



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.10 a.m. – 1.40 p.m.

Gibraltar, Thursday, 28th May 2020

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The Gibraltar Parliament

The Parliament met at 11.10 a.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Thursday, 28th May 2020, Meeting of Parliament.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th March 2020.

5

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Welcome back to Members following COVID lockdown – Statement by the Chief Minister

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, it is my pleasure to welcome all Members back to Parliament for this May session.

The Parliament, since we have been elected, apart from the period of Brexit, has met on a monthly basis other than in April, and despite the convoluted times in which we live, this year to date, starting this session now in May, we will have met every month except April.

15

I want to, in particular, welcome you back to Parliament, Mr Speaker. Last time we met we had to make do with a presiding officer who gave me an extraordinarily rough time, so it is a pleasure to see you back in the Chair. If it is any consolation, I have made sure I have given him an extraordinarily rough time in Cabinet since then!

20

Mr Speaker, the time since this Parliament last met has been one that will be talked of for many years. It has been a time that will be referred to in our history for generations to come. When we adjourned *sine die* last time, my final words to the Parliament then were that the community should brace itself. It is quite something that the senior elected political leader of this community had to use those words in peacetime in this House, but that is where we were

25 on 20th March of this year. We knew that we were as ready as possible then for the arrival of a
wave of COVID-19 in Gibraltar. We knew that we had to hope for the best and we knew that we
were prepared for the worst. But even in that situation we were clear: we did not want to lose
any Gibraltarian or any resident of Gibraltar to the coronavirus. And now we know that we have
not. I would just say that unfortunately we are aware of at least one case in which a Gibraltarian
was lost to COVID away from Gibraltar. It is no consolation for us that one of our people has
30 succumbed to the virus, even if this was far from our shores.

As we left this place in late March, the Government had come before the House in high gear;
we left to move into even higher gear, probably the highest gear in which a Government has had
to operate in the period of civilian government in Gibraltar. I make no apology for again praising
the public sector for the way it has reacted to the call for action that we had cause to undertake.
35 Indeed, I want to tell the House that the reaction of Gibraltar to this crisis has been exemplary,
and it is not just us who say so: advisers to the World Health Organization have said so. In this
week's edition of *The Economist* there is praise for Gibraltar in two separate articles for the
introduction of our golden hour for our golden generation, the over-70s. The proof of that is not
just in speech, in an article, in an argument, or any metaphysical aspect; it is in the pudding of
40 reality. It is in the absence of casualties to date from the virus in our community, it is in the fact
that our Health Services were not overwhelmed and it is in the extraordinarily low numbers of
infections that we have seen reported amongst the resident population.

Even now, as we are doing even more random testing than most places in the world, we are
seeing almost no community transmissions, yet in those early days, as we braced, we had no
45 crystal ball to point us to the extraordinary success that we have now seen to date. In fact, we
had every indicator pointing in the direction of massive potential casualties. We had every
reason to fear that we might have lost many of our most loved ones, in particular in the
vulnerable demographic sectors, and we had every reason to work harder than ever to preserve
the lives of our fellow countrymen.

Life was turned upside down. First, restaurants and bars were closed from 8 p.m., no mean
feat as we actually did that on a Friday afternoon. Yet we saw everyone comply. The importance
of complying, of working for Team Gibraltar rather than for personal profit at stake, was clear to
every operator. All responded admirably, despite the likelihood of huge financial losses as a
result. The Cabinet met over the weekend together with the Leader of the Opposition, who was
55 present for our deliberations. We resolved to pass regulations to confine our over-70s. We
declared a major incident and established tiers of command and reporting. We closed catering
establishments completely, not just after 8 p.m.

We introduced a daily text message from the Government to ensure that the issue of the
numbers of infections was not one for unhinged speculation on social media. That continues to
60 this day and has proven the reliable index of numbers for our people when it comes to the
prevalence of the virus in our community. I want to thank Gibtelecom for that excellent work.
We produced a daily press conference where these numbers were provided to the public and
broadcast to the whole nation by the national broadcaster GBC. I want to thank the men and
women of GBC for really stepping up. A daily live press conference was an unimaginable
65 standard for us all before this emergency, but we achieved it. Newspapers stepped up and
introduced free deliveries for the over-70s in Government elderly housing. Thank you to them
too for the information and entertainment they will have provided. I personally record the
thanks of the people of Gibraltar to editors Brian Reyes of the *Gibraltar Chronicle* and Joe Garcia
Sr of *Panorama* for their magnificent initiatives.

70 So, everyone was working together, clubbing together to get through this in a way that was
designed to ensure that we were all rowing in the same direction, undistracted from the main
matter at hand.

We developed a Nightingale hospital ward from scratch. Particular thanks to Stuart Bensadon
and his team for the work they did on that, as well as the Royal Gibraltar Regiment, who under a
75 MACA request assisted also. We opened a new ICU, which is, mercifully, now closed.

We were on the cusp of a Government of national unity. It is worth just pausing over that issue in this place, Mr Speaker. The enormity of what we were facing was such that we were both, Government and Opposition, ready to consider that possibility. Today, in the sunny uplands of late May with no casualties to COVID, some might wonder and not understand how we might even have considered that, but it is important to look at where we were.

We were looking at estimates of hundreds or thousands of Gibraltarians dead in a period of a few short weeks or months. We had to develop the capability to bury mass numbers of people, we had to develop a new morgue facility, we had to stop religious worship, and on 23rd March we locked down our whole population. We restricted civil liberties in a way I would never have wished to, but which became essential. We restricted rights that I had sworn an oath to protect and we restricted the operation of those parts of our Constitution which we have fought through the decades, as the civilian inhabitants of this once military fortress, to enjoy. But it had to be done and our people have almost universally understood and accepted that. This is the first time in our history that the civilian authorities of Gibraltar have restricted the movement of Gibraltarians in Gibraltar.

It was in that dramatic, developing context that the two historic political rivals, the GSLP Liberals and the GSD, downed political weapons. We worked together. I understood the importance of reaching out to my opposite number on the Opposition benches and the Hon. the Leader of the Opposition understood the importance of accepting our call. If the worst of the events we had been told to expect had come to pass, we would today likely be sitting in Government together. I had cleared with His Excellency the Governor – and I think it is important to record in this House – and had communicated to the Leader of the Opposition that a proper interpretation of the Constitution permitted the appointment of 10 Ministers alongside a Chief Minister. I was therefore able to bring Mr Azopardi in as a Minister without having to remove one of the existing portfolio holders.

We were close, but in the end it was, happily, not necessary – not because we would not have been able to work together, but because we did not see the worst materialise and we found also a way of working together without that final step. We were, I think, both pleased to have been able to avoid crossing that Rubicon, but it is an illustration of just how dangerous the position potentially was. A GSLP Chief Minister was considering offering executive responsibility in a GSLP Liberal Government to a GSD leader, and, to boot, one of the team of 1996.

It saddens me, Mr Speaker, when I read ill-informed comment by a few ill-informed commentators that suggests that this has been a low period for our democracy. The opposite is true, and anyone who understands the detail of democracy understands that it requires moments of unity and not that in key moments people should continue to oppose for the sake of it, as if that were a necessary mark or criterion for democracy. There is time for all that. There is also time for unity.

I thank hon. Members opposite for their support, and the Hon. Leader of the Opposition in particular. I invited him to address our people alongside me in a press conference at No. 6 Convent Place in a fitting, historic, visual representation of the unity that we achieved in the common front that we have maintained. That moment, I think, is one that will live on in the political history of our nation for many generations, as it was as unlikely before as it was unprecedented. As I said in the last meeting, we must try to galvanise the spirit of co-operation going forward, if only to purge our debate of the more personal reflections we have seen in the past. But I am a realist too: let's see whether we can at least avoid calling each other names for the next few hours.

As the Government and the Opposition worked together, so did many other sectors. The COVID Economic Liaison and Advisory Council, which I established as a result of the Emergency Budget that I brought to this House at the last session, has included representatives of sometimes competing interests. Unions and business representatives' organisations have worked together to advise the Government in a way that has been selfless. Select members are not short of commitments themselves, but they have been attending meetings assiduously

130 although the meetings are lengthy, and all of them have given their time. Each has batted for
their own organisation but with a 'Gibraltar first' attitude, which is commendable and which I
refer to this House for that reason. I thank all members of that Committee on behalf of the
Government and people of Gibraltar. They helped us to develop our measures for business and
our Beat COVID measures to put a shield around employees and employment in this difficult
135 time. We were able to agree those also with the Leader of the Opposition and the Hon.
Mr Clinton, and the machinery of Government delivered on those new commitments and
obligations in a remarkable way, publishing regulations and guidance notes in record time and
translated indeed into various relevant languages – a remarkable effort led by the Financial
Secretary, the Commissioner of Income Tax, the Director of Employment and the Accountant
General. Their teams have been better than superb – as have our Government Law Officers, who
140 have been called upon to draft regulations at short notice in the period of the last 12 weeks.

140 In this time, Mr Speaker, I have met with the Prime Minister and spoken to the Foreign
Secretary and the Minister for Europe, the latter on a number of occasions. I have spoken also to
the Spanish Minister for the Interior and to the Spanish Foreign Secretary, as well as to the
President of the Junta de Andalucía. Political contact has been fluid and the Frontier has not
been a choke point in a manner that has been designed to prejudice Gibraltar, as it might have
145 been in the past. That too is an enormous success.

And so now, as we reflect on where we are, how we managed to get here and how we will
move forward, it is clear that there is much to do. We are already working on a new 'Unlock the
Rock' document, a second document from the Restart and Recover Task Force, which will be
issued in early July and will deal with the process to come as from Rock Unlocked on 1st August.
150 I anticipate a final part of the Unlock the Rock series, which will be a third instalment that will be
delivered in late summer and will be from Task Force Future.

We will have to consider together how we deal with the extended financial year, which is
now programmed to run to the end of September, and we will shortly be announcing how we
propose to continue to support businesses and individuals beyond 30th June. I do not, however,
155 want to anticipate questions on the order paper that we have which deal with the Beat COVID
measures.

Mr Speaker, I have said many thanks already in the context of the past few weeks; I have said
many thanks already in the context of this speech. I have many more thanks to give, in particular
to some in the public sector who are not often seen but who have demonstrated how essential
160 they are to the smooth working of Gibraltar, even in these difficult times – from refuse collectors
to our port operators and our port launch crew, our teachers, our LSAs, our cleaners. All of
them, the professional grades, the technical grades, everyone has given their best. The best of
Gibraltar have given their best to Gibraltar and we have seen the best of the Gibraltarian in
these times. That is what has delivered success. I hope we will continue to see that from every
165 sector in our community.

But there are there are hidden gems of things that have happened in the past 12 weeks that I
hope we will be able to shed more light on in coming days and weeks. For example, the small
private plane that flew directly to China and from China to Gibraltar to bring us PPE when it was
not available anywhere else. It was piloted by a Gibraltarian, by Mark Carreras – twice, to China
170 and back. These are remarkable achievements that are not on the front pages of our
newspapers but must be at the forefront of our minds as we understand how we have achieved
what we have achieved in the past 12 weeks.

The staff of our Civil Contingencies Committee have been absolutely remarkable. Ivor Lopez,
Wayne Barton, Tito Danino and Brian Brooks have been, I think, permanently in our Civil
175 Contingencies bunker at No. 6, in the Situation Room.

And indeed the work that has been done in the GHA. My interface in the GHA is the Minister
for Health, Paul Balban, but everyone in the GHA – Krishna Rawal the acting Medical Director,
Sohail Bhatti the Director of Public Health, and every single person in the GHA from the cleaners

180 to the security guards, to the doctors, to the nurses, every single level of responsibility in the GHA – has stepped forward and been ready to help Gibraltar through this process.

We need to understand that there are people in what we call the COVID ICU, or the Dirty ICU, or the COVID John Ward, who were waiting for the virus to arrive, to deal with it. Whilst we were shying away from it and trying to shield ourselves from it, there is a group of Gibraltarians who stood ready to face the virus and to ask for it to be brought to them so that they could work to save the lives of those suffering with the virus. That is remarkable bravery: much greater
185 bravery than standing up to make an argument in a rarefied place like this, much greater bravery than sitting at the head of a Platinum Command and making decisions which one is asked to make. This is frontline bravery and this House must recognise that. We must recognise it in a more permanent way than just in these speeches, and I will be inviting the Leader of the
190 Opposition to consider with me how we might do that in coming weeks and months.

And then the people who supported the GHA – for example, all those who went out of their way to make a contribution to the GHA, those associations who decided that they wanted to put their hands in their collective or personal pockets, because so many individuals did so too, and they wanted to give. Health authorities around the world were saying none of us has enough
195 ventilators in order to deal with these issues, and people suddenly thought, ‘Well, how can I help to get a ventilator? How can I help to get PPE?’ The remarkable inflow of unsolicited moneys to the GHA has been absolutely incredible. And then indeed, whether it is GBC who organised an ad hoc open day and collected over £100,000 – I think it was £178,000 – in addition to everything else, this support is more than just remarkable. Really, whether it is that or the
200 rainbow postcard received by some in our GHA from seven-year-olds and 70-year-olds, the support has been absolutely remarkable.

It really does make one wonder whether the heroes of the modern world are not the guys who kick the ball in the gladiatorial arena of football but the guys who save lives wearing their PPE in great discomfort in the hospitals of the world.

205 And then, moving on to other work done, for example by our Civil Contingencies team and the Moroccan Community Association, Ali Douissi, and the Foreign and Commonwealth Office all working together to ensure two extractions from Morocco, one of them brought to Gibraltar by the port launch crew and the RGP launch crew. That has been absolutely remarkable work and seeing that in action has demonstrated what this community is capable of when it needs to be
210 capable of it.

It is absolutely right, therefore, that the many sung and unsung heroes of the past 12 weeks should be recognised for the work that they have done, and that is why I think it would be appropriate for this Parliament to recognise that in some appropriate way.

Mr Speaker, too often I spend time thanking those who have been on the front line – or not
215 too often, because I cannot do it too often – but it is incumbent on me also to make a personal reflection of thanks to all who sit on these benches alongside me, to all of the Ministers I have been working with. The Cabinet that was forged in the trenches of Brexit was ready to deliver this success in the battle against COVID because we are a team that works together, and work is what has most defined every one of the people who sit alongside me on these benches
220 in the past 12 weeks.

If I had to single out two individuals in particular, it would, of course, be the Minister for Health and the Minister for Civil Contingencies. I do not know that Samantha Sacramento has actually slept in the past 12 weeks, but she has certainly been there every moment of every
225 working day with every regulation to hand, ready to be the interface with the Leader of the Opposition as regulations had to be published quickly and we needed feedback because we wanted to act together; or Paul Balban, who I think probably enjoyed the use of one of those 170-odd beds that we had available in the Hospital alongside his team; together with the Minister for Public Health, John Cortes, who has understood the science better than most of us in the context of how this virus arrived and developed, and was our early-warning system in the
230 Cabinet on the subject of what at one stage might have looked like a bad flu season coming in

our direction; and all other Ministers who have been dealing with issues, whether in terms of financial services and economic development, like Albert Isola and Sir Joe Bossano, the front line of Education, Mr Licudi – who I am starting to forgive for his time as presiding officer – and now on the front line of our fight against pollution is not the Minister for the Environment but the
235 Minister for Transport, who I think is relishing the argument that will help us deliver a better and greener Gibraltar; and, Mr Speaker, if you have looked at the Unlock the Rock document, probably the longest section, unexpectedly, is the section that deals with sport, which has its own intricacies and has been a difficult issue to deal with. So, my thanks to all of them. Of course, there is one person who has been with me every step of the way, and that is the Deputy
240 Chief Minister.

It is true that this has been a time of great stress for those who have been confined at home, for those with concerns about their businesses and for those of us who are in Government. It has been a time of great strain for the whole economy and for the whole community, but now I think it is time that we should also reflect that this is a time of great success. We cannot let our
245 guard down. Our advice has not changed. It is safer to stay at home if one is not out of work, if there is no other good reason to be out, but that is the way that we have beaten this first round with the virus and it will be the way that we beat the virus in every round. It is extraordinary that we have reached this stage with no casualties, it is extraordinary what we have seen Gibraltar do, but there is still the fact that there is a lot of work to do. That does not hide the fact that
250 Gibraltar is an extraordinary place, and long may that continue to be the case for all of us.

Now the work begins to develop those economic support mechanisms for all our businesses and to continue to try and see as low a set of casualties to unemployment as possible. It is going to be difficult, and the work that the COVID Emergency Liaison and Advisory Committee (CELAC) is doing now is going to be almost as important as the work that it has done, and I do hope that
255 we will be able to move forward together in this House on those issues. I expect to have feedback from CELAC on a number of new proposals by the end of this week and then I expect to be able to sit down with the Leader of the Opposition and Mr Clinton to consult them on those new proposed measures. Those will be the measures that go beyond 30th June, the period for which we have agreed the Beat COVID mechanisms.

Mr Speaker, what is ahead of us might be even more daunting than what is now behind us. There is an opportunity for a new future, a new future that will require courage and it will require bravery. It will be very easy to fall on the old ways, to pander to the popular and to not take the steps that are the right steps for our community. We are not elected to pander to the popular. We need to move away from that which is just comfortable and we need to stretch
265 ourselves. Perhaps we have stretched ourselves more than anybody expected already in the way that we beat our political weapons into ploughshares and delivered the best of each of us in the past 12 weeks. There is an opportunity to do that. There is a requirement to do that. Gibraltar, I think, is clamouring for us to do that as we go forward in this House.

Before I sit down it is incumbent on me to put on the record of this House the solidarity of
270 the people of Gibraltar with those nations around us that have lost citizens to COVID-19 and to those all around the world – whether it is in China, where this began, in Italy, where we saw it explode in Europe, in our neighbouring Spain, or indeed in the United Kingdom or in Morocco. Everywhere in the world that has suffered loss to COVID must understand that they have the solidarity of this small nation that has not, to date, lost anyone to COVID.

Mr Speaker, the Hon. Mr Licudi, when he was in your Chair as we rose to adjourn *sine die*,
275 told us last time that COVID was the battle we faced and it was a battle we will win. Twelve weeks on, we are ahead on points. (*Banging on desks*)

Hon. K Azopardi: I too want to welcome the return of Parliament. It has been a long time but an understandable interregnum because of the reasons that the Chief Minister has indicated –
280 and to welcome your return in particular, not that of course the Hon. Mr Licudi did not do a good job. Indeed, it has been remarked that he perhaps did a very good job. But we welcome

you. Your absence last time was for good reason. At the time, it was a very sensitive period for Gibraltar and we certainly like to see you back in that Chair this morning.

285 I also agree that this has been a historic period and it is important to understand and to reflect on that historical significance, because when you are in a moment that decades later will be described as historic, sometimes it is not particularly seen, but in years to come I believe that people will reflect on this particular period, how we dealt with it as a community, and then of course issue a verdict as to whether it was good or bad. Certainly I am not going to give that verdict today. Historians will do so. I hope they view how we dealt with that crisis in a favourable way.

290 I concur with the Chief Minister's remarks and I also express our solidarity on this side of the House – speaking for the GSD Opposition – with other nations who have lost so many lives. Yesterday, the United States was about to tip into 100,000 deaths. There was a programme on CNN about all the different stories of people who had lost their lives – and they were not just the vulnerable, of course; there were people in their 40s who ostensibly were healthy people. And so I think we have been graced, so far – and I say 'so far' – by the fact that we have not had any fatalities. The verdict, as far as I am concerned, is so far so good, and I think it is important, when we come to address that issue, not to lose sight, not to go crazy and not to misunderstand the moment we are at. The moment is not as dark as it was, but it still requires sensitive management going forward, and that is an important theme that people need to understand when they listen to the politicians of the day and indeed the messaging that is going out there.

300 As the Chief Minister has done, I also reflect on where we were on 13th March when he called me to have a discussion about the possibility of co-operation with the Opposition. That was a moment where the Government opened up to us the scientific modelling and advice it was receiving as to the kind of hospitalisation and fatalities that it was being advised might be possible. If we think about where we were at that stage, it was 10 days after the first confirmed case in Gibraltar. We had, two days before, in the Opposition issued a press release asking for comprehensive testing to be adopted as a policy of the Government. At that stage there had only been 49 tests in Gibraltar.

310 When we met the Chief Minister and he described that to us, I was certainly left in no doubt about the potential for a really dark storm in Gibraltar, a really dark period that we had never, as a community, had to grapple with – certainly not something like this. This community has dealt with military sieges, it has dealt with political sieges, it has dealt with war, but it has never dealt with that kind of deep public health crisis in that way – at least in the 20th century, or at least not since the Spanish flu of the early years of the 20th century – and certainly not dealt with by local politicians because of course the last time there was the Spanish flu of that magnitude, local institutions had not developed and there was not even a legislature for Gibraltar.

320 So, yes, when the shadow Cabinet considered that, on 14th March, we took an early view that it was absolutely necessary for us to co-operate and work with the Government on these matters, and so I attended the special Cabinet meetings to which I was invited and we discussed the social and commercial lockdown. As everyone knows, we came to this House a week later to support an Emergency Budget, at the request of the Government, to kick forward that which would have been absolutely necessary in an unprecedented way so that the Government could concentrate on dealing with the public health crisis.

325 We have been working on economic measures, on public health measures and on civil contingency matters, and all my colleagues have been engaged in those discussions at different measure.

330 During those early days the Chief Minister and I were in daily contact, sometimes more often than once, sometimes frequently. Certainly during the period between mid-March and the end of April, and leading up to the publication of the Unlock the Rock document, it was very frequent. I believe we have worked well. There have been testy moments that I have described – I have been asked by journalists before on this a couple of times, but I do not think it is helpful to describe what those were – but it has been a mark of the process that we have been engaged in.

335 I have to say this, because in the context of the Chief Minister's comments on the
Government of national unity that he would have considered ... He did mention it at the time
that we described. We had the session on the Emergency Budget and indeed we had a
discussion about the constitutional interpretation of that particular section of the Constitution
and so on, but of course we never reached the point where there was an offer inviting us to
340 form part of a national unity Government and none had to be considered. If there had been an
offer, it would have first had to have been considered by the shadow Cabinet and then indeed
the executive of the party, but of course it was not necessary. And the Chief Minister will know
that my reaction in those brief discussions that we had on the issue was simply 'I hope that it is
not necessary', because indeed it would have been a bad sign – not a bad sign in terms of
whether we could work together, but a bad sign of where Gibraltar was that we had had to have
345 contemplated a Government of national unity.

I just take up also a comment that I read in the *Chronicle* this morning where my friend Miss
Hassan Nahon was observed, or at least reported, to have said on the reconvening of Parliament
that the GSD and the Government had had unity over the last few weeks. I have to say, with all
due respect to my good friend, she is wrong in that because there is a big distinction between
350 what I believe we have done over the last 80 days – which is the politics of co-operation – and
the politics of unity. There is a big difference between a government of national unity, where
you accept an offer ... First the offer has to be tendered, then it has to be accepted, and then
you in effect merge into the executive and you accept the collective responsibility of that
because you are a member of that government. We have not done that. We have had the
355 politics of co-operation and the public interest, always reserving the right to disagree, always
reserving the right to disagree publicly; and the decisions, while we have been consulted, were
decisions of the Cabinet. I may have attended, but the decisions themselves were not decisions
on which I voted, because of course they are the decisions of the Government and we are not
part of that Government.

360 That is not to say that I disagreed. Indeed, there were a lot of those decisions that I agreed. I
entirely agreed, on behalf of myself and indeed my colleagues, with many of those decisions
that were taken, especially in relation to the social lockdown and the commercial lockdown –
they were absolutely necessary, I have said so publicly – but there is a distinction to be made
between what we did, which is the politics of co-operation in the public interest and indeed a
365 Government of national unity, and it is important that people understand that.

In the context of that, of course, I do want to also say that, in the same way as he has done, I
acknowledge the attitude of the Chief Minister in first tendering that invitation to work with the
Opposition, and indeed his attitude throughout. Even at the most testy moments I think we have
found a way to at least defuse things when we have disagreed on a number of issues, but we
370 have, I think, demonstrated that there has been a co-operative stance and I acknowledge his co-
operative stance in providing information, submitting to that process and indeed receptiveness
to the ideas that we had given him as Opposition, because I also understand that they are the
Government. They have been elected, not that long ago, as the Government. We had just come
out of an electoral process. It was for him to make the first move and I acknowledge that he did
375 that, and indeed the efforts of other Ministers in liaising with us and providing information
openly, and positively engaging with us when we agreed and when we did not agree.

I also want to thank frontline staff, and I have done so on a number of occasions. I think it is
important that this House recognises formally on the record our thanks to essential workers and
public servants, and indeed, above all, people who were so disciplined. But I will say this, and I
380 think it is important for us to do that: this is only the first phase. We have done very well. It is
important not to chant victory, if I can paraphrase a Spanish saying, because we are not there
yet. Indeed, proof of it is that we have social distancing measures in Parliament today. This is not
the back benches as I would have imagined it, Mr Speaker. I would have preferred different
backbenchers. (*Laughter*) I certainly do not envisage any of the colleagues who sit behind me on

385 the back benches! Perhaps that is for the future – we will have better parliamentary reform.
(*Interjection*) I absolutely want to, on the front bench, yes.

I think the proof of it is that that is where we are as a community and it is important for there to be consistent social messaging. And indeed, if I may say, as an aside – the tone has been positive and I am going to say this in as positive a spirit as possible for the Chief Minister – I do
390 think it is important that messaging is consistent and then adhered to, so that people are aware of what the position is and that there is no confusion. I have to say I did think that whoever drafted the press release yesterday, where there is a particular line in the Government press release that says that it is irresponsible to go to the beach before the bathing season, I think, probably overstepped that mark, I have to say because at the end of the day the Unlock the Rock
395 document does say that you can go to the beach for 30 minutes. All the messaging has said that.

I will just tell the Chief Minister a little story. I think people might have been a bit baffled, actually, by that line. I went for a walk to Sandy Bay on Saturday and I zealously wanted to be very careful that I stuck to the Public Health advice, so I actually timed myself on the stopwatch. I got engaged in a conversation with someone when I was on the sand and it took so long that by
400 the time I looked at my watch I was at 27 minutes – I had not had time to even take my shoes off – so I then left the beach, in accordance with the Public Health advice, but I have to say to him that there was at least one Member of the Government there in his shorts, wading in the sea. And so I think it is important that we all follow ... If the advice is 30 minutes, it is okay, but we should not say ‘irresponsible’, because that confuses people. That is all. I say it in the best
405 spirit possible to the hon. Member.

I do agree, as the hon. Member says, that we are at a sensitive moment, because, looking forward – the work that we have done with my hon. colleague Mr Clinton and indeed the Government – the economic management of this is going to be as treacherous as the public health management. Certainly we are alive to that. It is going to be compounded, probably, by
410 Brexit; that has not gone away and that is always going to be there. The revenue is going to be dented – consumer confidence globally has been dented – and so will the markets, and businesses will need more help. I think we both agree that, going forward, when the ‘Beat’ measures finish on 30th June, we will need to revise and think about how we do that. Indeed, proportionality of measures will need to be kept in active review, depending on where we are as
415 a community in the management of the public health crisis – and all of that is acknowledged.

In the same way as the Chief Minister has reflected on that moment of the possibility of national unity because of where we were in mid-March, I also want to add these reflections, if I may, on that. It struck me yesterday, because I was watching the coverage on the *Telediario* about the Spanish session in parliament yesterday, where it was either accusations that people
420 were almost quasi terrorists or undermining democracy or calling for insurgents ... The vitriol was such that I just do not know ... I sometimes watch that and I think, ‘Really, is that the best for your particular country?’ Of course, I make no comment. In Spain, the political panorama is such that people need to make their own decisions. I am not pretending for a moment to give lessons to people as to how they should behave, but I will say this: that in comparison with that,
425 over the last 80 days I believe we have been able to work together in this place in a way that other countries have not. I think that has been important and I hope that the verdict of history is favourable to us doing that – so different to how perhaps other countries have conducted a process.

When people say to me, ‘Why haven’t you shouted from the rooftops and asked for
430 information publicly?’ and so on, invariably it is because the Government has provided the information when we have asked, or accepted our ideas, or indeed accepted our comments on matters on which we have been consulted, and people need to understand that. People also need to understand this: anyone who knows me, or indeed my colleagues, would be surprised to think that we are going to submissively participate in a process as lambs. I think that we all know
435 each other well enough to understand that when we agree we do so, but when we disagree we are not afraid of saying so – we know each other well enough – and I think at the end of the day

the whole point of the process of co-operation is not just to sit there like silent lemons but to actually participate in a proactive and vigorous way. It is no different to being in a Council of Ministers. The idea that when I was in Government, or indeed my colleagues who served in
440 Government sat as lemons in the GSD Cabinet really is not to understand how the political process works.

There are some people who have made observations about what this has meant for politics, but I have to say that those who say that democracy was impoverished by these events, in my view, underplay both the magnitude of the threat that we were in and do not understand the
445 role of a responsible Opposition. A responsible Opposition has to make a judgement. A responsible Opposition needs to understand what is in the interests of this community. A responsible Opposition understands that politics is not about being at loggerheads for the sake of being at loggerheads. Politics is about outcomes. Politics is about ensuring that our people do the best possible, that we save lives. If the invitation is out there for us to work together at a
450 critical time in the history of our nation, for us to save lives, taking the alternative of the Partido Popular would have been not only callous but a mistake that would never have been forgiven, in my view, by this community, and should not be forgiven.

And so, when people say, 'Where is the Opposition?' I say, 'Doing its job, (*Banging on desks*) doing the job it was elected to do, which is to make a judgement and decide when it is in the
455 public interest to work together,' because there are issues like that. We can fight about traffic. We can fight about parking fees. We are going to criticise the Government on a number of issues going forward, but there are issues as well where, in the public interest, it is important to work together. I have said that before, and I appreciate that some people might not have believed me because it was never put to the test, but now it has been put to the test, so I hope now that
460 people understand that when the GSD Opposition that I lead says that we are willing to work together with the Government on issues of public interest, if we make that judgement, we will do so in a serious way. That does not mean that we are becoming the Government, because we are not. We are going to retain our role as Opposition. We are going to be robust and formidable, we are going to test those ideas, we are going to provide our own input, and at the
465 end of the day we hope that that delivers better outcomes for people. Otherwise, people who criticise us for doing that confuse the process with the outcome, as if it were better just to be at loggerheads, to have the destructive negativity just for the sake of it.

Mr Speaker, in this crisis we all had a brother or a sister or a parent or a daughter or a son who could have been affected by COVID. When we met in mid-March and we were faced with
470 that reality, people were losing their lives in droves in every single country of the world – countries that had the most sophisticated medical services around. It was impossible to believe that we were going to buck the statistical trend, and yet here we are. And so of course when we make the judgement of whether we co-operate or not, we made the judgement in the circumstances that we found ourselves in mid-March. It is important, always, never to read
475 history backwards, as I say often enough for people to listen to me. The Hon. Deputy Chief Minister, as a historian, knows that that is the first thing we were taught in our History A-level and universities.

I believe that the vast majority of people welcome that we worked together in the interests of this community, and we will go back to normal politics soon enough. Indeed, we are already
480 doing so because the level of engagement between the Government and the Opposition has lessened significantly from the beginning of May until now, and that is understandable and normal. We all want to get back to normality; otherwise, the Chief Minister would have to make that offer to join his Cabinet that I would have to decline because the circumstances do not warrant it and I treasure my role and privilege as Leader of the Opposition, for the time being.
485 (*Interjection*) Yes, until the next election, when I hope to replace the hon. Member.

Mr Speaker, I agree with the Chief Minister that there are opportunities going forward and indeed there are still big issues on the horizon. The fact that we disagree on things is not a good reason for lack of engagement. Indeed, it is probably the best reason for engagement because if

we agreed with everything that the Government did then there would be no reason to engage
490 with us, because we add no value. The importance about adding value is that we actually believe
different things and see things differently, and may have different perspectives on things. We
may agree on certain things, but we also have different perspectives. And so yes, I do agree it is
an opportunity going forward and it is for us in this House to show that leadership and recoil
from populism. There is an opportunity for a new radicalism, as long as it is done properly – a
495 new radicalism that can be transformative. There is that opportunity. I believe there is nothing
to be afraid of in that.

I also want to thank my colleagues on this side of the House for the work that they have done
in the last couple of months, in particular Daniel Feetham, of course, on civil contingencies; my
friend Elliott Phillips on health and environment matters; Damon Bossino on financial services,
500 Port and shipping issues; Edwin Reyes on educational matters, which we have discussed very
closely because it is such an important aspect of the unlock process, as it was of the lock
process; and in particular, of course, Roy Clinton, who has been by my side in the discussions
always on public finances as indeed he is our guru on that side of things.

Mr Speaker, we emerge from the first phase and it is important to do a balance sheet, and in
505 that balance sheet I have made my comments of where we are. I think we should be cautious as
we go forward, learn the lessons and stay vigilant. There is much to do. Indeed, what concerns
me particularly, which I have shared with the Chief Minister, is the period of the late summer,
when after borders may open there may be transmission of further cases. That should not scare
us, because of course more human interactivity will do that, but the rise of cases needs to be
510 closely monitored and it does concern me where we will find ourselves in late summer or early
September.

So, we all need to be vigilant. That is the message: cautious, vigilant, adhere to the social
distancing guidelines and the Public Health advice. Let us restore freedoms in a measured,
responsible and careful way, because we all want that to happen. Let's ensure this community
515 survives in a sustainable, environmental and economic way, because there is much to be done in
the second phase. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

520 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you.

It is with the greatest sense of gratitude and relief that I stand here today, wanting to thank
everyone in our Government and on the front line – the Health Service in particular and others
in all the essential services, and those across our community – for their integral part in
preventing what could have been a very disastrous first wave during this ongoing pandemic.

525 In few places across the world have we seen prepared, empty field hospitals and a stock of
unused ventilators because there was no practical crisis despite reasoned expectations via
modelling carried out by trained public health experts. This is certainly something to be proud of
and something which is a clear indication that we have done a lot of things right.

I do, however, emphasise *ongoing* pandemic, because our work is still far from done and I
530 urge every member of our community to take heed of the necessary actions and precautions to
ensure our well-being. My plea is to continue to listen, to comply with the much-needed
recommendations that will allow us to safely navigate through these difficult times.

However, unfortunately this also leaves me somewhat puzzled as to why I stand here today
having to remind us about the role and the significance of the entire opposition, and not just
535 one part of it, in an effective parliamentary democracy. A compliant community also needs a
representation and a voice. A crisis such as this pandemic calls for heightened awareness,
maximum representation and scrutiny to ensure the common good.

My party suffered, as a consequence, being left out of many cross-party briefings and
meetings between the Government and the Opposition. The 20-plus percent of the electorate
540 that entrusted me and my party to defend their interest was left banished from the discussions

on the management of the pandemic, a move that sadly, or maybe even conveniently, was never protested by the official Leader of the Opposition; all the while, Government professing the importance of not playing party politics. This does not reflect a truly strong, constructive and representative Parliament.

545 We were given a diluted democratic voice during this crisis, but we were not silenced as a watchdog of public interests. Our loyalty and sights firmly set on the common good, constructively we decided to make our voices heard loud and clear. We voted in favour of granting Government all the extra powers it asked for, but being left out of key discussions did not mean we would stop doing what we felt our community needed. We voiced our concerns,
550 which demanded stricter and earlier social distancing measures, the closure of schools, more robust and inclusive economic support measures, something which should have been brought to the table by us much earlier on. We also insisted on more and better use of PPE and on the implementation of better testing protocols.

Listening and speaking to our constituents despite not being allowed to bring their concerns
555 to the table felt wholly undemocratic. Nevertheless, we were ahead of the curve at every juncture, pushing for measures that we, as well as most other nations, have eventually implemented. Our attitude towards the handling of the pandemic has been consistently one of proactive and constructive criticism, pushing Government to do more and to do better, and we believe that we have made a humble yet meaningful contribution to the success we have
560 enjoyed thus far.

With this situation being far from over in epidemiological terms ... Strict lockdowns, despite being costly and traumatic, are easy to implement. They are also tried and tested ways to stop the spread of the disease. The real challenges begin now, as we unlock the Rock as per the Government's guidelines. We must engage with our electorate fully, addressing majority and
565 minority concerns as efficiently as possible, because it pains me to say this but the current unlocking strategy feels like it is beginning to fall apart. It feels like it is beginning to fall apart for many reasons but mainly for the ones we have already expressed publicly: mixed messaging and lack of enforcement.

The general attitude in town is that the pandemic is over, that the job is done and that the
570 risk is negligible. The use of face masks is derided and mocked. The two metres social distancing is flouted by pretty much everyone, including many of our public workers and politicians, and there is simply very little fear of COVID-19.

I am afraid we cannot blame the general population for this dangerous misconception. We
575 have to blame ourselves because we, as politicians, need to lead by example. The message failure that has led us to a situation where we no longer have any fear of this disease needs to be rectified, because at present we are unprepared to safely start living with a virus that is still deadly and is still among us.

If we look back to mid-March, first we were on our way to herd immunity. COVID-19 was
580 little more than a flu that was going to move through our community. We even celebrated that some healthcare workers were catching it and thus developing a first line of defence. Then, as disaster struck in other countries and UK public health advice was tragically debunked, we moved to a strategy of suppression, urging people to stay at home and protect themselves as much as possible from catching the virus. But did we admit our early advice was wrong? Did we say openly that we had made a mistake or followed the wrong advice, that we did not want the
585 virus to go through the community at all anymore? No, we did not. We pretended mitigation and suppression were one and the same thing, and many people are still caught up in that confusion.

As for social distancing, we advise but we do not enforce. We do not fine or demand
590 adherence to norms. We tell people masks are good, but we ask them to use their common sense. We tell them to distance, but we take pictures in hospitals and indoor spaces surrounded by people without masks or without adequate distancing. This is not how we unlock the Rock safely. Right now our concern as a party, and that of many of our constituents, is a lot of fear

that we are heading straight into a second spike of cases when we had done so well controlling the first wave.

595 We need to end this ambiguity, the beach a clear example which we raised last week and which has now been echoed by the Leader of the Opposition. It is open and legal but the Government does not expect people to go. It is hot, there are people off work, there are students off school, but there are no security measures to protect people in an emergency. We need clear, strict rules, coherent messages and a degree of enforcement of the rules if we are to
600 make a success of this most challenging phase of the pandemic.

I carry the suggestions and concerns of our civil society and community to this Parliament and I invite Government to engage with me whenever they decide to acknowledge that reality. The opposition voice is here to echo the voice of the people in a society which truly needs us to act inclusively and effectively. We want to do the right thing for Gibraltar with coherence and
605 conviction.

I thank again the Government for its efforts and success so far and remind them that I stand available to roll up my sleeves whenever called for in order to help our community in any way I can to get through the crisis.

On a separate note, it is regrettable to have noted that we have not actually paid tribute to the late Frank Delipiani by a minute's silence or some kind of words for a man who was a
610 Minister for many years, as we have done with many others. We always do it at the beginning of every session. (*Interjection*) Well, I am letting you know. Excuse me – the Minister behind you is mocking me with gesticulations. We are not in a nursery; we are a Parliament.

Thank you very much, Mr Speaker.

615

Mr Speaker: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, following on from the statement made by my hon. Friend the Chief Minister, I welcome the opportunity to make a number of points for the purposes of *Hansard*.

This House last sat two months ago, on 20th March. We debated and approved an Appropriation Bill and we voted to extend the financial year. Members agreed to take those
620 extraordinary measures in the face of an abnormal situation. We did so in a calm, rational and logical manner and in a display of political unity, and I want to acknowledge the input from the Members opposite, in particular from the Leader of the Opposition.

Gibraltarians have united in the face of unity before. This is not the first time; also, it will not be the last. Once more we have stood shoulder to shoulder against an external threat, an
625 unusual threat nonetheless, it must be said: a virus, a peril that you cannot see coming, in fact you cannot see it at all. This cowardly virus was poised then to target our elderly and attack our vulnerable. It represented a threat to life itself. A simple look around the planet today will confirm this. Nearly five and a half million people have now been infected all over the world. Sadly, some 350,000 have lost their lives. This means so much more than simple statistics. The
630 numbers personify over 350,000 souls, real people, their pain and suffering, grieving families, lives stolen and overwhelmed health services all over the planet.

Thankfully, Gibraltar has been spared so far, but we have seen how both the UK and Spain have been hit by COVID-19. The UK reported its first confirmed case, in York, on 31st January. Spain did so too, in the Canary Islands, on the same day. I have to say that January now seems a
635 lifetime away, so much has happened since then. The virus has now claimed over 37,000 lives in the United Kingdom and over 29,000 in Spain next door.

We had, as has been said, our first confirmed case here on 3rd March, so when this House sat, 17 days later on 20th March, the danger we faced was a very real one. On 20th March, Gibraltar had carried out 146 tests. We had 10 confirmed cases, eight of whom were still active.
640 Twenty-six people went into self-isolation on that day and 300 symptomatic people self-isolated that very week. As the Chief Minister has said, the advice to the Government was blunt and

direct: thousands of people would be infected, hundreds here could lose their lives, 1,500 could require hospitalisation and the risk of death was up to 3.4%.

645 This was a particularly difficult time for all of us. It was hard. A long dark shadow descended over our daily existence and we looked in horror at what was happening elsewhere, in China and in Italy in particular. We produced the modelling. We drew on the experience of other countries, limited experience at that time, and importantly we prepared.

650 In those terrible moments the key to containing the pandemic was quick action. On 4th March advice was issued to avoid large social gatherings. On 5th March many public events were postponed or cancelled. On 10th March the Rooke drive-in test facility was given the go-ahead. On 11th March the elderly and the vulnerable were warned to stay at home. Further action followed. On 14th March the closure of restaurants was announced. On 13th March the bus service was suspended. Public counters were closed. On 16th March the over-70s were confined by law. School children stayed at home.

655 Twenty days of escalating action culminated on 24th March, when Gibraltar was shut down. The aim then was to keep people away from each other and in this way control the spread of the virus to ensure that the GHA would be able to cope. This time, the enemy at our gates did not face us with spears or arrows or cannonballs, we faced a new and invisible menace, but our objective and our tactics were tried and tested. We shut our doors, we bolted the gates, we
660 raised the drawbridge and removed our people from the path of danger, we scourged the land in front of the virus; and behind those walls we armed ourselves to the teeth, our weapons not bombs and mortars, not fire ships and artillery but preparation and organisation. More ward beds were provided at St Bernard's, a COVID ward was set up specifically, a COVID ICU also – a 500% increase in ICU beds, more ventilators, huge amounts of PPE, a cohort of nurses from the
665 United Kingdom. A new field hospital was set up within days and a call for volunteers was issued on 16th March. Over 1,100 people answered the call to arms. It is important to pay tribute to them all, because nobody quite knew what they were letting themselves in for at that time. We also need to pay tribute to our Health Service, to the Public Health team, to our emergency services, to our essential services, to the Civil Service and the public sector, to the private sector
670 and to the people of Gibraltar as a whole. They were all our first line of defence and their actions determined what would happen next against the most serious health hazard of our lifetime.

The truth is that for just over a century the world has not seen a global pandemic quite like this one, not since the days of the so-called Spanish flu of 1918 which was arguably even worse than COVID-19 in terms of the estimated number infected, then 500 million people; the
675 estimated number of deaths, 50 million; and the demographic that was most at risk, then those under five, those between 20 and 40 and the elderly. A key factor at the time was that the Spanish flu came in two waves, both here and worldwide. The first wave reached Gibraltar in May 1918. Six hundred cases were reported and 21 people passed away. The second came in December 1918. There were then 3,000 cases and 111 fatalities. The second wave, locally and
680 globally, was more lethal than the first. Nobody knows how this existing pandemic will evolve. What we do know is that we won the first battle in the war and that in the event of a second battle against the virus Gibraltar is now better prepared than ever before.

All over the world, COVID-19 has gone on a merciless rampage against the elderly. It has decimated care homes. It has destroyed the lives of the frail and added to the suffering of the
685 vulnerable. We have seen the tragedy play out on our television screens. I have no doubt that the early action taken in Gibraltar has saved lives. Many senior citizens here went into voluntary confinement. Measures were put in place at elderly residential services and strict controls at Government sheltered accommodation. This has worked, so far. The last figures I saw showed that only nine over-70s contracted COVID-19 in Gibraltar, and they put up a fight and they sent
690 the virus packing. We would expect nothing less from that generation and I want to praise them.

Eighty years ago last week, on 22nd May, many of them set sail across the Straits to French Morocco. They did so in a process of wartime evacuation and re-evacuation that did not come to an end until 1951. They faced the horrors of war in London. They braved the U-boats as they

695 crossed the Atlantic westwards to Jamaica and southwards to Madeira. They shivered through bitter winters in bare metal huts in Northern Ireland. Decades later, they were the backbone of our resistance to General Franco. They endured the hardship of a closed border and the years of siege that followed, and they did so on a point of principle. That 'golden generation', as the Chief Minister has described them, set an example to us all. They made a sacrifice for the common good, over and over again.

700 This time, they were asked to make yet another sacrifice, and again they were not found wanting. The Government pays tribute to them, because our over-70s were advised to self-isolate before anyone else and the restrictions on them, first advisory and then mandatory, have lasted for longer than those on anyone else. All this time, they have been cut off from children, grandchildren, friends and family, some of them alone at home. I know that new technology has
705 helped. Virtual groups have connected together. Support mechanisms have been set up. Food deliveries, collection of prescriptions and medications – all this has helped too. That wartime structure was very ably strung together by my colleague the Minister for Civil Contingencies, Samantha Sacramento, and the Civil Contingencies Co-ordinator, Ivor Lopez. They have had every single detail at their fingertips and worked through every problem to find a solution.

710 I also want to highlight the work of my colleagues the Minister for Public Health, John Cortes, and the Minister for Health, Paul Balban. Every single member of this team has been closely involved, as the Chief Minister has said. Sir Joe Bossano, Albert Isola and Vijay Daryanani helped to shape the transition to a wartime economy and they will now lead us in the transition on the way back from that, together with Gilbert Licudi – who has successfully handled our schools at
715 the same time – and Steven Linares, who led the redeployment of the teams at the GSLA and Housing, including the protection of our pensioner flats: all led from the front by my hon. Friend the Chief Minister, who has not shirked from taking difficult decisions and doing what needed to be done. That is what leadership is all about and that is why we have a good story to tell today.

720 But getting there has not been painless. Some messages have been difficult. They have been hard to receive and equally hard to deliver. Tough decisions have needed to be taken and then communicated, both the good and the bad. We have acted on medical and Public Health advice. We have followed the experts. In today's world, none of this is easy because everyone considers themselves to be an expert on everything and everyone has an opinion about everything – true, and this is healthy, but this attitude often generates misinformation and this misinformation
725 often leads to confusion. This can be unhelpful at a time of a public health emergency and at a time of a global pandemic.

The Government continues to urge citizens to listen to official expert advice and to ignore everything else. Indeed, such information has flowed from day one in a manner that is unprecedented, both in the detail and in the volume. Our flagship has been the daily press
730 conference at 4 p.m. We have hosted some 60 of these and reached the homes of thousands of our people directly. The vast majority have acted on what they heard. We have disseminated statistics, given advice, explained the law and provided up-to-the-minute details about every aspect of the pandemic. Our small Press Office team have risen to the challenge too. They have outdone themselves and the Government is very grateful for that. Since 12th March, Gibtelecom
735 has sent the test data directly to thousands of mobile phones. The Government has placed Ministers and officials in front of the press and the public, and the Opposition have been involved, briefed and consulted. They too have had the opportunity to meet with our experts and to question them.

740 My hon. Friend the Chief Minister has said that we won the first round against COVID-19, and this is true. We have also said that the war is not over. Last week, the World Health Organization reported the biggest daily increase in infections yet: 106,000 cases in 24 hours. At the same time, the Director of the European Centre for Disease Prevention and Control has warned Europe to brace for a second wave. The question, she said, is when and how big. Therefore, as we unlock Gibraltar it becomes all the more important to follow the rules so that we can arrive
745 to as near normality as possible, because none of us want the pandemic to pick up again.

Of course there is life after COVID-19, but this life may be a very different one to the one we knew before. In a sense, we now move into a new world, a world that contains numerous unknowns, possibly a world with less human contact, certainly a world where we will need to adapt to what they call a 'new normal'. And we all know what the new normal will bring: social distancing, contact tracing, aggressive testing, self-isolation, quarantine and face masks. EasyJet announced this week that passengers will be required to wear face masks from the moment they step into an air terminal, throughout the flight and until they exit at their destination terminal. We need to face such new challenges with common sense, with social responsibility, with discipline and with an understanding of our civic duty. We can only make this work if we all work together. That is a new reality we must come to terms with.

The House knows the importance of testing as we move forward. Iceland has been held up to the world as a model for COVID-19 testing. They have conducted more tests per million inhabitants than any other country and often topped the global rankings. Over this bank holiday weekend, for the first time, Gibraltar overtook Iceland and became first in the world: the global leader in testing. This says much about our determination and our resolve in this fight. It also says much about our organisation. In fact, the number of tests done so far, which is over 7,000 today, represents some 21% of our population.

Moving on, the pandemic has taught the planet a valuable lesson, in many ways and in many different areas. The weeks of lockdown have cleaned up the air; reduced the levels of noise – you could hear birds chirping through open windows. The canals of Venice have lost their murkiness. Wildlife has now appeared in new localities. Marine life has flourished. The environment has become the clear winner. But this has also been a time to reflect deeply, to consider how we can best consolidate those green gains, to pause and to ponder, away from the daily challenges and the pressures of life. It has been a time to better understand the things we value most, to reassess what we once took for granted, because the pandemic has opened our eyes. You now see families spending time together walking, cycling or jogging; parents joking with their children; children keeping in touch with their elderly relatives; neighbours taking care of each other, making sure that the elderly and the vulnerable are keeping safe. These were traits we had always enjoyed as a community, but we were losing them. Sadly, they have long disappeared from many other countries. So, we need to stop in the moment in order to take stock of where we are, in order to cherish those values and treasure them.

These past months have taught us many lessons as a people, much more than about complex medical questions, much more than about public health pandemics: our sense of community, our sense of fellowship, our sense of purpose, our sense of individual action for the common good and our sense of Gibraltar as our family, which is now stronger than ever. We have pulled together in the fight against COVID-19. That fight is not yet over, but we have already learnt profound lessons about who we are.

Thank you. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, can I thank all hon. Members who have contributed to the debate for their words today. In particular, can I start by thanking the Hon. the Deputy Chief Minister for his very kind words and once again for his remarkable and exceptional support to me throughout this period.

During the course of my initial address I omitted to highlight one aspect of the response that Gibraltar has seen, I think, and all of us have appreciated and have at different times praised, and that is the work that has been done in one particular division of the Gibraltar Health Authority, Elderly Residential Services, where we had a concern from the very beginning that if the virus were to get in, either with a relative visiting a resident or a member of the staff who might be a symptomatic, there would be a great difficulty for the whole community if the virus were to spread amongst the residents. The work that has been done there by everyone who works in ERS and has understood the need to be repeatedly tested, to wear PPE, led by Antonio

Marin and Susan Vallejo, has been absolutely remarkable and we do owe them a huge debt of gratitude.

800 I do not underestimate the sacrifice that has been made by the relatives of those who are resident in ERS facilities, who have not been able to visit their relatives. We are slowly trying to unlock that in some way. The generosity of those who have wanted to assist by donating technology that has been used for people to be able to see their relatives ... This is a part of the sacrifice that has been undertaken by this community and the work that has been undertaken by members of this community that I do want to specifically highlight, because this was a key area
805 of concern for all of us.

The prevalence of the infection in our community today, which will now be going out in the text messages that Gibtelecom will continue to send, is 11 cases of COVID, three of them local residents and eight of them cross-Frontier residents. I do want to make the point, as hon. Members who have contributed have talked about the pandemic not being over, that that is, of
810 course, exactly the situation that we are in. We have to be particularly careful as we go forward. We cannot allow complacency to set in.

I do want to just highlight that those that we are identifying as active cases are being identified, remarkably, in the frontline random public screening, not in the symptomatic testing. So, a lot of people who are turning up with COVID-like symptoms are being tested and they do
815 not have COVID. Some people are walking around and are being randomly tested, and that is where we are finding COVID. It is important that that be understood, that a lot of the people who have the symptoms are suffering potentially from another strain of coronavirus – which we now know is the technical term for a form of flu – or indeed from allergies, which are also prevalent in this period. They do not have COVID, and yet we are finding COVID in people who
820 have absolutely no symptoms. So, this has not gone away, and you have to be careful not just to shield yourself from somebody who is coughing or who is sneezing or who might appear ill; actually, the prevalence of the infection in our community now seems to be in those who have none of those symptoms. The reason that we are reporting where people are resident now is so that we understand – and this is a key factor as well – whether we are having community transmission or not. As we move to the stage of contact tracing – and again I do not want to pre-empt questions that are on the order paper and talk about the detail of contact tracing and apps, which we will talk about in the context of Question Time – it is important that we understand how the limits of contact tracing will operate once we have got people who are from beyond our shores and the contact that the Hon. the Minister for Public Health has established
825 with the public health authorities of Spain to co-operate with them so that they can do contact tracing also in Spain on that basis.

Mr Speaker, I obviously thank the Hon. the Leader of the Opposition for his words this morning about the co-operation with the Government and the fact that, whatever we may say, of course the judgement of history is not one that we can deliver today; it will be delivered by
835 history – that is to say by future generations. As he often quips that we cannot read history backwards, I often quip that it is going to judge us – at least on this side of the House – well, because it is going to be written by the Deputy Chief Minister. Now that there is another historian in our mix, there might be two versions of that history. I hope that, in respect of this part of the political history of Gibraltar, the history he might write and the history the Deputy
840 Chief Minister might write might be a little like a Venn diagram and they might, on this at least, be at one – although, for all I know, they could be at one on much more than just this part of our history.

The hon. Gentleman referred us to the numbers of those who had passed away. He knows that in one of our press conferences I did that also because I am just remarkably struck by the
845 size of the numbers, and this is one of the things that we must bear in mind. In Italy, the number of people who have died equates to the whole of the population of Gibraltar. In Spain, the number of people who have died equates to all of the adult population of Gibraltar. In the United Kingdom, the country with which we have the closest affinity, the numbers now exceed

850 the population of Gibraltar. And the United States has now gone into seven figures in terms of the deceased. Those are really quite remarkable.

This week, I was struck by a front cover of the *New York Times* that published the names of 1,000 Americans and actually printed not just their names and their ages but a line with what they were known for by their families, demonstrating that these are statistics to a very great extent in the context of calculating what is going on with the virus but each one of them is a life. I was struck by the way that the Hon. the Leader of the Opposition referred to everybody being a father or a son, a sister or a daughter. I had made exactly that reference myself in a press conference. It is particularly important that we never forget that it is not just potentially a relative, it is potentially each of us; and that the best way that we can bring the right attitude going forward, as we move away from the initial period of what you might call the fear, is the ability to understand that each of us has to protect our family unit and ourselves from the things that could expose us and each of our family units to the virus. If we all do that, then we are more likely to halt the spread of the virus at all. If we all follow the rules, we are all more likely to ensure that there is not a spread of the virus. I will come to some of the things that the hon. Lady said about following the rules in a moment, but I think this is a key and important point.

865 The hon. Gentleman referred to the issue of messaging, which I will come to when I address the issue of the beaches that he was dealing with, but I think the best message we can each send out is a message of personal responsibility to follow what we understand are the rules and to understand what the rules are, not simply to fall into the shorthand of what the rules are but to understand what the rules are. I will say a little more about that when I deal with some of the extraordinary things that the hon. Lady has said.

870 Mr Speaker, in the way that the hon. Gentleman responded when I called him – and he referred to the fact that it was about 10 days after the index case – and showed him the science of what we were being told, I detected a man who had been Minister for Health and understood the limits of what the Health Authority can do and the ability that the Health Authority had to surge and to do more than it usually does but also with a limit. He talked about the dark storm that we have had to grapple with, and my concern then, when I spoke to him – and it was a concern that the whole Cabinet had shared and reflected on greatly – was that there was the possibility for great civil distress in our community.

880 Again, reflecting on numbers, which the hon. Gentleman gave and I have reflected on in the past, if you talk about a thousand people dying in the context of Gibraltar, you are touching every family. If you get to 3,000 people potentially dying over the period of the virus, a lot of them dying in a short period – whether that turned out to be right or it turned out to be wrong, whether the calculations eventually were better understood in the context of different modelling, but that is what you are faced with – that is more than just every family being touched by the virus. That is worse than any war we have been through and that can lead not just to great grief but to great civil distress that could lead to – and I have said it before – a very dystopian probability. We have avoided all of that, and faced with those remarkable potential consequences I thought it was clear to both of our teams, and I think it was clear to both of us, that we had to work together.

890 The hon. Gentleman referred to the fact that we have been in almost daily contact for a period as we have not been perhaps for 30 years – very frequent – and that we have worked well together, with tetchy moments. Well, of course there are tetchy moments in every relationship – in the closest relationship there are tetchy moments – but I think what we did was the hard thing to do because, as the hon. Gentleman also reflected, we are seven months out from a General Election. There are 10 Members of this House here and seven there. The easy thing is to say, ‘Well, look, if you don’t want an Emergency Budget, we’ll have one – 10 to seven; if you don’t want regulations, we’ll have them – 10 to seven; or sign under a Minister’s hand. The harder thing to do was to get through those tetchy moments. Sometimes it is incumbent on us lawyers to work around the stones that the accountants throw in our way, or vice versa, but that was the hard thing to do and we have achieved it and it is right that we should have worked

harder to achieve that in this moment. It is right that both teams should take something from it, because there will be things in the future where the consequences are not as dramatic but where we might work a little harder to try and find consensus because it will be in the interest of the community as a whole.

905 He is absolutely right that it would have been to cross a difficult Rubicon to get to the stage of a Government of national unity. It would not have been something that either of us would have done lightly. It was right, however, given the speed at which we were moving in the context of the difficulties that we were potentially facing, that we should be prepared and lay all of the groundwork for those potential steps to have to be taken, if they had to, but it would
910 have been a very bad sign indeed. It would have been a sign that we were moving in the direction of those casualties materialising, civil distress potentially being around the corner, and we have managed to work together without having to cross that Rubicon.

It is the reason, Mr Speaker – I will just allow myself one moment of reflection – why we did not believe that it was right to accept the invitation to move to a Government of national unity
915 when that invitation was extended to us by the then Leader of the Opposition now sitting to his left, the Hon. Mr Feetham, at the time of Brexit. We understood that there was a potential for Gibraltar to do well despite Brexit, and it would have sent a very bad sign indeed if we had had a Government of national unity then.

But the need might be there again in the future, and if it is – not on COVID or anything else –
920 if I am here and that need materialises, I will still extend the hand in the relevant circumstances. If I am not here, if I am there, or anywhere else, and it is ever extended to me or I am asked by anyone whether it should be an invitation that should be accepted, in the right circumstances the answer, in my view, should always be yes. In that, I join him in his gentle admonition of the hon. Lady and any others who might think that co-operation is a weakness. I think co-operation
925 is an opportunity for communal success, for community support where necessary, and it is absolutely right to take that course where it is possible.

The leadership of Sir Joe Bossano has always been based – when he was the leader of the GSLP, the Leader of the Opposition in particular – on doing the right thing for Gibraltar. I do not mean to use this as an issue of difference between us and I do not mean to go anywhere near
930 scoring a point, but on the issue of debt, for example, if you look at Joe Bossano's position – whether he is in government or in opposition – in relation to debt and how debt should be accrued there was never a changing of mind simply because he changed position. On the issue of sovereignty, the key issue which concerns us all, I will always remember and was so impacted by Joe Bossano saying of Peter Caruana in relation to the issue of joint sovereignty – although
935 then there was no attendance at Cabinet, no offer of a Government of national unity or anything, perhaps not necessary because there the rival was not invisible and biological; there the rival was political, visible and in London, let alone in Madrid, but Joe Bossano's position was to say, 'Look, before they get to him,' – the then Chief Minister, Peter Caruana – 'they have to get through me.'

940 There is no need for us to pretend to disagree where we agree. There is very good reason for us to robustly challenge each other where we disagree, because if we disagree genuinely we disagree for good reason and we want to make the point to the other that it is better to pursue this course than the other, but it does not impoverish democracy to agree. Indeed, much of what we do goes by agreement, and too often in democracy we are just analysing the 0.1% on
945 which we disagree – and fair enough, because we want to get even that 0.1% right, but there is not an impoverishment of democracy there at all. That is the richness of the system that we run, where it is run by those who are able and prepared to work together when they have to and they have the courage and the strength of character to take steps forward together when we have to.

950 Mr Speaker, it is indeed quite remarkable to see the layout of this place today. I was consulted on how it should work. The Deputy Chief Minister worked with the Clerk on setting out these benches. It feels a bit tight. I do not know whether it is me and my pandemic weight

955 issues or whether it is just that it is a little tight, but I am very relaxed about how we are sitting. We are all frontbenchers, whether we are at the front or at the back here, and I have no concern about the old Churchillian adage that in this sort of layout the enemy is often behind one and not in front of one. But given that we are not going to indulge in any partisan exchanges today, I will leave it just at that. I think everyone gets my point.

960 On the consistency of messaging, however, I have to say to both of the hon. Members opposite who have spoken that we do have to be a little careful with something as apparently trivial as the beach. I say ‘apparently trivial’ because we were talking a moment ago about the potential for mass casualties in our community and now we are talking about going to the beach. But the beach is one of the areas on which we have given advice. Yes, Ministers have gone to the beach also strictly following advice to go for exercise – to go for 30 minutes. I would not want anybody to think otherwise. There is the possibility that the beaches may be closed if
965 people are not observing the rules of social distancing. If we then took the steps necessary to facilitate that the beaches should be open before the bathing season ... I remind hon. Members that when they were in government the beaches did not have lifeguards or services until the beginning of the bathing season. We brought that forward when we were in government; we have just for this year taken the posture they used to take – that is important. But we have to be
970 very careful not to send mixed messages. The hon. Gentleman, perhaps a little more gently than the hon. Lady, who I will come to in a minute, used the beaches as an area of mixed messaging. This is the key point. If you facilitate attendance at a place which you are saying you should not be going to for more than a period, then you start to send a mixed message. I just find it very difficult to understand how people should be saying to us if somebody is irresponsible enough to
975 bathe whilst the red flag is flying, the Government has a responsibility to have someone there to save them, despite the fact that the Government has responsibly already told them that they should not be bathing because of the potential danger to life. This is a key issue because it goes to personal responsibility, it goes to common sense and it goes to mixed messaging, and I think both hon. Members have not understood that there is that potential for the message to be
980 mixed. I have seen suggestions that the Government may somehow have suggested that the lifeguards are designed to entice people to go to the beach. Nothing could be further from the truth, but if you provide an infrastructure for attendance at the beach how do you at the same time say legitimately ‘Do not attend the beach, unless you have to, for more than 30 minutes’? I think that is the difficulty.

985 But I think it is also true to say that we are enjoying the luxury of this debate. Mayor Cuomo, President Trump, Prime Minister Johnson and President Sanchez would be delighted to be having a debate about whether or not people should go to the beach, whether there should be lifeguards and whether they were snapped in their speedos, and not the debates that they are having. I think that that has to be understood.

990 Our message does not change. I read recently that somebody thought that I was being irresponsible because we are sending the message to stay at home unless you are going to work etc. but I had cycled to the top of the Rock – except, of course, we have also said that people should exercise. I need exercise more than most and I was only able to get to the top of the Rock on a bicycle because it was electrically powered, otherwise they would have had to pick me up
995 somewhere along the way.

1000 It is important to understand the detail of the rules before saying to people, ‘You must abide by the rules.’ We have been very clear. As long as you observe the rules of social distancing you can be at the beach. If the beaches get too crowded they will be closed. Please, therefore, to avoid the beach getting crowded, be there for less than 30 minutes – give everybody a chance to be in or out. We need to put things into their proper context and we need to understand the rules that are now in place.

The hon. Gentleman and I, and members of the Cabinet, have expressed concerns about civil liberties throughout this period. There has not been here a Government *wanting* to interfere with civil liberties. We have to remember that, at the moment, our civil liberties are still

1005 impacted. I say that because they are impacted by my Government and with my consent. It is
not something I want to see continuing because we are restricting access to places and we are
still restricting the key freedom of association, the right to gather with as many people as you
like wherever you like. We are still impacting that, and that can have serious consequences.
1010 Demonstrations have not proceeded today when people wanted to demonstrate. It is their right
to demonstrate and to manifest themselves against the Government or in favour of the
Government, and we need to understand that we are not completely yet out of the part of this
process which has seen restrictions on liberty. So, people who are wanting to go to beaches etc.
or people who want to comment about that need to understand that.

The hon. Gentleman said that he will look at new economic measures that we propose, to
1015 understand their proportionality and how they might assist business. We expect to be trying to
consult with him and Mr Clinton on the feedback from CELAC during the course of next week.
There is a further CELAC meeting at the end of this week as well.

He then moved on to address the issue of, as an example, the session in the Spanish
parliament yesterday. I was equally struck by how the parliamentary debate has been infected in
1020 some jurisdictions – the political debate in some places with presidential systems is not actually
in a particular house of debate – and how vitriol has got worse in some places during this period
rather than better, and how those who have passed away as a result of COVID are being used in
the political debate by one party against the other. I confess I am disgusted. I watch that from
the outside, whether I watch it in Spain or I watch it in other jurisdictions. It is not a comment on
1025 any particular parliament, but I am disgusted when I see it. I am conscious when I feel that angst,
in particular in this context, and how people might look at us and some of the debates we have
had in the past when we have allowed our personal inflections to get the better of us – we are
all human after all, but I think it is an antidote to those moments when we see others go through
the process that they are going through now. I see some parliaments which have ground
1030 themselves to a halt, in effect, in terms of the work that needs to be done, which very often
requires cross-party consensus to be built if it is going to be enduring, and that is very worrying
indeed. Indeed, I might say that there are moments when this House and those in it may even
have set an example for those beyond our shores, perhaps even to those who gave us our
Constitution, and that is a good thing and is a reason for this community to rejoice. Too often
1035 the political process is the source of reason for people to regret. I think at the moment people
might take a slightly different view, although that is not for us to say.

Of course it is not necessary to shout from the rooftops when we have disagreements, as the
hon. Gentleman says, and we have wanted to ensure that the process of working together has
1040 been successful. We have wanted to ensure that we have accepted views which hon. Members
have shared with us. We have not wanted to be difficult and pernickety; we have wanted to be
open and positive and I know that they have too in the way that they have approached this, and
I think that is what has delivered success. Perhaps that is why people should reflect that the
nomenclature of the ‘Loyal Opposition’ carries that reference to loyalty. It is loyalty to the
process, to the people who elect us. Whichever side we are sitting on, we were elected for a
1045 purpose, and that is what a Loyal Opposition does.

So, I salute that he has not taken the Partido Popular attitude, as he described it, of
callousness; and if he had, I think that the judgement of history would have been as negative on
him and them as it will likely be on them and those that have. So it is also, in my view, very
astute politics to have done what the hon. Gentleman did and to have behaved and worked with
1050 the Government, as they have.

Can I simply just therefore point them in the direction of what my own instinct is? I do not
often give political advice to my opponents but I will just gently point them in the direction of
what my own political instinct is, which is that people do want that courage and that bravery to
continue from all of us. They are, they say, going to be critics of us in terms of parking fees and
1055 road closures. It is one attitude Mr Speaker. We will then also point out that you can talk about
being committed to climate change as much as you like, but if when the time comes for action

1060 you are not ready to take the steps necessary to change behaviour, then it starts to grate with people; that if one day you complain that we are going too fast and the next you complain that we are not going slow enough, it starts to grate with people; and that there are some great things that we could do together on climate change, on roads and on parking, but that the populist route is the route of saying, 'If your parking is being put up by one penny, we're against it because we are with you,' etc. A gentle suggestion that there is a different road that we could take that would be in the best long-term interest of this community.

1065 The hon. Gentleman says he would continue to provide input on matters if we were ready to take that advice, and of course we will be open to listen to input genuinely given. We have done a lot of that work now out of the public domain and that is where we will do most genuine work. I think I have also demonstrated to the hon. Gentleman – as I have said before in this House but no one has ever tested me on it until now – that when an idea comes from the Opposition, and if the Government accepts it, we will not pretend it was a Government idea. We will be open and
1070 frank about the fact that it was an Opposition suggestion. I often have that dispute as to motions where our support is sought and I have always said if you let us into your thinking before you put the motion you can then put the motion yourselves and say it comes with Government support, but otherwise we will consider it to be just political posturing. I think it is important just to reflect, because we have had unnecessary dingdongs about that in the past, but I do hope the
1075 Government has now demonstrated to them that we are fulsome in demonstrating that something has come from the Opposition and is worth supporting when it does, and I hope that that infects the way that they do things in a positive way going forward.

1080 It was impossible, Mr Speaker, to believe that we might buck the trend internationally for casualties and it is remarkable that we have got this far without any, and we hope and pray and continue to work to ensure that we will be able to continue to buck the trend. It is also perhaps impossible to believe – and that is why I made the reference to the partisan nomenclature of the parties represented here – that the GSLP Liberals and the GSD could buck the trend of what has happened around the world, the political trend as well as the statistical trend. The rivalries have been long entrenched and yet we were able to do so, and that is definitely something worth
1085 remarking about repeatedly.

1090 There is now less contact between us. There may be more as we move towards the new financial measures etc., but it is only natural. He is a busy lawyer, sometimes difficult to get hold of – more difficult to get hold of than the Chief Minister on occasion – so I do not think there is anything strange or wrong in that, but he should know that as things become more robust and as we continue to move back to normality we will do everything we can to ensure that he continues in the role of Leader of the Opposition for many years to come, especially beyond the next General Election.

1095 Mr Speaker, the hon. Lady started by expressing gratitude and relief, which I think is an emotion that most people would want to express. I expressed the gratitude of the Government to our frontline workers in the whole of the public sector, indeed those in the private sector who also continued operations, and relief of course is what we all feel. But the hon. Lady was very particular. She said that she expressed her gratitude and relief to the Government and to frontline workers – therefore, two separate entities – and to our trained public health experts. I thought it was very good of her to start that way and to express her views in that way. I do not
1100 think she would have found support outside of here for any expression of emotion other than that, but it was the beginning of a very mixed message, in particular for somebody who told us that one of the key potential areas of difficulty is mixed messaging. I think she incurred mixed messaging herself, unless what she was trying to do was to say both things: the thing that she knows is right, which is that the frontline workers and the Government and the trained public
1105 health experts have done a remarkably good job, the results of which speak for themselves to now, and we certainly hope and pray that we will continue to see those results; whilst at the same time trying, as an apology for her role in the past 12 weeks, to find a way of justifying the positions that she is taking.

1110 Well, Mr Speaker, I empathise with her. To an extent, the result of her electoral failure has
come to roost in this period. There is an official Opposition. There is a Leader of the Opposition.
There are seven seats on that side: six were taken by the GSD; only one was taken by her. It is
impossible for the Government to be expected – and I will not talk about an amendment I have
seen on the order paper, but it is impossible for any government to be expected to engage with
1115 a whole opposition bench. Our constitutional system of Government and Parliament provides
not a constitutional role but recognition by the Speaker of a Leader of the Opposition for a
reason, and that is so that there is engagement between Government and the Leader of the
House and Chief Minister, and a representative of the majority of the opposition benches. That
is what has come to pass in the past 12 weeks.

1120 She had no difficulty with those issues when she was a Member of the official Opposition, but
now she has a difficulty with that, which I thought she expressed in terms a little too trenchant
to be realistic. For example, the hon. Member has had a number of briefings. She might have
wanted more, but she has had a number of private briefings. She has come to my office and met
with the Minister for Public health and the Director of Public Health and with Members of the
Opposition as well. On the issue of Line Wall Road she has met on a number of occasions with
1125 the Minister for Transport and his officials and I do hope that she will continue to take those
offers. But the United Kingdom’s strategy to release some of the restrictions there was shared
with the Leader of the Opposition in the United Kingdom half an hour before it was published.
Here, the Government and the Opposition were working together, and hon. Members had
embarrassingly early drafts, if I may put it that way – work which I would not usually have shared
1130 outside of the confines of my Cabinet colleagues, with notes and mistakes in which we were
working through, the usual early draft of any document. She had it three hours before it was
published. She is crying for a lack of consultation and a lack of involvement which is more than
the involvement that leaders of the opposition have in other parts of the world, even when they
are members of a Privy Council.

1135 She says therefore there is no democracy. Well, there is a lot of democracy. The hon. Lady
got a percentage of votes in the last General Election and hon. Members got a percentage of
votes and we got a percentage of votes; but we have not an electoral college system, we have a
parliamentary system, a first-past-the-post system which produces a result. Therefore, because
she has got one seat, she is consulted in that context. Otherwise, the hon. Lady ends up being
1140 like a failed presidential candidate who did not get enough electoral college votes but got more
popular votes in the whole of the United States, praying that the Founding Fathers had set up a
different constitution that might lead to a different electoral result. That is not the case. I did not
stand with her for election, I did not stand with them for election; I stood with my team, she
stood with her team, others stood in another team. This is the result of the General Election. In
1145 action. That is the reality.

She then went on to say something really quite remarkable which I cannot allow to pass
without comment, which is that she was urging us to make more and better use of PPE and that
she has been ahead of the curve at every juncture. If she has a printed speech, I think those
words will stand out to whoever it is that reads it. I just want to gently say to her that if she does
1150 feel that that is the case, it is not the feeling that people had at the last General Election,
otherwise they would have put her on this side of the House, not on that side of the House. It is
also not the feeling, I respectfully tell her, that I am left with in the context of my discussions
with her in relation to this matter, and it does not sit well with the message that she started to
deliver, which was to express gratitude and relief for the work – forget the Government – of our
1155 public health professionals who had done such a great job. So, either she thinks that they have
done such a great job or she thinks that she was ahead of them at every juncture and she should
send them a note verbale once a week of what she thinks they should be advising us to do.

I really do not think that this is a time for that sort of politics and I do not think it has helped
her stature to have taken that approach in the context of this debate, which I think is
1160 unfortunate. I do not think that she has spent the past 12 weeks pushing the Government to do

more and better, which is another thing that she said, which would of course mean that she was pushing all of us to do more and better when we were trying to work together, and I think it does deprecate the work that she does as a Member of this Parliament when she brings issues concerning her constituents etc. that need attention and which we try to assist her with. It does
1165 deprecate that work when she takes this sort of unfortunate and unnecessary attitude.

It might be helpful to just look back and to see whether in fact we are all now doing the things that she said we should have done and that that is what has produced the very positive results that we have seen reported in our community. I really do not think that anyone should make that claim. I certainly do not. I do not think I have done everything right at every turn and
1170 look back and think, 'This was exactly the right thing to do on 28th February and exactly the right thing to do on 10th March.' I, more humbly, look back at what we have done and thank goodness that we seem to have got it right. As the Minister for Public Health was saying, the whole world was seeing this virus develop. It is a new virus; we did not understand it. The attitudes to it at a scientific level were changing as scientific interpretation of what the virus did and who it did it to was changing. The other alternative is to take her at face value and say at
1175 least one of us knew what was happening, at least one of us understood the virus before the rest of us, at least one of us knew what it was that we had to do. I commend her to tender her services to the World Health Organization.

Mr Speaker, the Unlock the Rock document is not fatally flawed, far from it. It is a very good
1180 piece of work that I am very proud that this Government has produced. It is only the beginning of the work that we will do. There will be more parts, as I have indicated. Although we may not be working as closely together, I hope that Members of the Opposition will want to seek to contribute to it. More of it will be economic now and I will of course continue to ask that, if they want an input, they should be able to have it because this is a community document. To a very
1185 great extent it will be part of the historical record of this pandemic and it is important that we do not start to deprecate it. Simply because one part of the document might say 'this happens in this phase' and the phase starts on one date and then it happens on another date in that phase does not mean that the document is tragically flawed.

This is not a community that is failing to adhere to the rules that we are proposing, far from
1190 it. The success that I have spoken about is in great measure because the Gibraltarians and residents of Gibraltar – not all of them are Gibraltarians, we have to recognise – have understood what they need to do as we slowly unlock. Yes, of course some people have been desperate to get out. Yes, of course some people have wanted at different times to not stay at home despite that being the advice. I fully understand that, but people have in very great
1195 measure followed the advice.

And a lack of enforcement, she says there is. Well, Mr Speaker, I do not know what it is that she wants. Does she want lifeguards? And I am not suggesting that they are there to entice her to the beach, far from it; I do not know where she got that idea from. Does she want lifeguards, and people to stay at the beach as long as they like? Or does she want police officers with timers
1200 at the beach telling people that their 30 minutes are up? One moment she tells us that we need enforcement, and that is what Unlock the Rock says, and the next moment she tells us that we need lifeguards. I really do not understand, and no doubt perhaps later during the course of this session, in Question Time, she might in some of her contributions want to further clarify that.

Yes, there have been positions taken in the United Kingdom and remarks here about herd
1205 immunity, about whether this was a flu. Whether the first line of defence in the GHA and the National Health Service would benefit from those who have contracted the virus coming back, because they will have immunity, to a great extent is still being talked about in the United Kingdom, but public health advice has changed, scientific advice has changed and scientific understanding has changed with this virus. Does that mean that UK advice was debunked, as the
1210 hon. Lady said? Obviously that is her interpretation, and it is a matter for us ... I think we have worked well with Public Health England and with, in particular – I have not mentioned him, but I should – Dr Nick Cortes in the Hampshire Hospitals, a consultant to the Gibraltar Laboratory,

1215 working directly with Public Health England with the support of Public Health England as well
when it comes to swabs etc. We will talk about swabs and reagent in answer to some of the
questions later. I do not see advice as having been debunked. I do not see that sort of populist
description of what has happened as being relevant and I really do not think that it is what we
need to be doing.

1220 On the issue of masks and the advice, it is true that some countries have required masks to
be worn in some areas. Spain is requiring it in some respects. Germany is requiring it in some
respects. The World Health Organization has taken a position. We have taken the position that
the World Health Organization has taken. That means if you are inside and you cannot observe
the rules of social distancing – one to two metres away from another person – and you are going
to be there for more than 15 minutes, then you should be advised to wear a mask, and there are
some other circumstances where masks may be advised. She is not within one to two metres of
1225 anyone in this House for more than 15 minutes; I think there is more space between us. She
chooses to wear a mask. It is a matter entirely for her. Nobody prevents you. There is no rule
that says you shall not wear a mask if you do not wish to. There is just no *requirement* to wear a
mask, as long as you can observe those parameters. I may wish to see everyone wear a red scarf
because that might make everyone look more socialist. It does not mean that we should. It is a
1230 question of whether there is the public health advice there, and applying the precautionary
principle – whether that is the right thing to do. The advice that we have – this is not political
decision making, this is the advice that we have, which she might say months from now might be
debunked – is that masks should be worn in the circumstances in which we have said they
should be worn, not otherwise. She would find it very difficult to persuade me that we should do
1235 things which we are not advised to do by legislation; in other words, that the Government
should require in law – which is what to ‘make compulsory’ means – something which it does
not have public health advice is necessary on the basis that it is necessary for public health,
because the Government should not otherwise be legislating. Therefore, I think she needs to
understand that the trigger to legislate has to be that the public health advice is there.
1240 Otherwise, there is no legitimacy to the legislation.

Then she says we have done so well in the first wave. So, she starts with gratitude and relief,
she then criticises everything that we have done in that process, talks about debunked advice
and then tells us that we have done very well in the context of the first wave. Well, look, we
have done quite well in the context of the first wave – if we want to call it a wave; we think it
1245 was more of a cluster. We must not get complacent; there is a long road still to go. There are
great dangers in the way. The hon. Gentleman raised the issue of the autumn. I agree with him.
That is potentially a greatly dangerous period. The summer may be dangerous because of the
advice that the heat may not deal with the virus as it might with others, so there is great danger
in the way.

1250 I just say to the hon. Lady, as gently as I can, that her contribution has been very mixed in the
way that it has tried to straddle both relief, success, gratitude and support, with huge criticism: ‘I
was ahead at every juncture and the advice of the UK, and therefore the advice you were
following, was debunked, and you must make decisions, in respect of masks, which are different.
I do think there is an element of confusion there and our success so far, as she put it, is not as a
1255 result of having followed her advice so far; although if she wants to paint it that way I am sure
that there will be many who will want to agree and some whom she will persuade to agree if she
decides that she wants to use this difficult period in our political life as an anvil on which to
hammer her partisan advantage and opportunity.

1260 I do not think that anybody was mocking her – and this is not a nursery, it is a Parliament.
Never has it been more of a Parliament than it is today. I am so sorry that she decided to take
that attitude. The test of leadership comes once and I am not sure that she has really
demonstrated that she is ready for leadership in this community, and I am sincerely sorry indeed
that in the context of this debate and in the context of this statement that we have had to deal
with answering points like that which she ended up making.

**Procedural –
Order of business**

1265 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have nothing else, but I am happy to give an indication to the House before I sit down of what I expect today will be, before anything else.

Given the time, I would have thought that after anything else that needs to be said this morning I would adjourn now for an hour or so and then come back to lay on the table, to take questions, to bring a resolution that I have discussed with the Leader of the Opposition – and we
1270 may have a small amendment – and then take a Bill which I have certified as urgent, which is the Insolvency Bill.

In deference to the hon. Lady, because I understand tomorrow is a Jewish feast day, I will be hoping not to bring the House back tomorrow and to finish all of that business today. I would ask hon. Gentlemen and the hon. Lady, therefore, just to bear in mind that supplementaries in this
1275 Parliament have always been up to them and up to the Speaker, but if we can get through the questions quickly today then that will help us to deal with all of the business today and ensure that we do not have to come back tomorrow on a Jewish feast day.

I am grateful Mr Speaker.

**COVID-19 emergency –
Statement by Mr Speaker**

Mr Speaker: With the indulgence of the House, I would like to say a few words on the first
1280 day this Parliament resumes its normal activities after the enforced break brought about by the COVID-19 health emergency.

I am addressing the House as the Speaker and also as an over-70-year-old member of this community who has been in lockdown for 10 weeks. I am so grateful to everyone who has played a part in fighting this terrible threat to our lives. I am so glad to be alive and back here to
1285 preside over this meeting of Parliament. There have, however, been many moments when I was very afraid and thought I might contract the virus and die before my time. I am sure that many in our community will have had similar thoughts. Thankfully, so far, we have done well and have all pulled through and are now ready to resume our lives, albeit in a rather different world. However, we are not out of the woods yet and cannot lower our guard.

Throughout our recent history Gibraltar has been blessed with the confidence and determination to resolve many complex issues which have afflicted our small nation. Indeed, we have been very fortunate to have had a series of very gifted and astute political leaders who have seen us through many dark times. Our present leaders are no exception. I would like to thank the Chief Minister for his outstanding leadership and his heartfelt commitment to saving
1290 lives. I also wish to thank all the Government Ministers for their vital roles during these unprecedented times. It has also been very gratifying and reassuring to see the Leader of the Opposition working with and supporting the Government during this very difficult period. I thank the hon. Member for this. May I also thank all members of the Opposition for their important contribution. I also thank the hon. Lady.

The community as a whole has welcomed this display of unity in the face of such adversity. I believe we would not have achieved this surprising degree of success in combating the virus had it not been for the fact that in Gibraltar's time of need the whole community has stepped up to the plate. The observance of the tough lockdown measures has greatly contributed to this success. Our community's sense of responsibility and duty has once again come to the fore.
1300

From the outset of this emergency, the GHA worked round the clock to ensure that we were as prepared as possible to deal with the very real prospect of an onslaught from the deadly virus. This took me back to June of last year when I became critically ill with viral meningitis and
1305

1310 spent some time in the ICU. I was told I was intubated, on a ventilator, and that everyone, including my family, was required to wear PPE. This has brought home the fact that our doctors and nurses face the threat to their health and well-being not only at a time of a national health emergency but on a daily basis.

1315 I wish to thank the Director of Public Health and the acting Medical Director for their invaluable service in preventing a considerable potential loss of life. To Public Health Gibraltar and to the frontline and ancillary staff of the GHA, ERS and other care entities who have been at the coalface day and night and at great personal risk I say this: without your expertise, dedication and sacrifice, things could have turned out very differently. Gibraltar owes you a huge debt of gratitude.

1320 I would like to publicly recognise the valuable work undertaken by the RGP, GDP, Customs, Borders and Coastguards and teachers, as well as all those other persons whose professions and jobs have also put them in harm's way. I would like to thank the civil and public services for the crucial role they have played in this emergency. I also extend my thanks to CBF and the Royal Gibraltar Regiment and to the many volunteers. Last but not least, I wish to convey my thanks to the Civil Contingency Unit for co-ordinating the necessary action to deal with this major emergency.

1325 The number of deaths worldwide and the possibility that this virus may continue to rear its deadly head has brought into sharp focus the frailty of life in the world we now live in. We are so privileged to live in Gibraltar and to have such an excellent Health Service. The same cannot be said of many other countries. Let us not forget what we have and not take anything for granted.

1330 As the lockdown measures begin to ease, we should continue to act responsibly and observe the basic hygiene requirements and the need for social distancing. The virus is lurking out there, ready to pounce whenever we lower our guard.

Thank you. (*Banging on desks*)

1335 **Chief Minister (Hon. F R Picardo):** Thank you very much, Mr Speaker, on behalf of all Members, for your very touching, kind, very heartfelt words. I think that you have spoken for all of us in the way that you have addressed us today.

1340 I am so glad that you are here and well. I really do not know in whose hands I would now put myself – I know there is one who would not get the chance anymore, and maybe even opposite it would be hard to choose! Later today, we will have an opportunity to hear from another one of the over-70s cohort who will be in more obviously robust mode than any of us younger saplings and against whom I dare say the virus never stood a chance!

I move that the House should now adjourn to quarter to three in the afternoon to continue with the timetable.

1345 **Mr Speaker:** The House will now adjourn to quarter to three this afternoon.

The House adjourned at 1.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.50 p.m. – 9.25 p.m.

Gibraltar, Thursday, 28th May 2020

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The Gibraltar Parliament

The Parliament met at 2.50 p.m.

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

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

PAPERS TO BE LAID

Clerk: (vi) We continue with Papers to be laid.
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2021, and the Revolving Credit Line Facility Letter for £150 million sterling from Gibraltar International Bank Ltd as lender, to Her Majesty's Government of Gibraltar as borrower, also known as the 'Facility Letter'.

10 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Health and Care.

15 **Minister for Health and Care (Hon. P J Balban):** I have the honour to lay on the table the Mental Health Board Annual Report 2018-19.

Mr Speaker: Ordered to lie.

20 **Clerk:** The Hon. the Minister for Business, Tourism and Transport.

25 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** I have the honour to lay on the table a Command Paper on a draft Bill to make provision for the regulation of personal light electric transporters, to restrict their use to roads, to stipulate their use in traffic, to specify a minimum age for their operation and also to provide for their seizure and detention on the imposition of penalties for outside use.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING, YOUTH AND SPORT

Q221/2020

Stay and Play and Summer Sports – Programme offerings for 2020

Clerk: (vii) Reports of Committees. (viii) Answers to Oral Questions.

30 We now proceed to Answers to Oral Questions. We commence with Question 221/2020 and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, what are Government's plans in respect of offering Stay and Play and Summer Sports programmes for this year?

35 **Clerk:** Answer, the Hon. the Minister for Housing, Youth and Sport.

Minister for Housing, Youth and Sport (Hon. S E Linares): Mr Speaker, several models are being considered, as we are very keen to run the Stay and Play programme. These models consider all Public Health advice where possible, including social distancing, sanitation and other factors. We have a duty of care to provide a safe environment for staff and users alike, so we will make an announcement as soon as we have finished the plan.

Hon. E J Reyes: I am grateful, Mr Speaker.

I notice, posing the question, some things have come up more in the press. I want to thank the Minister for having worked together and closely with the different sports associations as and when things are starting to return, and I just want to place on the record that, should at any stage, in the same spirit of co-operation as some of my colleagues have done, I am always available to assist the Minister in anything he may need in respect of looking for a way forward for our sportsmen, many of whom I know are eager to burn all those extra calories and kilos that they have been building up recently.

Thank you, Mr Speaker.

Hon. S E Linares: Mr Speaker, just as a matter of order, on the paper I have one last line – because the hon. Member opposite asked about the Summer Sports programme this year: in respect of the Summer Sports programme, unfortunately this will not take place this year.

Hon. E J Reyes: So then, what is working is obviously the Stay and Play, because of the special circumstances, which reluctantly has to happen. But I am glad he has given priority to that area. It does bring great difficulties to families and so on, and it is definitely the children who will benefit most from that programme.

Hon. S E Linares: Yes, Mr Speaker. It is not reluctant; it is just to do with health. We understand the needs of people with disability, and especially children, and especially after a lockdown. It is such an important programme for us anyway, but we are going to have models so that it will hopefully work as it should and will work for them.

Hon. K Azopardi: There is an alarm in the building. *(Interjection)*

Mr Speaker, I hear what he says, and indeed this morning we remarked, all of us, on how sensitive the situation is, but would the Minister consider – because we are still in May – keeping

the matter under active review or perhaps a more ... because the opportunity might arise for a much more limited programme, especially in relation to certain children and not others, in smaller groups? It is a matter, perhaps, that he may want to reflect on.

Hon. S E Linares: We will have that in consideration, Mr Speaker.

40 **Hon. D J Bossino:** Mr Speaker, the Hon. Minister is absolutely right, this is a vital programme for many children with special educational needs and, as he also rightly points out, particularly in circumstances where they have been subjected to a very strict lockdown for the last 17 weeks.

Can I ask him, when he talks about several models, what models he is considering? Can he be a bit more specific in relation to that?

45 **Hon. S E Linares:** Yes, Mr Speaker. Like I said at the end, it is not finalised yet, but I can give the hon. Member just an insight that we will be having separate groups working in different areas so that there is at least the social distancing, and we will have like a bubble, where you have the carers and the children working in a group, and that group will probably stay together through the summer, so there is no contact with others and it will be in different locations where they can work. So, they will be rotating the locations but they will also be rotating with the staff. That is the sort of model we are looking at for the safety of the children.

50 It is important, like I said in my answer, that both the staff and the users are looked after properly. We have got to make sure that it is done in the proper manner. We are not going to rush into it just for the sake of doing it, and then we have problems. We are very conscious of that fact, and that is why I said it is a model – because we have not done it before – but we are working on that.

55 **Hon. D J Bossino:** Thank you. I am not going to necessarily pin him down on a date, as I know he cannot do so, but is it at least his expectation that the programme will be up and running in July – I think it is normally in July when it ordinarily starts – everything else being equal?

60 **Hon. S E Linares:** Without committing myself, I think it is probably about that time, the beginning of July, yes.

65 **Mr Speaker:** Next question.

Q222/2020
Government rental homes –
Arrangements for repairs and other works

Clerk: Question 222, the Hon. E J Reyes.

70 **Hon. E J Reyes:** Can Government indicate to this House the date by when non-emergency repairs will be recommenced in respect of rental homes, together with details of any special arrangements which may be undertaken in order to catch up with pending works?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

75 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, at present, phase 2 of the Unlock the Rock route map allows for works within non-occupied properties, albeit with the relevant Chief Technical Officer's (CTO) permit in place, subject to certain conditions imposed such as wearing of masks, gloves, temperature checks and social distancing, if possible. This

80 should change when phase 3 is initiated, whereby works within occupied properties can take place, again subject to a CTO permit with the relevant conditions.

Emergency works have been exempted from the regulations from the very beginning.

Hon. E J Reyes: Mr Speaker, thank you.

85 The final part of my question was does the Government envisage trying to make any special arrangements because there is a backlog, and obviously that will take a few weeks. Some of these tenants are understandably starting to get a bit impatient. Is there anything we can offer these people as a ray of hope that the works will be undertaken as soon as possible once we commence phase 3, like the Minister has just explained?

90 **Hon. S E Linares:** Mr Speaker, we are trying to get on top of every single report. If the report is an emergency one, like I have just stated, it is seen to immediately. If the report is something that has to wait, like again I have mentioned, if they are works that are within a household where there are people in it, it would not be sensible, whether the tenant likes it or not, to have workers going into their house. So, we would rather now wait for phase 3, and again like I have
95 said, within phase 3 we will try and catch up as many ... but again within the limits, and the limits are that construction are not working at a 100% pace.

Q223/2020
Emergency housing allocations –
Terms and conditions

Clerk: Question 223, the Hon. E J Reyes.

100 **Hon. E J Reyes:** Can Government provide details of any emergency housing allocations made as a result of COVID-19 lockdown consequences, indicating what terms and conditions may have been attached to these allocations?

Clerk: Answer, the Hon. the Minister for Housing, Youth and Sport.

105 **Minister for Housing, Youth and Sport (Hon. S E Linares):** Mr Speaker, 16 flats have been allocated to applicants on the waiting list as a result of COVID-19 lockdown consequences.

110 **Hon. E J Reyes:** Mr Speaker, these 16 flats have been allocated because they were the next 16 due, or have been allocated in a more temporary type of measure – which is why I ended my question asking if there have been any terms and conditions that, once these things are back to normal, they have to return the flat because it was just issued on a temporary emergency basis?

115 **Hon. S E Linares:** Mr Speaker, basically what has happened is that five flats have been allocated to the GHA for bed management – that means the people who have had to be moved from the Hospital we had to accelerate to be able to be given a flat; four flats have been allocated for Women in Need – we also thought it was necessary to have accommodation ready for people who might have issues and therefore Women in Need would be ready to take on issues that could happen in a lockdown, very important, I think; one flat was directed, due to COVID-19, to ERS for an isolation unit, to build the isolation unit; three flats were allocated to high-risk frontline workers; and three flats were allocated to high-risk living situations.
120

I must add that all of them have been on the housing list and what we have done is taken into consideration COVID-19, and at times, although they might be, just as an example, fifth or sixth on the list, we have accelerated them due to their conditions and due to their problems

125 and due to COVID, to be able to have allocated these 16 flats. And some of them are under conditions, as the hon. Member said.

Hon. E J Reyes: So, of these 16, how many will, in the foreseeable future, be returned to Government housing for allocation to others on the list, and how many have been issued on a permanent basis? Otherwise, I may not be understanding the Minister.

130 **Hon. S E Linares:** Mr Speaker, these flats are given to people who are on the list, who have been waiting. It is not that they have not been waiting. They are on the list. That means that all we have done is, if there has been a problem, we have accelerated in order to be able to give them a flat. For example, if a woman in need ... We have tried to empty some of the places.
135 These people are on the list, they are waiting for a flat, so we are accelerating for the needs of COVID-19.

HEALTH AND CARE

Q224/2020

MRI scanner –

Status re order and intended location

Clerk: Question 224, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, apologies for the length of this question.
140 On 24th June 2019, the Government confirmed that an MRI scanner should be in place by the beginning of 2020, having also confirmed that it had been ordered to deal with the 2,500-3,000 MRI scans required each year. In February 2020, the Minister for Health said in Parliament that the Government was committed to bringing home an MRI scanner and exploring all options as the location of the MRI scanner. On 19th May 2020 – last Tuesday – the Government stated that
145 the GHA remained committed to providing an MRI scanning service at the GHA.

Can the Government now state: (i) that the Government and/or the GHA did in fact not order the MRI scanner on or before 24th June 2019, and, if it did, when that order was cancelled and for what reason; (ii) the reason for the seven to eight months' delay – namely between 24th June 2019 and before the COVID-19 crisis – to making provision for the acquisition by the
150 Government/GHA of the MRI scanner; (iii) will the Government and/or the GHA purchase the MRI scanner; (iv) where the MRI scanner is to be located within the Hospital?

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

155 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, the GHA initially entered into arrangements for the provision of an MRI scanner on 6th June 2019. Studies were undertaken by the prospective supplier to find a suitable area within the GHA. This study found that the original site identified was deemed unsuitable.

Furthermore, it was recently decided not to proceed with the purchase of this scanner. The
160 order was subsequently cancelled, on 11th May 2020, in the interest of ensuring that Gibraltar gets the right scanner capability.

The period following the placing of the order was not a delay, and in any case no predetermined delivery date had yet been agreed. The GHA's position therefore remains as stated on 19th May.

165 **Hon. E J Phillips:** So, Mr Speaker, to be clear, the Government had not at that stage ordered and paid for the MRI scanner, or at least an instalment or a deposit for the scanner. Is that correct?

170 **Hon. P J Balban:** Mr Speaker, at that moment in time ... *(Interjection)* I fear I may have lost the thread there, but –

Hon. E J Phillips: I will repeat it.

175 **Hon. P J Balban:** Yes, please.

Hon. E J Phillips: I seek clarification as to whether in fact the Government had or had not ordered the MRI scanner and paid a deposit on 24th June 2019.

180 **Hon. P J Balban:** Mr Speaker, there was a study that was carried out with the prospective company, who came over to check the potential location of the MRI scanner. It was at this point that, during that study, it was found that the area which was initially earmarked for the scanner would not be suitable because of magnetic interference. I think it was magnetic interference from things like vehicles, because it was a low level, and the interference that it could also provide. That was the reason why it did not proceed from that point, so what was started was
185 the study into the prospective location of the scanner.

Hon. E J Phillips: So, the statement made in the House as to the ordering – because they are very specific words, that the Government had ordered an MRI scanner – is incorrect. Is that right? Or can we correct the record, for the purposes of *Hansard*?
190

Hon. P J Balban: Mr Speaker, the scanner had been ordered but we had not yet paid a deposit.

Hon. E J Phillips: Just to confirm, the cancellation date for the order, the Minister said, was
195 11th May 2020?

Hon. P J Balban: Yes, Mr Speaker.

200 **Hon. E J Phillips:** Mr Speaker, the arrangement that was put in place, who was that with – the external party outside, I assume, Gibraltar – to provide the MRI scanner? Does the Minister know the name of the company that the Government was going to order the machine from?

Hon. P J Balban: The company in question at the time was Phillips.

205 **Minister for Digital and Financial Services (Hon. A J Isola):** A horrible name! *(Laughter)*

A Member: Any interest?

210 **Hon. E J Phillips:** I am not sure whether the Minister meant the screwdriver or the other company. *(Laughter)*

Mr Speaker, is it the Government's intention to acquire this MRI scanner itself, as the Government acquired GHA?

215 **Hon. P J Balban:** Mr Speaker, not this scanner itself – obviously, it was cancelled – but as I said in the last part of the reply to the hon. Member's question, our position remains as stated on 19th May: the intention is to bring scanning MRI scanning services to Gibraltar.

220 **Hon. E J Phillips:** Whilst I appreciate that the Minister is confirming that he wishes to ‘bring home’ the MRI scanner – to use the language that he adopted back in February of this year – it is important for our community to understand that if 3,000 images are going to be taken via the MRI scanner, reassurance is given that the GHA will be the ones that are purchasing this scanner and that it will be deployed in other parts of Gibraltar. Or is this going to be acquired by a third party to provide that service to the people of our community, rather than the GHA itself?

225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is a question on cost, and as Minister for Public Finance I think the answer is that the option that the Government is looking to secure is the one that provides the best service for the best value for money for the taxpayer. I am sure he is not encouraging us to take an option that would be less good value for money if that meant that we owned the scanner but it cost us more per scan.

230 **Hon. E J Phillips:** Mr Speaker, I completely understand that. There are obviously a significant number of scans that this community needs. I think the last count was 3,145, in the recent statement on 19th May. I just simply wanted to know whether the Government had taken a view as to whether purchasing this would be more cost effective than farming it out, effectively, to a third party that will provide this service on behalf of the GHA.

235 **Hon. Chief Minister:** Mr Speaker, the answer to that – which is a question as to whether we have taken a view – is that we have not yet taken a view but we are keen to be able to take a view which delivers that best value for money for the best standard of care possible to produce the best possible scans in Gibraltar, which I think is the key issue here, that we have taken a policy position to bring MRI scanning to Gibraltar and we must do so in the interest of the patient and in the interest of the taxpayer in the way that is the most financially efficient way to do so.

240 **Hon. E J Phillips:** I assume, for the purposes of this question, that the Government will issue a tender notice in respect of this particular piece of expensive equipment, Mr Speaker.

Hon. Chief Minister: Mr Speaker, if we were to decide to purchase a piece of equipment.

245 **Hon. E J Phillips:** In that regard, Mr Speaker, the tender notice would obviously require that the individuals providing this service to our community have the relevant experience in this aspect of medical and health care.

Hon. Chief Minister: Mr Speaker, I am conscious that we have a lot of questions on the order paper and I am happy to descend to the most minor particular necessary.

255 It does not for one moment enter into the Government’s potential area of action that we should in fact contract MRI scanning to people who do not have the necessary expertise.

Mr Speaker: Next question.

**Q225-26/2020
Pioneer Healthcare Ltd/Group –
Introduction and relationship**

260 **Clerk:** Question 225, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how the Government was introduced to Pioneer Healthcare Ltd/Group?

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

265 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 226.

Clerk: Question 226, the Hon. E J Phillips.

270 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what commercial relationship it or the GHA maintains with Pioneer Healthcare Ltd/Group?

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

275 **Hon. P J Balban:** Mr Speaker, Pioneer Healthcare Ltd was introduced to the GHA through the former Medical Director.

This company provides visiting consultant surgical services and PPE supplies.

Hon. E J Phillips: Mr Speaker, who does he mean by 'the former Medical Director'?

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Hon. P J Balban: Mr Speaker, Dr Daniel Cassaglia.

Hon. E J Phillips: Mr Speaker, as far as I understand, there is a relationship between an individual within the Health Service at the moment and Pioneer Healthcare. I know it leads on to the next question – I was wondering whether we could leave that there at that point.

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Chief Minister (Hon. F R Picardo): Mr Speaker, we are not clear that that is the case but we are very happy to receive the information if the hon. Gentleman wants to give it to us.

290 **Hon. E J Phillips:** Mr Speaker, it is part of one of the questions, I think, in Question 227, so I am just – (*Interjection*) It is probably best to wait until we have dealt with Question 226, and then we can move to Question 227.

Mr Speaker: Next question.

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Hon. Ms M D Hassan Nahon: If you do not mind, can I possibly ask a supplementary to the Hon. Minister? My hon. Friend brought up the issue of Pioneer Healthcare and I have noticed a tweet about Pioneer Healthcare, talking about how they were effectively banned from providing their equipment in the UK because they claimed that there was a lot of red tape and they did not get it through the quality control system. Can the Minister confirm why it is that this company actually made it to Gibraltar, to our standards, when it was turned away from the UK?

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Hon. P J Balban: Mr Speaker, I am not aware of any tweets whatsoever in that respect, so I have no reason to know that.

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Chief Minister (Hon F R Picardo): If she shares it with us, we will look at it.

Hon. P J Balban: Yes, if the hon. Lady shares it with us, we will most definitely look into it, of course.

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Mr Speaker: Will the hon. Lady do that?

Hon. Ms M D Hassan Nahon: Mr Speaker, of course I will, I will be happy to, but let me just say that I have no doubt that ... The Minister may not have seen the tweet, but this is an official

315 tweet from the company, so my question is: respecting that he has not seen it, believing that he has not seen it, why was it exactly that Pioneer made its way to Gibraltar? Given that it had this history, what kind of vetting did the Gibraltar Health Authority actually have, in light of the fact that they did not make it through other places, like the UK?

320 **Hon. P J Balban:** Mr Speaker, the issue with Pioneer Healthcare Ltd is something that happened before my time as Minister for Health and Care, so unfortunately I am not able to provide any more information in this regard. But as we have mentioned, if the hon. Lady is kind enough to pass us this tweet and this information we will look into this matter further.

325 **Mr Speaker:** Next question.

Q227/2020
PPE procurement –
Interests of individuals connected to GHA

Clerk: Question 227, the Hon. E J Phillips.

330 **Hon. E J Phillips:** Mr Speaker, can the Government confirm whether any GHA employee or any person connected to the GHA has a direct or indirect interest, howsoever arising, from any contract for the procurement of PPE or other supplies or equipment in relation to the Government's response to the COVID-19 pandemic?

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

335 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, yes, sir.

Hon. E J Phillips: Would the Government kindly reveal that direct or indirect interest?

340 **Hon. P J Balban:** Mr Speaker, as is the case in so many instances in Gibraltar, there are in fact two companies which have supplied PPE to the GHA and they have relatives employed within the GHA. These two companies and individuals who are related to them have properly declared their interests.

345 As the hon. Member will understand, with a workforce of over 1,100 employees it would be impossible to suggest that any such conflict may not arise naturally or to be able to assure the House that they do not arise in other cases that the Government may in fact not be aware of.

350 **Hon. E J Phillips:** Mr Speaker, am I correct in therefore analysing this in the sense that Pioneer Health Group Ltd was the company that provided PPE to Gibraltar, it was introduced by Mr Cassaglia, and there are a number of individuals within the GHA – given the size of the institution, as you have suggested – who have an indirect or direct interest within that company? Is that correct?

355 **Hon. P J Balban:** No. You are actually putting one and one together and not getting two. We are not saying for a moment that the two cases in question are linked to Pioneer Healthcare. That is why I would need to look into Pioneer Healthcare in more detail, because it is not something that I am fully aware of, because it predates my time as Minister for Health. I was talking about other companies that have some relation.

360 **Hon. E J Phillips:** How senior are the GHA individuals who do have a direct interest in supplying PPE to Gibraltar? How senior are they within the GHA structure?

365 **Hon. P J Balban:** Mr Speaker, I am not entirely sure how senior they would be. Again, I think you are pointing your finger to try and reveal who they are. I would need to look into it, to get an exact link between the two, to be able to provide an answer to that question.

Hon. E J Phillips: Mr Speaker, forgive me for asking this question again: the Minister is not aware of the names of the individuals who have negotiated with the Government for the procurement of PPE in Gibraltar?

370 **Hon. P J Balban:** Mr Speaker, I am not aware of all of the names of all of the people who could be related to the company. No, absolutely not. I do not know how many people are related. As I said, with 1,100 employees I know there is more than one person involved in it. I do know a number of these persons, but not ... I would have to really check to see who all the interested parties are. It is not something which I would be privy to.

375 **Hon. K Azopardi:** Let me try to understand what the hon. Member is saying. I appreciate at the beginning of his original answer he says in a place like Gibraltar there will be people who will be related to the people who own the company with which the GHA has contractual relations, but really what we are trying to understand is ... There is a difference, obviously, with those people being cleaners in the GHA and those people being very senior in the hierarchy of the GHA, that might be involved ... I do not know if the hon. Member is listening to me, sir. I will wait.

380 If I have the hon. Member's attention, there is a difference between those people being cleaners and someone who might be senior within the structure and not involved in the decision making but senior within the structure and involved in the decision making. So, really what we are asking is: is the Minister aware of the names of those companies and the kind of seniority of the person with which the company has any links?

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it appears that they are talking about one type of relationship and we are talking about another. We would be very interested to hear what they believe is the situation and we are quite happy to share with them what we understand to be the situation, but obviously, because we are going to be bandying around names of people who are not here, it is probably fairer to do it behind the Speaker's Chair.

395 As far as we understand it, we have a situation where companies that have provided PPE to the GHA have on their boards or in their shareholding – it could be either of the two – relatives of people in the GHA, but not people in the GHA who have a direct interest in that company, except in one case which we are aware of but where the individuals in the GHA are not in the management structure of the GHA, they are in the clinical structure of the GHA and are therefore not decision makers as to procurement in any way.

400 We are quite happy to share that information with the hon. Gentlemen so that they are as aware as we are, and give them the names of the companies and the individuals – I think it is unfair to do it across the floor of the House – and they might share with us the information that they say they have, because it appears that they believe that there are other people involved, that we may not be aware of, who are related in some way. They may be wrong about that and they may be happy to be told that they are wrong about that once we have been able to go back and get that information, and they may be pleased to hear the information that we have been able to gather.

405 It is also important to say that beyond those two types of relationships and instances that the hon. Gentleman has identified and I have responded on, there are the instances which the Hon. Minister referred to a moment ago, namely that with 1,100 individuals it is impossible to know

all of the family tree and all of the connections there may be, but outside of the decision-making capability in the GHA.

415 **Hon. E J Phillips:** Mr Speaker, I am happy with the response. Of course I would like to know the identity of those particular companies so that we can satisfy ourselves of the answer, but also it may help for us to provide you with the information that we have, particularly in relation to Pioneer Healthcare and the relationships that may have existed before that, which may impact on the acquisition of PPE. We can do that and then we can ask further questions in the June slot, which is a fast approaching in any event.

420

Mr Speaker: Next question.

Q228-29/2020

PPE –

Compliance with safety standards

Clerk: Question 228, the Hon. E J Phillips.

425 **Hon. E J Phillips:** Mr Speaker, can the Government confirm that all PPE currently in circulation in Gibraltar complies with EU Regulation 2016/425 and/or the standard referenced in the World Health Organization guidelines; and, if not, can the Government confirm that PPE in circulation meets the essential health and safety requirements and delivers adequate safety?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 229.

435 **Clerk:** Question 229, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether a sample of a batch PPE previously procured by the Government and/or the GHA or through a third party in excess of £1 million has been sent out of Gibraltar for external testing in respect to verification as to the quality of the said PPE?

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

445 **Hon. P J Balban:** Mr Speaker, I can confirm that the GHA has carried out all possible due diligence to ensure that the personal protective equipment being procured by it meets the required standard for its corresponding use. The Government is not able, however, to give the assurance requested by the question in respect of PPE currently in circulation in Gibraltar.

As part of its quality assurance process, the GHA has sent some items for external, independent validation. That is normal practice to ensure quality control.

450 **Hon. E J Phillips:** So, the Minister is not aware of a significant amount of PPE procured by the Government in respect of the fight against COVID-19 where there may be serious question marks over the quality of the PPE that is deployed to the Health Service and beyond?

455 **Hon. P J Balban:** Mr Speaker, I have replied to that question, I believe. The GHA has carried out, as I said, all due diligence, and we are looking, when something comes back to us and we

are not entirely satisfied with the quality of anything – it could be anything ... Any item that the GHA procures, if we believe it does not meet the standards then we will send out for external validation. This is what we have said. The GHA has sent some items abroad, to the UK, to a specialist centre, to ensure that the PPE is of a given standard. PPE comes in different levels of protection, from the simple surgical mask to FFP2s and FFP3s, and each has to conform to given guidelines as to risk of contracting any virus or any particle. Some PPE is useful for construction purposes as well.

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465 We have to show due diligence and when, as a professional organisation, we feel that something may not be to a given standard, then it is in all of our interests to make sure that we validate it.

Hon. E J Phillips: I understand that, but I just wanted to know whether the Government had independently verified that the manufacturer of the PPE that is supplying it to the Government understood that it is to be in conformity with the EC regulation and indeed the WHO guidelines that have been published.

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475 The Minister will obviously recall that there are a number of guidance for businesses and for Government in relation to high-volume manufacturers of COVID-19 ... and therefore I am just asking if the Government has conducted all the necessary checks in order to establish that the PPE so procured complies with the European standard and that of the WHO guidelines that I referred to earlier.

Chief Minister (Hon. F R Picardo): Mr Speaker, just to give the hon. Gentleman the same answer again but perhaps explain it in a slightly different way, not only have we done that which he says we should have done, in addition the GHA has a mechanism which sends out PPE, once received, to check it, once physically in receipt of it, before actually – and this is where it concerns me as Minister for Public Finance – it pays for it.

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490 When you receive a consignment, which you have ensured with all your due diligence complies with everything, because that due diligence is remote, once you are in receipt of the actual thing you then, in some instances, send it to actually physically be checked. You do not send, as he says, a million pounds' worth of it. So, if you have received whatever it is worth a million pounds, you do not then send that on from Gibraltar to the place where it is to be tested. You send one mask, one gown, one set of gloves, etc., not £1 million of it. It is tested and it is confirmed to be the PPE that you bought; or it is confirmed to be of a slightly lower quality, in which case the amount that you pay is what you would have paid for that lower-quality PPE rather than the higher-quality PPE.

495 That, I understand, has been the process that has been in place for some time. It is unrelated to COVID. It is related to testing for PPE to be to the standard required. That is how it has been explained to me. It would meet the criteria the hon. Gentleman has provided for in his question and an additional layer of testing for the verification process, which is what the Hon. Minister has said in his first and subsequent answers.

Hon. E J Phillips: If I can ask one more question: it has not been the case – and I am sure it is not the case, but I have to ask it – that we have received a consignment of PPE from Pioneer Healthcare, for example, that has been delivered, found to be in conflict with the standards, the Government has paused and said, 'Hold on, I am boxing this up, storing it somewhere and sending it off for testing in the United Kingdom,' or wherever it sends it to? That is not the case?

Hon. Chief Minister: Mr Speaker, if that had been the case we would have said so.
I do not know why he has used the name of the company – perhaps he is going to give us information about that company that is going to be fascinating and we would be very concerned to hear it, but it is not the situation that has manifested itself, at least as far as we have been informed. What we have been informed of is not in relation to one company but a number, at

different stages and not just during the COVID emergency. Things are sent out for external verification. That happens either randomly or because of concern, and I do not know whether this is randomly or concern. The one he may be talking about may be one or the other.

He has talked in his question about a number. He said a million pounds of PPE has been sent away for validation and testing. He should have known when he wrote his question that of course you do not send away every mask for every mask to be tested and then brought back and used. You send one mask, one set of gloves, one gown, not a million pounds of it to a place for external verification, and before it is paid for. That is exactly the process that he and I would agree is the prudent process, the process of prudence at procurement and then the process of prudence before dispersing public funds.

Hon. K Azopardi: So, with that in mind, has the Government received the consignment that is said to be in compliance with the regulation and the WHO guidelines that it has then sent away for verification and testing and the results have come back saying it is not compliant?

Hon. Chief Minister: The understanding of the Government is that we have both received material, that we have sent that material out for randomised testing – in other words, not because there is any concern that it does not meet the standard – and that there are some consignments which have been sent out also because they have concern as to whether or not they meet the standard. That is exactly the type of two instances that I suggested in the answer to the question before would have occurred and occur all the time.

So, this is not a COVID-related PPE issue; this is the way that we always deal with PPE when it is procured, which we have been procuring under any administration, not just us. I am taking the benefit of this prudence that we apply. This may be something that the hon. Gentleman brought in when he was Minister for Health; I do not know. It is not something that we are saying is the prudent system that we put in place in 2011 when we arrived into Government. This is the process that the Health Service has been pursuing in order to ensure that the pieces of kit it gets are in keeping with what it thinks it has ordered and what it looks like it has got, those two types of instances.

Hon. K Azopardi: Mr Speaker, I think the hon. Member has misunderstood my question. I was not asking a question of process. Given the process, what I was asking is: have you had results back from that process that then advised the Government or the Health Authority that some PPE received has in fact not been compliant or quality assured?

Hon. Chief Minister: Mr Speaker, the answer to that is not yet, because that would have come to me for a lowering of the payment that would be made in respect of the PPE procured, or a cancellation of the contract, return of the goods and no payment, and neither of those two has yet come to me.

Mr Speaker: Next question.

Q230-34 and Q241/2020
COVID-19 testing swabs and reagent –
Stock levels and orders pending; storage and transportation of swabs for testing

Clerk: Question 230, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in accordance with the arrangements that have been described on both sides of the House, I will be keeping my supplementaries to any obvious

supplementaries that arise from my questions, but I would ask Mr Speaker for his indulgence in the next session if I ask further questions arising on proper analysis of this.

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Mr Speaker: You have my advance indulgence.

Hon. D A Feetham: I am very grateful, Mr Speaker. *(Interjections)* Backbencher! *(Interjections)* This is now descending into a Main Street conversation here across the floor of the House. *(Interjection)* Social distance.

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Mr Speaker, how many swabs does the Government have in stock in Gibraltar in order to allow health officials to test whether someone has COVID-19?

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

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Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 231 to 234 and Question 241.

Clerk: Question 231, the Hon. D A Feetham.

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Hon. D A Feetham: On its current stock of reagents in Gibraltar, how many COVID-19 tests can the Government perform?

Clerk: Question 232, the Hon. D A Feetham.

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Hon. D A Feetham: How many swabs has the Government actually ordered from suppliers and how long will it take for those orders to reach Gibraltar?

Clerk: Question 233, the Hon. D A Feetham.

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Hon. D A Feetham: How much reagent has the Government actually ordered from suppliers, and how long will it take for those orders to reach Gibraltar?

Clerk: Question 234, the Hon. D A Feetham.

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Hon. D A Feetham: How many tests will the Government be able to perform with both the swabs and reagents that it has ordered from suppliers in order to replenish current stocks in Gibraltar?

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Clerk: Question 241, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government satisfied that the COVID-19 swabs sent outside of Gibraltar for testing are stored and transported adequately?

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

Hon. P J Balban: Mr Speaker, the number of swabs in stock, as at the date of drafting this answer, was 25,385.

With its current stock levels of reagent, the GHA could carry out 53,898 tests.

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The GHA currently has an additional 35,000 swabs on order and these are expected to arrive within the next four to six weeks.

The GHA has also ordered enough reagent from suppliers to carry out an additional 42,000 tests via the different assay platforms available to it within its laboratory. Supplies of reagent are received weekly.

605 With the current orders placed, the GHA would be able to perform a further 35,000 tests.
In answer to Question 241, yes, sir.

Hon. K Azopardi: Can the Minister indicate when the GHA would expect to get to the kind of testing that is indicated in the Unlock the Rock document? In other words, it was indicated that there would be at least 300 tests a day – does the Minister know when the programme will be ramped up to that level, or higher than that, which is what the document indicates?
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Hon. P J Balban: Mr Speaker, the rate of testing is something which falls under Public Health. They are responsible for the testing and the rate of testing. The aim is for us to be able to test 300 a day, but I am not entirely sure as to what our position is today in that respect.
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Hon. K Azopardi: So, if I understand from the answer the hon. Member has given, it is not that the decision on the numbers of tests is not driven by the GHA, it is driven by another Department, by Public Health. Is that right?
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Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I am happy to assist; we work very closely together in this.

Clearly Public Health Gibraltar has grown in response to the COVID crisis. The current capacity of the laboratory that has been set up at the University of Gibraltar is approximately 300 tests a day. There is a possibility of increasing that, with additional equipment, to 600 a day. At the moment, what we are doing is targeting frontline workers and, depending on the areas, they are being tested either once every four weeks or once every seven weeks. The programme started just a few weeks ago. We do not yet have an indication on when we would finish this. This is an ongoing thing.

We must not confuse this with the planned testing for antibodies, on which my hon. Friend has a question later, and that is the one where we will be targeting the whole population.

Hon. K Azopardi: Mr Speaker, I am not confusing that, and I appreciate there is a distinction between them. I am just looking at the Unlock the Rock document, which suggests that there would be testing of around 300 a day, so I am asking ... I appreciate that there has been an increase in testing, but since the Unlock the Rock document was published, on no day have there been 300 tests done.

Hon. P J Balban: Mr Speaker, the hon. Gentleman who is responsible for public health has alluded that 300 tests are potentially being done per day and this can go up to 600, and the hon. Gentleman will be in a better position to assist, if necessary.

The potential is there, as far as I am aware, to carry out up to 300 tests per day. The way that this testing is being organised, in terms of the trials that are going on, if there are not 300 subjects to swab within certain cohorts, that might be the reason why we may mathematically not be getting to the 300 a day which has been expected as a result of the Unlock the Rock document. What I am saying is that the potential is there, but because of the line of testing with the groups of the testing, we may not be hitting 300 for that reason. Yes? And that has been confirmed now by the Minister with responsibility for public health.

Hon. K Azopardi: Mr Speaker, the hon. Member is confusing capacity with what the document actually says. The document says two things. It talks about capacity, but it also says in a Key part of it that the Key to this, I am actually quoting:

The Key to this is:

- Screening a large number of asymptomatic people (aim to start with 1% of the adult population to be swabbed per day ~ 300 swabs per day).

625 So, the document very clearly indicates the aim to test 300 a day and I am asking the hon. Member – it is not about capacity, it is a very clear aim – when will the GHA be testing 300 a day, because since the publication of the Unlock the Rock document, and on our tracking of the tests, there has never been a day where the GHA has tested more than 300.

630 **Hon. Prof. J E Cortes:** Mr Speaker, again if I may assist, the intention is that we start off by testing frontline workers and that is what we are aiming to do. We are aiming to start a programme, and it only started, I think, the week before last when we set up the laboratory up at the University. There is a time in order to reach these targets. For example, if there are about 400 teachers, I think those 400 teachers are swabbed within a matter of days and probably at
635 least 300, or close enough, would have been dealt with there. If we are looking at care workers, then obviously it is a question of organising it. We do not go around saying, ‘How many are we short: 300.’ We are targeting different groups with the potential of 300. We will ramp this up, once the laboratory is established and when the systems are well settled down, with the intention of reaching those targets, but do remember that two weeks ago we did not even have
640 that laboratory in existence.

Hon. D A Feetham: Mr Speaker, just arising out of the answer that the hon. Gentleman has given to my hon. and learned Friend the Leader of the Opposition, how many frontline workers are we talking about? Has the Government done that assessment so that we may know when
645 the Government then intends to proceed – and I assume that the Government then intends to proceed – to testing of the wider population in accordance with the Government’s policy of testing, isolating and contacting people who have also been in contact with those that are infected, so that we better understand how this is going to be developing?

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, perhaps I could assist. There are two types of testing that are being undertaken. There is the –

Hon. D A Feetham: The question is next on the order paper.

Hon. Miss S J Sacramento: Yes, but I am setting the context so that you understand my answer.

There is the diagnostic testing that is undertaken by the GHA when someone calls 111, and that is someone who presents as symptomatic. But then there is the separate testing that is undertaken by the Public Health lab, which is targeted testing of people who work in the front line. The way that they operate it at the moment, and as my hon. Friend Minister Cortes just said, is a lab that was set up only a matter of weeks ago.

Depending on the cohort of frontline workers who are being tested ... will depend on the number of tests that are undertaken at that time. Say, for example, there is a specific area of frontline workers that the Director of Public Health will directly test that day, it will be co-ordinated with the number of tests that can be undertaken by the machine in a specific time. So, if people are swabbed, the tests are taken to the lab and are processed usually within a four-hour window, and then they will use that period of four hours to potentially go and test another cohort of frontline workers so that the swabs are being taken and then they can be processed by the machine. They will arrive back at the lab by the time that the machine has completed its testing of the first lot of tests. That requires a couple of shifts of scientists at the lab to be able to undertake these tests.

The aim is, of course, to be able to test as many of the frontline workers as possible, and that is the targeted testing, but going on to the last part of your supplementary, where you ask when we are going to test the whole population, at the moment the strategy in terms of this testing is it will be targeted testing of people who work in the front line. Obviously we are always guided

by our Public Health advice. The definition that the Director of Public Health has given us in terms of what a frontline worker is, is someone who comes into contact with in excess of 90 people a day, so it is not an intention that this targeted testing of frontline workers is swabbing that will be undertaken by the whole of the population.

Hon. D A Feetham: Maybe it is a mistake on my part, but I have always understood that the Government is now going to move into a phase in its fight against COVID-19 where it is going to be testing for the antibodies – there is a question on the order paper that we will get to in a moment about that – but also is going to be testing for whether you have the disease, a different type but you have the disease, but not only frontline workers, the entirety of the population. In fact, I was gladdened by the answer that the Hon. Minister gave in terms of our preparedness, in terms of the number of swabs and the number of reagents that we have, because it indicated to me – that is why I did not ask any supplementaries – that we had the capacity to in fact undertake that venture to test the wider population.

650 Now the hon. Lady is appearing to say to us that the intention is not to test the wider population, and I am just slightly confused by the answer because my understanding has always been that the wider population was also going to be tested.

Hon. Miss S J Sacramento: Mr Speaker, the supplementary question was in relation to the targeted testing of frontline workers. The targeted testing of frontline workers is exactly that, people who work in the front line, and we have the capacity and indeed the plan to continuously swab people who work in the front line. Depending on where in the front line you are ... will depend on how often you are swabbed. If you are a frontline worker in the health sector then your ratio is one in four, so you will be swabbed every four weeks. If you are another kind of frontline worker then your ratio is one in nine and you will be swabbed every nine weeks. So, we have the stock to be able to continue testing during this phase. Obviously, at the moment our priority is to test people on the front line, because potentially people on the front line are more exposed to contracting or to spreading it. So, in terms of being able to identify that the virus is there and therefore contain it, our priority and the strategy is in relation to people who are in the front line.

665 In addition to that, because that is a strategic testing of people in the front line, and in addition to the diagnostic testing, which is going back to my first answer to the supplementary, we have the Track and Trace Bureau, and that is what will enable us to manage to be able to continue going forward, knowing that the virus will be prevalent. The Track and Trace Bureau is again a different kind of testing strategy. That will be triggered by someone who has a positive result, whether the positive result is as a result of calling 111 because you have symptoms or a positive result arising from testing of people who are in the front line and who are asymptomatic. Then the people who are in charge of the contact tracing bureau will contact them personally and try and identify who they may have been in contact with, and then there is the standard advice and the standard procedure that people need to isolate and their family members need to isolate.

675 I hope that has clarified the position.

Hon. D A Feetham: Yes, it has certainly clarified what the Government intends to do in relation to frontline workers. What the Government is essentially saying is if there are 5,000 frontline workers it is not a question of testing all those 5,000 and then moving on to the population; it is a continuous process in relation to frontline workers because of course they are continuously potentially exposed to the virus and to the people that they care about. That, I understand.

685 What the Government has not answered is: when does the Government expect to turn towards the testing of the wider population, not in relation to the antibody test but in relation to the test as to whether somebody has COVID-19? I am asking in the context not of somebody

690 who presents the symptoms; I am asking in the context of random testing, because it does
appear that the Government – and I congratulate the Government for it – does appear to have
sufficient swabs and reagents in order to be able to do that. Certainly from this side of the House
we have taken the position, from a very early juncture in relation to this crisis, that that was the
way forward. The way forward was to test on a random basis and as many people as possible
from the population at large.

695 **Hon. Prof. J E Cortes:** Mr Speaker, I think the answer to that is as and when the system
allows. We are starting with frontline workers. From the statistics that I have, over 3,000 swabs
have already been taken from frontline workers in the space of a couple of weeks. We have to
get that in the system. We have to set the system to make sure that we tackle them either one
week in four or less frequently, and superimposed on all that will be the more random – and I
700 use the word with great care – testing of the population.

In looking at the statistics, yesterday our total swab figure was 6,859, and today 7,073. That is
214 in a day. I do not think we are going to be counting exactly 300, but it shows the capacity
and it shows the intensity of the work, and we have to marry both systems as we develop the
system fully.

705

Hon. Miss S J Sacramento: And be strategic about it.

Hon. K Azopardi: Yes, that is true, 214 in a day, although there have been days when ... A
couple of days ago there were 65 and the day before that 32.

710

Can one of the Ministers help me in terms of process? Minister Sacramento very helpfully
was indicating process. There was an interview done. See if I can understand this in terms of the
test, and it may be that the Ministers are not aware and therefore cannot give me that
information today, but in an interview with GBC, Dr Cortes, who I understand to be the
consultant who has been engaged by GHA to work with GHA, was talking some weeks ago about
715 a test, the LAMP test, that was going to be used. I am not sure if it is still the same test that is
being used, but assuming that it is, he talked in that interview about there being a sort of first
round, where you test, and if it is positive well then you have got to accept that result, but in the
case of a negative result you cannot just leave it there, you have got to have a retesting round, a
sort of second-tier process, because there may be some false negatives.

720

Are Ministers aware? Can they assist the House in terms of whether that test is still being
used; and, if so, give comfort to the House as to whether the second-tier review is being done?

Hon. P J Balban: Mr Speaker, I would need to find out the specific reply to that question, but
the way that I see it – if I can at least share how I see it – the LAMP test, which is the OptiGene
725 test, which is the one that we have used for screening ... we have the potential for 50,000 tests
to be carried out. Initially, if I am not mistaken, a positive test certainly meant a positive,
whereas there was a margin for error, some standard deviation of error, whereby a negative
could not be relied upon totally, 100%. It was very close to being very precise but had to be
retested. Again, if I am not mistaken, that has now been adjusted and the tests are being carried
730 out to ensure that the accuracy is as close to 99.9% as possible. That is my understanding, and I
would like to assist the hon. Gentleman but I would not like to be held to that and I will
endeavour to find the exact reply to that question.

Mr Speaker: Next question.

Q235/2020
COVID-19 antibody tests –
Number of tests acquired and source

735 **Clerk:** Question 235, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, has the Government acquired a supply of COVID-19 antibody tests; and, if so, how many tests has it acquired and who is the manufacturer and/or supplier of those tests?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the GHA has to date ordered a total of 55,000 tests from Abbott Laboratories and DiaSorin.

745 Beckmann also provide tests that are now FDA approved but do not yet have CE approval. Once that approval is received, which is expected sometime in mid-June, we will place an order for which we are already on a preferential waiting list.

750 **Hon. D A Feetham:** Mr Speaker, when did the Government put in the order and when does the Government expect to receive the antibody tests?

Hon. P J Balban: Mr Speaker, I am looking through my notes, as provided by my staff, to see whether I have the date of order. I am not entirely sure when the orders were placed.

755 As I said earlier, the Beckmann have yet not been ordered because they are pending FDA approval, but once that happens our order is already in place there. *(Interjection)* Yes, but they need CE approval. They now have FDA approval but not CE approval. Our orders are already in place because we have a preferential position on that wait list. Once it is classified as CE, then we will receive them.

760 The other tests have been coming in sporadically. I believe the tests have a short shelf life. We cannot amass huge amounts because of the shelf life, and they have been coming in batches. I believe that these batches have been in units of around 5,000 a go, so there are a number of order dates and I think there is a constant order of 5,000 every x amount of time.

765 **Hon. D A Feetham:** Okay, Mr Speaker, he does not have the information as to when the order was placed, but I also asked when are these antibody tests expected to arrive in Gibraltar. As I understand it, the answer he has given is that there are two separate manufacturers of the antibody tests that have been ordered. How many are in the jurisdiction, are in Gibraltar, how many are we expecting and when can we expect to receive those? Those are the types of answer that of course those of us who ask on this side of the House are interested in.

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Hon. P J Balban: Mr Speaker, as far as I am aware, we have already been receiving orders for antibody testing. We had the privilege of going into the laboratory recently with the Chief Minister to see how these were developed and how they were used. What I am not entirely sure of is what we have in stock at the moment of the 55,000 that we have ordered. There is a stock of these tests in Gibraltar, but again I do not have the exact number at the moment.

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780 **Hon. D A Feetham:** Mr Speaker, could the hon. Gentleman undertake to ask his staff for the answers to my supplementaries: when these tests were ordered, what exactly we have here in Gibraltar, how many of these tests are we still expecting, and which manufacturer does it appertain to? I would be very grateful if the hon. Gentleman could obtain that information and send it to me by email, and then we will analyse it internally as an Opposition, and if anything arises next time round we will ask it. Could he give that undertaking?

Hon. P J Balban: Mr Speaker, yes, certainly I will endeavour to provide the information the hon. Gentleman is requesting.

785 As I have said and you have mentioned, Abbott and DiaSorin are the ones that we have got approval for and the Beckmann is the one that we will receive, but I am happy to provide that information.

Hon. D A Feetham: Mr Speaker, I apologise for so many supplementaries, but I do believe
790 that on this it is absolutely necessary.

In relation to these antibody tests the Government may have 5,000, the Government may have 10,000, we do not know, but when is the Government intending to start essentially testing the population at large for antibodies of the COVID-19 virus? It appears to us certainly that this is of fundamental importance in the fight against the virus and we would ask: when does the
795 Government expect to be testing the population?

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the science is developing all the time but it does take a number of weeks or months for certain antibodies to develop and therefore having a serological test too soon after an
800 infection may not be reflected in a positive because you do not have enough antibodies to be picked up. So, there is a time lag and the science is constantly being reviewed. Obviously, whatever the advice of the science is at the time that we receive it, that is the time when we have to estimate to start, because if you do it too soon, as the Chief Minister has intimated, you would be throwing the money away.

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Hon. D A Feetham: Yes, I understand that essentially, for viewers who are listening, what the hon. Gentleman appears to be saying – he will correct me if I am wrong – is that it may take a number of weeks or it may take a month for the antibodies to develop within the body, and therefore somebody who has had the virus in this month will not test positive until June and it is
810 a question of really picking and choosing the right moment to start testing.

On the basis of the advice that it has received at the moment, when does the Government expect to be able to start the testing of the wider population?

Hon. P J Balban: Mr Speaker, we will take advice from the Director of Public Health as he is in
815 the right place to tell us. As my hon. colleagues have been stating, at the moment, if we look at the positive cases in Gibraltar, which are around 150-160, if that were to be the entirety of our infectivity, imagine if we did 30,000 tests: they would all be negative and you may even find that a big proportion of the ones that are positive may not have developed antibodies to that infection anyway, so of 150 you may get the impression that only 30 people are immune.

820 So, there is a timescale, and obviously as we continue with our systems in place to test frontline workers we will pick up more people and at that point then we need to give ample time, which I think is around six weeks post infection, for there to be an IGG response, which is the response that we get following the IGM response, which is the acute response which you are picking up in the swab. A swab is a photograph of one moment in time, which can be positive or
825 negative. You could have a negative today and someone could become a positive the day after. That is the IGM, but the IGG response is one where the body has created its antibodies, and those will not show through until at least six weeks post infection.

So, for us to use a battery of antibody tests at the moment in massive scale would literally throw this investment away – 29,800 negatives would be an awful waste of resources, so we are
830 waiting for the Director of Public Health and Public Health advice to give us the go-ahead when they believe it is the appropriate moment to undergo these tests.

Hon. D A Feetham: Mr Speaker, I get that and I understand all that, but the reality of the situation is that we are a victim of our own success, are we not? Here, if we only have 10 active

835 cases at the moment and we have only had 140 or 150 cases in the last two months, by parity of reasoning the answer the hon. Gentleman is that we will only start the antibody testing when we have had an epidemic in Gibraltar.

840 Hopefully that is not the position at the moment and hopefully it will continue not to be the position, but there is also a valid reason why you might want to test for antibodies at the right moment – and I accept it may not be now, it may be in a month or two months' time, I accept that, but there is a valid reason for testing for antibodies because in actual fact the infection may not be limited to those 150, the infection may be 2,000 or 3,000, of which a lot of people have been asymptomatic and there is a value in testing people so that we actually know the spread of the virus within the jurisdiction.

845 I accept it is a question of timing, but surely the Minister would have sat down and had a conversation with Public Health officials, where Public Health officials would have said to the Minister, 'I expect that the appropriate time to test may be in a month's time', or a month and a half, or two months. That is what I am trying to obtain more information from the Minister about.

850 I think the Chief Minister is going to answer that.

Chief Minister (Hon. F R Picardo): Yes, especially on the point of parity of reasoning, where the hon. Gentleman seems to be disappointed that we have not had more infections in Gibraltar and indeed seems to be suggesting that we might have gone for a strategy of herd immunity, although I hesitate to say those words with the hon. Lady in the room – I do not want to upset her any further.

855 Mr Speaker, let's be clear. The hon. Gentleman is getting the same answer over and over again but he does not seem to want to leave it there, although we are going to find it very difficult to get through all the questions today if we do not. What we have been told by the Director of Public Health and the public health professionals is not yet. Not yet is the advice we have received and it is not that public health epidemiology admits of the sort of forensic certainty that the hon. Gentleman seems to think it is possible to have. It might be in other jurisdictions, if he is drawing a comparison with places where there have been greater levels of infections. It might be that the level of infection in Gibraltar is found to have been higher than the number of swabs we have had returned positive, because we have all been told that one of the potential calculations to carry out is to multiply by 10 the positive test results received because that may be the number of asymptomatic people in the community. But we are not finding that in the frontline random testing. The hon. Gentleman has to remember that: we are not finding in our random testing that the numbers of the resident community are to be multiplied by 10. We are finding a factor of positives in respect of the non-resident community on the front line, but none in the community.

865 There may be many different epidemiological reasons for that, which we do not yet understand. Indeed, this may be one of the issues that only anthropology is going to give us an answer to, and that will be very far in the future, but the advice that we have – not from a senior silk like him, with a forensic mind that is trying to get to the bottom of the detail of this in a way that is like a binary yes or no answer, but by a man who is a professional in his field, which is the relevant field, not the law ... that the answer is that they are not yet able to give us the date when they believe that we should start this process as a rollout to the whole community but that is likely to be during the course of this calendar year, probably towards the end of the summer, which is why, given the questioning he was doing before, I do not think that there is that level of importance that we do or do not have 4,330 Beckmann tests and 2,000 of the other tests etc. today, because we do not need them today and it would be a waste to deploy them today – so we are advised by the public health professionals, but I have no doubt that he will have a different legal view, although he will understand that we will take the Public Health one.

885 **Mr Speaker:** Next question.

Hon. P J Balban: Mr Speaker, I am going to answer because I have received the information that the hon. Gentleman was requesting.

890 It has just been confirmed to me that both the DiaSorin and the Abbott tests were ordered at the end of March and that they had both arrived two and a half weeks ago. In anticipation, we have already got the stock and really we are ready to press the button once we receive the advice to do so.

Mr Speaker: Next question.

Q236/2020

**Impact of COVID-19 emergency on the disabled –
Disability Society concerns**

895 **Clerk:** Question 236, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how does the Government intend to address the concerns expressed by the Disability Society?

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

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the Disability Service is following Public Health guidance and the unlock measures as indicated in the Unlock the Rock report, much the same as Elderly Residential Services.

905 The Care Agency is currently preparing protocols in order to reintroduce family visits whilst ensuring social distancing and infection control measures are adhered to.

As has previously been announced, the Care Agency is also currently actively exploring local amenities that may be suitable for the use of those with disabilities during the summer months.

910 Care levels have been maintained by extending locum employment contracts as an interim measure during this pandemic.

Hon. K Azopardi: Mr Speaker, is the Minister in a position to inform the House as to when visits by family will be permitted to Dr Giraldi? There have been discussions and I think a date even announced in other institutions. Is there not a date in mind for Dr Giraldi, especially given the users there and the fact that because of their disabilities they may be perplexed at not being able to see their families?

920 **Hon. P J Balban:** Mr Speaker, the return to visiting within the Dr Giraldi Home follows on similar lines as the GHA. In fact, I understand that it will run slightly behind that of the GHA because of the vulnerability of this group. It is the intention, obviously, to try to reunite these residents with their families as soon as possible but we do have to take into consideration the vulnerability.

925 **Hon. K Azopardi:** So, the answer is the Minister is not in a position to indicate a specific date in mind, or is in a position even though there might be a slight time lag?

930 **Hon. P J Balban:** Mr Speaker, no. In fact, there already has been a start. There was some visiting last Saturday. We are running slowly. What we cannot provide is full reintroduction of visits. As far as I am aware, and again I will need to check to be entirely sure but I think up to one visitor wearing PPE will be able to visit. That commenced just a few days ago, but that will take some time and it will follow the Unlock the Rock advice for the GHA.

Hon. K Azopardi: I am grateful. Can I ask the Minister to take an interest in the issue – I am not suggesting he is not, but to take a special interest – because some of the residents of Dr Giraldi are ... if I may describe them as non-verbal. In other words, they cannot explain what they feel necessarily, and therefore I think it is important to treat them as especially vulnerable people. Therefore, if the Minister tries to expedite his work in that regard ...

Can the Minister also assist in saying whether there will be special provision for disabilities on the beaches and so on?

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, if I can assist in relation to the question of Dr Giraldi, because I have been working with my friend the Hon. Minister for Care, and the Office of Civil Contingencies is involved in the de-escalation of the lockdown and in particular to residents of Dr Giraldi Home and the satellite flats.

The hon. Member opposite can rest assured that the management and the staff of the Disability Service of the Care Agency are very passionate indeed about the service users and equally protective of them, and they have provided a very detailed plan as to when different contacts may be made available. I have a draft plan and because it is not the final plan and I am not sure whether the dates have shifted I cannot confirm any particular dates, but what I can confirm is that I have a very long, detailed plan because the management want to ensure the safety of all the service users.

In relation to people with disabilities going to beaches, can I first of all say having a disability does not necessarily automatically make somebody vulnerable? What we are doing when we look at arrangements that we are making during lockdown is to protect people who are vulnerable, and whereas some people who have disabilities may be vulnerable, not everyone who has a disability is vulnerable. What we are undertaking are two exercises. We are looking at people with disabilities who are vulnerable, to make sure that they are catered for and protected. And on the other hand, because some of the locations that we are looking at to protect other vulnerable people may be in locations which we have built, and because our policy has always been to make premises as accessible as possible, it means that since we have either modified or built these areas they have been used and they have been very popular and used a lot by people with disabilities. What we do not want to do is, in order to protect a particular bubble, take away an area that is accessible for people who may not be vulnerable, but for people to enjoy a place because it is easy for them to use because of their disabilities. We are trying to cater for both and balance both, so that both are protected and not excluded.

Hon. K Azopardi: And then finally, if I may, on this issue – not on this issue but on the question – the Disability Society also raised issues of continuity of employment of carers, which I understand is a longstanding issue of discussion that they have raised and may not necessarily be a COVID issue but of course it can be exacerbated by COVID because if family is not able to visit and you have a big turnaround of carers it tends to exacerbate the relationship that the vulnerable have with the carer they have grown attached to. Is the Government alive to those concerns that the Disability Society have raised? And what is its thinking in trying to address that?

Hon. P J Balban: Ms Speaker, yes, we are alive to that. COVID obviously has been part of the reason for this, but the individuals who are working there, some of their contracts are being covered because of long-term absences – for example, long-term sickness, maternity leave – and others are covering vacant positions, and that was on a temporary basis. So these were not people who were employed but were covering. Obviously what has happened with COVID to exacerbate the issue is that we have not been able to fill these vacancies, but in consultation with the unions as well because they are working with us on this issue and for fairness they expect that there will be an established, fair and transparent recruiting process.

985 It is not a question of someone coming in to cover a maternity leave or to cover a sick leave
for a short period of time. I understand that they integrate with the residents, they bond, they
become accustomed, and that is a difficult tie to break, but that would be really getting
someone in without a recruitment process. That is something which we have spoken to the
unions about and they have shared and expressed a concern. So, we will look at fair recruitment
to avoid any potential discrimination in that respect.

990 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can take this opportunity to ask, now that we
are asking about different measures for people living with disabilities ... I have been asked by
one mother in particular, who apparently has been writing but has not had a reply yet as to
whether the Government is considering allowing the GSLA pools to be used by people with
995 disabilities – children and adults, I believe.

Thank you.

1000 **Hon. P J Balban:** Mr Speaker, there are number of amenities that are actually being looked
into to provide inclusive access for all. These obviously, now and during the summer period, will
include the beaches, but it also includes the GASA swimming pool. Commonwealth Park is
already quite accessible and Europa Point. And in this regard, the Care Agency is working closely
with the GSLA.

1005 **Hon. Ms M D Hassan Nahon:** It was a specific answer about whether they are looking
seriously at giving time to these children and adults to use the pools in particular.

Chief Minister (Hon. F R Picardo): But this is a specific answer, Mr Speaker. Yes, and that is
what the Minister said.

1010 I am surprised that people feel the need to put those questions, in this House in particular. I
can understand why members of the public might feel that it is necessary to write in, in
particular those with children with disabilities or adults with disabilities in their family who are
concerned about the summer months, but Members of this House will know that I have already
said on a number of occasions that that is the case and that we were looking at the facilities that
were going to be made available, therefore positively already setting out that that was going to
1015 be the case.

It is a question of announcing which and when, because this year we have the additional
concern to also be able to try to provide – and it is a balance, between all of the competing
interests, which the Government will have to strike – a facility for those who are over 70 and
may wish to go for a swim at some time and who still want to continue to follow the
1020 Government advice not to be mixing more generally if they can avoid it. I am sure that there are
some over-70s who I could not entice to the Europa pool if I tried, but there are some others
who will be deprived of their usual annual sojourn on our beaches and we have to balance that
competing interest of providing an alternative area for them and an alternative area for those
with disabilities.

1025 The Government is very alive to that and we have been alive to that from the beginning.
When I announced the issue of the over-70s I also announced that we would be dealing with
those facilities necessary for those with disabilities. I am sure that all Members of this House
would have heard what I had to say.

1030 **Hon. Ms M D Hassan Nahon:** Thank you for that answer.

Will the Chief Minister or the Minister for Health be able to give us any idea of by when they
might roll out a schedule, by when they will be ready to announce something?

1035 **Hon. Chief Minister:** Yes, Mr Speaker, of course, because those are issues relating to the
bathing season – in time for the opening of the bathing season.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Chief Minister can correct me if I am wrong but I did not think that using swimming pools or helping people with disabilities, therapy-wise, to use swimming pools had to come under the bathing season, given that the pools are indoors.

1040 **Hon. Chief Minister:** Mr Speaker, the hon. Lady is asking about the facilities that we make available in the summer months and we are going to make them available in the summer months in the way that we have said that we will.

1045 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was not referring to the summer months; I was referring to when the GSLA pool would be available to help people with disabilities in terms of their mobility and issues like that, that I had been asked by a parent that it helps and when would that be ready.

1050 **Hon. Chief Minister:** Mr Speaker, if the hon. Lady is not asking about the summer months then her question is about the general availability of facilities, which the GSLA will make available as soon as it is safe to do so. That is unfortunately, at the moment, part of the process of how long is a piece of string. The Government is not wishing to string out when we make those announcements or when we allow people to have that access. We are simply trying to do so in a way that all parents of people with disabilities will understand is the way we must do so,
1055 namely when we are not putting them at greater risk by the use of the facilities than we are by depriving them of the use of the facilities.

Mr Speaker: Next question.

Q237-38/2020

Pandemic-related mental health issues – Plans to support sufferers

1060 **Clerk:** Question 237, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how will the Government address issues of mental well-being caused or exacerbated by the COVID-19 pandemic in terms of social isolation, over-reliance on technology, lack of human contact and any consequent rise in issues of anxiety or depression?

1065 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 238.

1070 **Clerk:** Question 238, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have any concrete plans to boost mental health support and facilities post-COVID-19 and as a result of the mental health effects of the crisis; and if so, what are they?
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Clerk: Answer, the Hon. the Minister for Health and Care.

Hon. P J Balban: Mr Speaker, the Government has already carried out a study which looks into the potential impact the COVID-19 lockdown may have had on the mental health of our

1080 community. That study will form the basis of the Government strategy to address pandemic-related mental health issues.

Mental Health Services have already introduced new ways of being contacted during the crisis, which have allowed for members of the public to access direct advice on how to maintain both their physical and mental well-being. These services will continue post the COVID-19 period for as long as necessary.

As the provision of mental health services gradually returns to normality, we will see the re-introduction of face-to-face contacts where possible, together with a number of innovations that are currently being explored in order to improve the manner in which support and advice is offered to service users and members of the general public.

1090 In addition to this, the GHA has secured the services of an additional consultant psychiatrist, extra nursing staff, and the Mental Health Liaison Service at A&E has been extended to operate 24 hours a day.

Hon. K Azopardi: Mr Speaker, a couple of questions, if I may. I will just roll them up, and that way it is probably quicker.

When the Minister says that the Government or the GHA has carried out a study on mental health impact, does he mean that there is a specific document? And, if so, would he be willing to share that document with the Members opposite, with the Opposition? (*Interjection*) I will ask the questions and then ... I was just waiting to have your attention on the questions.

1100 So, if I may, the questions: (1) is there a document, and if so will you share it; (2) whether or not there is a document and, because you have carried out the study and obviously we are still in the first phase, will there be an active review carrying on, extending that document or carrying out supplemental documents; and (3) because this is an area which is so sensitive, unless the Minister can assure the House that you are going to reintroduce face-to-face contact soon, would the GHA consider the use of videoconference, like Zoom or something like that, to replace telephone consultations, because seeing a person with mental health issues might actually be quite relevant to the people who need to conduct the support?

Hon. P J Balban: Mr Speaker, there has been a study conducted and there is a document. I am not entirely sure whether that document is something that we would be able to share, but I will most definitely look into that study and if it is something that can be shared it will be shared. On the back of that of that document I think every document or every piece of work will need reviewing, just like our Unlock the Rock document is being renewed, revamped and reinvigorated. Obviously it is something which must be fluid, and we will have to take the expert advice and see how we can build from that.

As regards the face-to-face contact, I was under the impression that iPads have been used within the facilities to be able to allow that contact, but having asked that direct question obviously now I will need to make sure that is the case, but as far as I am aware iPads were donated throughout and I am pretty sure that there have been online web contacts with family members.

Hon. K Azopardi: Sorry, I was not asking about that. I think the hon. Member has misunderstood. I am not asking about whether iPads have been donated to residents, say to contact family members. What I was asking is, as I understand it, users of mental health services have had face-to-face consultations with doctors replaced by telephone consultations, and what I am saying is: is it not an idea, unless you can replace face-to-face consultations very soon, for those users of mental health services to be seen, albeit by video link, by the doctors, because in an area such as mental health seeing the patient might actually be relevant to the diagnosis?

1130 **Hon. P J Balban:** Mr Speaker, at the moment, as part of the service being provided, there are face-to-face consultations via video link. That is happening as we speak. Not only are there telephone messages but also the visual link with the doctors.

1135 **Ms M D Hassan Nahon:** Mr Speaker, I ask the Minister to forgive me if I have missed in his official answer ... I cannot exactly remember if he has mentioned this, but if he did not is Government planning to run a campaign to make people aware of the mental health services they are going to be putting out there, so that people understand and know what resources they can go to?

1140 **Hon. P J Balban:** Mr Speaker, I believe that the services are being promoted and I think they are established and known, but if there is a need to bring this to the attention of a wider part of the community we have absolutely no issue with that whatsoever.

1145 **Hon. Ms M D Hassan Nahon:** And how would the Ministry assess if there is a need or not? Are they asking people for feedback? How are they going to assess whether we need to make more widespread the knowledge that there are resources out there?

1150 **Hon. P J Balban:** Mr Speaker, at the moment there are a number of services in place that are working extremely well. For example, there is a 24-hour liaison service and they are providing advice and follow-up appointments. There is the Community Mental Health Team, who have also increased their telephone and messaging with patients.

1155 There are a number of innovations also currently being explored and these would have to be made public so people will be aware of what is coming. As an example, two innovations that are being explored are additional support in psychological services and we are also looking at an increase in outreach support. In fact, it was during the COVID crisis that we set up an outreach service within one of the units because what would happen before was people could come in and seek that advice, which has been extremely important. With COVID, unfortunately we were not able to, so it was replaced by a telephone service, which was extremely useful and found very useful by people who were struggling as a result of the lockdown itself and the stresses that
1160 brings within the close family environment.

1165 What I am saying is that any services which are new, if there is a need to promote the services we will most definitely look at it, but I will take this back to my staff and see how they are bringing this to the information of the community, and if I feel that is not adequate or it can be improved by all means it will be considered and done.

Clerk: Question –

Mr Speaker: Sorry, a few things, just to remind you we need to speed up the process because we are pretty much delayed.

Q239-40/2020
Dental practices –
Support offered by Government

1170 **Clerk:** Question 239, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm that they will support dental practices in procuring PPE for them, given practices' current restrictions in obtaining PPE from their own standard providers?

1175 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 240.

1180 **Clerk:** Question 240, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm the level of support it is giving to local dental practices so that they can practise fully?

1185 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Hon. P J Balban: Mr Speaker, we have been supporting private dental practices, like so many other businesses, in various ways during the pandemic.

1190 Private dental practices have been given the contact details of PPE suppliers used by the GHA so they are able to purchase exactly what they need or want, depending on the type of dental work carried out and in accordance with the current Public Health advice.

Additionally, we have supported private dental practices by ensuring they have readily available Public Health advice and have been included in the targeted swabbing programme for their staff.

1195 I want to thank the Gibraltar Dental Association for their excellent co-operation with the GHA and their adherence to the BEAT COVID measures. The members of the GDA provide an essential service to our community and we have and will continue to work with them as we emerge from this situation.

1200 **Mr Speaker:** Next question.

Q242-43/2020
Addiction –
Resumption of residential treatment

Clerk: Question 242, Ms M D Hassan Nahon.

1205 **Hon. Ms M D Hassan Nahon:** What plans are in place, other than remote contact, with counsellors of the Drug and Alcohol Rehabilitation Team to deal with individuals who are suffering from more serious health consequences of addiction, for whom residential treatment is the only viable option?

Clerk: Answer, the Minister for Health and Care.

1210 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 243.

Clerk: Question 243, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Mr Speaker M D Hassan Nahon:** At what stage are the plans for the reopening of the residential rehabilitation facilities at Bruce's Farm, and can Government give us an indication of when these will resume?

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

1220 **Hon. P J Balban:** Mr Speaker, other than virtual support being offered on either a one-to-one or group basis, the Drug and Alcohol Rehabilitation Team has also been offering face-to-face contact where possible.

1225 A strategic plan has been developed allowing for the phased opening of Bruce's Farm in line with the unlocking guidelines. This staggered reintroduction of residential services will be starting in approximately two weeks.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, has the fact that Bruce's Farm has been closed meant that this has had a spill-over effect on other parts of the Health Service, like the primary care or Ocean Views? And, if so, can the Minister enlighten us as to how they may have dealt with that in view of the fact that these other entities may not have the bespoke training and skills to deal with these casualties?

1235 **Hon. P J Balban:** Mr Speaker, I am not specifically aware of what effects there have been as a result of the closure of Bruce's Farm, but patients have been given the support, as I have mentioned, virtually, either one to one or on a group basis, and when it has been necessary there has been face-to-face contact, so it is not that the closure of Bruce's Farm has meant complete isolation for these persons who reside there.

1240 Clearly it has been a difficult time and I am sure that it definitely is not the ideal situation, but everything that has been possible has been done, and as we start planning for our reopening in two weeks' time obviously we are planning ahead to be able to reintroduce this very valuable service for members of the community.

Q244/2020

Postponed screening and surgery – Proposed date for bringing up to date

Clerk: Question 244, the Hon. Ms M D Hassan Nahon.

1245 **Hon. Ms M D Hassan Nahon:** Can Government give this House details of the number of (1) routine screenings, (2) elective surgeries and (3) essential surgeries that were postponed in the last two months as a result of the COVID-19 crisis and how long it thinks it will take to get these up to date?

1250 **Clerk:** Answer, the Hon. the Minister for Health and Care.

Minister for Health and Care (Hon. P J Balban): Mr Speaker, the number of postponed routine screenings is 1,204. The number of postponed elective surgeries is 157. No essential or emergency surgeries have been postponed.

1255 The GHA is working towards having all services up to date by the end of the calendar year and the Government will make available such resources as may be required to make this proposed timetable a reality if it is clinically possible.

Mr Speaker: Next question.

DIGITAL AND FINANCIAL SERVICES

Q245 and Q247/2020
Contact tracing technology –
Consultation with GRA; data protection legislation

Clerk: Question 245, the Hon. E J Phillips.

1260

Hon. E J Phillips: Can the Government state why it did not consult with the Gibraltar Regulatory Authority over its proposal in respect of contact tracing technology?

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

1265

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 247.

Clerk: Question 247, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when does Government intend to introduce legislation regulating the use, collection and sharing of data collated as a result of any contact tracing app to be introduced by GHA and/or generally governing the encryption of data and safeguards on privacy and confidentiality stemming from the use of such an app or governing the use of the app itself?

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

Hon. A J Isola: Mr Speaker, the Government does not intend to introduce any legislation at this stage regulating the use, collection and sharing of data as a result of any contact tracing application.

The contact tracing app that we are designing will not use, collect or share any personal data. We are introducing a decentralised design, meaning that a smart phone which has the active app will store anonymised phone data of any person who has been in proximity to another for a period of time, 15 minutes, within two metres.

It is only when a person has tested positive for COVID-19 that the GHA would provide a code that can be input into the app and which will then automatically notify any individual who has been in close proximity to the person who has tested positive. The notification will be an alert requesting any affected individual to call 111.

In the circumstances, there has been no need to consult with the Gibraltar Regulatory Authority and there would be no need for legislation.

Hon. K Azopardi: Has there been a discussion with the GRA? I know you say there has not been a need to consult them, but has there been a discussion with the GRA about the workability of this app, especially given that they expressed some concerns on data protection, not in relation to the app itself but in relation to other things? Was that a trigger for some kind of discussion in relation to the contact tracing app, or has there been no discussion at all?

1270

To the extent that the Government is advanced in its plans towards the launch of the contact tracing app and that its workings are now at a very advanced stage, can a presentation be perhaps organised for Members on this side so that we understand fully how it is going to work?

1275

Hon. A J Isola: Mr Speaker, there is no need for a discussion with the GRA because there is no use, collection or processing of any data. Consequently there is absolutely no need to discuss anything with the GRA as there is no data, let alone processing of data.

1280 The reason for that is quite simple, that nobody will know the name of the person who has a
handset. If two people have the app, then that telephone number, if it is within distance of
another for a period of time, will log it, and if that person inputs 'I have been tested positive'
with the GHA code, the phone itself – not the individual – will send a message to every single
1285 phone that has been within that qualifying period. There is no personal information. Even when
you log on to this app, all you will do is click twice to abide by it. You do not even put your name
into it. It is completely data free to avoid people being concerned that they are being tracked or
traced, when that is absolutely not the intention. Unlike many other countries, what we have
done is gone for a pure tracing mechanism which will work automatically, completely
decentralised, which means that there is no server or database with all that data or information.

1290 I am happy, when we do the testing – during the latter half, I hope, of next week – to see if
we can arrange for a quick demo, but it is incredibly simple and that is why we believe it is going
to be effective.

Hon. K Azopardi: A demo would be very helpful. If the hon. Member can arrange that, we
would be grateful.

1295 If I understand what he is saying, the phone data management is done by the user of the
phone and the phone itself sends out, so it is then up to the person who has tested positive to
transfer details to the GHA on a voluntary basis. I know the phone is doing it, but what I am
saying is it is all done on an anonymised basis. But at some point the GHA then steps in because
the GHA wants to do a contact tracing trace and track process itself. So, at some point someone
1300 has to sit down with the positive person and say those notifications have been sent to
anonymised numbers. But were they? No?

Hon. A J Isola: Obviously the person who has tested positive will be in the knowledge of the
GHA because they have tested positive. The GHA knows that that individual has tested positive.
1305 The person who has tested positive and has the app will log in the number and he will press
'Activate'. The person who has been close to them will receive a message, an SMS from the app
saying 'You have been close to somebody who has tested positive. Call 111 and get tested.' That
is how it works, so it could not be simpler, it could not be clearer and hopefully we will get the
60-plus percentage of the population that we really need to make it work quickly. So, the test
1310 and trace is one function, the tracking is another.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I could just ask the Hon. Minister ... I perfectly
understand that we are going for a decentralised system here as opposed to a centralised
system which is server based and therefore it is more secure and anonymous, but of course
1315 there is a lot of misinformation and even paranoia in the community. Obviously communication
is key because, as the Minister says, we need, according to experts, between 56% and 60%
minimum to have a good outcome with this app. So, does the Minister propose any measures to
reassure the community, to restore public confidence and get people to buy into this new
measure, addressing the privacy concerns etc.?

1320 **Hon. A J Isola:** Thank you, Mr Speaker.

When we started off on this journey the Chief Minister engaged with Apple and, through
them, the work that Apple were doing with Google, and then ultimately led us to, at the
recommendation of Apple, an introduction to the Northern Irish ... sorry, the government of
1325 Ireland, (*Interjection*) the Irish government, yes, to work with them, as they were the furthest
ahead in terms of using this system. The Irish app has some aspects of what we have but we
have taken it a step further, with their help and support, to ensure that the public can remain
calm that we do not have this ability to have personal data.

Of course there is speculation on social media that they are not going to use the app because
1330 it is going to be able to track and trace and they do not want people to know who they are, and

so yes, we will have to do some work to make people understand and be comfortable with the use of this app in the the full knowledge that ... I think once people log on, download and sign in they will realise that it is not in any way data related because it is two clicks and you are in.

1335 So, yes, we have some work to do, I agree entirely, in educating and helping the community to understand that this is a pure tracing app done phone to phone and there is no data on it for anybody to mess around with.

Q246/2020

**Impact of pandemic on financial services –
Discussions with Finance Centre Council**

Clerk: Question 246, the Hon. D J Bossino.

1340 **Hon. D J Bossino:** Can the Minister for Financial Services state whether he has met or otherwise been in contact with the Finance Centre Council to discuss the impact on financial services as a result of the pandemic?

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

1345 **Minister for Digital and Financial Services (Hon. A J Isola):** Yes, Mr Speaker, I can confirm that the Chief Minister, my officials in Gibraltar Finance and I have been in, as a whole, what I would describe as constant contact with the Finance Centre Council as a result of the pandemic.

1350 As Gibraltar went into lockdown the Chief Minister announced in his Budget speech that he was establishing the COVID Economic Liaison and Advisory Committee (CELAC). He invited Unite the Union and the GGCA as well as the GFSB, the Chamber of Commerce, the GBGA, the Finance Centre Council and the Landlords Association to form part of the CELAC.

1355 The first meeting took place on Saturday, 21st March at 6 Convent Place and I was also in attendance. The Finance Centre Council was represented by Marc Ellul as Chairman of the body and he was accompanied by Nick Cruz, who sits on the Council as Deputy Chairman of ATCOM.

1360 The day prior to the CELAC meeting, the Chairman of the Finance Centre Council reached out to all Council members so as to obtain feedback on the initial effects of the pandemic on the various sectors, solvency and cashflow issues, if any, and ideas as to how the Government might be able to support and assist. The Finance Centre Director, James Tipping, was included in all correspondence as he sits, by invitation, on the Council, and I was kept informed at all times.

1365 There was a further CELAC meeting, with the FCC representatives in attendance, on Sunday, 22nd March, and I was also present.

On Monday, 23rd March, the Chairman of the Finance Centre Council organised a videoconference for all Council members to discuss CELAC and matters arising. I was also on that videoconference, along with the Finance Centre Director.

1365 Two further CELAC meetings involving the Finance Centre Council, which I also attended, were held on 24th March and 7th April, the latter being held by videoconference. The latest CELAC meeting took place on 24th April.

1370 From the beginning of the pandemic the Finance Centre Director, at my request, has reached out to, amongst others, constituent bodies of the Finance Centre Council including its Chairman, the managing partners of the largest law firms, representatives of the insurance sector as well as fiduciary services providers, the banks, general insurance brokers etc. His colleagues, being the senior executives, also did the same as regards the DLT and blockchain sector, the funds and investment space and a selection of insurers.

1375 I personally, together, on occasions, with the Finance Centre Director, spoke with and/or engaged in correspondence with representatives from specialist intermediaries (MGAs) that

exclusively broker travel insurance policies. They form part of the Gibraltar Insurance Association and have most heavily been impacted upon by the pandemic.

1380 On 15th April, I wrote to all of the constituent heads of the Finance Centre Council inviting them to provide their detailed thoughts on policies and ideas that the Government might wish to consider and employ. This was in the context of Task Force Future. I also participated in a series of COVID-19 press conferences which was aimed at the financial services industry, the first of these being on 16th April.

1385 I attended, together with officials, the next two Finance Centre Council videoconferences, which were held on 21st April and 12th May. I am scheduled to attend the next videoconference, which is next week on 9th June.

Separate to the above, I have had innumerable telephone calls and engaged in multiple email traffic with many financial services firms as well as the Chairman of the Finance Centre Council. I have also been heavily engaged in advancing thoughts on new DTAs via a subcommittee of the Finance Centre Council.

1390 Lastly and needless to say, I and the Finance Centre Director have been in constant contact with the CEO of the Financial Services Commission and many of his senior colleagues from the outbreak of the pandemic to date. Where necessary, we have kept the Finance Centre Council Chairman and others informed of such conversations.

1395 **Hon. D J Bossino:** Mr Speaker, I would like to thank the Minister for that very full reply.

Maybe this is an unfair question, given that the Finance Centre Council represents myriad different entities and groups, but is he able to highlight, by way of high level only, the main issues which have been brought to his attention as a result of all of that intense contact that he has had over the last month or so?

1400

Hon. A J Isola: Mr Speaker, I think they have issues – in other words, what they face today, primarily cashflow, money going out and nothing new coming in; and, in respect of the future, a fear of what their business is going to look like in six, 12 and 18 months' time. I think those are the bulk of the discussions that we are having with them. Hence you will recall the Chief Minister announced some weeks back the private sector BEAT equivalent of the furlough scheme to enable some firms which needed to ... up to 25% of their staff, being able to reduce the cost to the business in order that they would be able to survive.

1405

Of course many of the financial services firms which are licensed by the Commission require to have three months' cashflow operating expenses in a bank account to enable them to take them through such a testing time as they are currently going through, so they should all be very well placed to be able to deal with the short-term effect of the pandemic as they begin to prepare for the longer term. So, the discussions with them really have been about the immediate here and now and far more thought-provoking sessions in terms of what the future holds.

1410

1415 The responses that we have had from all the different heads of the associations from the Finance Centre Council for Task Force Future have been very interesting. They are not simply saying, 'Can Government charge me more rates or charge me less tax?' They are looking at ideas that can help them to make money. And so, in that sense, it has been very positive and we are adopting many of those thoughts in the future strategy that will be coming through to discuss with you as we develop those thoughts in the coming weeks for Task Force Future.

1420

Hon. D J Bossino: Mr Speaker, is the Government's intention still to engage with the Opposition in relation to Task Force Future? I am sure he does not have the statistics with him – it is a very specific question and I appreciate that he may not have the answer with him, available now – but can you give me an indication at least of what type of uptake there has been in relation to the BEAT furlough scheme which was offered to the private sector?

1425

Chief Minister (Hon. F R Picardo): If I may assist the House by saying that there is a specific question on that subject on the order paper that he has with him, but from Mr Feetham.

1430 **Hon. A J Isola:** I am grateful to the Chief Minister for that answer and I would not have known the answer to it anyway, but what I would say is that the response from the sectors has been very comprehensive; every single member of the Finance Sector Council has responded.

Absolutely it is our intention to engage fully with the Opposition as we develop that strategy. At the moment, we are going through a process of considering and evaluating all of the response we have had and putting that side by side with the strategy of the Finance Centre the officials in
1435 the Finance Centre have developed and prepared for us to. So, we have what the Government is thinking and now we have got the private sector thinking and we will be marrying those two together to come up with our overall strategy, and I will, of course, engage with Members opposite at that time.

1440

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

Q248 and Q255/2020

Road closures –

Impact on traffic and pollution; strategy re alternatives

Clerk: Question 248, the Hon. E J Phillips.

1445 **Hon. E J Phillips:** Mr Speaker, can the Government confirm that it has considered what impact the announced road closures will have on traffic and pollution, considering that motor vehicles will need to be moving at a slower speed and in lower gear?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 255.

Clerk: Question 255, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have a cohesive and comprehensive infrastructural plan and budget to compensate the closure of Line Wall Road with green transport alternatives?

1450 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Hon. Prof. J E Cortes: Mr Speaker, the Government has of course considered what impact the announced road closures will have on traffic and pollution and is of the opinion that both of these negative impacts will be reduced.

The Government has a clear strategy for delivering a greener Gibraltar in respect of traffic and transport, which include the following.

We will encourage and enable people to use zero-carbon shared private transport.

We will implement a smart and equitable system of road user charging to ensure that the polluter pays principle is adhered to.

We will make it safer and more convenient for people to walk short journeys. This will include widening pavements, where possible, and making the streetscape more attractive and accessible through the creation of single-platform spaces, planting and provision of green infrastructure.

We will make cycling a safe and viable alternative by accelerating the cycle superhighway project and exploring the viability of using pop-up cycle lanes to trial new areas.

We will improve the quality, reliability, speed and accessibility of bus travel.

We will reduce emissions from freight operations, covering not just cleaner vans and lorries but also mode shift to e-cargo bikes and other e-vehicles for city centre deliveries.

We will incentivise the uptake of cleaner, electric vehicles for the general public as well.

We will reduce tourist vehicles coming into the city by providing an attractive and affordable alternative in the form of a park and ride as well as increasing parking charges in the centre.

All of these, in combination, will help to deliver a cleaner, greener urban environment and a child-friendly city. Clearly the delivery of this vision will require a great deal of work and it is for this reason that the Hon. Minister for Traffic and Transport and I, and our teams, are working together to develop this and a budget for these projects is currently being determined.

Hon. E J Phillips: I will limit these questions, Mr Speaker – a very few – to the question of impacts, on the basis that there are other questions on the order paper that could potentially over spill here and I would not want to take up too much time on this particular question.

1455 Insofar as the impact on pollution, would the Minister agree that by the original plan of closing Line Wall Road – and I appreciate that that language has now moved to a partial closure, now restriction – is it right in thinking that the Government takes the view that pollution levels in other areas of Gibraltar as a result of the closure will increase, obviously, at some point, and therefore all the measures that the Minister has identified, I assume as a result of the
1460 consultation, which will take some considerable time to achieve ... that there still will be increases to pollution on other roads? Does he agree with that analysis?

Hon. Prof. J E Cortes: No, Mr Speaker. That question stems from the premise that all traffic that had previously travelled along these routes will be redirected to other roads, thereby
1465 increasing traffic and pollution. However, this is a false premise. Traffic is not like water, which has to find its way through. People will respond to road closures in all manner of ways. Some will undoubtedly continue to use their cars, but studies have shown that other changes also occur. There are other responses. People can take their trips at different times. They can change their mode of travel to walk, cycle or bus. They can change the frequency of their journeys.

1470 So, there will be a modal change and we cannot necessarily say that there will be a long-lasting increase in pollution in other areas. There will probably be a certain amount of increase in some areas, but I think that when we implement all our measures overall the effect will be a reduction.

1475 **Hon. E J Phillips:** Mr Speaker, I think the Hon. Minister will need a reality check, quite frankly, insofar as the road closures that he is proposing. It is clear from their very own STTP that culturally the responses received in that plan demonstrate that most people will simply use their vehicles, will not be encouraged to motorcycle. Even in the event that alternative forms of transportation are laid on in the interim, there is going to be a push of traffic somewhere else;
1480 that traffic will build up, there will be more fumes and there will be more pollution within our community.

He has to accept that an announcement to close Line Wall Road, pushing traffic elsewhere before we genetically, in our DNA, change our attitudes towards driving ... that there simply will be an increase in pollution in our community. How is the Minister planning for that impact?

1485

Chief Minister (Hon. F R Picardo): Mr Speaker, the Optigen test that we have bought is unlikely to enable us to change the DNA of the Gibraltarian as the hon. Gentleman suggests, but we are not going to accept all of the defeatist rhetoric that he puts to us. Quite the opposite: we believe that it is time, a propitious time, perhaps the only time when that cultural change can come. That is why we agree, and I am sure that others agree also, that this is the right time to act in this way, that people are ready to make a change to the way they live their lives. We have been elected to lead on this issue and on other issues, and so we do not believe that we need to check what we think is going to happen.

We think, actually, that hon. Members – under different leadership in a different time but with some similar compositions – took a radical step that we believed at the time was not going to be popular, which was to close Main Street to traffic and Irish Town, and then to close Casemates to parking. A more radical agenda than that I do not think we have seen. When we put the same points to them they gave us the replies I am giving them, and I am very happy to tell them – because when they are right, they are right – that they were right then, and that is why we think we are right now.

Hon. Ms M D Hassan Nahon: Mr Speaker, as the Government will know, my party is very keen on this project and we have supported it. I have had meetings with the Minister for Transport a couple of times now and we are actually very excited about it because we believe that in a climate emergency there is no time to wait, and if there is interim chaos it is for the greater good and things will work out for a better future for our children and grandchildren. We need to change mentalities and it has to happen as soon as possible.

So, I understand that there may be a little bit of chaos, but my question would be: when does the Government envisage actually breaking ground after these plans and budgets are tabled and decided on? When will Gibraltar start to see the construction of these lanes, the different types of buses, the incentives? When are we looking at? Are we looking at a six-month period from now? Two years from now? When can we start understanding what is going to start to happen?

Hon. Chief Minister: Mr Speaker, now I am in much more comfortable territory, agreeing with the hon. Lady. I am pleased to have the opportunity to agree with her on this because, in the same way as I have said to hon. Gentlemen that they were right about Main Street and we were wrong in those years ... We fought a General Election and on the night that I happily accepted the charge of once again, and on a third successive occasion, becoming Chief Minister of this community, I said that we had enjoyed a General Election campaign which had been devoid of the usual vitriol and there had been a lot of good ideas put about. All those good ideas were not contained only in our manifesto and there were some in other manifestos, and this frankly was one which was attractive and worth looking into, and it dovetailed well with some of the work that had been done, the detailed investigations that had been done in the STTP.

I have now seen very advanced designs. There are many Ministries involved here – Environment and Health as well as, of course, Transport, which is the lead Ministry on the transport aspects, with Environment and Public Health being the most concerned, with Health, on the pollution aspects. Those very attractive designs I understand will be completed within days ... the fact that we are now going to a more advanced rendering of what those designs are. They will be published within days, therefore people will be able to see, when the closure of Line Wall Road commences on 1st June, exactly what it is that the closure will lead to, and that, I think, will make even the most recalcitrant of objector reapply their mind to this project and to try and find a way, I am sure, of supporting it.

Mr Speaker, if hon. Members opposite do that, they will find only a welcoming hand from the Government. There will be no way that we will be in any way triumphalist in persuading them on this, because I think this is far too important. They will, I think, find it attractive. The Members opposite, I know, must be as concerned as we are in respect of the pollution in Gibraltar, must want to control it as much as we do and, in the knowledge that it is impossible at the moment to

change human DNA, must not want to wait for the test that the Hon. Mr Phillips has set up to be satisfied in order to be able to progress.

1540 So, in those circumstances, Mr Speaker, the answer I am giving to the hon. Lady is I expect in weeks, not months.

Hon. D A Feetham: Mr Speaker, for my part I do not think it is a question of DNA; it is a question on the fact that we have very few roads in Gibraltar and that, whether fewer people
1545 use cars or not, we are going to be shifting a considerable amount of traffic via Queensway and that is going to create its own problems, its own pollution and its own congestion on Queensway. Of course, as always from the Opposition benches, we want the Government, in the public interest, to succeed in its measures, though not at a General Election!

Mr Speaker, bearing in mind that the hon. Gentlemen opposite are talking about DNA, and in
1550 order to assist those who live in the Upper Rock to change their DNA and leave their cars at home, is the Government intending to put a bus service for those who live in the Upper Rock, which is a small but vibrant community – *(Banging on desks)* absolutely *(Interjection)* – composed of a number of elderly people, also people with children in schools, and who therefore will need to use their vehicles unless there is a bus service that operates in the Upper
1555 Rock? I also remind hon. Gentlemen opposite that of course not only is there a small but vibrant community in the Upper Rock but there is also the Girl Guides' hut and other activities that take place there, which will be greatly assisted by a regular bus service.

Hon. Chief Minister: Did I hear him declare an interest, Mr Speaker, or not?
1560

Hon. D A Feetham: Everybody and his dog knows that I live up there.

Hon. Chief Minister: Well, everybody knows that you and your dog live up there, yes! That is absolutely true, Mr Speaker, and we have seen some questionable tweets as to what he does
1565 with his dog on a Saturday afternoon, but given that he is no longer leader of the party I do not need to stray in that direction.

Mr Speaker, there is no intention to set up a bus to the Upper Rock, but one of the things that the Government continues to look at, and I have just had a report on the subject, is the opening of Green Lane, which I know would provide great relief to the colony of people who live
1570 in that particular part of the Upper Rock. It is a concern to us.

I really do not understand how the hon. Gentleman can get up and link this to Line Wall Road, but he is always keen to try and take advantage, for his own purposes, of his position in this House, and for all of his constituents up there. I really do not share with him the view that he has expressed that this is about all the same traffic going in the different direction now of
1575 Queensway. We have already explained that this is a package of measures, some of them uncomfortable but for good reason, and therefore a lot of people who live in the Upper Rock will need the opening of Green Lane to become a reality, if it is possible. We are looking at that. We are not talking about closing the Upper Rock, so there is no need to worry about the Girl Guides, who will continue to have access to the Upper Rock in the usual way.

He has linked things which, as usual, defy logic, but then again that is his DNA and I accept that; it is not an issue. I assure him that if I can get to the top of the Rock on a bicycle, if assisted
1580 by a small electric engine, then he would be doing his fitness regime no end of good if he left the Jaguar at home and either got on one of those bikes or got on his hind legs. I will tell him I think I live further from my office than he does from his, measured in metres or kilometres, and it does
1585 me a world of good when I am able to walk – but I know that being driven in a Jaguar has long been a fantasy which he is fulfilling for himself. *(Laughter)*

Hon. D A Feetham: Well, of course, Mr Speaker, *(Laughter)* absolutely, and I did offer him a lift the other day in my gas-guzzling Jaguar. I opened the window and I said, 'Do you want a lift in

1590 my gas-guzzling Jaguar?’ and he declined. Look, it is a matter of taste. I drive a Jaguar; he drives a Porsche Camarera, or Panamera, or whatever it is called. At least on this side of the House we do not call ourselves socialists, so obviously that is an advantage!

I do welcome the fact that the hon. Gentleman has indicated that the Government is investigating the opening of Green Lane, very much welcomed by the colony and the community up there in the Upper Rock because of course if there is an issue with the health of anybody, or an accident, or anything like that, now people have to travel all the way round through Moorish Castle towards the Hospital, and that is an accident waiting to happen, if I can characterise it in that way.

1600 Can he at least give us an indication of when he expects that perhaps cliff-facing works are going to be done in relation to Green Lane, which would then enable the opening of Green Lane? *(Interjections)* Introduce it!

Hon. Chief Minister: *Como que* introduce it! Mr Speaker, I do not know how this arises from Line Wall Road, but the hon. Gentleman rose to ask a question, which I answered. Now he has raised all sorts of other issues. For me, with him it is not a question of lowering the tone – I think he and I enjoy our usual repartee – but I was very pleased that he started his supplementary laying waste to the last 20 years of his political trajectory in Gibraltar. He has spent 20 years telling us that he is more socialist than us, even when he was the leader of the Social Democrats. Today at last, in *Hansard* – that *chibatito*, which he does not enjoy me reminding him of and I will forever now remind him of – he has got up and said that he does not even pretend to be a socialist anymore. *(Laughter)* I am delighted and I welcome the new level of honesty that is in his DNA. *(Interjection)* First.

1605 Second, I must say you could have blown me over with a feather when I heard of the new Porsche that he has invented, which is the Porsche Camarera, which must be a combination of a Porsche Carrera – which is what Sir Peter used to drive, he will remember, so obviously a social democratic vehicle – and a Porsche Panamera, neither of which I have ever owned or own. Although I am sometimes pressganged into chauffeuring someone in it, although I do not own it, unless hon. Members take the view that one’s wife is one’s chattel. They might be taking that view. I put nothing beyond him – let me put it that way; I do not want to spoil the relationship at an institutional level between the Opposition and the Government.

1620 The only reason I did not accept his offer of a lift in the Jaguar was because I did not want to hurt his feelings. I did not want him to end up being the person who drove the Chief Minister around in the Jaguar, rather than him being the Chief Minister who was driven around in the Jaguar, which I know has been his fetish for a long time.

1625 As to Green Lane, Mr Speaker, the Government will make an announcement when it is ready.

Hon. D J Bossino: Mr Speaker, this is, I think, directly related to the issue of Line Wall Road. What are the Government’s plans in relation to its original plans are set out in the manifesto – I think it is at page 55, entitled ‘Walk the Wall’? *(Interjection)* Yes, it is. It is relating to Line Wall Road.

1635 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, Walk the Wall is off Line Wall Road but not directly on Line Wall Road itself. An inter-ministerial committee was set up soon after the General election. There have been a number of meetings of that committee and concept designs are being produced in order to have the discussion.

Mr Speaker: May I take the opportunity to remind hon. Members on both sides ...? I will read out an extract from the House of Representatives in New Zealand on supplementary questions. It says:

Supplementary questions are to be of a reasonable number and arise directly from a Minister's reply. They must be related to it not indirectly but directly.

1640 That is all.

Hon. E J Phillips: Just in relation to that point, it is clear from the answer that Prof. Cortes gave in respect of that question that he opened up the ambit very significantly beyond Line Wall Road – to include cycling and road closures – beyond air pollution, that this problem presents. (Interjections) DNA. Therefore, it allows for debate in that sense, which shouldn't do.

Hon. Chief Minister: Mr Speaker, without accepting that point, can I just ... I think you have been in the Chair now for almost two and a half hours, and we all have the liberty of being able to pop in and out. Might I suggest that this might be a convenient moment, before we kiss goodbye to all the conviviality that we have enjoyed over the period of the pandemic, where we recess for a 15-minute break and then return and continue with the business of the House?

The House recessed at 5.25 p.m. and resumed its sitting at 5.45 p.m.

Q249/2020
Upper and Lower Town air quality –
Commitment to monitoring

Clerk: We continue with Question 249. The questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government now commit to providing air quality monitoring within the Upper and Lower Town area?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Prof. J E Cortes): Mr Speaker, the diffusion tube network already covers these areas. I believe there are four tubes in the Town area. In addition, an AQ mesh monitor has been placed on Line Wall Road. To be specific, it is at the end of the Piazza on Line Wall Road.

Hon. E J Phillips: Does the Minister have any information about the results of monitoring with him?

Hon. Prof. J E Cortes: No, Mr Speaker, I would have to look at the data. The new AQ mesh monitor has been moved very recently in anticipation of the changes. The others have been there for some time, but I would need to look into them and I would be happy with either another question here, or to answer if the hon. Member will get in touch with me.

Hon. E J Phillips: Mr Speaker, just one question in relation to these monitors. I remember the last time we met we had a discussion as to data being imported on to a website that would be easy to read by members of the public and we had a very short exchange on whether that would be achievable, because some of the data that is available requires the user to input certain criteria, which makes it more difficult for members of the public to access real-time data about pollution levels in our community.

Can the Minister confirm whether the information obtained from these new installations would be incorporated into the existing online infrastructure for people to access information?

1680 **Hon. Prof: J E Cortes:** Mr Speaker, the answer is yes.

Mr Speaker: Next question.

Q250/2020

**Smoking in outdoor public areas where people congregate –
Legislation to prohibit**

Clerk: Question 250, the Hon. E J Phillips.

1685 **Hon. E J Phillips:** Mr Speaker, can the Government state that it will introduce legislation or extend current legislation prohibiting smoking outside schools and public areas where people actively congregate?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

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Minister for the Environment, Sustainability and Climate Change (Prof. J E Cortes): Mr Speaker, yes, that is indeed the intention.

1695 **Hon. E J Phillips:** Mr Speaker, I note that when this question was asked there was an exchange of press releases and an announcement by the Government that areas such as Harbour Views, which I think arose maybe in consequence of an exchange that we have had across the floor of this House in relation to that stretch of land between the Hospital and Morrison's insofar as tobacco butts is concerned ...

1700 Insofar as extending legislation, is it the Government's intention that by regulation it will also extend to certain other areas in Gibraltar apart from those outside schools? The main complaint we receive from constituents, of course, is that it is grotesquely ... it is horrific, in fact, going to school, dropping off your children whilst people are smoking around the gateways, which I know the Chief Minister agrees with from his own public statements he has made before. But what other areas would that extend to?

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Hon. J E Cortes: Mr Speaker, yes, schools had been raised in fact when I was Minister for Education. Obviously then we had the election, then we got COVID and things have been delayed, but we are already producing the plans and so on in order to do that.

1710 Other areas that are being looked at ... I have not got a list of them specifically. I am sure that people will come up with suggestions where this is problematic. There was a big problem, as we have agreed, outside the Hospital. That is being tackled and the schools will be next, and then we will see what other areas we have.

1715 **Hon. E J Phillips:** Can I just ask one question about the Hospital? I am sure the Minister may know the answer; if he does not, that is fine. My understanding was, from the last session of Parliament, where we exchanged views on Harbour Views Road and the ability for healthcare workers or other people to smoke on that gravelled area, that that land was private land. I think that was the position that the Government adopted at the time and that is why it could not legislate for the complete banning and it would introduce planting around that area in order to avoid ... and put more smoking signs up. What position had changed insofar as the Government
1720 is concerned to then, by notice in the Gazette, demarcate that area as a non-smoking area?

Hon. Prof. J E Cortes: We have gone to the limit of public land but we did seek legal advice and it is possible to legislate even on private land.

Q251-54/2020

COVID-19 –

Priority re administering vaccine; numbers tested; UK guidelines; use of face masks

Clerk: Question 251, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government state whether it agrees with the content of the question posed by the Director of Public Health, Dr Sohail Bhatti, on Twitter, on the prospect of putting children to the back of the queue when a COVID-19 vaccine becomes available?

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Clerk: Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 252 to 254.

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Clerk: Question 252, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, of the 5,410 COVID-19 tests conducted up to 19th May 2020, can the Government state: (1) how many individuals have been tested once and, of those, how many were resident in Gibraltar and how many were non-resident; (2) how many individuals have been tested more than once and, of those, how many were resident in Gibraltar and how many were non-resident?

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Clerk: Question 253, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Was Government following direct UK Public Health advice while declaring that the virus had to go through the community in order to achieve herd immunity, and does the Government continue to follow UK guidelines now?

Clerk: Question 254, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Given the most recent studies on the matter, why does Government advise and not mandate the wearing of masks in all public indoor spaces?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

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Hon. Prof. J E Cortes: Mr Speaker, the tweet posed a question and so did not express an opinion with which one can agree or disagree, but it is certainly a question that is hotly debated in most jurisdictions.

Up to 19th May the number of people tested once was 4,295, of which resident were 3,785, non-residents 470, and unknown 40. The number of people who have been tested more than once is 510, of which residents were 455, non-residents 54, unknown 1.

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In relation to Question 253, there is no 'UK Public Health' advice. All the home countries and Crown Dependencies have their own public health agencies – like Public Health England – as does Gibraltar. The UK government took the advice of the Chief Medical Officer, the Chief Scientific Officer and SAGE. Early in the outbreak the advice appeared to be that herd immunity could be achieved by allowing the virus to infect freely. In Gibraltar, in contradistinction, we took

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1770 the view that those most at risk needed the most protection, which is why a legally enforced
Order to restrict movement on the over-70s was one of the first legislative instruments put in
place under the civil contingencies legislation. Gibraltar was the first and only jurisdiction in the
1775 world to do that. The results, so far, speak for themselves, as we have heard here earlier on
today. We have taken note of the advice provided to the UK government whenever that has
been available, but given that Gibraltar is unique and special we have never felt bound by it. This
has been reflected in a very positive set of references to Gibraltar in the current edition of
The Economist, dated 23rd May 2020. The articles refer to our introduction of Golden Hour for
1780 our over-70s as an example of innovative ways of addressing the issues that COVID raises for the
future for all European economies, and we are proud to have led on this.

1785 In relation to the issue of the use of masks, it would be helpful to know which studies are
being referred to. Evidence is mounting all the time and some of it is contradicting others. The
advice given by the Director of Public Health is that masks can and should be worn in enclosed
1790 public spaces where adequate social distancing cannot be maintained. The position is set out in
our Unlock the Rock document. As the Contact Tracing Bureau starts functioning, as it has
indeed done, people who have been found to be within two meters of someone else for more
than 15 minutes in the last 48 hours will need to self-isolate until tested, if the person they have
been close to is a positive case, so there is a clear need to maintain social distancing at all times.

1795 **Hon. E J Phillips:** Mr Speaker, just in relation to the question about the Director of Public
Health's tweets, given that the Government reacted very quickly to the public tweets about a
question as to whether children should be put at the back of the queue, who have no history of
1800 vaccination, and given that the Government's position is that no child in this community will be
refused a vaccine or put at the back of the queue – to use the language of the Director of Public
Health – does the Government agree that it was not advisable for the Director of Public Health,
in the position that he holds, to publicly question or court controversy over this question as to
whether children should be put at the back of the queue? And although everyone is of course
entitled to express their views, given the fact that the Government reacted so quickly in
1805 confirming that it would not put children back in the queue, does the Government agree with
me that it was unadvisable for that to happen?

1810 **Chief Minister (Hon. F R Picardo):** Mr Speaker, first of all, that question is based on the false
premise that the Government did not react quickly to the question imposed. The Government
was asked for a response to a press question that was filed very quickly, so the whole of the rest
of the question falls away if you rely on the premise on which it exists.

1815 Secondly, I really do not know what it is that the hon. Gentleman is suggesting. Is he
suggesting that civil servants should not be permitted free speech and they should not be
permitted to raise those questions? If that is the case, it would be in keeping with some of the
1820 positions that they have taken in the past when they were in Government and which we have
dealt with in a different way.

1825 Is the hon. Gentleman saying that we should not have the debate? I welcome the fact that
Sohail Bhatti, the Director of Public Health, raised this issue, because I think really only as a
result of some of the foolishness that one sees in social media are people in Gibraltar starting to
1830 be affected by the anti-vax argument – not in relation to COVID, where vaccinations do not yet
exist and everything is hypothesis, but in relation to established vaccinations like MMR etc.,
which are important vaccinations, and where there has been discredited conspiracy theory going
around the world which has had massive damaging effects on inoculations in many
communities.

1835 Indeed, the question that Sohail Bhatti posed puts to us in English, for discussion, almost as
an essay question – on his private Twitter feed, nothing to do with Public Health Gibraltar, on his
private Twitter feed that I see the hon gentleman has suggested he follows – a question that has
been posed and answered in different ways in different European jurisdictions. In France, your

1820 child cannot go to school if he is not inoculated. Frankly, I think that is a very salutary position to
take, but I am not an expert in public health. I think we should all be pleased to be asking
ourselves whether indeed, now that we understand, given the pandemic, how important it
would be for people to be vaccinated, these are not things to be swept under the carpet and
kept quiet. If the Director of Public Health wants us to talk about that – and the issues of
1825 smoking and obesity, which I think about every day; every morning, at about 7.45, I think about
the problems of obesity – these are debates to be had, not to be shied away from.

I am surprised to have an Opposition putting it to us in the way that they do. Usually they
chastise us when we have suggested that somebody should not have put something on Twitter;
now they are chastising us for not chastising someone for having put something on Twitter.
Sometimes I do find it difficult to keep up.

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Hon. E J Phillips: Mr Speaker, that is not the point I was trying to make, but on the question I
was trying to try to elucidate the answer to ... The point I am trying to make is that on the one
hand the Government have confirmed that they will not have one child at the back of the queue
in respect of vaccination against COVID, whilst you have the Director of Public Health putting
1835 into the public domain the debate about whether children should be put at the back of the
queue, who do not exhibit a history of vaccination.

Of course we all welcome debates on any subject, but this is clearly a question of mixed
messaging to the public – the Chief Minister alluded to mixed messaging with the hon. Lady –
and we have to have a consistent message, clearly, to our community. If it is the position of the
1840 Government that they wish to make sure that no child gets left behind and is not put at the back
of the queue for vaccination, we can hardly have a debate when the Government has said this is
the position whilst the Director of Public Health has said let's have a debate about the question
of whether children should or should not be put to the back of the queue. That is the only point I
make, that we have clear messaging to our community on this point.

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Hon. Chief Minister: Mr Speaker, I do find it difficult to understand where the mixed message
is alleged to arise: something that a person has said on their private Twitter feed – remember
that Public Health Gibraltar has a Twitter feed and Public Health Gibraltar has not put this on its
Twitter feed; or because the Government has said something which is to answer a question that
1850 has been posed without an answer by the Director of Public Health?

Sohail Bhatti is not here. We are debating a lot of things that Sohail Bhatti has advised on, but
he is not here today – he is not a member of the Government. He asked the question, but he did
not say that the answer should be that children should not be inoculated. He said '*should*
1855 children who have not been inoculated be offered the COVID vaccine, or not?' The Government
answered the Government's view. As you can imagine, we did not answer the Government's
view without taking the advice of Public Health Gibraltar.

It is one thing to pose a question to have a debate in order to make people think; it is quite
another for that to be the position of the Government. And so I do not think that there is any
risk whatsoever of mixed messaging here unless the hon. Gentleman continues to talk about it
1860 so much that this becomes a headline – which I assume is one of the things that he would
consider a success – and then we might have some mixed messaging!

Hon. Ms M D Hassan Nahon: Mr Speaker, I myself, when I saw that tweet, was a little bit
surprised by it. I think that for as much as we try and move away from the individual's position,
1865 he is an employee of Government effectively – or of the GHA, which goes back to the same
place. This is a man who I am sure is very learned and skilled but at the same time has an
agenda, clearly, on this topic because we have seen journals published and articles in the
mainstream UK press. So, it is not just that he asked a flyaway question and nobody knows his
own views or his own plans or his own ideas about this. We know, because we have seen articles
1870 posted where he has been a proponent for such measures. So, I think that it is only

understandable and normal that when he comes out asking to debate this question – as an employee, effectively, of Government and for the Health Service – people are going to get a little bit shaken up, concerned and worried whether this is a Government policy. I think that Government should understand and make it clear and lay out its position instead of just shying away from it and telling us that it is his own personal question up for debate.

Hon. Chief Minister: Mr Speaker, that question I think asks us to do that which we have done twice already. The hon. Lady has said the Government must lay out its position. Well, the Government laid out its position in answer to a press question – which apparently happened almost immediately, the Hon. Mr Phillips has told us – and the Government has set out its position in answer to Mr Phillips a few moments ago. So, why is the hon. Lady asking us to do, I question, that which we have already done?

When it comes to mixed messaging I still have the marks on my back of when the Human Resources department issued, without reference to us, the new social media policy for the Civil Service, which said ‘you should not really comment on issues which relate to your area of departmental concern’ etc. The onslaught we had from hon. Members opposite, including the hon. Lady – I will whip out her press release and her statements in that respect – for having the temerity to issue a social media policy that did exactly the things she has now said we should be asking Sohail Bhatti to do and adhere to, was really quite remarkable.

It may be that I am cursed, if not blessed, with the memory of an elephant for now – I do hope I do not lose it in future – but when it comes to mixed messaging, those issues have also got to be factored into the equation. Do we allow civil servants freedom of speech? Do we allow civil servants to pose questions for debate? Indeed, are we defending the idea that our children should not be inoculated? I am quite happy to have the debate with anyone in this House who believes that we should not have children have the MMR vaccine, if that is what we are pretending to defend, which is what Sohail Bhatti rightly, in keeping and in concert with the Government, will want to defeat because we want all our children to be inoculated with the MMR vaccine, whatever the anti-vaxxers may say. So, I am with Sohail on this. Maybe that is a new bumper sticker for the future.

Hon. Ms M D Hassan Nahon: Mr Speaker, with regard to the –

Mr Speaker: Excuse me; we are going to have just one –

Hon. Ms M D Hassan Nahon: Because the Chief Minister –

Mr Speaker: Okay, one final question from you and then one final question from the Leader of the Opposition.

Hon. Ms M D Hassan Nahon: Mr Speaker, when the Chief Minister says that we have all been against the social media policies, which we believe give freedoms to civil servants, we are talking about issues that are not pertaining to their specific Departments. If they want to talk about, for example, lifeguards when they are teachers, they should have the freedom, but we do not expect them to talk about the teaching curriculum out there when they are teachers and they are privy to information. This is what has happened here. You have a Director of Public Health speaking about a very sensitive or current, live issue that pertains to his Department, so obviously people are going to understand that to be part of Government policy.

So, my question is not about whether we agree with it or do not agree with it: is Government comfortable with having somebody in such a senior position using their own personal social media tools to put out messages that can very understandably be taken as something deriving from Government policy?

1925 **Hon. Chief Minister:** Mr Speaker, I really do not recognise in what the hon. Lady is saying
now the things that she was saying before. Or does she forget the attitude that she took to
teachers, which is the example that she has given now – teachers who were tweeting about
issues and Facebooking about issues that related to the profession that they exercise in the
Government at the time that they were in dispute with the Government? I know that she likes to
make it up as she goes along in order to fit the argument that she wants to win at the particular
time, but it is my role to ensure that she does not get away with it and that I point that out,
1930 because the alternative is the road to populism.

1935 What is clear here is that there is a convergence of interest between the views of the Director
of Public Health and the views of the Government – and, I dare say, if hon. Members think about
it, the view of everyone in this House, which is that we are in favour of inoculations, and if we
want to have a debate about those issues then one of the areas where we might have that
debate is around the issue of the COVID vaccine.

1940 We think the COVID vaccine is an issue where people will take a different attitude. Indeed,
today it might seem that we want no child to be left behind. By the time the vaccine is available,
people might not want their children to be inoculated because they might do a calculation that
thinks, ‘Well, if my children are not going to suffer from it, do I want to take the risk of a new
vaccine where you have not seen side effects etc.?’ And then what is going to happen when
Sohail Bhatti says and the Government says every child should be vaccinated – whether they
have had the other vaccinations or not, they should all be vaccinated for COVID-19? Is the hon.
Lady going to come here and say ‘Why is the Government forcing children to be vaccinated?’
That is the sort of one thing said today, another thing said tomorrow that we are seeing.

1945 What we are saying is very clear, and we have said it after we have taken advice on the
subject. On the issue of COVID, if there is a vaccine we will make it available to every child
whether or not they have been inoculated for anything else, but we hope that there are not
children here who have failed to be inoculated for everything else because we think that is a
very bad policy indeed.

1950 I am listening to what hon. Members are saying about the way that we should control civil
servants’ use of their own social media channels. Perhaps they can have the courtesy of setting
out in writing what they think of their position in that respect is. The Government has not
curtailed Mr Bhatti from using his social media channel. We have not curtailed teachers who
have been commenting about teaching issues on their social media channels, although the hon.
1955 Lady was championing them at one stage and now she is saying that they should be prevented
from using their personal social media channels to comment about matters relating to teaching.
I just would be very grateful to have one view from the hon. Lady on what her position is on this,
rather than so many.

1960 **Hon. K Azopardi:** Well, at least we know from the Chief Minister’s answer that the tweet was
only for discussion, because the Government welcomed the debate, which it then scotched a
couple of days later having taken advice from the same person who put that tweet out there. He
could have answered his own tweet by saying ‘No, because I am going to advise the Government
that actually the answer should be no.’ But that is fine.

1965 I wanted to ask a supplementary on the question that I have on the order paper, if I may,
which is Question 252. I asked about residents and non-residents, and now we know from the
Government statistics that there have been a number of cross-border workers who are positive
and presumably at home across the border. Because the process requires retesting so that they
can safely go back to work, how is that retesting going to be done when they are in Spain?

1970 **Hon. Prof. J E Cortes:** Mr Speaker, there are various ways of clearing somebody and it is not
necessarily a retest. After the period of 10 or 14 days – depending on a number of factors –
without any symptoms for somebody who has tested positive, it can be deemed that you are
clear. If there is a need for retest, and clinically a doctor may feel that there is a need, then that

1975 will be organised. As we have made public in the last couple of days, we have close contact with
the Spanish authorities and there would be no difficulty at all in organising that in Spain if it was
necessary.

1980 **Hon. K Azopardi:** So, do I take it from the Minister's answer that it is not a matter of standard
practice for someone who is positive to always be retested to ensure that they are then
negative? I had understood the contrary and indeed it may be that someone tests positive on
successive occasions. So, is there no standard practice? One would have thought that it should
be the reverse, that it should be retested.

1985 **Hon. Chief Minister:** Mr Speaker, there are different standards here depending on who and
where you are. In the frontline screening that we have done, some people have been identified
in, for example, ERS. Those people will be tested before they are able to go back to work, but
those people will be tested at ERS. In other words, when the period passes that allows them to
return to work, when they are deemed clear, x days asymptomatic, then they go back to work
1990 and they are tested at work, and that is whether you are a cross-frontier worker or not. If you
are a patient at ERS – and the hon. Gentleman knows that we have had one or two there – then
you are tested before you are allowed back into the general population at ERS, because of the
danger, and so there is a need to check there.

1995 Around the world the standard established criterion to be determined to be clear of the virus
is to be x days without symptoms, even if you were identified on a random test and were
asymptomatic. Those are the criteria that are applied also by us in Gibraltar. I will tell him – in
fact, I think I may have told him privately but I will tell him – that we have had one particular
individual in one particular residential facility, who therefore required testing because he or she
was being potentially put back into a general population, who stubbornly tested positive despite
2000 being asymptomatic for the number of days required. I am very pleased to be able to tell him
that late last night – although it is not in today's figures it is reported today, therefore it will be
in tomorrow's figures – late last night that person reported negative for the first time. There will
be another test today and if he or she reports negative again, then they are negative and then
they go back into the general population. So, there are different criteria applied on the basis of
2005 risk assessment – I assume that is how they have been developed.

He must not confuse what we are looking to do with what we are doing now. What we are
looking to do is, for the next stage, where people who are symptomatic call in and say 'I have got
the symptoms', then we want to have a mechanism, which we are very advanced in now
finalising, which brings you the closest possibility of testing. So, in Gibraltar either you will have
2010 someone sent to your house or you will be invited to the drive-through, and if you are a resident
of Spain you will be invited potentially to one of two facilities that will be conducting tests for
Gibraltar, but that in the 'I wake up with symptoms' or 'I have symptoms and where is the
closest place to go, and how quickly do I get results?' And those results ... It is all changing now.
Some results can now be provided within an hour by some laboratories. We are told of an even
2015 quicker field test that can be done very quickly, which we are looking into also.

Hon. K Azopardi: I am grateful for that answer. I was going to say also to the Chief Minister
that perhaps an interim suggestion also for Government to consider – and I do not know if he
would be prepared to consider it – is in terms of, as he says, if you test positive but you are a
2020 cross-frontier worker but you then get tested back in ERS, wouldn't it be an idea for them to be
tested at the Frontier rather than to be walking around in the general population when you do
not really know whether they are positive or not?

Hon. Chief Minister: In fact, Mr Speaker, there is very little walking around these days in that
2025 context and people are using their private vehicles for now, but, in fact, when the new
mechanism is set up the place you will go to will be the place closest to you, so if you are a cross-

frontier worker you will in fact go to one of the laboratories in Spain with which we have done an arrangement for this purpose. That is just a question of when we are able to finalise those arrangements, which I hope will be very soon, and it is also dependent on us being able to enter into those arrangements. The hon. Gentleman knows that although a much relaxed Spain is still under a state of emergency, or a state of alarm ... I think there is a difference constitutionally in Spain between emergency and alarm, so I must say a state of alarm, and the state of alarm does not permit the sort of contract that we want to enter into with private clinical providers at this stage, to be linked with a foreign entity like the Government of Gibraltar.

Mr Speaker: The hon. Lady.

Hon. Ms M D Hassan Nahon: I have a supplementary for the Hon. Minister on Question 254. I understand that he mentions the scientific advice and how that is changing, and how there are conflicting views on masks, but I think that most peer-reviewed scientific journals are moving towards the agreement that masks are good – and this is probably why Government has taken a view to advise people to wear them as opposed to not wear them.

So, my question was really about the fact that if the Government has stated that there is a value in wearing masks by advising people to wear them, shouldn't they be taking a firmer position on the matter in order for everybody to get the most out of it because it is an advice? Or are they advising when they do not actually believe in their own advice?

Hon. Prof. J E Cortes: Mr Speaker, I do not know whether the hon. Lady is advocating a law that forces everybody to wear a mask. I certainly would not support that.

I think the hon. Lady is referring to peer-reviewed journals and, as I said in my answer, it would be helpful to know which specific issues she is referring to and how recent they are, because the evidence has been moving all the time. But the current advice is that masks can and should be worn in enclosed public spaces where adequate social distancing cannot be maintained, and that is a specific recommendation. So, if you are out in the open air, if you are five or six metres from somebody else, then a mask will be of no significant value.

The other consideration is that the greatest value in wearing a mask is preventing somebody who is carrying the virus from passing it to somebody else and that wearing a mask will not be that significant in protecting you because the virus can also be passed through the eyes. You can, in fact, get an infection through the eyes. So, masks are of some value; they are of limited value in assessing the risk. In close quarters, indoors, then that is when we are recommending it, but all these considerations are relevant.

Mr Speaker: Next question.

Q256/2020
Social distancing guidelines –
Images re non-compliance

Clerk: Question 256, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Despite public advice provided by this Government, we are being constantly bombarded online with images of people, including the Chief Minister, in indoor healthcare facilities, without following social distancing protocols or wearing face masks. Is the Government aware that this example is not conducive to people following social distancing guidelines?

Clerk: Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):

Mr Speaker, health workers will, in the exercise of their duties, have to approach persons in their care, or indeed colleagues, closer than two metres.

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Photographs can be confusing and can give the impression that persons are closer together than they are in reality. Government Ministers and officials take great care in maintaining the recommended social distancing.

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If I may just add, Mr Speaker, there was a photograph today, which I have seen on social media, taken probably as a screenshot from the camera when the Chief Minister was speaking. It would seem to show the Hon. Minister Sacramento when they are in fact two metres away, but the photograph almost showed that they were within shoulder-touching distance. The Chief Minister has not been within one to two metres of any health worker for more than 15 minutes, which is the advice. Photographs usually only take a moment although they last a lifetime. In the case of the photographs in question, they show a Government expressing its gratitude and that of the many people we represent to our magnificent healthcare workers. (*Banging on desks*)

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Hon. Ms M D Hassan Nahon: Mr Speaker, with regard to the picture that the Minister is referring to, yesterday with civil servants, I take his word for it that they were separated – and I agree that it does not look like they were, but I take his word for it.

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The fact of the matter is how does the Government find the logic to congregate so many civil servants together – heads of Departments, essential parts of the Civil Service – in one room when, if one, two, three or more, or less, would advise anybody or would show that they have contracted the virus? Everybody else would probably have to be isolated. Wouldn't that actually bring a halt to most of the key people in the Civil Service? Is it advisable to meet with so many people at the same time?

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Hon. Chief Minister: Mr Speaker, I think the hon. Lady is referring to a meeting of senior officers called by the Chief Secretary, who considered that it was appropriate to have such a meeting at this stage as he mapped out the route for the public sector generally and the Civil Service in particular to take as we emerge from the pandemic. I found out about that meeting and wanted to be able to address the senior officers to express the gratitude of the people of Gibraltar for the work that they had done and my views as to how we should progress. I was there for about eight minutes, 10 minutes, no longer than that. The Chief Secretary addressed them – I do not know for how long.

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The rules relate to what happens, other than at work. There are many places of work where more than 12 people congregate, and as long as they stay that far apart, as the rules provide, we are saying that it is safe for them to congregate. So, because we believe in our advice on face masks, because we believe in our advice on social distancing, because we believe that our rules are correct and we follow them to the letter, we do not believe that any of the things that the hon. Lady says fall consequent as a result.

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Mr Speaker: Next question.

EDUCATION, EMPLOYMENT, UTILITIES AND THE PORT

Q257/2020

Education –

Dates for pupils returning to schools

Clerk: Question 257, the Hon. E J Reyes.

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Hon. E J Reyes: Since the publication of Unlock the Rock, can Government provide updated details in respect of dates when pupils in different year groups will be returning to schools, together with any further related details pertaining to educational programmes which may be offered for the remainder of this term?

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Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the Education roadmap for a partial and limited reopening of schools for the remainder of this term was published on 12th May 2020 as part of the Government's document 'Unlock the Rock Part 1: A route map out of lockdown and starting to end confinement'.

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All schools reopened for some students on 26th May 2020, Tuesday of this week: year 2 in lower primary, year 6 in upper primary, year 10 in the secondary schools and level-1 students at the College. We also expect year 12 students to return to school before the end of this term. In addition, all schools will continue to supervise children of other school years who qualify for childcare supervision. Home learning will continue for children of year groups not returning to school and those in year groups returning to school who are unable to attend for medical reasons.

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The second step in the Education roadmap is set to take place on 16th June to coincide with the start of summer hours.

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Hon. E J Reyes: Mr Speaker, the Minister has explained that we have put into practice the return of years 2, 6 and 10, with year 12 now imminent. However, the Minister, in other public statements, through interviews, has referred to us, as far as possible, trying to mirror the UK system because our students eventually end up doing the same examinations as students in UK, and the latest indications are that the majority of schools will open for the majority of pupils on 15th June, something which the Government I do not think has committed itself yet to doing.

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I know in the next phase the Minister refers to a particular phase which coincides with the start of what we traditionally call half days and so on, something that does not happen in the UK, and had this not happened our school term would have ended in early July, whereas in the UK they go much further into July. Therefore, in a like-for-like situation, our UK counterpart students will have far more direct classroom contact and formal national curriculum lessons delivered than what our students are here. Perhaps the Minister wants to update us on how he is trying to make sure we narrow that gap as far as possible.

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Hon. G H Licudi: Mr Speaker, the first thing to say at the very outset is there is no gap. We have returned to school before the UK, so it is not as if they have started with certain year groups and we have not started and therefore there is already a gap. If there is anything, there is a gap in the opposite direction with our children having started first.

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The hon. Member refers to comments that I may have made in interview on what the UK does. I do not believe, and I am pretty certain about this, that I have ever said that we will mirror what the UK does. I have said that we will *monitor* what the UK does, and it is important to monitor what the UK does because we follow the curriculum that is set in the UK. It is a statutory national curriculum. If the UK were to say on such and such a date the national

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curriculum is restored and all children go back to school, it is important for us to monitor that to decide how we are going to act, to decide precisely whether we can mirror that, whether we can act in accordance with Public Health advice and to do that in that way or whether we have to act differently. So, certainly we have to monitor what the UK is doing.

2160 There is a lot of discussion and debate in the UK as to what they will be doing. Nothing is certain. I have not seen anything at all that suggests other than a pretty clear plan for 1st June for the early years, which is the primary schools, and in fact some parts of the UK saying they are not going to have children returning to school on 1st June and other parts of the UK, in particular in England, schools reopening, and some schools even saying that they might not be ready to

2165 reopen on 1st June.

In respect of the early years, we took a view that years 2 and 6 were important, and I have explained why they are important in terms of the transition work that they need to do as they will be moving to new schools in September.

In respect of the secondary years, the intention that we have had from the UK is in particular relating to years 10 and 12 and it is pretty obvious why those intentions are there. Years 10 and 12 are in the middle of examination years and, according to comments made in the UK, it is important to have at least some contact with those children and those young adults before the end of term. We have already started that. We started with the year 10s. The year 10s started on 26th May, so if the year 10s go back on 15th June that will be three weeks behind us and our

2175 year 10s will have had three full weeks of schooling ahead of year 10s in the UK if they do in fact return on 15th June.

As regards year 12, to the extent that they also return on 15th June, as I mentioned in the answer, the second step in our education roadmap is on 16th June. It is our intention to bring back year 12 on that day and possibly even earlier.

2180 Whether we bring back any other year groups earlier, we have set a roadmap which says in step 1 we bring back one year group for all the schools. Then there will be a second step on 16th June to coincide with the start of summer hours.

We have also said, both in respect of the Government roadmap as a whole and the Education roadmap, that these are fluid documents. They can change if circumstances change and there is a need for change. We have to bear in mind that schools are open not just for these particular year groups, and therefore it is not just one year group in each school but we do have a continuing service as we have done throughout the whole period of lockdown in respect of the childcare facilities. So, the extent to which we are able to bring back year groups and when may well depend on the number of children, because we do have Public Health guidelines on small group classes and therefore if you have smaller-group classes there is a limit as to the number of children you can have in any particular building in order to maintain all the strategies and measures which we have put in place for the reopening of the schools and which are necessary and acting on Public Health advice.

2195 As we unlock and as we ease restrictions generally throughout Gibraltar, we are seeing more people go back to work. So previously, during the period of lockdown, in respect of the childcare facilities what we have had is children of key workers and other workers being able to use that facility where they have not had access to alternative childcare facilities without involving relatives over the age of 70. Then we also opened it up for vulnerable children and also Safe for Children at St Martin's.

2200 There have been a lot of people working from home, from offices, and there have also been businesses which have been closed. As these reopen and people are brought back to work they will need to send their children to the childcare facilities. Already this week we have seen a substantial increase in the numbers going back to these facilities compared to the whole period of lockdown and therefore that is also something we have to monitor in terms of the teaching staff, and staff generally maintaining good hygiene and distancing, being able to ensure that whatever rooms are used are thoroughly cleaned both before and after use. So, there are some

2205 constraints within which we have to work, but we have to make this work and we are making it

work already, both from a childcare supervision point of view and from the point of view of the groups that have come back, and we are definitely committed to bringing back year 12 certainly before the end of term and no later than 16th June.

Hon. E J Phillips: Mr Speaker, just one question. First of all, whilst of course we all appreciate the difficulties encountered by the teaching profession, the students themselves and of course parents insofar as the educational programme that was put online – and I use Seesaw as the example for the more primary years – I am glad the Government has ... The Minister has mentioned the word ‘monitoring’ what is going on in the United Kingdom. We issued a press release back in April, I believe, that tried to ascertain from the Government – and it is no criticism but I do not think the Government answered the point that we were making insofar as the platforms that were available through BBC iPlayer. I know there may be technical issues with that, but it would appear that the BBC announced at the time that they would be engaging in a revolution insofar as the online platform of education to be delivered at source to people in their homes in respect of education – English, maths etc. – with a very structured platform, very different of course to the Seesaw programme that is being utilised here.

Would the Minister be able to confirm that that option of delivering education in people’s homes via the BBC iPlayer platform, despite the technical issues there, was explored – or the alternative programmes such as Google Rooms, which is used in hundreds and thousands of homes within the United Kingdom – to allow children to access the basic English and maths curriculum, as it were, so that they can still continue to develop through the pandemic and after, given the fact that we are returning our children to school?

My main concern, because I have had that personal experience with my son this week going back to year 6 and watching the development of the Seesaw programme and how he interacts with teachers and how they return the assignments and they are marked etc., but there are other programmes, of course, during the beginning of the pandemic and throughout the main part of the pandemic, that demonstrate very significant educational programmes out there.

I think the point of this question is set out in my hon. Friend’s question, as in pertaining to the educational programme, so I am really seeking confirmation from the Government as to whether they explored the opportunity of using that platform or whether they also looked at other platforms to improve the quality of the education platform being delivered, but also trying to now ramp up the curriculum to a level where we can be all comfortable that our children are getting some form of education, appreciating of course that the curriculum has been suspended.

Hon. G H Licudi: Mr Speaker, I can confirm that we did explore that option in respect of the BBC iPlayer and the BBC option. The hon. Member will understand that there are difficulties with that and we currently do not have access to that facility in Gibraltar.

The BBC option is not a platform; it is content. It is primarily delivering content through the BBC iPlayer to the schoolchildren. We have our own platforms in the secondary ... at Bodo and there is another one, through which content is delivered by the teachers. The teachers put together the content. And so it is not that you need the BBC iPlayer, because we have already got a platform. As to what content goes into that platform, the BBC has produced some content and our teachers have also produced their own content for their own students, which they deliver through the necessary platforms.

I am glad to hear that the hon. Member’s own experience within his family with the platform that has been used for primary school students appears to be positive, and that is certainly the reaction that we have had and the comments that we have had in terms of the engagement, in particular at primary level, of the children through the Seesaw platform.

I seem to recall that in one of the daily press briefings I addressed this point, not specifically by talking about the BBC iPlayer but an alternative provider in respect of content, and that was a provider called GCSE Pod, which is a series of podcasts across 27 subjects and in respect of which we have now got a subscription. That subscription takes us all the way until, I believe, the end of

2260 the next academic year. So, it is not just available during the COVID lockdown period; it is a source that is going to be available all the way across for GCSE subjects. It is a podcast across 27 subjects.

2265 This is not just a question of saying 'There are the podcasts, go and learn it.' This is just a resource for the profession, so the professional will use this as a resource to decide what content they provide the children in this environment. It has been a challenge to put this together, but it seems to me that I am very satisfied that both the professionals in the Department of Education and throughout education as a whole, in particular the teachers and those who support the teachers – and we have already mentioned this phrase many times – across the board really have stepped up to the mark in these very difficult and challenging times.

2270 We do recognise the difficulties for children, in particular being stuck at home, the anxieties and the issues that that relates to. There have been a series of programmes and outreach that have been put in place, including a helpline for children or parents who find themselves with any anxieties and need to speak to a counsellor in particular.

2275 **Hon. E J Reyes:** Mr Speaker, if I may come back, the Minister has told us the timetable whereby this week years 2, 6 and 10 have commenced and the next phase, which will coincide with the start of half days for year 12 on 16th June. My understanding is that at present those students who are in years 2, 6 and 10 have been divided into two groups, with group 1 attending for two hours and then there is a small gap for changeover and the other part as well. When we
2280 move into the half-day period, will the students still be going in two groups for two hours or will there be a merger of the two groups into one group, or will there be a reduction of classroom contact time with pupils, other than the two hours that we are implementing now?

Hon. G H Licudi: Mr Speaker, it is true that all year groups have been split into two. Half of
2285 the group is going back in the particular school – whether it is lower primary, upper primary or secondary – in the morning for two hours, and the other half going into school in the afternoon.

That necessarily has to change on 16th June with the start of summer hours – or, as we used to call it, half days. The sixteenth of June in fact, coincides with phase 4 of the Unlock the Rock roadmap, which suggests that it is at a fairly advanced stage in the overall unlocking structure of
2290 the Government. What is currently envisaged – and I always say this is subject to change; it may depend on COVID numbers and whether everything goes smoothly, but assuming that everything goes as we plan, as we expect and as we hope with the COVID situation generally, the intention is that as from 16th June, which is the start of phase 4, the second educational step will involve all the children who have been attending school going back to school in the morning
2295 for the morning session. There will necessarily be some adaptations to that in order to stagger entry and dismissal, as we have said we will do – stagger break times, for example – but at the very least what is going to happen in step 2, which is on 16th June, the start of phase 4 of the overall Government Unlock the Rock, is that all children that have been going back to school go back for the morning session and in addition year 12s go as well.

2300 We may also consider whether there are other options, whether there are other children, year 9s for example, or other years, that can also be brought back at that time and an assessment on that will be made depending on numbers. But at the moment what is planned is at the start of summer hours everybody who has been going back to school goes back in the morning with appropriate mitigating measures, and year 12s start as well.

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Mr Speaker: Next question.

Q258/2020

**Summer education programmes –
Plans to assist pupils in catching up**

Clerk: Question 258, the Hon. E J Reyes.

2310 **Hon. E J Reyes:** Will the Department of Education be offering any education related programmes during the summer months in order to assist pupils catch up with their national curriculum learning lost during the schools' closed-down period?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2315 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, when schools closed in the UK on 24th March, or in March when they closed in the UK, the national curriculum was effectively paused. Nobody is, therefore, falling behind with respect to the national curriculum, because it is paused, and therefore when the hon. Member talks of 'catch-up' there is nothing to catch up because it has been paused. Learning has, however, continued for pupils through the home learning programmes. Pupils will have continued to develop key learning skills which will benefit them as learners as they progress through their educational journey.

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2325 The decisions we have taken with education professionals in the Department of Education and with the teachers' union have meant that there are no current plans to keep schools open for pupils after the end of term on 7th July. I am confident that the professionals who work with our children will ensure that our children make the progress which is expected of them when normality with respect to the curriculum resumes.

2330 **Hon. E J Reyes:** Mr Speaker, I understand what the Minister is trying to say, in that broadly speaking he is correct when are saying that the students do not need to catch up and so on. However, when a student starts in September, in year 10, he knows that within two academic years he has got so much subject matter and the finer points to go through in the learning process in order to prepare for his exams. It is also equally true to say that although the UK may not be delivering its formal national curriculum lessons, it has still not altered the material needed to be learned in order to sit the exam at the end of year 11. So, the question of catch-up could be something that could happen in September.

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2340 I did not word my question trying to be negative. What I am trying to do is to put it in such a manner that the students ... to try and avoid them having too much to catch up later on when they return to normality, hopefully at the start of the year. I was thinking of some educational programme not necessarily having to be delivered in schools but perhaps certain work set such that when the new academic year restarts in September, and whatever attendance we have of children in school, at least these teachers would be able to assess, correct and evaluate the work that has been done by those pupils during the summer months, for which they get feedback.

2345 I was aiming more in that direction, thinking ahead so that there would not have to be a catch-up, rather than trying to hint that there was a catch-up to be done now immediately. It is pre-empting: if I do nothing workwise between now and September, then it is obvious that in September I am going to have to catch up.

2350 **Hon. G H Licudi:** Mr Speaker, there are actually two points to be made in answer to that. The first one is that although the national curriculum has been paused, work has not been paused. Work has continued, as the hon. Member knows, through the platforms, through the various contacts that teachers have had and the work that has been set for ... The hon. Member talks of year 10 students and that is, of course, an important aspect and they are doing it now. The year 10 students are back in school now, and they will have six weeks of that contact with the

2355 children. Whether the hon. Member wants to call it catch-up or just contact, certainly they have resumed their education even though the national curriculum is still paused. That is in respect of year 10 students, but all the other students have the benefit of the home learning programme which we have put in place despite the fact that the national curriculum is paused.

2360 The hon. Member rightly says that when you go back to school, and in particular it would apply to year 9s who start the GCSE year in September ... it would be year 10 and year 11. Year 11 will then start the A-level year in September. What is it that they will need to do for those two years? The reality is that we do not know. Because the national curriculum has been paused effectively for one term, decisions will have to be made in the UK, particularly by the examination board, as to how they deal with that. Whether they expect all children throughout the UK to catch up with everything that they may have lost out on, or whether they take that into account and make some changes either to the curriculum, to the amount that needs to be covered, to the breadth or to the examinations themselves, we do not know that, and until we know that we do not know exactly what we are going to face in September.

2370 Having said that, in respect of, for example, year 9s, as the hon. Member will know having been in the profession and in the Department for many years, year 9s will be preparing their options for GCSEs. All that has been happening, online; through contact, the options programme has been made available to year 9s and they will have gone through that and been able to ask questions and receive the necessary advice.

2375 Year 11s have had their education paused in a way, because they will not do the exams this year. The exams were cancelled early on in this process and their grades are being assessed by each centre, as we have announced. But there is work being done and offered to year 11s in order to prepare them to start the A-level course. That work is being done at the moment.

2380 Another example is year 13s, the final year of A-levels. You would have thought that if they have no exams they have nothing to do. We have offered them, and we have put together, a programme to prepare them for the next stage, as we do at the very end, whether it is employment, in terms of giving them advice, or university, preparing them for that new experience that they will get.

2385 So, we have been doing all this work – in a different way because it affects each year in a very different way. What we will need to do in September will really be determined ... and that is why it is important that we continue to monitor what happens in the UK. There will necessarily, I believe, have to be adaptations to what happens in the UK because they cannot simply ignore the fact that a term, effectively, of the national curriculum being paused is lost and then seek to examine children as if that pause had not been put into effect. We will have to wait and see, but as I said in answer to the original question, we are very confident that our professionals will continue to work with the children in whichever way is necessary and will continue to support them.

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Mr Speaker: Next question.

Q259/2020

**Students with special educational needs –
Facilities and programmes currently offered**

Clerk: Question 259, the Hon. E J Reyes.

2395 **Hon. E J Reyes:** Can Government provide details of what facilities and programmes are being offered to pupils with special educational needs during the present limited schooling set-up?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2400 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, throughout the COVID-19 lockdown, the Reach Out initiative has been in operation. Using a common protocol, working parties of teachers and pastoral leads have been maintaining contact with students and their families. These have included socially and emotionally vulnerable pupils, those with other special educational needs or students who may not have been engaging in the home learning platform. These calls have helped to identify risks and issues around these families. Teachers are identifying families who need additional support. They are making sure that, in particular cases, children can attend school even if it is for short amounts of time. By touching base, teachers can be more informed on the well-being of these particular students.

2405 As I mentioned earlier, a Place to Talk helpline, an online form and other social media avenues have been set up so that school counsellors and other appropriate teachers have been made available to pupils and families who need support. A clear protocol has been written to ensure that this is run as safely and as effectively as possible. Any concerns have been referred on to relevant professionals.

2410 The online platform also enables teachers to keep in touch with children and identify needs. Adaptations have been made to help children with specific needs to access the provision. Bespoke home learning programmes have been devised – for example, for the pupils of St Martin’s School, who have been unable, as a result of their heightened vulnerability to the coronavirus, to come to the facility during this time.

2415 We have had upwards of 110 children with an array of special needs who have been attending our school bases during the lockdown period. In addition to this, up to 31 pupils from St Martin’s have been attending school. The facility at St Martin’s has been open to all children who usually attend St Martin’s and Early Birds Nursery and who were not specifically advised by the GHA to shield because of their heightened vulnerability to the virus. Children with special needs but who also have good general health have had access to education and peer socialisation opportunities throughout the lockdown, as they have been allowed to attend our facilities.

2420 We have also recognised that, for these children and families, the sense of routine is particularly important. Having access to the childcare facility has also provided these families with much needed respite during the time of lockdown, when tensions and difficulties undoubtedly become particularly strained because of the change in the children’s routine and the reduction in wider family support as a result of the social distancing measures.

Mr Speaker: Next question.

Q260/2020
St Martin’s School –
Social distancing guidelines

Clerk: Question 260, the Hon. E J Reyes.

2435 **Hon. E J Reyes:** Mr Speaker, given the special needs requirements for pupils at St Martin’s School, what guidelines have Government put in place in respect of social distancing at this school?

2440 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, I will start by making a general point in respect of all the schools and guidelines generally. The Department of Education has issued a document entitled ‘Guidance on the Reopening of

2445 Schools'. This is now publicly available on www.education.gov.gi. The document provides guidance to teachers, staff and parents and sets out key mitigating measures to be adopted in schools and childcare facilities, including on social distancing. That guidance applies to all the schools.

2450 The Government nevertheless recognises that maintaining social distancing in some settings, such as St Martin's, can be challenging given the diverse special needs of its pupils. In some cases, the needs of the pupils do not allow staff members to keep a physical distance. At lunchtime, for example, some children require to be fed. Notwithstanding these issues, classrooms have been rearranged to adapt to social distancing requirements. Attempts have been made to keep the number of pupils per classroom as low as possible. There has also been a greater use of outdoor areas.

2455 Teachers have long established a practice at St Martin's of thoroughly washing their hands with their pupils. This practice has now extended to the use of hand sanitisers. St Martin's has implemented a practice where children are taken out of the premises by the staff to parents or the school bus, instead of inviting parents into the school building, as had been the case before the lockdown. This has reduced interaction and exposure of the school's surfaces to just pupils and staff. Face masks have been provided at St Martin's, as they have been in all the schools. 2460 The public health advice is that the use of face masks is recommended indoors where social distancing cannot be maintained. In addition, staff who are required to change children who, for example, may have soiled themselves, have access to gloves and aprons.

2465 **Mr Speaker:** Next question.

Q261/2020

**Student UK maintenance grants –
Arrangements re privately rented accommodation if unable to return**

Clerk: Question 261, the Hon. E J Reyes.

2470 **Hon. E J Reyes:** Can Government provide details on what maintenance grants will be payable to students who rent private accommodation whilst undergoing studies in the UK and who have already signed rental contracts for the academic year commencing September 2020 but who may not be able to return to the UK at the start of the term?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2475 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, maintenance grants will be payable to students who are engaged in a Gibraltar scholarship award contract for the 2020-21 academic year in the same way as we have done for previous academic years. That is, students will need to ensure that they have submitted their continuation of studies application once they have successfully completed the 2019-20 academic year of study. If they have successfully completed the 2019-20 academic year of their chosen 2480 programme, they will then be eligible to receive a maintenance award for the 2020-21 academic year. The first of these instalments would be paid out in September 2020.

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

2485 One of the concerns is that some universities themselves may not reopen to offer physical lectures in September 2020 – in fact, I think Cambridge University has already more or less hinted that the next academic year might not see any classes at all – yet a student who does not have to attend lectures in September 2020 in the UK and could still be here in Gibraltar, where

2490 they came for the summer months, and does not return to the UK in September 2020 ... We do
not know what the Prime Minister in the UK is going to have in respect of the proposed 14-day
2495 quarantine when they return, but they are committed in a contract that they could have entered
into for accommodation for about two years. There is a bit of a concern by some students that
the Department of Education may say if you are not in the UK you do not have accommodation
expenses, and that would only be true in respect of halls of residence. When you rent, would the
2500 student who is able to document evidence, such as the contract and receipts and so on in
respect of the rent ...? Would that be looked upon favourably by the Department so as to allay
their fears? There was some fear last time around, when the Department – rightly so – asked for
clarification on what expenses they had had in this last term when they had not been in the UK
and therefore did not really need that maintenance grant.

Hon. G H Licudi: Mr Speaker, the hon. Member starts by saying that some universities may
not open in September and he gives the example of Cambridge University. Some universities
have in fact announced already – including Cambridge, and there are others – that they will not
be providing lecturing facilities for students. The day that Cambridge University made that
2505 announcement it so happens that on Radio 4 in the morning I heard an interview specifically on
the subject, where it was suggested that the fact that lectures are not provided does not mean
that there will be no contact with students. Lectures would be provided online, so it was said,
but tutorials and seminars with small groups could certainly happen. That is my understanding
of what a lot of the universities are planning. What they are seeking to avoid is a lecture theatre
2510 full of four or five hundred students, but a lot of the working in some universities is done in
those small groups, tutorials and seminars, and those are able to carry on.

We do not know exactly what is going to happen in September. The state of play with the
virus in the UK is very different to what it is here at the moment and announcements will have
to be made. I know that universities are getting ready for the eventuality of them not being able
2515 to function normally, and that is why they have made these announcements of lectures at least
being delivered online or through podcasts, or whichever other way the university decides to do
it.

Having said that, we have the issue of the possibility of the university not opening at all,
operating remotely and some students not having to return to the UK. I do not want to get into a
2520 hypothetical issue and discussion of what happens if this and what happens if that.

It is also difficult to anticipate that students who still do not have a continuation award,
because they still have not successfully completed this academic year – they are still in the
middle of or finalising their dissertations or their final coursework or assignments, or the exams
that they have to do, and therefore it is difficult to understand that students, without knowing
2525 that they have successfully completed, will be entering into firm contracts with firm contractual
provisions, commitments, for next year without knowing whether they have passed this
particular year or they have a continuation of studies award. But assuming that they do pass and
assuming that they do continue their studies, if a student, because of the need to go to the UK
and continue their studies in whichever way is necessary, enters into arrangements, then, those
2530 students, as we have said for this particular term, we do not expect those students to be out of
pocket and maintenance grants will be payable in the normal way.

We will have to take into account, as we have done in this particular term, whether the
students are here or in the UK, and that may well be reflected in the maintenance grant in the
same way as the exercise which we are currently embarked on, on which the hon. Member and I
2535 have had some correspondence. But subject to that, as I said in the original answer, provided
that students successfully complete this academic year, provided that the students then go on to
get the continuation of studies award, then maintenance grants would be payable in the normal
way.

2540 **Mr Speaker:** Next question.

Q262/2020

**Returned student maintenance grants –
Donation to COVID-19 Fund**

Clerk: Question 262, the Hon. R M Clinton.

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

2545 Can the Government advise on what legal basis, without an expenditure appropriation approved by this House, can the Department of Education represent to students that maintenance grants returned will be 'donated in the student's name to the GHA COVID-19 fund'?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2550

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, expenditure appropriation for donations has already been approved by this House. I would invite the hon. Member to look at head 2(7)(b) of the approved Estimates of Revenue and Expenditure for 2019-20. Any recoveries which will reduce the expenditure under head 18, 2555 subheads 2(5)(a) and (b) would be matched by an equivalent contribution from head 2(7)(b) on behalf of the students.

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

2560 Head 2 is not, I believe, the Department of Education – (**Hon. G H Licudi:** No. 6.) No. 6, in which case donations will be made by No. 6, but what you are talking about are effectively refunds or returns on moneys to the Department of Education head of expenditure, which is now money coming back to the Department of Education and then being reallocated. (*Interjection*) Well, effectively it is a reallocation because this is money that the Department of Education is getting returned to itself, (*Interjection*) but what he is saying is it will be donated 2565 through No. 6 donations, if I understand the Minister correctly – but obviously he is indicating I am not.

2570 Would the Minister, once he clarifies that point, perhaps – (*Interjection*) Well, the Minister will explain to me, or perhaps Sir Joe will explain to me, even better. But also the suggestion that the money is donated in the student's name – this is money that now belongs to the Government once it comes back into the Government's coffers, by definition. So, to then suggest it is donated in the student's name is a bit of misnomer. This money now belongs to the Government. It is the Government's money and all the Government is doing is effectively reallocating it internally. But to tell the students that this donation is being made in their name gives the suggestion somehow that that money belongs to them in some sort of way, which I 2575 think is not quite an accurate description because what is happening is the Department is getting the money back and the Department is reallocating it. If the Minister could clarify those two points.

2580 **Hon. G H Licudi:** Mr Speaker, this will not involve a reallocation at all. It does not involve a reallocation of moneys in one head being reallocated to another. There is already a head. Head 2(7)(b), which I have referred to, is a head specifically for grants and donations, which is controlled by No. 6. The money comes back to the Consolidated Fund. It is paid out of the Consolidated Fund. So it comes into one account and it is paid out of the same account. In accounting terms, from the Government's accounting point of view in terms of the heads of 2585 expenditure, it comes back to the head where it was paid out. (*Interjection by Hon. R M Clinton*) Yes, it comes back to the head where it was paid out. That money will still be there and will appear as a saving under that head and there will be a separate, not reallocation but a separate but corresponding payment out of the head controlled by the Chief Minister.

2590 On the issue of the second point that the hon. Member makes, yes, of course it is a donation
made by the Government, because it is a power that the Government has. Because the money is
returned from the students we have said that that notionally will be considered to be a donation
in the student's name. So it is not as if it is the student's property. The money comes back to the
Government, the Government makes the allocation, but we have said, and I do not know
whether this is just semantics but we have said notionally – we have not said notionally but that
2595 is effectively what will happen – that money, which will be a donation under the power of the
Chief Minister from head 2(7)(b) to the GHA COVID Fund notionally will be made in the student's
name, but of course it is money belonging to the Government and it is a power that the
Government exercises under the head that the Chief Minister controls.

2600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can ask a question – when I heard that the
donations were going to be made in the student's name I found it a little bit unfair in the sense
that it might be out of the powers of that particular student ... Maybe that student was lucky
that he or she did not have a rental contract and therefore that student now gets the kudos of
making a donation and another student would like maybe their name to be on a donation, but
2605 because they have a rental agreement they cannot actually have that privilege of having their
name down on a donation. I think that if the contractual obligation ... I do not know how exactly
it is formatted. If the student needs the money, the student gets the money, if they can recoup
the money, which I think is perfectly right because they do not have the contractual obligation.
The Government takes the money. Maybe the Government would be minded to reassess that
2610 decision and make a global donation on behalf of the students of that year.

I found it a little bit startling when I read about it because it makes the whole process feel like
some students donated and some did not, when it was beyond their control who could and who
could not. Would the Minister be minded to rethink this policy or this idea that they have come
up with?

2615 **Hon. G H Licudi:** Mr Speaker, although I understand what the hon. Member is saying but we
took the view that it was right for the money to be returned and it is a view which I understand
is also shared – the principle at least is shared – by the Opposition and the hon. Lady, so there is
no disagreement on that in terms of the mechanics. I have explained the mechanics and the
2620 view we took that in respect of those moneys that we have there will be a global payment to the
GHA COVID Fund. But the view we took was that that money should be returned in the name of
the students from whom we recover those moneys.

2625 **Hon. K Azopardi:** Can I just ask, so I understand the rationale: I certainly agree with the
principle that if money comes back to the student by way of operation of the COVID
emergency – and of course it comes from the taxpayer, it belongs to the taxpayer – it should be
returned, clearly, but why was there a need to say in the letter to students that if it is returned
you donate something in the name of the student? Is it because the Government thought it
would incentivise people to return the money? Otherwise, I just fail to see what the rationale
2630 was, because either the money belongs to the taxpayer or it does not. If it belongs to the
taxpayer, it gets returned and then as a matter of public funding necessity it may be that the
GHA may need to be supported financially more than other Departments during this time. And
that is fine, that should happen, but we just fail to see the rationale for that part of the
reference in the letter.

2635 **Hon. G H Licudi:** Mr Speaker, this certainly was not in terms of an incentive. It was not that
students were being incentivised to return money by including those particular words.

The money either has to be returned or it does not have to be returned. There is an exercise
going on which is essentially an accounting exercise with the students putting forward evidence
2640 as to what their expenditure in the UK is and an assessment being made on a case by case basis,

rather than taking a global view, because we recognise that the circumstances of each particular student would be different, as we have explained.

2645 The hon. Member says 'Why was there a need to have these particular words added?' It is not a question of need; it is a decision that the Government took. The Government felt that it was desirable to do it in this particular way. Whether there was an imperative need to do it or not is neither here nor there. It is just a Government judgement and a view that we took.

2650 **Hon. R M Clinton:** Mr Speaker, if I may, just one final supplementary. Just for the sake of absolute clarity and for the record, can the Minister then confirm to the House that the so-called donation is not being made by the Department of Education but by the Chief Minister's Department, or head 2, which is not the Department of Education, and that in fact the Department of Education has no such authority to make such a donation?

2655 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, but I am going to do it in the name of the Department of Education with the relevant lists of names of students so that it is clear that it is being done in that way.

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

Clerk: Suspension of Standing Orders, the Hon. the Chief Minister.

2660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government motions.

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

Standing Order 19 suspended to proceed with Government motions

Clerk: Government motions, the Hon. the Chief Minister.

2665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the following motion standing in my name:

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

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

GOVERNMENT MOTIONS

Government Guarantee for Gibraltar Business Disruption Loan Guarantee Scheme – Motion carried

Clerk: The Hon. the Chief Minister.

2670 **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 THAT Her Majesty's Government of Gibraltar has negotiated an agreement with Gibraltar International Bank, The Royal Bank of Scotland International Limited, Gibraltar Branch and Trusted Novus Bank Limited to participate in a scheme to be known as the Gibraltar Business Disruption Loan Guarantee Scheme;

THIS HOUSE FURTHER NOTES THAT said scheme is designed to provide finance from any of the participating banks to qualifying borrowers in Gibraltar that have been affected by the COVID-19 pandemic;

THIS HOUSE SUPPORTS THAT the scheme should offer lending to such borrowers in a manner that is guaranteed by the Government in a sum of 80% of the amount of any borrowing agreed, with the balance of risk being borne by the relevant lending bank;

THIS HOUSE FURTHER SUPPORTS the Government's decision that the lending banks should be able to offer lending to qualifying borrowers up to a maximum amount of £30 million in loans and facilities under the scheme (effectively providing for loans and facilities of £10 million per lending bank);

THIS HOUSE NOTES THAT the said scheme enjoys the support of the Government and the Official Opposition AND THAT the said scheme requires a guarantee involving a financial liability that binds the Government and is therefore required to be given only pursuant to a resolution of this House in accordance with Section 9 of the Public Finance (Control and Audit) Act.

AND THIS HOUSE THEREFORE NOW RESOLVES THAT the Chief Minister, as the Minister with responsibility for Finance, be and is hereby authorised in the name of and on behalf of Government to give a guarantee or guarantees in writing to the aforesaid lending banks on the terms described above;

AND THAT the said guarantee or guarantees shall be binding on Government;

AND THAT the said guarantee or guarantees shall be limited to £24 million in total.

2675 **Hon. Chief Minister:** Mr Speaker, one of the areas that have been hardest hit by the pandemic is business, of course. We have discussed this generally during Question Time, during the Statement this morning and during the Emergency Budget that the Government took through the House in March. We have provided various mechanisms from March to the end of June, which is when those mechanisms will end, that have ensured that businesses have been put in an induced coma, as we have described it, from which they are slowly being stirred.

2680 The Government is conscious that as businesses begin to emerge from the coma of lockdown they may well need additional help and support. That is why I have met with CELAC on a number of occasions and taken on board their thoughts on how best to advance matters in this area. We have also reached out and received communications and ideas from the wider community in this respect. In this regard the Government has also looked at many of the initiatives that have been provided in other countries to see how best to address these issues.

2685 One measure that was habitually raised with us in every forum that we addressed these issues was the need or desire by businesses that we should ensure that there is a supported lending facility to assist all viable businesses that have suffered as a result of lockdown, given both the unexpected costs which COVID has given rise to and the equal lack of revenue which has arisen. A supported lending facility is in place in a number of other jurisdictions and such a facility in effect relies on a government guarantee for commercial lending.

2690 The resolution before this House today is required to allow the Government to provide a guarantee to the three main commercial lenders in this community who will be involved in the lending under our proposed Scheme. The section of the Public Finance Borrowing Powers Act which I referred to specifically provides that the Government is unable to enter into a guarantee unless it has the consent of the House by resolution to that effect.

2695

2700 The Scheme before the House has largely been taken from the Business Disruption Loan Guarantee Scheme which is in place in the Channel Islands and the Isle of Man. We are in the final stages of finalising the documentation of the Scheme, so what follows is, for now, a general outline of the Scheme albeit some details may change slightly. The schemes in these jurisdictions that I have referred to have been devised between the lending banks and the respective governments and they all agreed on how best to implement the policy of providing the supported lending facilities at this time.

2705 On hearing the Government talk about the possibility of such a scheme being implemented in Gibraltar – I have said something about this in public statements before, and in fact I think the Hon. Mr Clinton has also referred to our discussions about this in some of the public statements he has made – one of the local Banks, namely NatWest, through its country head Mr Gordon Patterson, approached the Government and explained how a similar scheme worked in the Channel Islands and the Isle of Man as RBSI was part of the organisation of that scheme over there. NatWest held out to us that they could and would be happy to assist in the implementation of a similar scheme in Gibraltar.

2710 Since then, Government officials, led by the Financial Secretary, Albert Mena, have been in contact with officials in the Channel Islands, to whom we are grateful for their assistance. Government officials also engaged with the other lending banks in Gibraltar to understand whether this was something that they would support and wish to participate in. We discussed these matters and agreed – in principle, it is fair to say – with the Leader of the Opposition and the Hon. Mr Clinton how we would adapt these schemes that we were seeing develop in the Channel Islands and the Isle of Man, and the scheme that we were reading about in the United Kingdom in the international press, for the circumstances of Gibraltar. As a result, and with the consent and support of the officials and banks in the Channel Islands and the Isle of Man, we have been able to take the documentation that had been established for their schemes and adapt it for local rollout in Gibraltar.

2720 The Gibraltar Scheme is targeted at supporting our small and medium-sized enterprises. It will be available to companies with a maximum turnover of £10 million and the Scheme will be available to most businesses with a turnover below that threshold, save those in a narrow selection of ineligible sectors. These are, first of all, undertakings whose income is at least 75% funded by the Government, supermarkets, wholesalers with tobacco licences, property development companies, the banking industry itself and e-money institutions. The rationale for these sectors being ineligible should be quite easily understood, I think, from the description of them, but the idea has been to allow the Scheme to apply as widely as possible, always bearing in mind that the list of excluded sectors can be amended at relatively short notice under the documents which have been agreed between the Government and the banks.

2730 The way the Scheme works is that the Government provides a Guarantee to the lending banks for 80% of their lending, with the lending bank retaining 20% of the risk associated with the lending.

2735 We agreed with hon. Members opposite these two things, which were going to be key to the operation of the Scheme. The first was that the banks should be in the front line of the decisions as to the commerciality of the loans to be granted. The Government should not be involved in the grant of the loans to any company or business in particular. First of all, we do not want to be put in the position of having to say no to anyone in respect of their scheme proposal or business, or indeed we do not want to be responsible for having said yes to an entity that subsequently does not honour the responsibility to repay the outstanding lending, so it is right to keep the Government away from those decisions.

2740 The second key thing was that the banks should have an interest in the recovery of the loans and we therefore felt agreed that we should not move to providing a 100% guarantee of loans. This is an important part of the rationale in setting up this Scheme because in this way the banks will have an obligation to recover the full amounts of the impaired loans which they have under

documents but also 20% of the liability of losses if they do not recover the amounts lent in the case of any impairment.

2750 The resolution of the House is designed to allow each bank to form part of this club, to lend up to £10 million into the Scheme, and so that means that the Government's maximum guarantee exposure under the Scheme will be £24 million. So, there will be three banks lending £10 million each. The Government will guarantee £8 million of the £10 million that the banks are putting into this club for lending but they will each be doing £10 million of lending each.

2755 I want to emphasise that the fact that the lending banks retain 20% of the risk associated with each loan is an important feature, as the lending banks will continue to have skin in the game, so to speak, when the lending is effected. This gives the taxpayer in particular the comfort that the banks, as the prime commercial lender in the relationship in each case, will continue to have a vested interest to lend only to businesses that can persuade them as lender that they can continue to be viable businesses after COVID if they receive the assistance from the banks in this
2760 Scheme.

The Scheme places all the decision-making in the hands of the banks themselves but does govern how they have to act in the circumstances. The way the Scheme works is that the lending banks must first consider if this was a viable business before the COVID pandemic, but whether in fact it has been a business that has been negatively affected and impacted by the COVID crisis.
2765 The Scheme requires that the lending banks first consider the lending proposition on a business-as-usual lending basis. In other words, the first key question for qualification for the lending will be whether the businesses can borrow more by providing further collateral under normal commercial terms. If they can, the banks cannot lend to them using this Scheme; they must lend to them generally under their existing arrangements. Likewise, companies that might seek to
2770 access this Scheme are not allowed to take existing lending that they have and then restructure it under the Scheme. And it is not just the companies that cannot do that; the banks cannot approach companies in order to try and restructure lending that they might be worried is impaired, and say, 'Let me bring this potentially problematic loan into this Scheme where the Government provides an 80% guarantee.' That is prohibited. What this Scheme is designed to do
2775 will only be engaged if a business has exhausted all other business-as-usual lending but it remains a viable business where the lockdown has created an unexpected interruption that can be addressed with lending under the Scheme.

The reason the Scheme involves the three main lenders in Gibraltar is that this will facilitate access to the Scheme for companies in Gibraltar, as these are likely to be clients that are able to
2780 go to the bank they normally deal with. That means that the bank will already have due diligence – that always difficult hurdle these days, which is time consuming but important – on a relevant applicant, they will have an understanding of the business because they will have banked it for some time, and they will be able to assess the requirements of the business quite quickly as they will already have an understanding of the viability of the business itself and can provide access
2785 to the Scheme therefore relatively fast.

One of the banks that we will be seeing in this club of three is already a bank that has experience in the operation of the scheme in other jurisdictions – obviously NatWest – and this should also help roll out the Scheme here locally, as the banks will be sharing experiences and procedures put in place and in operation already in the Channel Islands and the Isle of Man.

2790 Any facility provided under the Scheme can be between £5,000 and £500,000, but there is a ceiling of £500,000 and it will be subject to limitations which are set out in the state aid rules.

The facilities provided under the Scheme can be for a maximum period of six years and therefore they can end no later than 31st December 2026. The guarantee cover that this House is being asked to provide will, however, continue for a further period of two years to allow for a
2795 debt recovery period for any businesses that have been unable to repay at maturity. But I just want to be clear that the date of 31st December 2026 is the furthest outside date for potential maturity. Agreements can be for shorter maturity dates.

The lending banks will determine the commercial rates that each client warrants, up to a maximum margin of 4.5% above base rate.

2800 The banks will be able to take security in the grant of these facilities but they are not allowed, in the use of this Scheme, to charge the principal private residence of the borrower.

Under EU state aid rules the Government is required to charge a minimum amount at least for the provision of the guarantee. We are unable to waive this charge without the whole Scheme potentially falling foul of the state aid rules.

2805 Businesses that wish to access these loans will be required to self-certify that they have met any obligations to all taxes, social insurance and rates that were due as at 31st December 2019 before the lender is able to lend.

2810 The Scheme will also require the lending banks to report frequently to the Government on the overall amounts lent under the Scheme. The lending decision, however, will rest solely with the lending banks and the information as to lending done will be provided only after the event.

The Government has also reserved to itself the right to terminate the Scheme at very short notice.

2815 When notice of this resolution appeared on the front page of the newspapers today we have already been alerted to a large number of enquiries at the banks. It is clear, therefore, that there is an appetite and indeed therefore very likely a need in the market for this lending, as we identified in the discussions that I had with the Leader of the Opposition and Mr Clinton. I think we all agree that is the case.

2820 Before the lending is available, however, we have first to pass this resolution, finalise the documentation in terms of execution and the lending banks need to organise themselves to be able to deal with the Scheme. The Scheme is therefore expected to go live during the course of June, but I do not want to commit to any particular date when it will be made available by any one bank. I would therefore ask businesses to give banks a little latitude to get everything ready to go.

2825 The documentation involved is complex and detailed. It has taken time to adapt to our local requirements and as ever when one reviews something other thoughts come to mind that have required adapting the documentation too. The progress made could not, however, have been achieved in this short timescale without the hard work and co-operation, which I want to recognise, of Mr Gordon Paterson of NatWest, who initially put us in contact with everyone who had dealt with the establishment of the schemes in the Channel Islands and Isle of Man and has
2830 co-ordinated all our efforts in that respect, also the work of Mr Lawrence Podesta of Gibraltar International Bank and Mr Lars Aarup Jensen of Trusted Novus Bank and their respective internal teams. I am grateful to all of them for their dedication to getting this done and to the respective legal teams that have worked on this. I am also grateful to James Roberts from the Government of Jersey, who assisted us with their experience on this; and to Mr Christian Hernandez, not in
2835 his capacity as President of the Chamber of Commerce but as counsel for the Gibraltar banks in this case.

I should add that this work has been done on the basis of the discussions we have had with the Hon. the Leader of the Opposition and the Hon. Mr Clinton, where we have agreed these points in principle. I am therefore going to move an amendment to that effect by proposing we
2840 should insert the words 'the principle of the' in front of the words 'the said scheme' where they first appear in the fifth paragraph. Mr Speaker, I am going to move that amendment at the end of my speech because I am not going to speak to the amendment and the resolution.

2845 In those discussions with the Leader of the Opposition and the Hon. Mr Clinton we also agreed the terms of the rules for the COVID-19 Response Fund. Mr Speaker, given that all of these things are linked, I think it may be helpful for me to just give a few moments of reflection on that scheme.

The COVID-19 Response Fund was established already by a legal notice which hon. Members will have seen was published on Thursday, 23rd April. This will be a fund where we centralise all the expenditure incurred, all of the benefits payable and all of the fiscal measures adopted in

2850 response to the COVID-19 pandemic. The regulation of this special fund will be set out within the
Public Finance (Control and Audit) (Covid-19 Response Fund) Regulations 2020 that were
published on Monday, 18th May 2020. The fund will be controlled by the Financial Secretary, as
the controlling officer, and it will be administered in accordance with the terms set out in the
2855 regulations I have just mentioned. The Financial Secretary and I have worked closely with the
Leader of the Opposition and Mr Clinton in developing the regulations for this special fund and I
would like to take the opportunity to thank them for their valuable input, despite the testy
moments that the accountants have caused us on occasion in the discussions.

Following a meeting with both of them, I wrote to Mr Azzopardi to confirm certain
procedural matters with respect to the administration of the fund. The letter I sent him includes
2860 a commitment to the publication of financial data as soon as possible, the provision of monthly
raw financial data to be shared on an ongoing basis and the provision of key performance
indicators, to include income tax receipts, company tax receipts and import duties, on a
confidential basis. Indeed, I have got the letter here and I think it will be helpful to read the
letter into the record of *Hansard*. The letter is dated 14th May. It refers to a meeting on
2865 28th April 2020 to discuss the then draft regulations and it goes on with me confirming the
following:

- (1) In regulations 12 and 14, where publication of financial information as described as soon as practicable, this will not suffer any undue delay or blockage and the information will be published immediately when available. We envisage publishing in accordance with regulation 12 no later than three months from the end of the period and undertake to do this sooner if possible. We envisage complying with regulation 14 and having the COVID-19 Response Fund audited within nine months of the financial year end.
- (2) Monthly raw detailed financial information as to the status of the COVID-19 Response Fund will be provided to you, as Leader of the Opposition, on an ongoing basis, including the cumulative to-date figure. This is understood to be unaudited and subject to final adjustment and thus must be kept confidential. The information will be provided within four weeks at the end of each calendar month, or sooner if possible.
- (3) In addition, during the period of the COVID-19 crisis and existence of the COVID-19 Response Fund the Government will provide you, as Leader of the Opposition, with ongoing monthly and cumulative financial information as to the Government's key performance indicators – namely: recurrent revenue for income tax receipts, head 1, subhead (1); company tax receipts, head 1, subhead (2); and import duties collected, head 2, subhead (1) – on a confidential basis with a monthly and cumulative comparison to the prior years. This will provide a clear indication of economic impact caused by the COVID-19 crisis as well as the financial cost of the key business measures announced. The information will be provided within four weeks of the end of each calendar month, or sooner if possible.

I confirmed to the Leader of the Opposition that I would refer the House to the existence of this letter and that I would seek to set out in *Hansard* the exact provisions thereof, which I have now done.

2870 Mr Speaker, on that basis I commend this resolution to the House, so that when passed I should be empowered to enter into the said guarantees in favour of our three local lending banks to support small and medium-sized businesses in our community as aforesaid.

I commend the motion to the House with the proposed amendment in the fifth paragraph.

2875 **Mr Speaker:** I now propose the question in the terms of the motion and the amendment moved by the Hon. the Chief Minister.

Does any hon Member wish to speak on the motion?

Has the amendment been agreed?

2880 **Hon. Chief Minister:** Yes.

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

As we turn our attention from the medical emergency that has absorbed so much of our time, energy and attention over the last 10 to 12 weeks, we now quite rightly need to focus the
2885 attention of Parliament on our economy, what it is that we can do to help the economy survive

2890 this period of disruption and, of course, later on, what we can do to stimulate the economy and get things moving on to a more normal footing and encourage growth and the prosperity that will bring. And so this motion that the Government has brought today will enjoy the full support of Her Majesty's Official Opposition for the simple reason that of course this is, we think, a necessary part of the toolkit or the first-aid kit for our economy.

2895 The Government has, with our support – and they have quite openly engaged with us – put into place the BEAT measures, which addressed one particular economic urgency, and that was making sure that our workforce and employees got paid. This particular Scheme, for which I have to commend the participating banks and of course the Chief Minister, the Financial Secretary and all those people who have worked so tirelessly to put this together in such a short period of time ... As a former bank executive I can say that putting together four parties to a master guarantee agreement is no mean feat. This is not something that you can just pull off the internet; this is bespoke and this is tailor made for our unique circumstances in Gibraltar.

2900 In terms of the recovery, what this will do is provide a backstop to businesses in Gibraltar which in ordinary circumstances would not have a problem, but because of the COVID emergency the business has effectively been paralysed. They may have suffered short-term cashflow problems and they may have other issues, and they just need a helping hand. This is where the Government, I think, has quite rightly decided that the best way to go about doing this is to provide some sort of guarantee scheme.

2905 We do not know what the shape of the recovery is going to be. There is a lot of debate, there are a lot of economists out there discussing how long it will take to recover, but I think most economists now – and Sir Joe may correct me – are probably saying that a V-shaped, quick recovery is probably overly optimistic at this stage. Even a U-shaped recovery is possibly optimistic, and in fact I think there was a Nobel Prize laureate in economics who said it looks more likely to be like the Nike swoosh, a sort of long, slow recovery over time. But of course businesses do not have the luxury of time, normally, and it is important that we see them through that slow recovery process. And of course we do not know how long that will take, which is why the Scheme, as the Chief Minister has laid out today, has a six-year time period, because we do not really know how long or how quickly businesses will be able to regenerate their financial positions.

2910 Of course it is important, as the Chief Minister has pointed out, that these schemes are obviously for viable businesses. This is not to be seen in any way, shape or form as easy money or free money. This is money which they will have to work for and which they will have to repay, and in that sense it is entirely correct that the banks should be the ones making the decision. It is the banks who, as the Chief Minister has quite rightly said, having skin in the game, up to 20% of exposure, will make sure that their lending decisions are sensible ones. No one should think that this is a free ride on the Government or the taxpayer. This is a facility which is there to protect and help those businesses get through the period with the support of the Government.

2925 We have seen that the UK has come up with three different types of schemes: the one which they poetically call the Bounce Back Loan Scheme, which is for small businesses; then they have the Business Interruption Loan Scheme for medium-sized businesses; and then the third one, the Large Business Interruption Loan Scheme. But they are all interruption loans schemes and this is about the disruption period. We have, I think with great skill and it is commendable, managed to devise in a very short period of time our own tailor-made Scheme, although we have piggybacked on the experience in the Channel Islands. But look, there is nothing wrong with that, I think it is great, I am a great believer in not reinventing the wheel and we have been able to do it very quickly. I hope we will also be able to introduce it very quickly because just by announcing it the Chief Minister is already getting phone calls as to when people can apply for a loan.

2935 As I said at the beginning, this is part of a package – I imagine a first-aid kit – which we are going to have to deploy to help our recovery for the economy. This Scheme is, as it says, a business disruption scheme and beyond this we will no doubt be talking in the months to come,

2940 if not the weeks to come, about what the next steps would be in terms of that first-aid kit. In the UK they have already been talking about something which they call a Future Fund for innovative businesses and it may be that we have to be creative and come up with some kind of scheme as well to encourage growth in the economy, new businesses, new projects, maybe redesigning of businesses. We will have to think outside the box, and I think obviously CELAC will have a role to play in that, as will the Finance Centre Council and everybody in Gibraltar who is in business generally.

2945 But this is an important first step and it is a huge signal of intent by Government. I think certainly it will enjoy the full support of the Official Opposition and if it has the full support of Parliament it will send a strong signal to Gibraltar and Gibraltar's businesses that we are here for them and we will help them to the fullest extent that we can. But of course they need to help themselves as well and they will need to make sure that they put their business cases to the banks and the banks of course will be making lending decisions on a normal basis. It is an important Scheme. It is fantastic that we have three lending banks that have signed up to this and I think it is fantastic that it has been able to be put into place in such a short period of time. In that respect I have to congratulate everybody who has been involved in putting it together.

2950 I just want to refer briefly to the COVID regulations and the side letter that the Chief Minister has read into *Hansard*. All this is to be seen against the backdrop of the bigger picture, and that is how the Government and our public finances are to be able to support measures that are put into place, what it is the Government is doing, the expenses that are being incurred, and I think the measures that have been agreed with the Chief Minister, the Leader of the Opposition and the opposition in general, will go a long way to providing complete transparency, I hope, in terms of how money is being spent in the public name. I think the COVID Response Fund was a good initiative and a good way of providing the public with the transparency that they will require – and I have already seen comments on social media, but I think what I can say is that we have been working with the Government to ensure that that level of transparency will be apparent, and I thank the Chief Minister and of course the Financial Secretary for having engaged so constructively with us in that respect.

2960 And so, Mr Speaker, we in the Official Opposition will support the motion and I am grateful to the Chief Minister for the slight amendment in terms of the principle of the Scheme, in that of course we support the principle of Scheme. The nuts and bolts of the Scheme we leave to the Government, but the concept and the way it is put together, as the Chief Minister said – that the front line are the banks and that they have skin in the game – is entirely right.

2970 And so, Mr Speaker, I have nothing further to say than I commend the motion to the House.
(*Banging on desks*)

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

2975 I ask the Chief Minister to reply.

Hon. Chief Minister: Mr Speaker, I am grateful to the Hon. Mr Clinton for what he has said. If you had told me or perhaps any other Member of this House as we each sipped that socialist beverage, champagne, in the early hours of 1st January of this year (*Interjection*) that we would find ourselves in this situation – I did not hear the quip, I am sorry. I really am sorry I did not hear the quip.

Hon. R M Clinton: It's the last time I will agree with him!

2985 **Hon. Chief Minister:** Right, okay! (Laughter) Then, none of us would have perhaps imagined that we would find ourselves in a situation where we have been able to agree as much as we have, in particular in this area of the public finances, the increased expenditure we have seen, the increased borrowing that we have seen and the Emergency Budget. But I think that we have, if I may say so, worked very closely together and we have worked very well together, none of

2990 which should surprise any of us, and nonetheless something which has been harder than, of
course, as I said this morning, disagreeing with each other or insisting on one particular view or
another to the exclusion of the other. I think it is what the community expected from us and in
that respect I think we have done and are continuing to do, I hope, the right thing.

Mr Speaker, the six-year period is, as the hon. Gentleman has said, an important
2995 consideration here because when you look at what the recovery will be, whether it is a Nike
swoosh, a V or a U ... I have now been in practice as a lawyer, when I have not been Chief
Minister, for long enough – as hon. Members who share that profession on either side of the
House also have been and those we have been in business on both sides of the House, and the
hon. Gentleman has been in banking – for long enough to have lived through not perhaps as
3000 as many recessions as the Father of the House but a number of recessions. They tend to come,
almost like clockwork, every 10 to 12 years, although the 2008 recession lasted a little longer
than might have been expected. So, a six-year period is probably the right sort of calibration of a
lending, at the outside, for a commercial entity of this sort.

It is absolutely right that the hon. Gentleman, in analysing the Scheme, should identify it, as
3005 we hope everybody who wants to participate in it identifies it, as not easy money and not free
money. This is a Scheme which is generous, which does away with the need for additional
collateral to be provided if it is not available, gives the lender the comfort of a very substantial
but not complete cushion in the 80% guarantee but must be seen in that way by those who are
going to participate in it. And we made the decision together. The guardians of the
3010 commerciality of the lending should be the banks, it should not be the Government that was on
the front line. The banks should be making the lending decisions and we have been able to agree
that.

I want to share with him the commendation of those who have been working on this
documentation. We have both been professionals involved in these industries, and producing
3015 this level of documentation, even if it is derivative from other documentation that has previously
been developed, is not an easy task if you are going to get it right and if you are going to slightly
improve it for the circumstances of Gibraltar, and therefore all of the people I have mentioned I
think are worthy of commendation, as the hon. Gentleman has highlighted, for that reason.

Other schemes will come. What he now calls the first-aid kit is what I was referring to this
3020 morning in the context of what CELAC is proposing, the further meetings I propose that we
should have to try and achieve that toolkit should have more in it for different types of entities
that may not require this sort of borrowing, and indeed for entities that may not be there now.

So, part of what will help us in the future are the businesses that have not yet been created,
3025 either those businesses that are created from businesses that have failed today and the
entrepreneurs move on to something else, or new businesses that new entrepreneurs either
come to Gibraltar to establish or from Gibraltar establish. We used to have European and
regional structural funds that used to help a lot with the establishment of businesses in
Gibraltar. Those are, during the course of this year, coming to an end as we exit the European
Union. The United Kingdom has told Gibraltar to expect to be able to form part of the United
3030 Kingdom's alternative for European and regional funding, but it will be a completely different
animal to the one that we have been participating in since the early 1990s.

Mr Speaker, finally, if I may say so, on the COVID regulations, I think that that is going to
enable us to show the community the reality of what COVID has cost. I think I have said already
3035 in some of my interventions that when we look at the cost of the BEAT COVID measures, which
are one strand of what we are doing, which is paying the Minimum Wage without deduction to
those employees or businesses that we have shut down, people should not think that is the cost
of COVID and if it has roughly cost £6 million, it has roughly been there for three months, it is
roughly going to cost £18-20 million and 'Well, if the revenue of Gibraltar was £700 million, then
we have paid for that in half a month – let's get on with it and let's go back to the old ways.' That
3040 is not the position. The position is going to be much more difficult than that. It is a position
where you have impaired revenue at the same time as you have increased spending and it is

3045 very important that all of this is packaged together and people understand clearly what it is that this has cost us to date and what it could cost us again. We talked this morning about the possibility of a second wave etc. If a second wave required a second lockdown, all of these things come into play again and we certainly hope that, by then, science, contact tracing, testing and our understanding may enable us to get through those issues, if they come, without having to go to a lockdown with its once again renewed impaired revenue and increased expenditure etc.

3050 I think it is going to be very useful indeed to have this transparency, not just so that people see what the Government is spending on but so that people see how much this has really cost, and when we press the stop button on the public health emergency, which may not be for some time – and unlocking the Rock does not mean that the public health emergency is over; we will have to decide very likely together when to press that button and then see what the bottom line tells us.

3055 We need to continue to fund the Departments etc., so we will see how we provide for that impaired revenue in order to be able to continue to operate as a society and as a Government, and all of that will be provided for in the COVID Fund and the regulations will dictate what happens there. I am very happy that hon. Members will be seeing that with us on a monthly basis and we will be sharing that with the public as soon as possible thereafter.

3060 So, Mr Speaker, I am very grateful for the hon. Gentleman having indicated his support for the motion. For all of those reasons I think it is a motion worthy of unanimous support of the House and I would seek that every Member should support the establishment of this Scheme and support the Government being able to ink these guarantees in the sums I have proposed.

3065 **Mr Speaker:** I now put the question in the terms of the motion and agreed amendment proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Order of the Day

BILLS

FIRST AND SECOND READING

Insolvency (Amendment) Bill 2020 – First Reading approved

Clerk: Bills – First and Second Reading.

3070 A Bill for an Act to amend the Insolvency Act 2011. The Hon. the Minister for Digital and Financial Services.

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Insolvency Act 2011 be read a first time.

3075 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Insolvency Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Insolvency (Amendment) Act 2020.

**Insolvency (Amendment) Bill 2020 –
Second Reading approved**

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill be now read a second time.

3080 The Chief Minister has certified this Bill as urgent, pursuant to section of 35(3) of the Constitution of Gibraltar, by letter dated 28th May.

Before I begin, I think, having just heard the Chief Minister's and the Opposition Member Mr Clinton's contributions in respect of the motion on the Gibraltar Business Disruption Loan Guarantee Scheme, I would say that this Insolvency Bill is another one of those parts of that
3085 toolkit that Gibraltar is deploying to support and assist its businesses. The reason for that is that when Mr Bossino asked me earlier today in questions what were the businesses telling me, I said one was fear of the future and the immediate one was cashflow. And that is precisely what this Bill seeks to deal with and seeks to provide some comfort and safety net for.

The Bill is, as I have mentioned, one that will allow firms time, provided they are COVID
3090 related. In other words, as with the scheme that has just been discussed previously, the bank scheme, if a company was not viable before COVID it is not going to succeed in obtaining a loan from one of the banks in the middle of COVID. So, everything that we are talking about today in terms of the amendment to the Insolvency Bill relates exclusively to COVID-related matters and that is why it is so defined in the relevant circumstances.

3095 Our primary objective with the amendment to the Insolvency Act is to preserve business models and promote employee retention by a combination of (1) a temporary relaxation of certain aspects of the insolvency regime and (2) specific measures for delivery of targeted financial assistance by Government to companies within certain sectors of the economy. Our BEAT COVID measures have had the support of the Official Opposition and, through the CELAC
3100 committee, industry, unions and other stakeholders who have worked with us to provide this safety net for our important business community. But those measures by themselves cannot prevent business closures and the consequential loss of employment, so important to Gibraltar and this Government.

The original idea for this legislation emanated actually at a meeting of CELAC when the Head
3105 of the GGCA, Wendy Cumming, recommended a review of this legislation for this purpose. The Finance Centre Council agreed to consider this and a working group led by Nick Cruz prepared both the proposals and the draft legislation. Our thanks to Nick Cruz, Sir Peter Caruana, Nigel Feetham, Edgar Lavarello and Pepe Caruana, who worked with us on this legislation – importantly, in the spirit of everything COVID, at no cost to Government.

3110 The principal purpose of this Bill is to introduce a temporary relaxation of certain aspects of this regime. Why? To enable otherwise healthy and well-managed businesses the time and indulgence they may need to survive the commercial impact of this pandemic. Its aims: (1) to discourage directors from rushing to appoint liquidators; (2) to protect companies from being forced into liquidation by creditors; and (3) the process – buy time for the current BEAT COVID
3115 measures announced and other financial assistance, as the one we have just talked with in the motion to take effect.

We are not proposing to touch the well-established definition of insolvency. Businesses
3120 anxious with breaching the insolvency test are primarily concerned by the consequences, which include directors' concerns for the personal consequences to them in terms of personal, civil and criminal liability of not doing so and the issue of statutory demands and/or execution of judgments by creditors followed by an application by the creditor to appoint liquidators. If these two categories are suspended, there is no reason why directors cannot safely decide to continue to trade or curtail trade in the expectation of emerging as a going concern once the
3125 extraordinary adverse commercial circumstances created by this pandemic and Government measures to control its spread and their consequences pass.

These measures are temporary and will be repealed when they are no longer required. Importantly, the measures only apply to entities or companies in Gibraltar which are licensed or authorised in Gibraltar under the Fair Trading Act or any other enactment of Gibraltar, such as for example the Financial Services Act or our Gaming Act – in essence, Gibraltar business and not their clients. It should not affect any clients of Gibraltar firms that are not local businesses.

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Parts of the current regime will be temporarily suspended to de-risk the personal liability of directors and to protect companies from the threat of being placed into liquidation by creditors. The Bill introduces a new Part 21 after section 499 in the Insolvency Act that will have that desired effect.

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The new section 500 defines 'Covid 19 pandemic' and it defines what companies and other entities this Bill will apply to and the limited circumstances in which they will apply.

The new section 501 defines 'moratorium period' and provides the period it will run from, which is identified by legal notice. It also allows this period to be extended or abridged by legal notice.

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The remaining new sections are self-explanatory. I would specifically refer to the new section 504, which suspends section 141 of the Insolvency Act so that a creditor will not be able to service such a demand on the relevant entity or business, and new section 508, which provides the protection for directors or officers of the relevant entity during this period in relation to any possible accusation or creating an unfair preference, so long as any bona fide commercial transaction entered into for the benefit or intended benefit of the company took place in the ordinary course of business. That is now being defined as including the relevant circumstances defined in section 500.

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The new section 512 prevents a court from making a finding, pursuant to section 260 of the Insolvency Act, that an officer of a company is guilty of insolvent trading during the moratorium period on the basis alone that the company was or may have been insolvent. In other words, for that to apply there have to have been other factors involved.

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Mr Speaker, I am grateful to the Leader of the Opposition and Opposition Members Roy Clinton, Damon Bossino and Daniel Feetham, who have all had extensive discussions with Government on this Bill and indicated their support, although with some reservation in respect of my friend Mr Feetham. The judgement we have all taken is that this Bill will provide relief to good firms that can run into difficulty as a result and only as a result of this pandemic and with support can see their way through it. Many European countries have adopted similar measures to protect their good firms during this difficult period.

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I am also grateful to Nick Cruz and the Insolvency Working Group for their innovative and clever work around this Bill, and of course to CELAC, all of whom have supported this legislative change.

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

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

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Hon. D A Feetham: Mr Speaker, the Opposition is going to be voting in favour of this Bill but we have serious concerns about the Bill and indeed, listening to the hon. Gentleman and his explanation, I do not think, with respect to the hon. Gentleman, that the Bill quite does what the hon. Gentleman has explained to this House he thinks that it does.

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We are going to support the Bill because we, as an Opposition, want to support measures that are designed to give companies that have become or are likely to become insolvent as a consequence of the COVID crisis the opportunity to trade out of trouble and make bona fide payments without directors being exposed to claims by creditors and by liquidators of companies that could not be saved, and that is essentially what the aim of the Bill is. By instituting these types of measures we are not only helping the companies but we are also,

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hopefully, helping the employees of the companies, who of course will remain in jobs in those companies that eventually, hopefully, will be able to trade out of trouble.

3180 These are unprecedented times and we accept on this side of the House that therefore they call for unprecedented measures, but as a Parliament and as Members of Parliament debating this sort of measure and considering this sort of measure, there is always a balance to be struck between protecting companies that genuinely have fallen on hard times as a consequence of the COVID-19 crisis and, for example, the effect that may have had on their cashflow or their supply lines, and also protecting the creditors of companies, for example companies that have become
3185 insolvent, or are insolvent, or are likely to become insolvent because of factors that are completely and utterly unrelated to the COVID crisis.

For example, what this Bill does is it does not allow a creditor – I will come to the detail in a moment – it does not allow a creditor of a company that was already insolvent on 31st
3190 December 2019 to make an application to the court to appoint a liquidator. I asked the question of this Parliament: are we here to protect the directors and companies who have failed due to circumstances that are completely unrelated to COVID-19 and the crisis that that has caused, and do we not owe a duty to the creditors of those companies? I believe, and certainly we do on this side, that we do owe a duty to those creditors and that this Bill does not strike the right balance. It is a point that I have communicated to the Minister and it is a point that I have also
3195 communicated to those who drafted the Bill.

I will explain and make out the points that I have made by way of introduction by tackling each of these elements.

The Bill is divided into three Parts. The first Part disables, during the moratorium period, the ability of a creditor to appoint a receiver, liquidator or administrator, or to issue a statutory
3200 demand in relation to a company, or an individual, because it also applies to personal bankruptcy and to partnerships, for example, in circumstances where that company or that individual has become insolvent or is likely to become insolvent unrelated to the COVID crisis. In other words, it does not matter – absolutely, Mr Speaker, the hon. Gentleman shakes his head – quite unlike when we look at the powers of a liquidator, which this is also amending, where
3205 those amendments are circumscribed by the COVID crisis. But the appointment of a liquidator is not, so you could have a situation where a company was already insolvent prior to the crisis and a creditor cannot make an application for the appointment of a liquidator.

Of course, this gives rise to then the issue of is it right that the directors of those companies that were already insolvent prior to the COVID-19 crisis or have become insolvent unrelated to
3210 COVID, that they can just simply continue trading, depleting the assets of the company to the detriment of the creditors. It is always very difficult when creditors are facing this kind of situation. There may be good reason why a creditor may wish to make an application to the court in order to appoint a liquidator of a company that is insolvent. It may not get 100 pence in the pound, it may get 60 pence in the pound, but that 60 pence allows that creditor to then be
3215 able to pay its own creditors and its own suppliers. That is why, as a Parliament, we have got a duty to consider cause and effect and to make sure that we essentially strike the right balance – and this does not, in my respectful submission, strike the right balance.

Secondly what the Bill does is it disables, during the moratorium period, the ability of a creditor to enforce debts and security interests. You may have a secured creditor, for example –
3220 so, it has a mortgage over the assets of a company, that company may be insolvent before the COVID crisis, unrelated to the COVID crisis, and we are effectively preventing that secured creditor from going to court and enforcing its security. That cannot, again, be right where the insolvency is wholly unrelated to the COVID crisis.

Thirdly, it introduces limitations on the ability of liquidators to take actions against directors or officials of a company – for example, for insolvent trading, as the Hon. Minister outlined
3225 during the course of his own intervention – but of course there what the Bill does ... That is limited to a situation where the company has gone into liquidation because the insolvency is related to the COVID crisis. In other words, you are circumscribing the powers of a liquidator to

3230 take certain actions against the directors of companies by saying that circumscription only applies in circumstances where the insolvency has been caused by the COVID crisis or by, for example, the lockdown measures and all the measures the Government have introduced during the COVID crisis. But then, when you consider whether you can place a company into liquidation, there is no such linkage between the insolvency and the COVID crisis.

3235 It would have been very easy indeed, in my respectful view, for the Government to have introduced exactly the same regime that it has introduced in relation to the amendments it is proposing in relation to the powers of a liquidator, exactly the same regime in relation to the ability of creditors to apply to a court for the appointment of a liquidator.

3240 The hon. Gentleman is looking at the Bill, but if you look at, for example section 511 – section 511 is about fraudulent trading and I will come back to that in a moment – it basically seeks to limit or clarify that a liquidator of a company cannot go after a director or the official of a company simply because the company has appointed a liquidator or a company continued to trade or entered into a transaction in the ordinary course of business. I have to say I find it very difficult to understand this particular section and I will come back to it in a moment. I have probably picked the wrong example, but it says:

even though the company was or may have been insolvent by reason of-

- (i) the Relevant Circumstances; or
- (ii) reduced demand for its goods or services.

3245 The relevant circumstances are defined in section 500:

“Relevant Circumstances” means, the suspension, restriction, continuation or conduct of trade during the moratorium period-

- (a) in such manner as-
- (i) conforms to advice or recommendations issued publicly by the Government or any minister; or
- (ii) is required or permitted by law, in connection with Covid-19 pandemic; or
- (b) in the context of and notwithstanding market conditions or circumstances prevailing; or
- (c) despite conduct and/or degree of compliance with commitments and obligations by clients and other contractual counterparties;

3250 My understanding of sections 510 through to 512 is that they only apply – these are the limitations imposed on a liquidator in relying on these sections of the Insolvency Act – where the company has gone into liquidation and has become insolvent as a consequence, effectively, of the COVID crisis, and you could have done exactly the same in relation to the appointment of a liquidator. The only argument that has been raised with me in relation to why that has not been done is because it is said that perhaps that is going to involve management in, essentially, a lot of use of managerial time in defending potential applications for the appointment of a liquidator.

3255 Actually, the way that you could have dealt with this is very simple. There are two types of insolvency. There is presumed insolvency that arises where a creditor issues a statutory demand against the company. The company does not pay that statutory demand, so the court assumes that that company is insolvent. The creditor has not shown as a matter of fact that the company is insolvent; it is presumed insolvent. The other way to do it is to go to court and to say to the court, ‘On a balance of probabilities, I can demonstrate, beyond peradventure that the company

3260 either is cashflow insolvent and it cannot meet its debts as and when they fall due, or it is balance sheet insolvent because its liabilities exceed its assets.’

3265 There are two ways of doing it. The Bill could have, for example, said ‘We are disappling the statutory demand provisions of the Insolvency Act’ but allowed creditors to go to court to seek the appointment of a liquidator in circumstances where they can demonstrate that the insolvency has nothing to do with the COVID crisis. Of course, the courts are used to dealing with disputes of that sort, and the idea that the courts are going to be inundated with applications of this nature is, in my respectful submission, pie in the sky because anybody who has practised in

3270 this area – and I have practised for many years in this area – will be able to tell you that creditors are very careful and would be very careful in making an application for the appointment of a liquidator when they have got to show actual insolvency – not presumed, actual insolvency – because of course they are going to be lumbered with a huge cost order if they lose and potentially paying damages to a company that they have dragged through the courts and essentially damaged their reputation in the process. So, I do not think that this Bill strikes the right balance, even though we are voting in favour of it.

3275 I think these are legitimate points to raise. I have raised it with the hon. Gentleman. I have raised it also with the greatest Gibraltarian of our time. The hon. Gentleman wanted me to speak to him: I did, and I think the response that I received was ‘I am not persuaded’, which reminded me of the good old days at No. 6 Convent Place, although I have to say my heart is gladdened that the traditional, solid, old GSD has risen from the ashes of our electoral defeat in
3280 2011 to now permeate all aspects of Government business to the extent that he is now held up as the gold plate and gold standard in terms of good governance in Gibraltar and indeed as the shield against virtually every single criticism nowadays of this side of the House they level against the Government. I think that our concerns are justified and it is a matter of regret that those concerns have not been taken on board.

3285 The other point is I do not understand why there is a need to amend the sections in the Insolvency Act relating to delinquent officers and also fraudulent trading. I really do not understand it.

If I may draw the attention of the House to section 258 of the Insolvency Act, I will just read to the House section 258, which is what section 510 seeks to amend. It actually says as follows:

- (1) On the application of the liquidator of a relevant company, the Court may make an order under subsection (3)

3290 – and the order under subsection (3) is repayment, restoration of moneys that have been taken out of a company; that is what we are talking about in the orders of subsection (3) –

where it is satisfied

– in other words, where the court is satisfied –

that a person specified in subsection (2)–

- (a) has misapplied or retained, or become accountable for any money or other assets of the company; or
(b) has been guilty of any misfeasance or breach of any fiduciary or other duty in relation to the company.

3295 Whether a misfeasance or a breach of fiduciary duty or the misapplication of money takes place during the COVID crisis or not, there are, in my respectful submission, standards that of course any civilised society would like to uphold and there is absolutely no reason, in my respectful view, for any amendment of section 258.

And indeed, with respect, section 510 appears to me to be a complete nonsense, because if we look at a section 510 it is basically saying:

- (1) The court shall not on the grounds specified in sub-section (2) of this section alone make an order under subsection (3) of section 258 ...

– in other words, the repayment of money –

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... against a person who is or has been an officer of a company for any act committed or omission incurred during the moratorium period.

(2) The grounds are that–

- (a) a company continued to trade or entered into a transaction in the ordinary course of business; or
(b) did not appoint a liquidator or administrator

Those are irrelevant factors as to whether a court orders a remedy against a delinquent director because the remedy against delinquent directors arises out of the misapplication of funds or the misfeasance or breach of fiduciary duty.

3305 I just cannot see in what circumstances that can be condoned, whether the insolvency occurred as a consequence of COVID or not, and that point is even more stark when we come to consider section 511 of the Bill, which relates to fraudulent trading. This seeks to amend, in exactly the same terms, section 259. Section 259 of the Insolvency Act provides as follows:

(1) On the application of the liquidator of a relevant company,

– in other words, the company has already gone into liquidation –

the Court may make an order under subsection (2) where it is satisfied that, at any time before the commencement of the liquidation of the company, any of its business has been carried on–

(a) with intent to defraud creditors of the company or creditors of any other person; or

(b) for any fraudulent purpose.

3310 Again, I ask the question – of course, it is a rhetorical question, as I know the answer – what on earth are we doing, seeking to amend a section that imposes liabilities on directors for fraudulent conduct? I just do not see what the point of that is. I believe that it does not send the right kind of signal.

3315 I do not want to lower the quality of the debate, but I was thinking about this and I thought would we, for example, use COVID as an excuse for tampering with the Crimes Act in relation to a theft by somebody who has lost his job in a supermarket because he cannot feed his own children? The Government has not sought to amend the Crimes Act in that way. I just simply do not see why we have to be interfering with sections that relate to fraudulent trading or delinquency of directors, personally. In any event, it does not make sense because neither of subsections 2(a) and (b) is relevant to the sections that are being amended.

3320 The other point that I make is this. The Hon. the Minister for Financial Services says it only applies to companies that are licensed in Gibraltar. He makes the point because I have made the point to the Government that we have got to be careful about this, because you could have a company that is licensed in Gibraltar – in fact, I have dealt with companies like that and I have come across them in my own professional capacity: a company that is licensed in Gibraltar, that 3325 has its centre of main interest outside of Gibraltar, it is therefore liquidated, for example in France, there is a liquidator that is appointed in France and under the insolvency regulation, which is an EU measure, the liquidator then has a right to open secondary insolvency proceedings here in Gibraltar.

3330 So, the fact that a company is licensed in Gibraltar is irrelevant to that analysis and what I do not think is right is that, in the context of a Bill of this nature, we seek to circumscribe the ability of a liquidator in those types of circumstances to open secondary insolvency proceedings here in Gibraltar and then rely on all the arsenal and weaponry available to liquidators under our Insolvency Act. In fact, it may well be that, because we are dealing with the EU law, the argument will go in court that you cannot do it anyway because the EU regulations have direct 3335 effect in Gibraltar. But there are other countries, for example, that are not subject to the insolvency regulations, that are subject to the [inaudible] rules, where that type of argument would not apply. If you have insolvency proceedings that have been opened in another country I do not believe that we ought to be circumscribing the ability of those liquidators to then open secondary insolvency proceedings here in Gibraltar.

3340 Mr Speaker, I apologise to hon. Members because it is a technical Bill, full of technical language and explanations, but I finally end just dealing with the amendment that the hon. Lady proposes. She proposes to insert in subsection (3) of section 518 a section that says ‘unless it is not practical to do so, the Chief Minister will consult all representative parties and/or independent Members prior to the Minister making regulations under subsection (1)’. As far as

3345 we are concerned, we are quite happy with that amendment. It is a matter for the Government. That sets no precedence, because of course we are talking about fairly extraordinary circumstances in relation to the COVID crisis.

Mr Speaker, that is my intervention for today, thank you very much. *(Banging on desks)*

3350 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

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

I take the points on this Bill from hon. Members and especially note those of my hon. Friend to my right who especially has concerns, someone who seems very learned indeed on this matter. I have been listening carefully to both hon. Members.

3355 In principle I have no problem supporting this Bill. The only concerns I have, which you would have seen in this legislative change, is finding yet another nugget of disdain for our democracy, this Parliament and over 20% of the electorate. This strategy of pushing together Gibraltar and its voters away from the democratic debate is really becoming a trend now and I am sure we all agree that it is about time that we put an end to this petty behaviour, for lack of a better word.

3360 So, I shall be moving an amendment, as circulated via hard copy, during the Committee Stage in a bid to ensure fairness and equal representation across this House when law making in this place and I will support the Bill if this amendment is passed.

Thank you.

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles? The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Thank you very much, Mr Speaker.

3370 First of all, I rise to confirm that I have given the Certificate of Urgency that the hon. Gentleman, the Minister for Digital and Financial Services, referred to and I think hon. Members will have seen.

3375 Second, I rise to deal with some of the points that the Hon. Mr Feetham has raised. He is, of course, to consensus what fire is to water. I am surprised that that was the speech of a party representative that is going to support the Bill. To an extent I do not want to break consensus, but that level of concern would suggest that hon. Members should be withholding their consent to the Bill, but they should do so safe in the knowledge that it will pass if they decide to withhold consent.

3380 Even before the announcement of these legislative changes it has not been the law in Gibraltar that a company could not trade whilst insolvent, but the consequences for directors if they did was personal and criminal liability, and as a result directors would have unlikely taken such a risk. We have, with this new temporary regime, the removal of a suspension of the allowance of directors to navigate this extremely complex and challenging period and in that way face saving jobs, allowing continued economic activity, rather than the value and wealth destruction as well as job losses that might arise from liquidation and bankruptcy. This could include the incurrance of new liabilities, notwithstanding insolvency, since the risk of personal liability attaching to directors is suspended providing the business and actions of the directors are within the scope of the temporary regime. Indeed, as I have stated, abusive actions by directors would not be protected.

3390 The protection afforded under the new regime is akin to an administration without a formal insolvency process but not preventing legal access to the courts to allow eligible companies to continue to trade through their boards of directors and management whilst insolvent without the directors incurring personal liability. This could protect large trading companies with hundreds of employees, for example allowing directors to continue to pay salaries, as well as smaller retail or restaurant businesses. In particular, the larger commercial local companies that are licensed or authorised in Gibraltar would want such protections, as otherwise directors will

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not take chances and instead would act to place companies into a formal insolvency process. After the first few companies in financial difficulty had petitioned for liquidation there would have been enormous pressure on other companies to do likewise, and this would have become as contagious within the business economy as the coronavirus itself. The negative economic impact of liquidations across the economy would then be significant and irreversible.

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The Gibraltar Government has therefore acted resolutely to prevent this from happening. The new measures will therefore provide much needed breathing space to allow us to weather the economic storm. Companies in financial difficulty should, in the light of the proposed amendments to the insolvency laws, take professional advice when implemented and devise a plan for the turnaround of the business including, where appropriate, a restructure to attempt to avoid liquidations in the future.

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Mr Speaker, I do not like to pass off anybody's work as my own if it is not. From the words 'even before', that is not my view, that is the view published last week of Nigel Feetham QC, who is a recognised expert on insolvency and whose opinion is entirely in keeping with the view of the Government. I would commend that the House should therefore bear in mind those very salutary and positive commercial reasons why many of the things which have been said by the hon. Gentleman should not persuade anyone not to support the Bill.

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I just need to put down a marker in relation to the things that the hon. Gentleman has said, because, as usual, he tries to traduce so much of what I say. The Government of Gibraltar does not consider that the Government led by the now Sir Peter Caruana was any demonstration of good governance at all. We might consider his legal advice worthy of being had and in very high regard indeed, but our political positions with Sir Peter were settled on the morning of the glorious New Dawn of 9th December 2011. We won and he lost, and he is no longer in active politics. I do not want the fact that there may be a relationship of advice to in any way taint the political view. We take the view that Peter Caruana, as he then was, had to be removed from office for all of the reasons that we set out during the course of the General Election campaign of 2011, in which by half a whisker – I used to tell him, 400 votes was a whisker; he reminded me that 200 was half a whisker – by half a wisker, the people of Gibraltar agreed with us and not with them, and then by an even larger majority in 2015. So, please let us not have to have those battles again. In these circumstances the Government is not persuaded by anything that the hon. Gentleman has said. We are persuaded by the deeper thinking of others with a lot of experience in the area and we commend that thinking to the House.

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In relation to the amendment that is proposed by the hon. Lady and which enjoys the support of Members opposite, it will not enjoy the support of the Government, for a simple reason: we are not taking any point simply to try to exclude her, we are taking a point which is an important point and is in keeping with the structure of other legislation that we have provided for in this House. Indeed, I think the language that she is now objecting to is language that she agreed to in the March session when we provided for the rules that enabled me, under the amendment to the Appropriation Act, to consult with the Leader of the Opposition and not with her. So, she has called petty a provision that she voted in favour of in March. That demonstrates that she says one thing one day and one thing another. It demonstrates that if there is any pettiness in the approach it is not the Government's. Therefore, I think it is time that she woke up to the fact that this is not a place of parties. This is a place of office holders: there is a Chief Minister, there are Ministers and there is a Leader of the Opposition. That is the way that parliaments work and they will continue to work in that way, and we will therefore not agree to the amendment.

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I did feel that she suggested that if we did not indicate that we were accepting her amendment she would not be supporting the Bill. Well, I think that people who are in business and who need the support that this Bill will provide, as so eloquently set out in the parts of Mr Feetham's – the other Mr Feetham's – article that I quoted and the Minister for Digital and Financial Services set out, will not be pleased with the approach that she is taking.

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Mr Speaker: I now call on the mover of the Bill to reply. The Leader of the Opposition.

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Hon. K Azopardi: Sorry, I just wanted to make a brief contribution on the amendment, if I may, so that it is understood what our position is, as my hon. colleague Mr Feetham has indicated.

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I was not going to rise at all in this debate; but I only rise because the hon. Lady, in expressing the amendment, put it in terms which I thought reflects her position clearly but certainly does not reflect our position in terms of the stance that we take in respect of the amendment. She puts forward an amendment in relation to the Insolvency Bill and, restricted to it, as my hon. colleague Mr Feetham has said, we are happy to go along with it in terms of that consultation exercise so that it is wider than originally envisaged, restricted only to the Insolvency Act and in relation to the moratorium period that is very temporary in any event. But we do so from a pragmatic basis. We do not do it from the basis that she advanced in her explanation of the amendment because in some ways she feels marginalised and desires that there should be equality, or not. It is not for us, certainly on this side, speaking for the Official Opposition, because we are not driving consultation processes, to decide who, or not, should be included in it. Equally, this morning when in her contribution she made the point that somehow I had not protested at her non-involvement at different levels, as if it was for me to protest or not to protest. Nor do I think it is an issue that goes to lack of democracy as to whether she is or is not involved at every single stage.

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I just say this, and this is why I do not think it should be a precedent, whether or not the amendment is accepted, because there are certain constitutional realities and we are not equal, in the same way as I am not equal with the Chief Minister. We may be equal as parliamentarians, but he is the Chief Minister. I am the Leader of Opposition and the hon. Lady, who I am very fond of, is the leader of a third party. Those are the constitutional realities. We have officers and those officers have constitutional impact and therefore need recognition. That is not to say that I have any issue with the consultation process being wider, because we do not, and that is why my learned friend Mr Feetham explained our position. I only rise to say all of that so that it is understood where we are in relation to it. We are not supporting it on the basis that it is advanced; we are supporting it on a pragmatic basis only.

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Hon. A J Isola: Mr Speaker, I find it odd to rise and say ‘thank you for supporting the Bill’ after having heard Mr Feetham’s quite unexpected intervention. I say ‘unexpected’ because I had a long conversation with him in the last week of April precisely about this Bill, and the following day I wrote an email to the Insolvency Group and I said:

I had a conversation with Mr Feetham on these regulations. He was supportive of these measures and raised two points. One was about the date before which if somebody was insolvent they could be shielded

– which you have raised today –

and the other was about having provided sufficiently to ensure these provisions do not conflict with the application of our insolvency legislation in contracts using Gibraltar law internationally ...

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– one of the other points he also raised. *(Interjection)* Well, my email does not recollect that. So, I passed that on to the Insolvency Group and they came back with their comprehensive response disagreeing with you, after which I said, ‘Well, if you are still not happy, have a chat with Sir Peter and see if he can persuade you,’ and you then came back and told me he was not persuaded.

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So, I am not quite sure what the theatre and the drama about his intervention is this afternoon when he talks about ‘what on earth are we doing’. I would like to ask him what on earth he is doing in supporting a Bill which does what he says it is going to do, because I certainly

3495 would not. I do not believe it does anything of the sort of what he does, and in coming to that determination, as my friend the Chief Minister has said, I have taken some advice from Sir Peter, from Nigel, from Nick Cruz. My gosh, two from the GSD – one from the GSD and then the PDP – so, if it was political value, they are more in your camp –

Hon. D J Bossino: And now the GSLP. (Laughter)

3500 **Hon. A J Isola:** And now the GSLP. (*Banging on desks*) One thing about people is you have got to be able to learn from your mistakes, and he obviously clearly has.

3505 But we take advice from people ... with two accountants also in those discussions, the former senior partner of Deloitte in Gibraltar and the senior partner of PwC. So, if you put those five men in one room and Mr Feetham in the other and they have different advice, I know which room I would jump into.

Hon. Chief Minister: Which Mr Feetham?

Hon. A J Isola: The right one. (Laughter)

3510 I appreciate and I understand some of the points that he has made, and let me say this. This legislation can never be perfect. It cannot because we are talking about insolvency where jurisprudence goes back a very long period of time, and yet we are dealing with a pandemic where we do not have the benefit of time. So, if we make mistakes there is provision in the Bill to enable us to move quickly to see if we can remedy those defects. But if the risk of this
3515 legislation and providing this safety net to businesses in Gibraltar is that we could lose one or two in that we should not have because they were insolvent before this Act kicked in and they have managed to cover themselves under the cloud of this protection, well then that is a consequence we are happy to live with because I do not believe that perfection should be the enemy of the good.

3520 We are doing something for good reason, for good cause, to try and save businesses and the jobs that those businesses carry – with the risk that the hon. Member has identified. I think that this House is absolutely right in supporting this Bill because it really does protect our firms from directors having no choice but to take the steps to protect their own personal civil and criminal liability. It is not by accident that most, if not all, European jurisdictions have done almost
3525 exactly the same but in different ways. (*Interjection*) Well, I can tell you that even Spain has come very close to the changes in effect of what we are doing. And again I beg to differ, but that is the advice that I have had.

I am grateful, having said all of that, to the hon. Members for their support.

3530 I think my hon. and learned Friend the Chief Minister has answered the hon. Lady's proposed amendment and obviously I stand firmly with what he has said.

Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Insolvency Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Insolvency (Amendment) Act 2020.

COMMITTEE STAGE AND THIRD READING

**Insolvency (Amendment) Bill 2020 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Commerce (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

In Committee of the whole House

**Insolvency (Amendment) Bill 2020 –
Clauses considered and approved**

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

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

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Clerk: A Bill for an Act to amend the Insolvency Act 2011.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

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Clerk: Clause 3.

Mr Chairman: The hon. Lady has moved an amendment. The House will now vote on the proposed amendment.

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Hon. Ms M D Hassan Nahon: Mr Speaker, am I allowed to speak on the amendment?

Mr Chairman: I beg your pardon; I thought you had already spoken at the Second Reading of the Bill, but by all means.

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Hon. Ms M D Hassan Nahon: Mr Chairman, section 518 allows a Minister to amend primary legislation without parliamentary approval, subject only to consultation, if possible, with the Hon. Mr Azopardi, Leader of the Opposition. My issue here is: why is the Leader of the Opposition being consulted exclusively but not Parliament as a whole? Why is the opposition Member with such a strong opposition mandate, and, more importantly, those who voted for her, disrespected and marginalised in this way? One would think that the appropriate thing would be that the opposition as a whole, this House, and as a consequence the entire represented electorate, be consulted.

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When the Chief Minister finds it fit he goes on television to pass policies of Together Gibraltar, promoting my percentage – to 25%, the last time I heard him on GBC, to pass through the Line Wall closure, for example – boosting my status in this House. The question is: does that reality just serve Government when they want to push an agenda which suits them, or when

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they want to undermine the Leader of the Opposition, also when it suits, calling me the ‘poll of polls leader’ and calling them ‘FLOPS’? I suppose none of that matters when it is convenient, Mr Chairman.

3580 Given that also the Chief Minister and the Leader of the Opposition have called for parliamentary and democratic reform, I would think that the truly democratic thing would be for every side of this House to be engaged in this process moving forward. Or is the Government really talking about wanting less democracy instead of more?

3585 With regard to the Chief Minister’s comments about March, I think we can all agree that in March the last thing on anybody’s mind would be to really nit-pick the legislation and see what was fair or not fair. We were in a very difficult and crazy situation and the last thing on my mind was securing my own voice in this House, which I believe I have every right to do for myself and for the people who voted for me.

3590 The point, for me, now is: are the Bills going forward going to be similar to this one, where a Member of this House is sidelined? Is this the modus operandi from now on?

Further and lastly, Mr Chairman in case these changes were to be needed urgently and the House voted for it – which, anyway, I have an indication that it will not – provisions could have been added in order to make changes temporarily valid until parliamentary ratification in a short period soon after.

3595 Thank you, Mr Chairman.

Mr Speaker: Does any hon. Member wish to speak on the amendment?

3600 **Hon. Chief Minister:** Yes, Mr Chairman, to confirm that the Government is not going to accept the amendment and to really do the job that has to be done, which is to demonstrate that the hon. Lady is putting a position which has no basis in democracy, in politics or in law. It is important that I do that because she pretends that she is somehow being marginalised or sidelined. That is not the case.

3605 The provision set out in this piece of legislation is identical, as I have said already, to the position set out in the Appropriation (Amendment) Act 2020, which the hon. Lady voted in favour of. I think she had forgotten that she had voted in favour of that and that she has now tried to deal with it in her intervention, but in a way that is neither persuasive nor logical.

3610 One thing that I just realised in the way that she addressed the House was that she said that there would be consultation with Mr Azopardi. This is not about consultation with Mr Azopardi; this is about consultation between the Chief Minister and the Leader of the Opposition. As has been said already, those are two posts which are offices that are relevant to the operation of this House, and it is for that reason that we designed the clause, after negotiation with the Leader of the Opposition, which went into the Appropriation Act as we did. It must be that reason which led her to understand that that clause was an important and relevant one and support it, although of course now she finds herself with that precedent and she finds it difficult to deal with.

3620 I should also say that there is someone who has a history in this House of having been voted into opposition but not into government or becoming an officeholder in the Official Opposition, and that is the now Father of the House. The Father of the House did not garner the sort of support that the hon. Lady garnered – he garnered even more support. The Father of the House, in elections in the 1970s and early 1980s, came second in the poll. He did not come first in the opposition rankings after eight Members of the Government and he came first and then another six, he came second in the poll. And yet in 1980 he was elected alone, and when he was elected alone – and he had been elected, I think, in 1976 also alone – he was a Member of the opposition but not a Member of the Official Opposition. The Government consulted then with the Leader of the Opposition. Indeed, that is the period of the Strasbourg-Lisbon process, when the Leader of the Opposition was consulted by the Chief Minister and taken by the Chief Minister to those international negotiations, and the person who had come second to the Chief

3630 Minister in the poll was neither consulted nor taken anywhere. And there is nothing wrong with
that, because that is political reality. If the hon. Lady had been elected one of the 650 Members
of the House of Commons but was neither in the Labour Party nor in the Liberal Party, or in the
3635 SNP, and she was not in a parliamentary group, or she had been elected into the Spanish
parliament on her own and she was not a parliamentary group, she would not have these rights.
This is not to deny democracy. This is to practise democracy. The Government is not sidelining
her. The public sidelined her when the result of the election gave her one out of seven
opposition seats. That is the reality.

I must say today has been a testing day. We have had a lot of issues between the
Government and her. That does not in any way affect the high regard and affection that I have
for her personally, but the politics that she is putting at the moment is not politics with which
3640 the Government agree. It would drive a coach and horses through the principle of
representative democracy for the Government to allow Parliament to become a place of parties
and not of office holders.

The Hon. the Leader of the Opposition has said that he takes a pragmatic view, this is a short
period etc. I can see why he takes that pragmatic view. One is also a party leader and has an
3645 overview of what may happen and how might things and fortunes develop and how alliances
might or might not be done in the future. That is absolutely normal and proper and there is
nothing wrong with that, but the Government's position is that the Chief Minister will consult
with the Leader of the Opposition on the basis of a clause established and voted for by the hon.
Lady herself.

3650 She said, perhaps giving herself away, that she did not 'nit-pick' in March. That was her
language. I wonder whether anybody observing us might think it is really quite nit-picky and
nothing more to take this point today because it is not a point that has any democratic validity, it
is not a point that has any legitimacy in an understanding of a Westminster-style democracy
3655 based on the type of parliamentary representation that we have today. It is a point of absolutely
no value whatsoever. It puts her in a position which would advance her from where the public in
the General Election put her, and the Government is not going to accept the point.

Mr Speaker: Does the hon. Lady wish to respond to the Chief Minister?

3660 **Hon. Ms M D Hassan Nahon:** Mr Chairman, only to say that I think that the Chief Minister is
being rather cheap and opportunistic by accusing me of a lower stature simply because I am
saying I did not nit-pick when he knows very well, because he knows me rather well from many
years ago, that what I meant was that I was not putting my own position in this House, which I
and only myself have to defend here because I do not have any colleagues with me, and that at
3665 that moment in time I was not thinking along those lines but only about the best thing for the
community as a whole without looking at the interests of my status here that I can use in order
to project the voice to the people of Gibraltar.

I do not think that is wrong. I think that was a normal, selfless attitude for that time and I
think it is very sad that the Chief Minister has picked up on that, caught on it and is using it
3670 against me. I think it is extremely immature from his point of view and I am sorry to have
witnessed that. I think we could have left it where it was, but I accept what has transpired and I
rest my case.

Hon. Chief Minister: Mr Chairman, this is the Committee Stage. The conversation continues.

3675 I am very disappointed indeed that the hon. Lady has already, in the hours that the
Parliament has met for the first time after we have been through this crisis, taken us to a place
where we start to call each other things like 'cheap' and 'opportunistic'. It is unfortunate. Hon.
Members and she will know that banter is an important part of how we get through this, but I
said in my Statement today I hoped that we would be able to get through the day without calling
3680 each other names. None of us have called each other names, but now one gets called cheap and

3685 opportunistic for having had the ‘immaturity’ of raising a clear point which entirely defeats the point the hon. Lady is making, the clear point being that the hon. Lady voted in favour of the clause she now talks down, and her reasoning for that is that she is alone in this House and she had no colleagues to point it out to her. It is exactly for the reason that she is alone in this House and she has no colleagues with her that she is not an office holder in this House and she is therefore not to be, in the context of a proper analysis of how a parliamentary democracy works, one of the office holders that is consulted.

3690 She is obviously becoming a little upset about this. I do not think it is wrong for the Government to point to what is a very good argument to demonstrate that she is wrong. I do not think that that makes me in any way immature, I do not think it is cheap and I do not think it is opportunistic. I will not say the things I think it makes her, because I will follow my own counsel and not descend into name calling.

3695 I would ask her to try, however hard she may find it, not to descend to that when we meet again because I do not think it is what the community wants, I do not think it is what the community needs, it does the democracy that she says she is trying to defend absolutely no favours whatsoever and it is entirely unwarranted. I recommend to her that she look after the stature of what she does in this place a little more than she has in those throwaway lines a moment ago.

3700 **Mr Speaker:** We will now vote on the amendment – the Chief Minister has asked by division.

A division was called for and voting resulted as follows:

FOR

Hon. K Azopardi
Hon. D J Bossino
Hon. R M Clinton
Hon. D A Feetham
Hon. Ms M D Hassan Nahon
Hon. E J Phillips
Hon. E J Reyes

AGAINST

Hon. P J Balban
Hon. Sir J J Bossano
Hon. Dr J E Cortes
Hon. V Daryanani
Hon. Dr J J Garcia
Hon. A J Isola
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

ABSENT

Hon. G H Licudi

Mr Speaker: Seven Members have voted in favour of the amendment and nine Members have voted against the amendment. The amendment is therefore defeated.

Clerk: Clause 3.

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Mr Chairman: Stands part of the Bill.

Clerk: The long title.

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Mr Chairman: Stands part of the Bill.

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

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Insolvency (Amendment) Bill 2020 has been approved in Committee without amendments and I have the honour to ask that now it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Insolvency (Amendment) Bill 2020 be read a third time and passed.

Hon. Chief Minister: I call a division now on the Third Reading.

A division was called for and voting resulted as follows:

FOR

Hon. K Azopardi
Hon. P J Balban
Hon. Sir J J Bossano
Hon. D J Bossino
Hon. R M Clinton
Hon. Dr J E Cortes
Hon. V Daryanani
Hon. D A Feetham
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

AGAINST

Hon. Ms M D Hassan Nahon

ABSENT

Hon. G H Licudi

Mr Speaker: Fifteen Members have voted in favour of the Bill in terms of it to be read a third time and passed, one has voted against, and there was one person absent. So, the Bill is carried.

Tribute to Major. Frank Dellipiani, former Member of Parliament

Chief Minister (Hon. F R Picardo): Mr Speaker, before I move the adjournment, the House will have heard of the sad passing of Major. Frank Dellipiani. Major. Dellipiani was a Member of this House for, I think, eight years or more. He represented the AACR and was a Government Minister. He was a prominent and well-known member of the Royal Gibraltar Regiment and he was the head of Dell Construction in Gibraltar for many years.

He was a well-known man, a caring man. I had the opportunity of getting to know Frank more recently in the work that he was doing at Bishop Canilla House, where he was on the committee, always trying to ensure that other members with Bishop Canilla House tenancy enjoyed their time and he was always up for organising anything that he could for them to enjoy themselves. But I had also known him before, when he was very encouraging of me when I was starting in politics. He always had a kind word to say, always a defiant approach. 'Don't let him get you down,' he used to tell me, more than once, in the context of the man that some in this House still call the greatest Gibraltarian of all time in our debates at the time.

Apart from being a kindly man and a Member of this House, here was a stalwart Gibraltarian, one of those who have been the backbone of those years of the Regiment. I was enjoying, this

weekend, being regaled by my wife's uncle with stories of Frank in the Regiment and 'La perra' that they used to get up to on trips to the United Kingdom, so there was also a fun side to Frank too.

3740

He will be very sadly missed, of course, by his family and, of course, by Members of this House and I would invite the House to make a tribute of a minute's silence, perhaps after other contributions have been made by others.

3745 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I associate myself and all the Members I speak for on this side of the House with those remarks.

3750 Frank was, of course, a longstanding Member of this House and indeed a Minister in what I have described before, when he passed away: he was a Member of this House during those years that were truly difficult as well – not that this is easy, but truly difficult to navigate Gibraltar during those closed Frontier days. I think we owe a generational debt of gratitude to Members who were in the House during the closed Frontier period.

3755 I knew Frank a bit, although not that well because, obviously, of the age difference. I knew his late son, Mark, much more closely; we were politically close. But I certainly associate myself with everything that the Chief Minister has said about Frank and our best wishes on this side of the House to his family. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

3760

Hon. Ms M D Hassan Nahon: Mr Speaker, I genuinely rise here now with a heavy heart to acknowledge the death of Major. Frank Dellipiani, a man of honour, integrity and great love for Gibraltar.

3765 I am sure this House knows very well how tough politics can be, and to carry the weight of responsibility for the future of your nation and the people you love is an immense privilege but can also be a very heavy burden. People like Frank carried this burden with dignity for many years of his life and they were lucky enough to make a success of it. On the one hand, it saddens me to see that many of our forefathers are leaving us now or have already left us; on the other hand, it makes me very proud to see that they have lived long and full lives enjoying the peace and prosperity that they helped to create for our society. With their hard work they paved the way for this new generation of leaders, who I am sure will continue their mission and honour their legacies.

3770

3775 Frank Dellipiani will leave a void in the hearts of everyone who was lucky enough to know him. He was intelligent, sharp, witty and committed. He was a man who, throughout his life, excelled at any challenge he embarked upon. Reaching the rank of Major in the Gibraltar Regiment was something he was immensely proud of, as well as his success within the construction industry in the 1970s, another ambitious challenge at a time when our economy was very limited indeed.

3780 Shortly thereafter, in 1976, Frank took the arduous decision to join my father's AACR Government as a Minister, where he served until 1988. He was a close friend to my father and fiercely loyal, often recalling with so much amusement to me the way in which Joshua Hassan had dragged him into politics before even him discussing it with his wife.

3785 Having held a range of portfolios throughout his time – Minister for Municipal Services, Education, Labour, Social Security, Housing and Public Works – Frank never tired from his duties and obligations. The political climate in those days was so different to the one of today. Our politicians were fighting very different battles to the ones that we fight today, with the main mission running through all portfolios being to keep our necks above the water. Frank was at the epicentre of a truly existential battle and for that we owe him a huge debt of gratitude.

3790 On a personal level, Frank retained until his very end a warmth, charisma and sense of humour that I am sure this entire community will sorely miss. This was a man who was approachable to everyone and always had a smile and a good word to say to all who crossed his path, no matter their background or their political persuasion.

3795 Frank overcame challenges both in his personal and professional life. He experienced the most trying circumstance that life can present a parent, the loss of a son, confronting this tragedy with great dignity, never losing his moral courage and noble spirit.

Despite his personal tribulations, old age and chronic illness, Frank was still an exemplary husband, caring for his wife Lourdes round the clock until his last day. Frank was also a proud father to Mark and Gillaine and an absolutely doting grandfather, who was more like a best friend to his grandchildren.

3800 For me, he was one of the last of a generation who worked closely with my father, whom I sadly lost very young in my life, and so Frank brought me much of that wisdom and paternal affection which I have had to go without for so long. I wish to thank him for that from the bottom of my heart, for his patience, guidance and for all the wonderful anecdotes he shared with me. I will always be grateful for his belief in me and my cause and for his incessant
3805 reassurance.

Frank Dellipiani will leave a legacy which will be etched in our history, a strong political reference for future generations and an example of humanity and kindness for all his family and friends. I wish his family strength during this difficult time, and may he rest in peace.

Thank you.

3810

Mr Speaker: I too wish to associate myself with the sentiments expressed by all hon. Members.

3815 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, can I just say that I was sorry when I found out that Frank Dellipiani had passed away.

He, I think, will be remembered from more than his involvement in politics and, as hon. Members have already said, that was in the AACR when he stood for election in 1976, in 1980 and again in 1984, and he served as a Government Minister and as a Member of this House for many years. But also he will be remembered for his charm and for his kindness, and, I think as I
3820 said to his daughter, kindness was all he ever showed to me in the contacts that I was lucky enough to have with him.

Once again, I was very sorry to hear that Frank had passed away. My most sincere condolences to his family.

3825 **Minister for Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** I think one thing about Frank that has not been said by others but certainly was something – when we were in opposition, I think he was in government – that we used to thoroughly enjoy was his passionate nationalism. Today, in this House, Members of the Opposition and Members of the Government talk about the fact that we are a nation as if it were something that is no longer in dispute *because* it is no longer in dispute, but
3830 for many of the years that I have been here, to talk of Gibraltar as a nation produced a reaction of ridicule from other people and of thinking that we were getting too big for our boots.

3835 Frank had a split personality when it came to the military because he was a passionate defender of the Gibraltar Regiment and a passionate attacker of how the Gibraltar Regiment were not given the proper respect by the visiting military personnel. In the bad old days, they used to think of the Gibraltar Regiment as boy scouts, according to Frank. And of course, when we used to make fun of him from the Opposition, we used to refer to him as Gibraltar's Minister for Defence because he would, sometimes, get so excited about some failure on the part of the United Kingdom to stand up for us when the neighbouring country was being nasty to us, which

3840 was most of the time. If he had had the power, I think he would have taken us to war against Spain all on his own.

The relationship that there was between the two sides of the House was a level of warmth and affection in spite of having fundamental differences of view on how to defend Gibraltar, because what was common to both sides of Gibraltar was that defending Gibraltar was the most important thing that we were here to do and was something that made it possible for all of us to forget the differences when we were threatened I think we should remember, when we have come together as we have to defend Gibraltar against the threat of a pandemic against the lives of our people and the threat of the attempt to control the pandemic which is still to come, that what we are doing is in fact what we have been able to do whenever a need has arisen in Gibraltar for us to put our differences on one side but still stick to them in the knowledge that if we fight each other over our differences there will be nothing left to fight for, because unless we work together, in a place as small as this, Gibraltar will not make it.

Frank was somebody who often had a reaction in debates in this House, where we used to say he should really be on our side because he was totally open and had total disregard for the fact that he was a Minister in the Government when he had to say things that he felt very strongly about. He won the affection and the respect and the warmth that he deserved to have from all Opposition Members in all the time he was in government. *(Banging on desks)*

Mr Speaker: The Hon. Paul Balban.

3860 **Minister for Health and Care (Hon. P J Balban):** Mr Speaker, I would like to associate myself too with the comments of the Chief Minister and the other hon. Members today.

I did not have the pleasure of knowing Frank Dellipiani when he was a Minister, but I did have the pleasure of visiting him in hospital just a few days before passing, and we shared some moments there, where he spoke and shared about his time in government and how he was 'dragged' into politics, as he himself put it.

3865 My heartfelt condolences to his family.

Hon. Chief Minister: Mr Speaker, I move that the House should now be silent for a moment in memory of Major. Frank Dellipiani.

3870 *Members observed a minute`s silence.*

Adjournment

Chief Minister (Hon. F R Picardo): Finally, Mr Speaker, I move to adjourn the House.

Now that we are out of the bear pit, I want to start by wishing the hon. Lady and all members of her community a happy Shabbat for tomorrow. For that reason, we will avoid coming to the House tomorrow and we will return on Monday at 3 p.m., 1st June, to finish dealing with questions. Given that the bathing season has not commenced, I cannot think of anything better for people to do, than to switch on and watch our undiminished democracy in action.

3875 I move that the House should now adjourn to Monday at 3 p.m.

3880

3885 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 1st June at 3 p.m.

I now put the question, which is that this House do now adjourn to Monday, 1st June at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Monday, 1st June at 3 p.m.

The House adjourned at 9.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 7.15 p.m.

Gibraltar, Monday 1st June 2020

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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*]

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

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament, Monday, 1st June 2020.

We commence with the suspension of Standing Orders. The Hon. the Chief Minister.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q287/2020

Rooke site –

London and Regional

5 **Clerk:** We now proceed with questions to the Chief Minister, and we commence with Question 287. The questioner is the Hon. R M Clinton.

10 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that London and Regional are no longer the preferred bidders for the Rooke site; and, if so, on what date was their interest withdrawn or terminated?

Clerk: Answer, the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has not been able to secure a deal with London and Regional on the basis of the previous expression of interest for the site. The Government continues to explore all options at present and therefore considers it prudent to issue a new invitation for expressions of interest in relation to the site in question.

20 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he indicate the date on which their interest was withdrawn or terminated?

Hon. Chief Minister: Mr Speaker, their interest has been neither withdrawn nor terminated.

25 **Hon. R M Clinton:** Mr Speaker, at some point the Government must have made a determination that London and Regional were no longer in a position to express interest. Could he indicate at what point the Government came to that realisation, i.e. a date?

30 **Hon. Chief Minister:** Mr Speaker, I am trying not to spoil the newfound tenor of the relationship. It is not that London and Regional have been unable to continue to express an interest. I was very particular with what I said: the Government has not been able to secure a deal with London and Regional on the basis of the previous expression of interest. An expression of interest is made. If it is chosen by the Government as the one that we believe we should take forward, we take it forward. We have not been able to conclude a deal. There is now another opportunity for parties to express an interest in respect of that site, perhaps even including London and Regional as a derivation of what it was that they proposed the first time. After the discussions we have had, they may put it in a different way.

35 So, it is not that they are no longer interested or we are no longer interested in them; it is that we have not been able to do a deal and we feel that the best way to now take this forward and ensure that we get the best deal for the taxpayer in respect of that site is to put it out again. I do not discard that London and Regional might express an interest and I do not discard that that might still be the most interesting of all the options available, by then financed by them in a way that they perhaps better understand the plot and the Government's views in respect of it, or by others who may propose something more interesting.

40 **Hon. R M Clinton:** Mr Speaker, I certainly hope we can continue in our spirit of conviviality, but I must insist. There must be a point in time at which the Government and London and Regional came to the realisation that it was not possible to achieve a deal. I would just be grateful if the Chief Minister could indicate a point in time.

45 **Hon. Chief Minister:** Mr Speaker, it is easier to indicate a point in time in relation to that because that is what happened, rather than what he was asking before, which is not what happened and therefore I could not give a date. It is not that London and Regional decided that they could not reach a conclusion with the Government. The Government decided that we could not, on the basis being put to us, make that determination. The hon. Gentleman has asked me for a day and I cannot give him a day, but I would say it was during the summer of last year. I think it might have been during the summer or autumn of last year. So much of the last 12 weeks puts everything in fog, but the Deputy Chief Minister is the person with responsibility for issuing the expressions of interest. I think it might have been a couple of weeks before it appeared in the *Chronicle* that we made that decision and it was then published in the *Chronicle* and other newspapers as a result.

50 **Hon. R M Clinton:** Sorry, Mr Speaker, to labour the point. If I asked a very specific question along the lines as the Chief Minister has indicated, would he, or the Deputy Chief Minister, be able to give me an indication – at least a month and a year when this occurred?

55 **Hon. Chief Minister:** Mr Speaker, yes, and I have. In other words, if the hon. Gentleman goes to the expression of interest which appeared – and the Deputy Chief Minister is trying to find it electronically, but there is a record of it – and goes back 14-21 days, which is how long it takes us to decide this is going to happen and therefore LPS, or whoever it is that does this, is instructed and it goes to somebody who sets up the page and publishes it, that is when it was.

Mr Speaker: Next question.

75 **Hon. K Azopardi:** Can I just ask on that, now my hon. colleague has finished his supplementaries, just for us to be clear: when London and Regional were given the preferred bidder status and then there was a realisation that you could not do a deal and therefore you have gone out to a new expression of interest, was it because there was something that came after they were the preferred bidder status, a new element that made the Government unable or unwilling to conclude an agreement?

80 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. K Azopardi: And would the Chief Minister be willing to say what that is? Or is it something that is commercially sensitive to the new expression of interest process?

85 **Hon. Chief Minister:** No, Mr Speaker, it is commercially sensitive as to detail but I am quite happy to tell them what it is: premium.

Mr Speaker: Next question.

Q288-89/2020
Public finances –
Drawdown of borrowing

90 **Clerk:** Question 288, the Hon. R M Clinton.

Chief Minister (Hon. F R Picardo): Mr Speaker, before the hon. Gentleman speaks, the Deputy Chief Minister is telling me that what feels like last summer was actually sometime in March, so it would have been at the beginning of this year. That is what the past 12 to 13 weeks felt like!

95 **Hon. R M Clinton:** I am grateful to the Chief Minister for that clarification.

100 Mr Speaker, can the Government advise if it has transferred the following amounts totalling £63 million to the Consolidated Fund, namely: £46 million in the Savings Bank Reserve, £15 million in the General Sinking Fund, £1 million in the Government Insurance Fund and £1 million in the Notes Security Fund?

Clerk: Answer, the Hon. the Chief Minister.

105 **Hon. Chief Minister:** Mr Speaker, I will answer with Question 289.

Clerk: Question 289, the Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, can the Government explain how Eruca Investments Limited has come to have accumulated losses –

Mr Speaker: Question 289.

Hon. R M Clinton: That is Question 289.

115 **Hon. Chief Minister:** Mr Speaker, on the numbering I have, Question 289 is 'what progress has been made on the £150 million?'

Hon. R M Clinton: Mr Speaker, can the Government advise what progress has been made, and with whom, in respect of potential additional direct borrowing mentioned on 20th March
120 2020, being 'a first tranche of £150 million'?

Hon. Chief Minister: Mr Speaker, the Government has not used the Sinking Funds or the Savings Bank Reserve. It was preferable to secure the £150 million facility and leave those sums intact.

125 The revolving credit line facility letter in respect of the first tranche of potential additional direct borrowing which I referred to on 20th March has already been tabled at Parliament, at the start of proceedings last week. Although I acknowledge, Mr Speaker, that that was after the question had been filed.

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

In respect of the £150 million borrowing and the revolving credit line facility with Gibraltar International Bank, can he advise the House if there has been any drawdown on this facility as yet? The facility letter is dated 2nd April 2020 and I note it was executed by the Financial Secretary on 9th April 2020.

135

Hon. Chief Minister: Mr Speaker, there has been drawdown. I would need specific notice of the question to tell him exactly how much drawdown there has been at any particular time. I think there has been in the region of £50 million drawn down at this stage, but I do not want to be held to that in case we have drawn down £45 million or £55 million, and that number will
140 change but I am quite happy ... In fact, I expect to meet the hon. Gentleman in the context of the further discussions we are having about the recommendations to be made by CELAC and I am quite happy to inform them there, or indeed if he wants to table a specific question at the next session I can then advise him how much has been drawn down specifically.

I do have an element of information that I can give him, correct as to 26th May. On
145 14th April, £50 million was drawn down, which was the figure I had in my head; and on 26th May, £40 million was drawn down. That is the latest figure I have.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for that information.

By my maths, I make that a total of £90 million in total drawn down. I see the Chief Minister
150 is nodding in the affirmative.

Can I ask the Chief Minister why it is deemed preferable to borrow first, before utilising the reserves that are available to the Government – the £63 million, in other words? Why not transfer that money first, before exercising the ability to borrow?

155 **Hon. Chief Minister:** Mr Speaker, simply because of the rates at which this £150 million is offered to the Government. The hon. Gentleman knows that we are now at a time of record interest rates, being at their lowest in terms of availability to the right sort of borrower, and on the amounts which are the reserve that he refers to in the first of the questions, which by my reckoning was to a date – I do not know if it was on his order paper – we are earning more in
160 interest on the deposits of those amounts that we have in reserve than we are paying in respect of the amount that we are borrowing, and so therefore it makes sense to take this additional direct borrowing.

Hon. K Azopardi: Mr Speaker, is the Chief Minister in a position to tell the House how the
165 £90 million drawn down has been used?

Hon. Chief Minister: Not with any level of precision without having notice of the question.

Mr Speaker: That is an additional question, not a supplementary.

170

Hon. R M Clinton: Mr Speaker, just one final supplementary. Just for the record, can the Chief Minister confirm that that money has been drawn down and effectively deposited into the Consolidated Fund?

175

Hon. Chief Minister: That is the mechanism which has been pursued.

Q290/2020

Eruca Investments Limited – Accumulated losses and provision for other liabilities

Clerk: Question 290, the Hon. R M Clinton.

180

Hon. R M Clinton: Mr Speaker, can the Government explain how Eruca Investments Limited has come to have accumulated losses, as at 31st March 2019, of £52.6 million; and also, what does the 'provision for other liabilities' of £52.5 million at the same date represent?

185

Chief Minister (Hon. F R Picardo): Mr Speaker, this is not a company that is owned, controlled or managed by the Government, and I am therefore not able to provide the detailed response requested or indeed any information in respect of that entity.

I am happy, however, if the hon. Gentleman wishes, and in the spirit of co-operation that we have established, to meet with him and the Leader of the Opposition, together with the Financial Secretary, if he wishes, to discuss the Eruca structure further if he thinks that may be useful. I recall that we already had an initial meeting about this when it was created some time ago.

190

Hon. R M Clinton: Mr Speaker, I think, in the same spirit as that original meeting, which was held last year on 22nd July 2019, certainly we would need some more explanation and clarification as to how the structures operate. Obviously there is something that either escaped our attention or was not explained entirely to us, but of course it would have to be under the same conditions as that first meeting on 22nd July 2019.

195

Hon. Chief Minister: Mr Speaker, it is not often that when you invite someone to a meeting they purport to set conditions for it, but we are talking politics, so I would imagine that there would be conditions on the basis of both sides to have a further discussion about this.

200

What is not going to change is which companies in the structure we control and therefore we can give answers for, but I am happy for us to have that further meeting and to discuss how such further meeting might be fixed.

Q291-92/2020

Maritime collision on 8th March 2020 – Actions to defend RGP officers involved and integrity of British Gibraltar Territorial Waters

Clerk: Question 291, the Hon. D A Feetham.

205 **Hon. D A Feetham:** Mr Speaker, what is being done to defend the police officers who have been the subject matter of a *denuncia* at the *Juzgado de Instruccion numero 4 de La Linea* in respect of a maritime collision that occurred in British Gibraltar Territorial Waters on 8th March 2020?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 292.

Clerk: Question 292, the Hon. D A Feetham.

215 **Hon. D A Feetham:** Mr Speaker, what is the Government doing to defend the integrity of British Gibraltar Territorial Waters in the light of the *denuncia* presented at the *Juzgado de Instruccion numero 4 de la Linea* in respect of a maritime collision that occurred in BGTW on 8th March 2020?

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

Hon. Chief Minister: Mr Speaker, the initial reporting of the incident to the Government from the Royal Gibraltar Police would appear to show that the collision referred to occurred outside
225 of British Gibraltar Territorial Waters, and the *denuncia* to which the hon. Member refers therefore poses no challenge to the integrity of British Gibraltar Territorial Waters.

This was a very serious incident, which resulted in the death of two Spanish nationals and the injury of another two individuals, one of whom is also a Spanish national and the fourth of Portuguese nationality. Her Majesty's Government of Gibraltar is dealing with the incident in all
230 its aspects with the care and thoroughness that its seriousness requires.

The vessel in which the deceased and injured were travelling, while apparently not carrying narcotics at the time of the collision was a 14 m semi-rigid hull inflatable boat (RHIB) of the type commonly employed in drugs trafficking activity, powered by four 300 hp outboard engines and fitted with radar equipment. This type of vessel is a prohibited import in Gibraltar.

235 A diplomatic '*note verbale*' has been lodged by the Spanish Ministry of Foreign Affairs in respect of the Incident. The matter has been raised in questions in the Spanish parliament.

In all of the circumstances set out above, the incident raises many issues and concerns for the Government, with which we are currently dealing.

In the first instance, I want to say that, above all else, we are greatly concerned about the
240 physical and mental welfare of the officers of the Royal Gibraltar Police in question that night and of the potential for multi-jurisdictional legal action against them. I have already confirmed to the Gibraltar Police Federation that the Government will agree to fund the legal advice and representation that the individual officers may require. The Government will also assist with any support required in respect of the mental or physical health of the officers in question. I have
245 also communicated these sentiments to the Commissioner of Police. I want to specifically record here that the Government fully supports our frontline police officers, especially those who risk their lives at sea in keeping Gibraltar safe and keeping drug traffickers from using our waters to trans-ship narcotics.

Secondly, the House will be aware that the Government has also expressed our condolences publicly to the family of the deceased. I have also expressed these condolences through the Spanish government.

In the view of the Government, the best way to ensure that we deal with this case effectively and in a manner designed to protect the interests of justice and the rights of the deceased, the rights of the police officers in question and the integrity of BGTW, is to ensure that the
255 Government takes steps to ensure that the full facts are established in an independent manner that stands up to international scrutiny. As an initial measure, the Government agreed to

260 provide the necessary funding for an independent report from the Metropolitan Police in London. I expect that this report should be completed very shortly, if it has not already been completed. Additionally, in order to ensure that Her Majesty's Government of Gibraltar is properly able to address all aspects of this matter in the public interest of Gibraltar on the basis of a full and proper understanding of the facts, I have exercised the power set out in section 15 of the Police Act to require that the Royal Gibraltar Police provide to the Government a full, factual report in respect of this incident. That report was due by the close of business on Friday, 29th May and was received by me on that day.

265 I cannot emphasise enough how concerning the matters that arise in respect of this incident are. This matter is extraordinarily serious for all concerned. Two men have lost their lives. Police officers of the Royal Gibraltar Police are the potential subjects of a plethora of multi-jurisdictional legal proceedings. In dealing with it properly, there will be no substitute for appropriate accountability and transparency within the bounds of the *sub judice* rules such as they may be here and in other jurisdictions.

270 I have kept both His Excellency the Governor and the Chairman of the Gibraltar Police Authority informed of the exercise by me of the powers provided for in the said section 15 of the Police Act.

275 **Hon. D A Feetham:** Mr Speaker, in the light of the very full answer the Chief Minister has given and also the sensitivity of the issue, I only have one supplementary and it is this: whether he is prepared to share with the Opposition, on a completely confidential basis, the report that he received on Friday of last week.

280 **Hon. Chief Minister:** Mr Speaker, I would need to take advice on that. The hon. Gentleman I think will understand that the Government does not want to do anything that could prejudice the officers involved or indeed that might prejudice the public interest in dealing with this matter, but I assure him that I will take advice on that during the course of the next day or so. Before the end of the week I shall ring him and tell him the advice I have received, and I shall endeavour, if I am unable to share the report as is, to share such part of the report as I am able to share with him.

Q293-296/2020

BEAT COVID measures –

**Applications received, accepted and rejected; nationality of employees of recipients;
assistance for restaurant and café owners**

Clerk: Question 293, the Hon. D A Feetham.

290 **Hon. D A Feetham:** Mr Speaker, how many firms in originally excluded sectors have (a) applied to the Government and (b) been accepted by the Government in order to furlough part of their workforce; and how many employees are affected?

Clerk: Answer, the Hon. the Chief Minister.

295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 294 to 296.

Clerk: Question 294, the Hon. D A Feetham.

300 **Hon. D A Feetham:** How many COVID BEAT measure applications have been received by the Government and how many have been rejected?

Clerk: Question 295, the Hon. D A Feetham.

305 **Hon. D A Feetham:** How many businesses and employees have had the benefit of BEAT COVID measures and, in relation to the employees, what is their nationality?

Clerk: Question 296, the Hon. D A Feetham.

310 **Hon. D A Feetham:** What COVID BEAT measures or assistance will be provided to restaurant and café owners and their employees after 1st June and 1st July 2020. In particular: (a) what COVID BEAT measures or assistance will be provided to those that open and those that do not open after 1st June 2020; (b) what COVID BEAT measures and assistance will be provided while restaurants and cafés open at enforced reduced capacity; and (c) what COVID BEAT measures and assistance will be provided to those who will be severely affected by international travel restrictions and significant downturn in tourism visits to Gibraltar after 1st June 2020?

Clerk: Answer the Hon. the Chief Minister.

320 **Hon. Chief Minister:** Mr Speaker, at the time of answering the question, one firm has applied to Government under regulation 31 of the BEAT Regulations for Private Sector Funded BEAT for the Excluded Sector.

According to our BEAT database for the month of April 2020, the Government has received 6,664 applications, net of duplicates and erroneous entries made by applicants. Out of these 6,664 applications received, Her Majesty's Government of Gibraltar has rejected 379 applications. From these 379, some are being reconsidered by way of appeal. This figure may reduce further once these appeals are determined, but the success rate of appeals to date has proven to be relatively low. Rejections are made by either the Employment Service or the Income Tax Office and are related to requirements under the Appropriation (Business Employee Assistance Terms COVID-19) Regulations 2020. These extend to include applications which relate to invalid sectors, unregistered employees, directors and self-employed persons not compliant with tax and Social Insurance obligations, and applicants exceeding the permitted other income threshold in accordance with these Regulations.

330 A total of 6,285 BEAT payments have been approved. This includes both employees and self-employed persons. Further analyses can be provided as follows: BEAT payments to employees total 5,854; BEAT payments to self-employed persons number 431. The 5,854 are representative of 873 employers. The nationality across the main categories of the 5,854 employees is as follows: British, including British Gibraltarian, 1,554 – that is to say 27%; Spanish, 3,301, or 56%; Portuguese, 249, or 4%; Moroccan, 119, or 2%; and others, 631, or 11%.

340 I now hand over a list showing a summary of the nationalities of the 5,854 employees.

Continued Answer to Question 296

Continued Answer to Question 295

Nationality	Number
Argentinian	5
Belarus	1
Bolivian	1
Brazilian	5
British (inc British Gibraltarian)	1,545
Bulgarian	23
Canadian	2
Croatian	7
Cuban	2
Cypriot	1
Czech	20
Danish	5
Dominican	1
Egyptian	1
Estonian	6
Finnish	1
French	18
German	9
Ghanaian	2
Greek	1
Hungarian	61
Indian	53
Indonesian	2
Irish	15
Israeli	6
Italian	48
Latvian	8
Lithuanian	19
Macedonian	1
Mauritian	5
Moroccan	119
Dutch	7
Nigerian	2
No Nationality Recorded	14
Norwegian	1
Pakistani	2
Panamanian	2
Filipino	3
Polish	53
Portuguese	249
Romanian	151
Russian	1
Slovakian	14
South African	2
Spanish	3,301
Sri Lankan	1
Swedish	5
Turkish	1
Ukrainian	3
American	3
Venezuelan	1

Hon. Chief Minister: Mr Speaker, the GSLP Liberal Government has agreed measures with the GSD Opposition that extend, in principle, until the end of June 2020. These include the measures which are aimed at assisting businesses and measures which are designed to assist employees. To that extent, the position in relation to the period up to the end of June is already provided for and agreed with the GSD. The following business measures have already been announced and continue to apply for the second quarter of 2020, that is to say the months April, May and June: a waiver of Government commercial rents for included sector businesses, which includes restaurants and cafés; a tax measure designed to achieve a 50% rent discount on commercial rents from private landlords for included sector businesses, which includes restaurants and cafés; a waiver of rates for all sectors save for supermarkets and pharmacies; a deferral of the payment of PAYE and Social Insurance obligations to the Government for all sectors; a waiver of all work permit and registration fees charged by the Department of Employment for all sectors; and an extension of 90 days without penalty for returns and documents on all Companies House fees and filings for all sectors. Additionally, the BEAT COVID measures, which are the measures which relate to the payment of the Minimum Wage, will continue for June.

I am able to announce that the relevant deadline date by which we will process June BEAT for payment to be made before 30th June will be 18th June. This will mean that anyone who receives a single application before 18th June and is successful in that application will receive their payment before 30th June. If anyone applies after 18th June, or makes multiple
345 applications, we will pay them as soon as possible but this may be after 30th June.

We are consulting with CELAC, and thereafter will consider also the Leader of the Opposition and Hon. Mr Clinton, on whether there should be any modification in respect of the BEAT COVID measures for June. We already made amendments successfully in May to allow employees to work part of the month. These are measures that will continue to apply for the month of June
350 and more modifications may also come.

Government has not yet announced the full extent of what measures or assistance will be available to business owners generally and/or their employees after 1st July. This forms the subject of continued consultation with CELAC and will also form the basis of consultation with the Leader of the Opposition and Mr Clinton thereafter.

Government is developing the measures that will apply from 1st July onwards with particular care, as the situation thereafter will be a different one to the period of enforced closure. We met last Friday with CELAC for an extended session, and that was the second such session on consecutive Fridays. We are using these sessions to take constructive representations from different sectors forward, and from the interest groups that want us to consolidate our thinking
360 going forward. We are making fantastic progress in identifying the most effective measures to support and encourage our businesses to stand on their own two feet again.

I must once again thank all members of CELAC and their respective organisations for their commitment, their time and their constructive engagement with the Government. Once we have all this feedback the intention is to meet with the Official Opposition, as we did for BEAT, to
365 refine further the thinking and, if possible, make measures available from 1st July that enjoy cross-party support again.

Some of the measures that we are working on will be rolled out for the month of June, to coincide with the restricted opening of restaurants and cafés. These include a temporary relaxation of development and planning conditions that would allow businesses to expand
370 outdoor seating areas outside their premises, including by also reviewing parking and traffic arrangements in such areas as Irish Town and Chatham Counterguard, and these are also initiatives that are being considered by private sector landlords in parallel, such as Ocean Village. We are also considering allowing longer opening hours, subject to Public Health advice, to assist businesses in maximising the number of covers that they can secure whilst conforming to the
375 public health restrictions.

The important thing is to balance protecting employment and supporting businesses whilst also seeking to wean businesses and employees off BEAT and back to work. Some businesses will

need support but not intervention. Calibrating this balance will be difficult, but it is work that we are doing as we stand shoulder to shoulder with business and employee representative organisations.

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The Government will make a full announcement in respect of the final arrangements to be introduced as soon as we are able to.

Hon. D A Feetham: Mr Speaker, again I am very grateful to the hon. Member for a very detailed and considered response to the question.

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He is probably as aware as I am, or received representations to this effect certainly, that in relation to restaurants, for example, also café owners, it takes roughly 75% to 80% of turnover in order to actually break even for the business. Therefore, if they are operating on effectively 50% occupancy they are not going to be able to reach that 75% to 80% breakeven point in terms of turnover. Can he provide some assurance to those restaurateurs, café owners and also their employees, because of course their futures are inextricably linked, that the Government will look favourably at extending the BEAT COVID measures beyond the end of June of this year, bearing in mind that they are going to be hit very substantially by reduced occupancy and also by the decrease in tourism that is going to affect not only Gibraltar but obviously other places outside Gibraltar?

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Hon. Chief Minister: Mr Speaker, I thank the hon. Gentleman for his kind remarks when he rose to ask me that supplementary.

The Government is acutely aware of the concerns of those who represent the catering industry and those who represent other sectors of the tourism industry, and we are working, as I have said, in CELAC, to ensure that we put in place the best set of measures for the future of these industries not just to be assured but to be improved, and for employment in those sectors to be as robustly defended as possible. Whether or not that relates to a continuation of BEAT is a matter on which I am not going to commit myself at this stage, but I would remind the hon. Gentleman that the agreement between the Government and the Opposition in relation to BEAT is only until the end of June. I would remind the hon. Gentleman that I have said that we are designing a new mechanism for thereafter, and I would assure the hon. Gentleman that we are as alive to the concerns that he has raised directly from the industry as he appears to be. The whole aim of the Government's actions since this pandemic commenced was to put a shield around employees and to put a shield around our businesses. I think that working together we have achieved that until now and we have no doubt that we will be able to achieve our objective with the measures that we put in place going forward.

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The Government is not able to give information as to how full restaurants may or may not be, but I hear reports anecdotally that it is very difficult to get a reservation in Gibraltar after today in any of our restaurants, and as I have told the hon. Gentleman, one of the things that we are doing is extending the areas of terraces available to restaurants in all sectors where the Government controls the licences, so that the 50% occupancy rate may actually be over a larger area and therefore you may get closer to what the original occupancy rate was. Indeed, I have told him that private landlords who are in touch with the Government and working with us in CELAC are trying to do the same thing also.

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I sincerely hope that the measures that we are putting in place and that private landlords are putting in place, together with the entrepreneurial flair and industry of our Gibraltarian businessmen and women in this and every other sector, will mean that we will see them and their employees flourish, as they have to date.

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Hon. D A Feetham: Mr Speaker, yes, I understand that obviously the Government is going to be consulting the Opposition in relation to some of these measures going forward. Of course this is a public forum where people listening will also want some public answers and the Opposition asking the questions publicly too. One of the issues that certainly I am being asked in my

430 capacity as a Member of the Opposition is whether the Government intends – and I know that
he is not going to be able to give me a categorical answer in relation to this, but at least perhaps
he can give me an answer that indicates that this is in active consideration as well – an extension
of the furlough scheme for this sector for at least part of the workforce, which would be good
news for the restaurateurs and cafe owners that are facing these difficult times.

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Hon. Chief Minister: Mr Speaker, what was it he used to tell me when we had the Future Job
Strategy and people were, he said, paid to stay at home? I think I still have the marks on my back
of how he used to say that that was the road to ruin.

440 Can I assure him, and anyone listening who has not already heard what I have said before,
that the Government is designing measures that will have the effect of protecting these
industries, the catering establishments in Gibraltar and those in the tourism, retail and other
sectors that require it, but that it may not be the BEAT measures. It may be a different type of
scheme that covers different areas of concern but which is also designed to protect employment
and would be in keeping with the position that I think the Hon. the Leader of the Opposition has
445 expressed, not to me privately but publicly, which is that the Opposition had agreed to the BEAT
scheme until the end of June but not beyond that, and that was the position of the Government
as well. That is why I am saying that before we are able to announce something here publicly in
answers to questions which the Opposition is asking publicly, the Government is going to make
an announcement here maybe, and not here, about what we are going to do, and we are going
450 to do that publicly so that everyone is aware what it is that we propose.

In the interim, we are taking the advice of CELAC and I hope to also take the advice and views
of the Leader of the Opposition and Mr Clinton, representing the Official Opposition, to then be
in a position, if possible, as I have said, to make an announcement about a new stage of
assistance which may also enjoy cross-party support. But I do not want to be bound, as a result
455 of invitation to do so in this House today, to commit myself that that should be of a particular
style for a particular sector in a particular way – although, if the hon. Gentleman wishes me to
be even clearer, I can see the connections and I can see where it is all coming from.

Hon. D A Feetham: Obviously his back ended up being less unscathed than I had hoped when
460 I used to lash out at him in relation to the Future Job Strategy.

I just have one question, because I understand that of course these are matters that are in
active consideration and he will be in possession of the same representations that certainly we
have received on this side. I read an article in *Europa Sur*. It is an article in Spanish. It related to a
meeting that occurred in Brussels – I think it was in Brussels – at which the Attorney General
465 Michael Llamas and Daniel D'Amato of the Brussels office were present. It was in relation to
Brexit. In that article there was a paragraph that took my eye and it said this – Mr Speaker, I am
going to read it in Spanish because the article is in Spanish:

además han intercambiado puntos de vista sobre la obligación de mantener los derechos laborales de todo tipo
de trabajadores fronterizos y han abordado la situación de reembolsos ...

– this is the point –

... reembolsos pendientes de las cantidades adelantadas por España para el pago de las prestaciones por
desempleo.

470 That appears to indicate that there is some kind of arrangement for reimbursing the Spanish
side for unemployment benefit that has been paid out by the Spanish state in relation to
workers in Gibraltar. I see that the hon. Gentleman is shaking his head. I read the article and I
just ask that the hon. Gentleman kindly clarify whether there is any substance to this or indeed
whether they have got the wrong end of the stick in what they have said in this article.

475 **Hon. Chief Minister:** Mr Speaker, I know that he likes to be flash, but a lash is a lash, however rash, but in this case it will not produce cash, whoever's hopes we may dash.

480 Additionally, I should tell him that what he read in *Europa Sur* has absolutely nothing to do with BEAT or anything like that. What he read in *Europa Sur* is about the work that the specialised committee is doing in relation to unemployment benefit, which historically, since Spain joined the EU, where a frontier worker qualifies for it having been made redundant in Gibraltar, that frontier worker claims for in Spain and then Spain – or indeed any other member state if you have an individual who is of different nationality or moves to another state as a result of redundancy or unemployment – can claim in the home member state and there is an adjustment done, a set-off done, in respect of the place of work, and that is done one year in arrears. Part of the Withdrawal Agreement provides for the United Kingdom to have those adjustments vis-à-vis the other 27 member states. In relation to Gibraltar it has only ever been relevant in relation to Spain, and we continue to ensure that that calculation is done whilst the application of European rules provides for it.

490 **Hon. D A Feetham:** So, effectively what he is saying is this is historical and none of these payments actually relate to any of the employees that have been the subject matter of any kind of COVID BEAT measure or furlough.

495 This is why I was slightly concerned about this, because of course the majority of the employees that have had the benefit of these measures are Spanish employees and I thought, 'Well, where could there be a payment from Gibraltar to Spain in relation to these workers when they are effectively the beneficiaries of measures here in Gibraltar?' But what he is saying is that these are historic, probably 2019, perhaps even 2018, rather than this year.

500 **Hon. Chief Minister:** Mr Speaker, it is very unusual that supplementaries should be the hon. Gentleman rewording that which I have said, but that is what I have said. BEAT is not a *prestacion de desempleo* – payment in relation to unemployment, which is what he read to us from his article – and therefore one is completely unrelated to the other.

505 But I have just given that answer. He gets up, he paraphrases me and he asks me to confirm it: I confirm it.

Mr Speaker: Next question.

Q297/2020

UK 14-day quarantine rule – Exemption for Gibraltar-resident British citizens

Clerk: Question 297, the Hon. K Azopardi.

510 **Hon. K Azopardi:** Mr Speaker, can the Chief Minister update the House on his discussions with the UK government as to the proposed – well, no longer proposed – 14-day quarantine rule in respect of air travel into the United Kingdom and whether British citizens resident in Gibraltar will be exempt from such a rule?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, as hon. Members will know, I have written directly to the Prime Minister on this subject. I have also spoken, on two occasions now, directly to the Rt Hon. Wendy Morton MP, who is the Minister for Europe.

520 The Government has made very clear that we do not consider that there can be any scientific
advice which would justify that it could be reasonable to impose a quarantine on arrivals from
Gibraltar to the United Kingdom. The rate of transmission, or 'R' rate, is lower in Gibraltar than
in the United Kingdom. For that reason, the Government has robustly and repeatedly made the
point that arrivals from Gibraltar should not be subject to quarantine in the United Kingdom; the
535 argument proposed as justification by the Government of the United Kingdom would, in fact,
suggest that the opposite should be the case. We would, nonetheless, be very reluctant to
impose quarantine on arrivals from London.

Hon. K Azopardi: Mr Speaker, I note that the hon. Member has written to the Prime Minister
and spoken to Ministers, but what does the UK say in relation to the points that the hon.
530 Member is making? Is there an indication that there will be some flexibility going forward and
some amendment perhaps of the current rules?

Hon. Chief Minister: Mr Speaker, I do not think it is fair for me to relate to this House what
the United Kingdom may say to us if they have not yet said it publicly, but it is fair for me to tell
535 the House what I have said to the United Kingdom, although I think it is inescapable that the
position in respect of this quarantine is now different to what it was. In other words, there are
now no exceptions for French nationals, for example, which appeared to be the case, or arrivals
from France, and the position in relation to Gibraltar is the same as in relation to arrivals from
any other Overseas Territory, from the United States, from Spain, France or Denmark.

540 What was very difficult for the Government of Gibraltar to accept was that there should be a
different position in relation to arrivals from outside the Common Travel Area which the United
Kingdom already has in place in respect of different nationalities without there being an
objective reason and without Gibraltar's position being taken into specific consideration, and
indeed, you could argue, the position of the other Overseas Territories, some of which are
545 islands and would therefore only have the potential of direct contact with the United Kingdom in
some instances.

I expect that this process is going to now run its course. Hon. Members will have been
following, as the Government has also, what has been publicly said about this. This is an issue
which is very much an issue of debate and difference, even within the Conservative Party in the
550 United Kingdom, and so we continue to work for Gibraltar to be exempted from the application
of these rules either from the moment that they start or as soon as possible thereafter. I think
that the reference now is either to air bridges or air corridors being set up in respect of places
where the 'R' is lower than in the United Kingdom, and those are the issues that we are
pursuing.

555 **Hon. K Azopardi:** Mr Speaker, I would imagine that the Chief Minister will agree with me that
whatever technical justification there is, there is a wafer-thin justification in relation to Ireland
and the Channel Islands, given that there have been COVID fatalities in those jurisdictions. That
is not the case here.

560 Can the Chief Minister indicate to the House what kind of timeframe he would hope for so
that there is some degree of maturity and reflection in the United Kingdom on these matters in
respect of Gibraltar at least, given that one would hope that by September Gibraltar students
will return to university, so that they are not subjected to a quarantine – or at least could there
be an exception made for Gibraltar students returning to the United Kingdom?

565 **Hon. Chief Minister:** Mr Speaker, I do not agree that there would be a wafer-thin excuse or
reason. I think it would be paper thin, transparent paper thin, the sort of paper that would
dissolve at the first sign of rain. *(Interjection)* No, Mr Speaker, a wafer is thicker than paper, and
usually tastier. Do not get me going on the poetry again!

570 The justification advanced, not to the Government of Gibraltar but generally to the world,
about arrivals from Ireland and the Channel Islands is that those are already the domestic travel
area. Ireland has the benefit of the Common Travel Area confirmed in the Good Friday
575 Agreement, the importance of which nobody will dispute, and the others – I mean the Channel
Islands and the Isle of Man – are like Orkney, domestic arrivals, almost like coming from Catalan
Bay into Gibraltar, so I accept that that is a legal construct which already allows for passport-free
travel, all of which is handled through different airports and entry points.

My own view is that this matter will be not even a bad dream by September – in other words
that by then the quarantine will have disappeared completely. The points that the Government
of Gibraltar have made are a little more extensive than the point that the Hon. the Leader of the
580 Opposition has made – in other words, not just in relation to students, this great inconvenience
in respect of students of course, but in particular potential danger for those who have to travel
for health reasons and their escorts. They are initially exempted. The list of exemptions is a very
long one. I do not mind saying, as I have said before, that I believe that this policy is not a policy
which can pray in aid scientific justification and I do not see it lasting through the summer or
585 indeed even well into the summer. I expect that by September we will have achieved
exemptions for Gibraltar students at least, or that the policy will no longer apply.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I could interject and just ask for clarification – I
think I heard the Chief Minister saying that if we did achieve this exemption he would be
590 reluctant to not have the exemption on the other side. So, for UK nationals coming to Gibraltar
there would be reciprocity in that they would not need to be quarantined in Gibraltar if they
were coming from the UK, if we did get the status, and if that were the case would that not
present certain health risks? Or has Government considered that? Obviously we have not had a
crisis and fatalities but we know that the UK has had plenty of them, so how would that impact
595 us if that was achieved?

Hon. Chief Minister: Mr Speaker, the position of the Government is as follows. The argument
proposed as justification by the government of the United Kingdom would in fact suggest that
the opposite should be the case, namely that science should lead us to impose quarantine on
600 arrivals from the United Kingdom, not that arrivals into the United Kingdom from Gibraltar
should be the subject of quarantine. We are nonetheless, as I said already, very reluctant to
impose quarantine on arrivals from London.

Q298/2020
BEAT COVID scheme –
Assistance for the self-employed

Clerk: Question 298. The Hon. Ms M D Hassan Nahon.

605 **Hon. Ms M D Hassan Nahon:** Self-employed people applying for BEAT economic support can
only receive help if their business is completely locked down. This is not the reality of most small
self-employed outfits, who have seen their income reduced massively but have to maintain a
degree of customer loyalty to survive. Should the BEAT regime not contemplate this reality?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the BEAT scheme is intended to assist
businesses whilst they are unable to operate due to the restrictions we implemented in
response to the COVID-19 pandemic.

615 A self-employed person either carries on their business or they do not; there is no middle ground. The decision to recommence their business, once the restrictions that would have otherwise prevented them from doing so have been relaxed, is a decision for them to make.

We introduced a new 'partly active' status for employees for BEAT applications for the month of May. We did so in order to start weaning businesses off BEAT and to encourage employers to recommence operations in sync with our gradual unlocking. This new status has allowed employers to rotate staff on a 50% basis and still retain the benefit of BEAT by sharing the payroll burden with Government. It is a feature that has been well received across the board.

620 We did contemplate extending this status to self-employed people but decided against it. As a self-employed person ultimately determines when they return to work once they are able to do so, they would only be able to claim on a 'fully inactive' basis. If their application is successful, they would then receive 100% of the Self-Employed BEAT COVID-19 Payment.

625 Unlike employees, a self-employed person is not provided with work by an employer, nor are they tasked by an employer not to attend a workplace; they determine when they return to work.

BUSINESS, TOURISM AND TRANSPORT

Q269/2020

Cycling on the public highway – Parents accompanied by children

630 **Clerk:** We now move to questions to the Minister for Business, Tourism and Transport. We commence with Question 269 and the questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm what age it recommends parents and guardians to accompany their children on the public highway whilst cycling?

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Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, Government fully trusts the judgement of sensible and responsible parents to look after their children and judge when it is sensible to accompany them on the public highway or if at all allow them on the public highway whilst cycling. Obviously this is precisely why the Government wishes to deliver safe segregated cycle lanes.

640 **Hon. E J Phillips:** Mr Speaker, insofar as the age is concerned, of course the Minister will be aware that in the United Kingdom there is no age limit and although the decision is placed with parents and guardians in respect of those children it is still recommended that, insofar as the public highway and busy roads, those children should avoid highways of that nature.

650 Insofar as any scheme that may well be put forward in the future, is the Government currently considering further education programmes insofar as cycling? We all know that there are cycling proficiency programmes available, and the Police do, of course, an excellent job in providing that, but given the numbers of people who will now take to our roads on bikes – including, of course, the Chief Minister himself publicly showing photographs of himself cycling around our great Rock – will the Minister confirm whether any further programmes will be rolled out to increase awareness of health and safety while cycling?

655 **Hon. V Daryanani:** Yes, Mr Speaker, I am currently looking at some programmes of that sort.

Hon. E J Phillips: I am grateful for the answer. Could he expand on those types of programmes?

660 **Hon. V Daryanani:** I have been busy dealing with other things at the moment, as I am sure you will be aware, but we will be in a position very soon, perhaps in the next few weeks, to give you more information on that. In detail.

Q270/2020

**Cycling on the public highway –
Legislation re compulsory use of helmets**

Clerk: Question 270, the Hon. E J Phillips.

665 **Hon. E J Phillips:** Mr Speaker, can the Government state that it will introduce legislation for the compulsory use of helmets by cyclists on the public highway?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

670 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, not at this point, but it is something we will consider and consult on going forward.

Hon. E J Phillips: Mr Speaker, the reason why I raise this question is because of course in other countries, and particularly those that are closely aligned to ours, such as the United Kingdom, there is no legal requirement for the use of helmets. I know that there is great public debate as to the efficacy of helmets, but it is of course recommended that children should wear helmets and recent experience has taught me that, insofar as children are concerned, it is highly recommendable that all children should be wearing helmets while cycling.

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680 Does the Minister agree with me that the Government should at least promote the use of helmets whilst children are cycling?

Hon. V Daryanani: Mr Speaker, different countries have different laws so far as children are concerned. For example, in France 12-year-olds need to... [Inaudible] so there are quite different ideas and I think that we will definitely look at promoting the use of helmets for children.

Q271/2020

**Two-stroke motorcycles –
Banning use**

685 **Clerk:** Question 271, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether it will now ban the use of two-stroke motorcycles on our roads?

690 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the Government is open to looking at all possibilities that can lead to the most polluting class of vehicles being removed from our roads. A number of options are being considered.

695 The Government considers that the Opposition is being rash in proposing we should ban the use of two-stroke motorcycles – which means making illegal the operation of those already owned by members of our community – without at least a consultation, but I trust he will therefore support that we are immediately banning their use, other than by residents of the area, on Line Wall Road on Saturdays, Sundays and Mondays.

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Hon. E J Phillips: Mr Speaker, it is difficult to understand how the Minister can say we are being rash about the banning of the most polluting type of vehicle on our roads when the Minister has today in fact closed Line Wall Road, whilst we still continue to see huge numbers of motorcycles polluting our streets, *(Banging on desks)* when, In fact, he also encourages Green Gibraltar and promoting that for the welfare of our children and our grandchildren.

705

He has to take seriously the banning of the most polluting types of vehicles on our roads. Many thousands of two-stroke engines in our community pollute our roads and therefore it appears from the answer to this question that there is no joined-up approach to reducing pollution in our community and there is no joint approach insofar as the use of these motorcycles on our roads. Do you agree with that?

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Hon. V Daryanani: No, Mr Speaker, I do not agree with that.

First of all, what the Member opposite has to decide is which one is it: if we do things quickly, without consulting, we get criticised; if we want to consult, we get criticised. What the Member opposite needs to decide is it is not about what suits him to score cheap political points about the environment. If he really cared about the environment he would be backing this Government on closing Line Wall Road.

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Chief Minister (Hon. F R Picardo): Hear, hear. *(Banging on desks)*

720

Hon. E J Phillips: Mr Speaker, the Minister has encouraged this community to be bold about these decisions about closing roads, but to be bold about the main pollutants in our community, which are these two-stroke engines, at least consider bringing legislation or investigate the efficacy of legislation to ban them. But then again he endeavours to persuade this House and members of our community that he is doing the right thing by closing Line Wall Road at this stage without properly considering the impact that this closure will have on the rest of the community.

725

Many of us in this House will clearly agree that our community should be made greener, should be made safer, should be less polluting, but this bold move, as he describes it, to close Line Wall Road is just moving the pollution elsewhere, and clearly the revolt by the members of our community this morning on the closure of Line Wall Road and the difficulties that were incurred shows that the Government has not planned or prepared this policy at all. *(Interjection)*

730

Hon. V Daryanani: Mr Speaker, Line Wall Road belongs to the Government; the motorbikes belong to the people who own them and we cannot deprive them of using their property. That is for starters.

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I have said very clearly that we are considering all options. We are going to consult on this, so I do not know what else he can expect.

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Hon. K Azopardi: Mr Speaker, Line Wall Road, on which there is a question on the order paper, does not belong to the Government; it belongs to the people of Gibraltar. **(Several Members:** Hear, hear.) *(Banging on desks)* That is a matter on which I am sure there will be plenty of debate, and there is indeed a question later that my hon. colleague is putting.

745 Certainly on this side of the House we are grateful for the indication that the hon. Member has made that there will be consultation on these polluting vehicles – and that, does the Minister agree, is consistent with an environmental policy?

750 **Hon. Chief Minister:** Well Mr Speaker, everything that belongs to the people is managed by the Government. The ownership of the people is expressed as the ownership of the Government, as he knows, because at the end of the day the Government has to execute leases for public property, all of which, not just Line Wall Road, in the view of *this* Government, belongs to the people and must be managed in the best interests of the people – not just Line Wall Road but, for example, the area where we now have the magnificent Commonwealth Park, which hon. Members used to be against. All of these areas are of the people and we manage them for the people, but the bikes belong to the people individually who have them registered in their name.

755 And so there is a great difference, as the hon. Gentleman knows and appreciates, between making a corporate decision on behalf of Gibraltar for the benefit of the people, and quite another to make a decision that affects an individual's right to use their property – which may nonetheless have to come, but it will have to come with more warning than a decision, which might be agreeable and agreed to by most people, indeed by some people who might be expressing a different corporate view, but is a decision which is in the interests of the community.

760 I agree that we should ban two-stroke engines as soon as possible and I agree that we should do it because that assists us with sustainability and dealing with the climate change emergency, but where there are issues of private property the considerations have to be different and the process has to be different. That is the point that the Hon. Minister is making and it is one that I am sure that both the Leader of the Opposition and the questioner, who is a lawyer, appreciate.

770 The issue, Mr Speake is what you cannot do is run with the hares and hunt with the hounds. You cannot say on one day that four weeks' notice of closing Line Wall Road is too rash, and then say tomorrow ban the use of two-stroke motorbikes. That is the process through which hon. Members need to go. They have to understand what it is that they are saying in the questions that they put. The question, to be fair to the hon. Gentleman, does not say 'tomorrow'. It is more immediate even than that – it says 'now': can the Government state whether it will *now* ban the use of two-stroke motorcycles on our roads? And we have said yes, but not now. We have to consult. We have to give people the opportunity to deal with these issues which may be their modes of transport etc. That is the issue.

775 It seems to me as if we might actually potentially be in agreement, not just in relation to motorbikes but perhaps even in relation to some other, more criticised measures that are going to, in my view, be very popular very soon.

780 **Hon. K Azopardi:** I know the Chief Minister today is trying to show his linguistic ability with his poetry and so on, but surely the Chief Minister must agree with me that he is being slightly facetious when the hon. Member asking a question about 'now' ... A good friend of mine once told me that 'soon' is a period of 10 years in the Vatican. The hon. Member is not suggesting that 'now' means in a minute's time if the hon. Member were to rise to his feet suddenly someone from the law draughtsmen office would pluck out a Gazette and gazette it within 30 seconds. What he was asking for was an expression of intent of the Government that could cater for all he has already indicated, which is consultation about proprietary rights and so on, so if the Government has a statement of intent of banning these motorcycles, it can do so in accordance with the possible public consultation exercise as an objective of intent that may or may not happen within a period of time. That is what the hon. Member was asking and I think the Hon. Chief Minister knows perfectly well, despite his dissecting of every single word on the order paper.

795 **Hon. Chief Minister:** Mr Speaker, I do believe that the hon. Gentleman has therefore welcomed what we have said, because that which he said – in fact, that which he has translated as the meaning of what the Hon. Mr Phillips meant – is exactly what the Hon. Minister said, so I think that conviviality is breaking out again but it is not appreciable at first blush, although I must say that there is a serious difference between us.

800 What obviously in the Vatican is the meaning of 'soon', which is in decades, is completely different in a GSLP Liberal Government. When we say 'now', we mean now. And God knows what we mean when we say 'shortly', but certainly when we say 'now' we mean now. 'Now' means in the moment, and 'in the moment' means to require the Minister to give a positive answer to the question as drafted, without seeking to dissect anything but just simply assuming that a member of the legal profession uses words in the context of either their ordinary meaning
805 in the language or their legal meaning. 'Now', other than in Latin and in Rome in the way that the hon. Gentleman has suggested, is only capable of one interpretation, which we are not prepared to give it in the context of giving a positive answer, but in the context of what he said was meant, we have already, I think, agreed.

810 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just interject here, I just wanted to ask Government, given that they are so environmentally friendly these days – I am very happy to see – if they are so concerned about the environment, why didn't they put this plan in their manifesto, as did we? (**Hon. D A Feetham:** Hear, hear.) And why did they also implement a policy during COVID to waive duty on vehicles and have now extended it for another month,
815 only encouraging more pollutants on our road at the same time that they close another road? Is that the care for the environment, Mr Speaker?

Hon. Chief Minister: Yes, Mr Speaker, that is the care for the environment: the care for the environment that led us, like the hon. Members opposite of the party with which she first stood,
820 the GSD, not to have that measure in our manifesto this time, as they did not last time, as she did not when she stood with them the first time – and indeed for one simple reason, because of the 140 pages we ran out of space. We ran out of space for parks, we ran out of space for the refurbishment of the Northern Defences, we ran out of space for the multiplicity of actions in favour of the protection of the environment which the Hon. the Minister for the Environment –
825 Mr Environment – brought to this House as a Minister when he first arrived and to our party and to our commitments, including the forward-looking approach to ensuring that our vehicle fleet is as new and as modern as possible, so that old Land Rover Discoveries are replaced with new Land Rover Discoveries that are less polluting as soon as possible, so that every vehicle on our road is as modern as possible and therefore the least polluting in their class, all of which
830 demonstrates why we were seven months ago, and will be again in 35 months, the best choice for Gibraltar and our little part of the planet.

Mr Speaker: Next question, please.

Q272/2020

Retrofit exhausts –

Legislation to ban importation and sale

835 **Clerk:** Question 272, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that it will introduce legislation banning the importation and sale of retrofit exhausts in Gibraltar?

I note that the question does not say 'now'. If it is 'shortly', then I would like to refer to the 'shortly' the Government has made reference to on many occasions.

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Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the Government has been considering banning retrofit exhausts for some time in an effective way. We expect to be able to announce progress in coming months.

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Mr Speaker: Next question.

Q273/2020
Parking charges and permits –
Foreign nationals

Clerk: Question 273, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state whether the recent practice of foreign vehicles displaying copies of terms of engagement issued by employers to foreign nationals, to avoid payment of parking charges or to occupy spaces designated for those with permits under the existing zone scheme, has been sanctioned by the Government or any of its agencies?

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Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): No, Mr Speaker. I think it is frankly ridiculous for anyone to believe such a practice would avail them of any advantage when it comes to parking, or indeed for anyone to believe that the Government would sanction such a move. Frankly, I am even a little surprised that the hon. Gentleman might even think it necessary to ask such a question.

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Hon. E J Phillips: Mr Speaker, the reason why I ask this question is because – (*Interjection*) Well, the Chief Minister has said I saw it on Facebook. Let's not get into the debate on what the Chief Minister does with Facebook and how he reacts to every single policy decision of the Government, (**Hon. D A Feetham:** Hear, hear.) (Banging on desks) (*Interjection by Hon. Chief Minister*) but insofar as this matter is concerned I have received numerous photographs from concerned members of our community who see foreign vehicles, and indeed other types of vehicles, motorbikes, displaying terms of engagement in order to avoid paying for parking. There is, according to these photographs, clearly no enforcement being done insofar as these offending vehicles are concerned, so in some respect someone must have sanctioned this.

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Today I saw a press release and in fact in the *Chronicle* today the Minister did confirm that we will now return to a period of enforcement in relation to people not paying their dues in relation to parking. Is this what the Minister was referring to? This is a practice going on and I do not understand why he believes that he is surprised by the nature of this question when many people in our committee know that people are using employment contracts to avoid paying for parking. That is simply not fair.

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Will the Minister now confirm that he will investigate this practice and ensure that those who are parking illegally, without paying for parking, should be fined by the appropriate authorities?

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885 **Hon. V Daryanani:** Mr Speaker, first of all I just want to clarify that the Government has not sanctioned anything of this sort. Let's make that clear. The only thing that the Government allowed was the use of the new pay and display opposite St Bernard's Hospital when COVID started, to allow for the use of frontline workers, for people who work in the GHA. That is the only thing that the Government has sanctioned.

890 **Hon. E J Phillips:** Mr Speaker, on that we can agree. Clearly, where we will require our frontline workers to park during this crisis it is important that they are provided with parking facilities when they are coming in and out of Gibraltar, but this is about something else. There is a prevalence and there is a practice going on. The Minister must have seen these photographs or been shown them by other people, concerned members of our community, but will he condemn those types of practices going on, in the House?

895 **Hon. V Daryanani:** Mr Speaker, like I said, nobody from this Government has sanctioned that kind of practice going on. He keeps on insisting, but there is none of that, and anyway, as you know, we are making sure that, if there has been anything that has happened of that sort, it will not happen as from today.

900 **Mr Speaker:** Next question.

Q274/2020
Parking charges –
Application of increase to car parks

Clerk: Question 274, the Hon. E J Phillips.

905 **Hon. E J Phillips:** Mr Speaker, can the Government state whether the 46%-plus increase in parking charges will also apply to all car parks, including those situated at Devil Tower Road, Laguna, Calpe, Arenegos and the site at the old Queensway Club?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

910 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the monthly rental increases have not been applied in the car parks referred to in the hon. Member's question.

Hon. E J Phillips: Mr Speaker, will they be applied in the future to these car parks?

915 **Hon. V Daryanani:** It is something we are considering at the moment.

920 **Hon. E J Phillips:** Mr Speaker, if you are rolling out a policy of increasing parking charges within certain areas, by which I assume he means the Midtown car park, why is it that we are staging or at least delaying, or not, or considering the implementation of parking charges in these areas at this moment in time, and where?

Hon. V Daryanani: Some of these car parks need repairs, so that is one of the reasons why we are taking it to [inaudible]

925 **Hon. E J Phillips:** Therefore, once these repairs are made and those relevant car parks are improved, it is the Government's intention to increase parking charges to the level of 46%-plus? Is that right?

Hon. V Daryanani: I will announce the Government's intentions when I am ready to do so.

930 **Hon. E J Phillips:** Mr Speaker, I am not too sure that is a very helpful answer to the question. Am I correct in thinking the Government is also considering a different range of parking fee for those areas?

935 **Hon. V Daryanani:** Everything is under consideration at the moment, so I cannot give you a firm answer to that.

Mr Speaker: Next question.

Clerk: Question 275, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, could the Minister confirm the rationale for the increase?

945 **Hon. V Daryanani:** The hon. Member is talking about the increase to the ones that –? *(Interjection)* Well, really that has nothing to do with the question that you have asked. But anyway, when you are running a garage there are many issues in garages of this sort. There are repairs, there is maintenance, there is an increase in costs. We have not increased costs in these garages I think since 2016, so it is four years, and that is primarily one of the reasons why we have increased these charges.

950 **Mr Speaker:** Next question.

Q275-78/2020

Road closures –

Traffic modelling; technical advice received; impact on Queensway; amendment re restrictions

Clerk: Question 275, the Hon. E J Phillips.

955 **Hon. E J Phillips:** Mr Speaker, can the Government state whether or not it obtained or conducted traffic modelling for the recently announced road closures?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

960 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 276 to 278.

Clerk: Question 276, the Hon. E J Phillips.

965 **Hon. E J Phillips:** Can the Government state whether or not it was advised or received recommendations on a technical basis, informally or formally in writing, or otherwise, not to proceed with the recently announced road closures at Europort Avenue, Line Wall Road and Chatham Counterguard?

Clerk: Question 277, the Hon. E J Phillips.

970 **Hon. E J Phillips:** Can the Government publish any information as to the impact the Line Wall Road closure will have on Queensway?

Clerk: Question 278, the Hon. E J Phillips.

975 **Hon. E J Phillips:** Can the Government confirm why it changed its view from a total closure of Line Wall Road to a restriction of vehicular traffic from Saturday to Monday?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

980 **Hon. V Daryanani:** Mr Speaker, as the hon. Member will appreciate, extensive surveys and traffic counts were undertaken when Her Majesty's Government of Gibraltar embarked on delivering, with its officials and UK consultants, on the Sustainable Traffic and Transport Parking Plan. Furthermore, and as we have already said publicly, the Government will be trialling these closures and will actively work on further surveys, traffic counts and studies as part of the live consultation so as to assess the workings and functionality of the scheme. Many other cities
985 worldwide have taken to implement road closures with little to no prior traffic flow monitoring during the COVID pandemic. Here, we do so instead with extensive modelling which we have already published in the STTPP. As with any scheme, and as the hon. Member should care to appreciate, there is no better and effective way to monitor or survey the effectiveness of such a scheme or road closures than to actually roll them out and, in parallel, continue to monitor.

990 The Government has additionally taken advice from its officials based on historical practices and conditions that have existed pre the COVID emergency. Taking account of prevalent conditions and the fact that other measures are being introduced in parallel to these closures, such as the elimination of free parking in the Town area and that we are still uncertain as to the impact of BREXIT on Frontier flows, a live trialling that is monitored and assessed under these
995 conditions is seen as the best way to consolidate the works of the STTPP and move forward whilst keeping all options on the table. The Government will not hesitate in reviewing measures if the impact, after careful consideration and assessment, is deemed to be negative. We do not believe it will be. The Government, though, is very confident this will prove to be a success and will eventually be embraced by all, as have other more radical pedestrianisation initiatives
1000 introduced by the Opposition in the past served to show.

The impact on Queensway will no doubt be positive and will need to take account of the impact of other measures being introduced in parallel. These include the removal of free parking in the Town area and the new attitude people may take as we emerge out of lockdown. As such, live trialling in a phased, gradual manner is also seen as the best way to monitor and assess the
1005 impact on Queensway as all these new variables come into play. This is a new normal we are moving into and cannot be pegged against the past, nor should it be influenced by long-ingrained practices that were regarded as the norm pre the COVID emergency.

The Government has not changed its view on Line Wall Road. Others may have; we have not. The Government sees value in introducing a gradual and phased change that will allow everyone
1010 to better appreciate the benefits of these closures. Changing hearts and minds is not a sprint but a marathon, and Gibraltar will be a better place at the end of this. We are moving to a closure of Line Wall Road as we announced, and we are doing so gradually.

1015 My final words are that we should all take the sacrifices made during the COVID emergency and embrace them as a catalyst for change and to accelerate our progress towards a green and child-friendly Gibraltar: less pollution, less traffic, less selfishness and a better Gibraltar for all.

Hon. E J Phillips: Mr Speaker, I do not know where the Hon. Minister was this morning when most of us were horrified by the chaos that ensued by the closure this morning, but in any event ...

1020 The Minister talks about the value of a gradual closure, but the closure itself was announced as a total closure of Line Wall Road at the time. What happened thereafter was that there was much disquiet within our community as to the total closure of Line Wall Road and the Minister rode back on that and declared a Saturday to Monday restriction of traffic. So, it moved from a closure of Line Wall Road to one of a traffic restriction.

1025 Can the Government confirm – and that was the nature of Question 278 – what changed their view as to a total closure, to a restricted Saturday to Monday policy?

Hon. V Daryanani: Mr Speaker, the Government did not change its mind; it is just a question of process.

1030 The hon. Member says that there has been ‘uproar’, or whatever word he used, but I saw a survey this morning where 50% are actually happy with the closure of Line Wall Road – 50% are not and 50% are, so it is very divided. More importantly, people have not seen our final plans for Line Wall Road, and when they do see our final plans for Line Wall Road they will realise that this is the best thing for our future and for our children.

1035 **Hon. E J Phillips:** Mr Speaker, I am not too sure which public survey he is talking about or whether it was conducted by an official source. (**Hon. V Daryanani:** Your Say.) Well, perhaps if the Minister could share the link with me – I am quite happy to look at it myself.

1040 Insofar as the Minister’s plans are concerned, is he able to share those widely with us and the public in general? It may actually reassure members of the public that the Government are planning this properly.

Hon. V Daryanani: Of course, Mr Speaker, we will share those plans with the public and with the Opposition. The Chief Minister announced last week that we are in the middle of these plans and we will be announcing them within the next few weeks.

Hon. E J Phillips: Mr Speaker, I did ask in my question whether the Government had received any advice or recommendations on a technical basis, and I do not believe he answered that question at all. What I am trying to get from the Minister is whether he received any contrary advice to the road closures.

Hon. V Daryanani: Mr Speaker, we have carried out a comprehensive consultation exercise with the STTPP, so that is the advice that we have taken on board when we have done this.

1055 **Hon. E J Phillips:** Mr Speaker, we all understand that the STTPP is –

Hon. V Daryanani: One of the other points that we have made and we have been quite clear with is that having closed roads now we will continue carrying out the consultation exercise, which will be live. We will see what happens.

1060 Let me say I have been in Line Wall Road on three occasions, actually for three hours – an hour on, an hour off – this morning, and I have seen how there are practically no cars going through Line Wall Road; it is better, it is cleaner – (*Interjection*) yes, of course it is closed – so I do not know what you mean by ‘chaos’. There is absolutely no chaos. What there has been is chaos in the past when the road has been open.

1065 **Hon. E J Phillips:** I think the Minister has answered his own question. What I did ask him though was whether he had received any information we have had. The Minister kindly invited me to a meeting, where he introduced me to many of the experts who are giving him technical advice on the closure of the roads, and what I would ask him is if any of those technical experts who were advising him advised him against the closure of the road in this way. That is what I am asking him, nothing to do with the STTPP. Those individuals who are advising the Government,

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advising the Minister on the road closures ... whether anyone indeed recommended the Minister not to proceed with the closure.

1075 **Hon. V Daryanani:** Nobody has advised me not to do it, Mr Speaker.

Hon. E J Phillips: Mr Speaker, I perhaps would invite him to go to Queensway this morning – which was chock-a-block, as far as I understand from many sources, moving traffic in another direction. What measures will he be putting in place to reduce the overall traffic moving along that artery? *(Interjection by Hon. Chief Minister and laughter)* The Chief Minister thinks he is going to close Queensway as well, Mr Speaker.

Hon. V Daryanani: I have been through Queensway. I have not seen what the hon. Member is describing, so I do not know which Queensway the Member opposite has been on.

Q279/2020
Cirque du Soleil –
Planned visit to Gibraltar

1085 **Clerk:** Question 279, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state whether the Government intends to proceed with its plans to bring the Cirque du Soleil to Gibraltar?

1090 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Yes, Mr Speaker.

Hon. D J Bossino: The Minister is being really short in his replies today, I must say! *(Interjection)* Yes, true, sometimes that is good.

Can the Minister state when he expects this event to come to Gibraltar? I think on the last occasion when I asked this, in December, the answer was ‘we have a date in mind but we will announce it when we are ready to announce it’. Can he give us some indication as to when he ...? Is that still the position?

1100 **Hon. V Daryanani:** Mr Speaker, the world is in the middle of a pandemic. Businesses like Cirque du Soleil have no idea when they will start operating again. The Government hopes to continue conversations with Cirque when they are ready and when they have a better idea of their intentions. I am told that gatherings of this sort – we are talking about 800 to 1,000 people – will be very difficult in the short term, so we will have to wait.

I am pleased to see that the Member opposite is very keen on Cirque du Soleil coming to Gibraltar, as he is always asking me this question. No doubt he will ask me again and hopefully I will be in a position to give him an appropriate update at the time.

1110 **Hon. K Azopardi:** Mr Speaker, the hon. Member has given the answer from the perspective of the Cirque du Soleil – or the Cirque, as I think he abbreviated it to; I do not know if that is a common abbreviation but no doubt the Chief Minister will tell us, given his linguistic arrays today – but can I ask, from the Government’s perspective, has the Government’s thinking on bringing the Cirque du Soleil to Gibraltar not been affected by the COVID pandemic, and whether it is appropriate to do so in the short term, in the medium term, or at all, given the state of the tourism market now and in the foreseeable future?

Chief Minister (Hon. F R Picardo): Mr Speaker, *merci* for his further allusions to my linguistic ability, although I have no doubt he is not doing it out of an intent to flatter me. (*Interjection*) I see, so it is not even ability. I see that he considers my flourishes to be something else.

1120 Mr Speaker, I think that the Minister's answer is designed in exactly the same way as his question is designed, to show that this is not a show that can go on now in the timescale that we envisaged. Cirque – which is the well-known abbreviation of their name around the world – will likely not be opening new shows unless the place where they are going to open them can provide for social distancing in the short term. There may be shows that are already committed to; here, we were still in the negotiations, so we are in time to ensure that the arrival of Cirque
1125 on our shores delivers both the stimulus that we need in respect of our tourist industry but does so safely and in keeping with public health advice, which is what we are going to try and ensure we do.

1130 **Mr Speaker:** Next question.

Q280/2020
Tourism strategy –
Update

Clerk: Question 280, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide an update to this House of the Government's tourism strategy?

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Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, my first strategy document in light of the COVID-19 crisis was put together internally in April and has evolved since.

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Business in this sector has effectively halted since lock-down. The UK staying visitor economy has ground to a halt, excepting essential workers. Market conditions have changed significantly and global consumer confidence has collapsed.

Destinations and the travel industry continue to monitor the crisis to be ready to plan for improved market conditions. The World Tourism and Travel Council predicts that recovery will be slow unless global jurisdictions work together, bringing parity to the protection measures they put in place, and yet currently every jurisdiction works autonomously.

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To compete in the busy, challenging and competitive global marketplace we will need to reinvigorate confidence in Gibraltar as a safe place, raise destination awareness and be ready to react to an anticipated high level of demand of late bookings with short lead times for UK travellers keen to get away when they are told they may do so safely.

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Gibraltar's swift reaction to the crisis has kept its population safe and Government economic packages have kept us stable. We will develop that as part of our strategy. Our strong business infrastructure across various sectors will enable Gibraltar to rebuild its economy quickly if clear social distancing measures are implemented and reported.

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European jurisdictions remain essentially closed to international visitors, for now. The global travel industry is regrouping to prepare a workable format for a staggered return of visitors into jurisdictions guided by government-led safe social distancing criteria. It is too early to confirm when overseas travel will resume; however, research polls indicate that UK booking demand for 2021 is increasing. As destinations look to stimulate recovery by encouraging consumers to move locally, regionally, nationally and then internationally, Gibraltar's British brand credentials

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will work well to feed a 'safe home from home' narrative, which may encourage UK visitors to return at the earliest stage.

1165 Delay may work to our advantage. This is not just a need to restart the sector but an opportunity to build it back better. As we move through recovery, questions will need to be asked about longer-term planning and what the visitor face of Gibraltar should look like, and what is more valuable: volume of traffic or higher yield? The future face of Gibraltar's tourism product must in all events be sustainable. We may need to look to technologies to help us achieve this.

1170 Gibraltar's relationships within the travel industry are strong and consumer awareness was at an all-time high level pre-crisis. However, we must expect competition to be fierce and spending power by consumers may be reduced due to long-term effects of a hard recession. In addition, Gibraltar's core audience type was typically aged over 55, and this segment of the community remains the most at risk from COVID-19 and therefore may be the least willing to move from
1175 jurisdiction to jurisdiction until long-term solutions such as a vaccine are in place.

We face other issues too in the sale chain; not all distribution operators in the UK may survive the crisis and will cherry pick their most lucrative destinations.

1180 Challenges remain, such as how airlift has dramatically reduced and remains unquantifiable in terms of return services after the crisis. Recovery strategies and restart dates by the airlines servicing us have faltered due to lack of clarity from jurisdictions over the length of time quarantine measures for arrivals remain in place. Social distancing measures on board aircraft make operations financially unviable, and the Foreign and Commonwealth Office (FCO) ongoing guidance, which advises UK residents to avoid all but essential overseas travel, sends the message 'stay at home'. I should further explain that while the FCO guidance remains in place,
1185 any travel taken will be done without cover of insurance.

The cruise industry remains halted and is unlikely to restart for several months while it reassesses its marketplace and operational procedures.

The daily flow of visitors across the Frontier, excepting essential workers and residents, remains limited.

1190 So, what actions must be taken? The Gibraltar Tourist Board has continued to keep all lines of communication open with all its trade partners, overseas and Gibraltar based, with frequent updating. The Tourist Board remains operational remotely, continuing to regularly communicate with UK homeworking travel agents and the travel agency network through its online travel training portal www.gibraltartraining.com and the host provider OTT, through which the
1195 Gibraltar Tourist Board is able to release updates about Gibraltar's current position.

The Gibraltar Tourist Board takes part constantly in industry forums for weekly crisis updates on how the UK and wider industry are reacting, including those I mentioned in my press release recently, such as the Association of Mediterranean Cruise Ports, of which we are board members; the Association of National Tourist Offices and Representatives, which Gibraltar chairs; the Association of British Travel Agents and Operators; the Association of Independent
1200 Tour Operators; and the Association of European Tour operators.

We have participated in webinars through MedCruise with Royal Caribbean Cruise Lines in a session moderated by the Chief Executive of the GTB in his capacity as a board member of MedCruise, and in a webinar organised by the Commonwealth Enterprise and Investment
1205 Council entitled 'Commonwealth Tourism During the COVID-19 Lockdown: Immediate Responses and Future Opportunities'.

We have already engaged with operators as to assessing loss of business, 1st March to 31st December 2020; quantifying how much business has transferred to 2021; establishing what capacity has been lost, airlift/accommodation; establishing which events/exhibitions the GTB was due to attend in 2020 will still run and which will shift to 2021; and re-engaging lines of
1210 communication with our consumer database.

When developing an immediate and short-term strategy it is important to recognise that we are currently in crisis management mode and all strategies are subject to change due to the

1215 environment that we are in. It is also fair to say that the strategy at this point will be divided into three: air arrivals from the UK, visitors across the Frontier from Spain, and cruise visits. I will discuss these strategies separately.

1220 On the UK market recovery, it is also important to recognise that our short-term recovery strategy across all markets is centred on providing cohesive guidance for all sectors of the tourism community to implement social distancing requirements as recommended by the health authorities. Only then will we be in a sound position to start welcoming back visitor footfall. We are also ensuring that Public Health guidelines are adopted by all sectors of the tourism mix in Gibraltar, adhering to a consistent level of standard in hygiene and health protocols in the workplace.

1225 In the short term we have guaranteed continued airlift through BA. We continue to be in contact with our airlines about a potential return to the marketplace. Currently, easyJet will not be resuming its air operations until July at the earliest and we are not yet in a position to comment on where Gibraltar services will fall in its network operation once services resume. BA is currently operating four return flights per week from Heathrow.

1230 We continue to speak with existing tour operator partners in the UK to establish a timeline of when our UK customers will be ready to visit Gibraltar. This area still remains grey; however, there is a healthy stimulus of bookings emerging for 2021. We have also outlined with the local industry, in virtual meetings that I have hosted, how potentially trade suppliers could work together to promote a unique and competitive Gibraltar package for 2021 that would include accommodation, attractions and dining out. These discussions are in the early stages. We are working with consumer data to look at potential trends that are emerging in the marketplace which may impact on the way we promote the destination. This could be new demographics of society or those with niche markets, such as birdlife, wildlife, flora and history.

1235 As part of our efforts with the UK travel sector we are running online educational webinars such as one held last week with members of the Association of Independent Tour Operators. The presentation was given by Nicky Guerrero, Chief Executive of the GTB, along with the GTB's team in London, describing key aspects of Gibraltar's product offering for visitors. Also participating in this initial seminar were Prof. Clive Finlayson and Dr Geraldine Finlayson of the Gibraltar National Museum, and Monkey Talk's Brian Gomila. This activity will continue and will include other industry partners.

1240 On 8th June, the GTB will attend its first virtual exhibition hosted by the Association of National Tourist Offices and Representatives. Twenty-five destinations have signed up, with invitations sent out to over 3,000 travel agents and tour operators who will be invited to the event, which takes place over an afternoon and where participants can speak to exhibitors in online chatrooms and see presentations.

1250 We will shortly launch a virtual destination platform to showcase Gibraltar's attractions in a 360° format and a docuseries where Gibraltar experts are able to talk about the services they promote, such as, for example, the macaques and at the Garrison Library.

1255 These virtual assets are easily marketed through online tools and social media and will be used to drive viewers to sign up for regular newsletters, which in time will be able to promote specific offers to Gibraltar. This activity will kick start a new advertising drive in the UK which will include online advertising, advertorials, online native videos, radio, television, advertising on the sides of buses and a taxi campaign.

1260 While the destination looks to re-establish its international events programme, small-scale events would be launched live on social media. We will have to wait and see how matters progress, but it may be that this year's Literary Festival will be a virtual event. These types of events offer great potential to increase social media reach and thereby increasing our consumer following for updated travel offers.

1265 The GTB was, at the start of this year, committed to attend a number of exhibitions in the UK across different sectors. Some of these are transferred to 2021 and some will continue in an online format. Those remaining in place for this year currently include the Meetings Show, which

is hoping to still go ahead at Olympia, London, in October. The World Travel Market, scheduled to be held in November, is still to advise if the show will continue in an online format. The BirdFair will not take place this year, but GTB hopes to offer online footage of migration to its community of followers in this field.

1270 On the Spanish market, while air services re-establish themselves in the immediate future we will need to look to visitors across the border to stimulate the hospitality sector in Gibraltar to give footfall to our Main Street traders, our restaurateurs and indeed our hotels. To this end, we are in the process of putting together a marketing campaign in Spain to position Gibraltar for the nearby regional market.

1275 The cruise market continues to be at a standstill and there is little indication of when calls will resume and whether the nature of the calls will be different in terms of passenger numbers and handling. As I have said, through MedCruise we continue to monitor the situation and will be ready to receive calls once they resume. We have, however, in the meantime been very successful in attracting cruise ships to use Gibraltar as a service point during the crisis and for crew repatriation movements.

1280 In summary, recovery is largely dictated at this stage by a combination of Government controls across Europe, which have direct impact on the restart of air, rail and sea operations. This is valuable time to get our services ready to promote and push out to our audiences. Our sector has halted but our activities and efforts have not. We will continue to work with all our industry partners to get Gibraltar moving again as quickly as is safe and physically possible.

1285

Hon. D J Bossino: Mr Speaker, too long – much too long! No, I don't like that, but something in between.

1290 Mr Speaker, just a few supplementaries. I do thank the Minister, seriously, for that very lengthy reply and something which obviously one will need to study in greater detail, but I will just ask specific questions.

1295 He talks about the Frontier. Obviously that is a very important aspect of his strategy and Frontier flow is crucial in that regard. There was an article in the *Chronicle* recently which talked about that issue. It was under the title 'Spain wants common EU rules and cross-border movement as pandemic lockdowns ease'. This was on 28th May. There is a particular paragraph which reads:

The Gibraltar Government has previously stated that it is discussing border flow with the Spanish Government, but there has been no announcement as yet as to what arrangements will be put in place.

Can he, or perhaps the Chief Minister, give an indication as to where we are in relation to that issue?

1300 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think I answered that question during the course of a press conference this morning, not here.

1305 The position in relation to flow across the Frontier is one related more to the relative freedom of movement that exists today in Spain. Spain has moved on from the initial state of alarm declared but is still under a state of alarm. People in the Spanish nation cannot move between provinces at this stage. Full unlock between provinces is expected, I think, on 21st June in Spain, according to the latest news this morning, and so there are still restrictions on some movement in Spain. We expect that we will see the freedom to be able to go into Spain released very soon indeed, but it is not possible to give an exact date at the moment.

1310 The flow in return to Gibraltar is, at the moment, not subject to any restriction because we have never restricted the Frontier. We have had rules in place as to movement in Gibraltar and the Frontier was one of the choke points where that movement could be verified to be in keeping with the rules that we had in place. So, in the same way as there might be law enforcement officials of, either the RGP, the GDP or Customs – all of whom did an excellent job –

1315 at different roundabouts in Gibraltar, the Frontier was obviously one of those places where you could check that people were coming into Gibraltar to do one of the things that was permitted by Gibraltar law.

I hope that helps the hon. Gentleman to understand what it is that the position is.

1320 **Hon. D J Bossino:** Mr Speaker, in relation to EasyJet, again the airline industry is crucially important. It has been the subject of news in the UK press in relation to the 14-day quarantine. I think the Chief Minister made allusions to it in terms of the fact that it has been raised as an issue amongst Tory MPs, but it has also been raised as an issue and representations are being made to the UK government by the airline industry.

1325 But specifically in relation to easyJet, I think he mentioned that he is hopeful that easyJet will start flying to Gibraltar in July. How confident is he that that is going to happen? And what can he say to the fact that again there was a press report recently which referred to the announcement by easyJet of its opening up to a whole list of destinations? I have got the press article here. Granted they are all UK cities and they will be starting from 15th June. It talked about Gatwick, Bristol, Birmingham, Liverpool, Newcastle, Edinburgh, Glasgow, Inverness and 1330 Belfast, yet nothing in relation to Gibraltar. So what does he have to say in relation to that and how confident is he that easyJet will start flying to Gibraltar in July?

1335 **Hon. V Daryanani:** They will be flying to the domestic market ... before the UK government announced the quarantine measures. That is the reason why they announced that they would only start operations within the domestic market, because they were not sure what was going to happen with the quarantine measures. After the quarantine measures were announced, they announced that they would be making 30% of their staff redundant – that is approximately 4,000 people they were making redundant – and, after that, we have not heard anything from them because easyJet have not got a clue what they are going to do at the moment. They do not 1340 know when they can start, because of the quarantine measures. They do not know what routes they can start. They are reducing their fleet. They are not taking delivery of all the new aircraft that were supposed to come in next year. So, really, at this moment we have not got confidence of when they are going to start because I think they themselves do not know when they are going to start.

1345

Hon. D J Bossino: But why, in that context – I am grateful for the reply – did the Minister say that he was expecting the route to Gibraltar to start in July? Unless I have got him wrong ... If I have got him wrong, I would be grateful for the clarification, but I did think that he said that he was confident that the flights would start to Gibraltar, from easyJet, in July.

1350

1355 **Hon. V Daryanani:** EasyJet had said that they were looking at starting certain routes out of the UK, but I think their international routes have now been put on hold because they are not sure, due to the quarantine measures. Until that is clear, they will not be in a position to see whether they will be starting in July or whether they will be starting in August, because they are not starting any international routes whatsoever.

Hon. D J Bossino: Should the Minister therefore retract his statement in relation to the possible July start date for easyJet flights to Gibraltar, at least for the sake of the record?

1360 **Hon. Chief Minister:** Well, only, Mr Speaker, if the practice now is going to be that the Minister needs to retract things that he says in good faith on the basis of the facts as they are at the time; something happens in the interim which is unexpected, it changes the position – and everyone is alive to that – and the hon. Gentleman expects us to then go back, check what we have said and retract everything.

1365 The position on the quarantine, I think it is fair to say, surprised everyone. It surprised President Emmanuel Macron so much that he picked up the phone and had a row with the Prime Minister, Boris Johnson.

1370 So, those things which we said might happen before the quarantine was announced, of the United Kingdom, we can no longer take the view will happen in the timescale that we believed. I do not understand why it is that the hon. Gentleman thinks he needs to press in order to try and win a retraction on something as key as this. We are talking about air routes into Gibraltar. We all want them to be established as soon as possible. We are working with all our industry partners to achieve that. Would that we might be able to achieve it in July – and, if we do, is the Minister required to come here and re-retract his statement? What is the hon. Gentleman trying to achieve? I think that actually we all want the same thing. We all want to see the resumption of as much air into Gibraltar as soon as possible, in the interests of our business community and in the interests of our tourism sector.

1380 **Hon. D J Bossino:** Only, Mr Speaker, because one would have thought that every Member here, when they are giving replies, should answer accurately. That is it. I do not want to put the Minister in a difficult position, and if he thinks that the reply he gave to me in answer to my question is inaccurate, because of the things he has then gone on to say in relation to the big question mark that there is as to whether easyJet will be flying into Gibraltar, then I just give him the opportunity to readdress the issue.

1385 I may have heard him wrongly, but he is not clarifying the issue for me. I think the Speaker says I may have heard him wrongly – well, then, that is the answer.

Hon. Chief Minister: Mr Speaker, when does the hon. Gentleman say that we said this?

1390 **Hon. D J Bossino:** Today, in the answer.

Hon. Chief Minister: Today, in the answer? (**Hon. D J Bossino:** Yes.) Not in the previous meeting?

1395 **Hon. D J Bossino:** No.

Mr Speaker, just for the sake of *Hansard*, it is in response to the question that I put today; in his answers today.

1400 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman did not say the thing that the Hon. Mr Bossino says he said. The hon. Gentleman said, in the context of his first answer, 'We continue to be in contact with our airline carriers about a potential return to the marketplace. Currently, easyJet will not be resuming its air operations until July at the earliest and we are not yet in a position to comment on whether Gibraltar services will fall in its network operation once services resume.'

1405 That is exactly the position. Why is he inviting us to retract from that? We did not say the thing that he said we said.

Mr Speaker: I think the hon. Member, with respect to the hon. Member, he did misunderstand. I think you will agree with that – don't you?

1410 **Hon. D J Bossino:** That is right.

Mr Speaker: Yes.

1415 **Hon. Chief Minister:** So, will he retract what he said we said, Mr Speaker? (*Laughter*)

Hon. E J Phillips: I am grateful to my hon. Friend for giving way.

1420 Insofar as one of the responses the Chief Minister gave in relation to the land Frontier
freedom of movement, I just wanted to gather from him the nature of the discussions that the
Chief Minister may be having with Spain. Whilst I appreciate, of course, the state of alarm in
Spain and that the Chief Minister is not here to advise people on Spanish law and fluidity and
moving around Spain and now people being allowed to provincially move within Spain, what
discussions is the Chief Minister having with the Spanish government as to, post 21st June,
1425 people crossing the border from Gibraltar? I am sure he has heard, as I have heard ... in relation
to British citizens not being allowed to be permitted tourists into Spain, but I would just be
interested to hear from him what discussions he is currently having, or the Government is
having, in relation to the travel from Gibraltar into Spain post 21st June.

1430 We have enjoyed this kind of relationship where our frontier workers are allowed to cross
the border. Of course, Andorra has also enjoyed that type of relationship, given workers on both
sides of the border. I just wanted to understand whether those discussions will be fruitful insofar
as people travelling across the border. That is all.

Hon. Chief Minister: Mr Speaker, the discussions are ongoing and we hope they will be
fruitful.

Q281/2020
Hotel industry –
Government assistance

1435 **Clerk:** Question 281, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state what plans the Government has to assist
the hotel industry in the medium to long term?

1440 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the hotel
industry, through the Government's BEAT COVID-19 scheme, is already receiving assistance.
However, I am currently looking at ways in which we can assist further in the medium to long
1445 term as business recovers.

I have been in constant contact with the hotels during the COVID emergency, providing them
reassurance and seeking their feedback on how they felt they could be assisted by Her Majesty's
Government of Gibraltar. We are considering these issues in CELAC and I believe that the Chief
Minister will be consulting with the Leader of the Opposition on new measures to support and
1450 stimulate this and other sectors.

Q282/2020
Reopening of restaurants –
Indications to Government re reservations

Clerk: Question 282, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many restaurant owners have told the Government that
they are full for reservations from 1st June 2020?

1455 **Clerk:** Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, my officers have not received any such representations from restaurant owners. Anecdotal evidence suggests that many would be doing a good trade upon reopening.

1460

Hon. K Azopardi: Mr Speaker, I am surprised to hear the Minister say that his officers have not received representations to that effect by restaurant owners. I am really surprised because in the press conference held by the Government on 17th May, during his performance in that press conference he said, 'I am told and I was actually delighted to hear that the restaurants are full of reservations as from 1st June.' So, I am asking him, given that he said that, on what basis he said that.

1465

Chief Minister (Hon. F R Picardo): Because I told him, Mr Speaker. I have friends who are in the industry who told me that they cannot stop because they are getting so many reservations, but that is not the Government having been told by restaurant owners that they are full for reservations. It is anecdotal evidence. 'Restaurants' means every restaurant in town, and keeping a register of that ... Would that we might interfere with the restaurant owners' civil liberties by keeping a list of how many of them have called us to tell us that they are full. It is simply anecdotal evidence, where the Hon. Minister was reflecting the views I had expressed to him of those who were in touch with me, not on the basis that they were in touch with the Government.

1470

1475

I think that is actually the correct position anecdotally and I do not know why it is that the hon. Gentleman is so concerned, but if I can help him with a reservation in any area that he might be particularly keen to ... If I can assist, he knows that he can count on me.

1480

Hon. K Azopardi: From poet to concierge.

Hon. Chief Minister: A man for all seasons!

1485

Hon. K Azopardi: Indeed you are, and I have said that publicly before.

Mr Speaker, the Minister did not say 'I am told' and 'I was delighted to actually hear that the restaurants owned by friends of the Chief Minister...' He did not say that. He said 'the restaurants', meaning generically the restaurants in Gibraltar gave that representation to the people of Gibraltar who were listening to that press conference.

1490

Can I suggest to the hon. Member, and perhaps he will agree with me, that next time he makes a statement as bold as that he gets the facts right or at least expresses precisely the background on which he is making that statement?

1495

Hon. Chief Minister: Well, Mr Speaker, he can, if he likes, but the hon. Member is not here to take his political advice, which I am sure he tenders in good faith in exactly the same way as he says he calls me a man for all seasons, which I am sure he does in good faith and as a matter of praise and nothing else.

But can I give him some advice for nothing also, Mr Speaker? Can he ensure that his party sings from the same hymn sheet as him and that when people ask questions they do not ask us questions on things that he and I have already discussed?

1500

Hon. K Azopardi: Mr Speaker, it is refreshing to hear the hon. Member opposite ask us questions and I hope in many years to come that will be the practice.

1505 **Hon. Chief Minister:** Mr Speaker, it was not a question. I told him when I started that I was giving him political advice. It was not a question. I said 'I am giving him political advice' and I expressed it rhetorically.

I think what happens many years from now is not a matter for him, or me; it is a matter for the people of Gibraltar, the same ones who own Line Wall Road.

1510

Mr Speaker: Next question.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q285-86/2020

Public debt –

Update re figures; purpose of joint venture with Beijing Liujian Construction Group

Clerk: We now move to Question 285. These are questions to the Hon. the Minister for Economic Development, Telecommunications and the GSB.

We commence with Question 285 and the questioner is the Hon. R M Clinton.

1515

Hon. R M Clinton: Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the sinking fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following dates: 1st January 2020, 1st February 2020, 1st March 2020 and 1st April 2020?

1520

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

Minister for Economic Development, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 286.

1525

Clerk: Question 286, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the 50/50 joint venture, i.e. GBIC Limited, entered into by the Gibraltar Development Corporation with Beijing Liujian Construction Group via their respective subsidiaries?

1530

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

1535

Hon. Sir J J Bossano: Mr Speaker, the Public Debt, General Sinking Fund and Aggregate Debt is as previously stated when the questions were last put in the House.

The Cash and the Net Debt for the months in question are as follows: 1st January, Cash £45.4 million, Net Debt £390.2 million; February, £43 million, £392.6 million; March, £48.3 million, £387.3 million; and April £24.3 million, £411.3 million.

1540

The purpose of the joint venture company in question is to carry out construction work.

Hon. R M Clinton: Mr Speaker, I beg your indulgence while I absorb the information the Minister has just advised us of.

1545

Looking at the statistical information on net debt, first of all, may I ask: the Sinking Fund, he says, as on previous occasions, has remained the same. There is, in the Chief Minister's answer ... When he presented the Emergency Budget in March he mentioned there was £15 million in the

1550 General Sinking Fund, whereas previously I have that down as £12.1 million. Can the Minister advise whether the £15 million was in March – as in would be reported the data for 1st April – or when that number would have changed, as the Emergency Budget was held in March?

1555 **Hon. Sir J J Bossano:** Normally, Mr Speaker, as the Member will know from previous years, the balance on the Sinking Fund has increased at the end of March because it has been dependent on the outcome of a year's transactions, but as we have extended the financial year to something longer than 12 months the year now ends in September. So, the calculations that would have been reflected on 1st April will now happen on 1st October, assuming there is no further extension, or would be on 1st April next year if there was a further extension. That is the way it has been done in every financial year. Until the close of the year, the sum that is added to the Sinking Fund is not decided.

1560 **Hon. R M Clinton:** Mr Speaker, I have to come back to this question because it is an important point, as this number was actually referred to as being part of the Government's reserves in the Emergency Budget, and the number that was given to us was £15 million. Is the Minister telling us that there is not £15 million in the Sinking Fund as yet, but in fact it is £12.1 million?

1570 **Hon. Sir J J Bossano:** No, Mr Speaker, what I am telling him is that there has been no change in the Sinking Fund from the time I gave the last answer. I have not gone back and checked what the figures were because what I have asked the Treasury to produce for me is the changes that have taken place, and these are the changes that have taken place. There has been no other change. I will check the accuracy of the figures and give it to him today, if I can, or I will let him have it tomorrow.

1575 **Hon. R M Clinton:** Mr Speaker, I would be grateful if he would because certainly the last number that I have is £12.1 million on the Sinking Fund. I have it all summarised on a spreadsheet, which I am happy to give him a copy of because of course that is a £3 million discrepancy to the last number and it is important because it is a number that was referenced during the Emergency Debate. I would be grateful if he did come back to the House, or to me, on that.

1580 I note that the position on 1st April shows ... and he can correct me if I am wrong, but I think the number he just mentioned was £411 million – is that correct? – which would be the highest net debt figure, as far as I am aware, on record.

1585 **Hon. Sir J J Bossano:** Well, I think the record has already been broken since that date, and it is likely to keep on being broken. We will be setting new records from now on for a very long time, I think, Mr Speaker, on the debt.

1590 It is quite clear, because it is based on the £447.7 million, which has not changed in the last financial year as it was, and therefore obviously from month to month. If we have more cash the net debt goes down, and if we have less cash the net debt goes up. There is no mystery about it.

Hon. R M Clinton: Mr Speaker, I am grateful for the Ministers' answer, and obviously, as he has just confirmed, the gross debt has remained the same. So the Government, can he just confirm, has certainly not issued any further debentures in the period that I have been asking for?

1595 While I am on my feet, if I can just ask him in terms of the Beijing Lijian Construction Group? He says it is for construction. Could he advise what construction is being envisaged? Certainly from the very little information I have found on the internet this particular type of construction company does not do residential-type construction, so I would be interested to hear from the

1600 Minister what type of construction is envisaged. And also, again while I am on my feet, if he could advise whether this particular entity is owned by the Chinese state, or not.

1605 **Hon. Sir J J Bossano:** Well, there is not much in China that is not owned by the Chinese state, Mr Speaker – it is a communist country – but the ultimate owner is the municipality of Beijing. But of course you do not have to be a communist state. When I used to live in Birmingham the Municipal Bank was owned by Birmingham municipality, and we own the Savings Bank and the Gibraltar International Bank and we are not a communist state either, so there is nothing peculiar about it.

1610 It is a construction company. The ultimate group in China is the one that has just finished building the new Beijing airport, which has a throughput of 100 million people. It is also responsible for the maintenance of the Forbidden City and is responsible for all the public buildings in the municipality of Beijing. It has an international company in the group. That international company is operating in the United States and is operating in the United Kingdom, and it is the United Kingdom company that has a direct link with us. In the United Kingdom it has been responsible for building something like 500 student accommodation apartments and it is carrying out a £500 million development, which is the Manchester Airport City that was launched when David Cameron was Prime Minister. President Xi came over to launch the project with David Cameron. So, this is a very powerful international global company and it will be concentrating, through their joint venture with us, on the development of the modular construction system, which is a commitment that we have in our manifesto.

1620 The hon. Member may be interested to know that a recent study by one of the highly regarded companies of consultants in the UK, McKinsey & Company, established in 1926, has done an exercise on the transformation of the construction industry that is currently taking place. They calculate that in the next 10 years the market for modular construction will be something of the order of £100 billion in Europe and that the use of construction using modular methods will save the developers something of the order of £22 billion.

1625 We expect to be introducing, in the not-too-distant future, the modular system to deliver one of the first projects, which will be the new senior citizens' residential home in Bishop Caruana Road, at the corner of the plot of the Rooke site which has now been made available for this development. That is what we expect to be happening. It will all be prefabricated and the buildings will come ready to go on site. I expect that that should enable us to produce British standard buildings at a lower cost and at a faster pace than is possible with traditional building methods, and make us less reliant on having to import cross-border workers after we leave the European Union, when we do not know to what extent the fluidity will be there, which could affect the capacity of our construction industry to deliver products.

1635 That is what was intended when we put it in our manifesto. The original idea was to create the production facility ourselves, as part of a joint venture. The virus has made it impossible for me to travel to the places I would have gone, so we are relying on the parent company producing the buildings in China and transporting them here.

1640 I think that gives him the full picture, Mr Speaker.

Hon. R M Clinton: Mr Speaker, yes, a very interesting, comprehensive answer.

1645 If the Minister can perhaps assist me, this has vague overtones, or reminds me of the components factory. Is that the sort of construction when he talks about 'modular'? The local components factory was used to produce, if I remember correctly, Water Gardens, and those components fitted in like Lego bricks, yes? Is that the sort of construction methodology we are talking about when we talk about 'modular' construction, or has it moved on since then? Are we talking about entire units being fabricated in a slightly different way, or different types of materials? Again, I vaguely recall the components factory needed a fairly big footprint in order to manufacture the various components that went into the building – if he could just confirm that that is the kind of thinking.

And what is the scale of the financial commitment in this joint venture? The last accounts filed show a loss of £704,000 up to December 2018, which I imagine is way out of date, but what is the financial commitment on the side of the Government and the Chinese joint venture partner?

1655

Hon. Sir J J Bossano: In terms of what it will do, I have to say that the system that we introduced in 1989 in Gibraltar, the components factory that was created here, was using Scandinavian technology, which was in fact something that had been developed in Denmark in order to rebuild the devastation caused by the Second World War and they had devised it as a way of very quickly putting buildings up subsequently. But the methodology has expanded a great deal. In fact, the future lies in buildings that will be using artificial intelligence to decide exactly what the customer wants, and the factory will produce it.

1660

Of course, one of the big advantages of factory building of this nature is that you do not have the interruptions that depend on the weather, and the actual erection on site takes a very short time. The company that we are talking to, for example, has delivered, last year, a project for 1,200 students, for Newcastle University, for £75 million I think, in the UK. So, these are people who are already working in the United Kingdom and bringing the stuff from China.

1665

The report that I mentioned by McKinsey has identified that the methodology that is seen as the future of this industry is supposed to be more eco-friendly. It uses materials that can be recycled. It is cost effective. The savings that are expected in the industry are something of the order of 20%, compared to a traditional building. It has a lower construction time, which I have already mentioned. It is, in fact, more environmentally friendly. For example, there will be far less concrete and far less money involved in putting in foundations, and the use of concrete is something that carries a high price in terms of environmental effects.

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The difference between the methodology of the previous one and this one is that in the factory everything is done. That is to say the kitchen is built in, the bathrooms and the toilets are built in, the insulation is built in and the double glazing is built in, so that every single element in the building is done and therefore you just build a structure. Wherever you are going to do it, it requires less money in foundations because it is taking less weight.

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Clearly, from our perspective this will be a new thing in Gibraltar, but it is not something that is not being done and tried and tested elsewhere. The people we are doing this with are fully committed to the joint venture with the Government and therefore we have not put a limit on what investment is required; but, for example, the particular building in question, which will be the first one, is a building that will be privately owned when it is finished. The company will be building that and then we will be recovering it and we will be reinvesting the money. From there we will see what other work we do, but clearly the result of that first building is going to determine the success or otherwise of the product in the Gibraltar market. It also produces a potential for us to be able to do something that we have not done before, which is to use Gibraltar as a base in order to introduce this product into other markets near us.

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Hon. R M Clinton: Mr Speaker, I beg your indulgence. It is quite an important topic to develop, given its obvious impact on our economy and the future.

Can I ask the Minister: at the moment, if I have understood him correctly, because of the COVID emergency the various elements of the old people's home will be effectively manufactured in China and shipped to Gibraltar for assembly. That being the case, where was it envisaged that the factory, if I can use that word, would have been located in Gibraltar, given obvious limitations as to size? I remember the old components factory had quite a large footprint – if he could give us some kind of an idea.

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Also, could he just clarify the location of the plot of this old people's home? He says Bishop Caruana Road corner on the plot of the Rooke site, but I not sure which corner he is referring to.

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1705 **Hon. Sir J J Bossano:** Mr Speaker, the locality where we were planning to put the factory ourselves is not something that I am willing to make public. At the moment, we have not been able to proceed with that. If we proceed and we decide that it can be done, then when we have closed the deal I will make it public. I have mentioned, I think, to the hon. Member that in Gibraltar we have to be careful when we say what we plan to do and when we plan to do it, because there are people who are interested in stopping us doing it. But it has not been possible. There were plans that would have required me to travel to the place, and that I was not able to do because of the limitations on movement, and therefore this will continue to be the source if we still find that there are difficulties of movement in and out of Gibraltar.

1710 The plot is near Bishop Canilla House, on the opposite side. The footprint is a thousand square metres.

1715 **Hon. R M Clinton:** Mr Speaker, I appreciate this may not arise directly out of my original question. If the Minister is not able or willing to answer the question, I am happy to post another question. He mentioned that this particular development would be privately owned. Can he advise the House as to who this private owner would be? And has the site been sold?

1720 **Hon. Sir J J Bossano:** They should. I don't think it's for me to... I mean, we have investors who are willing to invest as a business in a residential home in Gibraltar. We have a methodology that will help to deliver the product at a price and on a timescale that has not been available currently. This is an important element of our being able to deliver some of the stuff that I have spelled out in the National Economic Plan, in the timescale of the National Economic Plan and notwithstanding the impediment created by COVID and the disruption that there has been.

1725 We are making an effort to make this happen because if this happens it means that independent of anything else we are doing to recover what was there before, we shall be doing new things which will help us lessen the impact of a world recession on our own economy, and this is why I am still maintaining the target of 15% in four years notwithstanding everything that is going on.

1730

Hon. R M Clinton: Mr Speaker, I just have one last further supplementary. I can probably carry on talking to the hon. Member for many more hours on this, but just one last supplementary and then my colleagues may have their own questions.

1735 Can the Minister advise or not – again, I am happy to put in questions in future, but is it the Government's intention then that this old people's home effectively is going to be run by a private concern? Is it going to be built by them and then rented to the Government, or is it that it is going to be built and then the elderly citizens will pay rent to them as a private concern? I am not sure what the intention is.

1740 **Hon. Sir J J Bossano:** Mr Speaker, the question is about the joint venture and not about what is going to happen when the thing is finished. I do not think that it arises. I have just volunteered more information than he was asking, but of course if every time I volunteer more I encourage him to ask more, certainly we could be here a very long time.

1745 The reality is that it is not the Government that is doing it, it is the joint venture that is doing it and the joint venture has got an arrangement with an external investor that was to invest in this.

1750 We have a situation at the moment, I think, where notwithstanding the crisis there are many opportunities for bringing investment to Gibraltar in things that are deemed to be immune to what is happening. One thing that is immune to all the problems that have been created in the global economy is that we are not going to stop getting old, so that is a market that is guaranteed will be there irrespective of whatever else may happen, which we cannot predict. We know that the requirement for residential accommodation and the requirement for pensioner flats is going to be something that will be here and will be happening throughout

1755 Europe, so that is a niche market. If one specialises in doing that, if one has got a product that is
of the highest standard with all the quality – for example, we are using UK firms to make sure
that the quality would be acceptable in the United Kingdom and in the EU – and we have then a
product that we develop here and which enables us to produce a privately owned, privately run
1760 home for our people that is competitive with what it is costing now and may be competitive as
an exportable model, then this is something that is worth exploring and we will see just how
much potential it has. But in the first instance it will meet needs that we have. If we were to do
it in terms of the traditional building methods and the traditional running methods of those
organisations in the public sector, I think we would need to borrow many more millions of
pounds than we want to. So, I think this is a way in which we can meet the needs of the
1765 community at a more cost-effective cost and create a product that has the potential of being
replicated and exported.

Hon. K Azopardi: Mr Speaker, can I ask the Minister, just on that question and the purpose of
the 50-50 joint venture, is there a joint venture agreement between GDC and the Beijing
construction group? Is there an agreement in writing recording the purpose etc. of the joint
1770 venture?

Hon. Sir J J Bossano: A joint venture agreement that set up the joint venture company, which
is between the Gibraltar General Construction Company and the ... It used to be the Liujian
company in the group. Liujian is the sixth company in the group, but we switched to the
1775 international company, which we thought was better for our needs and the parent company in
Beijing agreed to the switch. So, we started with one company in the group but we switched to a
different one about a year ago, which I think meets our needs better.

Hon. K Azopardi: Is it the Government's intention to make public that joint venture
1780 agreement? And does the joint venture agreement either specify or ...? Can the Minister assist
the House in giving us a bit more idea of the projects that are in the pipeline, apart from the
residential home that the Hon. Minister has spoken about?

Mr Speaker: There is no need to answer that question. They are additional questions, not
1785 supplementaries.

Hon. K Azopardi: Mr Speaker, with respect, I think they arise directly from the question. The
question was can the Government advise the purpose of the joint venture, so it is within the
remit, if I may say so, of the supplementaries to explore the purpose of the joint venture, and
1790 that is what I am trying to explore, the purpose of it.

Hon. Sir J J Bossano: The hon. Member must understand that this is a business and the fact
that we own 50% of that business through a construction company is no different from when
Gibtelecom was 50% owned by us and 50% by Slovenia. I am not going to tell you what the
1795 business plans are of the joint venture or what work they will get or what tenders they are going
to put, because they should not be put at a disadvantage simply because I happen to be here to
answer the questions.

This is a business. We are investing in a business. We treat it at arm's length and it will
compete for the work, and I hope it will be very successful and make a lot of money because
1800 then 50% of that money will benefit the taxpayers of Gibraltar.

Hon. D A Feetham: Mr Speaker, just arising out of the last answer that he is given, he has said
it is a business, it is at arm's length; he has said that he hopes that it is going to be very
profitable. He has drawn the analogy with Gibtelecom. Indeed, with Gibtelecom originally there
1805 were competition issues, people trying to break into the market. Here, there are no people

trying to break into the market. It is this business breaking into an existing market with existing operators doing construction business.

1810 Has he thought about the impact that this may actually have on local construction companies? If you have a company that is backed by effectively the Chinese government – because he was keen to make the point that everything is owned by the Chinese government; it is going to be making components, presumably from Gibraltar, although that was not very clear – that could give a very significant competitive advantage to this company in relation to locals. Has he thought about that?

1815 **Hon. Sir J J Bossano:** Mr Speaker, regrettably, what the hon. Member seems to be worried about happened a long time ago. Most of the Gibraltar companies were wiped out by other companies that came from Spain, from the UK or from Portugal and eliminated the locals. The situation is that we have got a different product and what that product will do is produce things that are needed by our community at a more competitive price than is possible using historical
1820 labour-intensive methods.

We have a manifesto commitment to do this and to use less labour in Gibraltar, and therefore to increase output per person, by having economic growth, but not by bringing in more workers where part of the growth that is created appears as if it was available to us when in fact it is not available to us, as I have explained, and the misleading consequences that that
1825 has when people think that there is money here that is available for them and it is not available for them because all the output of the 55% of the workforce counts as the GDP that people think they have got 100% of, when they have not.

The position is that this is designed to create economic growth to ensure that we are able to deal with part of the problem of the recession and to create necessary infrastructure that will
1830 meet the needs of our elderly people, of whom there are increasingly more every year. I think if the hon. Member is saying it may well be that if we were doing it with local companies at a higher cost, it is quite probably the case that if we were to do it with local companies at a higher cost we would not have the money to do it. We are talking about having to borrow £150 million and my hon. Friend the Chief Minister is working very hard trying to get a sum of money of the
1835 order of £500 million, which Members opposite have approved.

If the hon. Member is saying that their philosophy would be that if we have to use more of the money that we are borrowing in order to make sure that a company that employs 100% non-local labour is still able to do it here and bring everything from its country of origin and not
1840 buy anything at all here – which is what happens now – then I beg to differ. That is not the policy that I think is in Gibraltar's interest. I think the policy in Gibraltar's interest is that we become very competitive and that we are able to do something here which we can then sell to others. That is not something that any other construction company is trying to do. What they are doing is coming here from outside and selling what they have got in their country to us. I want to reverse that direction.

1845

Mr Speaker: One final supplementary.

Hon. D A Feetham: Thank you very much, Mr Speaker.

1850 With respect to the hon. Gentleman, I do not think that it is quite as simple as the hon. Gentleman has explained in his answers. (*Interjection*) No, his analysis is not as simple.

You do have local construction companies. You have got people like ProFit and you have got people like Sharrock Shand operating here for many years, and essentially the hon. Gentleman in all his answers has said 'I think that over four years the Government could keep to its initial
1855 projections for economic growth', and a large part of that, presumably at the heart of it is going to be this venture that the Government is now proposing.

The way that that would work, if you actually put those two points together, is that effectively Government contracts are going to be going out to this particular company, of which

of course the Government is a shareholder. That is going to have an inevitable impact on everybody else in the market.

1860 We are here to ask the questions. I have not said whether it is right or wrong; I just want to understand whether the Government has actually thought about the impact that it may have on local construction companies and perhaps if there is any way in which one can fit his vision with keeping those existing operators, some of whom are Gibraltarians, active in a market that has always been very dominated by Government work.

1865 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government does not think that any such issue arises. The Government already owns not 50% but 100% of a construction company, GJBS, which originated in the late 1980s and was successful throughout the period of the first GSLP administration, the GSD administration and continues to be successful. This is a 50% ownership of the Government – not 100%, a 50% ownership of the Government – and in an entity that has succeeded in respect of private sector work, just as GJBS has in the past. Both GJBS and the partner of the Government in this entity have not been subject to any rulings on state aid by the European Union, so the Government is confident that none of the issues of the hon. Gentleman arise, that competition is not distorted in any way and that therefore there are no issues of concern at all.

1875 **Hon. K Azopardi:** Mr Speaker, can I just ask a supplementary on the other question, if I may – the one on the figures? The hon. Member I think said, if I took a note accurately, that the cash reserve on 1st March was £48.3 million and on 1st April was £24.3 million – in effect half, 50% down. Can the hon. Member assist us in explaining why that is? Is that related in some way to the pandemic expenditure, or is it related to something else; and, if so, what?

1885 **Hon. Sir J J Bossano:** Mr Speaker, the position with the cash, as I explained before, is that ... You are asking for a figure on a particular day. When companies pay their taxes, we have months – as no doubt they will see when they get the figures that they have been promised – when the income from company tax is £2 million or £3 million and there will be months when the income from income tax is £40 million. There are months when big bills come in from finishing construction projects and there are months when they do not. The figure is the figure on 1st April. If you asked me what was the figure on 2nd April or at the end of March, it would be a different figure. What is being provided is just a snapshot of a particular day. The reality is that it tends to go up and down depending on whether in a particular month we have received a lot of bills and paid them or we have sent out a lot of invoices and been paid, like any other business.

1890 I just get this figure from the Treasury and I give it to him, but I would not be able to give him a breakdown of how this is made up because this is not something that I have. It does not mean anything. The reality of it is that normally, when the year finishes in March, a lot of things happen in the last month when people are under a great deal of pressure perhaps to collect payments and so forth. The fact that we changed the date may have removed some of that pressure and may have had some impact on this, but that is the only thing that I can think of to have some explanation for the figure. When people know the financial year is about to end, then everybody has got to square their Departments and everybody tries to make sure that if they have got money pending they make an effort to get the money in. Maybe there has been less of an effort this year because in fact the financial year was not closing and will not close until September.

1905 **Mr Speaker:** Next question.

Hon. Chief Minister: Mr Speaker, in the knowledge of the fact that you have been in that chair now for almost three hours and hon. Members and Members of the Government have

1910 been dealing with issues now for almost three hours without a break, can I propose that the House should enjoy a short recess of 25 minutes or so and return at 6.30?

Mr Speaker: The House will now recess for 25 minutes.

The House recessed at 5.55 p.m. and resumed its sitting at 6.30 p.m.

Q263/2020
State pension age –
Inequality

1915 **Clerk:** We resume with questions to the Hon. the Minister for Education, Employment, Utilities and the Port. We commence with Question 263 and the questioner is the Hon. D A Feetham.

1920 **Hon. D A Feetham:** Mr Speaker, does the Government agree that the inequality in ages between men and women as to when they can claim their state pension is not justified?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

1925 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the difference in the age at which men and women can claim a statutory pension is as provided in the legislation and as has been the case since the legislation was introduced in 1954. Whether this difference is or has ever been justified is a value judgement.

1930 The Government's view is that it is as justified or not justified now as it was during the 15 years of the GSD administration, or for that matter any other administration since it was introduced. The Government has made clear in earlier statements already that its policy is to address the issue after Gibraltar leaves the EU at the end of the transition. We have, indeed, provided for this in three successive, successful general election manifestos.

1935 I am pleased to see that the hon. Member seems to be a late convert to the issue, despite not having been recorded as having raised this issue in the years he held office as a Government Minister.

1940 **Hon. D A Feetham:** Mr Speaker, in that roving answer that he has given referring to the 16 years of GSD Government I was wondering when he was going to get to the fact that it has been a manifesto commitment in the last three elections, because one would have thought that really they were very non-committal about this and that it was all our fault yet again.

1945 On the basis that the Hon. the Chief Minister has said that for the GSLP now means now, in this context what does 'now' mean? When does the Government intend to address this inequality?

1950 **Hon. G H Licudi:** Mr Speaker, the hon. Member talks about the answer that I have given, and I have said that precisely in the answer that I have given. I will repeat what I have said: the Government has made clear in earlier statements already that its policy is to address the issue after Gibraltar leaves the EU at the end of the transition.

1955 **Hon. D A Feetham:** Yes, Mr Speaker, but it has been Government policy going back to 2011. It is now 2020 and still nothing has been done about it. Therefore, may I ask the hon. Gentleman in those circumstances – a more than justified question from me – to be more specific about that? And how soon after we leave does the Government intend to address this blatant inequality?

1955 **Hon. G H Licudi:** Mr Speaker, as the hon. Member says, what has happened in the past has happened in the past and what happens now is what happens now. The position now is that this matter will be addressed when Gibraltar leaves at the end of the transition. There are negotiations taking place. There are discussions taking place within the Government as to how this needs to be done, and this needs to be shaped having regard to what the shape of Gibraltar generally and this kind of issue is after the end of the transition at the end of this year, or perhaps later if there is an extension to the transition.

1960 If the hon. Member wants a date I cannot give him a date, but it will certainly happen after Gibraltar leaves the EU at the end of the transition.

1965 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman talks about shapes. Perhaps he can be a bit more specific with the shape of Government policy in relation to this. Does the Government intend to increase the age of women to make it equivalent to men, or does the Government intend to bring men down to the age for women?

Hon. G H Licudi: Mr Speaker, what we normally say in these cases is the hon. Member will know when an announcement is made.

1970 In relation to what we have said in the manifesto, we have said that this is intrinsically linked to Brexit and the date of withdrawal from the EU. We now know the date of withdrawal but we know there is a transition – or rather the date of withdrawal has passed already, we are now in transition and we do not know how long that transition will last. At the very least it will last until the end of this year. And then we go on to say in the manifesto:

In order to achieve the best equality policies we will consult with all stakeholder groups.

1975 So, once the Government does that relevant consultation with all stakeholder groups it will take a decision and it will announce the decision when it is ready to do so.

1980 **Hon. D A Feetham:** But again I must press him. Given that this is a consultation exercise that has been in the making for the last 10 years – because it was a manifesto commitment in 2011 and we are now at 2020 – surely the Government must have an idea in its own mind as to whether it intends to increase for women to equalise at the position of men or bring men down to the position of women. The Government must have a tentative view at least in relation to that.

1985 **Hon. G H Licudi:** Mr Speaker, that is exactly the same question that the hon. Member has asked previously in the supplementary. If the hon. Member wants to get up 20 times and ask the same supplementary, I am happy to get up again 20 times and give him the same answer: we will address this matter when Gibraltar leaves the EU at the end of the transition period, and in doing so and in addressing this matter we will consult with all relevant stakeholder groups.

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Mr Speaker: Next question.

Q264/2020
Flight arrivals –

Breakdown of numbers; expected continuation of arrangement with British Airways

1995 **Clerk:** Question 264, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Aviation state how many flights have arrived in Gibraltar, broken down for the months of March, April and May this year to date, stating how many of those were private jets?

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Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 265/2020.

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Clerk: Question 265, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Aviation state for how long he expects the current arrangements with British Airways to continue?

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Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Hon. G H Licudi: Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Q265/2020

2015

The flight arrivals for the months of March, April and May are as follows:

MONTH	SCHEDULED	PRIVATE
MARCH	86	25
APRIL	16	8
MAY (20/5/20)	12	14

The current arrangements with British Airways are presently planned to continue until 4 August.

Hon. D J Bossino: Mr Speaker, this question may be unfair for the Minister and maybe I should have asked it on the order paper, but does he have a comparative figure for the same period last year? Particularly in relation to the private jets, the numbers seem quite high at first glance. The reason why I ask that is simply anecdotal evidence that I have seen and people have reported to me the amount of activity that they have witnessed in relation to flight arrivals and departures with that particular carrier.

2020

Hon. G H Licudi: Mr Speaker, I was in fact looking for the answer, which I should have here ... The hon. Member will have seen the number of, in particular, private jets going down in April and May, and that is to be expected. If the hon. Member wants to know the number of private jets, I can give him the figures for general aviation, which includes private jets and light aircraft and not the scheduled. In April 2019 it was 30, and in May 2019 it was 47.

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Hon. D J Bossino: In relation to the answer which he has given in connection with the British Airways question, is he able to provide across the floor of the House the expected cost of that to 4th August when the arrangements finish?

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Chief Minister (Hon. F R Picardo): Mr Speaker, we have already answered that that is information which we are not at liberty to disclose. We have discussed it with the Hon. the Leader of the Opposition and Mr Clinton and I am happy to discuss it with him, behind the Speaker's Chair, but on the basis that it has to remain confidential because it is commercially sensitive to the airline – not to the Government, but they require that that amount should be kept in confidence. It was cleared for state aid purposes but it still is commercially confidential.

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Hon. D J Bossino: Yes, thank you, I will accept that answer.

2040 Is the Minister able to elucidate to the House as to why 4th August – why the arrangements are finishing on that date, not earlier and not later?

Hon. G H Licudi: Mr Speaker, from memory it was originally for two months and then extended for a further two months. The Minister for Business will confirm that that is the case.
2045 That is precisely what happened. I believe we made the arrangement for two months and then it has been extended for a further two months, yes.

Hon. K Azopardi: Can the Minister perhaps assist? Given the answer of his hon. colleague a few minutes ago, before the recess, that the idea that easyJet might fly to Gibraltar... they have
2050 not taken a decision – perhaps not until July at the earliest, I think was the answer that he gave. In the context of that, would the Government look to renew this arrangement with British Airways for a further period of months?

Hon. G H Licudi: Mr Speaker, clearly the Government would like to see flights between the
2055 UK and Gibraltar continue. One possibility is easyJet, but that we will not know possibly until July. We will certainly keep our options open and see what the state of play is nearer the date before a final decision is taken.

Q266/2020

**Vessel arrivals in the port –
Numbers and reasons for call**

Clerk: Question 266, the Hon. D J Bossino.

2060 **Hon. D J Bossino:** Can the Minister for the Port state how many vessels have called in the port for the months of March, April and May, with details of the reason for each call?

Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2065 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand to him.

Answer to Q266/2020

The number of vessels which have called into the port for the months of March, April and May are as follows:-

REASON FOR CALL (PRIMARY PURPOSE)	MARCH	APRIL	MAY (AS AT 20.5.20)
Bunkers	409	440	284
Cruise	1	0	0
Cargo	5	8	3
Repairs	1	0	1
Other*	172	157	105
OPLs	112	76	23

* Other

Other : comprises : cargo sampling, change of schedule, charts, crew changes, adverse weather, arrested vessels, bunker surveys, change of name, class survey, compass adjusting, debunkers, gas free certification, ferry calls, laid up, lub oil delivery and receipt, medical assistance, MOD movements, owners change, pratique notes, recovery of lost anchor, sea trials, slops discharge, STS operations, towing, underwater cleaning - inspection and survey, waste discharge and delivery, yacht loading and unloading and visits, containers loading and unloading, fenders delivery/discharge, detention, eastern anchorage awaiting berth/STS, flag change, garbage discharge, gyro repairs, hold inspection, land survivors, provisions, PSC inspection, radio repairs, rocks unloading/loading, shelter, spares, station, stores, surveyor/technician transfer, tender service, under tow, underwater inspection/survey, vehicle loading/unloading, waiting orders, water receipt.

Q267/2020

Education –

Plans for increasing online provision

Clerk: Question 267, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Given that so many children will not be returning to school until the autumn term, what are the Government's plans for stepping up children's education online beyond the home learning programme put into place in the early stages of the lockdown?

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Clerk: Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Mr Speaker, the arrangements we have made in respect of education have been the subject of advice from educational professionals in the Department of Education and from the teachers' union, with whom we have been working closely.

2080

Home learning will continue for students in the year groups that do not return to school during this term and those in year groups that do return but who have been advised that they should remain at home for medical reasons. The principal goal for our home learning programme is to provide children with a familiar structure and sense of purpose to support emotional well-being, while also reinforcing key skills without the need to follow the curriculum. The provision has been designed using positive psychology principles and the PERMAH model of well-being, which emphasises positive emotions, engagement, relationships, meaning, accomplishment and health. Our decision to pursue home learning in the manner we have done arises from these key principles.

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We have recognised that we are in an unprecedented situation and the reality of some households may not be conducive to enabling children to complete many of the tasks set. The last thing we have wanted to do is to add stress to these households or to make the children feel anxious about whether or not they complete a task or whether they are keeping up with their

2095 peers. There will be no penalty or disadvantage if children are unable to complete the tasks and activities suggested. We understand that some children will also be less able to complete the activities outside of the school environment. Children who are less able to learn independently may not have the parental input to help them with their work.

2100 All tasks and activities have been designed to add value to the development of the children's skills, to their knowledge and to their understanding. However, we have endeavoured to carefully balance progress with the reality of their situation at home, the fact that the method of delivery is not that of a classroom environment and there are less opportunities for children to check in with their teachers, ask questions, clarify their understanding, etc. There are consequently more opportunities for children's misconceptions and areas of doubt and insecurity to grow.

2105 Our aim has been to make the home learning programme valuable and provide all who engage with the provision with activities that move them forward in their learning and enable them to make progress.

2110 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for his substantial answer and also I take this opportunity to thank him for the series of interchanges we have had on email, where he has been very forthcoming with information, but if I may just ask him a couple of supplementaries here.

2115 He quite rightly says that he does not want households to feel stress about the fact that some children may be taking to this programme more or less than others because perhaps they have less or more resources, but can I ask, instead of in a punitive sort of way, just to have an idea of where the students are at, is the Department of Education keeping stats on online attendance to monitor any future gaps in individual students' progress in terms of their education for when the time comes and they sit back in school, to know who needs perhaps more or less attention?

2120 **Hon. G H Licudi:** Mr Speaker, I do not have the particular figures that the hon. Member refers to, but certainly the schools are aware of the number of children and have been monitoring the number of children that have been engaging with the home learning programme, both at primary level and at secondary level.

2125 The hon. Member may recall – I believe it was when answering a question from Mr Reyes – that I gave some details about the engagement of the teachers with children and in particular following up with children who were not engaging perhaps with the home learning programme, and therefore they are keeping tabs of those so that they can follow up and find out what the issues and the problems might be and provide support whenever that support is necessary or required. So, yes, there has been that level of engagement between the schools and the students.

2130 **Hon. Ms M D Hassan Nahon:** Thank you for that answer, Mr Speaker.

2135 Can I ask the hon. Member, because a lot of people ask me: we are living in a moment where Zoom is taking a lot of priority in online meetings all around the world, and what exactly has stopped the Department of Education from putting Zoom as a mechanism during this crisis when even countries like Italy, which has been brought down to its knees, has actually managed to continue school education through measures like Zoom?

2140 **Hon. G H Licudi:** Mr Speaker, the Department of Education, in conjunction with discussions with senior leadership teams of the schools in particular – and they will also have had discussions with the teachers' union as to the input of teachers and what was required of teachers – considered what the best way of achieving this home learning programme would be.

2145 The view was taken that the Seesaw platform seemed to provide a very adequate and good platform for children of primary school age, and in fact the feedback on that has been very encouraging with the level of engagement by the children and the way the children have

enjoyed the activities carried out on the Seesaw platform. A different platform has been used in the secondary schools, where teachers already had an online platform in which to provide material and assistance to students.

2150 It is a matter of judgement and a fine balancing act. What the schools have not tried to do is replicate the classroom environment. They felt that would have been impossible because the level of support that is needed when you engage with children at the classroom level is very different to what you can provide to children whether it is on Zoom or in any other kind of home learning programme. The schools and the Department have been very aware of the very trying circumstances in which we have lived over the last few months with children at home, and not
2155 being able to replicate the classroom ... With the curriculum having been paused, there is in fact a limit, as I have explained in the answer, as to how much you can expect children to achieve, particularly because some children are good independent learners and others may not be. We specifically took the decision that we did not want to put in place anything that would disadvantage children who may not have the support, who were not in a classroom and may not
2160 be able to work to the same level as their peers.

It is a balancing act that has been done. The view that has been taken is that what has been provided is the best that could be afforded in the circumstances, and the feedback I have had from all the schools is certainly positive.

2165 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you for that answer. Just one last supplementary. The hon. Member talks about feedback. Can I ask him: have parents been consulted to provide feedback in case we have another lockdown? We talk about children being supported and all that, but have we had a parent survey or have parents been invited to provide this feedback, which I think would be very useful moving forward?

2170 **Hon. G H Licudi:** We certainly have not had a survey. We certainly have had contact. Some teachers have had contact with parents where there have been areas of concern.

Should we do a survey to find out how this has gone, in case we need it for the future? Perhaps, but this is part, perhaps, of the post-mortem, if I can use that phrase, as to what has
2175 happened during lockdown generally, not just in relation to schools but how we have performed in all the areas where we have taken decisions in relation to lockdown. I am grateful to the hon. Member for the suggestion and this is certainly something that we will take into account.

2180 **Hon. K Azopardi:** Can I also urge the Minister to use the summer months to perhaps reflect not just on that, on how it has gone so far, but also to come up with contingency ideas in case the situation were to get worse, which would justify some kind of restrictive attendance in the future ... that allows the Education Department to ramp up the rollout of online educational learning in the autumn, if that were *in extremis* necessary?

2185 **Hon. G H Licudi:** Mr Speaker, yes, these are arrangements which were put together in great haste and were put together in fact very well. There was very little time in order to make sure that we made the provision available from the decision. I certainly remember all the meetings we were having on a daily basis in March and into the second part of March, and things were moving literally from one day to the other. We were having meetings deciding to keep schools
2190 open, then things were changing and we decided to close the schools as from the following Monday, and very quickly we put together a series of programmes to support children who would not be attending schools.

Will there be lessons to be learned? Of course there will be lessons to be learned, and these are all matters that we will consider in the hopefully unlikely event – that we all desire should
2195 never happen – that we should have some kind of lockdown keeping children away from school again. There will necessarily have been lessons to be learned from our experience in the last couple of months and how we can do things better, but I have nothing but praise for everyone at

2200 the Department and in the schools for the way they have handled this and the way they have, as we have said on many occasions, really stepped up to the mark to make this possible for children in a very short period of time.

Mr Speaker: Next question.

Q268/2020
Assessed exam grades –
Support and appeal mechanism for year 11 and 13 students

Clerk: Question 268, the Hon. Ms M D Hassan Nahon.

2205 **Hon. Ms M D Hassan Nahon:** Many year 11 and 13 students feel lost in the current situation. What support is to be given to year 11 and year 13 children in terms of their assessed exam grades and in terms of appeal mechanisms should they feel those grades are not truly reflective of their work or abilities?

2210 **Clerk:** Answer, the Hon. the Minister for Education, Employment, Utilities and the Port.

2215 **Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi):** Mr Speaker, all the information provided by Ofqual with regard to the awarding of centre assessment grades has been made available to students in order to support them in understanding the process. Students receiving exam grades this summer will be supported in the same manner as previous cohorts in understanding the appeals process whilst guiding them through the next stages of their educational journey.

2220 Once there is a final decision in the UK on what the autumn exam series looks like we will be in a better position to assess whether or not students will require additional support for the purposes of these resits. Until we have a concrete idea of what this exam series entails and what content it will cover with respect to individual specifications, it will be difficult to put any measure in place.

2225 Possible support strategies have been discussed and considered. Once we have clarity regarding what the process post the release of results will look like, we will be better placed to draw up a programme to support students.

The process for awarding centre assessment grades within our schools has been extremely robust. The Department of Education is satisfied that the process being followed is fair and objective and one which will result in students receiving grades which reflect the ability that they have demonstrated whilst following their courses.

2230 As always, our staff is available to students and will continue to be on hand via schools' educational platforms and other communication channels to answer questions, listen to concerns and guide students in the best and most appropriate manner possible. Students should know that they are not alone and that school staff will support them throughout the various stages of this process.

JUSTICE, MULTICULTURALISM, EQUALITY AND COMMUNITY AFFAIRS

Q283/2020

COVID-19 related arrests –

Number since introduction of lockdown measures

2235 **Clerk:** We now move to questions to the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs. We begin at Question 283 and the questioner is the Hon. D A Feetham.

2240 **Hon. D A Feetham:** Mr Speaker, how many COVID-19 related arrests have there been since the Government introduced its COVID-19 lockdown measures?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2245 **Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, during the period 22nd March 2020 to 20th May 2020 the RGP has so far arrested 173 individuals.

2250 **Hon. D A Feetham:** I appreciate this could have been the subject of a separate question and if she does not, I will not press, but does the hon. Lady also have figures in relation to the report process rather than arrests?

2255 **Hon. Miss S J Sacramento:** Mr Speaker, if this helps the hon. Gentleman, I know that 79 of those arrested have been charged for court and five of those have been cautioned. Mr Speaker, 75 of those who have been arrested are currently on police bail.

Q189/2020

Juveniles –

Number imprisoned in 2018-19

Clerk: Question 189, the Hon. Ms M D Hassan Nahon.

2260 **Hon. Ms M D Hassan Nahon:** How many juveniles have been imprisoned in 2018 and 2019 as a result of either (a) being sentenced for offences or (b) kept on remand while waiting for a court hearing?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2265 **Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, sentenced in 2018 there were three, and sentenced in 2019 there were six. On remand in 2018 there were seven, and in 2019 there were 13.

2270 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I think perhaps my supplementary touches upon the following question, but I will ask it anyway.

Obviously my concern is about juveniles in prison and – not having had the Government finish providing a detention centre – their treatment and their stay, their quality of stay and the type of care they have, so I would ask the hon. Member ... I also understand that during the

2275 COVID crisis one or two, or three, underage minors had to be put in prison for some time. I understand there was a 12-year-old specifically. What type of care do they receive? And is she satisfied that these minors are getting adequate treatment in a facility that is not purpose built for this age range?

2280 **Hon. Miss S J Sacramento:** Mr Speaker, yes, I do share the hon. Lady's concern. I was not the Minister for Justice in 2018 or 2019, but I was for the last two months; but in relation to the latter part of the supplementary question – and there is another question following this, which as the hon. Lady rightly says, will touch on that matter – it is something that I am indeed very concerned about.

2285 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for her answer. With respect, I believe that she has genuine concerns about this matter, but my question has not been answered. Is she satisfied that these minors have received an adequate level of care and service, given that we are where we are and we still do not have a juvenile detention centre?

2290 **Hon. Miss S J Sacramento:** I apologise, Mr Speaker. Because the question relates to 2018 and 2019, I was not clear that the hon. Lady was asking about something that happened during the COVID period, but she has mentioned that some juveniles have been in prison during the COVID period and my answer is the same as the supplementary question before: yes, I am concerned. I will go into greater detail in the next question, which is why I did pre-empt it that way. Perhaps
2295 the hon. Lady might wish to proceed to the next question and then we can deal with everything together.

Mr Speaker: Next question.

Q190/2020
Juvenile detention centre –
Plans and progress

2300 **Clerk:** Question 190, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What are Government's plans for a juvenile detention centre and what progress has there been in this area?

2305 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the Government is committed to providing a facility for young offenders. A multi-agency working group has been set up to explore how this could best be provided, as well as exploring the best possible location for this. Plans are at an advanced stage.
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Hon. Ms M D Hassan Nahon: Mr Speaker, once again I thank the hon. Member for her answer. When she talks about plans being at an advanced stage is she confident that the centre will be completed during this legislature?
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Hon. Miss S J Sacramento: Yes.

Mr Speaker: Next question.

Q284/2020
Support for the homeless –
Plans to continue

Clerk: Question 284, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does Government have any plans to continue to support or assist the homeless, many of whom have been sheltered at the Garrison gym during the COVID-19 period; and, if so, what are these plans?

2325 Mr Speaker, just to say that obviously since I tabled this question there was a report on GBC giving us more information, and things have developed but I still look forward to hearing the answer from the hon. Member.

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

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Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, the individuals who were at the Garrison gym, which was an area designated for those with no fixed abode during the lockdown period, are not from Gibraltar and are not entitled applicants for housing. Social workers and the welfare team have been providing them support during the period that they have been there and they have also each had an offer of repatriation and additional cash offered to them to cover travel expenses and subsistence on arrival.

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2340 Mr Speaker, if I could update the House, since this question was last prepared two of those individuals who were in the Garrison gym during lockdown have since accepted the Government's offer of repatriation home and they have already left.

Hon. Ms M D Hassan Nahon: Mr Speaker, I heard that the number was 16. Can the hon. Member confirm whether this is correct?

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Hon. Miss S J Sacramento: Mr Speaker, from my information I have 14 and a maximum of 14 during this period.

Hon. Ms M D Hassan Nahon: Mr Speaker, regardless of the fact that all these people, it seems, are not Gibraltarian, if they have been living in Gibraltar is there nothing we can do in a humanitarian spirit to provide some kind of middle-of-the-road assistance in this period to provide a roof for these people until they get back on their feet? From what I understand, many of them are vulnerable. Some have mental health issues, some drug dependency issues. Is repatriation the only option that we can provide to them?

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Hon. Miss S J Sacramento: Mr Speaker, the important thing is that we have provided for them during the period of lockdown, because had we not provided a designated area, then by virtue of being homeless they would have been in breach of the lockdown measures. Not only did we do that but in addition to providing an area for them they have at all times been provided with food and with welfare, ranging from medical attendances to being seen by social workers and counsellors.

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Beyond that, I think the Government has been extremely generous in offering repatriation to each and every one of them and, in addition, a maximum of £500 cash. This was something that was done in Canada and was very successfully taken up in Canada by people who found themselves in the same situation there.

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In addition to that, Mr Speaker, yes, we have a hostel. The hostel has a long waiting list for people who are entitled to housing in Gibraltar. We all know that we have a housing problem in

2370 Gibraltar because there are always waiting lists for people who are entitled. Because these individuals are not entitled to housing ... The hon. Lady is right that you may acquire an entitlement to housing by virtue of how long you have been here if you are not Gibraltarian by origin. Nevertheless these individuals still have to meet other criteria and they do not meet the criteria for eligibility for housing. It is for that reason that we have offered them a generous offer of repatriation so that they can go to their country of origin, where they will then be entitled to benefits in that country.

2375 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can, one last supplementary – and I thank the hon. Lady for her answer. Are we saying that if all these people who went and stayed at the Garrison gym were foreign nationals, effectively, are we saying that there were no Gibraltarians who were actually homeless and needed a shelter over the ...? Did the fact that there were no Gibraltarians needing shelter over the COVID period imply that we actually do not have a
2380 homeless problem, because everybody was a foreign national? Or did we have any Gibraltarians at all?

Hon. Miss S J Sacramento: Mr Speaker, this question is specifically in relation to the Garrison gym. There was one individual who is from Gibraltar but not entitled to housing in Gibraltar, but
2385 everybody else was not Gibraltarian and therefore had no entitlement. This question is limited to those in the Garrison gym.

Hon. K Azopardi: Can I ask the Minister: apart from that individual she has just spoken about, in terms of the Garrison gym, the 14 other individuals ... I think 13 others ... I thought the
2390 Minister had mentioned the number of 14 in relation to the Garrison gym, but that is a global figure. So, in respect of the other 13, they were foreign nationals, as I understood from the answer. Are these people who found themselves in Gibraltar at the time that the lockdown was imposed? Or were they people who both had been recent arrivals but also some of them might have been longer-term arrivals that the Government might not have been aware were
2395 homeless, but when lockdown was imposed it became obvious that they were homeless?

Hon. Miss S J Sacramento: Mr Speaker, in relation to 13 it was a combination of various situations. Some people had been in Gibraltar squatting more long term, some people had been
2400 in Spain and came over to Gibraltar at the time of the lockdown thinking that we might probably be more generous here than over the border, and other people appeared, quite frankly. We understood that there were some people who were squatting around Gibraltar but this has shown us that there were more people than we expected, because not everyone came to the Garrison gym on the same day. People were referred to the Garrison gym mainly by the Royal Gibraltar Police to make sure that we had a safe space for them.

Questions for Written Answer

2405 **Clerk:** Answers to Written Questions.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W63/2020 to W76/2020 inclusive.

2410 **Mr Speaker:** Ordered to lie.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now adjourn *sine die*.

Mr Speaker: I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.
2415 The House will now adjourn sine die.

The House adjourned at 7.15 p.m.