



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.04 p.m. – 7.21 p.m.**

**Gibraltar, Friday, 30th July 2021**

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# The Gibraltar Parliament

*The Parliament met at 3.04 p.m.*

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

[ACTING CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

## SUSPENSION OF STANDING ORDERS

### Standing Order 7(1) suspended to proceed with Government motions

**Acting Clerk:** Meeting of Parliament, Friday, 30th July 2021.

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

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, good afternoon and thank you.

Before I read the suspension, the Government's intention is to suspend Standing Orders and then move on to the motion which will proceed with the other suspension, in order to proceed with a motion, first, which has not had the adequate period of notice, and then deal with the other motion.

10 So, in that order, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government motions.

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

### Standing Order 19 suspended to proceed with Government motions

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now have the honour to move the motion standing in my name, which reads as follows:

*I hereby give notice of motion, under Standing Order 59, to proceed with the suspension of Standing Order 19, in order to proceed with Government motions.*

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

## Order of the Day

### GOVERNMENT MOTIONS

**Community Care Action Group letter to HE the Governor –  
Call for withdrawal of inaccurate and misleading parts –  
Motion carried**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing  
20 in my name, which reads as follows:

*This House:*

*NOTES the terms of the letter delivered to His Excellency the Governor by the Chairman of the Community Care Action Group, Mr Joe Capurro, in relation to the said Group's claims against the Trustees of the independent charity, Community Care;*

*FURTHER NOTES the cogent and clear explanations provided by the Minister for Social Insurance, the Father of the House, the Hon. Sir Joe Bossano MP, in his contribution on the Second Reading of the Appropriation Bill 2021, as to the history of pensions in Gibraltar and in particular the circumstances that gave rise to the creation of Community Care by a group of private individuals;*

*ALSO NOTES the statements by the Chief Minister, the Leader of the House, the Hon. Fabian Picardo QC MP, in his reply during the debate on the Appropriation Bill 2021, dealing with the many inaccuracies contained in the letter from the Chairman of the Community Care Action Group to His Excellency;*

*FURTHER NOTES AND AGREES that, given the material inaccuracies contained in the letter to His Excellency from the Chairman of the Community Care Action Group, Mr Capurro, the Chief Minister has been right to call on the Group to withdraw the letter to His Excellency, at least insofar as the blatant inaccuracies therein contained;*

*And therefore now calls upon the Community Care Action Group to withdraw those parts of the said letter to His Excellency which have been demonstrated to be inaccurate and which are therefore misleading.*

Mr Speaker, that is the motion that is before the House this afternoon. For the purposes of the record and to ensure that we know exactly what we are dealing with, and so that we are not, for one moment, said to be proceeding on a basis other than a factual basis, and also for the purposes of posterity, I think it appropriate that I should read into the record the various documents which  
25 are relevant to the debate to be had this afternoon.

I want to start, in what I consider to be the correct chronological order, by referring the House to a letter that I received on 1st July 2021, a letter that was delivered to the Hon. the Deputy Chief Minister, who, in my absence from Gibraltar, wanted to ensure that we did the courtesy to the Community Care Action Group of receiving their demonstration to No. 6 Convent Place and receiving their letter. This is a letter also from Mr Joseph Capurro, dated 1st July 2021, and I should  
30 say, for the record, that I am pleased to recognise that Mr Capurro is in the Gallery. The letter reads as follows:

Dear Chief Minister

Petition from the Community Care Action Group

We have just handed a petition for your Government to the Deputy Chief Minister, signed by 4,272 adult persons residing in Gibraltar; 3,126 signatories have signed in person at our petition signing stations in Gibraltar over the

last six days, and the other 1,146 are electronically signed with change.org. As the bulk of the signatures have been collected in less than a week, it is obvious that there is strength of feeling and a much larger petition of signatures could have been collected in a longer period. In other words, this is the tip of the iceberg of support. We have a mandate of over 12% of the population to demand that the community officer allowance rules and conditions be reinstated as they were prior to the arbitrary decision implemented on 17th February 2020 and pay the allowance arrears to our members and all such claimants. Alternatively, if this does not happen, we demand that you equalise the pensionable age for men and women in all new schemes, and pay pensions for men and women from age 60, as you vowed in your party's election manifestos of 2011, 2015 and 2019. We have waited long enough since February 2020 and now ask you to resolve this by 31st July 2021.

That is to say tomorrow. I make no comment on the content of that letter at this stage; I will return to it later.

35 Mr Speaker, also for the purposes of the record, here is a letter dated also 1st July 2021, which was handed in to his Excellency the Governor, Vice-Admiral Sir David Steel, at the Convent, at the same time. I do not know whether the chronology of the day meant that it was delivered before or after the letter to the Deputy Chief Minister, but certainly given the geography of Convent Place, it would have been a moment or two before. The letter, again for the purposes of the  
40 record, reads as follows.

Dear Sir David

Copy petition from the Community Care Action Group Gibraltar

I am the Chairman of the Community Care Action Group, who are a group of men in their late 50s and very early 60s. Our petition is directed at the Gibraltar Government and at Community Care.

The Gibraltar Government created Community Care (a registered charity funded by the Gibraltar Government) to operate the community officer allowance and the household cost allowance. The community officer allowance is a scheme for Gibraltar-resident men aged 60 to 65 that was created by the GSLP Government in 1988 for the benefit of Gibraltar-resident men in lieu of paying state pension increases to all pensioners.

The community officer scheme has been in existence for over 30 years, and it has been the expected practice that 60-year-old men would apply to become a community officer and would automatically receive the community officer allowance. The household cost allowance is a scheme for Gibraltar-resident women aged 60-plus and also for men aged 65-plus that was created by the GSLP Government in 1998 in lieu of paying state pension increases to all pensioners. In effect, when a pensioner combines their Community Care payments with their state pension, they together form the equivalent of this country's 'state pension'.

On 17th February 2020, Community Care suddenly implemented immediate changes to the community officer scheme rules and disallowed new claimants who were in receipt of occupational pensions and new claimants who were in business or in employment. They claimed that this has been mainly due to abuses. However, they have not substantiated their claims, notwithstanding the fact that Community Care were managing the charity themselves for over three decades.

In the GSLP Liberal Government manifestos of the 2011, 2015 and 2019 elections, they stated that they were committed to funding Community Care and ensure its survival. The Government also vowed (in keeping with EU law), to equalise the pensionable age for men and women in all new schemes and pay pensions to men and women from age 60. Due to the exclusion of our members from the community officer allowance and therefore not yet being eligible to receive a state pension until they attain the age of 65, it is no surprise that not only are men being clearly discriminated against but now these men do not receive this income, in breach of legitimate expectations, despite having paid their social security and taxes for the required years.

It is reasonable to expect that when men have been promised financial security in their retirement and it is arbitrarily taken away, they then demand that the Government and Community Care implement immediate changes to grant the men state pension and household cost allowance equalisation with women at age 60.

When any changes are introduced to existing citizens' retirement, it is the expected norm that, apart from a consultative process with all parties affected by the proposed changes, the changes are made in the years ahead, having given the affected citizens plenty of advance warning, and then the changes can be gradually phased in. This has not been the case here with the introduction of overnight, arbitrary and drastic changes which have caused our members untold grief and financial loss.

The timing of the changes to the community officer allowance coincided with the start of the COVID-19 public health restrictions. Our group have respected all lockdown and human contact laws and have only recently been able to have meetings and meet with Government and Community Care. We believe that the Government and Community Care are resolute in their decision to continue to implement the announced changes and are intransigent.

The GSLP party have instigated a disturbing and vilifying campaign against our committee and our members via their party newspaper, the *New People*. We believe that their activists are using intimidating tactics against anyone who signs with our group or speaks out against Government or Community Care.

In Gibraltar, there is no independent overseeing body that can keep our Government in check in this and other matters until the next election.

We are writing to you to appraise you of the current situation regarding the Government's handling of this predicament that we find ourselves in. We are holding a demonstration to bring awareness to our cause in the hope of making the Government and the trustees reconsider their position. We wish to thank you for accepting this copy petition.

You sincerely etc.

Joseph A E G Capurro

Chairman of the Community Care Action Group

Mr Speaker, also, finally, for the sake of the record, I responded to that letter, on 23rd July 2021, with a letter sent by email to [CommunityCareActionGroup@outlook.com](mailto:CommunityCareActionGroup@outlook.com), addressed also to Mr Capurro, which reads as follows:

Dear Mr Capurro

I am writing pursuant to our constructive meeting last week at No. 6 Convent Place and to record several points of agreement between us. For clarity, it is worth recording that the meeting was attended by committee members of the Community Care Action Group and the Chairman of Community Care, Mr James Levy QC.

During the meeting, I reiterated the Government's position that Community Care is a private charity and the decisions its committee takes fall entirely under its own independent prerogative and discretion. Mr Levy also reiterated this to all of us repeatedly throughout the meeting. I nonetheless welcomed the productive nature of the meeting and noted the concerns that have been raised by the group's committee and members. I will not, however, record the many areas of disagreement between us, as those are obvious.

Following the meeting, I am, however, pleased to write to you to set out three broad points that all sides present agreed. These are as follows: (i) there is an extant European Union obligation on the Government of Gibraltar to equalise the pensionable age; (ii) there is an obligation on the Government of Gibraltar, contained in Gibraltar's Constitution under the provisions against discrimination on the grounds of sex, to equalise the pensionable age; and (iii) there is a measure of agreement between us, if not with the trustees of Community Care, that it is unfair that those who were unaffected by the changes in the Community Care rules on 17th February 2020 should continue to receive payments in full. Mr Levy, however, reiterated that these individuals are now being required by the charity to work a number of hours a week.

As I explained during the meeting, the Government is committed to the equalisation of the pensionable age. These are manifesto commitments, as well as being obligations for the reasons set out above. We are therefore currently in the process of publishing a Command Paper on the equalisation of the pensionable age. I reaffirm the commitment I made during our meeting, but subject to the comments in the final paragraph of this letter, to meet with your group after the publication of the Command Paper and to listen to your views on its content. I cannot, however, commit to a date for publication of the Command Paper given the considerable work required to finalise technical aspects of its content.

It would be remiss of me to fail to refer to the statement by the Hon. Sir Joe Bossano MP in Parliament this week during our Budget session. He addressed many issues on the Government's policy in respect of pensions, as well as providing key historical facts about the state pension in Gibraltar. I attach a copy of Sir Joe's speech.

Finally, I have to also record my Government's complete disagreement with all aspects of the letter sent to His Excellency the Governor. Sir David kindly passed a copy to me immediately, given that the aspects of your letter related to constitutional responsibilities of Ministers, not the United Kingdom. (I am not commenting on the party political aspects of it in re to the GSLP.) For the reasons set out eloquently in Sir Joe's address, the characterisation of Community Care, its foundation and purpose as set out in your letter are wrong and considerably damaging to the real independence of the charity. I therefore have to ask you to withdraw the aspect of the letter to His Excellency the Governor that relates to the foundations and purpose, not the parts that relate to the GSLP, which, although I dispute as leader of the GSLP, I am not addressing in this letter to you as Chief Minister before I am prepared to meet with you again on the Command Paper or otherwise.

Given the references to them in this letter, I am copying Sir Joe and Mr Levy for their information.

It was a real pleasure to meet you. I hope that we will be able to meet again.

With best wishes.

45 Mr Speaker, I have now read into the record of *Hansard* the three letters that I think were relevant for the purposes of this House's understanding of the issues with which we are dealing.

I have also brought with me a copy of the petition which was handed in to the Deputy Chief Minister at No. 6 Convent Place and which was the purpose of the demonstration, as set out in the letter by Mr Capurro to His Excellency the Governor and probably also to me, saying that they were marching to deliver this petition to us. This petition is accompanied by a cover notice, which

50 I think I should read, given that it is, I believe, the petition that was put online and which was provided for people to sign. That petition reads as follows:

Petition by Community Care Action Group Gibraltar.

They petition that the community officer allowance be restored or equalised with the state pension of women aged 60.

The Community Care Action Group have been fighting for their right to have their community officer allowance to be restored to pre 17th February 2020 and arrears paid to the group. Alternatively, they are calling on Government to equalise men's state retirement age with women at age 60 and calling on Community Care to equalise men's household cost allowance with women at age 60. There is gross inequality and unfairness between genders and their respective retirement ages. This affects all men and their families now and in the future.

Gibraltar state pensions are among the lowest in the developed world. The Gibraltar Government previously boasted how high our GDP was, yet it pays a miserable third world state pension to its citizens. They have now changed the rules to the pension alternative to exclude more men aged 60 to 65 from receiving it. When so doing, they did not consult with the affected men, they did not give the affected men any warning of any forthcoming changes, and they also failed to make introductory changes. It all happened on 17th February 2020.

For men aged 60 to 65, the state pensions are supplemented by the community officer allowance, which changes to the household cost allowance from age 65-plus. For women aged 60-plus, the state pensions are supplemented by the household cost allowance. In both cases, were it not for the community officer allowance and the household cost allowance combining with the state pension, there would be state pension poverty. Recent changes to the community officer allowance eligibility by introducing punitive conditions means that many previously eligible men aged 60 can no longer receive the allowance.

We are petitioning the Government and Community Care to either revert to the pre 17th February 2020 changes and pay arrears, or equalise men's state retirement age with women at age 60, like the GSLP promised in their 2011, 2015 and 2019 manifestos.

It then says:

If you have already signed the electronic petition with change.org, we thank you, but you cannot also sign this petition, as it would be a duplicate.

Please help us petition the Gibraltar Government and Community Care Ltd, writing your first name and last name, country of residence and email address, and sign your name at the foot of this petition. By signing, you agree to all of the above.

The petition is addressed to HM Government of Gibraltar and Community Care.

The letter provided in the change.org facility says:

Greetings.

Community officer allowance be restored or equalised with state pension of women age 60.

55 Mr Speaker, I think those are all the relevant documents, and they are now before the House for the House to ensure that it is not in any way misled by anything that may be said during the course of the debate that might inadvertently suggest something which is not actually what has been provided for in the context of the letters that I have referred to.

60 The purpose of this motion is to highlight the issues that arise in the context of the letter to the representative of Her Majesty the Queen in Gibraltar, the Governor, in the letter of 1st July, which is the second of the documents that I read into the record of *Hansard*. I identified, during the course of the Budget debate, a number of things set out in this letter which are just absolutely and entirely factually wrong, and the factual inaccuracies which I referred to are, for the reasons that I also referred to the House during the course of my reply in the Appropriation debate,  
65 considerably dangerous to all the arguments that every political party in this community in the past has made in relation to the independence of Community Care, the reason for its foundation, indeed the reality of the history of its foundation and its purpose. I say in the past because it may be that some political parties have changed their position, or have a position which they have not had in the past because they have not had a past, which is not as it perhaps would be best to be  
70 in the context of the protection of the independence of Community Care.

75 The statements that I made are cumulative to those which were made, also during the Second Reading and when we were debating general principles and merits, by the Hon. Father of the House. The Father of the House set out in great detail the history of Community Care, as I have indicated in the text of the petition, provided in the analysis that he did at the time, and I am sure he will share with us today the reasoning behind the private individuals who decided to start the Community Care charity. The private individuals, at the time, shared their motivations with the public, and what we had from Sir Joe was the benefit of the recollection of the historical record, which is now provided for in *Hansard* for posterity and which all those who might have signed this petition and who might have written these letters etc. might genuinely not have had – although, 80 as Sir Joe has indicated, all of this is a matter of public record and research would have provided for it. But if we assume that, unfortunately – and this is no criticism of anyone in particular, but of all of us – many of us believe that the world started when the internet Google archive tells us that it started and if we search on Google and it is not there, it did not happen – it is a good thing that there are historical records of the Egyptians and the Phoenicians on Google, otherwise we might 85 think that they had not started the whole of civilisation – you might be forgiven for not researching further in the archive and for not looking at the material at the time. Given that we have the benefit of a walking archive in the Father of the House and he very eloquently and clearly set out the position during the course of his contribution on the Second Reading, after that date we now have it and we have it for posterity.

90 Mr Speaker, I did not detect anything in the speeches from hon. Members opposite which sought to contradict the factual history that was provided by Sir Joe Bossano, and indeed much of his reasoning. It may seem like a moment ago because we have been having such fun in the House, but given that that contribution already happened over a week and a half ago, and given the things that the Hon. the Father of the House said about the history of Community Care and his own 95 analysis of the letter that had gone to His Excellency the Governor, I thought it was particularly important in my reply to also address those issues and to go vehemently through the errors that we had identified which go to the core of the issues which are necessary to protect Community Care – not just in the context of the ongoing debate about whether or not the trustees and Community Care might be persuaded by those who are making their claims to bring back the 100 community officer scheme, but the protection of Community Care as a whole. This was the point that the Father of the House was making and this was the point that I wanted to reiterate when I spoke in the House on Monday on the subject and I went through those parts of the letter to His Excellency the Governor that I thought it was appropriate to highlight and to take issue with.

105 I think that today, having read also into the record my letter of 23rd July 2021 to the Chairman of the Community Care Action Group, I have also given the House chapter and verse of what I told the action group were the things that concerned me about the letter and why I thought it was appropriate to ask them to withdraw it before we could once again meet and be able to have the sort of measure of agreement and convivial opportunity for continued work. These things are fundamental. They go to the core of what Community Care is and what it is there for. As I have 110 said before, it is about foundation and purpose. Those are the things that I was very keen to ensure are very clear and on the record of *Hansard*; not just in the mists of the Appropriation debate, where many things are said and hundreds of pages of *Hansard* are produced and this might be lost, but in the context of a freestanding motion which identifies this issue and deals with it in a freestanding way.

115 Additionally, I think it is fair to say that the Government wants to ensure that what we are saying here – just as what I said in my letter to the Chairman of the Community Care Action Group and just as what I said in the context of my contribution and reply on the Second Reading of the Appropriation Bill and the Father of the House said in his own contribution – is none of that goes to that parts of the letter to His Excellency the Governor which might be read as a complaint in 120 respect of the party which I lead. Writing to His Excellency the Governor, to me, to the Leader of the Opposition – as the Father of the House sometimes says when we are in a lively debate, to the “SURSUM CORDA” – if you wish, to say what you like about the Gibraltar Socialist Labour Party, is

125 something which is up to the individual who might wish to send that communication, make the  
statement etc. There is absolutely no desire to see or address those parts of this communication  
which are simply what you might call the party political fray. The party political fray is the party  
political fray. Things may be said which we take huge issue with and which we say are not true,  
but they are said, and that is the party political fray.

130 My concern today, as Leader of the House and as Chief Minister of Gibraltar, not as leader of  
the GSLP – although it is that post which gives me the honour of being Chief Minister and Leader  
of the House – is about the statements as to the foundation and purpose of Community Care  
insofar as this communication to the person who has responsibility, under our Constitution, for  
external relations, defence and security, not because this matter affects defence or security but  
because it could be said to be a matter which affects external relations for a number of reasons –  
and this analysis is important – first of all, because the obligation to have no discrimination  
135 between men and women, which is contained in our Constitution, although perhaps not framed  
in identical terms, is one of the international obligations of the United Kingdom. The United  
Kingdom is a signatory to the European Convention on Human Rights, which contains a similar  
prohibition against discrimination on the grounds of sex. And so, because of the previous  
arguments that were shared also by the Father of the House with us as to the rationale that the  
140 private individuals who founded Community Care put out there at the time, one of the issues that  
this relates to – and, indeed, we saw it manifest itself in the politics of the mid to late 1980s and  
later – is that there are claims by Spanish individuals and, in some instances also advanced on  
their behalf by Spanish officials – in respect of eligibility to pensions in Gibraltar, different rates of  
pensions in Gibraltar and even, potentially, Community Care. And so, this letter – the letter which  
145 is complained of – is written to the person who, under our Constitution, is the person with  
responsibility for external relations, of course in the context that, as all hon. Members know,  
although the Constitution says that about external relations the Chief Minister of Gibraltar and, in  
my case, most of my Cabinet, because we are in partnership on these issues, spend most of their  
time thinking and acting and working on matters of external relations. But, of course, our  
150 Constitution is our Constitution.

And so, for all of the reasons that I have already outlined, which I went further into in the  
context of the debate on the Second Reading of the Appropriation Bill, and for the reasons I have  
indicated today and have set out in my letter to the Chairman of the Community Care Action  
Group on 23rd July 2021, the Government believes that it is not in the public interest of Gibraltar,  
155 in particular of men over the age of 60 and women over the age of 60, that there should be a  
letter to His Excellency the Governor – that is to say to the person responsible for Gibraltar's  
external relations under the Constitution, which then opens up all of the rest of the responsibility  
for external relations outside of Gibraltar for Gibraltar – which contains material inaccuracies from  
a group that represents, it says, this particular demographic of men and women in a way that  
160 could potentially undo the good work done by those who founded Community Care and the  
purpose for which they founded it.

I say that in the context of the history of this matter and in the context of the reality in the  
United Kingdom today. What do I say to the relevant part of the history of this matter? The  
relevant part of the history of this matter, from my point of view, is that although, of course, there  
165 have been many elections in the United Kingdom since 2002 and 2003, in a Foreign Affairs  
Committee meeting the then Minister for Europe, now Lord Peter Hain, said in evidence that as  
far as the United Kingdom government was concerned, Community Care was a scam, and he said  
he believed it was a scam that was designed to avoid liabilities etc., something that all hon.  
Members in this House are, or should be, aware of. That was quickly countered by the former  
170 Chief Minister of Gibraltar, Sir Peter Caruana, in terms that enjoyed the full support of this side of  
the House, as he expressed it then, and the Father of the House today, who was then the Leader  
of the Opposition, who expressed support for those things then. Indeed, I think it was about at  
that time that the Father of the House said the thing I have referred, I think, to the Hon.



175 Mr Feetham in the context of my reply earlier this week: ‘Before they get to him,’ meaning Sir Peter, ‘they have to go through me,’ on issues like Community Care, joint sovereignty etc.

180 Mr Speaker, this letter tells that self-same British government, although of a different political hue and complexion, some 17 years on, that what they said was a scam and we said was not is exactly what they said it was, that actually this is the state pension as paid in Gibraltar, and it does that on entirely erroneous grounds. You might even argue – because the Government is not here to apportion any blame – that there is no desire on the part of those making these assertions to say anything which might be untrue or misleading, they are simply reflecting their understanding, as at 1st July, of what the position was, however wrong they might be; and of course that defence was available until the Father of the House spoke and gave all of the history of the matter a week and a half ago, and until I reiterated that and also went through the detail and set out the concerns of the Government.

185 But now, with the benefit of the history of this matter properly set out, to permit this letter to continue to lie on the record, as if it were a grassroots movement of the people of Gibraltar communicating to Her Majesty’s Government of the United Kingdom, through the office of the Governor in Gibraltar, that all of the things that they said were wrong with Community Care which Her Majesty’s Government of Gibraltar said were not true, were actually the reality is extraordinarily damaging to the incredible work that has independently been done now for so many years by the trustees of the independent trust, Community Care, who created this foundation for a purpose unrelated to the purposes set out in the letter of 1st July 2021. Because we have an obligation to protect the demographic that this group says it represents – we have an obligation to protect them even from themselves, Mr Speaker – the Government must act to ensure that all of the inaccuracies contained in this letter are properly pointed out and properly highlighted, and to ensure that there is no possible way that the position of Her Majesty’s Government of Gibraltar today and the position of Her Majesty’s Government of Gibraltar in 2002-03 is in any way mischievously traversed by anyone who might seek to, in some way, abuse the letter of 1st July sent by the Community Care Action Group and use it to somehow thwart the purpose and utility of Community Care for the self-same demographic that is represented by this group.

195 There is absolutely no desire, however, to, in any way, not see continued expression of the persons who are represented by the Community Care Action Group. As I have set out in my letter of 23rd July, I look forward to continuing to engage with them. There are three areas of agreement between the Government and the Community Care Action Group, agreement upon which we can build and hopefully be able to find a way forward that might be useful and that might satisfy at least some of the issues that have arisen in the context of the debate, to continue to hear the voice of the Community Care Action Group, to continue to see their expression of concern, to encourage them to continue in communication with the Government and with such other action as they may consider is appropriate in a democratic and free society where everyone is free to speak their mind and to express themselves as they will – another one of the constitutional obligations that exist.

200 But of course the Government has an obligation to correct the things that are wrong. That is not in any way to affect a person’s freedom of expression, because to do that would be to suggest that everyone in our society has the freedom of expression except the Government, which has not the right to counter things which are demonstrably factually wrong, however dangerous those things may be to the public interest of Gibraltar. For example, of course anyone *in* Gibraltar is free to say that Gibraltar is or should be Spanish. Everyone is free to say that, and the Government of Gibraltar, on behalf of all the people of Gibraltar, is entitled to get up and counter that on behalf of the people of Gibraltar and express why we believe that there was a treaty signed in 1713, that there was a conquest in 1704, and all of the reasons that led to the magnificent leadership of the Father of the House and all former Chief Ministers who have attended the United Nations to express that we are the rightful owners of the land of Gibraltar.

225 The fact that you counter something does not mean that you are somehow stifling the right of  
expression. I want to be particularly clear about that because the Government is not saying that  
the Community Care Action Group should not write to the Leader of the Opposition, to the  
Governor, to the Foreign Secretary or to the “SURSUM CORDA”, as the Father of the House often  
230 says. They can write to whomever they like, and the Government has the right to counter the  
things that they might say in those letters with our own view as to what is correct and to  
encourage, in the way that I am doing today, that in a respectful and proper debate, when we  
have already put out there that there are dangers that we believe could affect our ability – that of  
all of us, once we are in our dotage, beyond 60 and before our rebirth in our early 80s – to have  
our income protected in the way that successive Governments of Gibraltar, including the  
235 Government hon. Members represent, have been able to do.

For that reason, the Government believes that the right thing to do is to highlight this  
specifically as we are highlighting it and to seek to continue a respectful, proper and convivial  
relationship with the Community Care Action Group after these huge material and factual  
inaccuracies have been removed. Of course, what we are seeking is a call from this Parliament –  
240 this Parliament being the place of expression of the democratic will of the people of Gibraltar  
through its various elected representatives, of a view from the Parliament. That view can either  
be unanimous or it can be expressed through its majority, but here is where the people of Gibraltar  
come to speak through their elected representatives. The maximum expression of the freedom of  
expression is that the people of Gibraltar elect 17 people to come to this place called Parliament.  
245 Indeed, after 2006, we are no longer a House of Assembly. We no longer come here simply to  
assemble, we no longer come here simply to legislate, as we might have under the Legislative  
Council; we come here, as a Parliament, to parlay, and because we are here to parlay, we are here  
to express our views in the freedom of expression that we have, not just like every other citizen  
but with the further privileges afforded to Members of this House.

250 It would be, in my view, a gross dereliction on the part of the Government of Gibraltar to fail  
to express the majority view of the people of Gibraltar through their elected representatives as to  
the clear and present danger that this letter represents to the future of Community Care, both for  
men and women aged over 60 years, whilst at the same time reaffirming our agreement with the  
Community Care Action Group on the three points I have set out, that there is an extant obligation  
255 to equalise pensionable age, that there is an obligation under the Constitution to have no  
discrimination between the sexes in respect of inter alia the pensionable age, and that there is a  
measure of agreement between us as to the way that the trustees acted in respect of those who  
are still in receipt of the community officer allowance.

Mr Speaker, I think that in Gibraltar you would be hard pressed to find an issue on which  
260 Gibraltarians of all ages have been as united for decades as the support that there has been here  
for Community Care, and in particular the household cost allowance that is paid to women over  
the age of 60 and men and women over the age of 65.

Community Care has been a cause of some political discord only in the context of who might  
defend it more, until late in hon. Members' time in Government when the former Chief Minister  
265 then made a statement about Community Care being a ticking time bomb and we took issue with  
that, and then – when he was relieved at the top of the GSD – under the strong and effective  
leadership of the former Leader of the Opposition, Daniel Feetham, reaffirmed that the U-turn on  
the GSD's part in respect of Community Care was complete and they no longer considered it a  
ticking time bomb, they considered it a treasure to look after carefully, as had been politically the  
270 unanimous position up to and including before the ticking time bomb reference. Indeed, in  
successive Appropriation debates, the debate has sometimes been more or less about the  
reserves of Community Care based on what donations this Parliament might make at the end of  
each year from the Social Assistance Fund, in the way that I explained in great detail to the Hon.  
Mr Clinton, who accepted that he had particularly missed this year's top-up contribution. So, this  
275 House has been united in the defence of Community Care most of the time, and that is the  
expression of the will of the people of Gibraltar.

280 So, entirely respecting that there may be a difference of opinion beyond the three points of  
agreement between the Government and the Community Care Action Group, entirely respecting  
the fact that those disagreements may lead us not to be able to finally agree a way forward but  
always hopeful and expectant that, through respectful debate and proper engagement, we will be  
able to grow those three points of agreement that I set out in my letter of 23rd July, which I have  
read to all hon. Members and which I sent to Mr Capurro – entirely hopeful of that – I think that  
the Government would really like to see these unfortunate errors in the letter of 1st July 2021,  
which are such a clear and present danger to the future of Community Care, withdrawn so that  
285 we can quickly get beyond this and quickly start to get to solutions.

Mr Speaker, the Government is very much looking forward to hearing of the other expressions  
of opinion that there may be in this House, so that we can, together, make a decision, which I  
hope will be a unanimous decision, to move forward to assist the Community Care Action Group  
with those parts of its claims which are agreeable. I very much look forward to seeing hon.  
290 Members vote in support of this motion, if I can persuade them of it – no doubt I will hear what  
concerns they might have, if any – and that this House should be able to move together in its  
continued defence of Community Care without the things that led the then Minister for Europe,  
now Lord Hain, to call Community Care a scam continuing to appear in a communication from a  
Gibraltarian demographic of men and women over the age of 60 as a pressure group of that  
295 demographic presented to the Queen’s representative in Gibraltar, His Excellency the Governor,  
Sir David Steel, who, under our Constitution, has responsibility for our external relations.

Mr Speaker, I hope I have dealt with all the issues that hon. Members would want me to  
address in the context of this debate and to explain to them and to the whole House why it is that  
the Government felt that this motion was appropriate now, on – if memory serves me, because I  
300 am not very good with dates and remembering what I had for lunch – 30th July, or 29th July, some  
29 or 30 days since that letter was on the record, some nine days since the Father of the House  
set out the whole history of this matter, a whole week after, in responding, I was able to set out  
my concerns about that letter to the public, and a full working week since 23rd July, when I wrote  
to Mr Capurro setting out those concerns directly.

305 Mr Speaker, as I have said before, I recognise that Mr Capurro is in this House. I am very pleased  
that he is here to hear directly from the Government what our concerns are, without our concerns  
being traduced by anyone’s interpretation of what those concerns are. For that reason, I  
commend the terms of the motion to the House.

310 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the  
Chief Minister.

The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, thank you.

315 If one steps back from the text of this motion, it actually has very little to do with what the  
Chief Minister has been talking about. This motion is not about Community Care, it is not, either,  
about being united on Community Care, although it could have been achieved. Had it been done  
properly and proper notice had been given and there had been a discussion, we could have had a  
united motion on Community Care. I certainly agree that Community Care is not a scam or has  
320 ever been a scam. It has always been a separate and distinct organisation, separate from the  
Government, and that has always been the position that successive Governments have defended  
and which we continue to defend when I speak for my party. But this motion is not about any of  
that. This motion really is pretty outrageous at different levels. It is outrageous because there is a  
lack of real notice when there is no urgency to deal with this issue – Parliament and the role of  
325 Parliament is being abused, in my view – and because the motion, at its heart, is the opposite of  
what the Chief Minister has been talking about. It is about lack of democracy, not about  
democracy. So, Mr Speaker, I want to deal with those issues in my contribution.

I want, first, simply to note how this came about, because, as Mr Speaker knows and all Members know, there is a clear five-day rule when motions are delivered. Members are normally supposed to get five clear days' notice of a motion. The reason for that is clear: so that people get proper notice and can understand, can engage, if necessary. But this is not really what has happened on this issue. What has happened on this issue is, if we take the clock back to yesterday, which is when this was filed, we get a motion in the text of the motion that the hon. Member has spoken about, that says that the Chief Minister intends to take the motion at the next meeting of Parliament. In other words, at that point in our communications we are making the safe assumption that the Chief Minister wants to deal with this motion not now but in September or October, whenever the House next sits. We then, about two or three hours later – I recall it at five to one – get another motion in the exact same terms, except that, instead of it saying at the next meeting of Parliament, it says at this meeting of Parliament. When I enquired yesterday on what basis is the Chief Minister seeking to have this motion heard, this new one, it was pointed out that there was that motion on the abridgment of time. But that motion on the abridgment of time had been provided to Members on this side with an email from Parliament together with the motion on the conferring of the Medallion of Honour on Sohail Bhatti, so we had assumed that the motion on abridgment of time was about Sohail Bhatti.

It does raise all sorts of issues as to whether, in fact, it is possible to hear something like this. I am not taking a technical point, Mr Speaker – I would just stress that – but I am just making these observations in the context of this motion, that we had two motions. Was the first one withdrawn? As Mr Speaker knows, once a motion has been issued, it can only be withdrawn by the leave of Parliament. Was it withdrawn? Was it amended? And on what basis could this motion even have fallen under the umbrella of the motion for abridgment of time, given that the motion on abridgment of time talks about suspending a particular Standing Order for the hearing of Government motions – but this motion did not exist at the time, so clearly could not have meant this motion? Mr Speaker, I am not taking any of those technical points, even though they are not arid technical points, because there are reasons for these rules, and the reason for these rules is to give people adequate notice.

I then ask myself what is the urgency in this case, because the Chief Minister has read into *Hansard* the correspondence. I am not sure, by the way, on an aside, that the letter of 1st July from the group to the Governor was made public, so this may be the first time, and, if it is the first time, it is not particularly helpful that it has been. So, I ask myself what is the urgency. In the letter that the Chief Minister wrote to the group on 23rd July he says that he was provided the letter by the Governor immediately. He used the word 'immediately' – on the first, the second or the third, whenever, immediately. So, if he was provided that letter immediately, on 1st, 2nd or 3rd July, why is it so urgent to do something on the 29th without notice to Members on this side of the House, so that we can consider it on the very last day before the sitting of Parliament? If it was so urgent, do something about it in early July. Or is it that this is just a contrived motion that has nothing to do with Community Care and more to do with the way and the style of government action?

The Chief Minister has read into *Hansard* his letter of 23rd July. His letter of 23rd July invites the group ... 23rd July was last Friday. We are in the middle of summer. He invites the group to consider their position and to withdraw the letter. It has been a week. It was six days yesterday. As I understand it, the information reaching me is that the group are considering their position and they are going to have a meeting next week. What is the urgency about dealing with this today? The Chief Minister has already invited them to consider their position, so why is it that he has to go the extra mile and not wait? He has already said in his letter, by the way – which has been read into *Hansard* – if you do not withdraw the letter, I am not going to meet you anymore. I am sure that may lead some people to think, 'Well, maybe we should consider the proposal seriously,' if they want to make progress, but surely it makes sense, when you write to someone as the Chief Minister of Gibraltar, the highest elected office in the land, to give people a bit of time

to consider your request. But what is this? This is a ratcheting up of the pressure on the group and it has democratic consequences.

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Mr Speaker, as a matter of principle, I entirely agree, and I have said so often, that the Governor has a limited constitutional role in Gibraltar and it should not be extended. When the present Governor arrived in Gibraltar, in my speech welcoming him to Gibraltar I made exactly the same point – and I have made it to him privately because that has always been my view. I am a cheerleader to ensure that the constitutional competences of the Gibraltar Government, of whatever political complexion, are protected, and I will be the first one to voice my view that if anyone tries to encroach on the Chief Minister’s competences, they should be washed away.

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But it is not about this. He has asked for a letter to be withdrawn on the basis that it is inaccurate. It is self-evident that it does not make the letter accurate if it is not withdrawn, it is not there. If a letter is ostensibly inaccurate, it is inaccurate whether it is withdrawn or not withdrawn. And may I say that I may even share the view that it should be withdrawn and should be withdrawn at different levels? It might be withdrawn because it is inaccurate, but it should also be withdrawn because this is nothing to do with the Governor. I recognise that there are people who send letters to the Governor. They may not share my constitutional, purist view of life, but there are people who seem to involve the Governor in things. Only yesterday, I saw a tweet from an association who had delivered a letter to the Governor – some other association, I am not going to name them – so there are people who do that. *(Interjection by Hon. Chief Minister)* No, Mr Speaker. *(Interjection by Hon. Chief Minister)* No, Mr Speaker. From a sedentary position ... I am not going to be drawn into that, but I am just saying that that is the case. *(Interjection by Hon. Chief Minister)* Mr Speaker, from a sedentary position the Chief Minister can again seek to make whatever jibes he wants, but actually it has nothing to do with the subject I am talking about.

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If I were to be asked, I would express the view that the group, yes, could withdraw the letter on different levels, and indeed I have privately expressed that view to someone who asked me, but it is very different to what we are proposing in the motion to be done today, which has other, completely different repercussions and consequences.

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If we wanted to do a motion on Community Care, we could draft a motion on Community Care and repeat the longstanding position of politicians in this House as to what Community Care is and is not, but that is not what this motion is about. We could even, if the Chief Minister wants to communicate to the Governor ... Let me say it would be the first time, or at least in my recollection, that the Chief Minister feels he needs my support to write a letter to the Governor. I am sure he communicates with the Governor whenever he wants. I am sure he does not need me to tell the Governor this letter was inaccurate. If he wanted even to say let all the political leaders in this House sign a joint letter to the Governor to say this is what Community Care is, this is what it is not, and this letter is inaccurate, of course I would consider it, but this is not what we are doing today. This is not what we are trying to do, what the Government wants to try to do.

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Mr Speaker, yes, this letter was delivered, and the group then met the Chief Minister whenever it was – 16th July, I believe it was. So, a fortnight after the delivery of the letter they met the Chief Minister, and since then very little has been said publicly by the group. At least, I have not seen much. In fact, the entity that has talked most about Community Care is the Government, so when the Government talks about the dangers of this letter and the dangers of making all these connections and so on, with all due respect, however interesting it was ... and it was interesting to hear the Father of the House give the history of it, but isn’t that magnifying the issue with the long concentration on it? Isn’t it?

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I have to say, while it was interesting – and I did not get the chance to say during the Budget, obviously, because the Father of the House spoke after me – I did not agree with him when he went from history lesson to then jibe at the Opposition on the basis of some degree of irresponsibility for having supported a call by the group, because we have always tried to be very careful with our position. In expressing support for what was the apparent arbitrary and unfair decision taken on 17th February 2020, we have always been careful with our language and we have expressed support for that and our view that the payments should be restored by

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Community Care, and transitional arrangements if there are going to be changes. None of that affects the separateness of Community Care. None of that affects the traditional pillars on which our unison has been built on the principle that Community Care has nothing to do with the Government. Our position continues to be to consider that this decision was arbitrary and, indeed, 435 unfair, and that there should be a transition, a freeze and a restoration of payments – and that has nothing to do with what are the fundamentals on Community Care, because we are entitled to express that view publicly and to the trustees.

But, in fact, this motion is not about any of that. We are witnessing an amazing assault on democracy. (**Hon. Member:** Hear, hear.) And why is this important, Mr Speaker? Why is all of this 440 that I am talking about important? It is important to remember what Parliament is and is not about and how power should be exercised by those who have power and to remember what democracy is about. So, let's remind ourselves of some key facts in relation to this issue. It is much wider than this issue, but let's first start with this issue.

This is a group that came together because there had been, in their view and in the view of 445 many people, an arbitrary change. What is an arbitrary change? A change that is unannounced. That is exactly what happened. This was an unannounced change that affected them on 17th February 2020. They were entitled to express their view. They waited patiently throughout COVID, for more than a year, had meetings, as I understand it, but got nowhere. Some of them were affected financially because they had planned for retirement with this money in mind. So, 450 on this side of the House I can certainly understand the strength of feeling. The hon. Members opposite can belittle it as much as they want, talking about the culture of entitlement or the demo, but I can understand the strength of feeling after so many years. This is a group of retired people or people who are about to retire, who have worked all their lives and deserve respect, and they have grown to be frustrated. Is that a surprise? It is not a surprise, because they were, in their 455 view – and understandably, given the history of the matter – led to believe over the course of financial practice, over decades, that this would happen. So, after a while, what has happened? They have become more active in their campaign. They did what other people have done – they have tried to lobby for change. Again, it is their right, but, instead, they were pounced on by the wolves that were let loose. They were pounced on by the GSLP party newspaper in a merciless, 460 vindictive campaign that personalised the matter, the campaign of those people. They let the dogs loose on the pensioners, in our view, in a disgusting use of party machinery, and what is happening now is they are trying to put the focus, the weight of Parliament, the resources of the Government and the power of the Government and the Parliament on the same group. They made an issue of it during the Budget when ... Was Community Care even a Budget issue at that stage? But look, 465 everyone can talk about what they want.

What happens next is they issue this motion, waiting scarcely six days and thinking that that is a reasonable period of time when they have asked a group of pensioners to consider their position. The decision took place on 17th February 2020 by the trustees. They have been lobbying for change for a year and a half, but they are supposed to withdraw the letter after six days.

That is the context, Mr Speaker. I looked at this motion carefully and asked myself what is the 470 Parliament for. One of the first things you are told when you go to the constitutional lecture at university is that there are three constitutional branches and they exist to keep each other in check: the executive, the Parliament and the judiciary. I ask myself how is this Parliament keeping check on the executive when the executive is railroading measures like this and the executive has 475 an in-built majority – the Minister's do – which is almost unique. In any other Parliament in the world ... it does not happen anywhere. How is it that we are really being the check and balance on the power of Government if we allow the state and the Chief Minister – and the Parliament adds its voice – to, in effect, bully citizens into whether or not they should write a letter and in what terms, even though I may agree that the letter should not have been written with those 480 paragraphs and it was inaccurate?

My view is that if the Parliament issues this motion in these terms ... It is difficult to conceive, when you go backwards, of any similar motion. There are motions on particular issues of policy,

there are motions that call on the Government to do certain things; sometimes they call on Her Majesty's Government of the United Kingdom to take a particular position –

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**Hon. Member:** Members of the House.

**Hon. K Azopardi:** – and on Members of the House, but are we really going to call on ordinary citizens to do something else? Isn't this largely unprecedented? And even if it is not  
490 unprecedented, is it the role of this Parliament to, in effect, overreach into the community and say, 'You will do this and you will do that'? How is it right for the Chief Minister to dictate to people what they should write? I get that he should invite them to withdraw; I have no problem with that. Nor do I have a problem in him saying let's have a motion on Community Care or saying to the party leaders let's jointly tell the Governor that this letter is wrong – not that he needs me; I am  
495 sure he can do it himself. He says it is because the parliamentarians and the Government have the right to, and freedom of expression is not a one-way street; there is freedom of expression for the Government as well as ordinary citizens. Absolutely, but he has already exercised his freedom of expression. He has expressed the view that it is wrong. He did so at length during his Budget reply. He could not have been clearer, using his right of freedom of expression, what he thought of the  
500 letter. I am sure he has exercised his freedom of expression to tell the Governor what he thinks. But why do we then get to the level ...? I think that is the conflation where the Chief Minister gets it wrong. Freedom of expression does not require that this Parliament should, in effect, corral ordinary citizens to write letters, express views or lobby for campaigns in a particular way.

It is absolutely right that if you get a letter and you think it is wrong, you should say so. It is  
505 absolutely right, if you disagree, that you should say so; you are the elected leader of this community, and you should say so. But that does not mean that we go this far, to, in effect, tell people what to say and to use the power of Parliament, because the letter cannot endanger the historical reality of what Community Care is, if it is clear – and I agree it is clear and there has always been unity on the separateness of Community Care, and that is unchanged, as far as we  
510 are concerned. But this motion is not about describing Community Care, it is about embarrassing citizens with the power of the Parliament and the Government.

Mr Speaker, are we going to see citizens censured? Is this going to create the precedent that, having now called on a group to write a letter in a particular way, the next time he or the Governor gets another letter, there is going to be another motion, or a motion telling people that they  
515 should campaign in this way and not another? That is an inappropriate use of parliamentary time and power. The Parliament is powerful because it speaks, as is the Government, and the Government has more power, obviously, than the Opposition, and more resources.

It is the Chief Minister who – in his Budget speech reply, I think it was – spoke intensely, and I say intensely because there was a moment of intensity in his speech, about diversity and  
520 democracy and how Gibraltar has changed and how he will be the protector of freedoms. Well, Mr Speaker, now is the time to protect freedoms of individuals too, because where is our democracy if we allow this motion to pass? What democracy have we become if individuals feel that they are going to be breathed on by the Government and the Parliament because they wrongly express themselves or express themselves in a particular way? They are lobbying for  
525 whatever they want, for their changes. If they are wrong, just tell them. If you do not want to give in to a claim – I am not talking about this one – you just say, 'I cannot give it,' but there is no reason to engage in a debate on whether or not you should write or say things in a particular way, in my view, certainly not to the level that it is the Parliament that does it.

Mr Speaker, this is about democracy, but it is also about the exercise of power, knowing that  
530 in any community, large or small, elected politicians have power, and knowing and being careful about the exercise of power because the Chief Minister and Ministers are not equals to citizens in this raw sense: they have much more power and influence than citizens, and they have to understand the effect it has on people. So, because of that, whenever they engage with the public,

535 cognisant of the fact that they are not in a position of equality because they have much more power and influence, the power and influence needs to be exercised in a reasonable, careful way.

You have written to the group six days ago, seven days ago, asking them to withdraw. Let them make a decision. To ratchet it up and ask the Parliament to intervene is simply the wrong exercise of power. Power has to be used not just responsibly but with restraint, because where do we end if we start here? This is not a contest between the state and the ordinary citizen, because the  
540 ordinary citizen will always lose. This is not even about this group. This is the issue of principle, because it could apply to any group, any society, any individual that expresses a view.

We are not willing to legitimise this abuse of power and democracy. I stress this is the view of the people I speak for, the GSD Members on this side of the House and, indeed, Daniel Feetham, who could not be here today. I do not speak for the hon. Lady.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, would the hon. Gentleman give way?

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

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, my gripe is similar to the Leader of the Opposition's. It is not about the merits or the drawbacks or the status of Community Care. The question is why does Government have the right to silence and bully pressure groups by bringing a motion to the House urgently?

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**Mr Speaker:** I must ask you to resume your seat. You will have an opportunity to speak.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, the hon. Gentleman has given way.

**Mr Speaker:** I know, but then you will have two opportunities to speak.

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**Hon. Ms M D Hassan Nahon:** Isn't this the parliamentary process, if the hon. Gentleman has given way?

**Hon. Chief Minister:** To ask a question, to clarify.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, the question that –

**Hon. Chief Minister:** He just gave a speech so that he can walk out by the time he finished it. It is perfectly coordinated, it is obvious.

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**Hon. Ms M D Hassan Nahon:** Actually, it is not a bad idea, Mr Speaker, considering the motion that has been brought to this House and the madness that it is to bring an ordinary citizen, to humiliate him and act as if this is all perfectly democratic. It is more than grounds to walk out, and I thank the Chief Minister for giving us that idea because what it looks like here is that we are  
575 moving into a totalitarian state, where only one voice goes, and if the other voice shouts, we bring them here, we hang and quarter them and we humiliate them.

Is this what we are going to be expecting in the future? Is every citizen who speaks out going to be subjected to a motion in this House, where they silence them? The inaccuracies in the letter are a matter for them and it will affect their own campaign, but it is not a matter for this House to  
580 put them on the spot, bring a motion and make it urgent, when there are other motions that have been waiting for so long, in order to finish the parliamentary season with a bang for Government.

People have rights to make demands, accurate or otherwise, and it will be the duty of the institutions to respond to those demands. That is exactly how it works. What we cannot do is have  
585 parliamentary motions to steamroll the voices of our people and vilify them, and single out ordinary citizens who are trying to do what they want to do, what they are entitled to do. It is just



not right. Is this what democratic leadership has become in Gibraltar, that if you make inaccurate statements, you get judged in this House? It is shameful, Mr Speaker. *(Banging on desks)*

**Hon. D J Bossino:** Well said. Shame! Shame!

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**Hon. K Azopardi:** Mr Speaker, I am grateful for the hon. Lady's intervention and making clear what her position is.

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Mr Speaker, I have addressed you at length on why we believe, on this side of the House, that this motion is illegitimate, because it is an inappropriate and improper use of parliamentary power in that way. We cannot legitimise this action, which, in our view, is anti-democratic and not what this Parliament should do in this case, even though I accept ... and I repeat, I am willing to write a joint letter, if he wants. We are unwilling to legitimise this, and, in that, we make a stand for democracy, for what this Parliament should be about, for a different way and style of doing things, more accepting of opinions and less about the state or the Parliament using muscle against ordinary citizens.

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Those are important and fundamental issues and principles of our democracy. As such, we will absent ourselves from this Chamber in a sign of protest at what is happening on this motion at this moment and we invite the hon. Lady to join us, if she agrees.

*[The Members of the Official Opposition and the Hon. Ms M D Hassan Nahon left the Chamber]*

**Mr Speaker:** If no other Member wishes to speak, I will call on the mover to reply.

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**Hon. Chief Minister:** Mr Speaker, thank you very much indeed.

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This is the second time, in the time that I have been the Leader of this House, that the hon. Members representing the GSD have walked out. It is not the first time. I experienced exactly the same when there were similar allegations made by hon. Members against the Government, I think in 2013, when the party, then led by Mr Feetham, had taken the view that they wanted to absent themselves, largely on the same basis – accusations of abuse etc. What I have found in the context of the successive walkouts led by successive leaders of the GSD in opposition is that they are always on the same basis and they are always when they have no arguments left. Indeed, the very nature of democracy is that when we have disagreements, we bring them to this House, we test each other's arguments and then we signify our views to the public in the way that we vote in the process, and that is what hon. Members had the opportunity to do this afternoon.

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I must say I think the debate we were having was a good one, which was setting out the differences of opinion we have in respect of the charity Community Care, the things that have been said about it and the areas of agreement between us in the context of the independent charity Community Care. It is unfortunate that successive Leaders of the Opposition, faced with not the likelihood that they would lose a vote but the clear failure of the logic they present, have repeatedly wanted not to face the argument and understand, in the way that they try to defend the position they want to take, that they are going to get it wrong, and they simply walk out.

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What we have seen also here today is a very clear attempt, I think, by the Leader of the Opposition to get the bandwagon rolling. What he is trying to do is get all those who might be supporters of the Community Care Action Group to support him in some way. And what he is doing, in particular, is not just trying to dupe the House by failing to take a position on the subject by voting, as is his parliamentary responsibility and the parliamentary responsibility of all of them – hon. Members cost the Gibraltarian public £¼ million, to put arguments and vote in debates in this House – but what he is also trying to do is dupe the members of the Community Care Action Group by pretending by walking out, and pretending by defending their rights to express themselves, which I also defend, that he is somehow on their side whilst at the same time not being on their side.

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635 The reason I suggested that he and the hon. Lady might walk out was because we had heard  
very clearly that they were going to walk out. There are no secrets in Gibraltar, Mr Speaker. It was  
clear from about 7 p.m. yesterday evening that they had agreed they were going to walk out in  
respect of this motion. What we have seen is a complete failure of democracy – I agree with  
them – because democracy works on the basis of government and opposition and the Opposition  
has failed Gibraltar today. They have failed to put their arguments and then seek to persuade the  
640 Government to change its motion, seek to, in some way, persuade us to act in a different way and  
then vote in the way that would make that demonstration clear in the expression of their nays to  
the call for support for this motion. But, of course, in the context of Community Care, the number  
of inconsistencies that are now apparent in respect of the position of hon. Members – all of them,  
the hon. Lady and the Hon. Leader of the Opposition – are legion, and I think, even in their  
645 absence, I have an obligation to put those contradictions on the record.

Mr Speaker, on 7th May, the GSD, which is the party that the Hon. Mr Azopardi currently leads,  
said this, 'The GSD reiterates that retirees had a legitimate expectation and calls for an immediate  
moratorium on the changes in Community Care,' and on 22nd June 2021, the GSD again said that  
the Community Care Action Group had an expectation to rely on the scheme, meaning the charity.  
650 I said a little about this during the course of my a contribution on the Appropriate debate. A  
legitimate expectation is a term of art in the law – and Members opposite include up to four  
lawyers – and the reference to a legitimate expectation can only be one properly made in the  
context of the English language if it is an expectation which must be upheld. That is the legitimacy  
of it. A charity cannot create a legitimate expectation in anyone, and therefore, simply by using  
655 the expression 'legitimate expectation', hon. Members are leading in the characterisation of  
Community Care as something which is not a charity.

Of course, the other great incongruity is that the Hon. the Leader of the Opposition, seeking to  
run with the hare and hunt with the hounds, seeking to be all things to all people and seeking to  
dupe the Community Care Action Group, did not sign the petition that he marched behind. He  
660 told us in this House and Mr Feetham in particular told us in this House that they had not signed  
the petition but they marched in the demonstration. That is fundamentally important, because  
the stunt that we have seen pulled today, for a second time by a GSD Opposition, is designed to  
try and dupe, in this context, not just the members of the Community Care Action Group but the  
general public in Gibraltar – dupe the general public into thinking that all the things they have said  
665 are wrong with our democracy are wrong with our democracy – whereas, what is very clear is that  
I think it is time for change in Gibraltar. It is time to change the Opposition. Frankly, if this is what  
Gibraltar is getting for £¼ million, I do not think Gibraltar is going to be very happy, because they  
are not engaging with the Government. None of the arguments that you have heard put by the  
Leader of the Opposition have been put to me privately. In other words, he complains that I did  
670 not contact him, but he did not contact me to say, 'Do you really want to take this motion now, or  
do you want to do it in the way that I am going to propose?' All of those arguments are designed  
to get him out of the pickle in which he finds himself because he marched behind the petition that  
he did not sign, because he did not want to be associated with it, whilst he wanted to be associated  
with the electoral advantage of being with those men there, although he did not share their views.  
675 There are so many contradictions in play that it is impossible to believe otherwise.

I am going to give him the respect of answering all his arguments, because I assume that he  
will be able to either catch up or read the *Hansard*, and I want to demonstrate that the  
Government will do nothing other than answer all the arguments that are put, which might, if the  
hon. Gentleman had stayed and listened, have persuaded him that he was wrong – he might have  
680 wanted to walk out when I finished in reply – so that at least he had the benefit of understanding  
the Government's logic against the things he has said. So, I am going to do him the respect of  
responding to him, although he is not doing me the respect of being here to listen to me.

The hon. Gentleman said there is no urgency and that we could have taken this motion in  
September, which would have meant that our letter would have lain on the record and could be  
685 replied to at any time, by His Excellency the Governor, between now and then, and the

Government would, in the defence of the people who make up the Community Care Action Group ... This is very important. What the Government is seeking we are seeking in defence of the men and maybe women who make up the Community Care Action Group, because we are trying to defend the interests of that demographic in ways beyond what we can express in this House.

690 That is why, in defence of the demographic, we believe it is urgent and the letter should be withdrawn as quickly as possible. The letter is not of 23rd July, that is my letter; the letter is of 1st July. It has already lain on the record for a whole month, and the speech from the Hon. the Father of the House to which the Leader of the Opposition was referring was already a week and a half ago, or longer.

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**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** And I asked for –

**Hon. Chief Minister:** And the Hon. the Father of the House already asked for the withdrawal of the letter in his initial contribution on the Second Reading of the Appropriation Bill.

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Mr Speaker, I am, frankly, taken aback by the allegation by the Hon. Leader of the Opposition that this is somehow an abuse of this Parliament. We have brought to this Parliament an issue that we had already shared with the Parliament in a way that enables them to have and make a contribution. In my response to the Appropriation debate they have no right to reply, and the Hon. the Leader of the Opposition did not even ask me to give way when I made these arguments on the Second Reading. So, by coming here – this is not an abuse, Mr Speaker – the Government has exposed itself to any potential argument that the Leader of the Opposition could put which might persuade us to change our motion. They cannot have assumed that that would not be the case, because in the past we have changed versions as a result of debating across the floor of the House. That is what Parliament is about.

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The question of the five-day rule the hon. Gentleman says he was hanging on to does not really make much sense, because the hon. Gentleman knows that I had a motion to abridge time in respect of various motions – plural – so he cannot have been surprised that the Government wanted to take this motion. The next meeting reference is about the oft-made misnomer that a meeting the next day is not the next meeting, it is part of the same meeting – it is just the next session of the House. A very common mistake.

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And what research is it that the Hon. the Leader of the Opposition needs to do, in order to respond to this motion on behalf of the Government, a motion which he has both said he agrees with and disagrees with? There is great incongruity in a man who is one of Her Majesty's Counsel for Gibraltar telling us, in the same breath, both that he may very likely agree with the Government, and then telling us, 'By the way, that is the view I have expressed privately to somebody who asked me, that I agree with the Government that the letter should be withdrawn,' and at the same time telling us that when we bring to this place that issue, to give him and his colleagues on the opposite benches the opportunity to share their views with the general public, they somehow consider it something which is an abuse. He has already told us that he did not need to do any research because he knew what his position was going to be, because he has already told someone privately that he would consider the withdrawal of the motion.

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The hon. Gentleman then says the letter to the Governor had not been made public until I had read it now. Well, the Hon. the Father of the House had read a considerable part of its content in his contribution, and I had read all the parts that I felt had to be addressed in my contribution, too, so it appears to me that he must have got so flustered when I was making arguments against him in the context of the Second Reading that he did not realise what it was I was saying, because I actually was quoting the letter and saying I was doing so. If I had not made the letter public, as I have done today, the only thing that would happen is that the Hon. the Leader of the Opposition would be making the opposite argument and telling me that I was not being transparent enough because I had not shared the letter with the general public. So, the Hon. the Leader of the Opposition is wrong to say that this is the first time the letter has been aired. For the purposes of

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740 this debate I wanted to ensure that all arguments were on the record in this debate, so when he raised the question of what was urgent about dealing with this matter today, the hon. Gentleman had obviously forgotten that we have the issue that this letter has been festering since 1st of July in the Governor's in-box.

745 'Give people time to consider your request,' he said. 'Why bring this now and elevate the whole thing to the House?' Well, Mr Speaker, I shall have more to say about that later on, but I did not imagine that I would ever face an argument from a Leader of the Opposition that something should not come to this House. In most democracies, leaders of the opposition call for things to be done in the House, rather than by the executive, that something should be debated, the full argument should be heard from both sides of the House and then a decision should be made collectively by the House, which almost inevitably, in every Parliament, is usually – except for the rigmarole we saw in the Westminster Parliament during the Withdrawal Agreement debate – by  
750 the government with its executive and backbenchers in different parliamentary systems around the world making that decision which they have been elected to be able to take, which is to exercise the government majority, which is not just the front-bench majority but the majority of all Members.

755 So, it is very surprising that the Hon. the Leader of the Opposition thinks it is undemocratic to bring things to Parliament. It is usually the argument – indeed, it is usually the Leader of the Opposition's argument – that we are undemocratic when we do things not with the Parliament. I am very surprised and very disappointed by the attitude the hon. Gentleman has taken today, because I believe that he is downplaying the importance of this Parliament in this community and the importance of the role that he and other Members are elected to take, to contribute to  
760 debates such as this, not just in the context of what is democracy, which is the easy way out. Having an argument now about what is democracy is the coward's way out. It is the failure to want to take on the subject and the substance of this issue. It is very disappointing indeed, and, of course, something that the Government will have to consider.

765 As to the role of the Governor and the protection of the constitutional competences of the Government of Gibraltar, again, I do think that the Hon. the Leader of the Opposition has failed to understand what the consequences of the issues raised in the letter that is in question raise. What that is doing is inviting that all of those parts of the international obligations of the United Kingdom which relate to the Constitution and the European Convention on Human Rights should be airbrushed aside in understanding why this letter has gone to the Governor and what the  
770 competence of the United Kingdom is under our Constitution – not what we would wish the competences of the United Kingdom to be under our Constitution, but what the competences of the United Kingdom under our Constitution actually are. Of course, we have to be very clear, in that context, that what we want to see in our Constitution is not, perhaps, necessarily what our Constitution is today, and there is a very easy reference point to that, which is the report of the  
775 Select Committee that the Deputy Chief Minister and the Father of the House were involved in, with other Members opposite, and the Constitution, and there are differences between the two.

780 Mr Speaker, how can the hon. Gentleman say that this has nothing to do with the Governor? I believe that there are no issues relating to social security in Gibraltar which are the competence of any entity other than Gibraltar Ministers, but of course there is a constitutional aspect which relates to one of the equalities set out in the fundamental chapter, which is also the European Convention on Human Rights, and it is obvious that the United Kingdom is involved there. So, I think, frankly, that is not fair, like so much else.

785 In the context of what the letter to the Governor is, the hon. Member has forgotten to remind the House that the letter is accompanied by 4,000 signatures. As the hon. Gentleman will know, 4,000 signatures is less than 25%, a quarter of the population. He will know that, because that is about the number of votes he got when he lost the last General Election. It is a quarter of the population making a representation to His Excellency the Governor. So, frankly, I think he is wrong to equate this to the delivery, yesterday, of a letter to His Excellency the Governor, which he thought was equally wrong in some respects, and he did not want to deal with the point I was

790 making to him across the Floor of the House, from a sedentary position, that that included a delegation with a member of his executive in it to hand over that letter, because that seemed to be also contrary to his view of what his party and his executive should stand for.

He is right, Mr Speaker, that I will not need his support to write a letter to the Governor or to express to His Excellency the Governor, or to others, what my views are, but it is, therefore, in that context that I came to this place, as he says, not needing his support to pass a motion but to hear his views on this issue, because he had not expressed views at all, once I had spoken in Second Reading, and he had not sought that I should give way in that context – in other words, to give more democracy, not less democracy.

Mr Speaker, the Government does not think that people should only be able to say the things the Government approves of, but the Government does believe that as the guardian of the interests of the people of Gibraltar, because we have been elected to that role, we have an obligation to communicate our views and, when things get very difficult, in the most trenchant of ways. And we have done that, privately in meetings and in writing. Coming to Parliament in a respectful debate under the Rules and Standing Orders of this place is not to, in any way, seek to counter someone's freedom of expression, because what we are doing is sharing with the community the views that we have expressed privately and giving the Leader of the Opposition the opportunity to give his views in that way. Has the Hon. the Leader of the Opposition forgotten that the things he says, not just in the press releases I have read but even in this House today – that the charity acted arbitrarily, that there was no consultation, that the fray should be undone – is the way to continue to demonstrate that what they say about the entity being an independent charity is correct when they are purporting to force upon their charity actions reminiscent of a statutory authority? That is the reality.

There is no assault on democracy here. What there is is the full expression of democracy by bringing to this Parliament, in a respectful motion making a call on parties, the opportunity to have a debate on these issues. It appears that there is only democracy in Gibraltar when the GSD is in power, or indeed there will only ever be democracy in Gibraltar if Mr Azopardi becomes Chief Minister, because, although I am unable to produce it to the House today, in the analysis that I did on Monday I showed that many of the things we were now hearing from Mr Azopardi were the self-same things he used to say to the Gibraltar Social Democrats when they were in government and he was not leading the Gibraltar Social Democrats, he was leading the PDP. He was saying that the former Chief Minister was assaulting democracy, acting improperly and acting anti-democratically. So, this is just out of the Azopardi playbook. The Leader of the Opposition has a list of things that he says against Government and he is saying those things.

He says that the Community Care Action Group are lobbying for change and that is their right – a right which I recognised in my initial statement in support of the motion. I expressly said that I hoped to be able to engage with them because I thought that there were areas on which we might agree and build on, even though there were areas that we would continue to disagree on. What is wrong with that, Mr Speaker? I really do not understand why the hon. Gentleman might think there is anything inappropriate with that.

And then the hon. Gentleman said that we allowed the wolves and the dogs loose on the pensioners. I do think that we have to take a step back from this sort of sterile and infantile rhetoric, Mr Speaker. Hon. Members opposite, both the hon. Lady and the Leader of the Opposition, appear to be copying Partido Popular and Vox. They appear to think that by hyperbolising everything into an end of days argument, they will somehow carry favour with the general public. It is just absolutely unbelievable that somebody might think that the political party that was in power at the time and, as the Father of the House indicated, was supportive of the actions taken by a group of private individuals to protect Gibraltar pensioners, that in Government made donations to that charity, that in Government again made donations to that charity, that faced the fact that when they were in government the charity had been run down to zero because it had received top-ups but no reserves, should somehow be the party that can be believed to be letting loose dogs on pensioners. Is it that everyone has forgotten that some people, for

shorthand, no doubt also inaccurately, refer to the cheque given to pensioners on our National Day as *el cheque de Bossano*? Is that somehow people will forget the incredible work that was done by the Father of the House to protect Gibraltar pensioners, as he explained during the course of his contribution?

We have absolutely no difficulty with the Community Care Action Group continuing its campaign, agreeing with the Government when it can and disagreeing with the Government when they want. That is not something that we are in any way trying to affect. But how can the Leader of the Opposition say that Community Care was not even a Budget issue? Mr Speaker, he mentioned it in his intervention. I will remind him that he came straight after me, and the Hon. the Father of the House came straight after the Deputy Chief Minister. So, it was me, the Leader of the Opposition, the Deputy Chief Minister and then the Father of the House. Mr Azopardi said, himself, in the Budget debate:

To those who were promised Community Care by the architects of the scheme only to have it arbitrarily removed on 17th February 2020, it is a false dawn.

And the Father of the House responded to that, so how can he say that the Father of the House was the first person to raise Community Care when he had mentioned it himself? I have to say, with the greatest of respect to the Hon. the Leader of the Opposition, it seems to me that he has taken leave of his senses because he says things, he mentions them first, and then he says he does not understand why things are replied to. It makes no sense. Mr Clinton then went on to address the issue of Community Care in his speech, and therefore, of course, I had to deal with it.

So, the fact that it has only been six days since my letter of 23rd July makes very little sense as a reference point, because the letter is from 1st July and the speeches had not been made yet. This is not railroading anyone, Mr Speaker. This is the Government acting in keeping with what we consider to be our responsibility to act to protect citizens in Gibraltar. The way we are acting is simply not to call out a group of citizens that has not engaged with us. We are not calling out anyone. We are being called upon to act in a particular way by this petition and by the letters etc., and we are responding in a way that we consider makes sense, to deal with this in a way that delivers the safety and security of the group of people we are trying to defend, which includes the people who are claiming.

Mr Speaker, the hon. Gentleman has decided – *he* has decided – that the Government is only able to exercise its freedom of expression in response on an Appropriation Bill to deal with these issues. *He* has decided that it is undemocratic to bring a motion – in keeping with the Rules of this House and which you have not ruled to be out of order – and that it is enough of my freedom of expression for me to have, if he had the ability, to say what I said in the Second Reading. The hon. Gentleman obviously thinks that it is perfectly appropriate for him to be the arbiter of what is free speech and dispense that to everyone, and for us not to be able to use the mechanisms that the people of Gibraltar have entrusted to us in order to defend the people of Gibraltar aka even the claimants in the Community Care Action Group.

This is not, as the hon. Gentleman says, corralling ordinary people. Mr Capurro, who has now walked out of the House with the hon. Members also, did not seem very corralled, to me. He seemed somebody who was enjoying the debate and understanding what was being said. There is no attempt to corral anyone, or, indeed, to use something called the power of Parliament in any way which is contrary to the Rules or contrary to democracy. Far from it. What we are trying to do is give Parliament an opportunity to consider how best to deal with this issue and to hear the expression of views. Neither is there any attempt to embarrass any citizen by the use of the power of the Parliament. What there is, of course, is everyone having to be accountable for their actions *inter se*, to each other, transparently in this community, which often is the mantra that we hear from hon. Members opposite, although in this instance they do not believe that people should be accountable for something that could create great danger to the future protection of Gibraltarian pensions.

890 'Where is our democracy, if we allow this motion to pass?' the hon. Gentleman says. Well, it is  
in very safe hands and in a very good place, because we will have had a debate on an issue which  
the Government judges is fundamental and which is necessary to protect the interests even of the  
people who are the claimants, whose letter we believe is inappropriate and not helpful, and we  
will demonstrate, Mr Speaker, as I hope I am doing now – although I will have to adjourn at some  
895 stage soon, because I need to take an important communication with the Deputy Chief Minister,  
but we will be back to continue the rest of the business ... Despite the fact that the Opposition half  
of Parliament has walked out, we are respectfully replying to every one of the arguments put by  
the Hon. the Leader of the Opposition, so that either through *Hansard* or telematically he can hear  
the response of the Government. That demonstrates the commitment to democracy of the  
900 Government that I lead, because we could very easily have said, 'They have gone – we will vote  
with our majority to pass this motion,' and instead of doing so, I am respectfully and carefully  
going through every single one of the arguments, both so that the Leader of the Opposition and  
his Members on that side of the House understand the Government's rationale and so that the  
Community Care Action Group can also understand the Government's rationale. There is no desire  
905 whatsoever to corral, to embarrass, to in any way curtail their rights or views. There is a desire to  
continue to engage with them in order to try to build on the things that we agree on and to ensure  
things on which we disagree do not derail us.

What sort of negligence or recklessness with the exercise of power are we demonstrating  
here? Mr Speaker, for all those reasons, none whatsoever. We are showing a deep respect to the  
910 ordinary citizen because, let us be clear – this is the thing that the hon. Gentleman does not appear  
to understand – we want the Community Care Action Group to succeed. That is important. The  
hon. Gentleman does not seem to have discerned that from what I am saying. We want them to  
succeed. We want an equal age for pensions, for men and women. That is our manifesto  
obligation. We want the Gibraltar Constitution not to be breached by the way we continue paying  
915 pensions in Gibraltar. We want to achieve that in the way that we can achieve it together. We  
think the letter to His Excellency the Governor, for all the reasons I have already expressed, is a  
hostage to fortune that can damage the interests of the Community Care Action Group every  
minute it remains on the record. That is what we are saying. That is the respect that we have for  
the citizens we represent, even those who disagree with us. That is hugely important, and the  
920 Community Care Action Group, or at least the Chairman, does not seem to be quaking in his boots.  
I had an opportunity to exchange pleasantries with him when we arrived, we had a very convivial  
meeting when we met, and I hope that we will be able to meet in the future, once this issue has  
been dealt with, and that we will continue to be able to build on things.

The mischaracterisation that the Hon. the Leader of the Opposition has made of the debate in  
925 this Parliament today is, frankly, shocking and a demonstration that the Leader of the Opposition  
has decided that he is the totalitarian in this equation; he is the only one who will determine what  
is democratic behaviour and what is not democratic behaviour; he will decide when the Chief  
Minister of Gibraltar has had enough freedom of speech and when I have not had enough freedom  
of speech. That, Mr Speaker, indicates a very dangerous trait in the Hon. Leader of the Opposition  
930 because, today, all he can do is march out. He can vote with his feet if he has decided not to vote  
with his vote as a parliamentarian. If he were to become the Chief Minister of Gibraltar and he  
were still to think himself the arbiter of what is democratic, the arbiter of what is freedom of  
speech and the arbiter of what is totalitarian, that would be extraordinarily dangerous for our  
community; a trait that we have seen before, when the GSD was previously in Government, and  
935 a trait that he then identified, as the leader of the Progressive Democratic Party, in the then leader  
of the GSD. I think those are important things to bear in mind.

The hon. Lady has left – in what was obviously a co-ordinated and choreographed ruse  
between the Leader of the Opposition and the hon. Lady – I imagine because she knew that she  
had no arguments left. The hon. Lady was saying that it was totalitarian for us to act in this way,  
940 that we were seeking to humiliate people here. As I think I demonstrated during my reply on the  
Second Reading, the only humiliation that I hold up for hon. Members is their own words and the

truth. I do not seek to humiliate anyone in any other way, with name-calling or anything like that, although I very often face it from hon. Members opposite, that we were acting in madness and that this is not a matter for this House – when she constantly chastises us for not doing things in this House. The other day, she chastised us for issuing a statement in respect of a matter which had become urgent. She said we should not have done it outside this House, we should have done it here. And yet, when we bring an important matter here and we give her the opportunity to speak, she does not even take up the opportunity to speak. She seeks to intervene in somebody else’s speech, in order not to even exercise her own right to speak as a Member. Of course not, Mr Speaker, because on 24th February last year the hon. Lady, when talking about Community Care, said it was ‘a private entity whose decisions are tantamount to changes to pensions policy’. She said:

If these changes are indeed changes in pension policy, why did the Government not seek a mandate for those significant changes at the last election? Why is it sprung on the community four months after being re-elected?

– as if those were Government decisions, Mr Speaker – therefore indicating that she did not see Community Care as independent.

When she says, on 26th February, two days later, responding to the directors of Community Care, that Together Gibraltar is outraged by the exercise of cynicism and avoidance of responsibility of Community Care Ltd directors and, by extension, by Government, she is demonstrating that she does not understand the independence of Community Care and the importance of it. She then says, in the same statement, that Government should have sought a mandate for what is tantamount to a substantial change in pensions policy.

I am not surprised that the hon. Lady has wanted to leave this House, because the things that I say are wrong in the Community Care Action Group’s letter to the Governor are the things that she was saying herself. Indeed, on 1st July this year, the hon. Lady’s statement, or her party’s statement, said that Gibraltar Community Care introduced the payment of the community officer to provide some income until such time as the community officers became eligible for the old age pension at the age of 65. Yes, that might be a characterisation which is reasonable, but then, in the same statement, analysing that, she says:

... Community Care, which is, in theory, a private entity that makes decisions unilaterally and has no political accountability.

Of course, the hon. Lady has wanted to leave this House, not because there is anything anti-democratic going on, but because democracy in this place involves seeking to set out an argument and defending one’s arguments here and outside of here, and she did not want to defend this argument because she knows it is wrong and she knows it is as wrong as the things that have been said in the letter to the Governor and as dangerous as some of the things that have been said in the letter to the Governor. (**Hon. Sir J J Bossano:** More so.)

Mr Speaker, in her Budget address late last week, at about this time last Friday, the hon. Lady, attacking me, talking about Community Care, said that this was the use of ridiculous double-speak when scrutinising what is undeniably a pension policy issue and not a charity issue. The hon. Lady has not walked out because there is any attack on democracy. The hon. Lady has walked out because she has probably realised that her statements are indefensible, apart from being totally contradictory. On Community Care, as on so much else, it is clear that not even the hon. Lady can rely on the hon. Lady and she thought that the best thing to do was turn tail and scarper from this place and not face the arguments. This is not denial of democracy. This is running away from the argument because they have nothing left to say.

The hon. Lady has associated herself with everything the Hon. the Leader of the Opposition has said, but the Hon. the Leader of the Opposition has said that they would continue to fund Community Care, that they support Community Care and that they privately have already agreed



with us that the letter should be withdrawn. How can you do that? How can the hon. Lady associate herself with that fulsome defence of Community Care that the Leader of the Opposition says he has done, and at the same time have said, this time last week, almost exactly seven days ago, Community Care has served its purpose but it is no longer fit for purpose? By the way, 990 Mr Speaker, a week ago, she said, 'It is completely unfair to land us in the same place as our Opposition colleagues – we have not been populist on this issue.' Today, they have all been populist on this issue.

Mr Speaker, frankly, it is clear to me, and I think it is going to eventually, if not yet, be clear even to all members of the Community Care Action Group, that some of the statements that have 995 been made – I am always prepared to accept in good faith – by successive groups of leadership of the Community Care Action Group are wrong. But the Father of the House's statement last week has now provided all the history to demonstrate that, and, to boot, that there are politicians in Gibraltar who are honest and act in the interest of people in Gibraltar even when that might be unpopular and that those politicians are represented by the Members sitting on this side of the 1000 House, and that there are politicians in Gibraltar who pretend to be with you and are not really with you, politicians in Gibraltar who will be pretending to defend you today by pretending to walk out in indignation at alleged abuses of democracy, when in fact they will not be with you when it matters, and that there are politicians in Gibraltar who will march with you whilst at the same time denying you and saying that they have not signed your petition and that they do not know 1005 what is in your letters. That is to say there are people who will deny you, not even like Peter is alleged to have denied Christ on the third occasion; they will deny you at the first time of asking, and that is what the Hon. the Leader of the Opposition has shown that he and the people he sits with represent today, and that is what the hon. Lady has associated herself with today, despite having disassociated herself from it last week.

In that context and having done hon. Members opposite the respect of answering every single one of the arguments that they put as best as I am able, and assuring you, Mr Speaker, assuring this House and assuring the wider community that the Government will continue to engage with the Community Care Action Group, that we have no desire to see them silenced, that we simply want to ensure that we protect them and their claims and that we help them to succeed in their 1010 claims insofar as the three points I set out in my letter between us are agreeable, that what we are trying to do is not deny democracy and in this place what we have is the full expression of the Gibraltarian people through their elected representatives and in the way that we speak and vote ... 1015

And so, Mr Speaker, on that basis and in the absence of Opposition colleagues, which I am saddened to see is the way they have wanted to demonstrate their failure to be able to engage 1020 with argument which they are not able to dictate, I commend the motion in its original terms to the House. (*Banging on desks*)

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

1025 The Opposition were not in the Chamber to exercise their right to vote.

**Gibraltar Medallion of Honour –  
Dr Sohail Bhatti –  
Motion carried**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*This House bestows the Gibraltar Medallion of Honour on Sohail Bhatti for his extraordinary contribution to the health and well being of the People of Gibraltar in his role as Director of Public Health during the Covid Pandemic.*

1030 Mr Speaker, the Director of ... Ah, Mr Speaker, hon. Members have returned just in time to be able to deal with this alternative motion. *(Laughter)* So they had not really walked out, they had just gone for a coffee in the anteroom, Mr Speaker, which is quite remarkable.

1035 Mr Speaker, the hon. Members will know that the Director of Public Health, Sohail Bhatti, is the person who in that capacity has been working closely with all hon. Members on this side who shared responsibility at different times for matters relating to health and public health and during the period of the COVID pandemic, which is unfortunately not yet over for those of us who had responsibility for civil contingencies, and that included those of us sitting in the Civil Contingencies Committee, and he has worked closely with a number of Members on this side of the House as a result and he has worked very closely with me. Directors of Public Health do not often have cause to work closely with the Chief Minister of Gibraltar, but in this instance, of course because of the  
1040 pandemic, our relationship became actually quite a strong one.

Sohail and I, Mr Speaker, if I may call him that, had some very hairy moments together, if I may say so. And again, if I may say so, with respect to all Members, we had some very emotional moments as well, Mr Speaker. Some very difficult moments where we looked each other in the eye and saw just how difficult the moments that were coming were going to be. The things that I  
1045 have discussed with Sohail Bhatti I hope no Chief Minister of Gibraltar ever has to discuss with any Director of Public Health again.

He was, Mr Speaker, at different times to different Ministers an absolute rock in the advice that he has given, in the understanding of our community that he showed, and we worked very well together. We challenged each other in order to ensure that we were each making the right  
1050 decisions and we worked across the political divide with the Members opposite on some occasions, but not always, in a way that I think history will show was the right way in our time and generation to work.

I must confess, Mr Speaker, that in January 2020, when there were reports on the 24-hour rolling news channels of something happening in China, the Hon. Minister for Health told me that  
1055 he was chairing a meeting in the bunker in No. 6 Convent Place with the Director of Public Health. He may not recall, but I asked, 'Ah, how's Vijay?', thinking it was Vijay Kumar who I knew from the time that we had been in Government. I was not aware that Vijay Kumar had retired and Mr Cortes said to me, 'It's not Vijay Kumar anymore, it's Sohail Bhatti', and I had never heard of Sohail Bhatti. When I first met him and had the opportunity to speak to him, much later, I mispronounced his  
1060 name and he had to tell me how to pronounce it. So it was a real from nothing to really working together almost on a 24-hour basis with a man who has been, I think unfairly, vilified on social media by those who did not understand what it was that he was trying to communicate to this community at different times and then hailed for having been so clear in his communications when he had to be and for also being able to demonstrate the clarity of thought that we needed  
1065 at that time.

Mr Speaker, I am very proud of the work that my friend Sohail and I have done together. I know that he is going to be doing his next job partly from Gibraltar, which I am very pleased about because he and I will now hopefully, unless his successor advises otherwise, be able to sit down and have a meal and relax as we have agreed to do, and see each other's faces and be able to  
1070 enjoy the friendship that we have built in the time that we have been working together.

Why, Mr Speaker, the Medallion of Honour? When the former Chief Minister explained the former Government's view as to what the Medallion of Distinction should provide for, he broadly said that the Medallion of Distinction should be for those that this House believes have done a thing that is important to the people of Gibraltar and that the Medallion of Honour should be for  
1075 those who have given the equivalent of a lifetime of service but just shy of the Freedom of the City. But of course, if you take the Freedom of the City, you also take the Medallion of Honour.

Mr Speaker, the period that we are talking about in the case of Sohail Bhatti is not a lifetime. It is in effect a year and a half of work. But, Mr Speaker, that year and a half has been like a lifetime. Pandemics of this sort come, we hope, no more than once a lifetime or once every hundred years, and the contribution that Sohail Bhatti has made to life in Gibraltar and the continuation and preservation of life in Gibraltar is, in the view of the Government, so considerable that it would be inappropriate to identify it only as one thing which is rewarded with the Medallion of Distinction. It must be seen as something wider, which is the sort of recognition that the Gibraltar Medallion of Honour is designed to provide for. So Mr Speaker, for those reasons the view that the Government took was that it should be the Medallion of Honour that we propose that Sohail Bhatti should take from this House and I think there will be no doubt in the community that this award is richly deserved.

Mr Speaker, Sohail of course also needs certainty in his life and had opportunities to take employment, and we are very clear that we want to localise the post, as I have already indicated, and for that reason we will not be able to continue working together as closely as we were as a Government and our Director of Public Health. Just today I see that he has issued the latest survey reminding me of how I have to deal with my own obesity and reminding all of us of the importance of issues beyond the pandemic which he was so active in before and throughout the period that he was advising us in relation to COVID-19.

But this man, Mr Speaker, when history is written, will be seen to be someone who worked hard for the people of Gibraltar, who took the people of Gibraltar to heart and whose work was designed to preserve life in Gibraltar when we might have had even greater difficulties than we had and where we might have lost many more lives if we had not followed his advice as we did.

So, Mr Speaker, I do hope this will be a motion that will enjoy the support of the whole House because, frankly, the last 18 months of work that Sohail Bhatti has done is deserving of nothing less.

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

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. Elliot Phillips.

**Hon. E J Phillips:** Mr Speaker, we on this side of the House will support the bestowing of the Gibraltar Medallion of Honour on Dr Bhatti for his contribution to the health and well-being of the people of our community, and therefore we would warmly associate ourselves with the comments made by the Leader of the House, the Chief Minister.

Mr Speaker, Dr Bhatti has served our community well in one of the darkest times in our recent history. Dr Bhatti he has been there for the Government and Gibraltar in its hour of need to provide his advice and guidance to the Government on all the measures that have been taken to mitigate against the worst ravages of the COVID-19 pandemic.

Dr Bhatti has been, Mr Speaker, and I think as alluded to by the Chief Minister in previous comments in this House, a controversial figure, but he has been there from the outset. He has been there frontline and has been a constant feature of our response to the COVID-19 pandemic, including weekly press conferences and interviews to the press.

Sohail, again if I can call him that, has been a tough talker, Mr Speaker, in sending out messages which some in our community did not want to hear, but I genuinely believe he has done so with the best interests of this community at heart.

It takes a strong individual, Mr Speaker, to be the one who has to deliver the guidance and advice to Government, who has to weigh that advice against a multitude of considerations. Likewise and completely, Mr Speaker, without prejudice to areas where we have differing views with the Government on the measures that they have deployed, it could not have been easy either for the Government when conducting that careful balance that they had to achieve in promoting those measures and deploying them within the law.

1130 Mr Speaker, the role of Director of Public Health has never been a role which has been front  
and centre, but it is a role which provides an important function to the Government, our Health  
Authority and our community. Public health issues such as alcoholism, smoking, children's health,  
exercise, sexual health and mental health, Mr Speaker, are just a few components of this key role  
that the Director of Public Health offers our community.

1135 Whilst this role has been predominantly focused on the response to COVID-19, the role moving  
forward, Mr Speaker, and as we emerge from this crisis, we will need to focus on improving the  
health of our community beyond COVID-19. It is all well and good in making sure that Gibraltar  
PLC is out of the ICU, as the learned and hon. Leader of the Opposition talked about, but we need  
to make sure few of our people end up in the wards of our Hospital, Mr Speaker. I think that is the  
role that Director of Public Health will hold in the future, Mr Speaker, improving the health of  
1140 every single one of our community and focusing on the key areas beyond COVID.

I genuinely believe that Dr Bhatti takes that part of his role to heart and is very enthusiastic  
about promoting health and well-being amongst our community. I genuinely believe he is very sad  
to be leaving that role. Thankfully, as the Chief Minister has said, he will be involved in some aspect  
in Gibraltar and therefore we do, if he does end up leaving our shores, wish him and his family all  
1145 the very best and thank him for his contribution during a very difficult time for our community,  
Mr Speaker.

**Mr Speaker:** Does any other hon. Member wish to speak on the motion?  
The hon. Lady.

1150

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to start by giving a warm thank you to  
Dr Bhatti for his service to the people of Gibraltar throughout this agonising year and a half. I am  
well aware of the difficulty of his task and I can only imagine the pressure and stress that he must  
have experienced. Mr Speaker, we owe a lot to brave resident men and women like Dr Bhatti who  
1155 were ready and able to take on responsibilities that would have crushed even the strongest of  
characters.

However, Mr Speaker, I am not going to deny that we have had our issues with Dr Bhatti's style  
of communication. We understand that many of his contradictory statements and kneejerk  
comments on social media were not ill-intentioned and mostly caused by the uncertainties of a  
1160 rapidly developing field of knowledge. However, Mr Speaker, we do believe that Mr Bhatti did not  
fully understand and did not properly execute his role as lead Public Health communicator  
throughout the pandemic. Even though he was not the only person in a position of responsibility  
who put out counterproductive statements, he was perhaps the most crucial, together with our  
Chief Minister.

1165 So it makes sense, Mr Speaker, to think that the non-renewal of his contract would have  
something to do with the aforementioned issues and how the credibility and standing of our Public  
Health Director might have deteriorated over the last few months. Therefore, Mr Speaker, in this  
context I find this award quite disconcerting and even cynical. I am not going to get in the way of  
it, but I wonder how people are supposed to reconcile a gesture that shows a lack of confidence  
1170 in one hand with one that shows the opposite on the other.

I recognise Dr Bhatti's hard work and courage, so I will not be voting against the motion.  
However, I fail to understand the need for this symbolic act. Mr Speaker, it feels too much like a  
cynical marketing move or some sort of clandestine damage-limitation exercise. So I will be  
1175 abstaining from voting on this.

**Mr Speaker:** Does any other ... Yes, the Hon. Prof. John Cortes.

**Deputy Chief Minister (Dr J E Cortes):** Thank you, Mr Speaker.

1180 I am not going to answer the points of the hon. Lady, although they are disappointing,  
particularly in the context in which both the Chief Minister and the Hon. Mr Phillips have praised

and recognised the work of Dr Bhatti. I am sure the Chief Minister will have something to say in his final words. But I will say that I do not recognise the person that the hon. Lady has described, and I certainly see no contradictions, nor the kneejerk in his character, having worked very closely with him. Indeed, Mr Speaker, Dr Bhatti had a hard act to follow. He was following Dr Vijay Kumar, who had not been in the limelight nearly as much as Dr Bhatti has over a much shorter period, but was well known in the community because he had been here for well over a decade and was well known for his solid advice to successive Governments. But I think we can all see, after the year and a half that we have had, that he really followed that act very well indeed.

I remember meeting with him, as I normally have done with the Director of Public Health, about once every two or three weeks for a relatively brief meeting to look at initiatives such as smoking initiatives and campaigns and so on, but it was not until we started seeing on the news, in December 2019, about this virus that had appeared in Wuhan, that I started to have the more close relationship that clearly followed.

It was indeed, as the Chief Minister has recalled, early in January 2020 when I advised him that because of my concerns at a public health level of what was happening in China, I had called a multidisciplinary meeting to discuss what might then be the development of what became a pandemic. Clearly this then developed and developed into civil contingency, at which point my hon. Friend and colleague the Minister for Civil Contingencies took the Chair, and we have been meeting every two or three weeks virtually since then.

Dr Bhatti and I developed a close relationship, I think a friendship we would describe it as. Lots of discussions, lots of conversations, not always in agreement – I would regularly challenge his interpretation of statistics and for a bit of time I could recall my time when I was actually working as a scientist. It was quite an interesting period of exchanges, looking at the statistics and trying to interpret them in a way that would be useful and helpful to the community. I recall those days when the streets were silent and we would go into No. 6 and have these press conferences, the tension there, the concern, and the fact that so many things had to be said that we did not want to say. We lived it together and that kind of intense period really does a lot to foment relationships.

So, Mr Speaker, I can clearly support the motion. I met with Dr Sohail just this afternoon, his last afternoon before going into pre-retirement leave, to thank him and wish him well. We recalled some of the times that we had had and he did confirm that he will be in Gibraltar for a while longer and I think, most clearly, Gibraltar has gained a great friend and supporter. So I have no hesitation at all in supporting this motion. *(Banging on desks)*

**Mr Speaker:** Yes, Hon. Edwin Reyes.

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

I just want to make a small personal contribution. I want to thank Dr Bhatti for always being consistent in what he has said. He may not always have been popular. It is very difficult to be a Director of Public Health in Gibraltar, because we have the highest number of self-appointed Directors of Public Health per capita than anywhere else in the world! But that is Gibraltar and long may it be so.

But Dr Bhatti actually helped me in a family situation. There was a few months ago this particular football game that the Gibraltar Football Association was playing at home, and I am very proud that for years I have not missed a single GFA match, be it played at Victoria Stadium, or be it even all the way in Faroe, I have always made it a point to go to these games. *(Banging on desk)* Thank you! **(A Member:** Hear, hear.) And the GFA were, I suppose, telling me, ‘Look, we’re waiting for a final clearance from Dr Bhatti’, he said, ‘but it seems we are going to be a very reduced number of spectators’. As it ended up, I think we got the notice on the day. The hon. Minister may well recall, I think we got the notice on the day, ‘Yes, if you’ve had your two vaccinations and you bring your mask you’ll be allowed to come.’ I do not think there were more than 10 of us there. That included the GFA President and Secretary and so on, and the Minister and I, we sat at the

1235 back row, keeping that two-metre distance between us. But when I texted ... my wife was checking  
up on me, 'Are there many people there?', and I said, 'No, there's less than 10 – don't worry, Dr  
Bhatti's here', and she said, 'Oh, thank God for that, then go and enjoy your game.' So, Dr Bhatti,  
thank you for putting my family at rest. Your mere presence at a football game, whether you are  
a sports lover or not, certainly helped the Minister and I have an enjoyable 90 minutes. I cannot  
remember the exact result, but I think we actually got the good, desired result on that day. So we  
are glad that we both supported our red and white team whom we wish all the best for the next  
1240 season, and Dr Bhatti all the best for the future. *(Banging on desk)*

**Mr Speaker:** The Hon. Samantha Sacramento.

1245 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs**  
**(Hon. Miss S J Sacramento):** Mr Speaker, like most people, I first met Dr Bhatti in January. In fact,  
it was at our first Civil Contingency meeting on 27th January where I recall the strategic command  
centre at No. 6 being full of people. We were told this story about the virus in Wuhan and I think  
every single person in the room was quite sceptical. We were being given this advice, and I think  
at that point all of us thought that it was a meeting with a lot of people and that nothing would  
1250 come of it.

Mr Speaker, I had to attend a CPA meeting and when I walked back from that CPA meeting and  
landed in Gibraltar, things had dramatically changed in a matter of two weeks.

1255 From then, Mr Speaker, it became the most intense working period that we have ever  
experienced in Government, as my hon. Friend, Minister Cortes, has explained. During that period  
working in that office, solidly at No. 6, the office that we all affectionately refer to as the bunker,  
we have had many intense discussions on the whole situation, Mr Speaker. We have to put it in  
context and bear in mind that it was evolving and that the advice was changing at breakneck  
speed, and we were all relying on Dr Bhatti to guide us.

1260 Mr Speaker, in that context, because it was all, quite frankly, so strange at the beginning,  
because I do not think I can put it any plainer than that, there was a lot of testing of the advice  
that we were receiving, because it all just sounded so bizarre. Even when things were happening  
all over the world, at the beginning we never thought that we would end up wearing face masks  
in Gibraltar. And then when we were wearing face masks, Mr Speaker, everything developed from  
that because then people did not want to wear facemasks and everybody wanted to ask for  
1265 exemptions.

So we had to be guided by Dr Bhatti at every single step of the way and, on that basis, we have  
had many arguments, Mr Speaker, during that period because, as the Government and as the  
policymakers, we needed to be absolutely sure that we were making the right decisions on the  
basis of the advice that we were given. So our conversations, and certainly, Mr Speaker, as Chair  
1270 of the Strategic Co-ordinating Group, our discussions have been intense at times, colourful at  
others, and extremely enjoyable in the majority of them.

But, Mr Speaker, I think that when we find ourselves in testing and challenging times, that is  
when we also find the best of ourselves, and certainly there were very key people who rose to the  
challenge.

1275 The only regret I have, Mr Speaker, is that before the pandemic reached the level that it did,  
Dr Bhatti and I were discussing other projects that we wanted to do. Public Health projects which  
had an overlap with my equality portfolio. So it is a shame that those had to be put on the  
backburner because the pandemic obviously took precedence.

1280 On that basis, Mr Speaker, I would like to thank Dr Bhatti for an extremely intense year-18  
months that we have had. I would like to thank him for the advice, I would like to thank him for  
his patience when we were testing him to the extent that we were, because we had to, Mr  
Speaker, that was our job, and I thank him for that and I wish him well. On that basis, of course I  
support this motion. *(Banging on desks)*

1285 **Mr Speaker:** The Hon. Paul Balban.

**Minister for Transport (Hon. P J Balban):** Thank you, Mr Speaker.

1290 I first met Dr Sohail Bhatti following the election as Minister for Health before anyone knew about the impending pandemic. Little did he know that he would be advising and leading Gibraltar through a pandemic in his role as the Director of Public Health. This is the scenario that every consultant in Public Health would be trained in, but one of those scenarios one would never expect to ever encounter. Well, that was exactly what happened: the one in 100 years pandemic.

1295 Sohail Bhatti was one of the first health professionals I chose to meet when I became Minister for Health, not because of the COVID pandemic itself, but because, as I have said already, it did not exist then, but because health promotion was one field of medicine I was most interested in, because it is through health promotion that one can not only make the population fitter and healthier, which I am passionate about, having been qualified as a dietician and having run an obesity and weight loss clinic for many years. The effect of healthy lifestyles has a profound effect on the health of people and can be very quickly seen in things like blood markers. It also allows us to truly find savings over time because through health promotion we can improve health, reduce the need for expensive medication, surgery and other treatments.

1300 Sohail Bhatti was smiling throughout our first meeting because he said that governments generally commonly cannot see the value of things that take more than four or five years to see results for and we, our Government, had included a portfolio of healthy living within the Health remit, and he was extremely happy about that.

1305 Alas, COVID overtook us all. I had the pleasure to work with Sohail and understood completely how difficult it was to take important decisions to protect the community, decisions that whilst popular when things were not going well and when we were at the acute phase, were not easy to maintain as the rates of infection dropped and it continued to take a toll on the freedoms of the community. Some would accept these losses of freedom, but many would simply not. It was a very difficult time, Mr Speaker, for us all and for Sohail it must have been incredibly difficult for him and his family too.

1310 Mr Speaker, I am happy today to be able to support this motion and I wish him the very best in the future. (*Banging on desks*)

1315 **Mr Speaker:** If no other hon. Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** Mr Speaker, the statements from hon. Members on this side of the House I think further reflect the feelings I have expressed in the presentation of this motion, in the voice of those who perhaps worked even more closely with Sohail in the time in question.

1320 Mr Speaker, I was delighted to hear that we would have support of the official Opposition. I realised how quickly they came in when this motion was called, so I am pleased that they wanted to be here. I am pleased for Sohail Bhatti that they wanted to be here to lend their support. As a result, Mr Speaker, I am convinced that they did not really walk out. They have just been having a go at the cakes that were left over from yesterday, and I do hope that when we do break there is something left over for the rest of us, and they have not abused democracy by having the last *bizcotela*, Mr Speaker, I sincerely hope that at least that they have respected!

1325 Mr Speaker, the hon. Lady does not fail to surprise me these days, because I do not know whether she believes that she would have made a better Director of Public Health even than Sohail Bhatti, because she told me during the course of the Second Reading of the Appropriation debate that we had not handled the pandemic properly and said some fairly outrageous things then, and has now, I do not know, indicated both that she thinks that he did a good job, but that she is not going to support this motion because she thinks that we are being cynical by bringing it. So I really do not know, Mr Speaker. Perhaps the hon. Lady and I should take to heart Sohail Bhatti's most striking contribution in the four o'clock press conferences that so vexed us all on this side of the House and make our peace, as she said that we should with all of our family

1340 members, because frankly, Mr Speaker, to say that bringing a motion to bestow the highest civic honour that this House can bestow short of the Freedom of the City on somebody who has served Gibraltar as well as Sohail Bhatti we all agree has is somehow cynical simply because we have not renewed the contract, which came to an end because we want to localise the post, seems to me to be really extraordinary. Extraordinary, unfair on Sohail Bhatti and, Mr Speaker, frankly to fail to understand that this is not symbolic, this is actually genuinely heartfelt, Mr Speaker.

1345 And hon. Members might just wish to reflect that with this Director of Public Health, he and I have sat alone and together with other Ministers and other officials, and we have looked at not having enough capacity to bury people. Not having enough capacity to store dead bodies in Gibraltar, Mr Speaker, and we have had to import additional capability to refrigerate corpses. When you are finding yourself in a trench like that, Mr Speaker, and you are thinking of adding niches to the availability that you have to bury people, you end up, I would say, more than friends. You certainly end up as more than worker colleagues: you end up as more than friends, Mr Speaker.

1350 I consider that I have worked with Sohail Bhatti like a brother, Mr Speaker, and so have hon. Members here, and a brother and a sister, and so have many other colleagues, even though we do not always agree, even though we test each other's theories. That is what makes for good Government, Mr Speaker.

1355 But the fact that the contract has not been renewed because there is a Gibraltarian who has been trained and who may be able to take it in the medium term has absolutely no consequence on that, and it should not for one moment be a reflection ... which it now unfortunately will in the *Hansard* of this debate, but given, Mr Speaker, that this is a parliament, that we come here parley, that we all put our opinions and we then vote, except when it is too difficult and hon. Members decide that they want to *bottle it* and walk out. Well, Mr Speaker, she has put that opinion on the *Hansard*. Of course, she is fully entitled to it, and she is fully entitled to hear my response. But, Mr Speaker, at least the hon. Lady is going to be consistent and she is going to abstain, as she has abstained on a number of Bills in this Session.

1360 I was just taken by one final point that the hon. Members on this side made, the Hon. Mr Cortes, who talked about Vijay Kumar not having seen so much of the limelight, as unfortunately Sohail Bhatti has seen, and I really think that Sohail Bhatti would have wished to have had no more of the limelight than Vijay Kumar had had. I think most Directors of Public Health just want to be able to send their messages about how we stay healthier, and not have to be doing four o'clock press conferences as we were all having to do with him.

1370 Finally, Mr Speaker, I was very taken by the example given by the Hon. Mr Reyes, because I think at that time probably those 10 fans that the Hon. Mr Reyes was referring to in the Victoria Stadium, were probably the only 10 fans in *Europe* attending a football match, thanks to the work that we had done in Gibraltar, with the assistance of Her Majesty's Government of the United Kingdom, that provide us with the vaccines and thanks to the work that we were doing with Sohail to ensure that we were providing for events to start up, which led us first to that and then to a heavyweight boxing match shortly thereafter. Therein, Mr Speaker, lay the success of what we have been able to do together, and I therefore very much commend the motion to the House, not just in the terms of it and in the support I have given it, but in the wholesome support that we have heard from all Members who have spoken, except for the hon. Lady. (*Banging on desks*)

1380

**Mr Speaker:** I now put the question in the terms of the motion –

**Hon. Chief Minister:** Mr Speaker, I call that the House should divide.

1385 **Mr Speaker:** A division is required, Mr Clerk.



*A division was called for and voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Hon. K Azopardi	None	Hon. V Daryanani	Hon. M D Hassan
Hon. P J Balban		Hon. D A Feetham	Nahon
Hon. Sir J J Bossano		Hon. G H Licudi	
Hon. D J Bossino			
Hon. R M Clinton			
Hon. Dr J E Cortes			
Hon. Dr J J Garcia			
Hon. A J Isola			
Hon. S E Linares			
Hon. E J Phillips			
Hon. F R Picardo			
Hon. E J Reyes			
Hon. Miss S J Sacramento			

**Mr Speaker:** The results of the division are as follows: for the ayes 13, there is 1 abstention and 3 absent. So the motion is carried.

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

#### **Procedural**

1390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now recess for a 15 ... Sorry, the Hon. the Mr Speaker, you want to say something?

**Mr Speaker:** Yes, I would like to say something.

1395 I am disappointed with the events leading up to the walk-out by Opposition Members. With hindsight, it is clear that when the hon. Lady asked the Leader of the Opposition to give way, this was a pre-planned exercise. Therefore, in my view, this went against the spirit of Standing Order 45.(10)(ii), which talks about giving way.

Thank you.

1400 **Hon. Chief Minister:** Thank you, Mr Speaker.

So I move that the House should now recess until five past seven – sorry, five past six. I did not see the hour hand.

**Mr Speaker:** The House will know recess until five past six.

*The House recessed at 5.46 p.m. and resumed its sitting at 6.08 p.m.*

#### **Freedom of the City of Gibraltar – Gibraltar Health Authority – Amended motion carried**

1405 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

*NOTES the key role played by the staff of the Gibraltar Health Authority (GHA) during the continuing global COVID-19 pandemic;*

*REGRETS that the pandemic has sadly taken over four million lives, including ninety-four much-loved citizens of Gibraltar;*

*FURTHER NOTES that both the action taken by the GHA and the advice given to the general public has saved lives;*

*WELCOMES the fact that the GHA rose to the challenge at many levels and across a number of different departments during these difficult times;*

*RECORDS with gratitude that many individuals in the GHA went above and beyond the call of duty in the face of the public health emergency;*

*RECALLS the decision of Her Majesty the Queen to bestow the George Cross on the UK National Health Service (NHS);*

*AND THEREFORE HEREBY RESOLVES that the Freedom of the City of Gibraltar, the highest honour that this Parliament can award, be bestowed upon the Gibraltar Health Authority.*

1410 Mr Speaker, this motion is not a motion to recognise everyone that has worked so  
extraordinarily well and so extraordinarily hard in the context of the COVID pandemic. This motion  
is to recognise one part of the public service of Gibraltar that is one of the entities that we had  
already identified, pre-pandemic, should receive the Freedom of the City, as we said in the context  
of the movement of the Freedom for the Royal Gibraltar Police, because our emergency services  
1415 certainly deserve it. And in the context of this pandemic, as we were to move another of those  
Freedoms, it was appropriate that this year it should be the Gibraltar Health Authority that should  
be the recipient of the Freedom of the City.

I will be moving an amendment, Mr Speaker, later to say that not just to the Gibraltar Health  
Authority, but the Gibraltar Health Authority and ERS, which is the Elderly Residential Services,  
which the hon. Member, Miss Sacramento, is also Minister for, because we see the Gibraltar  
1420 Health Authority and the ERS in the context of the work done in this pandemic as one.

Mr Speaker, the men and women who make up the Gibraltar Health Authority are always there  
for us. They were there of course before the pandemic and they are there, Mr Speaker, to deal  
with a minor ailment from a toothache and a common cold, to a pandemic, as we now know. The  
GHA is really the cradle to the grave service of Gibraltar. It is inspired, Mr Speaker, by the UK's  
1425 National Health Service and it provides a service akin to the National Health Service in the United  
Kingdom. It is medical care free at the point of delivery to every entitled person in Gibraltar.

Sixty per cent of the Social Insurance that we contribute goes to the Gibraltar Health Authority,  
Mr Speaker, but that is not enough to fund the cost of the Gibraltar Health Authority and the work  
and the services that are provided by the Gibraltar Health Authority to Gibraltarians. Additionally,  
1430 Mr Speaker, the Elderly Residential Services that we provide, in what in the past might have been  
referred to as the geriatric wards of the Health Authority, which are now provided in a  
freestanding way through a separate agency that does work for those who are simply elderly and  
frail in some instances.

Mr Speaker, the men and women who make up the Gibraltar Health Authority did not blink  
1435 when the time came to start to deal with this pandemic. Of course it has been hard for them but,  
Mr Speaker, when they interacted with us as Ministers, they took things in their stride and  
explained to us what had to be done, and they really have been remarkable in the way that they  
have addressed this pandemic. Now we will have to deal with the consequences of that,  
Mr Speaker, because in addressing the pandemic they could not deal with many of the minor  
1440 ailments that they would want to be dealing with. They could not deal with the early interventions  
to ensure that disease is stopped at an earlier stage etc. and the service that they provide is now  
subject to the additional pressures of having been dealing with the pandemic during the period of  
the pandemic. The Government is very understanding of that and will be working with them to  
ensure that the resources are available for them to be able to get the national health service, the

1445 Gibraltar Health Authority, back on its feet and delivering the service it was providing before the pandemic was struck.

Mr Speaker, there are so many cases of heroism in the GHA, not just during the period of the pandemic, but in particular during the period of the pandemic, that it would be too difficult to extract any particular instance and hold it up for distinction because it would be unfair to the many day-to-day instances of remarkable work beyond the call of duty that is done in the GHA by the remarkable men and women who make it up.

That is not to say that the Health Authority in Gibraltar is perfect. I do not think you would find any member of the Gibraltar Health Authority who would tell you that the service that we provide through the GHA is perfect, but we constantly seek to strive to improve that service and to work together to make the service better. But there is no doubt, Mr Speaker, that the nurses, the doctors, the consultants, the clerical staff, the cleaning staff, the people who manage the stores of the Gibraltar Health Authority, those who in ERS are managing the environment in which we keep our elderly residents, those who are caring for our elderly residents, those who manage ERS, all of them bring their hearts to work every day and they deliver in a way that is designed to ensure that we get the best out of each of them and the recognition that we will give them in this House today is the highest civic honour that we can bestow in this House.

It is a recognition of what an integral part of our lives the Gibraltar Health Authority is, literally now from the cradle to the grave. Our children are no longer born at home in specific addresses, Mr Speaker, unless there is a particular choice to do so with the support of a midwife. Principally, we are all born in St Bernard's Hospital in the hands of the Gibraltar Health Authority. And, Mr Speaker, when we leave this life, we leave it no doubt with the Gibraltar Health Authority having done its best to ensure that we have enjoyed as long a life as possible and as comfortable a life as possible. In particular at that stage in life, also with the benefit of the support of Elderly Residential Services, or ERS, Mr Speaker.

So it is difficult, Mr Speaker, to say more without highlighting particular services and highlighting particular individuals. But what I want to do, Mr Speaker, is to take an overview, a helicopter view over the Gibraltar Health Authority and recognise everyone in it. The same is true of Elderly Residential Services: to mention one is to fail to mention all the others who need to be mentioned. So I want to take a helicopter view of ERS and what it does and how it does it, and see those both together and understand how worthy of recognition they are by the presentation of this highest civic honour on behalf of, I hope, every Member of this House who will want to support this motion and ensure that the men and women of the GHA and ERS know that they are valued by every Member of this House as one of the key emergency services in our community.

Mr Speaker, I have had successive Ministers for Health in the time that I have been in Government and one of them is not here, Neil Costa, because he is no longer a Member of the Government team, but John Cortes, who was Minister for the Health Authority for many years, then Neil, then Paul and then Samantha Sacramento. I know, Mr Speaker, that the value that we put on the Health Authority and the men and women who are in it is a value that is expressed through the Ministers of this Governments successively who have been in office in the Hospital itself, which is currently the home of the Minister for Health, and the understanding of the issues that afflict the Authority is something that we are also very clear about.

Again, it would be wrong to suggest that when Her Majesty the Queen rightly bestowed the George Cross on the UK National Health Service it was being suggested that the National Health Service does everything right and that there is no room for improvement and that the waiting lists are appropriate as they are in the United Kingdom. Of course that is not the case and we must always strive to do better.

But let us remember what a mark of civilisation a health service like the GHA and like the NHS are: that every person is afforded healthcare free at the point of delivery when they need it and in emergency care, Mr Speaker, even if they are not entitled persons. That in my view, Mr Speaker, is one of the great marks of distinction of the United Kingdom and of Gibraltar, and we sometimes, I think, forget that because we take it for granted.

1500 Paying your Social Insurance, Mr Speaker, is the best medical insurance that anybody can pay and it is cheaper than any private medical insurance that one can buy, but it gives you *more* than any private medical insurance one can buy, and that is what the Gibraltar Health Authority is about.

1505 In respect of ERS, Mr Speaker, in many other countries, and I recall the analysis that I did in respect of the minimum wage, to have elderly residential care, one pays a separate fee – I think did the exercise during the course of the Second Reading of the Appropriation debate when I showed in Germany that an amount is paid for long-term residential care when one is older. Here, this is all included, Mr Speaker, in the Social Insurance contributions that we make, again a mark of how we are different, because we will always strive to provide either in the home, through the provision of domiciliary care, or in the Elderly Residential Services' facilities that care that we need in our most difficult times in our dotage, in particular for those who have Alzheimer's or dementia.

1510 So, Mr Speaker, in the round, I think that the fulsome support that the Gibraltar Health Authority and Elderly Residential Services deserve in our community is best marked by the bestowing by this House of the Freedom of the City on the men and women who make up those organisations.

1515 For that reason, Mr Speaker, if you will forgive me not to do so in writing so that other Members can carry on and I will pass a note to you, I will simply end by moving the amendment, which I have no intention to speak separately on, which would simply be to after GHA where it appears in the first paragraph in brackets, add: 'and elderly residential services (ERS)', and then leave the rest of the motion untouched, other than to add '/ERS' after GHA where it appears on the three other occasions and 'and ERS' at the end of the motion where Gibraltar Health Authority also appears. I will write that out, Mr Speaker, whilst other Members make their contribution so that the Clerk can have the benefit of the proposed amendments in writing.

1520 Mr Speaker, for all of those reasons and in honour of the men and women of the Gibraltar Health Authority and of ERS, who always serve this community so well, and in particular did in this pandemic, I commend the motion in its terms as amended to the House. (*Banging on desks*)

1525 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

1530 **Hon. K Azopardi:** Mr Speaker, on this side of the House we will be delighted to support the motion.

1535 When the pandemic occurred all eyes were on the GHA, inevitably. The focus was on that service first because that is where we thought the tension of the pandemic would come, and indeed it has been well documented in all the information that has been provided and in speeches in this House, the efforts that were made by the GHA to accommodate for the expected pressure of the pandemic. And who can forget the massive efforts that were done, not just by the GHA but essential services, to roll out the possible Nightingale facility that in a worst-case scenario was feared would need to be relied on.

1540 So Mr Speaker, in those crucial moments at the beginning of the pandemic and then thereafter GHA did respond and, certainly on this side of the House, we acknowledge the efforts of everyone in GHA and ERS, to speak to the amendment of the Chief Minister.

1545 Of course, the Government has announced that there will be, in due course, a public inquiry which will revisit and investigate and consider step by step and blow by blow decisions that may or may not have been taken during the pandemic, and that is the time to investigate whether single issue decisions were taken that were correct or not correct. But in the round, certainly we are entirely supportive of a motion that recognises the role of the GHA, the GHA staff and the staff of ERS in dealing with the pandemic. And who can also forget the staff at ERS bore the brunt of a very difficult period, at the beginning of this year, especially during the second lockdown, or the beginning of the second lockdown.

1550 Mr Speaker, I also associate myself with the remarks of the Chief Minister in observing that, of course, the GHA, as an essential service of Gibraltar and as a public service of Gibraltar, is an integral part of our lives that goes well beyond the pandemic. We are taking the opportunity of its role in the pandemic to mark it with the highest civil honour we can bestow in this House, the Freedom of the City, *but* it is certainly true that GHA's role, value and contribution goes well beyond the period of the pandemic, and it plays a part in the lives of every single member of this community and in the lives of all our families, and it is important to acknowledge that.

1555 I am certainly delighted to support it as the Leader of the Opposition on this side, but also reflecting in my previous role as Minister for Health, I have a special attachment, I feel, to the health service, and friendships that were born then you live with. And certainly the value and recognition of the health services is well deserved and probably even, if I may say so, long overdue because of the role it has always played over so many decades. A service that is now much bigger than it was – the many people in Gibraltar that work in the health service, work in ERS, given the numbers of staff that we are talking about.

1560 But I speak not just in those official roles, I speak also, I suppose, as a citizen that has observed the last 18 months and value the contribution of the GHA as a citizen that observes the role that GHA has had over many years, and indeed as a user of the service. Because, Mr Speaker, the GHA, yes, went into lockdown, constrained its services, and I know that there has been some public criticism of what has been perceived in some quarters as the slow rollout of some services as the service emerged, but it was still able to deal with urgent cases, and I say so myself having experienced it, because it is a year ago today that I had to call on the services of the GHA. I know that they responded very quickly and that the pandemic did not stop the delivery of services which were done always efficiently, and always with great humour and effectively.

1570 So, Mr Speaker, for those reasons we are certainly endorsing and supporting the comments made by the Leader of the House. We will, on this side of the House, support this motion. (*Banging on desks*)

1575

**Mr Speaker:** The Hon. Samantha Sacramento.

1580 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, let me start by saying in support of this motion that it has taken a pandemic for people to realise and recognise the hard work of the people at the GHA and, of course, including ERS.

1585 Mr Speaker, it has been a tremendous year to 18 months for all of us, but particularly so for those who have been on the frontline. If we look back at the beginning of the pandemic when this all started, Mr Speaker, people at the GHA were on alert waiting for the worst to happen. People at the GHA very quickly mobilised, we started and we opened a second hospital with the field hospital at the Nightingale facility at the Europa sports centre.

1590 Mr Speaker, there were during that time a core number of people leading the strategic and operational side of the GHA and there were the other people on the frontline who were on guard waiting for the pandemic to hit and ensuring that they were available, should the worst happen. And in this time, Mr Speaker, there was still the day-to-day operational running of the GHA also going on in parallel.

1595 At the same time, Mr Speaker, we need to look at what was happening at ERS. ERS was responsible for the most precious people in our community and the management and the teams at ERS had one goal, Mr Speaker, and that was to safeguard the lives of their residents.

So during this time, in the different facilities of the GHA, at St Bernard's Hospital, at PCC, at Ocean Views, at the community mental health services, at Mount Alvernia and the other ERS, everyone had a different role to play, but everyone had the same priority, and that was to save lives.

1600 Mr Speaker, at the beginning, when we were still not sure what the extent of the pandemic and indeed what the extent of the infection would be, there were people who made tremendous

sacrifices, tremendous personal sacrifices. I know of members of staff who did not go home and who did not see their families, so as to avoid cross-infection, because for them, Mr Speaker, their patients, or if they worked at ERS, the ERS residents, they came first. So for a period, Mr Speaker, last year and in the last 18 months there have been people whose lives have been put on hold because their professional duties came before everything else and they put that first and foremost.

Then, Mr Speaker, as the pandemic progressed, towards the end of last year, when we found ourselves in the darkest time, there were *huge* sacrifices made. Not only did people who had an extremely tough year before have annual leave cancelled, we are talking about a special period when you spend time with your families because we are talking about Christmas. So that was put to one side, Mr Speaker, to make sure that the community came first. And all during this time, Mr Speaker, the staff have done everything, not only with the standard due diligence and care and attention that they always offer, but always with a smile.

Mr Speaker, at this point, I particularly highlight the members of staff at CCU and the members of staff who were working in the Victoria COVID ward, because they were the people who were working with the most infectious cases, and they were the people who, not only were caring for people who were very ill, but they were the people who were witnessing those who, unfortunately, were passing away.

So Mr Speaker, after a year that has been exhausting, a year full of personal sacrifices, for many, and all for the benefit of the patients or the residents who they so clearly loved, we came onto the beginning of this year, where we started seeing the light at the end of the tunnel. Mr Speaker, that is when we started our 'Operation Freedom', which was again delivered exclusively by the GHA and so successfully. So successfully indeed, Mr Speaker, that we were the first nation to achieve vaccinating such a high percentage of our population, before anybody else did.

What this has proved is that the professionals in the GHA, and when I say professionals I mean people who have been there in the frontline in the pandemic and also achieving during times that the Hospital went and carried on as business as usual because, Mr Speaker, as we escalated the alert levels in the Hospital it was inevitable that some services had to be slowed down, curtailed or stopped completely. When the alert levels in the Hospital are changed and escalated, Mr Speaker, these are not matters that are taken lightly. The more that we escalate the greater the impact on the public, obviously, but also the greater the impact on the members of staff, because it means that there will be more restrictions placed on them as well. And for that reason, Mr Speaker, that is why it is so important and why I ask members of the public to continue to follow the rules and public health advice because not only do we need to keep ourselves safe, but we also need to keep our medical services safe because our members of staff at the GHA need to be able to continue the services that they deliver for patients as well as for everything else.

Mr Speaker, I need to announce that, given the increase in positive cases in the last 48-72 hours, the alert status in the GHA will have to increase to amber. Now, that means, Mr Speaker, we are hoping at this stage very limited adverse impact on the services that we provide, but it is an indication that things are changing and the GHA needs to start getting ready in case things change further, quickly.

For this reason, Mr Speaker, I think it is so important that people do not forget the hard work and the personal sacrifices that the people at the GHA have always made, which has been highlighted and brought into such sharper focus during the pandemic.

But it is not over yet, Mr Speaker. And this hard work and these personal sacrifices are likely to continue for a time yet. On that basis, Mr Speaker, for the great respect that I have for my colleagues in the GHA and ERS, I have been working with them for a very long time now. I was not the Minister for Health when we started the pandemic, but I became Minister for Health in August of last year, and I have worked very closely with all these professionals, and out of the deep respect I have for the work that they all do on a regular basis, Mr Speaker, from the person at the top to every single person in the GHA, and the most crucial group of people during the pandemic:

our domestic staff. We cannot forget those very essential members of the GHA staff, so for everyone in the GHA and everyone in ERS, Mr Speaker, I support this motion. (*Banging on desks*)

1655

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I believe that few times in the history of this Parliament will there be a more unanimous and rotund approval of a Government motion. I still recall the terrifying days of the start of the pandemic when little was known about the virus, the threat that it represented and how we should respond to it.

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In those days, Mr Speaker, millions of people around the world, including myself, were doing everything in their power to isolate and hide their loved ones from this invisible threat. Streets were empty and people looked at each other with fear and suspicion.

1665

Our healthcare workers and all other healthcare workers around the world, though, did not do that. They jumped into the trenches and stood behind their oaths to cure and protect sick people in need. Let's not forget that these are human beings, Mr Speaker, like the rest of us. That they were scared, that they feared for their families, that they and other essential services were asked to step into the frontline while the rest of us waited safely in our homes. It is for this reason, Mr Speaker, that they spurred spontaneous shows of thanks and appreciation around the world, in the form of daily ovations that we too took part in enthusiastically.

1670

Mr Speaker, the burden they have carried, and continue to carry, throughout the pandemic is incalculable. It has taken its toll on them mentally and physically. We were lucky not to lose any of ours, but many healthcare workers around the world lost their lives fighting against the virus.

1675

I note the Minister's recent declaration of the new status to amber and further take this opportunity to thank the GHA, in advance, for this new stage in their challenge to keep us all safe once again.

So I completely support bestowing this honour on our healthcare workers, but I also believe it is only a small token of appreciation. I believe we should all work together to continue to improve their working conditions and, as I suggested in my Budget address, perhaps it would be good to see a day allocated to remember their sacrifice and honour their service, so it may be understood by generations to come.

1680

Thank you, Mr Speaker.

1685

**Mr Speaker:** The Hon. Prof. John Cortes.

**Deputy Chief Minister (Dr J E Cortes):** Thank you, Mr Speaker.

1690

We have all made use of the services of the GHA. As the Hon. Chief Minister has said in proposing the motion, most of us will have been born there, and we have all had cause to use their services for both mild things and severe. We have to be grateful, and I am sure we can all remember particular times when perhaps our health or that of a relative has been in a critical condition, and we can remember the way that doctors, nurses and support staff have helped us and assisted us.

1695

But I particularly wanted to contribute to this motion because of my long personal association with the Gibraltar Health Authority, which in fact goes back to before the Gibraltar Health Authority existed! Yourself, Mr Speaker, was a civil servant at the time, and I remember well as a graduate-entry executive officer in the Establishment Division, now better known as Human Resources, I was called in by the then establishment officer, the late Mario Hernandez and tasked with being secretary to a review panel which was going to review medical and health services in Gibraltar.

1700

Mr Speaker, that actually changed my life because working in healthcare changes people. It is an experience and it has an effect on you that is very difficult to describe. I am sure that the Hon. Minister for Health, the Hon. Paul Balban, and indeed the Leader of the Opposition, who was Minister for Health at a time, know exactly what I mean.

1705 Having been tasked with that I was secretary to the panel, which included some eminent gentlemen, including Prof. Brian Jarman, who was the Chairman of the Royal College of General Practitioners, and I had cause to meet with members of staff from all the different disciplines, members of the public, pressure groups and so on and I got to know the health service very well.

1710 Shortly after that, the Gibraltar Health Authority was created from the Department of Medical and Health Services. This was around 1987, 1988, and I applied because I was so keen on the health service and became the hospitals manager and subsequently, when the Chief Executive, who was a contract officer left, I became the general manager. So I worked as a manager in the GHA from the very beginning. After that, in fact I recall very well, with the Hon. Sir Joe Bossano as Chief Minister and the Hon. Mari Montegriffo as Minister for Health, how we gave the Old St Bernard's Hospital a new lease of life and how hard the staff were working there, even in that Old St Bernard's Hospital.

1715 After, Mr Speaker, my association continued because when I left the management of the health service to take over the Botanic Gardens project, I was appointed as a non-executive member of the Health Authority board, on which I served until 2007; indeed when the Hon. the Leader of the Opposition was Chairman and Minister I served on that board. So I worked through, in fact, from the time when Sir Joshua Hassan was Chief Minister right through to 2007, and then once again when the Chief Minister gave me the honour of appointing me as Chairman of the Health Authority and Minister for Health, I went back. So all and all I have been working closely with the Health Authority for about a quarter of a century.

1720 Now, this is not about me at all, but I say this because I have worked with so many professionals, with so many people in so many disciplines: domestics, consultants, general practitioners, nurses, labourers, administrative staff, allied health professionals. And all of them are so committed, not just to their jobs, but to the betterment of our community and our society.

1725 So Mr Speaker, I feel very much associated with the GHA. I know so many people who have worked there in the past quarter of a century to the present time so well. I love them and respect them so much that I really do want to support this motion, and clearly I absolutely do so. (*Banging on desks*)

1730 **Mr Speaker:** The Hon. Elliott Phillips.

1735 **Hon. E J Phillips:** Mr Speaker, I am grateful.

I associate myself, of course, with all the comments that have been made by all hon. Members, Mr Speaker, and one cannot forget the clear human element that has been alluded to by the Minister for Health. The GHA and staff of the ERS have all been there for the 94 souls that Gibraltar has lost, and not only been there to treat them at the worst moment, but also held their hands when no other family member could do. So for that, Mr Speaker, there is obviously great thanks, but also none of us can possibly, I suspect, understand what they must have gone through when holding the hands of those that we have lost in our community.

1740 It is also true, Mr Speaker, that, as alluded to by the hon. Lady, many in our community went out to their balconies and onto the streets and clapped the GHA and ERS staff, not because they were just doing their job, but in fact, because they were effectively putting themselves and their families at risk insofar as dealing with the virus at the frontline. So again, this represents the human element and not only doing one's job but also risking their lives for others, Mr Speaker, and that should be commended in the form of the motion. And also not to forget the huge effort of the vaccination programme, Mr Speaker, that has seen us top the tables for good reason, that we have managed to vaccinate large swathes of our population.

1745 One point for clarification, if I may, to the Chief Minister, because I know the Minister for Health is unable to speak on this point, but it would be helpful if the Chief Minister could amplify in his response, the increase in the level to amber and what potential impact that might have in relation to GHA's services moving forward, and that might help give that reassurance to Members  
1755 on this side of the House and, of course, members of the public more generally.



**Mr Speaker:** The Hon. Paul Balban.

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I too would like to associate myself with comments made this afternoon.

1760 It was an honour to have led the GHA following the last election. The GHA is an amazing organisation, with its own life. It was just weeks following my appointment as Minister for Health that we heard rumblings of that virus that was affecting Wuhan, too far away from us at the time, but nevertheless, we were made aware of its existence. Time seemed to rush by, and in no time  
1765 we were already working hard in preparation. News of the outbreak in northern Italy brought home the realisation that this was going to affect us all.

The GHA metamorphosed into something that took me, and all of us, by surprise. Perhaps we somehow fail to give credit to our own home-grown talent because, as they say, *nadie es profeta en su tierra*, but wow, did they step up to the mark! There was no messing about with these  
1770 people.

I became involved in all the meetings, joining the medical and nursing staff at the early morning planning meetings each day, seven days a week. When I walked into that room for the first time, I will never forget what I saw. The main wall had become a huge whiteboard of sorts, covered in paper, policies, pieces of coloured string, linking bits of coloured paper to other larger sheets. It  
1775 seemed like something out of a Hollywood crisis movie. At that point, I knew that this was no ordinary team but a killer team.

Mr Speaker, I have not seen so much passion, selflessness and skill from those directly involved in the pandemic planning across so many medical and nursing fields. Neither have I seen so much dedication from all of the staff, from every part of the GHA and ERS, and every other associated  
1780 medical and ancillary facility. Mr Speaker, from the domestic staff, to the porters, to the caterers, to the technical team, to those working in supplies, to those responsible for surgical sterilisation, to the admin team, to the call centres, to the primary care teams, to everyone at Ocean Views, to Mount Alvernia, to those working in the mortuary, to the vaccination team. Mr Speaker, that is team GHA. Too many to mention, and I risk having left many out, so I will apologise to those that  
1785 I have left out.

Mr Speaker, it is not possible to set out exactly everything that was achieved by the preparation of the field hospital, something that impacted everyone that saw it. Gratefully, we did not need to use it.

1790 Whilst I was Minister for Health, we successfully saw the end of the first wave of the virus without suffering any losses. I have huge admiration for the GHA team and I was very proud to have led this team during a challenge that no one could have dreamed of back in the autumn of 2019. I think that the bestowing of the Freedom of the City to the GHA is right and what is deserved. Arguably, no organisation merits this more than the GHA, who we can all be so very proud of.

1795 Mr Speaker, there are always ways of improving the service being provided and, unfortunately, when we feel ill it is perhaps human nature that we complain and criticise an organisation that has to deal with so much, but they are incredible professionals and I know that their service to the community will continue growing from strength to strength.

1800 Congratulations, team GHA, on having been bestowed the Freedom of the City of Gibraltar. I am so proud of you, always. (*Banging on desks*)

**Mr Speaker:** I call on the mover to respond.

**Hon. Chief Minister:** Mr Speaker, I am grateful to all hon. Members for having indicated their  
1805 support to this motion.

Mr Speaker, I am saddened, of course, by the fact that the hon. Lady has announced that the COVID operational level status of the GHA is once again moving to amber, and it is doing so as a precautionary measure. But to answer the point that the hon. Gentleman, Mr Phillips, raised, this

1810 is a precautionary measure, it is a preparatory measure. All efforts will be made to ensure that there is no impact on services.

The only elective surgery that will not be proceeded with as a result of moving to amber will be elective surgery that is likely to result in the patient requiring CCU admission. All priority and time-sensitive surgeries and interventions, screenings and investigations will continue under the amber status and outpatient activity will remain as normal. So I hope that gives members of the public the reassurance that they need.

1815 But these are still difficult times, Mr Speaker, and how apposite that together we will at least be sending a signal to the Gibraltar Health Authority and to Elderly Residential Services of the support that they enjoy in this House, and that all of us together will want to ensure that they have the Freedom of the City of Gibraltar.

1820 Of course, Mr Speaker, we could have passed this by Government majority, like we passed the Appropriation Bill. But it is different and it means something different if we pass it together. And I can think of few individuals or organisations more deserving of the unanimous support of all Members of this House.

1825 I am delighted, Mr Speaker, that this motion will enjoy the unanimous support of this House and that the men and women of the Gibraltar Health Authority and of the Elderly Residential Services know that they will enjoy the highest civic honour that we can bestow, because all of us here present today will bestow it on them together.

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

1830 **Mr Speaker:** I now put the question in the terms of the original motion, together with the amendments proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

**Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2021 –  
To approve by Resolution –  
Motion carried**

**Clerk:** The Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB.

1835

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I have the honour to move the motion standing in my name, which is as follows:

*That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2021.*

1840 This is in fact a requirement in the legislation that the increase in the benefits, which are principally the widow's benefit and the old-age pension should be approved by the House before the actual publication in the Gazette, which will trigger the payment from August.

1845 The benefits are going up by 2.1% and really this is something that is important in the context of a year where we have, in effect, agreed as a Government to raise the minimum wage as intended and to raise the old-age pension where other areas are not receiving any increases because we are in a position of having a deficit of £1 million a week. Of course the Social Security scheme, as I indicated in the answer to the question to the hon. Member, actually had at the end of March a £6.9 million surplus. But the way the system works, as I explained to him in the supplementaries, is that it is at the end of the year that we actually move the money into the fund that we have voted in the Budget. So although we voted money now, that money will not actually

1850 be transferred until the end of the year, of the financial year. So at this end of the financial year  
we transferred £40 million and out of that £40 million there was nearly £7 million unspent. The  
increases we have provided will not be sufficient to put the fund in surplus, but it will guarantee  
that without having to increase the level of subvention we will be able to meet the new increase,  
and I commend the Resolution to the House, Mr Speaker. *(Banging on desks)*

1855

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon.  
Minister for Social Security, Economic Development, Enterprise, Telecommunications and the  
GSB.

The Hon. Roy Clinton.

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**Hon. R M Clinton:** Thank you, Mr Speaker, and I am grateful to the Minister for his explanation  
as to the rationale for the motion and in fact, as we have seen, we have now the draft legal notice  
that he refers to in respect of the increases.

1865 Mr Speaker, I have done the maths, as it were, comparing it to the previous schedule, and as  
he has said it has gone up by 2.1% – or 2.11%, but 2.1% for sure – and I would just ask the Minister  
to confirm, because I had a quick check on the inflation calculator online, and if I am correct, and  
of course the Minister can correct me if I am wrong, that would seem to imply that we are taking  
inflation on a period from April 2019 to April 2021. So it effectively covers a two-year period rather  
than just the one year, because as we know inflation over the one year has been a lot less. So this  
1870 is a catch up, as it were, over the two-year period, if the Minister will just confirm that.

Then finally, Mr Speaker, I would just remind the Minister that in respect of the Social Security  
increases, under section 52(3), he should have so tabled them in Parliament, if he gets the  
opportunity to do so at the next Session. But other than that point of clarification, Mr Speaker, I  
think we are happy, this side of the House, to support the motion as it stands.

1875

**Mr Speaker:** Does any other hon. Member wish to contribute to the motion?  
I would then ask the mover of the motion to respond.

1880 **Hon. Sir J J Bossano:** Mr Speaker, this is something that would have happened in two occasions.  
That is to say had we had a budget in 2020 we would have had a smaller increase in 2020 and a  
smaller increase now. What we are doing is we are making sure we are where we would have  
been if we had not had the interruption of a 24-month period.

1885 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. Minister  
for Social Security, Economic Development, Enterprise, Telecommunications and the GSB. Those  
in favour? **(Members: Aye.)** Those against? Carried.

#### PRIVATE MEMBERS' MOTIONS

##### Witnessing of wills during the pandemic– Amending Wills Act to permit alternative visual transmission – Motion carried

**Clerk:** Private Members' Motions.  
The Hon. E J Phillips.

1890 **Hon. E J Phillips:** Mr Speaker, I have the honour to move the motion standing in my name,  
which reads as follows:

*THIS HOUSE:*

*NOTES that the statutory requirements for the making of and witnessing of a valid will under Section 9 of the Wills Act 2009 provides inter alia that:*

*(i) a will must be signed by the person making it in the presence of two or more witnesses present at the same time; and*

*(ii) each witness must sign the will in the presence of the testator.*

*NOTES that the statutory requirement of presence provides that the witness must have a 'clear line of sight' of the will maker signing and therefore the current law does not provide for the will to be witnessed via video conference or other remote means.*

*NOTES that in the context of the current Covid 19 pandemic that people desirous of making wills and putting their affairs in order, may not be able to comply with the statutory provisions because they maybe shielding, self-isolating or otherwise exercising a degree of social distancing.*

*NOTES the United Kingdom Parliament and the legislatures of other British Overseas Territories have amended their statutory requirements in a temporary and limited way in order to provide for the witnesses of wills via video-conference or other visual transmission given the Covid 19 pandemic to allow for those who may be shielding, self-isolating or otherwise exercising a degree of social distancing.*

*AND CALLS on the Government to either: (1) introduce legislation in the form of a Bill to amend the Section 9 of the Wills Act 2009 in a temporary and limited way, namely to provide the following new sub-section 2:*

*"For the purposes of paragraphs (c) and (d) of subsection (1), in relation to wills made on or after 4 March 2020 and on or before 4 March 2022, "presence" includes presence by means of videoconference or other visual transmission"*

*Or alternatively (2) introduce provision via civil contingency legislation or other available statutory mechanism.*

1895 Mr Speaker, as can be seen from the motion, in order for a will to be validly executed under Gibraltar law it must be signed by a person making the will in the presence of two or more witnesses, and each one of those witnesses must sign the will in the presence of the testator.

The often cited 18th century of Casson and Dade established that principle. Common law courts around the world have attempted to clarify whether or not the scope of the principle could extend to remotely executed wills, but to date the standard practice has been to assume that the physical presence is still required.

1900 COVID, Mr Speaker, has presented many challenges to those who wish to execute wills during the COVID pandemic, given social distancing, shielding and lockdown measures imposed on recommendation by governments. Our law in this area was until 28th September 2020 identical to that of England and Wales and other British Overseas Territories who enjoy the use of the common law. The response by the UK government and the other British Overseas Territories was  
1905 to amend the law in a limited and temporary way in order to capture those wills that may have been executed remotely during the critical period of lockdown and beyond. In other words, Mr Speaker, the UK Parliament has approved retrospectively temporary legislation providing for flexibility in respect of the witnessing of wills via video conferencing from the first confirmed case of COVID-19 in the UK, namely 30th January 2020, to the 30th January 2022.

1910 The purpose, Mr Speaker, of the Private Member's Motion and after a helpful, and I must say constructive engagement with the Chief Minister back in September 2020, is to call on the Government to publish a Bill to amend section 9 of the Wills Act 2009 to provide for limited and temporary changes to our legislation which makes provision for the execution of wills by video conferencing or other visual transmission, the period of which is 4th March – which I believe,  
1915 Mr Speaker, was the first case of COVID on our shores – 2020 to 4th March 2022.

Reflecting, Mr Speaker, on that point, I had originally thought to introduce a Private Member's Bill in order to expedite the amendment, but I was persuaded by the Chief Minister in our

1920 exchanges that the resources and the experience of Government would ensure that what we would be seeking to be achieved is done in a much more efficient way. So I am grateful for the Chief Minister for the indication and I do have an indication from the Chief Minister that the Government would broadly support this; but we have not obviously spoken about it in some time, given that this was issued some time ago.

1925 Mr Speaker, my view is that the Wills Act 2009 as a piece of primary legislation does not provide the statutory power for the Minister to make these changes via any regulatory or subsidiary legislation, therefore a Bill to amend section 9 of the Wills Act will need to be brought. If I am wrong of course, Mr Speaker, for this motion to prosper without technical difficulty, I have in the context of the motion sought to call on the Government to make changes via other statutory routes or alternatively under civil contingency legislation.

1930 Mr Speaker, finally I should say, given more recent representations that have been made to me, that I have stopped very, very short, of course, of proposing more permanent and wider changes to our law in respect of electronic witnessing in the commercial context, but I think we should lay down a marker that it may well be the case after the Government's legal drafting team have got together and they may identify that further work might be needed in order to ensure Gibraltar's prominence in the digital space, that we should constructively consider any other consequential amendments to other laws to make the digital execution a permanent and enduring feature of doing business in Gibraltar.

1935 But for now, Mr Speaker, the amendment is focusing purely on the basis that this has been a COVID impact and I would commend the motion to the House. (*Banging on desks*)

1940 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. E J Phillips.

1945 **Chief Minister (Hon. F R Picardo):** Mr Speaker, simply to say that the Hon. Mr Phillips contacted me before moving this motion, I have often said to Opposition Members that if they want to do something which is going to count with the Government's support and therefore with the Government's majority in this House we can be in touch together and we can work together, and then when those things are done the Government will not seek to take the credit for them. The Government will ensure that the person who has had the idea and brings the idea is able to be the mover and in that way – look, at the end of the day this is politics – they can demonstrate that they were the ones who moved it. I was very happy to support the hon. Gentleman in respect of this particular motion, in respect of this particular matter.

1950 The Hon. the Minister for Justice has expressed to me some concerns, which I am sure the hon. Gentleman is alive to, that some practitioners have about Gibraltar adopting exactly the same mechanism as was adopted in the United Kingdom and therefore the promulgation of the legislation will have to be subject to consultation, as he would expect in any event, with the Bar Council and the Chief Justice etc. in respect of this particular matter, which is in the purview of the administration of justice, because wills fall under the administration of justice.

1955 But other than that, Mr Speaker, the thing I was very keen to ensure the hon. Gentleman understood was that as a result of an incident involving the then Minister for Justice, Mr Feetham, who when I was in opposition had promoted what we had been told was a Private Member's Bill. I made a little further investigation of what a Private Member's Bill entails and a Private Member's Bill entails, in order to bring a Private Member's Bill, that first permission be granted by the House for it to be published as a Bill and then the hon. Member who moves the Bill must demonstrate that he is funding the cost of the publication and printing of the Bill. I did not want him to be put to that cost unnecessarily for something that the Government was able to support.

1960 So instead of putting the issue as a Private Member's Bill that would be attached to a motion that was a motion that would permit a Private Member's Bill to go, we agreed that there would be a motion that entreated the Government to bring as a Government Bill a Bill which does the thing that the motion provides for. That is why the hon. Gentleman was persuaded and that is

1970 why we have agreed to support the motion in these terms, subject to the terms of the Bill being those which the consultation produces, not just those which may be on the motion.

1975 Mr Speaker, I have no doubt that he can be in touch with the hon. Lady in the context of how to bring that about in a way that is in keeping with the concerns that have been expressed to us and achieves the objective that his motion and his concerns are designed to achieve. So this side of the House will be supporting the motion in its terms.

**Mr Speaker:** I call on the mover of the motion to respond.

1980 **Hon. E J Phillips:** Mr Speaker, that is of course welcome and understandable that the legal profession and those that practise in the private client sphere may wish to obviously have an involvement and feed in their thoughts as to what legislation to support this proposal and any other proposals in relation to the execution of documents. Of course I am alive to the Electronic Commerce Act and also the Electronic Communications Act, which may well be other parts of legislation that the Government may wish to amend to support also not only the private client industry and dealing with the estates of individuals, but also the wider business community, Mr Speaker. So I welcome the indication that this should go out to wider consultation of the Bar Council and indeed the Hon. the Chief Justice.

1985 Insofar as the Private Member's point, insofar as the Bill is concerned, Mr Speaker, would the Chief Minister – I am not ... asking question, I should not ask the question, but I think it would be interesting to learn from the Chief Minister perhaps outside this place as to if there are opportunities for the Opposition to file, with permission, of course, Private Member's Bills that they should be encouraged to do so as parliamentarians and as parliamentarians across the world –

1990 I will give way, Mr Speaker.

1995 **Hon. Chief Minister:** Mr Speaker, there is specific provision under the Standing Orders, I think, and in *Erskine May* as to how a Private Member's Bill is brought and the mechanism is not complex. In order to be able to publish a Bill, the Government has, because it is the Government, one of the things which is in the nature of Government is the ability to originate legislation. That is one of the things that a Government can do. And in opposition you will have to originate legislation once the Parliament has given permission to originate the legislation.

2000 In effect what happens is that you have the debate on the legislation when you bring the motion and if you enjoy the support of the Chamber, then you get the permission to publish as a Private Member's Bill, because the Chamber has agreed that a Bill like that should go, but it is under established principles in the United Kingdom and here that it is only a Private Member's Bill if it is genuinely funded by the individual and in some instances these things happen also on the Government side, where a Bill is a Government Bill but it is done for a private purpose.

2005 So for example, we have had examples of banks that have sought that we should promote something which comes to the House as a Government Bill but is known as a Private Bill and that is to do a specific purpose which is not to affect the general public, but to give a benefit to one entity or individual as against the general public. For example, the migration of a portfolio of liabilities which in effect brings a novation by operation of law to a set of contracts without having to novate each contract.

2010 So there are different ways to look at Private Members' Bills. In the context of what the hon. Gentleman is saying, I have seen two in this place. One was the Minister moving the Private Member's Bill for the equalisation of the age of consent, which was not really a Private Member's Bill of any description because it was in fact paid for by the Government, and I have sought to find, as Mr Feetham knows, from him and from others where were the pennies that moved in order for that to really be a Private Member's Bill. It was not. It was a GSD Government Bill which the GSD Government leader did not want to have his fingerprints all over and he spoke against, Mr Speaker. So that is I suppose what you might call a hybrid Private Member's Bill! And then

there was the dangerous dogs Bill that I was trying to move when Hon. Members were in Government and they would not move it. So I got to the stage of bringing the motion but of course I did not get the consent of the House to move the Bill and subsequently the Government then moved their Bill, which was the Private Member's Bill.

Subsequently there have been in their time and our time Private Member's Bills which are the other nature of Bills, which are the ones for A N Other bank, for example, or A N Other lending institution which has migrated its portfolios in that way, if that is helpful to the hon. Gentleman.

**Hon. E J Phillips:** Mr Speaker, I am grateful for the Chief Minister's intervention in order to clarify the point, but I would say in summary that I welcome the support from that side of the House and I look forward to engaging with the Hon. the Minister for Justice in respect of the proposed amendments.

What I would say insofar as the hybrid approach, of course, Mr Speaker, the Chief Minister is well aware that I was not part of the machinery at the time when the Hon. Mr Feetham was engaged in that, so I cannot comment, unfortunately. But what I would say is that the Hon. Mr Clinton, I believe, attempted an amendment to the Savings Bank legislation, Mr Speaker. So it has been more than a couple of occasions, Mr Speaker, but I think it is useful ... *(Interjections)* Saying that, Mr Speaker, I think it is important that all Members on this side of the House actively participate in the processes that are available to all of us in order to support this House and the workings of it and, indeed, Government business, Mr Speaker. I am grateful. *(Banging on desks)*

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. E J Phillips. Those in favour? **(Members: Aye.)** Those against? Carried.

**Amending Adoption Act –  
Clarifying the age adoption is not possible –  
Motion carried**

**Clerk:** The Hon. M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*THIS HOUSE:*

*WILL promote legislation to amend the Adoption Act to clarify the ages beyond which adoption is not possible.*

Mr Speaker, this motion addresses a problematic ambiguity regarding the age of a person to be adopted for the purposes of an adoption order under the Adoption Act 1951. Due to the way the legislation and subsequent adoption rules are in their current form, it is not clear when the relevant point of time for the age of a person to be adopted should be considered for the purposes of making an adoption order. The legislation in its present form poses the following question: should the relevant time to consider the age of a person can be adopted be (1) at the time an adoption application is filed or (2) should this be at the age the person is at the time the adoption order is to be determined or made? The proposed solution is a simple amendment to the existing Act which draws from UK legislation and references to other jurisdictions.

This proposal was drafted by lawyer Philip Vasquez in November 2017 for consideration by the Bar Council and the proposals received the full support of this body. I am assured that this proposal was also made available directly to Government before it reached me, Mr Speaker, but I am honoured to stand here today to present it myself in front of the House. This amendment seeks

to avoid future ambiguities and disadvantages to future applicants, as well as the costs that come with these unnecessary legal and bureaucratic hurdles. The process of adoption is one that is sensitive, involved and emotionally taxing, and it is our duty as legislators to remove all unnecessary burdens and make the process as smooth and uncomplicated as possible.

As per Mr Vasquez's submissions, this motion proposes that the following amendment be made to the Adoption Act to rectify any future misunderstanding concerning the relevant question. The proposition is as follows, Mr Speaker. Following section 5(6), insert: '(7) An application for an adoption order may only be made if the minor has not attained the age of 18 years on the date of the application. (8) References in this Act to a minor in connection with any proceedings, whether or not concluded for adoption, include a person who has attained the age of 18 years before the proceedings are concluded. (9) An adoption order shall not be made in respect of a person who has attained the age of 19 years.'

I would like to give Mr Philip Vasquez a special thanks for his work on behalf of the community and I would also like to thank Members across the House who have indicated, in principle, support for this motion. It is this spirit of self-collaboration that is the greatest success of our community. Thank you, Mr Speaker.

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. M D Hassan Nahon.

The Hon. Samantha Sacramento.

**Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** Mr Speaker, we will support the motion, but that does not mean that we will support the proposed amendments to the legislation.

I am aware of the genesis of this motion, Mr Speaker, but I would not agree with the proposal made that the legislation is unclear. Nevertheless, Mr Speaker, having said that, the whole of the Adoption Act is being reviewed and I have a Bill for an Adoption Act which is at a very advanced stage and this is one of the issues that is dealt with in that Bill. So on that basis, Mr Speaker, I support this motion and then the detail of that will be contained in the context of the Bill when that is presented to this House. Of course it will be presented in a Command Paper first.

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

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

I am only rising to say that we support the motion and the comments made by the mover, and we note what the Minister has said and we will look closely at the proposed amendments that are advanced in due course, but certainly there will be consensus on this motion.

**Mr Speaker:** I will now ask the mover to respond to her motion.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the comments made and I understand the Minister's comments on her own pathology with this issue. I would like to also thank again Mr Philip Vasquez for his hard work and his community spirit. Perhaps the Hon. Minister might want to engage Mr Vasquez in the process of the future Bill or the Command Paper that she is working on in order to continue this collaborative spirit. I hope that when the change does come, it will go some way towards simplifying adoption procedures and making life easier for adoptive parents at a time of great emotional stress, which is the main reason why I brought this motion to the House. This would be a great example of how we can create synergies between all sides of the House and civil society to solve issues and fix problems. May there be much more of this in the future.

Thank you, Mr Speaker.



**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. M D Hassan Nahon. Those in favour? (**Members:** Aye.) Those against? Carried.

#### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the session of the House that carries the Appropriation Bill is usually one of an element of intensity and it usually happens in the spring or early summer. This year, as the House knows, because the Deputy Chief Minister and I already indicated, we thought that given the timetable that had originally been indicated for negotiations of a treaty between the European Union and the United Kingdom, it might make sense to wait until after the end of June to come here and have the benefit of an Appropriation which was already one that could be done with a view to a completed treaty. So Mr Speaker, we ended up coming really to the last working day of July, which it is never the Government's intention to do in the context of an Appropriation debate. But, Mr Speaker, the debate is now over. We have also been able to hear the different arguments that hon. Members have had on that and other Bills we have had. I think more motions dealt with today than we have dealt with in some time, given the pandemic, and indeed I think probably more motions than we have dealt with since the Hon. the Leader of the Opposition came back to this House in October/November 2019.

So Mr Speaker, with the heat of the summer upon us already and more heat to come, it probably is an appropriate time to lower the political temperature and to call the House to an adjournment for what in the old days was known as the long vacation and is now just the long hot summer ahead of us.

So I move, Mr Speaker, therefore that the House should now adjourn *sine die*.

**Mr Speaker:** I now propose the question which is that this House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn *sine die*

*The House adjourned at 7.21 p.m.*