the hon. Lady that local residents will have first refusal in respect of all the placements in the home.

Hon. R M Clinton: Mr Speaker, I would crave your indulgence as I try and work my way through the questions and the answers that we have received.

165 If I can start perhaps with the simplest one, I would be grateful if the Minister could therefore confirm, in relation to his answer to Question 344 when he said that the balance in the Sinking Fund on 1st April was £12.1 million and also in May ... in which case, If he can then confirm yea or nay, then it never was £15 million in March – it could not have been – in which case ...

170 I do this with no other intention than making sure we have the right numbers. If the Chief Minister would be so good as to correct the numbers he gave this House in terms of the available reserves to the Government, because when he said £150million he included £15 million on the Sinking Fund and the Minister is now telling us it was £12.1 million, so they are obviously £3 million short. In the grand scheme of things it is not a big number, but just for the record I would like to be sure that we are given the right numbers in this House, in which case
175 the reserves number the Chief Minister should have said was £147million, not £150million. Could the Minister clarify that for me?

Hon. Sir J J Bossano: Mr Speaker, the answer to the hon. Member's difficulty in understanding what has happened is the one that I indicated to him at the end of the last
180 meeting of the House. I explained to him that the figure of the Sinking Fund ... something he should have worked out by now because when he asks me for it every month throughout the year it is the same figure for 11 months of the year, every year. It is obvious that it has only changed when we close the financial year, and so the figure of £15 million was the figure that was expected to be the figure at the end of March when the financial year was closed.
185 Therefore, that was that figure that I had seen and the figure that had been seen by the Chief Minister as the estimate for that time.

Since subsequently it was agreed in this House that the financial year would be extended to September, there was nothing put into the Sinking Fund for that reason, because the amount that you put in the Sinking Fund is dependent on how much money is left over at the end of the
190 year. Nobody is going to put more money into the Sinking Fund than there is in the surplus, so it is a share of the surplus of the year that goes into the Sinking Fund in March. Had the year closed in March on the figures that the Treasury was calculating at the time, the intention would have been that there would have been something like £3 million available to put there. That was the figure that was provided at the time. Subsequently it was revised, but every figure that we
195 give here ... We do not want to have to come back and explain why it was not the same a month later or three months later, because all we are giving every time is estimates. Estimates change every time you re-estimate because something else has happened. In fact, I indicated to him that although I would need to check it the most probable answer is that because the year was not closing, the money that would have gone there was not put there. That is the explanation.

200

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his clarification, but of course it does mean, on that analysis, that the available reserves of the Government with information that we have now would be £147 million, not £150million. Would you agree with that?

205 **Hon. Sir J J Bossano:** Assuming that he is not making up the numbers to then tell me something on Facebook or something, yes, I agree. I assume his numbers are correct.

Hon. R M Clinton: Mr Speaker, again I am trying to deal with the easiest questions first.

210 Question 341: can the Minister advise why it is not possible and why he does not intend to publish an update to the 2016 Abstract of Statistics?

215 **Hon. Sir J J Bossano:** Mr Speaker, the Abstract of Statistics is compiling in one book the statistics that have already been published. It is not adding anything new – that is what it does, that is why it is, the Abstract. The resources of the Statistics Department, which I think is a department that has got the same complement and the same budget as it had in 2011, is too stretched for something that is really a compilation of previously published statistics in one book and it would mean devoting manpower from more important things. For example, the compilation of the GDP this year is a difficult one because of the changes in the year and the fact that the source of that is the October Employment Survey, which was delayed at the beginning of the year. All the things that have happened that have disrupted things have meant that the Statistics Office has a lot on its plate and therefore what I am saying is I do not know when, in the level of priorities, when we will get round to publishing a new Abstract, but it will not be for as long as there are more important things to be done because there are no immediate plans to increase the size of that department.

225 **Hon. R M Clinton:** So, Mr Speaker, just to be clear, what the Minister is saying – and he may correct me, obviously, if I am wrong – is that the answer would be that publication is effectively delayed until such time as there are available resources, that the Government effectively will continue publishing it but it does not have the resources to do it at the moment. Would I be correct in that summary?

230 **Hon. Sir J J Bossano:** It is not that a decision has been taken to stop publishing it, if that is the question, but I do not think it is a particularly urgent thing to do because it does not provide information that is not already in the public domain. It is a convenient thing to have so you do not have to look in 20 different places; you can look in one and it is all summarised.

235 **Hon. K Azopardi:** I am grateful to my hon. colleague for giving way on this one. Just to pull a thread on that, I appreciate what the hon. Member is saying, that it may be a compilation of previously published statistics, but precisely for the reason he has just given in his answer – that it is a convenient arrival point for people, who do not have to scurry around and collate things – it is a convenient statistical point where things are brought together. So, I ask the hon. Member to perhaps reflect on that, and given that the last statistics were published in relation to a period which is practically now four years ago, perhaps resources can be dedicated so that the process can continue in the way it has always continued.

245 **Hon. Sir J J Bossano:** The position is, Mr Speaker, that if resources were spare it would have been done already. Since we have not got the spare resources, it means moving people from doing something else to doing that, and therefore a value judgement has to be taken as to which is more important. Do we leave something else undone to do this? That is the judgement that has to be made. My judgement is that producing new information is more important than putting together, for the convenience of those who want to study only one book ... when you are not actually giving people anything new that they do not already have.

255 **Hon. R M Clinton:** Mr Speaker, moving on to Questions 342 and 343 in respect of coin designs and the Rolling Stones collection, can the Minister advise which procedure did the Rolling Stones collection go through? Did it go through the approval by the Chief Minister, the

Foreign Office and the Queen; or did it go through an alternative process? Also, did it go through that process and for some reason did not receive approval by the Queen?

260 **Hon. Sir J J Bossano:** No, Mr Speaker, if something is not likely to receive approval by the Queen then it is not put to the Queen. So, the answer is it is not that we say to Her Majesty, 'Do you approve this?' and if she says no, we then say, 'Okay, well then we will do it without your effigy and do a crest instead.' That is not what happens. What happens is what I have said already.

265 There are themes that the Overseas Territories are not able to put on their coins but other Commonwealth countries can, because of this connection with the territory requirement. There is a market there, and if somebody says to us there is an opportunity to do something ... For example, we have an issue which was a Vera Lynn issue recently which is selling extremely well in the United Kingdom. Just when we finished that issue, the lady who was over here because of
270 her connection with the armed forces in the Second World War died and we brought out an additional coin, which refers to the loss of Vera Lynn – and that, we have not sent to the Palace even though the whole series was approved by the Palace, because if we had, by the time the whole process had gone through, the market for the coin would have disappeared.

This is a very competitive market. We are now operating with people who are able to place
275 our coins in competition with other people, and when somebody comes up with a theme ... In effect, the first one who comes up with a theme gets the lion's share of the market and the people who arrive late have a problem in selling their coins. That is one of the reasons why we move in that direction quickly, and the other one is this concept that there must be a connection which is demonstrable between the theme and the Overseas Territory.

280 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.

In the legal notice for the Rolling Stones coin, in the very last section it is described as being current and legal tender in Gibraltar. I noticed him talking about the Vera Lynn coin. The Vera Lynn coin, as he just said, was approved by the Palace and I imagine had the Queen's effigy on it.

285 **Hon. Sir J J Bossano:** Not the last issue, the last coin.

Hon. R M Clinton: The new coin did not? Sorry, I will give way.

290 **Hon. Sir J J Bossano:** To illustrate, we are operating in a market where the speed with which you deliver and the relevance of when you deliver it ... That is to say if you want to do something about the Olympics you cannot do it when the Olympics are over. In this case we did the set with Vera Lynn with the consent of the lady and with the relevant payments for being able to use it, and then, after the coins entered the market, unfortunately she died. We thought it was
295 important, given the demand that there is for that coinage, to add one additional coin. If we had gone back to put it through a system, it would have been four or five months and it would have been pointless. In order to be able to add it to the existing coin with the effigy, we did it without the effigy because it was the only way we could produce a coin in a matter of days as opposed to a matter of months.

300 **Hon. R M Clinton:** Mr Speaker, just one or two more supplementaries and I will move on to something else.

I can understand what the Minister is saying in terms of speed being of the essence but in terms of the Rolling Stones one, surely speed is not of the essence.

305 **Chief Minister (Hon. F R Picardo):** They could go at any time.

Hon. R M Clinton: You have lost me there, but anyway there was no urgency in terms of getting the coin through the process. Why did you not go through the normal process to seek the Queen's permission to have her effigy on it in this particular case? I could almost understand it for Vera Lynn. In this case, surely the normal process would have been sufficient. I would be grateful if the Minister could actually give me – other than the Vera Lynn coin, which is presumably a very recent issue – an example of another coin on which the Queen's effigy has not appeared.

Hon. Sir J J Bossano: I think there have been something like six or seven issues of coins in the last two or three years, but I said the other issue was ... For example, I suppose if we did a coin with a Beatle, because one of the Beatles got married here we would argue there was a connection with Gibraltar. I do not think the Rolling Stones have ever stepped on our shores. There is this understanding that the themes that the Overseas Territories produce on their coins have something to do with the history of the place, or there is a connection. When there is no connection – in some cases, for example, we are now producing coins which are coins in name but really are a bullion sale of amounts of gold or whatever – that is not something that will carry the effigy of Her Majesty, so we have got an agreement that there are things that Her Majesty would be quite happy to have with her effigy and there are things that she would be less happy with, and we do not want to make her unhappy so we put the other one.

Hon. K Azopardi: Just on that, I think a previous explanation that the hon. Member gave, when he said that if the Queen is unlikely to give consent then it is not put to Her Majesty ... So, is it that there was a judgement call in this case that it might be unlikely for the Queen to give consent? Because of what? Because of the particular theme of the coin?

Hon. Sir J J Bossano: I have said it three times already, Mr Speaker. I have said that the Overseas Territories but not the rest of the Commonwealth are expected to produce coins with links with the territory. In fact, I gave him the example of the Beatles, where I said perhaps if it was the Beatles there would have been a link with the territory because one of them got married here, but the Rolling Stones have not set foot on the Rock.

The people in the business are the ones who advise us. They have been doing this much longer than we have. We have three mints that we work with and it is either speed or that there will be a reluctance to have something that is totally unconnected with Gibraltar on a Gibraltar coin. It would be the same for Bermuda or the Caymans, or any of the others.

Hon. K Azopardi: Is the hon. Member saying that every single time there is a coin issued which has the Queen's effigy it has a connection with Gibraltar? On 13th February there was a coin minted, called the 'Guess how much I love you' coin, with a rabbit on it.

Hon. Sir J J Bossano: I cannot say what the connection with the rabbit and the Queen was or anything else. I am telling the hon. Member what is the explanation for the policy that applies in the production of coins. Now, If he wants to put a specific question about the rabbit, I will look it up and give him the answer.

Hon. K Azopardi: No, Mr Speaker, I am just trying to understand the answer the hon. Member has given. He gave a rationale linked to some kind of territorial connection and I gave him an example of a coin that struck me had no territorial connection, and there will be others because there are many coins minted for collector value and that is the point I was asking.

In relation to this particular coin, what is the actual objection, fear that Her Majesty would not give consent to this coin?

Hon. Sir J J Bossano: Mr Speaker, I can only repeat the same answer if he asks me the same question, and that is that there is a view taken by the people who are involved in this business for many years, who do it for us and do it for other territories; they do it for the Falklands, they do it for the Channel Islands, and they advise us. Based on that advice, I have distilled something that I can put in a few words so that the hon. Member understands it.

If the hon. Member thinks that somehow a coin that should not have gone to Her Majesty has slipped through and she has said yes when it should not have gone to her because she would have said no, and he identifies which coin he thinks that one is, I will go back and see how it managed to get through.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may interject for one of my supplementaries on the new elderly residential complex – no Rolling Stones here – the hon. Minister –

Mr Speaker: The hon. Member has not finished.

Hon. Ms M D Hassan Nahon: Oh, I am sorry, you have not? You were sitting, so I thought you were not –

Hon. D A Feetham: I just have one question on the coins. In actual fact I am a little bit baffled as well by the explanation, because I collect coins and I have many Gibraltar coins with Peter Rabbit and the Olympics and all sorts of themes that have no connection with the territory.

Leaving that to one side, the hon. Gentleman said that there had been six or seven coins where Her Majesty's image did not appear on the coin and this happened as from the last two or three years. Did the practice start two or three years ago? Are there more examples before then of coins being issued without Her Majesty's image on the coin?

Hon. Sir J J Bossano: I would not be able to tell for sure without checking. We introduced the coins in Gibraltar, as he probably knows, in the GSLP administration of the 1980s. There were no Gibraltar coins before then. There might have been at some stage earlier and I do not know what happened in the interregnum, but certainly what I have just described is the way that it has been operating in the last few years when we started growing and we started going to the Berlin Money Show and we started having contact with people who wanted different things on their coins for the market in which they were selling the coins, whereas before we just made the coins and then they were put into the market on the basis that we hoped somebody would buy them. That is really the case today but it is being done much more professionally. So, we get somebody who says, 'We want to do a coin for this particular market, it has to be there for this particular date and it must be done in this way,' and if we feel that that is a sufficiently attractive thing to carry our name and it is worth doing because it will be sufficiently profitable, we agree to it and then the explanation that I have given kicks in.

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

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

If I may now turn to the Minister's answer to Questions 347 and 348, in respect of Question 347 I would invite the Minister to have a look at Bermuda, where they do indeed compile and publish quarterly statistics in a very detailed form, and perhaps he may wish to consider looking at the model that they use. It may be, and I would accept this, that our model may be more complicated than theirs and therefore they have an easier process to produce them, but I would invite the Minister to have a look at it.

In this day and age, when we talk about recession and falls in GDP it is important to have a handle on where our GDP is heading, especially when, as we all know in this House, our official

410 legal debt limits are linked to GDP. So, if there is a way of producing GDP in a more timely fashion I think that would be desirable.

Mr Speaker, my second question is in relation to Question 348 where he has broken down GDP percentage employment etc. Does he have it by industry in front of him?

415 **Hon. Sir J J Bossano:** Not in front of me, or at all. What the percentages show, basically, is that there are two sources of information. The employment income is the figure that is produced by the Employment Survey in October. At one stage we used to have two Employment Surveys, in April and October. I think this was discontinued during the GSD period. When we had
420 two, the methodology was simply getting the two and producing an average, which probably was a little bit more accurate because, given there are seasonal workers, the people who were working in October may not be representative of the people who were working all year round. It is taking the earnings in October and then working the annual payroll from that, and that is 44% of the GDP.

The other one is taking the tax returns made to the Tax Office. Therefore, you cannot do it
425 quarterly because this is not happening quarterly. One happens once a year and one happens spread over two or three times a year, and if you were to take one particular month of the year for company tax, for example, it might be miniscule and then there have been months when suddenly £50 million comes in, in one month. That is the system that has always been used. I have never known any other system going back to 1972. I do not know how they do it in
430 Bermuda – much bigger than us and they do not have a massive number of frontier workers coming in and out, which may complicate things.

It is not broken down by industry and the employment ... I suppose you could do an exercise which has never been done and say, 'Let's find out, of the 44% that are in employment, which are the biggest industries.' There is already that in the Employment Survey, so you know that
435 there are three big industries, which are construction, gaming and the retail trade, and those three are around the 3,000 to 3,500 mark so you could say those three would be an important chunk of that 44%. In terms of company profits, I would imagine the big companies, which are nearly all concentrated in the financial services and gaming sector, would be a big chunk of the 44%, in terms of company profits. I think if you take the whole of the retail trade they employ as
440 many people as the gaming but they do not make the kind of profits that the gaming do because obviously they do not have multimillion sales. So, it is possible to get that kind of insight into this but it has never been done because it is not calculated by reference to the areas.

In places like the UK they do surveys and they take samples in different sectors, and that is why the GDP keeps on being revised upwards or downwards as more recent information comes
445 in. We calculate the GDP basically on the Employment Survey of October and then when we revise it, when we have got something like 70% of the company profits reported, that is a set-off and the Statistics Office makes a projection about the other 30% that still has not come in, and the GDP we then get in the Government and in this Parliament would be something that would then be revised up or down depending on whether the estimated 30% that have not yet made a
450 return is a very good estimate, or is an overestimate or an underestimate.

So, the revisions that take place are predominantly in the area of company profits. There are no revisions on the Employment Survey because that is only calculated after the service is closed, so there is nothing to revise.

455 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his detailed answer on that.

I can now move on to Question 349 in respect of the full legal name and Companies House number of the legal entity that has supposedly signed a joint venture agreement and the date of that agreement.

The Minister, if I heard him correctly, said no. Can the Minister please elaborate as to why
460 the answer is no when he said in this House at the last meeting that there was a joint venture

agreement that had been signed with the UK subsidiary of the Chinese conglomerate, but today he tells us just simply no?

465 **Hon. Sir J J Bossano:** The agreement that will come from the UK is not a signed agreement to have a joint venture. The joint venture is with a Gibraltar company. The agreement is an agreement that ... Before, we were getting the support of a company that was based in China and had done overseas work predominantly in Asia and Africa. This was not what we needed and they have agreed now that the backup that we get will be from the company that is operating in the UK, which has been there for quite a long time and is doing two very big
470 contracts of over £1 billion each, in housing mainly. They have just had a new contract to redevelop the centre of Bolton as a joint venture with the Bolton municipal council, but the joint venture which is operating in Gibraltar is between Gibraltar General Construction Company and a Gibraltar company owned by them.

475 **Hon. R M Clinton:** Mr Speaker, you will have to indulge me please, as I just try and get my head around the structure.

So, what the Minister is now telling the House is there never was a joint venture agreement signed at any point in time with a UK entity. He can correct me if I am wrong, but I believe that the press have been led to believe that there is some kind of consultancy agreement with a UK
480 entity and that UK entity is called BCEGI Construction (UK) Limited. Does that accord with the Minister's understanding? Does the structure including the joint venture have a consultancy agreement with this UK-registered entity, the name I have just mentioned; and, if not, with whom?

485 **Hon. Sir J J Bossano:** Mr Speaker, the trouble with giving the hon. Member more information than I have given him in the past is that the consequence is that he then tries to dissect everything I say and speculate about what the implications are, and then goes into flights of fancy. The moral of that story is to give less!

The answer is we have got a relationship. You can call it a consultancy, you can call it what
490 you like. You are asking me to describe how it is we are operating. I am not using legal terms; I am giving explanations so that he gets an understanding, which is what he is asking me to provide. The relationship is one where there is not a consultancy agreement, there are no fees laid down, there is not a joint venture agreement. What there is is a situation where we are in a position to need advice and backup. The backup is now coming from a company that is operating
495 in the United Kingdom, which from my perspective is much more suitable for us than one that has not got the experience of working in the UK with UK standards. It has not been an issue before because we have not done any work before. This is the first time we are undertaking a construction of a project and we want to make sure that the project is to the standard that is required and that it meets the needs for which it is intended, and therefore we are taking the
500 steps that we think are necessary to make sure we get things right from the beginning.

That is all there is to it. There is nothing mysterious about it, but if he wants to pin me down to the meaning of every word technically, then I will have to be more cautious in the amount of information I provide.

505 **Hon. R M Clinton:** The Minister knows I am always grateful for the explanations that he gives and it certainly helps us on this side of the House understand the structures.

Mr Speaker, this will be my last supplementary. My colleagues may have one on this particular point, but again it is my last supplementary on this particular question. For the absolute sake of clarity, there is no written agreement, in any shape or form, between the joint
510 venture agreement in Gibraltar and this entity in the UK, and it is providing advice since it operates in the UK? Can the Minister then identify to the House the name of that company? Is it

the name of the company I gave the House, or is it not? I would be grateful if he could at least do that. I believe he has already done so to the press, so it should not be a problem telling us.

515 **Hon. Sir J J Bossano:** It is the national company that works in the UK and Europe and the headquarters are in the UK. It is the one that was involved originally with Cameron in the creation of Manchester Airport City, which is where its headquarters are, and is operating in that northern development. The United Kingdom government is trying to increase the growth of that area. I think it is called BCEGI because it is in the international part of this huge corporation, but
520 it works, in delivering in the UK, with people who ... Some are UK guys but are employed by the company. They are not all Chinese but they are people who are in a position to make sure that what we are getting is what is required, would be acceptable in the UK and has UK standards. I am very grateful for the help they are giving us.

525 **Hon. K Azopardi:** Mr Speaker, perhaps we may be forgiven – and not just those of us on this side of the House but everyone who is listening to this debate – for thinking that every time the hon. Member rises he is pouring black paint into what we thought was a clear glass of water. The answers are not explicit or clear, I have to say. Let me just put what my understanding is and the hon. Member can say whether it is right or wrong.

530 As I understand the answers he has given today and the answers that he gave on a previous occasion in this House, there is a joint venture agreement between two Gibraltar companies, one of which is owned by a Chinese parent. Is that correct? Perhaps he can repeat the name of the Gibraltar entity owned by the Chinese parent and confirm that understanding. And is the Chinese parent the same company that he has described as the joint venture having a
535 relationship with?

540 **Hon. Sir J J Bossano:** I am not really sure whether it is the same one. This company supports hundreds of subsidiaries and really, as Minister for Economic Development all I am telling the House is this is the delivery of the National Economic Plan. There is a joint venture company. One of the partners is Gibraltar General Construction Company – which was a construction company created by the GSD – and a Gibraltar company created by the Chinese parent either through the UK or through another company. I do not really know which one it is and I do not really care.

545 At the end of the day, we have got a joint venture company here that is going to be delivering the people's homes – which they have already said they do not support. I do not want their support. If they supported it, they should have voted for the manifesto and they did not. They voted for their own manifesto, which had no commitment to do anything to produce an alternative economy in the context of Brexit and no commitment to produce elderly people's homes.

550 The hon. Member no doubt remembers that the philosophy of the GSD in government was that they were not to be held accountable for things that would not have happened if we had got into government because it was not in our manifesto. Well, look, none of the things that they want me to explain are something that would be happening if they were in government. I have given them more explanations than they ever gave in the 15 years I was on that side, and
555 the only thing that happens with the explanations I give is that they try and find ways of somehow finding fault with them.

560 It is a very simple thing. There is a joint venture company and that joint venture company is going to deliver an old people's home. One of the partners in the joint venture company is a construction company created by the GSD and the other is one created by the Chinese – and I have no bias in favour of the Chinese and against the Gibraltarian one because it was created by the GSD. That company is going to be delivering the home. The hon. Members opposite think it is a mistake; they are entitled to think that. They think it is going to fail; they are entitled to think that. I think it will be a success. Time will tell.

Hon. K Azopardi: Mr Speaker, the hon. Member is right at least in one thing, which is that if we had been elected to government certainly these things would not be happening. We would not be having a joint venture with the Chinese state or a sub-state entity.

What I am struck with is the hon. Member saying, when he rises to his feet, to what I thought was a clear question – with which entity are you in bed with and who owns the entity that you are in bed with? – he says, ‘I don’t know and I don’t care.’ How can you not know or care? The due diligence process requires you, surely, to know who you are going to bed with.

Hon. Sir J J Bossano: Well, I know who I would not go to bed with: which is the GSD! *(Laughter)* That, I do know. I do not know whether he did the due diligence when he decided to leave the GSD or when he decided to migrate back to the GSD.

We have got a Gibraltar company that is doing a building in a joint venture with a Government company. We know that above that Gibraltar company there is a company, which may well be the one in London or may well be the one in Beijing but it is part of a group that has literally got hundreds of companies. The hon. Member thinks that it is terrible and not due diligence that I do not know which of the several hundred companies it is. Well, I do not agree with him and I do not intend to waste my time trying to establish which one it is to satisfy his curiosity.

Hon. K Azopardi: So, the hon. Member not only does not care about who the Government does business with, but he is not willing – to put it in his words, to satisfy my curiosity – to account to the people of Gibraltar or even care about who the Government, in whose name he is giving a green light to decisions, is doing business with, with taxpayers’ money?

Hon. Sir J J Bossano: Not with taxpayers’ money. The ‘taxpayers’ money’ is his invention. This programme in the manifesto is not being done with taxpayers’ money – let’s get that clear – but even if it were taxpayers’ money, we have been elected to deliver a manifesto commitment and the hon. Member is trying to undermine the delivery of that because, I suppose, he thinks that if we do deliver it he has no chance of surviving the next election. I can understand that, but he is trying to fight the election of 1923 in 2019. There is a lot of water still, between now and then.

The answer is that I do not know how he would do business and I do not know how he did business. All I know is that what I have done is, a company which is used by the Ministry for Economic Development to do construction work, which we inherited from the previous administration, has done a 50/50 agreement with a Gibraltar company that has been set up by people who have got a massive business in the United Kingdom of billions of pounds, who are considered to be sufficiently acceptable for Cameron as Prime Minister to launch the venture in Manchester. That may not be enough for the hon. Member and he may think it is a backstreet operation which I need to investigate. I do not think so.

The fact that it may not be that particular one, the original people who set up the company here, was a decision of a parent company in Beijing. They did not say to me, ‘Of the four or five thousand companies we have got, which one do you want?’ They selected which one suited them, because not all of them work outside China. Then, the ones that we were working with before were people who did not have a lot of knowledge of working in Europe or in the UK and we discussed it with them and said we would be more comfortable if we dealt with the one in the UK. I do not know whether the shareholding originally is held by one or the other. It does not make any difference to what we are doing. What happens in Gibraltar is happening in Gibraltar. It does not make any difference which of the many thousands of companies it has is the actual one that owns the shares in the Gibraltar one, which is an insignificant and miniscule part of the business of this entity that is the parent company. And that is it.

The hon. Member does not agree with anything we have to say. I do not expect him to agree. When he said he was not going to support it ... I do not want his support. I need him to know that: I do not want him to support it. I want to have the pleasure and the satisfaction of,

(*Laughter*) when the time comes, telling everybody that what they are enjoying is because he was not there.

Mr Speaker: With all due respect, this will be the last supplementary.

Hon. K Azopardi: On this issue?

Mr Speaker: Yes.

Hon. K Azopardi: My friend may have questions on others of all the questions that were done.

How can the hon. Member stand up and wax lyrical about how much this company is worth, the billions of pounds, and David Cameron that was involved and so on, when he does not even know the name of the company that is involved in Gibraltar and he does not know which company owns it? How can he make the relationship and ask people listening to this debate to believe that this is a deal of substance and of great importance, and give the example of all these projects being done in England and the billions of pounds behind it, and then when I ask him the simple question 'which is the company that owns the entity in Gibraltar?' he says, 'I don't know and I don't care'?

If he does not know and he does not care, he cannot then say in the same breath that there are billions of pounds behind it, because he does not know. He may care about that but he does not know, does he?

Hon. Sir J J Bossano: Mr Speaker, I do not know, I do not care, and I can wax lyrical, and if he wants me, I will repeat the speech that I made before and wax lyrical again.

I know the size of the company globally and I know the size of the company in the United Kingdom. I do not know, and I do not intend to try and find out to satisfy him, which entity in the entire empire is actually holding the shares of the partner that we have in Gibraltar. He may think that is terrible. Fine, it does not bother me.

Mr Speaker: The Hon. Mr Clinton, do you want to ...?

Hon. R M Clinton: Yes, Mr Speaker.

Moving on to Question 350, if he could just confirm that the Gibraltarian directors of GBIC are not receiving any remuneration from the company. If he could just confirm that?

Hon. Sir J J Bossano: None of the directors are, Mr Speaker.

Hon. R M Clinton: Mr Speaker, now we move on to Questions 351 to 354, and there may be some overlap with Question 357. Again, I beg your indulgence. I may jump around a bit.

The Hon. Minister may recall, maybe five years ago, one of the first questions I asked in this House was the purpose of GSBA Limited, whose share capital is 100% owned by the Gibraltar Savings Bank, and at the time the Minister told me it was to hold assets. I asked him at the time what assets and he said the building, because he did not think it was a good idea for the Savings Bank to be paying rent on the building and therefore it was decided it would be a good idea to buy the building and to put it into GSBA.

GSBA, since its creation, has never filed any accounts at Companies House. I have no idea as to what it does. The answer, he has given to my Question at 351 – why did it borrow £20 million? – and the answer was to expand its business. I would be grateful if the Minister could give the House an indication of what he considers now to be the business of GSBA Limited back certainly five, six years ago. Its only business I was aware of was to hold the Treasury building on behalf of the Savings Bank.

Hon. Sir J J Bossano: Well, I think he is wrong in saying that that was the only building. *(Interjection by Hon. R M Clinton)* No, I think he is wrong in that. The GSBA has more than one building. What it does is it rents buildings, and it is going to be renting more.

As far as the accounts, I know how important the accounts are to the GSD when they are in opposition. They are so important that when they came into government in 1996 they immediately published the 1996 accounts of all the Government companies and made them public in 1997, and having done that with the ones of the aegis of the GSLP they stopped doing it for the 15 years of the GSD. And not only did they not publish them, they did not complete them. When we came in, we found that the last accounts that had been done – in 2011 – had been in 1996. So, while they are now on those benches where accounts are important, and if they ever come back to these benches they will cease to be important.

Hon. R M Clinton: Mr Speaker, on that I think we can agree to disagree, because when we are on that side of the House the accounts will be very important and we will be going through all of them.

How can he stand up and accuse us of negligence when he is presumably the architect of the creation of GSBA Limited? It is a company incorporated by his administration. He has been in power since ... too long, and he has yet to file a single set of accounts. He cannot point the finger at us. This is an entity created by him.

Does he not consider it is good corporate governance to file accounts or produce audited accounts? Or is it that he just does not want the public to know what GSBA is doing?

Hon. Chief Minister: He doesn't care.

Hon. R M Clinton: At the end of the day, he knows he has a statutory responsibility to file, so why hasn't he done it? These accounts are massively overdue. I am not going to dwell on the accounts because we will be here forever.

He says it owns other properties. Could he tell me what other properties this entity has? And what is it that he intends to do with this £20 million? Again, in relation to Question 352, if he can confirm that effectively these debentures that the Savings Bank is buying are unsecured, that it is unsecured debt of GSBA Limited that the Savings Bank is acquiring.

Hon. Sir J J Bossano: I have not used the word 'negative', Mr Speaker, when speaking about them. What I am saying is that they have got a dual value system. What is right for them to do becomes wrong when they are on that side, and then when they come back here their values change. So, if GSBA is far too long without the accounts being registered, then we still have a long time ahead of us before we catch up with their record, which was 15 years.

The hon. Member may say that if he had been in government it would not have happened. Well, from my recollection the people who were in government at that time did not have much choice as to what was done, and therefore it was the Chief Minister who decided whether the accounts were published or not published and I do not think if he had been there would have made any difference – unless, of course, he might have then crossed the floor and joined the GSLP. You never know.

The position, as I have told him before, is that we have got a policy of investing in the economic development of Gibraltar and we have got vehicles to do it. We have explained it at a length which nobody ever before has explained. The explanations that we give do not satisfy them, but we give them more information than they have ever given anybody else, and we go into a manifesto and we publish in detail what we are going to do. We say in the manifesto we are going to have modular construction methods, and then suddenly when we do it we are accused of doing something that is terrible which they never said was terrible during the election campaign.

720 The answer is I am not going to be, in this House, explaining the business plan of Government-owned companies or giving details of what they invest in, or how they make their money or how they operate. That is not what I am going to be doing. It has never been done about companies before, by anybody else, and I am not going to start having the precedent now. So, I will give him the level of information until we get to the company, and then how the company operates after that is something that I will not answer for.

725 **Hon. R M Clinton:** Mr Speaker, I was just asking about what GSBA held. He already answered that question five years ago, at least partially ... I was just asking him what other properties does it hold and he seemed to be willing to give that answer. I would be grateful if he would give it. And he has not answered my question as to whether this £20 million is unsecured or not.

730 **Hon. Sir J J Bossano:** Mr Speaker, I do not know – because I am not in the business that he has been in as a banker – but I don't know if companies require security from their subsidiaries when they give money to their subsidiaries. It seems insane, because if a company is 100% owned by somebody, how can the company give more security to its owner than the security of the fact that the owner has 100% of the shares? This is not that we are going to NatWest or we are going to Safra and saying, 'Give me a loan,' and Safra says, 'I want a security for the loan'; this is the owner, the shareholder, providing money to the entity that he owns. I have never seen, in all the transactions of all the companies before, anybody having to give extra security, but if other people have done it before us I am telling him it is not being done. He is asking me whether it is or it is not and I am giving him the answer. The answer is no.

740 **Hon. R M Clinton:** Mr Speaker, I really must beg your indulgence. I still have not heard anything about the buildings. Could he elaborate as to what are the buildings it holds at the moment? And does he have anything in particular earmarked for this £20 million other than the answer he gave to Question 357 in respect of, it appeared, the Rooke site for the nursing home?

750 **Hon. Sir J J Bossano:** I have already told him, Mr Speaker, I am not going to go into what buildings are going to be bought or not going to be bought, or rented or not rented, or how the company is going to produce the profits that will eventually finish up in the Savings Bank, which will eventually make the Savings Bank capable of continuing to maintain the level of interest that it pays its depositors.

755 **Hon. R M Clinton:** Mr Speaker, moving on to the second part of this, and that is in relation to Gibraltar Properties Limited, I think the Hon. Minister will accept that Gibraltar Properties Limited shares are not, as far as I am aware, owned by the Savings Bank. Does the Savings Bank have any security in respect to that £20 million?

Hon. Sir J J Bossano: I have already given him the answer, Mr Speaker.

760 **Hon. R M Clinton:** Mr Speaker, the answer he gave me was in respect of GSBA Limited. I am asking, specifically in respect of the £20 million borrowing by Gibraltar Properties Limited: has Gibraltar Properties Limited given any security to the Gibraltar Savings Bank for that £20 million debenture?

765 While I am on my feet, Mr Speaker – I expect I know what the answer will be – can he tell us what it is that this £20 million borrowing will be used for, other than just blandly 'expanding business'?

770 **Hon. Sir J J Bossano:** Mr Speaker, I have answered his question because I have said GSBA and Gibraltar Properties have raised funds to expand their businesses and no additional security has been provided. So I did give him the answer originally and he has asked me three times

subsequently to give him the answer which he has already got, and what applies about not giving details of the investment profile of GSBA applies to Gibraltar Properties as well.

Hon. R M Clinton: Mr Speaker, we will come back to GSBA in a minute.

775 If I move on to Question 355, just to confirm that there are no negotiations with Gibtelecom to repurchase the Haven building.

Hon. Sir J J Bossano: Mr Speaker, I do not know, in all the years that I have been in this House, what the procedure is if one is asked a straight question, the answer is no, and you then
780 get a supplementary as a follow-up to confirm that no means no. That is what he has just asked me. I told him no in the original question and now he is asking me can I confirm that the answer no means no. Yes, no means no.

Hon. Chief Minister: [Inaudible]

785

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister.

The reason why I go through the questions again is because he has lumped so many questions together. I may misunderstand his answer when he gives so many answers to so many questions. If he was kind enough to answer each question individually then we could perhaps
790 save some time in the House.

Anyway, moving on to Question 356 – the beneficial owner of Community Supplies and Services Limited – he tells the House that he is not in the business of knowing who the ultimate beneficial owner is. Can he at least confirm to us that that is indeed the company that will be producing the elderly care nursing home? And does he have any information as to who the
795 beneficial owner is, or is he just simply not interested?

Hon. Sir J J Bossano: I have told him I am not telling him, Mr Speaker. I think the answer is clear. The Government does not provide information as to who are the beneficial owners of the entities with which it does business. I do not know whether any Opposition in the 48 years I have
800 asked the question ... or any Government has answered it, but if I accept his premise he can then expect me to engage in looking for the beneficial ownership of everybody who has a contract with the Government. Yes? (*Interjection*) Well, look, I suppose if I were a retired banker with little else to do I would be interested in doing that, but I am not.

805 **Hon. Chief Minister:** He is too young!

Hon. R M Clinton: Mr Speaker, I am disappointed with that response, but can he at least confirm the legal name of the entity that is going to build this elderly care nursing home? Is it correct that the name on the architect's plan, Community Supplies and Services Limited, is the
810 entity that is going to build this facility?

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

815 **Hon. K Azopardi:** Can I just ask, on that whole question: the hon. Member says he will not provide the information, but presumably he does know who the beneficial owners of Community Supplies and Services Limited are, does he?

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

820

Hon. K Azopardi: Well, that is the hon. Member's position but I will put my question this way: if the hon. Member does not know, then the Government is sanctioning an arrangement with a client entity that it does not know who the owner is – does he think that that is good practice?

825 **Hon. Sir J J Bossano:** I am not here to give opinions on what is good practice or bad practice. I am here to provide information that I am willing to provide and to deny information that I am not willing to provide.

Hon. K Azopardi: Is the hon. Member willing then to be sanctioning arrangements or
830 contracts with entities with which he has no knowledge of the beneficial ownership?

Hon. Sir J J Bossano: Mr Speaker, I do not know what he means by 'sanctioning'. The architect has said who is going to be the developer of this project and the hon. Member wants to know who the beneficial owner of this entity is. I do not accept that I have to go to Parliament and produce the beneficial owner, which is available in respect of public companies but not
835 necessarily in respect of private companies, for every company with which we have dealings. There are many with whom we have dealings on a vast bigger scale than the scale that we are talking about of building the elderly people's home.

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

Hon. K Azopardi: Mr Speaker, it is not –

Mr Speaker: With respect, we cannot belabour the point. He has given an answer, so I am
845 permitting you to ask, that you ask one final question and then we move on, please.

Hon. K Azopardi: Mr Speaker, he has given an answer but the answer is slightly shifting and I just want to be clear about what the answer is.

What the hon. Member originally answered, which is what I am asking a question on as
850 permitted by the Rules, is that the Government does not provide information on the beneficial owners with which it does business. So, you are accepting as a matter of principle you are doing business with that entity. What I am asking you is: having accepted that you are doing business with that entity, do you know who the beneficial owners are?

855 **Hon. Sir J J Bossano:** And I am telling him that I am not prepared to tell him whether I do or I do not.

Hon. R M Clinton: Mr Speaker, I think I am coming close to the end of my questions.

On Question 357 – (*Interjection by Hon. Sir J J Bossano*) I will keep you young, Joe – the
860 Minister mentioned that the purchaser of the 1,000m² plot at Rooke will be GSBA Limited, which I imagine is the same GSBA Limited that is so proudly owned by the Savings Bank, which has just borrowed £20 million from the Savings Bank itself. He tells us that the premium was £½ million, but on my reckoning £½ million means £500 per square metre. Is he telling the House that that is the commercial value of that property as determined by Land Property Services? If
865 so, that would imply the 24,000m² Rooke site would only attract a premium of £12 million. If that is the case, Mr Speaker, I will go and get a loan myself and buy it, because that is far too cheap!

What is going to be the relationship between GSBA Limited and the developer – being
870 Community Supplies and Services Limited – who is going to build the nursing home? And is he, via some entity of the Savings Bank or some other Government entity, owned or controlled, going to be providing any money by way of loan to the developer to build this nursing home?

Hon. Sir J J Bossano: Obviously, Mr Speaker, the hon. Member is totally ignorant of how LPS calculates value. He would not know. Clearly he does not know because he says if a plot of land of 1,000 m² is being sold for £500 a square metre to build an elderly people's home then it must mean that the rest of the plot, even if you put on it a mansion or a casino or anything else, would be valued at the same rate as the plot for the elderly people's home. That is not the case. Evaluation takes into account the potential yield of the use to which the land is going to be made, and therefore if LPS ... For example, we have a situation where we provide land for housing for 50/50 co-ownership free as a matter of policy, but if it had to be provided at a cost, the cost for 50/50 housing of land, which can only be used by the purchaser of the land for that purpose, would not be the same, that the land that you could use to build luxury homes for high net worth individuals. The Government does not have a static figure that it gets from LPS, otherwise frankly we would not need LPS; we would just have a measuring tape and have a standard figure for square metres irrespective of the use to which it was going to be paid.

In terms of the asset in GSBA, that is going to be a matter to be decided at a later stage. When the development is completed there will have to be some transaction in respect of that land or rent for that land, but the decision on that has not yet been taken because we are at the very early stage of the procedure.

Hon. R M Clinton: So, Mr Speaker, GSBA will own this plot of land but there are no heads of agreement that have been signed yet with the developer. Can the Minister, then, advise whether GSBA – the intention of GSBA, as you said, seems to be in the business of renting property and land – that it will retain the ownership of the land but will, in the first instance, seek a rental rather than sell land? If he could confirm that?

Secondly, what are the terms of the lease the GSBA has obtained? What is the length of the lease?

Hon. Sir J J Bossano: The length is 150 years and the terms are the standard terms. I have not looked through the list but the standard terms that LPS gives on leases such as this to both Government companies and non-Government companies.

I have already answered his other question because I have said we have not yet taken a decision at this stage, which is a very early stage in the process.

Mr Speaker: Has the hon. Member finished his supplementaries?

Hon. Ms M D Hassan Nahon: Mr Speaker –

Hon. R M Clinton: I have not finished yet.

Sorry, Mr Speaker, one of the questions I had asked is whether the Government is going to provide any financing for the project – if he could clarify that point.

Hon. Sir J J Bossano: No, the Government is not... I have told the hon Member already but he keeps on asking questions which have already been answered. He is asking a question which has already been answered, Mr Speaker. I have said this is not being done with taxpayers' money to the Leader of the Opposition five minutes ago and now he says 'Is the Government putting any money in it?' No, the Government is not putting any money in it.

Hon. R M Clinton: Mr Speaker, I apologise if using the word 'Government' is perhaps too narrow a term: Government, Government agency, Government-owned company, Savings Bank, company, any other entity under the control of the Government is or is not lending any money?

Hon. Sir J J Bossano: Mr Speaker, I am not prepared to give the hon. Member information as to what money the GSB lends to whom.

925 **Mr Speaker:** The hon. Lady – I am sorry that she has had to wait such a considerable period of time.

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

930 I have a few supplementaries based on my question, but following on from a question that the GSD Opposition asked, I was quite struck by hearing the Hon. Minister saying that he actually did not know and did not care who was behind all this. Despite the fact that they do have a manifesto, it does not appear to me that he does not want to satisfy the Leader of the Opposition's questions and does not want to be transparent, but he made it clear that he did not know and he did not care. Perhaps he can understand that maybe the people of Gibraltar will
935 find it very hard to have faith and get behind a project where no answers have been given on the ultimate beneficial owner of the company, who is behind it. Can the Hon. Minister understand why this can come across as irresponsible and risky at a time like this?

Hon. Sir J J Bossano: If her question is whether I understand, the answer is no, I do not
940 understand.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Hon. Minister does not understand why saying that you do not know and you do not care who is behind a venture is not something that might make people nervous, so I will move on.

945 My question regarding the answer that the Hon. Minister gave me on the first refusal for local residents ... Scientific trends indicate that, as time goes by and people live longer, there will be a lot of need for residential care, and I suspect, based on these trends, that we are always going to be full up. So, my question would be, if we take it as an assumption that we are always going to need residential care and our spaces will always be filled up, when he says 'first refusal'
950 it almost implies that our own people are having the onus on asking for the space. Is Government going to be intervening to make sure that our people have a place, or does it have some kind of deal with the developers that there has to be a proportion of privately allocated spaces for people from outside? How will this actually work and affect our own people?

955 **Hon. Sir J J Bossano:** Well, I thought the original answer I gave the hon. Lady was perfectly clear. There will be no placements available for anybody wanting to take up a place in the home from outside Gibraltar unless and until the demand from the people in Gibraltar who are interested in going into those homes is exhausted. We are not going to force people to go there if they do not want to go. Therefore, we shall have to wait and see what the demand is.

960 There is a waiting list at the moment, and that waiting list moves very slowly – and it is good that it should be moving slowly, frankly, because it can only move for one reason and that is when we lose one of our people in the home and then there is a vacancy. We have devised a way of being able to increase the supply in a way that brings in private investment, but that private investment will only happen if the conditions are such that it is a profitable investment.
965 This is what this is intended to deliver, and if it is a success there will be more. In fact, in the manifesto we said 'elderly persons' residences' in the plural.

We will have to see. This is early days. I am optimistic and I am confident that it is going to be a success, but time will tell. It will be offered to people, and if we find that it is successful and people want it, and it meets the requirements and the standards that we want and it can create
970 at the same time investment opportunities for people to put their money into, doing something that is socially desirable and at the same time getting a return on that investment, which is secure because there will always be a demand ... It is not like investing in offices that you may not be able to rent or investing in houses that you may not be able to sell. This is a more secure investment of that nature. We think that we will have more investors willing to invest in more if
975 the first one is successful. If the first one is not successful, then it will not happen.

Hon. Ms M D Hassan Nahon: Thank you for that answer. Can I ask if the arrangements, financially speaking, will be similar as they are at present, like with Mount Alvernia and John Mackintosh Home, or will there be some kind of surplus of fees of a private nature that Gibraltarians will have to pay? Or will it be like it usually is, where the elderly care, I believe, takes the pension amount in exchange for the lodging, effectively?

Hon. Sir J J Bossano: No, the intention is that the pensioners who choose to go there will be treated exactly the same as if they were in the existing homes now, where they pay a proportion depending on their income and the rest is paid by the Government, and that is what will happen in this one as well. There will be no change to the system.

Hon. K Azopardi: Mr Speaker, I had one supplementary on my question, which was Question 359, and it may be that the hon. Member answered the question in the very long answer he gave originally but I did not capture it, so perhaps he could just confirm to me what he said. My question was why the Government was willing to permit a high-rise development for the elderly on the Rooke site. I did not catch the answer. I do not know if he gave it. If the hon. Member would just restate it if he did; and if he did not, what is the answer?

Hon. Sir J J Bossano: Mr Speaker, the answer is that the height of the building is the height that is required to make the building a viable investment proposition.

Hon. K Azopardi: The reason for my question, Mr Speaker, is that ... There are two aspects to it. First of all, this is a building for the elderly and, as I understand it, it is going to be a 12-storey building. I think that is what I have heard – 11, is it? Okay. Even so, 11 is quite high. There has been, for many years, a successive policy to almost do the reverse, to try to find housing for the elderly at lower floors, and yet we seem to be going the other way. So, perhaps the hon. Member would comment on why it is appropriate, he thinks, that there should be a high-rise development for the elderly.

And then secondly, in his manifesto itself, that he himself says he is elected to, of course, carry out, and then he accused me a few minutes ago of undermining it ... I am going to do the reverse by reminding him that his commitment was that there would not be a high-rise development on the Rooke site and to remind him that perhaps that is the obligation that he needs to carry out.

Hon. Sir J J Bossano: I am reminded that Albert Risso has eight floors, so it is not actually a single-storey building, but in any event what the manifesto said was that the people with whom we were negotiating had no intention of putting high-rise buildings there. Those negotiations, as my hon. Friend the Chief Minister explained, were not concluded to the satisfaction of the Government in that the Government's expectation in terms of what the value of that site was were not met, and therefore it has recently gone out again and there are proposals in the pipeline. It is not something that I deal with, so I do not know what those proposals are. I do not know what kind of buildings different people are proposing to put there.

There is, of course, as I have already said to the Hon. Mr Clinton and I am sure the hon. Members opposite know, a correlation with the density and the height of buildings and the price put on the land, as well as the nature of the use of the buildings, whether it is something that is highly profitable or something that has got a very low profit. No doubt when those tenders are evaluated the price that is being offered would then be looked at, from the point of view of LPS, not by reference to the £500 per metre but by reference to what other people say they want to do with the land.

I think it is important to try and make hon. Members understand that this is something that can only happen if it is economically viable, and if it is not economically viable it will not happen. So, it is not that you have got the choice of a lower building with less yield and higher rent, or

whatever. It is not that there are a number of options. We know what we are likely to have to pay – or we know what the value of the thing is going to be for it to be able to be attractive to investors.

My job is to deliver the National Economic Plan. This is in the National Economic Plan and everything in the National Economic Plan is designed to be something that we do not have to fund as Government buildings but people who are interested in safe investments will look at those as areas in which they can invest their money. Therefore, the package will only work if it meets all those criteria. If we said it is a much smaller building and there will be fewer floors and fewer beds, and therefore much higher prices, the answer is it would not happen. It is as simple as that.

Hon. K Azopardi: Let me try to understand that, because that manifesto did not actually say that London and Regional say that they are not going to do a high rise; the manifesto simply talks about Rooke, talks about the development by London and Regional and then it says, as a statement, this will not be a high-rise development and it will include a new fire station etc. So, it is a statement by the authors of the manifesto. It is a statement by them and not by London and Regional.

Let me just ask the hon. Member: on the explanation he has just given, where does the analysis and the conclusion come from in terms of the high-rise building? As I understand what has been described – the joint venture as a client – is it that the client has said it needs to have a certain number of floors, or is it that you cannot find the client without a certain number of floors, in which case the decision has been taken by the developing entity in which the Government has an interest?

Hon. Sir J J Bossano: What the manifesto says is what was likely to happen if the deal which had been in the pipeline for a very long time had materialised, which we had hoped and thought would materialise but it did not. If that deal had materialised, the manifesto commitment of the National Economic Plan that I have got the responsibility to deliver would have been delivered somewhere else and the nature of the building for the elderly people would have been the same somewhere else.

We know – that is, I know, having drafted that part of the manifesto – what is required to be able to deliver the results that I predicted would be delivered by it, and therefore the people who are participating are participating in something that they know has been worked out so that it is not a speculative investment that they invest their money in and they do not know whether it will work or whether it will not work. We know what is required. I know what is required to make it work, just like I know every other component in that manifesto in the part of our National Economic Plan.

This is not a high-rise building by the standard of what was intended to be put in Midtown, where there was going to be a tower there, the top of which was higher than Moorish Castle. We were talking about the value of land ... Well, look –

Hon. Chief Minister: We stopped it.

Hon. Sir J J Bossano: If we talk about the value of land, the value of that land, the two football pitches and the thing in the middle, was put at £10 million of works, which was going to be a school, park and leisure centre and the leisure centre wanted that to be £11 million. If we judge how good or bad for the taxpayer and the people the things that we are planning to do are, then we can judge them by comparing them to what our predecessors have done – or attempted to do because they never finished, because we came in and stopped it. (*Interjection by Hon. Chief Minister*)

1080 I suppose the hon. Member is perfectly entitled to be sceptical about whether any of this will work, and I suppose if I had given less information on what it entailed, they would be asking fewer questions now. We all learn lessons in life – and you have now just been taught one.

Mr Speaker: Next question.

1085

HEALTH AND CARE

Q361-67 and Q379/2020

Acquisition of PPE –

**Providers; GHA employee with direct interest; due diligence conducted;
external verification of samples; compliance with EU Regulations;
commercial relationship with providers**

Clerk: We now move to Question 361. These are questions for the Hon. the Minister for Health and Care and the questioner is the Hon. E J Phillips.

1090 **Hon. E J Phillips:** Mr Speaker, further to the answer to Question 227/2020, can the Government now confirm the names of the two companies that the GHA has contracted with for the provision of PPE, together with the names of the directors, shareholders and ultimate beneficial owners?

1095 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 362 to 367 and 379.

Clerk: Question 362, the Hon. E J Phillips.

1100 **Hon. E J Phillips:** Mr Speaker, further to the answer to Question 227/2020, can the Government now name the GHA employee who is within the clinical structure and has a direct interest in acquisition of PPE for the GHA?

Clerk: Question 363, the Hon. E J Phillips.

1105 **Hon. E J Phillips:** Further to the answer to Question 228/2020, can the Government now confirm that it is satisfied that it conducted all due diligence on all PPE acquired and/or purchased for the purposes of protecting our community from the risk of COVID-19 infection?

Clerk: Question 364, the Hon. E J Phillips.

1110 **Hon. E J Phillips:** Further to the answer to Question 228/2020, can the Government now confirm that all samples of PPE sent out of Gibraltar for external verification PPE compliance EC Regulation 2016/425 or otherwise have been returned, along with the results of the external verification?

1115 **Clerk:** Question 365, the Hon. E J Phillips.

Hon. E J Phillips: Further to the answer to Question 228/2020, can the Government now confirm whether or not a sample of PPE supplied by Pioneer Health Care Group and/or

1120 Uropharma Limited, or any other company from whom PPE was acquired, was sent out for external verification; and if so, what was the result of that external verification?

Clerk: Question 366, the Hon. E J Phillips.

1125 **Hon. E J Phillips:** Further to the answer to Question 228/2020, can the Government now confirm that the PPE supplied by Pioneer Health Care Group and/or Uropharma Limited, or any other company from whom PPE was acquired, complies with EU Regulation 2016/425?

Clerk: Question 367, the Hon. E J Phillips.

1130 **Hon. E J Phillips:** Can the Government explain the commercial relationship the Government/GHA have with Pioneer Health Care and what services, including the cost, have been provided to the GHA?

Clerk: Question 379, the Hon. Ms M D Hassan Nahon.

1135 **Hon. Ms M D Hassan Nahon:** Can Government provide a breakdown of all PPE procured by the GHA, who supplied each consignment and which ones were deemed faulty?

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

1140 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, firstly, the answer provided in Parliament last month in relation to supplementary questions arising from Question 227 referred to the procurement of 'PPE or other supplies'. In respect of the provider of PPE, the companies referred to were We Care, trading as Diamond Sea Limited, and Minimarket Limited. Information regarding these companies is publicly available as follows.

1145 Diamond Sea Limited: the shareholders are Diamond Earth Limited and LJM Limited; the directors are Joseph Pilcher and Nigel Acris.

1150 Minimarkets Limited: Joseph Luis Cassaglia, shareholder and director; Nicole Louise Manning, shareholder and director; Edward Borg, director; Dominic Hernandez, director; Liam Kenny, director.

1155 In answer to Question 227/2020, at no point did I state that any GHA employee within the GHA's clinical structure had any direct interest in the acquisition of PPE for the GHA. In any event, it would not be appropriate to publicly disclose the identity of these healthcare workers. However, as the Chief Minister suggested, it would be fairer to discuss this matter behind the Speaker's Chair and exchange the information available to Members opposite also. The Government remains happy to do so.

1160 PPE was purchased throughout the COVID-19 pandemic to ensure that at no point would the GHA run out of stock thus exposing clinical staff and patients to the virus. Additionally, the GHA was able to support other Government Departments, via the Civil Contingencies infrastructure, with PPE supplies. All of this was accomplished during a time of global shortages and uncertainty, when other countries had run out. The GHA is entirely satisfied that all possible due diligence was carried out on all PPE procurement.

1165 In relation to Question 364, my answer is yes. Government can now confirm that all samples of PPE sent out of Gibraltar for external verification PPE compliance EC Regulation 2016/425 or otherwise have been returned, along with the results of the external verification.

1170 The GHA can also confirm that some samples of PPE were sent to the United Kingdom for independent verification, but these had not been procured from either of the companies the hon. Member alludes to in his question. The GHA can further confirm that the external verification indicated that the samples sent were deemed non-compliant with the required FFP standard.

All PPE purchases, including those supplied by Pioneer Health Care Group and/or Uropharma Limited were all certification marked (CE) and/or marked by the National Institute of Occupational Safety and Health (NIOSH), except for the two consignments of FFP3 masks which were found not to conform to the FFP3 standard. One consignment has been accepted but has been paid for at the value of the lower standard, the other consignment will be returned to the supplier at no cost to the taxpayer.

The GHA have engaged with Pioneer Health Care, who have provided the following: clinical services at a total cost of £80,325.67, and the supply of PPE at a total cost of £547,373.60

The breakdown of PPE supplied by company is as follows.

Alfred Swantex provided breathing filters and surgeons' gloves.

Asset provided surgical masks.

Audibert: FFP2 masks.

Caterpac: surgical gloves.

Diamond Sea Limited provided hazmat suits, shoe covers, FFP3 masks, FFP2 masks, surgical masks, face shields, disposable scrubs, goggles, surgical gloves and filters for masks.

Eulabor provided surgical gloves, masks, respiratory protection, FFP3 masks, hazmat suits, nitrile gloves and surgeon scrubs.

Euroship provided disposable overalls and face shields.

Full Support provided air purifying respirator kits complete with full hood and accessories.

Interbuild provided FFP2 masks, disposable overalls, goggles, face shields and shoe covers.

Iturri: provided half-face masks with filters and replacement filters.

Kestlake provided visors, surgical and FFP2 masks, and goggles.

Kings Pharmacy provided surgical masks, FFP2 masks, FFP3 masks, surgical gloves, surgical extra-length gloves, hazmat suits, face shields, shoe covers, goggles, disposable waterproof head covers, disposable overalls, disposable aprons, disposable scrubs, hazmat suits, body bags and water-repellent aprons.

Meadow Labs provided surgical masks, face shields, hazmat suits, Wellington boots, FFP3 masks, and air-guards clear breathing filters.

Mini Markets provided surgical masks.

Near Technologies provided hazmat suits.

Numatic International provided visors and masks.

The Light and Power Shop provided FFP2 masks.

Uropharma provided hazmat suits, gloves, visors, goggles, shoe covers, respirators and surgical masks.

And finally, VE Supplies provided surgical masks and disposable plastic aprons.

Hon. E J Phillips: Mr Speaker, I am grateful for the lengthy answer and explanations to some questions that this side of the House have clearly had in relation to PPE provision and the quality and standard of PPE acquired by the Government.

Insofar as one of the questions relating to the individuals concerned in relation to Diamond, I believe, and We Care, those two companies in which two of the directors that were identified, one being a Mr Joseph Pilcher – a former Member of this House, of course – and Mr Acris, do these arise out of longstanding relationships the Government has had with these two individuals in the company, or is it in relation to a new arrangement that was generated during or just before the COVID crisis impacted?

Hon. P J Balban: Mr Speaker, I believe that this company has been used in the past by the GHA.

Hon. E J Phillips: And the Government, of course, in using these individuals and these two companies, was entirely satisfied that these two individuals had the requisite experience in the provision of medical equipment and supplies?

Hon. P J Balban: Mr Speaker, all guarantees were provided by all of the named companies I have gone through throughout the reply to this question. They all provided the certification and CE markings etc., and obviously we expected, just like they expected, to receive what they had procured. Fortunately, there were relatively few but we were, as many other cities and countries worldwide, were affected by supplies which were fraudulent, were not up to standard, and the GHA did what was important for them, and what the people of Gibraltar would expect is to carry out the due diligence. Once we had been notified that perhaps these masks were not befitting of the standard that they were procured at, the relevant tests were carried out.

Hon. E J Phillips: On the last occasion that we were here, both the Chief Minister and the Minister explained the process by which PPE was sent back for external verification and of course that there is a process to be had in relation to those relationships, but I just have a number of questions.

In relation to the assessment that the Government conducted pre-March 2020 when it first sought delivery, or seek the relationship with Pioneer insofar as PPE is concerned, am I right in concluding that the PPE stock that the Government had at the time, pre-March 2020, was not up to the relevant quality standards that should be expected?

Hon. P J Balban: Mr Speaker, the date was referring to the date before we started procuring the order. All the supply would have been the supplies that we had, some that were Brexit supplies and stock that we were holding, and we are pretty confident that all those masks, all that PPE was up to standard. The issue that we had was when we attempted to provide Gibraltar, the health staff, with adequate PPE, and the struggle that all other cities and nations had in trying to procure what was a finite resource is when obviously we were dealt a wrong card. Many other cities and countries have suffered tremendously. In our case, luckily enough, it was a very small part of our total stock and, as I said earlier, the moment we were notified that this perhaps was subject ... then we did our due diligence and sent this immediately for analysis in the UK.

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

Hon. P J Balban: Mr Speaker, I do not have that information with me. In fact, let me just check. In answer to Question 367 specifically the reply was that for the Pioneer Health Group the supply of PPE came at a total cost of £547,373.60. I replied to that in Question 367.

Hon. E J Phillips: I am grateful for the answer. I was not clear if it was directly from Pioneer, because my understanding of the situation is that Pioneer Health Care has a joint venture agreement with Uropharma, which is also the subject of three of these questions. It was discovered at some point that there was not enough supply in the United Kingdom for PPE to be directly supplied to Gibraltar and therefore a Chinese company, Granjoy Limited, was utilised to supply PPE to Gibraltar. That is the direct route. So, Pioneer, Uropharma, a Chinese company in which there was a deployment from Shanghai of PPE to Gibraltar. That is my understanding of the relationships in relation to that: \$678,000, £547,000 in sterling equivalent, to us. Is that correct?

Hon. P J Balban: I am not sure if that supply came from China. I would not be able to tell him if that is correct. If the hon. Gentleman would tell me the source of that information we will be able to check it. I do not have that information with me. I would not know.

Hon. E J Phillips: Well, I am not in the business of answering questions from the Government. If I could complete my questioning on this particular issue it would be helpful.

1275 **Hon. Chief Minister:** Well, no, Mr Speaker, this is not about the Government asking the hon. Gentleman a question. It is about the hon. Gentleman providing the background to his question. He has asked us to confirm something and therefore the source of his information would be an interesting way in which we might be able to confirm whether what he is saying is absolutely right or not, because the Government's relationship as has been disclosed in this House is not
1280 with the people that he has mentioned. We have told the House of the whole list of whom we have procured PPE from and who has supplied it for us. If what he is telling us is that he believes that he has information as to what those who have supplied PPE have been charged by those who have supplied it to them, well that is very interesting information for the Government to have and if he has it I would have thought, in the interest of the taxpayer and the community, he
1285 will want to share with us what is the source of that information.

Hon. E J Phillips: Mr Speaker, I am certainly not, without the consent of the party that is providing the information, willing to share with the Government. I am here to ask questions and they are here to answer those questions. If they are unable to answer those questions for other
1290 reasons, then they are unable to answer the questions or they have got some other answer to my question. But my purpose here is to ask the Government questions, and they can answer them. I am not going to share anything with the Government. Certainly at this stage it is not in the interest of the Government for me to share it with them. In fact, if members of our community or people beyond our shores are sharing information with us and I do not have their
1295 consent to share that information it is not appropriate for me to do so across the floor of this House.

Hon. Chief Minister: Okay, Mr Speaker, that is absolutely fine. He will understand, therefore, when we give him the same sort of answer in relation to questions that he might ask. Indeed, we
1300 are not asking him any other question, simply to say to him that in order to answer his question we need the information that we have requested.

Hon. K Azopardi: Mr Speaker, my hon. colleague is doing no more than saying that he cannot publish the name or the source across the floor of the House without asking first for the consent
1305 of the party that has given the information. That is all he is saying. If the hon. Member, the Minister who was asked the question, cannot answer where the source of the PPE was, well that is the answer and he can go back and check, based on the question that my hon. colleague has put, whether in fact he can trace where this has come from. That is all. That is the question.

We are not trying to be obstructive to the process and indeed we do not believe that the
1310 Hon. Minister in giving the information was being obstructive. In the same way as he said that it was not appropriate to talk about names of people across the floor of the House in his original answer and he wanted to do it behind the Speaker's Chair, it may be that we are in the same position because my hon. colleague does not have consent or has not spoken to that particular person as to the source of information. That is quite a normal position and we are not being
1315 obstructive about it.

The hon. Members on that side, however, are in a different position to us, with respect, as to the actions they take in relation to the Government, so I do not accept the Hon. Chief Minister's general sweeping statement, and therefore we will understand on this side that they take the same position. There are some aspects when they give similar answers where we do understand
1320 because of sensitivities and so on, but there are other aspects where we feel that on certain questions – and I am not talking about this one – there is more of a duty when you are acting as the Government in relation to taxpayers' funds or in relation to business, which was the subject of other questions before this one, where we feel there is a duty to provide information.

Hon. Chief Minister: Yes, Mr Speaker, I am absolutely clear about that. The position has, for
1325 some considerable time now, been that hon. Members always believe that when they do

something it is correct, appropriate and proper, and when we do the same thing it is immoral, improper and outside the rules. That sort of double standard we have seen deployed in this House so often by them that it does not surprise us.

1330 But I am grateful to the hon. Gentleman because what he has done, of course, is to translate what his learned junior and friend said in a way that was not acceptable and palatable even to him, because what Mr Phillips said was 'I am not going to let you have it', not 'Let me check and I may tell you behind the Speaker's Chair.' What he said was 'I am not going to let you have it, I am as petulant as ever and going to tell you that I am not here to answer your questions, I am here to ask them, so you will give me the information.'

1335 Given that he has put something to us, I do not think it is appropriate for the Government to engage in dealing with that without knowing the source of that information because the Government, in the exercise of its spending of taxpayers' money, has given to this House the full detail in answer to questions of every company we have procured PPE from and what PPE we have procured from that company. The only thing we have refused to say is who are the individuals – not the companies, who are the individuals in the GHA – to whom we believe these companies are related, in respect of the earlier question, which we have said nonetheless we will share with you, we just do not think it is right to share the names of individuals across the floor of the House who are employees of the Government. These are people who are employees of the Government who may have a tangential relationship – but they have asked about those relationships – with a company that happens to provide PPE to the Government.

1345 Mr Speaker, in those circumstances we can lecture each other ad nauseam about what we think is appropriate or not appropriate. He knows what my position is. I know what his position is. Very often when he was on this side of the House he might have taken the position I am taking now and, heaven forbid, perhaps when I was on that side of the House I might be taking the position he is taking now, but let's be clear: a Member of the Opposition has got up and has presented a fact and he has asked us to comment upon the fact, and I think that it is prudent, before commenting on facts which are put, to want to say 'What is the source of that?' because we obviously do not recognise that, because we have given you the names of the people we have procured from.

1355 If you have gone down the chain and you have identified who has supplied to whom, fair enough. You just say to us, 'I have got this from an intermediary,' or 'I have got this from somebody else and I happened to have found out that you were charged a 10% surcharge on this, and we might then be able to take that up with whoever it is, but otherwise this is just commercial tittle tattle at best.

Hon. E J Phillips: Mr Speaker, whilst I am grateful, I will reformulate the question insofar as the groupings of questions are concerned.

1365 It was asked the last time we were here, Mr Speaker, as you recall and indeed as the Chief Minister and the Minister for Health will recall, whether they had carried out all possible due diligence in respect of the acquisition of PPE. Today the Government have confirmed that they are entirely satisfied that the procured PPE complies with the 2016/425 regulation. What I want to put to the Government and ascertain is that the certificates that they obtained in support of that due diligence process that they clearly are entirely satisfied with and have gone through ...

1370 that they have obtained certificates that demonstrate beyond peradventure that these comply with the regulation. If he can show that insofar as the certificate that he has obtained from the companies, demonstrating that it complies with the 2016/425 regulation, we on this side will be happy with that. But can he confirm that all PPE so acquired has complied with that regulation?

1375 **Hon. Chief Minister:** Mr Speaker, the information that the Government has, which we I think already shared with the House in the context of the answers that have been provided, is that we are satisfied that all PPE procured was to the standard to which it had been procured, except for two particular shipments of PPE, which when they were sent off to be tested for that standard

1380 came back as being only good to a lower standard. What the Minister has told the House is in that context the payments that were due in one instance for that lower standard are the only payments that have been made – still useful PPE but the different PPE – and in respect of another shipment no payment has been made whatsoever and it has been returned entirely to the supplier.

1385 So, what is it that he wants to get from us beyond that? Let me just make it crystal clear. Three types is what we are left with: the PPE that came up to scratch and was paid for at the price charged, because it was, in effect, what we had been invoiced for that we had received; the PPE that did not come up to scratch, that is not being therefore paid for and is going back to those who provided it at no cost to the taxpayer; and the PPE which was provided to a high standard but did not come up to proof when it was checked, for which we are paying the value
1390 of what was actually obtained, not what it was pretended had been provided to us.

Hon. K Azopardi: Can the Government provide information as to the name of the company that provided the non-compliant PPE, given that several companies were mentioned? And does the Government have information about where the PPE came from?

1395 Does the Chief Minister want me to repeat that? I do not know if he was listening. Did you hear it?

Hon. Chief Minister: Mr Speaker, in relation to the latter point let me just try and be clear. I think what the world has found is that most if not all PPE in some shape or form comes from exactly the same place, which happens to be the same country where we originally thought the virus might have originated. So, all roads lead to China. This is a global issue. He will have read that there are now concerns about having really one huge factory in Asia generally, China in particular: if there were issues there, what would you do in terms of procurement? But all of the PPE in all of Europe and the United States, or most of it, comes from there. There have been
1400 attempts to change production lines, since the pandemic started, to produce PPE in other places, but as far as I understand it all of the PPE that we are dealing with came from China. Even some of the PPE that is thought to come from Turkey sometimes originates from China and arrives through Turkey, the old Silk Route still in play.

1405 As for the companies, the Minister was checking whether we have the information here and he can provide it now.

Hon. P J Balban: Mr Speaker, the two companies were Kings Pharmacy and Kestlake.

Hon. K Azopardi: Just finally on this issue, does the Member also have the value of the PPE in
1415 relation to those two instances – batches – if I may?

Hon. P J Balban: Mr Speaker, I will have to look a little bit more carefully because I can perhaps deduce it from figures, but it was small. Compared to the total value that was ordered for Gibraltar, the amount of PPE that came back that did not hit the standard was a very small
1420 percentage, very fortunately in that respect, compared to the other cities and countries that suffered incredibly badly because of PPE that was not to standard.

Hon. K Azopardi: I appreciate the conundrum. I am not asking him to do the mathematics now. If perhaps he can look into the matter and then write to us on that issue I would be
1425 grateful.

Hon. E J Phillips: Mr Speaker, just one point because I know that the hon. Lady wishes to ask a further question. In addition, can the Hon. Minister undertake to this House to investigate the £547,000 worth of PPE procured via Pioneer, because I have it on good authority that the PPE

1430 procured was under the CE certification that he mentioned in his answer to my questions of the 1989 directive rather than the 2016 regulation.

The Minister may understand that the 2016 regulation replaced in its entirety the 1989 directive completely, and therefore my question is if he could investigate whether the certification produced to the Government insofar as the due diligence process is concerned ... I am not questioning it, I am just saying can he investigate that point just to make sure that the \$600,000-odd of PPE procured through Pioneer complies with that 2016 regulation. That is the point I am trying to make, Mr Speaker.

Hon. Chief Minister: Mr Speaker, he is asking us to investigate something which the Government believes has complied with the standard on the basis of the advice that the Government has. He will understand that in order to do so he needs to tell us a little bit more, other than 'I think' or 'I am told', because this is an area in which, unfortunately – given what business is like, no sooner has a tragedy struck there are thousands trying to make something out of it – the Government has been approached by many seeking to provide us with PPE. We have to look out for what it is that the taxpayer needs and obtain that for the taxpayer. Unfortunately, therefore, there may be many hundreds who do not sell to the Government in this particular instance and are selling to other governments etc.

If he has a reason, other than saying, 'Look, I have been told, therefore will you please investigate?' which can put us on inquiry in some way, then he should please share it with us. I am not saying he needs to show it across the floor of the House, given the translation kindly provided earlier by the Leader of the Opposition of the words that he used versus what it was that he meant. I am quite happy for him to give us those hints, views, positions which he appears to say would go to the value of the taxpayers' money used, and therefore in the interest of all of us as representative of the taxpayer, behind the Speaker's Chair so that we can therefore be put on legitimate, proper and appropriate inquiry and not go flying off on a goose chase in respect of aspects of this. 'Perhaps we should be taking another route', he might have said to us if we had spoken to him.

If he is happy to do that, we are happy to hear what he has to say. I think we are all here representing the same people. We do not represent any of the suppliers of this PPE. We represent, together, the purchasers of this PPE.

Hon. E J Phillips: Mr Speaker, to be clear, I accept the Chief Minister's offer in this regard because ultimately their responsibility is obviously to spend the people's money wisely and our responsibility is to be the watchdog and in this House to ask questions about how the Government is spending its money wisely in relation to this very serious issue.

On that basis, I am quite happy, once I have obtained the consent of those who have given me the information, to share it with the Chief Minister and the Minister for Health so that they can investigate this particular matter and we can all be satisfied in this House and our community can be satisfied that the PPE that has been paid for meets that requisite standard.

Hon. Chief Minister: Mr Speaker, I think we are going to now be in violent agreement; 'violent' because I do not accept that the hon. Gentleman can say to us, having told us to go off and investigate something, that he cannot give us the clues – I have not said the name, I have said the clues – of what it is that he says give rise to this concern unless he asks the person who has told him what those clues are, unless what he is going to tell us is the name of the person who told him these things, so that we can ask that person. If the hon. Gentleman has anything other than just a bald statement from a third party as to what is wrong with this PPE allegedly, surely as a representative of the taxpayer, which we all are here... They are not just watchdogs. The Budget is voted for by the whole of this House. Even those who vote against it are voting on the Budget. So we are all looking after these pounds, shillings and pence. Whether you like what

we spend it on or not, that is our role. We are all elected here and the Budget is the Budget of the Parliament with the votes in favour and against.

So, how can he now say, paid for by the taxpayer as he is, 'I will not tell you the things that are wrong that I think therefore you should investigate unless the person who told me what is wrong allows me to'? He can tell me, 'I am not going to tell you who that person is until I have got the clearance of that person to tell you who he or she is,' but surely he is going to tell me what is wrong with the PPE without having to check with anyone else, because once that person has told a Member of this House he is, in effect, engaging with the representatives of the taxpayer, isn't he?

Mr Speaker, in those circumstances I trust that, out of that difference of interpretation as to what roles are and what can and cannot be done at this stage, we will nonetheless be able to move now happily to working together to identify whether the issues that have been raised with the hon. Gentleman are genuine and should lead to a discount for the taxpayer, or whether they are not and he can go off and tell the people informing him at the moment that they need to come with better information next time if they want him to then, in effect, have wasted our time in requiring an investigation and taking up the time of this House – because, as the hon. Lady reminded me, we all represent not just the taxpayer as the purchaser of this PPE, we represent the beneficiaries of this PPE, both the doctors and the nurses and allied health professionals and even the patients who might be having to rely on the barrier that the PPE represents.

Hon. K Azopardi: Mr Speaker, we are very clear about our role and the Chief Minister will find that we certainly agree that insofar as there are public duties to fulfil we are there in respect of those, and it is of course our concern that things are done properly and that people receive good quality, and there is no doubt about that.

The hon. Member asks how can my hon. colleague stand there and say this, that and the other. I suppose that was a rhetorical question. It cannot have been a genuine question because we are not here to answer his questions. We would dearly love to be answering his questions but we would have to switch sides, of course, and that I am sure was not uppermost in his mind when he asked that rhetorical question.

In respect of the other issue that he started his original answer with, the hon. Member, with respect – we have been listening to it in the last five minutes – has in fact said what the thrust is. The issue is about sharing the source, and that is something that I had already answered in a previous answer but the hon. Member will find that we absolutely of course agree that what we have to do collectively in this House ... there are different duties, of course. I hope that he agrees with me, and I ask him to understand that when we put these questions we are doing so to try to clarify and ensure that there is a quality assurance process that has been looked at and scrutinised. Does he agree that that is the purpose of the questions that we are putting?

Hon. Chief Minister: Mr Speaker, today is fast developing into lectures on parliamentary theory, roles and duties – which I know must be taxing you in that Chair, given that we are in Question Time – about particular issues.

Let me just deal very briefly with the things that the hon. Gentleman has said. Of course my question was rhetorical. The hon. Gentleman knows that we were elected to be in government on this side of the House and they were elected to be in opposition and that we were elected by more than double the amount that they garnered at this last General Election, and so switching sides is not going to be something that comes easily to us, although I know that switching sides has become easier on that side of the House *inter se* than it might ever have been in the past.

Mr Speaker, I think the hon. Members opposite have misinterpreted my responses a moment ago. I was no longer asking about the source. I am not saying tell us the source of your information so that we can investigate. We had dealt with that in the earlier question when the hon. Gentleman had said to us 'We will check with this person or persons and when we have

clearance we will provide that information to you.’ What I was saying was having dealt with that, the hon. Gentleman then got up and said, ‘Will you investigate this because it failed this certificate?’ and I said to him, ‘If you want us to do that, can you tell us, please, what it is that informs your thinking as to why this fails the certificate, whether or not you need to tell us who it is or is not?’ Or is it simply that the hon. Gentleman says the PPE supplied fails the certificate? Is that all he is saying?

So what I am trying to do, Mr Speaker, in deep understanding of what our respective duties are, is ascertain better what it is they are saying, and if they want to tell us behind the Speaker’s Chair, so be it; what, not who is saying, that we dealt with before, what they are saying is wrong with the PPE that makes us fail the certificate, so we can then deal with it.

If the hon. Gentleman says, ‘Look, the seal on the FFP3 mask is certified as EU standard but actually it is American standard and you will find that the GHA works to EU standard, not American standard,’ okay, we will send off the mask for them to check the seal around the breathing hole on the mask. Or is it that he does not have that information and he simply tells us ‘Well, look, I have not got that level of information but I am reliably informed that it is not to the standard’? That is what I am saying, so that we do not go off on a wild goose chase in relation to the elastic on the mask when in fact what they think is failing is the pipette on the mask. That is what I am saying, and it would appear from the answers I am getting that we may have heard a lot of rhetoric but there may not be much better, other than having been told that this fails, which is okay – if that is the position and hon. Members are putting us just on bald inquiry, then we will do full inquiry, but if there is specific reason for inquiry we will do that specific inquiry.

I would have thought hon. Members would have thought this is the Government opening itself up to co-operation with the Opposition in respect of the protection of the taxpayers’ interests. They seem to have taken it entirely the wrong way.

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, just a quick question. The consignment that the Government rejected: was it a case of it being subpar in terms of quality standards, or was it actually counterfeit equipment that was rejected?

Hon. P J Balban: Mr Speaker, there are different filtration rates for the masks. You have surgical masks of different types. You have FFP2 masks and FFP3 masks, which are those that filter most, so they have something like 99% filtration and the FFP2s 95% filtration. What happened was that we were informed that these masks which were sold to us as FFP3s and should have had a filtration rate of 99% were not up to standard. When we tested them they performed at I think it was around 45%, whereas the surgical masks I believe performed at around 10%. So, what happened was they were downgraded to the level ... In fact, they are four times – if I am correct with the figure; I think I am, off the top of my head – they are at four times the filtration rate of a standard surgical mask but they were not up to the 99% standard, and that is what the investigation with British Standards in the UK came back to us with.

Hon. Ms M D Hassan Nahon: Mr Speaker, something else that I could not help but notice from my hon. Friend, my colleague here, Elliott Phillips – he put a picture of a mask, that apparently was being dished out in the GHA on entrance, which did not have the strings to hold back the ears. Does that mean that there is a circulation of this faulty equipment still going around in the Hospital? If it was removed, why is it that patients or visitors to the Hospital are still encountering this type of equipment?

Hon. P J Balban: Mr Speaker, if I was a visitor to the Hospital and I was given a mask without elastic bands and I could not strap it around my ears, I would not wear it and I would be very concerned. I think I would have brought it to the attention of the people there and I would hope

1585 and expect that they would have brought it to the Ministry's attention and even the Minister's attention. I cannot see how we would get away with handing out masks without elastic to people and people just taking it and saying, 'Thank you very much, I will hold it myself to my mouth.' I do not understand. I am sorry, I have not heard that and I have not seen that either.

1590 **Hon. E J Phillips:** Mr Speaker, just to clarify and to assist the hon. Lady, and of course the Minister, that particular example that she gave was one that the individual themselves, who I met that evening, in fact, and who gave me this mask ... had no holes in it and that person proceeded to ask the member the GHA 'Can I have a replacement?' and obviously willingly she provided the replacement but she also added that this was quite commonplace. But that is just to clarify for the record, Mr Speaker.

1595 **Hon. P J Balban:** Mr Speaker, again I do not know ... I have seen a number of masks myself. These masks come in bulk. They come in packs of 10, 20, in groups, and we have come across the odd mask that has had maybe one of the elastics come loose and in effect that mask would be a faulty mask, not because of the filtration but because you cannot strap it round your ears so it is of no use. I cannot deny that that has happened, but if this was something which was commonplace I am sure people in Gibraltar would have complained big time by now if that was what we were dishing out, and I have not had complaints big time. I have had it come to my attention on a few occasions but that is my staff, in opening the packets, realising that maybe one in a hundred has come their way, but it is a very rare occurrence.

1600 **Hon. E J Phillips:** Mr Speaker, not a question, but just insofar as my engagement on these questions, I know that they have been long and tedious – and I apologise for that – and so the answers have been long and tedious as well. I have enjoyed a very good relationship with the Hon. Minister for Health in relation to other matters of late, but in relation to these particular questions they were generated because I was assured before the filing of these questions that I would receive an explanation in writing. Unfortunately, the Minister did not get round to providing those answers to me, which has generated these questions and the volume relating to PPI. I just wanted to clarify that for the record, Mr Speaker.

1615 **Hon. D A Feetham:** With respect to the hon. Gentleman, he does not appear to have answered the question from the hon. Lady. The hon. Lady asked, in relation to the batch that was actually rejected, did any of those masks find their way into the system? That is not a question that he answered.

1620 **Hon. P J Balban:** Mr Speaker, I apologise if I have not replied to that directly. No, they did not, because the moment that it came to our attention that these masks could be faulty ... When we receive masks they are itemised, so we know exactly who has brought them and they are all kept separately and marked. The moment it was brought to our attention that masks were faulty in a given batch, they were all put to us and in fact it came to our notice pretty quickly because it came also as a result of the Spanish press, which highlighted the fact that there was a certain company where masks were not perhaps to standard. So, that would not have happened because they were caught in time. Had, for example, we not known or we had not realised and had it become degeneratively, it could have happened, but that did not happen, Mr Speaker.

1630 **Hon. D A Feetham:** She also asked a very valid question about the counterfeiting. It arose probably because the hon. Gentleman, when he was giving an explanation, was talking about forgeries. He used the word 'forgery' – that is the word that he used – and he was talking as well about quality.

1640 In relation to the masks that were rejected, that were of 40% capacity – I think that is what the hon. Gentleman has told the House – was that counterfeit in terms of the GHA is being sold a particular mask to a particular quality and effectively what you are getting is not faulty goods per se but actually counterfeit goods? I just wonder whether that was the position here and that is why he used the word ‘forgery’, which caught my attention and obviously caught the hon. Lady’s attention.

1645 **Hon. Chief Minister:** Mr Speaker, the most interesting question the hon. Lady has ever asked was the one about Michael Bain, about which we have not yet had a full answer, but it appears that those days might be long gone. *(Interjections)* It is not the same, Mr Speaker, without – *(Interjections)* Talk about switching sides!

1650 Anyway, Mr Speaker, the hon. Gentleman needs to realise that the reference to counterfeit was in the question, not in the answer, and what we are saying is not that the GHA was being sold forgeries but that there were differences of quality, not counterfeit and not forgeries. In other words, nobody turned up with a mask that was alleged to be Burberry but ended up actually just being Levi’s. None of that was happening. It was about a difference of quality, not of counterfeiting. This is not the international problem there has been. This has not been a problem of counterfeiting. It has been a problem of quality, and that is what was being assessed.

1655 I know the hon. Gentleman loves to get up in a flourish and pretend to be in his final question in a damning cross-examination that is about to lead to a certain conviction, but in this instance I am afraid that, even as the more powerful advocate of his lady client, he is not going to get a collar. *(Interjections)*

Mr Speaker: Next question.

Q368-70/2020
GP consultations –
Face-to-face and by telephone

1660 **Clerk:** Question 368, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the current process for seeking appointments with general practitioners within Primary Health?

1665 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 369 and 370.

1670 **Clerk:** Question 369, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm their policy regarding the availability of general practitioners and other GHA doctors to conduct physical examination of patients as opposed to telephone consultations?

1675 **Clerk:** Question 370, the Hon. E J Phillips.

1680 **Hon. E J Phillips:** Can the Government state that it is satisfied that telephone consultations with patients under the care of the GHA will not replace physical consultations with GPs and other medical professionals?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, initially, patients can book a telephone appointment with a GP via the PCC telephone number: 2000 7910. If a face-to-face
1685 appointment is deemed necessary following the telephone consultation, this will be arranged directly by the clinician over the telephone.

The GHA remains vigilant of COVID-19 and hence returning to the previous practice of face-to-face consultations with packed waiting rooms is not the best or safest option. However, it is important to note that face-to-face consultations, where deemed necessary, have continued
1690 throughout the COVID crisis. Therefore, the intention is that the PCC will continue telephone consultations in the future. These consultations will allow GPs to assist patients with their health needs, which in many cases can be easily and quickly dealt with over the phone due to adaptations made to the service during the COVID-19 pandemic. These adaptations include forwarding prescriptions directly to pharmacies for patients to collect, emailing sick notes
1695 directly to patients and the ability to see presenting signs via photos, which can be sent directly to the GP electronically. Investigations such as blood tests and radiography can also be requested and arranged remotely. Alternatively, video consultations can also be arranged. Additionally, patients who are unable to attend the PCC but who still require a face-to-face consultation can arrange a GP home visit, as has always been the case.

Mr Speaker, it is therefore the intention that this new system will continue into the foreseeable future, even post-COVID. As with most services, the overall systems are constantly being reviewed and adapted accordingly.
1700

Hon. E J Phillips: Mr Speaker, I am grateful for the response. As the Minister will be aware, this is a question that he and I engaged on insofar as the availability of physical examinations with doctors are concerned.
1705

It is of deep concern, actually, to many members of our community that they feel that they are unable to access a physical consultation with a doctor, and for many reasons, but many of them have been articulated in this way. Many of the elderly who have spoken to me and many people with conditions would prefer to have a physical examination, and whilst I understand the context of this in the context of COVID and what we are trying to do is limit contact, it surely cannot be right that telephone consultations should replace in their entirety the physical examinations. I know the Minister used the words 'when necessary'. My understanding, from medical professionals on the ground and indeed from the conversations that we have had, is that those medical examinations can be conducted when requested by the patients themselves. I have been asked by many members of the community, and I do not exaggerate when I say that. They have come to me and asked me ... 'I want to see my doctor, I would like to see my doctor – I do not feel comfortable on the telephone talking to a doctor about my ailment or my condition without having that interaction with a doctor, without having the doctor examine the condition that I am suffering from,' because they just do not simply trust the ability over the phone.
1710
1715
1720

So, Mr Speaker, I would ask him whether the Government could set out perhaps in a PR to members of the community how they can go about accessing this type of physical examination, so they can give reassurance to members of our community and the elderly that it is simply not going to be replaced by a telephone entirely. Whilst I completely understand, given the current pandemic, that we need to be very careful and that we have to use telephone examinations by doctors appropriately, I think it is important that it does not replace the actual physical examination by a doctor of their patient, not least because of the potential liability issues in getting the diagnosis wrong, for example, or at least the treatment wrong.
1725

That is the message that I am getting from members of the community, particularly the elderly who very much wish to see their doctors in the flesh, and I would be grateful if he could confirm that the policy could be set out more clearly so members of our community can understand in detail how they can access physical examinations with their doctors. I am grateful.
1730

Hon. P J Balban: Mr Speaker, it is the contrary. The first part of the supplementary was alluding that this has completely replaced the face-to-face contact, which is not the case. I have heard people expressing concerns because change is change and it is difficult, but a lot of people are also extremely happy because they do not have to go into a crowded waiting room or queue up. They can pick up the phone and they have access immediately to a clerk, and if they want a medical appointment it can be arranged for them; the doctor will call them back, first of all, by telephone. If they want to wait less, a nurse practitioner will call them back, because many of our ailments really are quite, on many occasions, insignificant and they can be fixed, cured or looked after in a simplistic way. Other things are more complicated and do require a face-to-face consultation, and that is always available should it be necessary. Or, even if a patient says, 'I am not satisfied, I still want to see my GP,' that will be arranged. No one is ever told 'You cannot see your doctor.' That is completely wrong, it is erroneous.

Again, it is swings and roundabouts. Some people are extremely happy and some people, especially those later on in life who have been used to a life of seeing doctors, it becomes almost like something which is part of their life, and they have lost that in that respect, there is that feeling of loss, whereas the younger person sees that 'for me it is a lot more convenient, less waste of time; I can get to talk to a doctor and the doctor says, "There doesn't seem to be anything wrong – give it a few days and if you do not feel better, give me a call back,"' and things are resolved in that way.

So, I think it is a very positive thing, and if it is a question of communication I think it is something we can do [Inaudible].

Hon. E J Phillips: Just to clarify for the benefit of the wider community, so I have got this right, it is not a case that the decision will be made by solely a doctor as 'when necessary, I will conduct a physical examination of the patient'; if that particular patient is not satisfied with the outcome of the telephone consultation, that patient can request a physical examination with a doctor. That is the position – is that right?

Hon. P J Balban: Yes, Mr Speaker, that is exactly right. If the patient wants to see a doctor or the doctor feels that they should see a patient because of the underlying symptoms being described by the patient, then by all means they will see a doctor.

Hon. K Azopardi: Can I just ask the Minister, because I think he said in the original answer that the new system will continue into the future: is that a permanent change for the reasonable future, or is it a COVID-related statement, the new system will continue because of COVID?

If it is a permanent change, am I right in understanding that what caused the original change was in fact COVID, so it was a review of procedures in accordance with COVID? The GHA may then have arrived at a position where, having done those changes as a result of COVID, it thinks it might be more beneficial to carry them forward. And if so, is it also correct in my understanding in answers to the questions put by my hon. colleague that the change of system is in the nature of almost an initial telephone screening of the patient to see if you can dispose of the patient and assist the patient – (*Interjection*) of the patient's problem, so a shorthand – on the call, and if not, then the patient still has the option at the end of the call to say, 'I would like to see a doctor'? Does the patient tell the doctor that, or does the patient have to call back and call administration again?

Hon. P J Balban: Mr Speaker, forgive me if I do not reply to all those parts and please stand up again if he needs further clarification or wants me to follow on from something.

COVID has taught us many things, not least that the Hospital and Primary Care Centre is not a safe place. That is where people go when they are sick and that is where transmission of anything, any infection or any illness, can occur. During COVID there are a number of things that have happened that have made healthcare change, not only in Gibraltar but I think worldwide,

1785 and things that we were doing before we think are no longer applicable. Even with common
colds we have learnt new ways, which we think are more effective ways, and these things we
intend to continue into the future. As I said, everything is under review, we are looking at things
as we go along, but it seems to be working well. It distracts people from going into the Health
Centre or into the Hospital, so that is important.

1790 The second part you will have to repeat, because I missed the second part of the question.

Hon. K Azopardi: Sorry, I was asking – and I apologise, I did ask a lot of questions – is it a
permanent change? And at the end of the telephone screening process, if you want to see a
doctor, do you call back or do you simply log in a visit with that particular doctor who is calling
1795 you?

Hon. P J Balban: Mr Speaker, yes, it is considered it will become a permanent change which
we will review as we go along. What happens is that you call for an appointment, the clerk picks
up the phone and you tell the clerk that you want to talk to a doctor. The doctor will call you
1800 back within the day. If you want to speak to someone quicker because you are going
somewhere, or whatever, you can choose to talk to a nurse practitioner – who tend to be more
readily available – and then you will describe and discuss with that person how you are feeling
when they call you back. If the doctor sees to you, and if you feel, if your intention is ‘I want to
see a doctor and I am not going to allow anything to change my mind,’ then they will call you
1805 back with an appointment. An appointment will be made for you. Mostly people will be happy to
share what their issues are and the doctor will say ... For a sniffle or a cold, or whatever, even
going to see a GP ... A GP has not got the power of looking through you and saying ‘You have got
this’ or ‘You have got the other’. They will only work down the underlying symptoms and myriad
different complications which need further examination. We will always test and we can even
1810 over the phone ask for phlebotomy, for blood tests, for chemistry, and based on those results it
may be necessary to arrange an appointment.

So, all that has happened really is a shortcut to getting attention from a medical practitioner
sooner without having to leave the comfort of your own home. And it works both ways: if you
decide you want to see a doctor regardless, or a doctor thinks they should see you particularly
1815 further, that is always arranged and it is arranged quickly.

Hon. K Azopardi: Can I just ask finally in the context of that change, which is not going to be
temporary for the period of COVID, has the Government thought that it is the telephone support
resources that it may need to put in place to make that system function efficiently?

1820 I just have in mind that I remember from my days as a Health Minister that I think we had at
some point health attendance, patient attendances at the Primary Care Centre were at around
90,000 or 100,000, so if you are replacing that with, significant, maybe tens of thousands of
telephone screenings, has the Government thought about the impact that might have in terms
of the administrative support or telephone lines that might be available because of the difficulty
1825 that people might have had historically just simply getting through to make an appointment?

Hon. P J Balban: During the COVID process the telephone support increased substantially, so
the whole system was dedicated towards that. A lot of that system is remaining in place and it is
our intention to see whether we can continue with that. We want to continue with that service,
1830 providing a suitable number of telephone lines so that everybody has access. What has
happened is after lockdown many people were perhaps afraid to come to hospital or afraid to
come to the PCC. They feared the virus and minor ailments were just ... There were a few cases
where people let a few other things go which should have been seen to sooner. We have seen to
people’s requests and to phone calls quite adequately. In fact, within the Ministry itself we do
1835 our secret shopper tests and we do call ourselves these people. Some of them do complain. We
have not had that many complaints but we do sometimes receive complaints and we do those

phone calls ourselves. I have done them myself even, and I must admit that I have had the engaged tone on a number of calls, but generally within, definitely within, well before five minutes I have been able to get through.

1840 It will be dribs and drabs. As we come towards the summer season, magically our ailments tend to disappear with the sea and the sun and our holidays, and then come October and November, and especially in January, after the hill of winter, we go back and start feeling unwell again. So, I suppose we will have to try and tweak the service as we see fit.

1845 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the Hon. Minister for Health whether the fact that they are moving towards these phone consultations may have anything to do with the reality that the new PCC is smaller and may be less capable of taking patients, and this is another strategy in order to cater for that overspill maybe?

1850 **Hon. P J Balban:** Mr Speaker, the hon. Lady can deduce that. In fact, our PCC is bigger, it is better, it is more airy.

Hon. Chief Minister: It is built for purpose.

1855 **Hon. P J Balban:** It is built for purpose, yes. When we were in the ICC we had to make do with the area we had available and we did as best as we could. Now we have a purpose-built facility, many of the consultation rooms have opening windows to the outside and it is a much more pleasant environment, so I do not see how we can deduce that from that and say we are keeping our telephone calls because what we built is not fit for purpose. I do not understand how you
1860 can come to that conclusion.

Mr Speaker: Next question.

Q371/2020
St Bernard's Hospital –
Policy re accompanied patients

Clerk: Question 371, the Hon. E J Phillips.

1865 **Hon. E J Phillips:** Mr Speaker, can the Government state its position in respect of family accompanying sick and elderly patients at St Bernard's Hospital for treatment or other consultations?

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

1870 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, it is the GHA's policy to follow Public Health advice throughout the whole process of unlocking the Health Service. At this moment in time the position is as follows.

1875 For all outpatient clinics, patients with mobility difficulties, psychiatric illness, those who may not have independent capacity to choose their care, those who may require special assistance, and children may be accompanied by one designated family member or carer. For attendance at the Accident and Emergency Department, one designated family member or carer is permitted to accompany the patient, unless it is COVID related. In respect of antenatal appointments, the patient's partner may attend.

1880 As with all patients, every accompanying family member will also be required to undergo a temperature check at the Hospital entrance and wear a surgical mask for the duration of their visit.

1885

Q372-73/2020
GHA waiting times –
Surgical and routine

Clerk: Question 372, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the average surgical waiting times across all disciplines within the GHA?

1890

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 373.

1895

Clerk: Question 373, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the waiting time for routine consultation appointments at the GHA?

1900

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the average surgical waiting times for surgery and routine consultation appointments in the GHA are being calculated as we reassess patients after the pandemic caused cancellations across all of the disciplines in the GHA. We expect to have a clearer view in the next quarter.

1905

Q371/2020
St Bernard's Hospital –
Supplementary questions

Hon. K Azopardi: Mr Speaker, it is just that we transitioned –

Mr Speaker: If the questioner will allow.

1910

Hon. K Azopardi: Well, we transitioned between questions really quickly and I was wanting to ask a supplementary on Question 371 – just to ask the Minister when he thinks that that practice might change and whether, in relation to the accompaniment of ... He said that children can be accompanied and I just wonder whether there is any kind of flexibility.

1915

I only say it because ... I will declare an interest in the fact that I am going to just describe a personal circumstance, which I am not asking the ... It has already happened and therefore it is not an issue, but one of my daughters had an operation the other day and she has just been 18. Of course, in accordance with health advice, the parents are not allowed to accompany her and we did not, but I just wonder whether these rules are too rigid, or does the Health Authority look at young adults having some kind of accompanying individual. It may be that the Health

1920

Authority understands that children need to be accompanied, but someone who is just an adult is not so dissimilar to someone who is 17½, in practice.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I hope all went well in that respect, but we follow Public Health advice throughout, so throughout the lockdown what we are asking is for Public Health to tell us as and when we can make things better in terms that we can relax who can come in with the patient. I have listed those who, the way things stand at the moment, can actually come with a relative, a child, someone with psychiatric problems, someone who is unable to judge the care for themselves etc. and someone going for antenatal screening. All others need to be seen on their own.

I also can express interest. I will not go into details but I had a family member who had to have a procedure done in Spain and had to go to Spain on their own, without us, to undergo a medical procedure, which was a very difficult thing for all of us, not least for the person, and we had to accept it. That was the advice at the time and that is what we had to do.

We are, I think, locking out, and things will get better. I think it is finding the happy balance between not allowing any potential risk or harm to the patient, especially someone who may be going to theatre ... There is nothing worse than to contract a virus before surgery, which would make recovery a lot harder regardless of the patient's age, so there is a medical and solid scientific basis for doing the things we do. We do not do it just because we fancy doing it; there is a reason behind it.

Q372-73/2020

GHA waiting times – Supplementary questions

Hon. E J Phillips: Mr Speaker, just in relation to Question 372 on the average surgical waiting times, whilst I appreciate that COVID has presented many challenges in respect of routine surgeries or average surgical waiting times – that has been impacted by COVID – the Minister said that it will be within a quarter to reschedule those surgical waiting times. Obviously, as the Minister appreciates, there are a very many number of people awaiting surgical intervention and it would be helpful if the Minister could set out ... It would be very helpful for members of the public who are awaiting surgery appointments for them to know what the triage process is insofar as the urgency is concerned.

The Government is obviously recalculating, as they said, surgical waiting lists across a variety, I suspect, of disciplines – general surgery, orthopaedics etc. Can the Government give any further information about when these appointments are going to be scheduled? He talks about announcing the recalculation within a quarter, but that is not much help to the normal man, woman and child and the elderly on the street who would want to know when their operation will be. Does the Government have a plan how to phase this in?

Minister for Health and Care (Hon. P J Balban): Mr Speaker, it is not that people are not being told about the waiting lists; it is just that we cannot provide an exact statistical analysis of whether the waiting lists have gone up or stayed the same because there are occasions when ... I know it sounds difficult to believe but the waiting lists remain as is over the lock down period.

People are being contacted, and there are people who, as part of our recovery, are already starting to come in for routine surgery. Again it will take us a few months to ascertain exactly where we are in terms of months of waiting for the general public waiting, but people are already being called in and appointments or surgical procedures are being arranged.

1965 **Hon. E J Phillips:** Mr Speaker, just a follow-up question on that: of course most of our medical professionals have been focused entirely on preparing for the wave, preparing for the onslaught that COVID has presented in many other countries in Europe and particularly in the United States, and whilst all of our ... 'magnificent' is the word that is used by the Government of our medical professionals in doing that job ... Of course the Government has known those individuals who require surgical intervention for some time. As you say, there are peaks and troughs, the figure goes up and down as you go along, but surely there must be some information that now can deploy our medical assets to conducting these operations within quick order. I note that the context is a difficult one, of course, with COVID and the preparations that we have made, but surely there must be now a capacity within the Health Service to ensure that those surgeries take place.

1970 **Hon. P J Balban:** Mr Speaker, on this side of the House we totally agree with what he is saying. Most of these operations are what we call routine operations. They may be hip replacements, they may be ... Although these things for the patients are extremely uncomfortable, we have to make sure that when we operate ... Because they require such sterile environments within the theatres, we cannot risk COVID infection when we are dealing with certain types of surgery. Anything which is essential ... Even throughout COVID and throughout lockdown we have sent patients abroad as and when necessary for emergency surgery etc., so it is something which has happened.

1985 So, we agree and we are looking at all different strategies to see how we can speed up. We do not want to maintain ... The way things have grown, and it is simple to imagine that many of them have grown, our intention is to try to bring them back to at least the position they were previously, and if we can do even better to an acceptable level then that is what our aim will be.

1990 **Mr Speaker:** Next question.

Clerk: Question 374, the Hon. E J Phillips.

1995 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I just wondered, given that you have been in the Chair now for three hours, whether this might be a convenient time to take a short comfort break before we continue with Health questions, maybe for 15 minutes.

Mr Speaker: The House will now recess for 15 minutes.

The House recessed at 6.40 p.m. and resumed its sitting at 7.25 p.m.

Q374-76, Q381 and Q391-93/2020

Mental health services provision –

Steps to implement change following 2019 inspection report; reasons for delaying Mental Health audit; publication of Mental Health Report; Ocean Views smoking policy; Ocean Views and Coaling Island patient numbers and staffing requirements; new code of practice; management and audit of lithium use

2000 **Clerk:** We continue with answers to questions and we resume at Question 374. The questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm what steps it has taken to implement change arising from the significant criticisms contained in the 2019 Annual Inspection Report by the Mental Health Board?

2005 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 375, 376, 381 and 391 to 393.

2010 **Clerk:** Question 375, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm why it delayed the publication of the Mental Health audit?

2015 **Clerk:** Question 376, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the smoking policy in respect of patients and staff at Ocean Views?

2020 **Clerk:** Question 381, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How is the daily traffic of patients evaluated in both Ocean Views and Coaling Island facilities and what is the level of professional staffing required to fully respond to patient needs?

2025 **Clerk:** Question 391, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When can we expect the new Mental Health Report to be released?

2030 **Clerk:** Question 392, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: With regard to the recently published Mental Health Report, can Government tell us when we can expect the new code of practice to take effect?

2035 **Clerk:** Question 393, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: With reference to the Mental Health Report, how does the Government address the management of lithium and has it conducted a lithium audit yet?

2040 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, this Government takes issues of mental health very seriously. We are committed to constantly reviewing and improving our services as a community in this respect. The point of having established a Mental Health Board is to provide the Mental Health Service with a transparent audit, and so their observations are not seen as criticisms but rather as most welcome recommendations as to service improvements from the service users' perspective.

2045 The Mental Health Service has seen a number of improvements and developments since the date of the last report. These range from an increase in clinical and administrative staff, an increase in clinical equipment, the introduction of a 24-hour accident and emergency liaison and support service, the introduction of a 24-hour email service managed by senior nursing staff, an increase in Community Mental Health Team telephone and face-to-face contact when necessary, the introduction of ward-based digital devices to facilitate a patient's ability to communicate with friends and family, and the introduction of a practice development post to

2055

co-ordinate all staff training needs. In addition, we are currently in the process of sourcing a new minibus for patient transport, with wheelchair access.

2060 The audit precedes me as Minister for Health and therefore it is necessary for me to consult further on this matter. It appears that the Mental Health audit, as presented by Public Health England, alludes to points that require further clarification. For example, the audit makes the statement that no formal mental health budget could be identified. This is not the case.

Staff are not permitted to smoke anywhere within Ocean Views premises. Patients, however, are permitted to smoke within the designated smoking areas.

2065 All data relating to patient contacts – including face-to-face, telephone, admissions, attendances at Ocean Views and by the Community Mental Health Team at Coaling Island – is monitored and recorded on a daily basis. The level of staffing required at either of these locations is also assessed on a daily basis to ensure adequate staffing numbers are available to fully address all of our patients' needs. These may vary depending on the acuity of the specific area, planned escorted leave, planned appointments or issues arising from unexpected staff
2070 absences. All ward managers liaise daily with senior nurse management to ensure they have the necessary staff available.

The Mental Health Board Report 2020 will be tabled in due course.

The new code of practice is currently being drafted and I am therefore not able at present to give a date.

2075 A Lithium audit has been completed. At present, each Lithium patient is managed and monitored by their respective physician. However, in addition, there are plans to introduce a centralised Lithium clinic and database within the next three to four weeks. In preparation for this, patient information packs and leaflets are currently being produced.

2080 **Hon. E J Phillips:** Mr Speaker, why did it take the Government over a year to publish the annual inspection report and lay it before the House?

2085 **Hon. P J Balban:** Mr Speaker, I think I answered that question last time. The reason why it took a while is when we came into office last time, shortly after that, COVID came our way and it was impossible having to get used to what health is learned in the Ministry and to be able to see exactly where it was in that respect, in terms of my new Ministerial responsibilities. It took time and clearly that is the reason why the Mental Health Report took a while to be presented in Parliament.

2090 **Hon. E J Phillips:** The Minister will agree with me that this Mental Health Report – and given what he said about the Government's commitment to transparency – which sets out some very significant concerns about the provision and administration of mental health provision in Gibraltar and indeed it almost, in a sense, this report, not only sets out very significant concerns about mental health, including of course breaches of human rights in some cases, but also runs
2095 completely contrary to what the Minister has said and what the Government has said insofar as their statement to the public during the General Election when they said:

Once again, it is impossible to list all of the reforms and improvements we have introduced for our mental health services. Some of the more noteworthy advances in mental health, include ...

2100 None of the concerns that clearly the Government had as a result of this report being delivered to them, no doubt after it was prepared post March 2019, were included within the manifesto, Mr Speaker, so some very significant concerns raised by the Mental Health Board themselves about establishing a cohesive strategy for mental health were never included within the manifesto: the criticism that there was no close co-ordination or regular communication – not included within the context of the manifesto; opportunities for regular feedback – not

included; serious concerns about clerical support, a serious matter of concern – not included in the manifesto.

2105 There is no joined-up, cohesive policy in respect of mental health because there is no data being published by the Government in respect of the provision that is required in Gibraltar, and that is why the Mental Health Welfare Society is calling for the Government to publish the results of the audit, so that that data can inform a cohesive strategy moving forward.

2110 So, I put it to the Minister: why are there significant delays in the publication of reports which give our community and the wider mental health community an understanding of the deep-rooted problems that are presented in our community in relation to the resourcing and provision of mental health care in Gibraltar? Why is it that the Government cannot publish on time these reports that truly set out what we need to do to fix the problems in mental health in Gibraltar? Why the delay? We would call on him to publish the audit now.

2115 **Hon. P J Balban:** Mr Speaker, it is this Government's policy to publish all reports of this type and most other reports. Just because the previously one – the first report, the one dated March, which was one of the Mental Health Board's reports – was not published does not mean that the recommendations within the document were not being seen to. In fact, if you look at the report
2120 as it is today, as it was laid in Parliament only last month, most of the things that are there, other than the provision of a vehicle, which is something we are looking at, seem to suggest ... Just because the report has not been printed does not mean it is lying docile on a desk and nothing has happened as a result of it.

2125 Coming to the audit, which is what the hon. Gentleman is also mentioning, the reasons actually are already in the answer to the questions. There are certain aspects within the Mental Health audit which do not tally with what the reality is. The example I have given already was the fact that they claim there is no budget for mental health, which is erroneous. And there are other things which we are not in agreement with, so we need to look at this document with a view to discussing, and we are discussing, with Public Health England, but it is the intention of
2130 this Government to publish the report even if it means having to publish an addendum to it with the points and views.

This was not a report or a study carried out by people going into the service. This was, as far as I am briefed by my predecessor, a series of interviews with service users and interested parties including mental health associations. That is the reason why we need to be entirely sure,
2135 before this document is published, that we are entirely satisfied as to its content.

Hon. E J Phillips: Mr Speaker, does the Hon. Minister agree with me that serious cases of incapacitated patients who are unlawfully deprived of their liberty, as contained in this report – severely critical of that position, where people's fundamental rights have been breached as a
2140 result of being unlawfully deprived of their liberty ...? Doesn't the Minister think that is an important aspect to bring before the public's attention in publishing this report on time?

Hon. P J Balban: You are actually referring to the Mental Health Board report because that is the one that you have in your – (**Hon. E J Phillips:** Yes.) That report, on the whole, is quite a
2145 positive report and then it goes to address certain things. There are positives and there are things to act upon.

As I have said in my reply, the whole point of this is to have a transparent audit as to where we can improve. I will not for one moment state that the provision of mental health in Gibraltar is perfect. There are lots of things that are done very well – we have a very good team of
2150 dedicated staff who work tremendously hard in pursuit of mental health in Gibraltar – but there are things that need improvement, absolutely, and as I said, the fact that the recommendations of the board have been seen to and have been addressed is proof that the reports are taken extremely seriously. But there are more things to do, absolutely.

2155 The new report, which is the one that will be published, which is the 2020 report, which I still
... I have arranged to meet the board. What happens is once they submit a report, the next stage
is for us to meet with the board and they give me a briefing of that report. I think the hon.
Gentleman will be very pleased to note that a lot of the things have been addressed. And they
will raise new things. I have read the report already and they have raised new things, but this is a
process of improving. If we go back and see the mental health provision years ago and how we
2160 have evolved, which is something which comes across in the report, a lot of money has been
invested into mental health in Gibraltar, from the days of King George to where we are at the
moment. No one can deny the fact that things are hugely better, but there is more to do,
absolutely. We will not deny that on this side of the House.

2165 **Hon. E J Phillips:** Mr Speaker, while I accept there is always room for improvement, this
report can hardly be characterised as a positive report. It is scathing. It is scathing of mental
health provision within our community. It talks about general practitioners looking at lithium
levels, serious issues concerning the potential serious side effects of drugs and how people are
monitored. It talks about breaches of human rights and informally detaining patients when they
2170 want to leave and return home. And then you see, on the other hand, the manifesto talking
about the Disneyland of mental health. So, on the one hand you have the Mental Health Board
severely criticising the provision of mental health, and in their manifesto not only eight months
ago talking about Disneyland mental health services.

It is absolutely shambolic for the Minister to characterise this report as anything but
2175 completely negative in its output, and the only way that we can truly handle the provision of
mental health is by having that audit published warts and all, so that everyone in our community
can understand exactly what mental health provision we need. I do call upon him again – and it
has been repeated by many at the Mental Health Welfare Society and the charities – to publish
the Mental Health audit. So that we can truly understand it, genuinely and transparently: publish
2180 the Mental Health audit.

Chief Minister (Hon. F R Picardo): Mr Speaker, he is asking us to do that which the Minister
has said he will do: publish the audit. But of course he wants, I suppose for this new-fangled
mechanism that they have where they extract from the video of the proceedings the bits that
2185 they like and put them on social media to get people to somehow be persuaded either of their
skills as advocates or of their politics ... The Minister has already said that that is what we are
going to do.

That report which the hon. Gentleman refers to is one which we published. In other words, it
was laid in Parliament by the Minister so that he had the opportunity to read it and everybody
2190 else in the community had the opportunity to read it. It arises out of the new Mental Health Act
that we transposed into law ... well, we did not transpose, we passed into law – it was not a
European obligation – which created the board which would give this report; in other words,
subjecting ourselves to the audit and accountability that this community needs in respect of the
mental health services, exactly what we need to do in order to ensure that we are ever vigilant
2195 in ensuring that we provide the right level of mental health support in this community.

We are very keen to continue to subject ourselves to these sorts of analysis, to publish what
that analysis says, to have the whole community see it and to act against it. That is not where we
were when we were elected into government. Hon. Gentlemen will at least accept that we
brought about this mechanism to have an analysis of our system, that we published the report
2200 warts and all, that that is a huge step forward. If what had been analysed by an independent
board were the mental health services that we inherited, would he nonetheless of course expect
people to believe that it would have been a better conclusion? Of course we cannot expect that,
because mental health services have improved greatly in the time since we were in office, with
all of the difficulties still identified there that are to be rectified and which this Government is
2205 committed to rectifying.

The easier road is the road they took when they were in government. The easier road is not to subject yourself to the analysis and the audit, and then you have nothing to publish and nothing to act against. We took the harder road in the interest of all those in our community who need our help or whose family members need our help in the context of the mental health services that we provide – we have to improve, on that we are clear. That is why we created the ability to be audited and for analysis, and that is why we will publish the report we published and the audit that is to come.

If he is going to get up and tell us that we should publish that which we are already committed to publishing, I would not be surprised, Mr Speaker, if we were here a lot longer than any of us need to be.

Hon. K Azopardi: Mr Speaker, the hon. Member sounds really defensive about this issue, and he may be right to be. All my hon. colleague was asking is why it takes so long for these reports to be published.

If we are going to play the game of which Health Service was better or worse ... Of course there are improvements as the years go by. Indeed, that surely is what people expect, in the same way as the Health Service that we inherited in 1996 was comparatively a shambles to where we left it: where we were living in an antiquated hospital where there had been calls for decades for us to move out and nothing had been done about it; where we delivered a new Primary Care Centre and we delivered a new Hospital. Of course we had reports that were then published. One of the first things I did when I was Health Minister was to publish a report – to commission it and then publish it as soon as it was delivered, not sit on it for a year.

All the hon. Member is saying is that in the important area of mental health – where we, on a cross-party basis, accept there should be improvements – the Minister does not sit on the report, he publishes it, we can then scrutinise it and we can go forward as a community.

Hon. Chief Minister: Well, Mr Speaker, I do not accept that the Government is for one moment doing anything other than publishing reports that it receives with the alacrity that we are able to. But given that he has been Minister for Mental Health, he will also know that reports sometimes contain information that cannot be published, not that the Government would not wish to see published – because the Government thinks that, actually, publishing things is a very good thing even if they are things which require improvement – but because you are dealing with a sensitive area where you need to protect the rights of people, otherwise you infringe their human rights sometimes by publishing things which you should not be publishing. And that sometimes just does not mean names; it can mean ways in which people may be identified.

So, once again we are being urged to do that which we are committed to doing, to publish reports which we have already said we are going to publish, to publish audits which we say we are going to publish. Mr Speaker, can I just ask them to be fair enough, if they are going to extract bits of these proceedings, not just to publish the little bits that they like when their rhetoric is at its greatest and their adversarial advocacy skills are in flow but to publish the whole picture for the whole community? Otherwise, all that happens is that they get found out. They get found out for pretending to be the advocates of publication when the Government has published and they have read, after being laid on this table, the report that they are complaining about; when the Government has committed itself to publishing an audit which they are now vehemently crying for us to publish.

All of these things smack to me of politics in an area where we should be acting together as a Parliament to protect those who most need it in our community and to work together on the mental health issue. If what they want to do is politics, we have got plenty of time for politics and plenty of time to play political games. On this, they should be resisting the temptation that they fall into so quickly to do nothing but play political games. They should be thinking about those in our community who need the help of our mental health services, thinking about how they help us to improve them and understanding that we are ready to publish warts and all any

reports there may be in this area so that we push ourselves, we push this community and we push the whole of this Parliament into a better provision of mental health services for those in our community who need it. Let's stop the rhetoric, let's stop the arguing for the sake of it and let's get on with the business of making things better for this community.

Mr Speaker: That will be the last we will talk about this issue. *(Interjection by Hon. Ms M D Hassan Nahon)* Yes, I appreciate that, but this is –

Hon. K Azopardi: It will be my last.

Mr Speaker: I enjoy elegant debate, but this is a question and answer session.

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

Mr Speaker: All right, okay.

Hon. K Azopardi: Mr Speaker, it will be my last.

I am very glad to hear the hon. Member say that in this area we should work together as a community and that we should be interested not in the politics or the point scoring but in working together in this House on this issue. Can I ask him, then, when he is going to respond to the invitation that I made in February this year for there to be a Select Committee of this House on the issue of mental health? I have the hon. Lady's answer but I do not have his. *(Banging on desk)*

Hon. E J Phillips: Hear, hear.

Hon. Chief Minister: Mr Speaker, as soon as I am able to. I have told the hon. Gentleman on a number of occasions that if he wants to engender co-operation and not play politics, what he should do, as I have done with him on a number of occasions, is not play the old game – which, by the way, in February he was still playing – of going to the media with that which he wants to do and then going to the Government and asking us to agree to it.

If he were serious about the mental health of our community, if he were serious about helping people who have issues with mental health and if he were serious about making sure that we make the right provision in our Health Services for those who have mental health problems, he would want to have a Select Committee, which he would have written to me and to the hon. Lady about and then had our responses before he went to the media. If I recall correctly – and I confess that February seems a lifetime away – one of the things the hon. Lady said in her answer to him was 'I am surprised that you said this to the media before you gave me an opportunity to respond'.

Those are the political games that the hon. Gentleman likes to play. He pretends that he is a politician who is seeking to work together with us on some subjects, but he prefers to run off to the media to present his good idea instead of knuckling down to work. But he will always have the cheer leader to his right to bang the table and hurt his arm in demonstrations of support, no doubt.

The hon. Gentleman says it is July. It is July, Mr Speaker. The public health emergency is not yet over; it started in February. I thought he had realised that. We did good work together. He seems to have a shorter memory than I thought.

Mr Speaker: Right, one and then yourself.

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

2310 I was interested to hear when the Minister said that one of the points that Public Health
England had raised and he said was erroneous was there was no mental health budget. He may
be correct in saying that and there may be an internal budget, but I have raised the point before
in the House that you cannot find an itemised mental health spend in our Estimate Book. I have
2315 been told in the past no, I just cannot see, the numbers are there, of course they are. Well, I am
sure they are buried in here and I think, in the interests of transparency and to avoid these sort
of misunderstandings as we are having with Mental Health England, that in future the Minister
might want to consider actually itemising the mental health spend in the Estimates Books for the
future.

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

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Hon. Minister for Health answered a lot of
2325 questions bunched up together, so just to check .. He spoke about the audit that will be
happening soon. I do not know if he was specifically talking about the lithium audit, which is my
Question 393, but the reason I asked about the lithium audit was because in that part of the
Mental Health Report it noted that the management of lithium is left to the patient to
remember to make an appointment with their GP. This can often happen weeks after the
2330 recommended requirement has been taken. Weeks later, the measures are adopted and
reviewed by the Community Mental Health Team, and this process actually contravenes the
NICE guidelines. So, in between now and the audit, because this is a practical issue that can
affect people's health, is Government committing to manage the distribution of lithium as per
these guidelines with immediate effect, obviously to ensure minimal risk to patients instead of
2335 waiting until the next report, where people can actually be damaged by this practice?

Hon. P J Balban: Mr Speaker, the lithium audit, as I mentioned, has already been completed.
Lithium is an extremely important medication for some patients. If you give a patient too little
lithium then their medical condition will not be controlled. If you give them just a little bit too
2340 much, and we are talking of very fine amounts, it can cause kidney damage. So, obviously the
lithium audit is something which is important. It has been done and it will be something that will
be ongoing because obviously you cannot just do a lithium audit once, whenever, and then
expect to be able to ascertain what the condition of the patient's kidneys are if they are taking
too much of it. So it is important to be able to titrate lithium per patient. It is not something
2345 generic; it is per patient and for each individual case. So, in short, yes.

Hon. Ms M D Hassan Nahon: Mr Speaker, I beg the Minister's pardon, I am really not trying
to be difficult but I do not believe that I have had a straight answer as to whether patients'
lithium intake is being managed in a different way today, right after the report, given the
2350 criticisms of the management. That is my concern: has anything been changed since the report
on lithium management?

Hon. P J Balban: Mr Speaker, I said it in the answer to the question. I will reread it. I said at
present, at this moment in time, each patient who is taking lithium is managed and monitored
2355 by their respective physician. This is the information that I have received. What this is saying is it
is imperative that we know how each patient is faring on lithium and how it is affecting their
blood chemistry, but more specifically their renal function. That is what is happening at the
moment, so clearly I would assume that a lithium audit is being undertaken constantly.

2360 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may ask one supplementary on Question 381 regarding the daily traffic of patients evaluated, the Hon. Minister talks about numbers being collated on a daily basis to fully address needs and understand what staffing needs there are and all that, but in the report it mentions a figure of 905 but does not say what the 905 pertains to. Is it daily? Weekly? Yearly? We have a snapshot but we do not have details of what those numbers
2365 refer to. Does Government have its own tally that maybe was not shared in the report? The numbers in the report are not very specific with regard to timing.

Hon. P J Balban: Mr Speaker, I will endeavour to find further information because I just do not know the answer to that question, I am afraid. When the hon. Lady mentioned traffic, the
2370 reply that was given to me is the one that has been provided.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Gentleman for his answer. Would he be prepared to send me some more information by email, or privately or whatever, on the question if I perhaps email him with more specificity than what he has received in my question
2375 maybe?

Hon. P J Balban: Mr Speaker, if we receive a letter or email from her we will endeavour to find the information and provide the information as requested.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now adjourn to
2380 Wednesday, 8th July at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 8th July at 3 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 8th July at
2385 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Wednesday, 8th July at 3 p.m.

The House adjourned at 7.58 p.m.