



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.01 p.m. – 3.26 p.m.**

**Gibraltar, Monday, 3rd July 2023**

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# The Gibraltar Parliament

*The Parliament met at 3.01 p.m.*

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

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

## **Standing Order 7(1) suspended to proceed with laying of papers**

**Clerk:** Meeting of Parliament, Monday, 3rd July 2023.  
Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

## **PAPERS TO BE LAID**

**Clerk:** Papers to be laid – the Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2023, the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2023, the European Union Withdrawal (Application of International Agreements) (Amendment of Schedule) Order 2023 and the European Union Withdrawal (Application of International Agreements) (Amendment of Schedule) (No. 2) Order 2023.

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**Mr Speaker:** Ordered to lie.

# Questions for Oral Answer

## **DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES**

### **Q530/2023 FATF grey list – Update re removal**

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**Clerk:** Answers to Oral Questions continued.  
Question 530/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide an update as to Gibraltar's removal from the FATF grey list?

25 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the FATF has issued a formal public announcement following the June plenary of the FATF. This announcement contains their conclusions on all countries under review, including  
30 Gibraltar. A press release was issued by HMGoG in response to the FATF's public announcement.

Mr Speaker, that is my answer to the question that was phrased by the hon. Member in respect of what I can say in respect of the FATF process. As the hon. Member and indeed the Opposition are fully aware, proceedings of FATF and Moneyval are subject to strict confidentiality provisions – I have explained this before – which is why I have made it absolutely clear, in this House and  
35 outside of this House, that I am not able to say anything more, because if I did it would be against the best interests of Gibraltar and consequently I would not do it.

For the last 12 months, to be fair, the hon. Members opposite have been mature, responsible and co-operative in terms of how we have managed the public side, if I can call it that, of the FATF/Moneyval process, but of course, like all good things, they come to an end and the hon.  
40 Members could not resist the temptation of throwing politics into this process when the one thing that this process does not need is politics. Mr Speaker, all that maturity and all that responsibility were thrown out of the window in place of an attempt to have a go at me, at the Government and, let's be clear, at every one else who has been involved in this process, for the sake of what I consider to be cheap political points.

45 Since the placing of this question, they have issued two press releases which are really quite astounding. The statements include that the press release that we issued at the same time as the FATF press release was issued was underwhelming in its lack of detail. The hon. Member is fully aware, because I have told him many times, that we cannot give any more information, so in what sense is it underwhelming? Surely he understands that we cannot share details of particulars  
50 because we have sworn documents to the contrary. So how can it be underwhelming? If he cares to look back at the other statements that we have issued, it is consistent with all of those, and on each of those occasions he never once complained about the issue publicly.

He then says that last year I was 100% certain of delisting. I am 100% sure of our delisting, 100% sure. There is no question in my mind that we will be delisted.

55 He then says – in my view, remarkably – that there may be laws that Government could review to ensure the –

**Mr Speaker:** May I interject there, Hon. Minister? It seems that you are making a statement. I know that you are answering the question in the widest respect, but you are making a statement.  
60 That is how I am hearing it. I think you need to answer the question from the Hon. Roy Clinton and then perhaps from then onwards you can start bringing in all those issues that you need to make public, to make clear.

**Hon. A J Isola:** Mr Speaker, if it does appear to be a little bit like a statement then I must  
65 apologise, but I have perhaps myself fallen for the temptation of doing what the hon. Member suggested, which was that I should come to Parliament and make a statement. I will refrain from doing that and just leave the answer there and wait for other areas that the hon. Member may wish to raise, and I can just deal with those at that time.

70 **Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker. Of course, on this side of the House we would welcome a statement from the Minister should he choose to make one, and I am sure if there is an amendment to Standing Orders for him to do so, we would support it.

75 When I asked the question, and obviously it was before we had the FATF result ... When I say his statement was lacking in detail, as he has mentioned, it is because there is some really basic stuff that is not in there, and that is what is the next step. It is only from reading the FATF's own press releases on their website that it is apparent that the next window is October 2023. The Minister could at least have said the next target is October 2023, instead of which we had a 10-  
80 line press release congratulating everybody but not laying out what the roadmap is. That is all we really wanted. If he had come to the House and just made a statement saying this is where we are and allowed us to at least probe where we are, that would have been fine. I am not casting any aspersions on the Minister on how he does his work, but at the end of the day we are in Parliament and it is for Parliament to ask the Minister questions. It is as simple as that.

85 So can the Minister at least answer this question: is the next window of opportunity to be removed from the FATF grey list October 2023, and are there any tangible steps that he can disclose outside the non-disclosure agreement that he envisages that Gibraltar will be taking to achieve that?

90 **Hon. A J Isola:** Mr Speaker, I am astounded that 12 months after we started he still does not know what the process is. There is a process – (*Interjection*) Well, I have told him many times before and he has read the articles about Cayman. Surely he understands that there is a reporting process – I have said that before – there is a face-to-face process after an exchange on the reporting process, and then eventually there is a plenary. How can he be coming to ask what the  
95 process is when we have been in this process for 12 months? Does he honestly not know? I find it staggering when I have told him many times before. Perhaps he should listen a little bit closer.

The hon. Member keeps saying the Minister should have come on Monday and made a statement (**Hon. R M Clinton:** Yes.) a week ago today, and he says yes now. Well, last Monday I was working – not in Gibraltar, I was in London. Incredible. And who do you think I was seeing at  
100 exactly the same time that Parliament was sitting? I was seeing the Moneyval team at Her Majesty's Treasury, discussing the work that had to be done. I do not expect to be chastised, which is the word that was used in the press release, for not being here to give a statement when I am doing my damned work in trying to get the jurisdiction off the grey list as early as possibly can be done. So the reason for not being here is perfectly logical and something that I am sure he would  
105 expect me to be doing, not to be chastised for not coming to Parliament to answer his question and give him a statement on where we are with the process.

Mr Speaker, as far as I am concerned, the approach they have taken in falling for the temptation of trying to score cheap political points is an absolute shame. Again, I have to say that – he talks about the responsibility and he talks about the resources – never in Gibraltar's history  
110 have the Police had two accountants working permanently for them in relation to economic crime, never. Never has GIFU had a very senior prosecutor working within their ranks, together with staff from the FSC to help them with the process. Never have Customs and the Police had the legal services that they now have to help them in their economic crime. So before he tries to put the boot in on suggesting that Government has not given the people the resources they need, perhaps  
115 he should talk to them because I am hugely grateful to the Royal Gibraltar Police, to Customs, to the Financial Services Commission, to the Gambling Division, to the Financial Intelligence Unit, to the Office of Criminal Prosecutions, to the Office of Fair Trading, to the National Co-ordinator, to the Legal Services Regulatory Authority, to each and every one of them for the incredible work that they have done over this past very challenging not just one year, but three or four years, in  
120 doing everything they had to do to enable us to move through this process and to delist, as I am 100% confident that we will.

**Mr Speaker:** The Hon. Roy Clinton.

125 **Hon. R M Clinton:** Mr Speaker, I am gratified to hear that the Minister was meeting with Moneyval officials at the Treasury. He could have come here, made a statement and just said that. Great, well done. What I want to know is ... I do not know why he looks so astounded. It is a simple comment. What I really want to know is, is he confident that by October of this year FATF will be in a position to remove us from the grey list? He talked about process and we should know the process and the process takes time. Again, I speak not for myself – this is not my personal curiosity. 130 These are people in the street, these are people in industry who want to know. Is the Minister confident that in October we will be in a position to be removed from the grey list? He can stand up and say he is not in a position to say so. If that is his position, that will be interesting to know, too.

135 Thank you, Mr Speaker.

**Hon. A J Isola:** Mr Speaker, he does not need to worry about the financial services sector because I am very regularly in touch with them. I meet with a body that looks after every single aspect of financial services, every month, and they are told every month exactly where we are. So he does not need to worry himself about representing ... The financial sector, I have to say, is far 140 more supportive than he is. *(Interjection)*

If you want to know if I am confident, *(Interjection)* that we will, at the next hearing, be delisted, yes, Mr Speaker, I am entirely confident that at the next sitting we will be forward, ready to be delisted.

145 **Mr Speaker:** Next question.

#### Q531/2023

#### Mount Alvernia, Dr Giraldi and St Martin's staff through recruitment agencies – Numbers broken down by time spent in organisation

**Clerk:** Question 531/2023. The Hon. the Leader of the Opposition on behalf of the Hon. D A Feetham.

150 **Hon. K Azopardi:** Mr Speaker, in relation to the answer provided to Question 365/2023, how many of these agency workers have been working within those organisations for (a) less than a year and (b) more than one, two or three years?

**Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

155 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, within Mount Alvernia eight staff members have been working for less than a year, one staff member has been working for more than a year and one staff member has been working for more than two years.

160 Within Dr Giraldi, 24 staff members have been working for less than a year, 21 staff members have been working for more than a year, five staff members have been working for more than two years and six staff members have been working for more than three years.

Within St Martin's School, four staff members have been working for less than a year, one staff member has have been working for more than a year and 11 staff members have been working for more than three years.

165 I am now informed by the Department of Education that of the number of agency workers submitted in Answer 365/2023 who worked in St Martin's School, three staff included in the

original answer are Community Care individuals and have therefore been omitted from this reply, as they are not working.

170 **Mr Speaker:** Next question.

**Q532/2023**  
**Mount Alvernia –**  
**Staff transferred to other parts of GHA or ERS**

**Clerk:** Question 532/2023. The Hon. the Leader of the Opposition on behalf of the Hon. D A Feetham.

175 **Hon. K Azopardi:** Mr Speaker, since 1st January 2023, how many staff working at the Mount Alvernia facility have been transferred, for whatever reason, to other parts of the GHA or the ERS, identifying where they have been transferred to?

**Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

180 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, four members of staff have been transferred from Mount Alvernia. One administrative officer has been transferred to Government Law Offices, one nursing assistant has been transferred to the domestic department at the GHA, and one registered nurse and one nursing assistant have been transferred to John Cochrane Ward, which comes under the ERS.

185 **Hon. K Azopardi:** Mr Speaker, can I ask if the Minister is aware of the state of discussions as to the staffing at Mount Alvernia and the intentions of whether some of them will be transferred later this year, for example, to the new Rooke residential or nursing facility?

190 **Hon. A J Isola:** Mr Speaker, my understanding at this moment in time is that none of them will be transferred to the Rooke nursing facility.

195 **Hon. K Azopardi:** None because a decision has been made that none will be transferred, or that there are still discussions going on as to whether or not any staff would be transferred? Or is it that the new home will run its own staff?

**Hon. A J Isola:** Mr Speaker, I say none at this moment in time because at this moment in time we do not expect any of them to transfer over to the new Rooke site.

200 **Hon. K Azopardi:** I hear what the hon. Member says. I think he has just repeated the answer. Can I just tease this out, if I may? Is it because there are ... at least it is not clear whether, at the moment, the residents at Mount Alvernia wish to move down to the new home? Is it tied in with that question, or is it irrelevant? In other words, if people at Mount Alvernia wished to be transferred down, it would still be the position that there would be no staff transferred to the new home?

205 **Hon. A J Isola:** Mr Speaker, to engage in these issues now is premature. I do not want to alarm anybody. I do not want to cause any more speculation than is necessary. The position is that at this moment in time we do not expect any of the people in Mount Alvernia to be transferring over to the Rooke site. And I know that is the third time I have said that in my answer, but that is the position.

**Mr Speaker:** Next question.

**Q533/2023**

**Transgender surgery –  
Protocol to determine clinical decisions**

**Clerk:** Question 533/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, will the Government publish the protocol the GHA is following to determine clinical decisions on requests or recommendations for transgender surgery, and is there a minimum patient age for the consideration of such surgery?

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**Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Gender Identity Disorder Service in Gibraltar is run under the guidance of a UK-based specialist, Dr John Dean, following NHS guidelines. For surgery, patients are referred to a specialist provider in England. UK regulations stipulate that individuals must be at least 18 to qualify for surgery.

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**Hon. K Azopardi:** Mr Speaker, I am grateful for that. The hon. Member knows that this question was tabled against the backdrop of an exchange of correspondence. He wrote to me on the issue because I had asked a different question in another parliamentary sitting, and as it is tied in, and given the original answer, can I just ask him, because I am not sure he did actually answer the question ...? My original question was will they publish the protocol, and the reason for that was that in his letter, if he recalls, he had indicated that they were developing what he called then a gender-affirming surgery pathway. I took that to mean a specific document or protocol which was being devised with the help of a specialist, and so I am asking whether they would intend to publish that protocol so that people are aware against which guidance people are being considered.

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**Hon. A J Isola:** Mr Speaker, I will have to go back and refer to that letter and better understand what it is in terms of the protocol and where we are at. If it is at all possible to be published, I certainly will. But let me come back to the hon. Member with more specific details, as I do not want to guess. My supplementary information does not cover that point and therefore I am not able to say any more at this stage, but I certainly will do, as I did last time.

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**Hon. K Azopardi:** And can I ask which of the procedures would be publicly funded? Some of them, presumably, depending on what it is, would not be publicly funded. Again, this stems from the original answer. And also, in the letter he wrote to me there was an indication that consideration was being given as to which of the procedures was being funded. Presumably that would be in the document, if a document is being devised.

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**Hon. A J Isola:** I assume so, Mr Speaker, but again, as I said before, I need to have a look at it and where it is in the process to be able to answer that question fully.

**Hon. K Azopardi:** Mr Speaker, when he talks about the minimum age ... I think he said according to UK regulations the patient has to be at least 18. Can I take it from that answer that that is the policy position of the Government?

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**Hon. A J Isola:** Yes, it is, Mr Speaker. As I answered in my question, the service that we provide in Gibraltar is run under the guidance of a UK-based specialist following NHS guidelines, so very much aligned to that.

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**Hon. K Azopardi:** And finally, Mr Speaker, can I just ask: the letter he wrote to me implied that there were patients awaiting a decision in respect of these matters currently in Gibraltar. I will just read from his letter, if he does not have it in front of him. After giving me an explanation about the process that they were following and the advice being sought, he referred to the engagement with a private provider in the UK awaiting a response regarding cost, and then the Minister said, 'This is with a view to urgently outsourcing treatment required by patients in Gibraltar.' That implied a degree of urgency. He used the word 'urgently'. Can I have an indication from the Minister as to the backdrop of that? When and how many people are we talking about and will the Government ...? Presumably the Government is alive to the fact that it needs to take decisions in relation to that fairly soon, or at least the GHA is. Does the Minister have more information to give to us on those aspects, as to the urgency required?

**Hon. A J Isola:** I have some detail which I would rather share with the hon. Member privately. I am also aware, with regard to the urgency, that some patients have been seen, some patients have pending surgery, and one of the more complicated issues is that there is a significant waiting list with the NHS in the UK, and that also has an impact on some of the surgery that is pending. In other words, it is beyond our control. We are seeking to do it as quickly as possible, but this is subject to both our own and the UK, in certain areas, waiting lists. I have some numbers which I am happy to share with the hon. Member privately, and maybe that will give him some more information.

### Adjournment

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to Tuesday, 11th July, when it is my intention to suspend Standing Orders and start with the consideration of the Appropriation Bill at 10 a.m.

**Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday, 11th July at 10 a.m.

I now put the question, which is at this House do now adjourn to Tuesday, 11th July at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 11th July at 10 a.m.

*The House adjourned at 3.26 p.m.*