



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.33 p.m. – 5.50 p.m.**

**Gibraltar, Friday, 15th September 2017**

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# The Gibraltar Parliament

*The Parliament met at 3.33 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 10th, 17th, 29th and 30th March, and 21st, 22nd, 26th, 27th, 28th and 29th June, and 12th and 26th July 2017.

5

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

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

### Display of new Mace and polished stalactite

**Clerk:** (iii) Communications from the Chair.

10 **Mr Speaker:** Hon. Members, I think that it is appropriate that I should draw attention to and highlight that at this meeting of Parliament, just five days after the celebration of the 50th anniversary of the 1967 Referendum, we have on display and are using for the first time the beautiful new Mace. 2017 is a very auspicious year in Gibraltar's history and the new Mace commemorates in a most tangible manner both this 50th anniversary and the bicentenary of this building. The Mace has two dates engraved on it – 1951, when the first Legislative Council  
15 was inaugurated by Prince Philip on behalf of His Majesty King George VI, and 2017 – together with the cyphers 'EIR', in lieu of 'GVIR' as in the case of the old Mace.

We are also displaying here in Parliament, for the first time in its new home, the other half of the polished stalactite presented by the late Mr Speaker, Sir Robert Peliza, to Madam Speaker Betty Boothroyd in 1994. I am reliably informed that it is prominently displayed in Mr Speaker's  
20 house in Westminster. This other half had been on display in the Gibraltar Museum since then. Engraved on both halves in letters of gold is the preamble to the 1969 Gibraltar Constitution, in itself a direct consequence of the 1967 Referendum. (*Banging on desks*)

I call the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I say that I think that this is an entirely appropriate way to have commemorated the 200th anniversary of the erection of this building, but also, in particular, a way of representing the importance of this Parliament and its history in the Mace. In 1951 we were not a Parliament, but it is right that we show the longevity and the stability that democracy in Gibraltar has enjoyed in the way that we now have a Mace with us that shows the progress from the time of George V to the time of Queen Elizabeth II. It is quite something to think that Her Majesty the Queen has already become the longest-serving British monarch and that the Mace in this place did not have her initials on it but her distinguished father's initials on it.

If I may say so, Mr Speaker, I think that is an entirely fitting way of ensuring that the 200th anniversary of the building in which the Parliament finds itself is commemorated, as is your initiative, if I may say so, of displaying the other half of the stalactite with the preamble of the Constitution in a prominent place in the Chamber. I think that will be a fitting reminder that the sovereignty of Gibraltar is in effect in its people and this is the place of debate and democracy of its people.

So the Government entirely associates itself with the things that Mr Speaker has said about the new Mace and the display of the stalactite, and thanks Mr Speaker for having the idea of displaying the stalactite in this place and entirely supports that it should stay there for as long as Parliament is sitting.

**Mr Speaker:** Before I call on the Hon. Roy Clinton, the Leader of the Opposition, may I take this opportunity on behalf of all of us to wish you a very happy birthday. (*Banging on desks*)

**Hon. R M Clinton:** Thank you, Mr Speaker. Thank you, colleagues. Yes, it is an auspicious year for Gibraltar and myself: 50 years old and who would know it!

Referring to the Mace, far from being a 'fool's bauble', as Oliver Cromwell famously referred to it in 1653, the Mace is really instead a symbol of royal authority and without its presence in this House we could not pass legislation. The Mace is indeed a common and endearing ... enduring feature as well as endearing feature and tradition of parliaments of the Commonwealth and beyond. It has been the focus of protest – from the famous Michael Heseltine seizing and winging of the Mace in 1976 to perhaps the less well known chucking out of the window of the Mace in the Bahamas in 1965, at which point business really had to be suspended. Fortunately, in this Chamber we have no windows, and from our seated positions we would truly have to be athletic to grab the Mace – God forbid!

On a serious note, Mr Speaker, I really must congratulate the firm of Thomas Fattorini, and of course the Clerk, for a very well executed and beautiful Mace.

Mr Speaker, it is not just gilt metal but really represents the heart and the soul of this Parliament and the constitutional rights the people of Gibraltar have indeed fought long and hard for. I trust this Mace will grace this Parliament for at least the next hundred years, long after all of us have departed this Chamber.

Thank you, Mr Speaker.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, this year has indeed been an auspicious one for our community, not least in regard to the 50th anniversary of the 1967 sovereignty Referendum. The Referendum generation voted for freedom over fascism, democracy over dictatorship and strength over submission. That historic vote left an indelible mark on our narrative and was a pivotal step in our development of further civil autonomy as the British Gibraltarian people, and one of those more tangible links to Britain is the Mace, without which this Parliament could not meet.

75 In 1976, as the hon. Gentleman the Leader of the Opposition has just mentioned, the  
Conservative MP Michael Heseltine seized the Mace from its table and held it aloft while those  
on the opposite bench sang the Labour anthem *The Red Flag*. I can assure the House, Mr  
Speaker, that I will attempt to do no such thing, unless perhaps the learned Members opposite  
begin to sing *Time for Change*! Just over 10 years later, Labour MP Ron Brown picked up the  
80 ceremonial Mace and smashed it to the floor in protest of the poll tax. Again, I have not read any  
indication of a poll tax on the Order Paper, so Members can rest assured that I shall not threaten  
them with a Mace duel!

This Mace lies before us in the middle of this place, occupying the space between the  
Government and Opposition benches. This Parliament can often appear to be a place of  
85 frustration and division to levels that are deemed unnecessary by some of our bosses, the  
people of Gibraltar. Let the presentation of the new Mace be a symbolic reminder of our duties  
as Members of this House: the steadfast defence of Gibraltar's interests both inside and outside  
the House; upholding the values of equality, justice and tolerance; and always working together  
in a constructive manner for the benefit of the entire community.

90 Thank you.

#### PAPERS TO BE LAID

**Clerk:** (iv) Petitions; (v) Announcements. (vi) Papers to be laid – the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the  
Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2017.

95

**Mr Speaker:** Ordered to lie.

I myself have the honour to report that, in accordance with Standing Order 12(3), the  
Ombudsman's Annual Report for the year ending 31st December 2016 has been submitted to  
Parliament and I now rule that it has been laid on the table.

#### Gibraltar aid to British Overseas Territories in the Caribbean

100

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to start today's proceedings by pausing  
for a moment to address the damage done to the British Overseas Territories in the Caribbean  
105 by Hurricane Irma. In doing so, we will not want to ignore in this House the damage done to the  
rest of the nations in the Caribbean that have suffered devastation in the storm, and indeed to  
the United States.

The destruction of some of the British islands has been unprecedented. We have all seen on  
our television screens those terrible images. A new challenge now arises in order to keep the  
110 people of the BVI, Turks and Caicos and Anguilla safe and healthy. A relief effort has already  
been launched by air from London and a lot of the immediately necessary supplies are being  
flown into the region. In addition, the fleet flagship of the Royal Navy *HMS Ocean* has been  
deployed, as hon. Members will know. *Ocean's* tasking has changed from a Mediterranean one  
to an Atlantic one. For the Royal Navy the perfect staging post for such a rerouting has, for over  
115 300 years, been Gibraltar, and for that reason last weekend we saw *HMS Diamond* and *HMS  
Ocean* passing the baton of their respective taskings between them here in Gibraltar, the home  
of the Royal Navy in the Mediterranean.

Mr Speaker, the people of the Overseas Territories enjoy a singular partnership. We meet and collaborate regularly in a political group known as the UKOTA, the United Kingdom Overseas Territories Association. We also meet regularly together with UK Ministers as a Joint Ministerial Council each year in London, and before that at a pre-JMC meeting in preparation for that annual event. There are many similarities in the constitutional issues facing all the Overseas Territories. We may be at different stages in our constitutional development in some respects and there are many differences between us also, but the similarities make us kin in many respects.

Mr Speaker, many will recall that the pre-JMC meeting of UKOTA was held in Gibraltar in 2014 and I have a close relationship, together with the Deputy Chief Minister and the Minister for the Environment, with many of the chief ministers and premiers of the OTs and have been in touch with those who have suffered the worst of the devastation through their London representatives in the past days. The Captain of *HMS Ocean* and the governments of the Overseas Territories have been very clear in their praise for the donations that the people of Gibraltar have been able to make at short notice in respect of the call for support for these territories.

The work to be done now in these territories is reconstruction work. For that reason, through the Housing Works Agency, particularly with the collaboration of the Minister for Housing, Miss Sacramento, and GJBS, we have supplied all building materials that were surplus to our immediate requirements to go aboard *Ocean* to these territories in the Caribbean. That amounted to 14 pallets of building materials. The Gibraltar Health Authority, with the assistance of the Hon. Minister for Health, Mr Costa, has been able to supply 12 pallets of much needed medical supplies. We have also been able to supply 10 Ssangyong 4x4 pickup trucks, and, given the nature of the terrain to be negotiated whilst the reconstruction effort is underway, I am told that these are going to be very welcome indeed. Indeed, the Captain of *HMS Ocean* was emphatic when he told me that they were going to be the last thing into *Ocean's* massive hold as they would likely be the first thing out.

The donations made from Gibraltar by entities beyond the Government have been no less generous. Today, Mike Walliker, the Commander of British Forces in Gibraltar, set out the full list of additional materials provided in a letter of thanks to the people of Gibraltar published in *Panorama*. In addition to the donations from the Government of Gibraltar, Morrisons matched the purchases of the MoD with a donation of their own. All of Gibraltar's other merchants offered significant discounts to *Ocean* as she purchased much needed items to take to the Caribbean. Monsignor Paul Bear and Frank Bado organised the delivery of four pallets of clothes, including new clothing donated by the management of Marks and Spencer. The First 4th Gibraltar Scouts Group donated 16 pallets of clothes and some mobile phones. Portman Ltd sourced *Ocean's* last-minute requirements. Nats, Gib Air, Gib Oil and the AFRS supported at the airfield. Locally employed civilians from across the MoD worked tirelessly at short notice to achieve the turnaround that *Ocean* needed in order to get going quickly to the Caribbean, and Interserve, Gib Dock, Customs, the Royal Gibraltar Police, the Royal Gibraltar Regiment, the GDP and DGS enabled the logistics effort to progress everything as smoothly as it did. The St John Ambulance Association was also very helpful. Of course, Mr Speaker, that list will not be exhaustive and there will be many more who have helped and who we have left out in the list that the Commander of British Forces sent to *Panorama* in his letter and that I have set out here today.

Mr Speaker, Gibraltar has, as usual, been done proud by the efforts of its people to assist others in their time of need and has of course once again displayed the strategic significance of Gibraltar for the Royal Navy whenever it needs to quickly rearrange a tasking.

The work to be done in the Overseas Territories of the Caribbean is not immediate work; it is work that is going to take many months indeed, in some instances years, and if there is anything else that Gibraltar can do in this immediate hour of need of the British people of the British

170 Overseas Territories in the Caribbean, I am sure we will not be found wanting. (*Banging on desks*)

## Questions for Oral Answer

### HOUSING AND EQUALITY

Q451/2017

#### Government rental housing estates – Identified allocated parking

175 **Clerk:** (viii) We now proceed to Answers to Oral Questions. We commence with Question 451/2017. The questioner is the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise for which Government rental housing estates tenancy agreements include identified allocated parking?

180 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, Edinburgh Estate, Chilton Court, Mid-Harbours Estate and the elderly flats at Sir William Jackson Grove.

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

In the case where there are tenants with arrears, they enter into arrears agreements and they actually have allocated parking in their tenancy agreements, does she consider it correct that they should have their parking revoked when they have entered into an arrears agreement and are currently up to date on their rent payments?

190

**Hon. Miss S J Sacramento:** Mr Speaker, before I answer the supplementary, I wish to remind the Members opposite of their premise when we commenced the exercise on the recovery of arrears, where they were actually encouraging us to evict people from their homes. So let me start off by reminding them of that, where they were asking whether we would be evicting people and indeed encouraging us to do so.

195

The answer to the supplementary question is yes, because the policy of the Government is that people who are in arrears should not be entitled to benefits which are seen as luxuries. The distinction is drawn between someone's dwelling and everything else – everything else being parking, on the basis that one can afford a car and therefore one should be able to afford a parking space, sheds or berths for boats in the small boats marina.

200

A separate issue is whether in certain estates parking spaces are included in tenancy agreements. In the case where they are included in the tenancy agreement it is very simple. Because the starting point is that the tenancy agreement has been breached by failure to provide rent on a timely basis as is stipulated contractually, and the ultimate power that the Housing Department has is to evict the person, which we do not – which they would want to, but we do not – then what we do is we sever the issues so that the action taken is in line with the policy of Government.

205

The policy of the Government is that we are not going to evict somebody for failure to pay rent, because that would only cause problems for the person, the family and ultimately

210 everybody else, but someone is not paying the rent on their house, therefore their parking as well, so the Government's policy is that anything beyond the tenancy will not be entertained.

**Hon. R M Clinton:** Mr Speaker, if I can just pause on her last words 'anything beyond the tenancy will not be entertained', in this case does she not accept that these tenancy agreements actually include parking, and if the Government has entered into an arrears agreement and is  
215 accepting rent in future at the same rate as they were before, which included the parking, therefore the tenant will not be in breach?

**Hon. Miss S J Sacramento:** No, Mr Speaker, because they are in breach of the tenancy agreement and therefore the action taken by the Government is as a result of the breach of the  
220 tenancy agreement and the breach continues. An arrears agreement is a completely separate matter. The arrears agreement is in relation to the payment of arrears. The policy is in relation to not evicting a person from their dwelling.

On the basis of what was said, I think, on the last occasion of Parliament, where, as I recall, everybody in the Chamber was in agreement on the general principle that if somebody can  
225 afford to run a car and pay for the purchase of the car, its petrol, its insurance and its maintenance costs, then surely ... The amount of average rent in Gibraltar for Government tenancies is between £30 and £60 a month, and on that basis the policy decision was taken that if people can afford to run a car, which is a luxury, they can surely afford to pay their rent, and people cannot be subsidised by the rest of the taxpayers and all the other tenants who do pay  
230 their rent on time and people who have mortgages and pay their mortgages on time and everybody who is a taxpayer, because somebody owns a car but does not want to pay their rent.

Mr Speaker, we have been through this before. We discussed it at length at the last session and everybody was in agreement.

**Hon. R M Clinton:** Mr Speaker, the reason I have asked this specific question, for the  
235 Minister's information, is that we have come across actual instances where people are in arrears, are paying their arrears, are paying their current rent in future by direct debit, by agreement with the Government, and yet are being denied the use of their parking space which is in their tenancy agreement.

You have to distinguish these particular cases – and it is just an entirely factual question –  
240 from other estates, where there are no such allocated parking facilities, such as Laguna or Glacis or anything else. Do not get me wrong, Mr Speaker, it is not that we are against the Government collecting arrears, I do not think. All I am asking is in these particular instances where the tenancy agreement actually included an allocated parking space, from the correspondence I have seen there has been no indication that the tenancy has been revoked or any particular  
245 notice has been given to the tenant that their agreement has been revoked for a reason. They have entered in good faith with an arrears agreement prior to, may I say, the policy of collection at the moment revoking parking spaces, and now suddenly they are being told, 'Yes, we did say you had an allocated parking space; yes, you have entered into an arrears agreement; yes, you are up to date on your current rent; but no, you cannot have your parking space.' I am just trying  
250 to understand what process the Government followed for these particular estates where the tenant actually has, from what I gather, a right to the use of that parking space.

Again, Mr Speaker, it is not that I have any particular issue with the collection of arrears; it is just in these particular instances where the tenant has the parking space included in their  
255 tenancy agreement, what is the Government doing in respect of these?

I hear a sigh from across the floor, but if you are going to remove the parking space from these tenants where they are in arrears and are paying arrears in good faith, surely then you are going to adjust their rent downwards because now they no longer have a parking space which is associated with their tenancy, which they are paying for now.

260 It is a very simple question: has the Government gone through any particular process with these estates different to the others? Have they been sent any additional correspondence



different to the others in the sense that these actually in their agreements have allocated parking? It is as simple as that. I am not going into the issues of collection of arrears or anything else, as these particular estates ... What has the Government done different as regards the other estates in respect of those parking spaces? That is all.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, because the hon. Gentleman wants, of course, to run with the hares and hunt with the hounds.

Mr Speaker, there is no such thing, I think, as to entering into an arrears agreement in good faith. You enter into an arrears agreement because you have breached your original agreement, which was to pay rent for a roof over your head. So, if we are going to take about good faith and bad faith, then the starting point is that anybody in arrears has already acted in bad faith by not paying their contractual rent. That is one point, but, from everything that we have heard from the hon. Gentleman, what I think is the point he is trying to make is that people whose parking is included in the tenancy are somehow treated differently to other people in other estates whose parking is not included in the tenancy. If that is the hon. Gentleman's concern, then he can rest assured that there is no differential treatment, because in estates where the parking is not tied into the tenancy, people still need a permit to park in the estate, and if the person is in arrears they will not be granted a permit. So, if that is the question that the hon. Gentleman is asking, then he can rest assured that nobody who is in arrears will be able to avail themselves of the luxury of parking their car – which they can afford, but they cannot afford the rent – in a parking space, because they cannot do it in an estate where they have a tenancy agreement for the parking space or in other estates where they need a parking permit to do so.

So there is absolutely no distinction, Mr Speaker. The policy of the Government is that unless there are exceptional circumstances – such as people who may have disabilities or have a genuine reason for the use of the parking space for a vehicle or have a genuine reason for being in arrears, such as exceptional hardship – then everybody is, he can rest assured that everybody is being treated the same.

**Hon. D A Feetham:** Mr Speaker, may I? I rise because the hon. Gentleman, the Leader of the Opposition, brought me into several meetings where this particular issue has arisen, and I would ask the hon. Lady if she is prepared to take advice on this point: that the key issue here is whether somebody is in breach of the tenancy agreement. That is the key issue. If they are in breach of the tenancy agreement then the hon. Lady's rationale follows through and is sound. But if somebody is in breach of their tenancy agreement and then that breach is effectively ... and that dispute is compromised in an arrears agreement because the Government agrees to take x amount by way of arrears, that effectively means that that person, as long as he or she keeps to the arrears agreement, is not in breach of the tenancy. If that person is not in breach of the tenancy, then it is not open for the Government to effectively, as a matter of law, for the Government to then say, 'Well, actually, what I am doing is I am distinguishing between the tenancy and the parking,' because on these estates the parking is part of the tenancy. That is the point and I would just simply invite the hon. Lady to perhaps focus on that point and that ought to provide the hon. Lady with the answer.

**Hon. Miss S J Sacramento:** Mr Speaker, I perfectly understand the point that the hon. Gentleman is trying to make, but the hon. Gentleman also needs to understand that by virtue of the breach ... The hon. Gentleman, unlike the Hon. Mr Clinton, is taking a legal approach to this matter, and funnily enough, only an hour ago we were debating in my office the difference in approach by lawyers and accountants, so it is quite funny that we are having this as the first question this afternoon. But in any event, the Hon. Mr Feetham is taking a purely legal approach to this, and therefore the purely legal answer to that is very simple. By virtue of the breach of the original agreement, the Housing Department is perfectly entitled to stop that agreement,

sever the agreement, between the dwelling and parking, so we would end up with the same net effect of what we are actually doing now.

315

**Mr Speaker:** Next question.

**Q452/2017**

**Government housing tenants –  
Employment status**

320

**Clerk:** Question 452. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm the number of Government housing tenants currently employed in (a) the public sector, (b) the private sector; and (c) unemployed?

325

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

330

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, this is not information that the Housing Department holds. For the Government to provide the answer would require a major administrative exercise and it is not possible to undertake that in the time allowed; and it would, in any event, require a disproportionate amount of resources.

**Q453/2017**

**Government rental housing –  
Refurbishment of interiors**

**Clerk:** Question 453. The Hon. L F Llamas.

335

**Hon. L F Llamas:** Mr Speaker, does the Government intend to refurbish the interior of Government rental stock in Moorish Castle Estate, Laguna Estate and Glacis Estate as it has done with Rodney House?

**Clerk:** Answer, the Hon. the Minister for Housing and Equality.

340

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Yes, Mr Speaker.

**Hon. L F Llamas:** Mr Speaker, does the hon. Member have a time line as to when these works will be completed in each block in each phase?

345

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, but I do not have it on me. This is part of the ongoing refurbishment programme of the estates, so once the refurbishment is complete it means that everything has been completed, the external works and the internal works.

**Q454/2017**  
**Housing waiting list –**  
**Pre-December 2011 applicants**

**Clerk:** Question 454. The Hon. L F Llamas.

350 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of how many people were on the housing waiting list prior to 8th December 2011 who are yet not legally owners or proprietors of a property, including (a) the year the application was accepted and (b) the number of rooms required?

355 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Housing Department holds a waiting list for Government rental stock. It is not a waiting list for legal ownership of property.

360 **Hon. L F Llamas:** Mr Speaker, the Government obviously, when they announced the affordable housing, were basing the applications for the affordable housing on those who were on the waiting list. So is the hon. Member able to tell us how many people are still on that waiting list, prior to them coming to Government in 2011, who have yet not either been able to purchase through the private sector affordable housing, or been given a Government rental?

365 **Hon. Miss S J Sacramento:** Mr Speaker, it is a different question, because there may be people who were on the Government waiting list who purchased, because not everybody purchases, and the affordable housing estates. The hon. Gentleman is asking me for a list of apples when I only hold the list of pears. It is not that I am not trying to be helpful to the hon. Gentleman, but the question that he is asking me is not an answer that the Housing Department will have, because people are free to purchase property on the open market if they wish to.

370 **Hon. L F Llamas:** But surely those who have purchased on the open market will no longer appear on the housing waiting list. Right?

375 **Hon. Miss S J Sacramento:** No, Mr Speaker, it is the formulation of the question that does not get the hon. Gentleman to the answer that he wants. By way of the supplementary that he made, now I have maybe a better idea of the answer that he wanted, so perhaps if the hon. Gentleman is more concise in the way that he formulates the question then I may be able to provide him with the information that he wants, but at this stage the hon. Gentleman is asking me what the waiting list for ownership is. Well, I do not know, Mr Speaker, because it is not information that I could know or could reasonably know. It is just data that is impossible to reliably have.

**CULTURE, THE MEDIA, YOUTH AND SPORT**

**Q412-413/2017**  
**Victoria Stadium –**  
**Payments received; lease**

385 **Clerk:** We now proceed to Question 412 and the questioner is the Hon. R M Clinton.

390 **Hon. R M Clinton:** Mr Speaker, what payments has the Government received in the period 30th March 2017 to 31st August 2017 in respect of the announced sale of Victoria Stadium to the Gibraltar Football Association on 18th April 2017?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 413.

**Clerk:** Question 413. The Hon. R M Clinton.

395 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has signed a lease for the sale of the Victoria Stadium to the Gibraltar Football Association; and, if so, what are the terms of that lease and the counterparties?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

400 **Hon. S E Linares:** Mr Speaker, the lease has, as yet, not been signed.

**Hon. R M Clinton:** Mr Speaker, that was obviously not the answer I was expecting.

405 **Mr Speaker:** If you ask a question you should always know what the answer is going to be. *(Laughter)*

**Hon. R M Clinton:** Well, not this one, Mr Speaker! *(Laughter)* Unfortunately, I am not a lawyer, but there you go! *(Laughter)*

410 Mr Speaker, given that some time has elapsed since the announcement on 18th April, is the Minister confident that the original terms will be met as announced at that date – namely, two payments of £5 million in the financial year 2017-18 and one payment of £6.5 million in the financial year 2018-19? Does he have an idea when the lease will be signed and who the counterparties will be? And how does this affect the development of the Victoria Stadium, which is meant to be a £15 million investment by the GFA?

415 Thank you, Mr Speaker.

420 **Hon. S E Linares:** Mr Speaker, as to his former question, absolutely. As to his second question, well, if they are going to do the investment, it is up to the GFA – he should ask those questions to the GFA.

**Hon. R M Clinton:** Mr Speaker, would the Minister be able to identify who the counterparties to the lease agreement will be?

425 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if a lease has not yet been signed, then it is not possible to tell the House anything other beyond speculation as to who the parties may be. One of the things that may happen is that the GFA may decide to use what is known as an SPV, a special purpose vehicle, for the purposes of being the asset-holding company that they designate. The hon. Gentleman is asking us to speculate, and that is not a good basis on which to ask parliamentary questions.

430 I should just say, Mr Speaker, that one of the things that he has asked in his main question and which he has repeated is for an indication of the terms of the lease. Well, Mr Speaker, the lease is a public document and he can obtain a copy of it, and he should not seek that a Minister stand here and read him a public document.

435 **Hon. R M Clinton:** Mr Speaker, I am perfectly aware of the rule and, as the Chief Minister will by now know, I do do my homework and I did go to LPS – and there is no lease, as he knows, because no lease has been filed because, as he just said, there is no lease. Therefore – *(Interjection by Mr Speaker)* I beg your pardon?

440 **Hon. S E Linares:** You didn't even know about it five minutes ago?

**Hon. R M Clinton:** No, but it is entirely possible, as the lawyers in the House will tell us, that leases can be signed and not yet have been filed at LPS. There can be delays, which is why I tabled the question. Thank you, Mr Speaker.

445 **Hon. Chief Minister:** Mr Speaker, I know that he pretends to do his homework but I also know that he does not like the Rules of the House, which say that if a document is a public document he obtains it when it becomes public.

Mr Speaker, it would be impossible for anybody to persuade me that it is proper to ask a Minister to come here to read out a lease, even if a lease has been signed on a Tuesday, we have House on the Thursday and it becomes public on the Friday because that is the date that it is registered.

450 What the hon. Gentleman is doing is not his homework; what the hon. Gentleman is doing is trying to pretend to be the class pet or the class swat to ask questions just for the sake of asking them, when he knows that the information is going to be publicly available. He does it in relation to accounts of companies which are filed in Companies House. He does it in relation to other public information, just for the sake of saying 'I am asking questions about things' and is constantly asking us to provide him with courtesy copies in this House of things that are public and things that are on websites. Mr Speaker, that is not the right way to employ the resources of Government. It may be the right way for him to employ his resources and to get off his homework and do some homework.

460 I say that, Mr Speaker, wishing him, of course, the very best on this happy day for him when he reaches his first half century.

465 **Mr Speaker:** Next question.

**Q414/2017**  
**Beach evening market –**  
**Reason for absence this year**

**Clerk:** Question 414. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain why the beach evening market was not carried out this year?

470 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the reason for not repeating the excellent beach evening market idea introduced by us last year was because we introduced the new Summer Nights programme, 'Summer Nights on Tour'. Therefore, it was felt that this would duplicate matters. Next year, Summer Nights could well be extended and both events combined. We will take the question as a positive comment from the hon. Member in respect of the beach market initiative and thank him for it.

**Q415/2017**  
**Bars and clubs –**  
**Entertainment licences**

**Clerk:** Question 415. The Hon. L F Llamas.

480

**Hon. L F Llamas:** Mr Speaker, is the Government considering extending the nocturnal hours on entertainment licences for bars and clubs?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

485

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, no, sir.

**Q416-418/2017**  
**Gibraltar Music Festival –**  
**Payments to organisers; contract with organisers; tender arrangements**

**Clerk:** Question 416. The Hon. L F Llamas.

490

**Hon. L F Llamas:** Mr Speaker, can the Government state how much the Government will be paying the organisers of the Music Festival this year?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

495

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 417 and 418.

**Clerk:** Question 417. The Hon. L F Llamas.

500

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the contract between the Government and the organisers of this year's Music Festival?

**Clerk:** Question 418. The Hon. L F Llamas.

505

**Hon. L F Llamas:** Mr Speaker, can the Government explain why it did not go out to tender for the organisation of the Music Festival 2017, and whether it will be going out to tender in the future?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

510

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, in answer to Question 416, as I have previously indicated, the cost information is not yet available since invoices will be paid during the full course of this financial year. As always, the final costs are expected to be available in time for completion of the draft Estimates Book and will be debated by this House during the Budget session in 2018.

515

In answer to Question 417, HM Government does not have a single contract with one entity since there are various parts to the organisation of an event such as the MTV Gibraltar Calling. All these contracts are commercially sensitive, given the nature of the music industry.

In answer to Question 418, HM Government did not tender for the provision of services in 2012. It did so in 2013 in order to have continuity over a defined period and to give other event

520 organisers the opportunity to apply. In 2016, which was the end of the term of the four-year  
contract with the previous organisers, it was decided by Government that in order to move the  
Gibraltar Music Festival to the next level we needed to work alongside a major media partner.  
There could be no better international media partner than MTV for the organisation, branding  
and distribution of the Gibraltar event. Contacts had been established with MTV and it was then  
525 that MTV entered into direct negotiations to produce and brand the hugely successful MTV  
Gibraltar Calling Festival of 2017.

**Hon. L F Llamas:** Mr Speaker, is the Minister not able to at least provide a basic figure of what  
the value of the contracts entered into with third parties for the organisation of the event?

530 **Hon. S E Linares:** No, sir; I have just explained why.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if it is of assistance, what the hon. Gentleman  
does have is that he has the cost in the Estimates Book and he is going to get the final cost in the  
535 Estimates Book, so he has that number. That number is going to be publicly available. He cannot  
have the breakdown of what goes to whom, because that is what is commercially sensitive. I do  
not think we have any problem whatsoever with sharing it with him if he wants, and any other  
Member if they want, but it is not something that can be made public, because of the commercial  
sensitivity. So he can have the breakdown on an undertaking not to share it with commercial  
540 entities that may be interested in undercutting others etc.

**Q419/2017**  
**Queen's Cinema –**  
**Current status and future plans**

**Clerk:** Question 419. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can the Minister for Culture give some information on the  
current status and future plans for the Queen's Cinema?

545 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker,  
HM Government is currently considering a number of commercial proposals which include a  
550 conference/theatre hall for the Queen's Cinema and Queen's Hotel sites.

**Mr Speaker:** Next question.

**Q420/2017**  
**Lathbury and Europa Point sports complexes –**  
**Fairness of tender process**

**Clerk:** Question 420. The Hon. Ms M D Hassan Nahon.

555 **Hon. Ms M D Hassan Nahon:** Can the Minister for Sport confirm whether Government will be  
following a fair tender process when allocating the necessary work required to build the sports  
complexes at Lathbury and Europa Point?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

560 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, HM Government always follows a fair tender process when it is required. This has been the case with the building of the magnificent sporting complexes at both Lathbury and Europa Point.

565 **Hon. Ms M D Hassan Nahon:** Can the Minister give us some information as to when these tenders will be coming out?

**Hon. S E Linares:** Mr Speaker, the tenders came out, the tenders have been processed and we are at the stage now when one of the successful companies will be informed and start work immediately.

570 **Mr Speaker:** Next question.

**Hon. D A Feetham:** Mr Speaker, can I return to the question about the Queen's Cinema?

575 **Mr Speaker:** Yes, indeed.

**Hon. D A Feetham:** Mr Speaker, just on this question of the Queen's Cinema, the Government in 2013 announced some plans for the use of the Queen's Cinema in terms of theatre and other uses. Is it that the Government has abandoned those plans, or is it that the Government is looking at different plans? And can the Government explain why the delay in the development of Queen's Cinema, given the fact that those plans were announced as far back ...  
580 My recollection was 2013, but I will be corrected, if I am wrong, by the Hon. Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I do enjoy being encouraged to do the things that the hon. Members opposite say that we should not be doing because we cannot afford them.  
585

The Government has been approached by a number of third parties on an unsolicited basis to seek to have the redevelopment of that site include the theatre but with the provision of other facilities above and around the theatre. The hon. Gentleman knows that we do not just enjoy the benefit of ownership now of the old Queen's Cinema but also of the old Queen's Hotel, which provides a larger plot. Really, on an unsolicited basis we have received a number of proposals, all of which are interesting and it is our obligation to consider carefully and then to determine how we decide what to do in the context of that theatre and the proposals that we have received, and whether – given that we have received unsolicited proposals which are very succulent, if I can put it that way, and still provide the theatre – whether we should perhaps go to a public expressions of interest procedure in respect of that site. That might be more beneficial to the taxpayer and would deliver the theatre too.  
590  
595

We are in negotiations with some of those who have approached us. Some of them represent entities from beyond Gibraltar and therefore negotiations are not face to face and quick, but they are potentially very attractive and they do nonetheless deliver the theatre project announced in 2013 and then set out in more detail in the magnificent manifesto – in fact, the only manifesto – in the 2015 General Election.  
600



**TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT**

**Q421-424/2017**

**Monthly visitors to Gibraltar –  
Breakdown by land, sea and air**

**Clerk:** Question 421. The Hon. T N Hammond.

605 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar from January to June of this year?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

610 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 422, 423 and 424.

**Clerk:** Question 422. The Hon. T N Hammond.

615 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar by land from January to June of this year?

**Clerk:** Question 423. The Hon. T N Hammond.

620 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar by sea from January to June of this year?

**Clerk:** Question 424. The Hon. T N Hammond.

625 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar by air from January to June of this year?

630 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Gentleman is contained in the schedule being handed over to him now.

**Answer to Question 424/2017**

Total visitors arriving in Gibraltar in 2017 is as follows:

| Month    | Air    | Sea    | Land    |
|----------|--------|--------|---------|
| January  | 12,406 | 919    | 676,555 |
| February | 15,421 | 609    | 718,653 |
| March    | 19,283 | 10,227 | 776,988 |
| April    | 24,457 | 40,965 | 696,403 |
| May      | 25,812 | 66,638 | 830,927 |
| June     | 24,612 | 38,406 | 823,550 |

635

**Q425/2017**  
**Employment Service –**  
**Notices of vacancies, terms of engagement and termination filed**

**Clerk:** Question 425. The Hon. E J Phillips.

640 **Hon. E J Phillips:** Mr Speaker, can the Government state the total number of (i) notice of vacancies, (ii) notice of terms of engagement, excluding variations, and (iii) notice of terminations filed at the Employment Service from December 2011 to date.

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

645

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, this question is identical to one asked by the Hon. Mr Phillips at the last meeting of Parliament.

650 The statistics for the period December 2011 to the end of May 2017 were provided to the hon. Gentleman already in reply to Question W92/2017.

The figures for the period June to August 2017 are as follows: vacancies, 2,922; terms of engagement, 3,223; and termination, 3,292.

**Mr Speaker:** Any supplementary?

655

**Hon. T N Hammond:** Just returning to these questions and just for my clarification, I asked four questions and I definitely have the answer to three. Can I just confirm with the Minister that if I add the totals here I will get the answer to Question 421 and that there is not another sector that I have missed out somehow – I will have the total totals?

660

**Hon. G H Licudi:** Mr Speaker, I was expecting that particular supplementary from the hon. Member. I did not know whether it was a trick question, because he asked for visitor arrivals by air, by land and by sea and then he asked separately for all of them. So he has been given by air, land and sea and all he has to do is put them all together. I do not believe visitors arrive in Gibraltar other than by air, land or sea.

665

**Q426/2017**  
**Port rescue launch –**  
**Recruitment**

**Clerk:** Question 426. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise if the under-manning issue surrounding the Port rescue launch and the Gibraltar Port Authority has been resolved, and what were the matters concerning the recruitment of a seaman/mechanic vacancy that required the filling of this post to be considered by the full Cabinet?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have already alerted my hon. Friend to what part of the answer to this question is going to be.

The vacant post of seaman/mechanic was filled on 7th August 2017. This brought the Port launch to full manning levels. The matter concerning the recruitment for this post, which was considered by the Cabinet, cannot be disclosed for data protection reasons. I am, however, happy to brief the hon. Member on this behind Mr Speaker's chair.

**Mr Speaker:** Next question.

**Q427/2017**  
**Gibraltar Port Authority –**  
**Under-manning**

**Clerk:** Question 427. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state, since December 2011, on how many occasions has the Gibraltar Port Authority functioned with two crewmen as opposed to three?

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, since December 2011 the Port launch has operated with two crewmen on two separate occasions, both being vessel recovery operations.

**Hon. L F Llamas:** Mr Speaker, does the Hon. Minister have the dates that those two occasions have been?

**Hon. G H Licudi:** Mr Speaker, 11th April 2017 and 13th July 2017.

**Q428/2017**

**Maxi Priest video and song –  
Government involvement re finance and production**

**Clerk:** Question 428. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details, if any, of its involvement in financing and producing the Maxi Priest video and song?

705

**Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the Gibraltar Tourist Board contributed the following to the financing and production of the video and song: flights for Maxi Priest, £248; accommodation for Maxi Priest, £300; production of music video, £6,775. This has proved to be excellent value for money.

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Since it was posted at 10.30 a.m. on 3rd August, the video has been viewed more than 155,000 times. Many of these are unique viewers, meaning users who have watched the video once. A quarter of the video's watch time was from the United Kingdom; however, it has been watched on Facebook by Facebook users from as far away as New York, California and Ontario. Maxi Priest has since shared the original post on his own page. Overall, the post has been shared over 2,300 times, an online action that is at the centre of Visit Gibraltar's marketing strategy.

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The long-term impact is tangible, as the video has directly resulted in an increase of 220 followers on the Visit Gibraltar Facebook page and 150 followers on HM Government of Gibraltar's Facebook page. This represents a new, extended and permanent audience for all other marketing, messaging and tourist information posted to both these pages in the future.

725

**Mr Speaker:** Before we carry on, I am going to allow the Hon. Marlene Hassan Nahon to raise a supplementary on questions relating to the MTV festival.

**Hon. Ms M D Hassan Nahon:** Yes, it does, so perhaps the Hon. Minister for Culture should be here – I think he may have popped out. Oh, here he is.

730

Mr Speaker, if I may just pick up on the question by the Hon. Lawrence Llamas at Question 418, when the Chief Minister explained that the opportunity was too good to miss and the branding of MTV was going to give us something unrivalled and all this. Why was it that, for example ... perhaps the same organisers of previous years of GMF could have taken the organising of the festival. When Neon Angel stepped in instead of MTV, the layer of Neon Angel, why couldn't that have been kept by the previous organisers?

735

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Well, first of all, it was MTV's decision, not ours, and therefore we were quite satisfied that Neon Angel were also going to engage – and they did – with the previous organisers, so therefore there was not quite a problem in that Neon Angel, which were assigned by MTV ... and when I was negotiating with MTV and Neon Angel we made sure that the organisers who had previously done the GMF were going to be involved, and that has been the case.

740

**Hon. Ms M D Hassan Nahon:** Was there no interest for Gibraltar Government to keep to retain the previous organisers, who had done such a good job, and perhaps ...?

745

**Chief Minister (Hon. F R Picardo):** Mr Speaker, just for the purposes of clarity and understanding, the previous organisers were involved this year. The previous organisers have done a lot of the organisation this year. If the hon. Lady knows the characters, they have actually

750 been backstage most of the time. They have been people with whom Neon Angel and we have been liaising and with whom MTV have been liaising as well.

MTV organise it like they organise it and there is a reason for that, and it is a well-practised manner of organisation of festivals that they have. That does not mean that there is not a role for people from Gibraltar who have been involved in the past and who have specific local knowledge, understanding and expertise that they bring to the equation. Nobody can praise the former organisers more than the Government. The Government gave the former organisers the opportunity to organise from 2012 before it went to tender. It went to tender afterwards and they got it. They have done a magnificent job of organising the Gibraltar Music Festival, but to reach the international audience that we wanted to reach MTV was required and MTV does things the way it does things in the hundreds of festivals that it organises around the world. But the names of individuals who are involved in organising are very much the people who were also involved through Neon Angel and through MTV in the actual organisation of this year when it came to contracting scaffolding, stages etc., with different opportunities also arising for them as a result of the contacts that MTV and Neon Angel could bring and the lower costs that they are able to provide because of their wider reach in the market.

765 But if the hon. Lady is saying, 'Could you, Government, have done anything to get MTV to organise the MTV Gibraltar Calling International Music Festival with the three guys who organised the GMF?' the answer is we could not have done more, and therefore they were very involved.

770 **Hon. Ms M D Hassan Nahon:** Thank you for that. Can I ask, if I may, is it looking like the Government will want to continue this pattern of working with MTV in future years?

775 **Hon. S E Linares:** Absolutely. It has been a great success and we are looking to even do more with MTV, not only Gibraltar Calling but many other things that we are in negotiations and talking with them about, which will be of huge benefit to Gibraltar. This is a partner that has millions of viewers. And it is not only MTV, Mr Speaker. I must emphasise that it is Viacom. Viacom is a huge company which owns VH2, it owns all the MTVs, Nickelodeon, Channel 5. There is a lot that we can do with them, so I am quite pleased to continue that relationship, Mr Speaker.

780 **Mr Speaker:** Next question.

## INFRASTRUCTURE AND PLANNING

### Q429 and 437/2017 Upper Town escalator – Breakdowns and costs of repair

**Clerk:** Question 429. The Hon. T N Hammond.

785 **Hon. T N Hammond:** Mr Speaker, since 1st May 2016, on how many occasions has the Upper Town escalator been unserviceable, and for each occasion for how long was it broken?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 437.

**Clerk:** Question 437. The Hon. L F Llamas.

790

**Hon. L F Llamas:** Mr Speaker, can the Government provide a breakdown of the periods of time the escalators to the Upper Town have been out of use and the cost of repair on each occasion since they were installed?

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**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Hon. P J Balban:** Mr Speaker, the information requested by the hon. Member is in the schedule that I will hand over now.

800

**Mr Speaker:** It is a fairly lengthy and detailed schedule. I think we will move on with other questions and I am going to allow hon. Members to raise any matters in supplementaries after they have perused the schedule. Okay? Next question.

**ANSWER TO QUESTION NO 437/2017**

| Escalator 1064739 |            |  |                          |                |
|-------------------|------------|--|--------------------------|----------------|
| Month/Year        | Breakdowns | Cause                                    | Stoppage time            | Cost           |
| Sept 2013         | 1          |  | Repaired same day        |                |
| Feb 2014          | 2          |  | Repaired same day        |                |
| March 2014        | 2          |  | Repaired same day        |                |
| April 2014        | 2          | Call out owing to vandalism x2           | Repaired same day        | £49.94 /49.94  |
| July 2014         | 1          | Call out owing to vandalism cut          | Repaired same day        | £34.42         |
| Oct 2014          | 1          |  | Repaired same day        |                |
| Nov 2014          | 1          |  | Repaired within 2 days   |                |
| Dec 2014          | 1          |  | Repaired within 3 days   |                |
| Jan 2015          | 1          |  | Repaired same day        |                |
| Feb 2015          | 2          | Call out owing to vandalism x2           | Repaired same day        |                |
| Mar 2015          | 2          |  | Repaired within 2/3 days |                |
| April 2015        | 4          |  | Repaired same day        |                |
| Sep 2015          | 1          | Misuse                                   | Repaired same day        | £63.17         |
| Dec 2015          | 1          |  | Repaired within 4 days   |                |
| Jan 2016          | 2          | Rain water/silt                          | Repaired within 2 days   |                |
| Feb 2016          | 1          | Call out owing to vandalism cut          | Repaired within 4 days   | £1,053         |
| Mar 2016          | 1          | Rain water/silt                          | Repaired same day        |                |
| Apr 2016          | 1          |  | Repaired within 2 days   |                |
| May 2016          | 2          |  | Repaired within 2/3 days |                |
| Oct 2016          | 1          | Rain water/silt                          | Repaired within 4 days   | £127.49        |
| Dec 2016          | 2          | Rain water / Call out owing to vandalism | Repaired within 3/5 days | £167.00/136.18 |
| Mar 2017          | 1          | Rain water                               | Repaired same day        |                |
| April 2017        | 1          | Rain water                               | Repaired within 2 days   |                |

| Escalator 1064740 |            |                            |                        |           |
|-------------------|------------|----------------------------|------------------------|-----------|
| Month/Year        | Breakdowns | Cause                      | Stoppage time          | Cost (£)  |
| Dec 2014          | 1          |                            | Repaired within 2 days |           |
| Jan 2014          | 1          | Call out wing to vandalism | Repaired same day      |           |
| Aug 2014          | 1          |                            | Repaired same day      |           |
| Oct 2015          | 1          | Rain water/silt            | Repaired same day      |           |
| Nov 2015          | 1          | Rain water/silt            | Repaired within 3 days |           |
| Feb 2016          | 1          |                            | Repaired within 2 days |           |
| Month/Year        | Breakdowns | Cause                      | Stoppage time          | Cost (£)  |
| Jun 2016          | 1          |                            | Repaired same day      |           |
| Oct 2016          | 1          |                            | Repaired within 2 days |           |
| Nov 2016          | 1          |                            | Repaired within 2 days |           |
| Dec 2016          | 1          | Rain water                 | Repaired same day      | £136.73   |
| Jan 2017          | 1          | Rain water/silt            | Repaired within 4 days | £3,739.69 |

805

**Q430/2017**  
**'No idling' signs –**  
**Progress re introduction**

**Clerk:** Question 430. The Hon. T N Hammond.

810

**Hon. T N Hammond:** Mr Speaker, further to Questions 196/2016 and 232/2017, can the Government say what progress it has made regarding the introduction of no idling signs, particularly in areas which were suggested by the Minister as 'hot spots' last time this question was asked, the Frontier and parts of the Upper Rock?

815

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, signs have been designed and the matter is tabled for discussion by the Traffic Commission at its next meeting later this month.

820

**Mr Speaker:** Next question.

**Q431-434/2017**  
**Fixed penalty notices for parking offences –**  
**Numbers issued**

**Clerk:** Question 431. The Hon. T N Hammond.

825

**Hon. T N Hammond:** Mr Speaker, can the Minister say how many fixed penalty notices for parking offences, by month, have been issued to local cars since the beginning of January 2017?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

830 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 432, 433 and 444.

**Clerk:** Question 432. The Hon. T N Hammond.

835 **Hon. T N Hammond:** Mr Speaker, can the Minister say how many fixed penalty notices for parking offences, by month, have been issued to foreign cars since the beginning of January 2017?

**Clerk:** Question 433. The Hon. T N Hammond.

840

**Hon. T N Hammond:** Of the total number of fixed penalty notices issued since the beginning of January this year, how many have been rescinded as having been incorrectly issued?

**Clerk:** Question 434. The Hon. T N Hammond.

845

**Hon. T N Hammond:** Can the Minister say how many clamps for parking offences, by month, have been placed on foreign vehicles since the beginning of January 2017?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

850

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, since the beginning of January 2017, 450 fixed penalty notices have been cancelled.

I now hand over a schedule with the rest of the information that the hon. Member requested.

**Answer to Question 434/2017**

| Month    | Clamps to foreign Vehicles | FPNs to Foreign Vehicles | FPNs to Local Vehicles |
|----------|----------------------------|--------------------------|------------------------|
| January  | 198                        | 229                      | 2382                   |
| February | 164                        | 190                      | 2046                   |
| March    | 214                        | 206                      | 2037                   |
| April    | 201                        | 234                      | 1839                   |
| May      | 160                        | 292                      | 2018                   |
| June     | 200                        | 255                      | 2070                   |
| July     | 268                        | 333                      | 1899                   |
| August   | 302                        | 369                      | 2058                   |

855

**Mr Speaker:** The Hon. Lawrence Llamas has a supplementary arising from Question 437.

860 **Hon. L F Llamas:** Mr Speaker, looking at the schedule given by the Hon. Minister, I recall earlier in summer, in June of this year, 2017, and later on, a month later in July, in the press, two stories regarding the Upper Town escalators where the escalators were unserviceable, and I cannot seem to find these on the schedule handed over, as the last repairs were carried out in April 2017 and January 2017, respective of both. Can the Hon. Minister provide any schedules or details regarding this latest breakage in the escalators and whether or not they are actually fixed?



865 **Hon. P J Balban:** Mr Speaker, yes. Towards the end of May 2017 there were issues because of the torrential rains that Gibraltar suffered. That was the last time the escalator actually broke down. At the moment the repairs are about to commence because spares were required to be brought into Gibraltar especially, and, as I said, they are about to be repaired in the next weeks or so.

870 **Hon. L F Llamas:** So therefore, Mr Speaker, the escalators have been out of use since May 2017 and, despite assurances given in July 2017 that they were a couple of weeks away, they are still unserviceable and will be fixed within the next four or five weeks. Is that right?

875 **Hon. P J Balban:** Mr Speaker, because of the fact of the spares ... It is not a question of not wanting to repair them; the question is an issue of the spares, and the company which is responsible for the maintenance of the escalators, Schindler, have had to look for these spares that were required because the damage was quite extensive so quite a numerous quantity of spares were required to be able to bring the escalators back to condition.

880 **Mr Speaker:** The Hon. Trevor Hammond. Do you have any ... *[Inaudible]*

**Hon. T N Hammond:** No, I am happy to ...

885 **Mr Speaker:** You don't have any on 434?

**Hon. L F Llamas:** Does the Hon. Minister know the extent of the cost of repairing this damage will be, or is it still under negotiation?

890 **Hon. P J Balban:** Mr Speaker, yes, the cost to repair both escalators will amount to £74,316.73. That is £51,237.18 for one of the escalators and £23,078.92 for the second escalator.

895 **Hon. L F Llamas:** Just one final supplementary, Mr Speaker. Given that obviously ... even though they are supposed to be exterior escalators and they should be able to withhold the weather, will the Government be investing in perhaps covering them up slightly or providing some form of shelter so that this expense is not incurred in the near future?

900 **Hon. P J Balban:** Mr Speaker, these escalators have been plagued with numerous issues and one of them was a lot of vandalism as well. In this last case what happened was that there were especially bad torrential rains. It was not the rain itself, the water is not the issue, the escalators can handle water without any problem; it is what the water brings with it. Unfortunately, it has dragged the silt, the sand and the debris, and that has been what has actually gone into the escalators and caused damage to the steps, and in fact shearing part of the mechanism away.

905 The escalators are designed to withstand the elements; it is just that the sheer volume of what is brought with the water that has caused the damage in this particular case.

The hon. Gentleman also asked the question whether anything is being looked at, and the answer is yes, we are looking at other ways of moving water to see if we can move water and channel it in a different direction, and in fact Technical Services is about to do some extra works

910 in the next couple of weeks to try to move water away from the escalator. But as I said, it is not the water, it is the debris that has caused the problem.

**Hon. T N Hammond:** Just regarding these latest works by Technical Services, which would seem to at least go some way to providing a solution to avoiding such extreme costs in the future, does the Minister have any idea what those works themselves may cost?

915

**Hon. P J Balban:** Mr Speaker, no I have not got an idea of what those works would cost at the moment.

920 **Hon. T N Hammond:** Mr Speaker, bearing in mind that the escalator has been now in position for ... well, certainly since about 2013, what is the anticipated lifespan of that escalator? Will we have to be replacing it in a year, in two years, in 10 years, or will we just be facing large bills to keep replacing parts on it year after year?

925 **Hon. P J Balban:** Mr Speaker, really it is a bit of an unknown. We do not know what damage is going to happen. If he had asked the question, perhaps I would have found out for him. I do not know how long it is envisaged escalators will last. I suppose they last as long as can be expected for these devices. Again, if the gentleman wants me to find out what the longevity expected is, I will find out. Other than that, it is impossible to say.

930

**Mr Speaker:** Next question.

#### Q435-436/2017

#### Development and Planning Commission – Applications not complying with Gibraltar Development Plan

**Clerk:** Question 435. The Hon. D A Feetham.

935

**Hon. D A Feetham:** Mr Speaker, since 2012, how many projects submitted for approval to the DPC have been granted planning permission in circumstances where the proposed project did not comply and/or was in breach of the Gibraltar Development Plan, identifying the project and the date the planning permission was granted?

940

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I shall answer this question together with Question 436/2017.

945

**Clerk:** Question 436. The Hon. D A Feetham.

950 **Hon. D A Feetham:** Mr Speaker, since 2012, how many Government projects submitted for advice and guidance to the DPC have been proceeded with despite the proposed project not complying with and/or being in breach of the Gibraltar Development Plan, identifying the project and the date advice was sought?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

955 **Hon. P J Balban:** Mr Speaker, in determining planning applications, whether Government or otherwise, the DPC takes into consideration the contents of the Gibraltar Development Plan 2009, which contains numerous policies covering a wide variety of issues. The DPC will consider each application on its merits and will consider whether the proposal complies with relevant policies of the Plan and will also consider whether there are any other material planning considerations to be taken into account.

960

When considering the extent to which development proposals comply with relevant policies, professional judgement is used and the Town Planning Department advises the DPC accordingly. The DPC then considers all relevant factors before making a decision.

965 Non-compliance with Development Plan policy generally is normally one of the main reasons  
for the DPC refusing an application.

Having explained the context of how the Development Plan policies feed into the DPC  
decision-making process, the hon. Opposition Member will no doubt appreciate that it is not  
possible to provide a list of applications as requested in his question. To try and review the  
reasoning for every decision made by the Commission since 2012 would be an extremely  
970 onerous task and would require significant professional staff resources to undertake and would  
divert resources from the day-to-day work of the Town Planning Department.

**Hon. D A Feetham:** Mr Speaker, I am asking a question – two questions, but certainly asking a  
question about one of the cornerstones of the Government’s policy in terms of openness,  
975 transparency and in terms of the Government’s policy and changes that they themselves  
introduced in relation to how the planning process is conducted.

I could give the hon. Gentleman the benefit of the doubt and say perhaps – I do not agree,  
but perhaps – that is applicable to the first question. I do not agree with that, but perhaps. But  
the second question is about Government projects submitted for advice and guidance to the  
980 DPC. And surely the Government, which has introduced this policy in the first place in order to  
improve openness and transparency in the process, would want to know how many of the  
applications or how many of the projects that it submitted for advice and guidance are projects  
that have not complied or are in breach of the Gibraltar Development Plan and that those are  
facts and that those statistics are available to the Government, and therefore that the  
985 Government would be able to share them with this House and therefore with the people of  
Gibraltar, Mr Speaker.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not think that the hon. Gentleman has  
really understood what the nature of the reforms made after December 2011 was.

990 So just so he understands why his question, first of all, cannot be answered and, second, why  
he should not have posed it: before December 2011 the DPC met in private; there was no public  
access to its reasoning; after December 2011 the DPC meets in public; therefore the question he  
is asking is about something that is in the public domain. He can sit in the Mackintosh Hall and  
he can hear the Town Planner say, ‘In the context of this application there was a concern that  
995 the Development Plan may be breached,’ or he can hear the development planner say, ‘In the  
context of this application, like every application filed by the Government, there was no breach  
of the Development Plan developed by the GSD, not the GSLP.’

So he is asking us, Mr Speaker, about things that happened in public. Mr Speaker, I  
understand that the hon. Gentleman has a busy practice and he cannot go to the Development  
and Planning Commission and sit there as he and I might wish in the later life to enjoy heckling  
those who might be making the applications, but he is asking about things that have transpired  
in public, and advice that has been tendered to the Government in public.

There is not a record – in other words, there is not a video – that is saved of that, as there is  
of the parliamentary proceedings. We cannot go back to it. There is written advice. There are  
1005 hundreds of applications, Mr Speaker. There are minutes and it would be a question of going  
back to those – I think they are public too, they are online, Mr Speaker – and the hon.  
Gentleman, if he wishes this information, can do his homework, go online, access the minutes of  
every meeting of the DPC since the glorious revolution of December 2011 and work it out for  
himself. But he is asking the Minister or someone in his Department to do that for him when it is  
1010 available online.

The hon. Gentleman has risen and asked a question which has perked my interest too. Maybe  
in future we can just make a note in the event that the Government were ever to file an  
application itself that breaches the Town Plan or the development planners, it is today. I cannot  
recall any. Obviously, the hon. Gentleman cannot recall any, otherwise he would have raised  
1015 that with us. But however much of a political geek I am, I assure him tonight I am not going to be

going online onto all the minutes of the DPC to check the advice that has been tendered in public and recorded, and maintained in public by the Chairman of the DPC who is now the Town Planner.

1020 Can I just remind him, Mr Speaker, that as he led his party for that short period, in that time they took opposition to our reforms and they advised us at one stage to reverse the position and to go back into the manner that they operated the DPC, which was in private and without minutes in public and which would have elicited, had they asked the question of a GSLP Liberal Government that had maintained the GSD way of running the DPC, that is confidential. He is not getting the answer, 'It is confidential.' It is not statistics that is compiled, but he can compile it by  
1025 going online and reading the now public minutes of the now public meetings of the Development and Planning Commission. *(Banging on desks)*

**Hon. D A Feetham:** Mr Speaker, he says the short period of time that I was the Leader of the Opposition; I have to say it seemed like an eternity to me, but in any event!

1030 Mr Speaker, yes it is true that we had a different policy to the hon. Gentleman and yes it is true that when we were there these decisions were taken behind closed doors, but presumably they changed the policy and they opened DPC proceedings to the public in order to make it more open and more transparent.

1035 But let me just outline what the hon. Gentleman says so people understand him. What he is really saying is, 'I am refusing to provide you the answer of how many Government projects' – *Government projects*; those are the projects submitted by them to the DPC for advice and guidance – have been in breach of the Development Plan.' What they are saying is, 'Well, you go to every single DPC meeting. You look at the minutes of DPC meetings and you make your own findings in relation to that.' Mr Speaker, that, in my respectful view, is not the democratic, open,  
1040 transparent way of doing things and, quite frankly, I would expect in a mature, open democracy – which presumably that is what the hon. Gentleman, certainly under his stewardship, would describe democracy in Gibraltar – that he, first of all, would have those statistics at his disposal, because those are important statistics, and that he would be able to share it with this House because that is the function of this Parliament in order for the Government to provide  
1045 information that, quite frankly, is important.

Therefore, Mr Speaker, does he not agree that the answer that he has provided me is an answer that is not commensurate with the stated policy of his Government of openness and transparency in relation to the way these proceedings are conducted?

1050 **Hon. Chief Minister:** I never thought I would say this, Mr Speaker, but I do miss him. In his question, Alice has descended into the eighth circle of hell in Dante's Inferno, because he does not realise that the question he is asking is, with the very greatest of respect, utterly nonsensical; and it is nonsensical for a number of reasons.

1055 The word 'nonsense', Mr Speaker, means that what the speaker is alleging makes no sense. It makes no sense for this reason: he has accused us of not being transparent because of something that happened in public in broad daylight, and because of the record of that, which is available not just to every citizen of Gibraltar but to every citizen of the world on the worldwide web, 24 hours a day, on Christmas Day and on Jewish holidays – every single day of the year ...!

1060 The hon. Gentleman is saying to me that I lead a Government that is not transparent, not because the information is not public, not because the events recorded in the information did not happen in public, but because I, or one of the people employed receiving emoluments from the Crown, will not do the exercise for him of reading it all and making the list that he wants. That is not about an absence of maturity or democracy, or an absence of transparency; that is because of an absence of hard work on his part! It is because of an absence of his desire or  
1065 ability to download the minutes, read them and determine whether the Town Planner has said in public these things; and why is that true as much of every project as it is of every Government project, Mr Speaker, because every Government project goes through that process.

At least, Mr Speaker, every Government project goes through that process now after the glorious revolution of 9th December 2011, because Government projects did not even go to the secret DPC in the old days. Government projects went to the Development and Planning Chair in which the former Chief Minister sat to determine what his Government did or did not do. It did not go through an environmental filter, it did not go through the DPC, it was not consulted on with Heritage or [inaudible] You found out in the press release, Mr Speaker, that the Government was going to do something and you had to make up your own mind from the press release and your own reading of the Development Plan whether it breached the Development Plan.

So, Mr Speaker, the hyperbole of the accusation that the Government is somehow not mature and not transparent does not stand up to a four-year-old's scrutiny, because the accusation is about something that happened in public and about a record of it that is in public. It is just about the collation of the information.

But, Mr Speaker, I may have said that he led for a short time, though it seemed like an eternity for him; perhaps it is that on this side of the House we were having so much fun with him as Leader of the Opposition that time just flew.

**Mr Speaker:** Next question.

**Hon. D A Feetham:** Mr Speaker, may I?

**Mr Speaker:** Yes, one other supplementary.

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

The analogy with Dante's Inferno, I am afraid, is more apposite to the way that the hon. Gentleman is insinuating, at times, the basic democratic principles and values in Gibraltar with some of the answers that he provides in this House and we have become accustomed to receiving across the floor of the House.

Mr Speaker, just so that I get it right, what the hon. Gentleman is saying – and I am asking him to confirm – is that he and his Government are simply not interested – *not interested* – in how many Government projects that have gone before the DPC for advice and guidance have been in breach of the Gibraltar Development Plan. Can he confirm that, because, quite frankly, that would be a most extraordinary state of affairs, it has to be said?

**Hon. Chief Minister:** He does test the limits of logic, Mr Speaker.

What is the basic democratic principle that is at stake here, because the hon. Gentleman has said that I am attacking basic democratic principles and he has attacked me for a lack of transparency? So which basic democratic principle of transparency is at stake in holding the meetings where the decisions the hon. Gentleman says he is interested in are made in public? Surely, the most basic understanding of transparency is to move something from behind a closed door to beyond a closed door, to the public arena. That is what we have done.

The hon. Gentleman says am I not interested, as Leader of the House and Leader of this Government, in knowing how many Government projects may have breached the Development Plan? I told him in an earlier Answer that he had perked my interest in that respect, but that I believed that there were none, Mr Speaker. If there is a Government project that has breached the Development Plan then advice in that respect, or notification in that respect, will be contained in the public minutes of the DPC meeting in which that project from the Government has been considered and all aspects of it determined.

So basic democratic principle number one, decisions should not be made behind closed doors where they can be made in the public domain: complied with after 9th December 2011, by taking the GSD's secret DPC and putting it in public. Basic democratic principle number two, records of meetings should be public where possible where it is not in the public interest that

1120 they should be otherwise confidential: complied with after 9th December 2011, in respect of minutes of those same DPC meetings.

Question from the former Leader of the Opposition: how many times have the DPC told you that a project breaches the Town Plan and how many times has the DPC told you that a Government project breaches the Town Plan? Answer to both: the information is available publicly online in the minutes of those now public meetings of the DPC and in the public record of those meetings, which includes the record of consideration of non-security sensitive Government projects.

I hope he now understands that the only basic issue at stake is his understanding of what is now public which was previously secret and which information is now available at his fingertips should he care to do the work. Therefore, Mr Speaker, all of the public in Gibraltar is able to know the answer to the questions he is asking and might even have known better than he has to ask a question about something that is already public.

**Mr Speaker:** Next question.

1135

**Hon. L F Llamas:** Mr Speaker, one supplementary? (**Mr Speaker:** On this?) On this. (**Mr Speaker:** Yes.)

Mr Speaker, can the Government confirm that it remains committed to sending and filing Government projects to the DPC for approval?

1140

**Hon. Chief Minister:** Mr Speaker, the answer to that question is that contrary to the advice of the former Chief Minister and contrary to the advice tendered by the party with whom he stood at the last general election, the Government remains committed to its policy to subject Government projects for guidance and advice to the Development and Planning Commission in its now public meetings, so that a public record can be maintained of the advice and guidance given to the Government in respect of each of those approaches.

1145

If I may say so, Mr Speaker, we have submitted to the DPC a number of projects which have resulted in guidance and advice from the DPC improving those projects and I am very happy that we failed to take the advice of the party that he no longer represents and that we have progressed that attitude of submission for guidance and advice of Government projects to date and will continue to do so.

1150

**Mr Speaker:** Next question.

**Hon. T N Hammond:** Mr Speaker, can I just seek clarification from the Minister, reference Question 434, that the fixed penalty notices which I specifically asked for are the £100 fines, and whether he is aware, is that the sum total of parking penalties paid, or is it possible that that is just the fixed penalty notices and that there are another number of other regular parking tickets that may have been issued at a lower rate? Just to clarify that so I can understand whether this does represent a total of parking penalties at £100 or whether this is a mix of parking penalties or whether there is only one parking penalty now of £100?

1160

**Hon. P J Balban:** Mr Speaker, as far as I am aware, this is a total amount of FPNs issued.

**Hon. T N Hammond:** Can I clarify that there are no other forms of fines for parking – it is only the fixed penalty notice now?

1165

**Hon. P J Balban:** Parking fines are all fixed penalty notices, as far as I am aware.

**Q438/2017**  
**Chatham Counterguard –**  
**Pedestrianisation at peak hours**

**Clerk:** Question 438. The Hon. L F Llamas.

1170

**Hon. L F Llamas:** Mr Speaker, is the Government considering pedestrianising Chatham Counterguard at peak hours?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1175

**Minister for Infrastructure and Planning (Hon. P J Balban):** If the hon. Gentleman reminds me of the question number, because we have been back and forth on the Order Paper.

**Mr Speaker:** Number 438.

1180

**Hon. P J Balban:** Number 438. Mr Speaker, Her Majesty's Government of Gibraltar is currently considering various options for the area but no final decision has been made. There are many potential advantages from such a measure for the businesses in that area and their patrons. There are also many potential disadvantages for residents of the area of Irish Town, Main Street, Crutchett's Ramp, Ocean Heights etc.

1185

**Mr Speaker:** Next question.

**Q439/2017**  
**Gibraltar International Airport –**  
**Bus service**

**Clerk:** Question 439. The Hon. L F Llamas.

1190

**Hon. L F Llamas:** Mr Speaker, does the Government intend to provide a bus service from Gibraltar International Airport?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1195

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, such a bus service is already provided.

**Hon. L F Llamas:** Mr Speaker, but as far as I am aware it is provided by a private company. I am asking whether the Government intends to provide a bus service which interacts and avoids having to have a service where people will have to swap providers and therefore purchase extra tickets.

1200

**Hon. P J Balban:** Mr Speaker, the present bus service being provided actually goes quite a far distance; it goes all the way to Boyds Street, so it does cover a lot of Gibraltar. Normally in any city there is a requirement to change bus; no bus route will take you everywhere you want to go. So the service does amply provide for persons wishing to travel to other areas, and because the service is already being provided, be it so, by a private entity we do not feel at this moment in time there is a need to provide a route extension or an extra route with the Government bus service.

1205

**Q440/2017**  
**Calypso Transport Ltd –**  
**Extension to route services and fleet**

1210 **Clerk:** Question 440. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the agreement reached with Calypso Transport Limited for the extension to their route services and fleet?

1215 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, there has been no agreement reached by Calypso Transport Limited for the extension of their route services and fleet.

1220

**Q441/2017**  
**Rights for the disabled –**  
**Stickers on municipal buses**

**Clerk:** Question 441. The Hon. L F Llamas.

1225 **Hon. L F Llamas:** Mr Speaker, can the Government state the wording of the stickers removed from the municipal buses regarding rights for the disabled?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1230 **Minister for Infrastructure and Planning (Hon. P J Balban):** Yes, Mr Speaker, the sticker that the hon. Member is referring to concerning the use of the low floor seating area read as follows:

**Important Passenger Notice**

This is a priority area for wheelchair users and passengers travelling with prams.

This area operates on a first come, first served basis.

The bus driver has been instructed not to determine which of the eligible passengers is to use this area.



This sign will be replaced by:

**Important Passenger Notice**

This is a priority area for wheelchair users.

The bus driver has been instructed to require non-wheelchair passengers to vacate this area if required by a wheelchair user.

**Q442/2017**  
**Government-owned buses –**  
**Monthly schedule of revenue**

1235 **Clerk:** Question 442. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule of revenue collected by the Government-owned buses since December 2011?

1240 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is provided in the schedule that I will now hand over.

Bus Fare Revenues

|                  | 2011       | 2012       | 2013       | 2014       | 2015       | 2016       | 2017       |
|------------------|------------|------------|------------|------------|------------|------------|------------|
| <b>January</b>   |            | £25,737.86 | £8,527.54  | £12,461.49 | £15,028.78 | £25,271.88 | £25,020.49 |
| <b>February</b>  |            | £24,967.06 | £16,472.60 | £20,546.34 | £29,729.41 | £33,454.01 | £26,103.90 |
| <b>March</b>     |            | £35,067.64 | £18,187.06 | £38,583.56 | £35,914.82 | £30,981.44 | £12,485.27 |
| <b>April</b>     |            | £30,898.20 | £14,836.14 | £19,196.40 | £28,793.95 | £22,756.67 | £17,922.50 |
| <b>May</b>       |            | £46,066.14 | £37,682.46 | £38,170.17 | £20,028.13 | £21,515.34 | £24,757.37 |
| <b>June</b>      |            | £59,408.50 | £33,656.29 | £20,077.01 | £20,723.59 | £29,088.61 | £34,749.09 |
| <b>July</b>      |            | £55,269.84 | £47,409.35 | £32,627.04 | £42,553.96 | £44,646.85 | £39,492.62 |
| <b>August</b>    |            | £42,873.97 | £28,081.36 | £24,095.31 | £17,032.51 | £32,223.51 | £46,710.65 |
| <b>September</b> |            | £24,203.26 | £42,513.73 | £41,794.15 | £51,017.70 | £54,129.87 |            |
| <b>October</b>   |            | £22,312.30 | £41,454.24 | £55,759.75 | £33,860.68 | £54,424.07 |            |
| <b>November</b>  |            | £18,365.37 | £22,758.10 | £6,439.35  | £15,478.36 | £29,589.35 |            |
| <b>December</b>  | £30,596.70 | £12,380.06 | £12,187.47 | £30,738.53 | £12,008.78 | £49,275.97 |            |

**Q443/2017**  
**South district parking at South Pavilion –**  
**Broken gate**

1245 **Clerk:** Question 443. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state on which occasions the gate at the south district parking at South Pavilion has been broken and which company is responsible for its maintenance?

1250 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the exit gate to South Pavilion Car Park has been broken now since March 2017. Sheriff Electrical Contractors Ltd is the company responsible for the maintenance of the gate.

1255

**Hon. L F Llamas:** Mr Speaker, does the Hon. Minister know when the gate will be fixed or replaced and what the cost will be?

1260 **Hon. P J Balban:** Mr Speaker, it was actually as a result of the cost that the works have not happened to date. When quotes were sought the cost was set out at £3,000.93, which was felt to be too expensive, so the company, Sheriff, was asked to come back with another solution, if possible.

1265 The other reason why we have not gone ahead with this is because as we are zoning the areas as we extend the residential parking scheme, one of the next residential parking schemes to take effect will be South District and the town centre. There may be a change in the use of this car park. Everything is being reviewed at the moment and if that were to go ahead then there may not be a need for such equipment at the entrance to the car park.

1270 **Hon. L F Llamas:** Does the Minister know, or can he give an inclination of, when the South District scheme may be coming into effect?

**Hon. P J Balban:** Mr Speaker, I would not like to risk committing to a date, but we are very advanced, in fact we actually move with both projects simultaneously – both the centre of town and South District. Really it is the case of whichever one is ready first.

1275 It is a lot of work involved in the mapping of the roads. We have to look at every single potential parking space; we have to see whether there are any areas that can be further developed to create extra parking spaces; we need to look at things like motorcycle parking spaces, disabled bays etc. So it is a very vast project which is difficult to put a finger on in terms of how long it will take to complete.

#### Q444/2017

#### Grand Parade –

#### Underground parking spaces

1280 **Clerk:** Question 444. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, has the Government considered alternative plans for providing further parking spaces at Grand Parade, such as going underground in accordance with the Gibraltar Development Plan 2009?

1285

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Yes, sir.

1290 **Hon. L F Llamas:** Is the Minister able to disclose its findings on these alternative projects?

**Hon. P J Balban:** Mr Speaker, although it is technically possible to go underground at Grand Parade, if ground were to be broken we would have to see what is found underneath. The idea is to minimise disruption to the residents of the area and going underground will drastically increase, obviously, the time it is going to take to develop.

1295 If you look at the site itself you will notice that the Grand Parade is actually on a hill, so there is an element the car park will be partially underground. Towards the east side of the Parade itself is where the car park is highest and at that point the car park, I believe, is around a storey below ground level. So the project does include partial underground work, but it would not include, and it would not be considered to go, fully underground.

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**Hon. L F Llamas:** Mr Speaker, has the Government costed the alternative of going underground versus the costing of building on top of Grand Parade?

1305 **Hon. P J Balban:** Mr Speaker, the costs have been compared and it is a lot more expensive, clearly, to go underground and it is not something which we believe is feasible to do. So looking at all the options available to us, it is clear that this is the preferred option not only in terms of cost but in terms of disruption to the community, because the idea is to develop the car park in a way that is sensitive to the needs of the residents so they do not find themselves lacking in terms of parking for the duration of the works.

1310 So it is the best scheme that will mean that it will be done in stages to preserve the area and this is the best scheme that we have looked at.

**Hon. L F Llamas:** Is the Government able to disclose the comparison on each cost on going underground and above?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, absolutely not because the Government has not yet gone to tender to get somebody to develop this project for us. So we are not going to tell the hon. Gentleman what we think it costs because then we are going to be doing the taxpayer out of the advantage of competitive tendering in respect of this particular tender.

1320 But a lot of the work in respect of the economics of this project was done under the former administration and it was done also by a private entity, to such an extent, Mr Speaker, that there was no possibility of the project being viable without a public offering of bonds for the purposes of the public buying shares in this particular project to try to make it viable.

1325 That would mean also, Mr Speaker, that parking there would be very expensive indeed and that it would take a very long time indeed to develop the parking, and it will be very disruptive indeed. That is why the former administration did not start down the road of that development; that is why the private developer did not start down the road of that development; and further consideration of that macro-project underground would just mean that there is no development there whatsoever and the people who need parking in that part of Gibraltar, in particular at Alameda Estate, would be left without the benefit of having the parking that has been developed in many other residential areas in Gibraltar.

1330 So that is why the Government is committed to this project; that is why we think it is the right value for money; and that is why, Mr Speaker, we think it is exactly the right way to progress to proceed with this particular project now for that area.

1335 I must say, Mr Speaker, this is an area that has been tarmacked over for years and people now who do not live in the area seem to have fallen in love with that tarmac and do not want us to touch it.

1340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, in light of the recent GBC report saying that Gibraltar has the highest amount of cars, has the Government thought about this in any way or decided to backtrack, perhaps, on more of these parkings? Are we not feeding these statistics and this culture and this way of life, which is obviously environmentally so unfriendly?

**Hon. P J Balban:** Mr Speaker, there are many issues that follow on the Traffic Plan. When we look at the way forward and how we wish to progress we want to have a residential parking scheme, which is what many people are keen on and it is the way we are moving forward.

1345  
If you look at different areas of Gibraltar, there are areas of Gibraltar that benefit and boast of a lot of parking space relative to the households and the residents that live there, but there are other areas of Gibraltar which are found extremely lacking. So for us to provide an even playing field there are certain areas – and one of the worst areas is the centre of town and the Upper Town.

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The idea is that this car park will somewhat satisfy the requirements of those people living to the south of town and this is an area which obviously we are very keen on delivering for that purpose. There are other areas of Gibraltar which we are also looking at in terms of providing extra parking in that respect, but obviously the general principle, you are actually right, there are too many cars in Gibraltar, so that is something which the Traffic Plan has raised. But if we want to progress down the route of a residential parking scheme then it does not make any sense whatsoever to have certain areas of Gibraltar where they can have the privilege of ... look at Alameda Estate now – you can see it is clear that there is ample space for the residents of Alameda. When you look at people who live in the south of Main Street and even within the length of Main Street, and even the Upper Town, they are very short.

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So the idea is to try to, first of all ... the first thing that we need to do is to provide a little bit of an even playing field so that people have a chance to park at least one vehicle. Then obviously we need to look at multiple vehicles, which I think the problem in Gibraltar is the show of people owning too many vehicles.

1365  
Another problem that we have is derelict vehicles. I believe that if we manage to control the amount of derelict vehicles in Gibraltar that will release a lot of parking spaces which at the moment are hidden out of sight because they are blocked up.

So that is the principle of the Plan in general.

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**Hon. Ms M D Hassan Nahon:** So, sorry, is the Government actively looking to introduce incentives for families and individuals to have less vehicles per household, for example?

**Mr Speaker:** I will allow you to answer that question, if you wish, but I am not going to allow a debate on a general policy regarding the number of cars that we have in Gibraltar, because what we have on the Agenda Paper is a specific question about Grand Parade.

**Hon. P J Balban:** Mr Speaker, suffice to say that the Government is looking at all options with regard to car usage in Gibraltar.

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**Hon. T N Hammond:** Mr Speaker, just going back to Grand Parade and the options that may or may not be available, and obviously not having the costs in front of me, I cannot really have any opinion on what the Chief Minister said regarding the possible projects. But it strikes me that it would certainly be far more desirable to have an underground parking facility at Grand Parade with the possibility even of turning the above ground area of Grand Parade into a park or something of that nature similar to what has been done at Commonwealth Park, where of course the party opposite envisaged having underground parking there. That did not transpire, but I understand technically it is far more possible to do it at Grand Parade because the water table is not an issue.

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So would the Government not – despite what the Chief Minister has said – go back and consider whether it is worth tendering for underground parking in that area, because clearly it would enhance the area to have something other than a tarmacked area at Grand Parade where cars park and would still provide the amenity and the necessity of parking in that area and other areas adjacent?

1395 **Hon. Chief Minister:** Mr Speaker, yes, it would in fact be very attractive indeed.

What we envisaged would be very attractive; it would be a lawn – almost like Commonwealth Park – that led into the entrance of the Alameda Botanical Gardens; it would have been a magnificent area – there would have been very little area for cars, it would have provided an absolutely lovely area for tourists in the context of the cable car and the development of that facility; it would not just have been attractive, it would have provided another lung for Gibraltar. I defended having a central park in Gibraltar, which is now known as Commonwealth Park. I sought the possibility of doing a car park underneath; it was not economically viable.

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1405 But there at Alameda what would really be attractive would be a magnificent park with additional trees, leading people either to the cannon area or to the other alternative entrance towards Alameda Botanical Gardens. It would have created a new area of greenery for residents of Alameda Estate and the areas around and I think would have been absolutely the best possibly option for Gibraltar, and very attractive indeed.

1410 It just is not economically viable. This is the problem; it is not economically viable. If it were economically viable, Mr Speaker, and if there were ways of making it economically viable then we would have done that, because that was our preferred option. It would still be our preferred option if there was any possibility of it being economically viable, but it is not economically viable.

1415 The question is, Mr Speaker, do you get £30 million of taxpayers' money and throw it away? Or do you do something which is economically viable and produces the facility that you need? In the context of Commonwealth Park, developing the facility going down would have cost well in excess of the – from memory, do not hold me to it – £18 million that the multi-storey facility cost. The multi-storey facility pays for itself because it is in the centre of town, it has rental parking available, it has sale parking available and the numbers work because building upwards allows you to reach the figure that you need to reach.

1420 Then what we did, Mr Speaker, was we restricted by one-third the size of the demise that Members opposite had given to the mid-town developers. So, for the same premium, they were left with two-thirds of their site, because we insisted that the deal done by them when they were in administration was not a good deal for the taxpayer, so we reduced their site by a third and on that third we built our multi-storey facility and we were able to deliver Commonwealth Park.

1425 I can have an absolutely attractive vision for that part of Gibraltar and I can fantasise about going down, but that is what it is in the context of the economics of delivery of a project like that. Unfortunately, I do not think that any Member of this House would think it is appropriate to begin a project simply because of the potential for an attractive area on top which is not economically anywhere near viable, whether there is a water table or tunnels and you can come in from Ragged Staff or not come in from Ragged Staff. In engineering terms, everything is possible; the question is the cost benefit analysis of the things that one does.

1430 Hon. Members opposite have been defined in the time that they have been in this House by seeking that the Government confirm that what it is doing is value for money, that we have the money to pay for it etc. – which we always do, to their chagrin and their insistence that there is no money and that we have frittered everything away. Well, we have not, Mr Speaker, but we have not because we do proper planning and we ensure that we deliver for the people of Gibraltar facilities that they need, and not the fantasies that they may have been persuaded to talk about for years but which has not delivered parking to the people in need, in Alameda Estate and in all that area.

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1445 **Hon. T N Hammond:** Mr Speaker, can I just ask the Chief Minister, because he threw out the figure of £30 million, whether that in any way reflects the actual cost of going underground, or whether that was a figure he plucked from the air? Because £30 million, whilst being a substantial amount of money, is not of course that different from what has been spent on the

small boat marina, for instance, which was in that ballpark, or even, as you say, the above ground car park at mid-town.

So I just ask, is £30 million an approximation of the figure or is it just a figure that occurred to him at that moment?

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**Hon. Chief Minister:** Mr Speaker, I told him I was not going to give the figure. What I am saying is if you look at the cost of the mid-town car park – and that is going up – then that is the sort of order of cost that you are dealing with. But I think it is far in excess of that, Mr Speaker.

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There are many reasons why the hon. Gentleman will see that the small boats marina pays for itself in a different way, but given that the ink is not yet dry on what we will disclose how that is dealt with, I do not want to say more about that because I am otherwise criticised for giving the House information when the ink is not yet dry in respect of agreements that I might talk about.

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But this is completely different; this is a car park. So to pay for a car park you sell parking spaces, you rent parking spaces or you allow a daily parking and charge for it and you might have commercial units around. You cannot do that, Mr Speaker, given the order of costs of what going down would cost there, given the exercises that have been undertaken – and I do not have the numbers with me because we did not have notice of that being a question – given the numbers that we have seen developed at the time that hon. Members were there, it is just not viable, it does not work, there is no way that you can have a cost benefit analysis that demonstrates viability for underground parking in that area.

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Hon. Members now seem to have decided that their latest hobbyhorse is to say, ‘You should go down instead of building one-and-a-half storeys or whatever it is, two storeys, there,’ in the context of the project and whether it is going to go to the DPC for consultation. Mr Speaker, there is a lot we can do underground. Hon. Members have developed car parks in residential areas, all of which have gone underground and we could have provided magnificent play parks for our children in Arengo’s and at Willis’s Road and in all those areas, we could have gone down.

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But in engineering terms, is it financially viable? It is not. I would love it to be and I would love to be the one announcing the additional park being provided at Alameda and Grand Parade, and not the suggestion that we are not providing something that we could provide, which would be, in my view of course, more attractive – and I suppose in everybody’s view, more attractive. It is just not financially viable. But we won the election so we were the ones who were charged with making decisions and doing the exercises and looking at the cost and then deciding to present to people one option or the other.

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**Mr Speaker:** Next question.

**Q445/2017**

**Grand Parade residential parking scheme and pay and display scheme –  
Total cost**

**Clerk:** Question 445. The Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, can the Government disclose the total cost to prepare the residential parking scheme at Grand Parade together with the pay and display scheme installed at the same location?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

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**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the total cost to prepare the residential parking scheme at Grand Parade together with the pay and display scheme was approximately £85,000.

1495 **Hon. L F Llamas:** Mr Speaker, does it not seem irregularly disproportionate to spend £85,000 in early 2017 to May and then announce a month later that they are planning to build a multi-storey car park or a two-storey car park at the same location? Is that not a waste of taxpayers' funds?

1500 **Hon. P J Balban:** Mr Speaker, with the previous question, we said that the idea of building the car park ... I did allude to the fact that the car park would be built in stages and the disruption will be minimal. So the residential parking scheme will continue regardless of the construction of the car park.

1505 **Mr Speaker:** Next question.

**Hon. L F Llamas:** Just one more question, Mr Speaker, because it simply does not make sense. If you spent £85,000 plus all the manpower in getting all these permits issued and now you are going to go back to square one and portion up the –

1510 **Mr Speaker:** You are not going to be brought back to square one? The scheme continues. You have just been told the scheme continues.

**Hon. L F Llamas:** Yes, the scheme continues but the parking spaces, which have been prepared, are going to be developed upon.

**Hon. P J Balban:** Mr Speaker, the scheme will continue so the permits that were issued will continue and people will be able to continue to use their permits and the pay and display will continue being there, so obviously there will be a reduction in the total amount of parking space logically because parts of the Grand Parade will be developed at certain times. In that case, what will have to happen is we will have to take a view on the free parking, which is parking that is non-regulated, not part of the residential parking scheme in terms of permit use, and so the residents can fully enjoy the scheme even though there is going to be some disruption. But the plan is to keep the disruption to a minimum and obviously I am very sure that the residents will understand because they will then see at the end of the day something extremely positive come into the area.

**Q446-448/2017**

**Devil's Tower Parking –  
Revenue collected; lighting and electricity bills**

**Clerk:** Question Number 446, the Hon. L F Llamas.

1530 **Hon. L F Llamas:** Mr Speaker, can the Government state how much revenue is collected by Devil's Tower Parking by (a) general public vehicles, (b) private rental vehicles, (c) commercial vehicles?

**Clerk:** Answer, the Hon. Minister for Infrastructure and Planning.

1535 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with questions 447 and 448.

**Clerk:** Question number 447, the Hon. L F Llamas.

1540 **Hon L F Llamas:** Mr Speaker, can the Government provide a monthly schedule of the electricity bills for Devils Tower Parking since December 2011?

**Clerk:** Question number 448, the Hon. L F Llamas.

1545 **Hon L F Llamas:** Mr Speaker, can the Government explain why the lights at Devils Tower Road car park are on 24 hours a day, and, whether the lights used are LED?

**Clerk:** Answer, the Hon. Minister for Infrastructure and Planning.

1550 **Hon. P J Balban:** Mr Speaker, in answer to question 446, because the hon. Member has not given a timeframe for his question, it is not possible to answer this question accurately. The revenue collected by Devil's Tower Road car park based on a three-month average over the months of April, May and June 2017 are as follows: (a) general public vehicles – £8,910; (b) private rental vehicles – £6,553.84; and (c) commercial vehicles – £11,523.

1555 In reply to his question 447, the information requested by the hon. Member in relation to the electricity bills for Devil's Tower Parking since December 2011 are contained in the schedule that I will now hand over.

1560 In reply to 448, the lights used are indeed LED. The reason why all the lights are on 24 hours is that the company that installed the new LED fittings made an error with the fitting out which is currently being corrected. It was this administration that made the decision, immediately after we were elected, to ensure that these lights were not on all day, as had been the case under the former GSD administration. *(Banging on desks)*

1565 **Hon L F Llamas:** Mr Speaker, can the Minister just confirm when the LED lights were installed?

1570 **Hon. P J Balban:** Mr Speaker, I think it was – I stand to be corrected though, it could have been – around April of this year, April or May this year sometime. He will have to either ask this question in another moment or he can obviously write to me and I will give him the exact date. Again, it is just my recollection, I cannot guarantee; I think it was sometime between April or May this year.

**Mr Speaker:** Next Question. *(Interjection)*

Yes indeed.

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**Hon D A Feetham:** Mr Speaker, since when have the lights been on 24 hours a day?

1580 **Hon. P J Balban:** Ever since the date that the works were completed. The hon. Gentleman just asked me the date and I said I think it is somewhere around April/May of this year, so it has been since then.

Once that fault is corrected we should hopefully see a decrease in the cost of electricity in the car park as a result of the installation of LED lights.



**Q449/2017**  
**Abandoned vehicles –**  
**Locations and schedule for disposal**

**Clerk:** Question Number 449, the Hon. L F Llamas.

1585 **The Hon L F Llamas:** Mr Speaker, can the Government provide a schedule of abandoned vehicles which have been identified for disposal and the location of such vehicles?

**Clerk:** Answer, the Hon. Minister for Infrastructure and Planning.

1590 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is available in the Gazette.

**Hon L F Llamas:** Mr Speaker, what is in the Gazette may be vehicles which are currently being disposed of. However, going around Gibraltar, you see abandoned vehicles left, right and centre. Even in Devil's Tower Parking, I must say, Mr Speaker, that there are abandoned vehicles which are evidently there for a number of years, stifling even taxpayer revenue.

Is the Government actually physically enabling a policy whereby these vehicles are being dealt with? Because it does seem to me that there is a backlog on abandoned vehicles.

1600 **Hon. P J Balban:** Mr Speaker, the way this works is that there are campaigns and this is our main tool in this respect as a cleaning campaign, so we have a regular cleaning campaign that goes around different areas of Gibraltar and in those campaigns, the cars left behind, which generally are derelicts, are the ones that are gazetted for destruction and they are obviously placed in the *Gibraltar Chronicle*.

1605 If we had more space to actually place these cars – because there is a process; it takes quite a while to actually get a vehicle and dispose of it, I think it is around a six-week to eight-week lag, so if Gibraltar boasted a lot more space – we will probably get rid of cars a lot quicker, but unfortunately that is not the case, so we do find ourselves in some instances getting rid of the most derelict or those cars that we feel are most derelict. Unfortunately, issuing FPN's are leaving some cars behind, perhaps for the next cleaning campaign.

1610 So it is something which is part of, and is within, the ideology of the cleaning campaign. It is not just to clean around cars and keep our streets clean, which is obviously extremely important to us, but it is also a very good tool for us to be able to tackle the problem of derelict cars, which is quite a big problem in Gibraltar.

1615 **Chief Minister (Hon. F R Picardo):** Can I unusually emulate Members of the Opposition and ask you for your indulgence in going back to a question? The question on fixed penalty notices. Because I noticed that the Member opposite has informed the public that the number of parking tickets issued this year is 16,000, amounting to £1.6 million in fines, which of course is wrong, Mr Speaker, because the assumption by the hon. Gentleman in that respect is that every one of those fixed parking notices has been paid at the full amount of £100 pounds, when in fact some of them may be paid at different amounts and therefore his tweet is factually incorrect. In fact, it is utterly baseless, Mr Speaker.

1625 I ask him, at least rhetorically, given that I am on this side of the House and he is on that one, whether he is a proponent of allowing people to break the law and park illegally without being fined? And if he is suggesting that as a policy, Mr Speaker, whether he might be prepared to propose that explicitly to the public in Gibraltar, especially to those of us who push prams on a daily basis and find people illegally parked on the ramps available for that basis; or the disabled in our community who need to have the ramps clear of those illegally parked and sometimes fined for being there, who will not otherwise be able to perambulate our streets, if he were to

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be honest enough to propose a policy of allowing illegal parking without fines being attached to such vehicles, Mr Speaker?

1635 So, both in relation to the entirely incorrect mathematics and in respect of the apparent policy of proposed anarchy and chaos in respect to parking, I would be delighted to hear the hon. Gentleman's views.

**Hon L F Llamas:** The second question was rhetorical.

1640 **Mr Speaker:** Yes, next question please.

**Hon L F Llamas:** I have one more supplementary on 449.

1645 Mr Speaker, since the Hon. Minister has identified that the cleaning campaign, which I am glad somebody is taking on, is due to the lack of space, would it not be possible to amend the legislation in order to leave the derelict cars where they are *in situ* and place a notice on them and advise that their cars are being disposed of and then, in accordance, Gazette them and dispose of them from the location, rather than have to take them in and dispose of them in a compound which has obviously outgrown its needs?

1650 **Hon. Chief Minister:** Mr Speaker, it is not possible because before you dispose of a person's property, before the state asserts a right over a person's property, we are required under rules of natural justice to give notice to the world; and in the context of Gibraltar, notice to the world is publication in the Gazette.

1655 We would really be taking an extraordinarily draconian step if we appropriated somebody's property which is not otherwise improperly parked – for example, if it is in a proper parking bay – without giving that notice to the world which then enables us to go, 'Unless you, within 21 days, remove it or tell us that there is a reason why you cannot remove it,' it would be very difficult to justify in the context of natural justice to do that.

#### Q450/2017

#### Speeding offences –

#### Speed cameras, speed caught travelling and procedure followed

**Clerk:** Question number 450, the Hon. L F Llamas.

1660 **Hon L F Llamas:** Can the Government provide a schedule of how many offenders have (a) been recorded by the speed cameras as having exceeded the speed limit, (b) the speed at which each offender was travelling, and (c) the procedure followed in each case?

1665 **Clerk:** Answer, the Hon. Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the schedule I now hand over shows the number of speeding offences committed since the cameras went live on 8th May 2017, with the respective speeds indicated.

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| Record Vehicles Caught Speeding ( <i>NOTE SPEED CAMS WENT LIVE</i> ) |       |          |          |          |          |          |            |            |            |         |
|--|-------|----------|----------|----------|----------|----------|------------|------------|------------|---------|
| 2017   | Goods | 57-59.99 | 60-69.99 | 70-79.99 | 80-89.99 | 90-99.99 | 100-109.99 | 110-119.99 | 120-129.99 | 130-140 |
| May  | 60    | 103      | 124      | 24       | 3        | nil      | nil        | nil        | nil        | nil     |
| June   | 81    | 176      | 207      | 26       | 12       | 2        | 2          | nil        | nil        | nil     |
| July   | 357   | 567      | 814      | 163      | 64       | 10       | 8          | 4          | 0          | 2       |
| August   | 220   | 406      | 546      | 98       | 41       | 13       | 2          | 1          | 2          | 1       |
| September  | 8     | 18       | 28       | 8        | 0        | 0        | 0          | 0          | 0          | 0       |
| October  |       |          |          |          |          |          |            |            |            |         |
| November   |       |          |          |          |          |          |            |            |            |         |
| December   |       |          |          |          |          |          |            |            |            |         |

1675 The procedure is as follows:

For offences involving speeds not exceeding 100 kph the procedure followed is as follows:

(1) The registered owners of offending vehicles are sent a Notice of Intended Prosecution (Notice) informing them they have been caught speeding.

1680 (2) On receiving the Notice the owners are given the opportunity to declare whether they or another person was driving the vehicle at the time of the offence. They then have 28 days to respond.

(3) After 14 days if there is no reply from the first Notice a second Notice is sent.

1685 (4) The Notice is followed by a Fixed Penalty Notice that is sent to the driver or, in default, the registered owner. They have 28 days to pay the FPN in default of which the case is referred to the Magistrates' court for due process.

All offences involving speeds exceeding 100 kph, are processed directly by the RGP via the Report For Process method.

**Q456/2017**  
**Mount Alvernia –**  
**Relocation to the Rooke site**

**Clerk:** We now move to question 456, the Hon. R M Clinton.

1690 **Hon. R M Clinton:** Mr Speaker, can the Government advise if there are any plans to relocate Mount Alvernia to the Rooke site?

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

1695 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, no, sir, there are no plans.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Are there plans to relocate it to any other site other than Rooke?

1700 **Hon. Deputy Chief Minister:** Mr Speaker, the Government has no plans to relocate Mount Alvernia. My colleague, who is the Minister responsible, has just indicated that.

1705 **Chief Minister (Hon. F R Picardo):** I know he is 50 but he does not have to worry about ...  
[inaudible] (Laughter)

**Q457/2017**  
**Crown land or property –**  
**Transfers and sales**

**Clerk:** Question number 457, the Hon. L F Llamas.

1710 **The Hon L F Llamas:** Mr Speaker, since December 2011, can the Government provide a schedule of Crown Land/Property transferred or sold via direct allocation and the consideration for each property?

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

1715 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the vast majority of commercial property allocated by the Government since December 2011 has followed a public tender process or public expressions of interest.

There are exceptional instances when direct allocations may be made, if this is judged to be in the social and economic interests of Gibraltar.

1720 It is difficult to supply this information across the board dating back to December 2011. However, in respect of major commercial projects, the following information has been identified to date:

|                           |                        |          |                       |
|---------------------------|------------------------|----------|-----------------------|
| Gibraltar Wine Vaults Ltd | 94 Devil's Tower Rd    | £350,000 | Lease Agreement/Lease |
| Holiday Inn Express       | 21-23 Devil's Tower Rd | £530,000 | Building Lease        |

**Q458/2017**  
**Ragged Staff Gates car park –**  
**Use of building**

**Clerk:** Question number 458, the Hon. L F Llamas.

1725 **The Hon L F Llamas:** Mr Speaker, can the Government disclose what is the current use of the building in the Ragged Staff Gates car park and what is its intended use in the future?

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

1730 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I assume the hon. Member means the Ragged Staff Magazine.

The Government has been using the property for the storage of the bicycles and ancillary equipment for the new bicycle hire service. This storage continued until 31 May 2017.

1735 A tender for the use of the premises as an entertainment venue with transport memorabilia was finalised on 1st June 2016. We are presently waiting for the successful tenderer to submit

planning proposals for the building so that the Government and the DPC may separately consider the matter further.

**Q459/2017**  
**NAAFI pool –**  
**Handover to Government**

**Clerk:** Question number 459, the Hon. L F Llamas.

1740 **The Hon L F Llamas:** Mr Speaker, can the Government disclose when the NAAFI pool will be handed over to the Government of Gibraltar?

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

1745 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the transfer of the Nuffield Pool is dependent on the completion of the relevant works at Four Corners, which are estimated to be completed by January 2018. This is part of the Lands agreement.

1750 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn to Wednesday, 20th September at 10 a.m.

**Mr Speaker:** The House will now adjourn to Wednesday, 20th September at 10 a.m. in the morning.

*The House adjourned at 5.50 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.13 a.m. – 12.55 p.m.**

**Gibraltar, Wednesday, 20th September 2017**

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# The Gibraltar Parliament

*The Parliament met at 10.13 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## Order of the Day

### SUSPENSION OF STANDING ORDERS

**Suspension of Standing Order 7.1 –  
Social Security (Open Long-Term Benefits Scheme) Act 1997 –  
Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2017 –  
Motion carried**

**Mr Speaker:** The Hon. Gilbert Licudi.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government motion.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.  
The Hon. Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*“That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2017.”*

5 Mr Speaker, this Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rates of Survivor’s Benefits, Guardian’s Allowance and Old Age Pensions by 2.7%, with effect from 1st August 2017, which represents the annual increase for that year.

10 These increases are in line with the announcements made by the Chief Minister in his Budget address. In that address, the Chief Minister said:

Old Age Pensions will increase this year in line with a rate of inflation of 2.7% so that the single rate for Old Age Pension would increase from £440.54 by £11.90 to £452.44 and the couple rate would increase from £660.85 by £17.85 to £678.70. The dependent rate will grow from £220.31 by £5.95 to £226.26, and the same cash differentials will be maintained with a Minimum Income Guarantee as in previous years.

As required by the Act, these changes can only be given effect by order which follows a motion which is approved by resolution of this House.



Mr Speaker, I commend the motion to the House.

15 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. Does any Member wish to speak on the motion?

I now put the question in the terms of the motion proposed by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. Those in favour? (**Members:** Aye.)  
20 Those against? Carried.

## Questions for Oral Answer

### ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

**Q463/2017**

**Bluefin tuna –  
Tonnage caught last season**

**Clerk:** We now return to answers to Oral Questions. We commence with Question 463 and the questioner is the Hon. T N Hammond.

25 **Hon. T N Hammond:** Mr Speaker, can the Minister for the Environment state what has been the tonnage of Bluefin tuna caught during this last season?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

30 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the decision to halt the tuna fishing season was taken on Wednesday 13th September when the total was reported at 15.662 tonnes. The necessary administrative time to give effect to the closure of the season resulted in the final total being 16.109 tonnes.

35 **Hon. T N Hammond:** Mr Speaker, I thank the Minister for his response. I do note this year, due to the process, we are a tonne over and of course we have already increased the limits during this year by three tonnes, I believe.

40 Does the Minister consider in future – because we understand now, or we are starting to understand, that the time of closure of the season to the time of the reaction to that closure ... there is an interval – whether the dates should be anticipated in a way that may allow us to come closer to the actual figure that is permitted to be fished?

**Hon. Dr J E Cortes:** Mr Speaker, the amount caught is 0.6 tonnes over the 15.5 tonnes total allowable catch. It is very difficult to tell because, as in everything else in nature, it is not totally  
45 predictable and there will be varying sizes of fish in the area at any given time and the weather will make fishing more or less possible. So it is very difficult to predict and therefore we always run the risk – you are never going to hit exactly 15.5 tonnes; we always run the risk that at the end of a particular day when the totals are tallied up you are going to be just over. Had the limit when this was reported on the 13th been, 15.4 tonnes, a similar decision would have been taken  
50 and then if the weather had been bad the next day no more would have been caught.

So obviously we will try to fine tune, but because of the nature of the game it is difficult to hit exactly 15.5 tonnes.

55 **Hon. T N Hammond:** Could the Minister just provide me with his view reference to the overall figure and whether it would be better to always be a little under than a little over, if possible?

60 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it would be nicer to be a little under than a little over, but it is not possible to fine tune it to that extent. One can only react to the figures that are ... obviously not me personally, but the team, when it arrives at a figure which is close or just over would report to me because I then have to issue the order to close the season.

So hopefully, as I say, in future, it may be possible to hit it a little under, but I cannot guarantee that 100%. I am just being honest about the reality.

**Q464/2017**  
**Gibraltar Nature Reserve –**  
**Removal of invasive species**

65 **Clerk:** Question number 464, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, what work has been carried out by Government towards the removal of invasive species within the Gibraltar Nature Reserve?

70 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the removal of invasive species has continued as part of the routine operations carried out by the Nature Reserve Management Team. Areas that have been targeted recently include the main roads and firebreaks in the Upper Rock and Europa Advance Road.

75

**Q465/2017**  
**Dog fouling –**  
**DNA test samples and resulting fines**

**Clerk:** Question number 465, the Hon. T N Hammond.

80 **Hon. T N Hammond:** Mr Speaker, how many samples of dog fouling have been collected for DNA testing and how many fines have been issued following on from such testing?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

85 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, a total of 67 samples have been collected for DNA testing. No fines have been issued to date as we are currently waiting for the laboratory results.

**Hon. T N Hammond:** Mr Speaker, what is a normal turnaround time for the laboratory to provide the results?

90

**Hon. Dr J E Cortes:** We are told it is up to six weeks, but unfortunately the lab was closed during the month of August, which explains the delay in getting the results back in the time that we had expected. The collections are batched, so it is not that if you collect a sample today it is sent today; they are batched for a couple of weeks so that you have enough to send over to make it obviously more economic. But the delay has been that the laboratory in question was closed for the month of August.

95

**Hon. T N Hammond:** Forgive me, the Minister may have answered this but I did miss it. When do you anticipate then the results coming back to us?

100

**Hon. Dr J E Cortes:** Sorry, we should get the first batch of the first sent over, I would have assumed, within the next week or two.

**Mr Speaker:** Next question.

**Q466/2017**  
**Sewage outflow at Europa –**  
**Bacteriological samples**

105

**Clerk:** Question number 466, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, further to question 324 of 2016, can the Minister say how many bacteriological samples have been collected from around the sewage outflow at Europa, from where those samples were collected and describe the results of that sampling?

110

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the monitoring programme for the Europa Point outfall consists of five sampling points at different distances from the outfall. The locations are depicted in the schedule that I now hand over, for ease of communication. It is a map of Gibraltar with the sites. These consist of three investigative and two surveillance monitoring sampling points.

115

One hundred and two investigative monitoring samples have been collected since 2015. All investigative results obtained were within the applicable standards under the Bathing Water Directive.

120

In turn, 135 surveillance monitoring samples have been collected since 2015. One sample collected failed the applicable standards in December 2016, but it was not possible to attribute the exact source of this exceedance.

125

Q466 Schedule:



130 **Hon. T N Hammond:** Mr Speaker, could the Minister just clarify, I am not entirely clear of the difference between the investigative and the monitoring methodology.

**Hon. Dr J E Cortes:** Certainly, sorry, apologies if that was not clear.

135 The monitoring ones are the ones that are done continuously and regularly through the year. The surveillance monitoring are those that appear yellow in the attachment; they are routine. They are the Little Bay and Sandy Bay, and those are done throughout the year.

The other ones are additional ones that are carried out in order to see whether there is a problem with the sewage outfall. Those are done in batches, so if there has not been anything adverse over a period of time then we may not collect for the next couple of months and then we start again.

140 So we have got the routine ones. If the routine ones should show any higher than normal then we trigger off the others to see whether there is a problem. So they both work in tandem.

**Hon. T N Hammond:** I do thank the Minister for that answer and I note that there do not appear to be any collections points or monitoring points either to the south of the outfall, or indeed within 500 m. I presume there is a reason for that, but could the Minister explain?

145

**Hon. Dr J E Cortes:** Yes, the experts tell me that the currents tend to move, on most occasions – obviously there will be occasions when things are different, but routinely would move – the outflow away; and clearly what we are doing here is monitoring. Any negative results would more likely affect bathers and therefore our main concern is what is working its way up the east side to our beaches, which is why the three points are between Europa Point and Sandy Bay, because we want to see if there is anything happening, we want to catch it on the way and that is why it is skewered to that direction.

150

It is most likely that the currents would move any water which was not acceptable in that direction, which is why we do it ... We obviously cannot sample continuously along so we have to pick and that is done in order to catch any problem that there might be making its way from the sewage outflow to the beaches. As you have seen, fortunately, there does not appear, certainly when we have done the monitoring, to be such a problem.

155

**Hon. T N Hammond:** Mr Speaker, I fully accept that the primary reason for monitoring would be to protect public health and the beaches and the bathing laws, to understand if there are any issues arising there.

160

But I would ask: would the Minister consider carrying out sampling perhaps at one or two points to the south for a more general understanding of the impact of our sewage outflow and its impact on the environment in general, rather than just on bathers.

165

**Hon. Dr J E Cortes:** I do not think we have to take samples to know that there is faecal matter going into the sea. Therefore, clearly, if you sample just at the outflow you are going to get a high count, further away it is going to be less, and we know that there is going to be sewage there. All we are going to do is prove what we already know. We know that there is a problem there; we know we are committed to tackling it, as I repeatedly said, here and in other venues.

170

So the resources are going into seeing whether it is causing, or potentially causing, a problem to bathers. Clearly, there are other environmental issues which concern me as much as anybody else and probably more than a lot of others, but it would not be necessary because we know there is sewage going out there. So all we are going to do is show what we already know. I do not think that it would be an efficient use of our resources.

175

**Hon. T N Hammond:** Mr Speaker, I do not entirely agree with the Minister.

Clearly, we do know that there is sewage and faecal matter going into the sea. The reason I ask whether monitoring would be worthwhile in those other areas or areas to the south is more to do with an understanding of how those dispersal patterns happen, as you would with a smoke plume, perhaps, in an area. You want to know how quickly it disperses, whether it remains concentrated for longer, whether tides and currents affect it in a certain way, and really for scientific purposes in order for us to understand the impact on the environment.

180

I would again ask whether the Minister would consider allotting some resource – I am not suggesting we allocate the same resource, but some resource – to conduct in the scientific work that would be necessary – perhaps it is something the University can help with, I do not know – to better understand the environmental impact of that sewage outflow.

185

**Hon. Dr J E Cortes:** Mr Speaker, it would be wonderful to have data on everything and clearly anybody who wants to undertake a scientific study would be more than encouraged to do so. Whether doing work which will state the obvious is a legitimate use of Government funding, is the question – particularly when it is a problem we know we will be solving. If it were in order to justify not wanting to treat sewage, that is one thing, but we are not in that game. Therefore,

190

195 obviously I will discuss it with my team if they see there is any value to it, but at the moment I think our resources would be better used elsewhere. That is just the view that I hold.

**Mr Speaker:** Before we move on, the last word that the Minister uses in his answer is 'exceedance'. I have always been very interested in correct English usage. I cannot find the word in any of these two small dictionaries. I would be grateful if he would let me know privately what  
200 is the source of that word, 'exceedance'.

**Hon. Dr J E Cortes:** Mr Speaker, I will let you know publicly. It was drafted by the people who drafted my answer so I will pass the question on to them.

205 **Mr Speaker:** Maybe they found it in some American dictionary!

**Hon. Dr J E Cortes:** Possibly, Mr Speaker.

**Mr Speaker:** Next question.  
210

**Chief Minister (Hon. F R Picardo):** Mr Speaker, my prize possession is the 24-volume Oxford English Dictionary, which is now in its last edition in print and I find, in particular when playing scrabble, that any word one can come up with you will find exists – especially if it has an 'x' or a 'z' in it, will produce a lot of points. I shall look when I get back at the lunchtime adjournment in that volume to see whether 'exceedance' is there and, if not, I shall ensure that the hon. Gentleman corrects those who have come up with a new word or submit it for inclusion in the next edition! (*Banging on desks*)  
215

**Hon. Dr J E Cortes:** Mr Speaker, if I may, having access, as one has now, to Oxford Dictionary online ...  
220

**Mr Speaker:** I am informed by the Clerk that 'exceedance' is now in the Oxford Dictionary!

**Hon. Dr J E Cortes:** He beat me to it, Mr Speaker, and I will now not have to reprimand the people who drafted my answer!  
225

**Mr Speaker:** Next question.

**Q467/2017**  
**Climate change –**  
**Programme and action plan**

**Clerk:** Question number 467, the Hon. T N Hammond.

230 **Hon. T N Hammond:** Mr Speaker, I was going to ask for the definition, if you did not mind, of 'exceedance', but as it is in the public domain, I suppose I will have to look it up myself! (*Interjections and laughter*)

Question 467. Mr Speaker, further to question 325 of 2016, has the Government published a climate change programme and an associated action plan?  
235

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
240 Mr Speaker, the revised draft plan will be discussed by the Climate Change Forum, at its meeting  
on 19th October; and before the questioner asks me, the meeting had been scheduled before I  
actually had sight of the questions.

**Mr Speaker:** Next question.  
245

**Q468/2017**  
**Climate and Clean Air Coalition –**  
**Local initiatives**

**Clerk:** Question number 468, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, further to question 20 of 2017, can the Minister say if any  
250 local initiatives have been derived from the participation in the Climate and Clean Air Coalition?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and  
Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
255 Mr Speaker, no, they have not, as the initiatives at the moment focus on projects in developing  
countries. This said, the Department continues to keep an eye out for initiatives that would be  
relevant to Gibraltar.

**Hon. T N Hammond:** Mr Speaker, could the Minister just clarify what he means by ‘keep an  
260 eye out’?

**Hon. Dr J E Cortes:** We are in contact with the organisation. The Department receives emails  
and links and so on, so when there is a problem ... At the moment, the Clean Air Coalition is  
265 mainly concentrating in developing countries where people who live in conditions which are,  
shall we say, not to Western standards, with open fires within the household and so on, and  
they are exposed to a lot of fumes and so on from fires, and that is where they are concentrating  
their efforts now.

‘Keep an eye out’ is in contact with the organisation and links to the website and so on. So if  
270 they have a programme which would be relevant to Gibraltar, that is when we would link up to  
it. At the moment, fortunately, we do not have that kind of problem.

**Hon. T N Hammond:** Is the Clean Air Coalition an organisation that can be tapped into in any  
way for resource if, for instance, we wanted some independent advice on our own monitoring  
275 capabilities or our own air quality?

**Hon. Dr J E Cortes:** Yes, in the sense that they are a coalition of organisations and  
governments which have resources and expertise on a wide range of matters appertaining to  
quality. So I think the answer to that must be yes.  
280

**Hon. T N Hammond:** In which case, does the Minister consider it might be worthwhile being  
fairly proactive and approaching the organisation to see what they can do for us, rather than  
waiting to see what they might be able to do for us in the natural course of their investigations?

285 **Hon. Dr J E Cortes:** We are constantly in contact with organisations and bodies to see what they can do for us. In this particular case, the team has not identified anything specific, but it is something that we are routinely doing. We are in contact with many different organisations, either formally or informally. Nowadays, by accessing the internet, one can scan what other organisations do. So it is a possibility.

290

**Mr Speaker:** Next question.

**Q469/2017**  
**'In Town Without My Car' day –**  
**2017 and 2018**

**Clerk:** Question number 469, the Hon. T N Hammond.

295 **Hon. T N Hammond:** Mr Speaker, can the Minister say if an 'In Town Without My Car' day took place this year or is scheduled to take place this year, and whether similar is planned next year?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

300

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Yes, Mr Speaker, an 'In Town Without My Car' day is being planned for October.

305 We are currently in discussions with our colleagues at the Ministry for Transport as well as the RGP, to finalise the details which will be made available via the press in due course. It is the Government's intention for this to be an annual event.

310 **Hon. T N Hammond:** Mr Speaker, while I appreciate you are still in the planning phases, is it being considered to actually conduct this on a weekday this year, as opposed to a Sunday? I would have thought the effect of the day would be more effective if conducted on a day where people actually have to go to town to commute rather than on a day where they may just stay at home to watch the Formula 1?

315 **Hon. Dr J E Cortes:** I will need to check that. I believe the intention is to do it on the weekend. I know the point that the hon. Member is making, but I think that at this stage we are planning it on a weekend. But I would need to confirm that.

**Q470-471/2017**  
**Black carbon –**  
**Monitoring and results**

**Clerk:** Question number 470, the Hon. T N Hammond.

320 **Hon. T N Hammond:** Mr Speaker, is Government conducting black carbon monitoring and, if so, when does it plan to make the results available publicly?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.



**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with question 471.

325

**Clerk:** Question number 471, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, does the Government intend to introduce real time monitoring of PM2.5 particulates in the air?

330

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Hon. Dr J E Cortes:** Mr Speaker, the monitoring of black carbon is not required under the Environment (Air Quality Standards) Regulations 2010 nor the Clean Air For Europe (CAFE) directive. However, we started monitoring as from 15th September 2012.

335

This information will be available online as from the New Year. I am happy to make the results public now. The annual average reading in ug m-3:

|             |               |
|-------------|---------------|
| <b>2012</b> | 2.94          |
| <b>2013</b> | 2.72          |
| <b>2014</b> | 2.49          |
| <b>2015</b> | 3.84          |
| <b>2016</b> | 1.87          |
| <b>2017</b> | 1.46 (so far) |

340

In answer to question, 471, not at this moment in time. The Government is currently using the method approved by the EU for air quality compliance.

**Q472/2017**  
**Cooking oil –**  
**Volume recycled**

**Clerk:** Question number 472, the Hon. T N Hammond.

345

**Hon. T N Hammond:** Mr Speaker, what volume of cooking oil has been collected for recycling since 1st September 2016?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

350

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the total waste cooking oil collected for recycling from authorised waste exporters since 1st September 2016 is 40,062m3.

**Q473/2017**

**Energy efficient home improvements –  
Fund and grants**

355 **Clerk:** Question number 473, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, further to question 314 of 2016, has a fund for energy efficient home improvements, which should have been in place by 2014 according to the Environmental Action and Management Plan, now been established and, if so, how many grants to home owners have been provided through this fund?  
360

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

365 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, funding continues to be available to residential estates in the form of soft loans, to fund projects that use solar energy to provide electricity for communal lighting, water heating and the powering of lifts and for the replacement of traditional lighting with LED.

370 Approved projects are eligible for loans of up to 10-years at an effective rate of interest of 1% per annum, with the Government funding the difference in the cost of finance by way of a grant. To date, no grants to homeowners have been provided through this fund.

**Q474-476/2017**

**Production of electricity –  
Monthly fuel burned by power stations; Commission of new power station**

**Clerk:** Question number 474, the Hon. T N Hammond.

375 **Hon. T N Hammond:** Mr Speaker, what is the total monthly fuel burned by all power stations in Gibraltar for the production of electricity since 1st September 2016?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

380 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 475 and 476.

**Clerk:** Question number 475, the Hon. T N Hammond.

385 **Hon. T N Hammond:** Mr Speaker, what is the total amount of fuel burned by the temporary North Mole power station since 1st September 2016 in order to produce electricity?

**Clerk:** Question number 476, the Hon. T N Hammond.

390 **Hon. T N Hammond:** Mr Speaker, when does Government believe the new power station will be commissioned and enter into service?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.  
395

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested is in the schedule that I now hand over. That is for Q474, Mr Speaker.

Fuel quantities per month in metric tonnes together with the corresponding kilo watt hours of electricity generated:

| Total Fuel & Electrical units from Sep '16 to Aug '17 |           |                       |
|---|-----------|-----------------------|
|   | Fuel (MT) | Units Generated (KWh) |
| <b>Sep-16</b>   | 4,666     | 18,084,120            |
| <b>Oct-16</b>   | 4,390     | 17,363,420            |
| <b>Nov-16</b>   | 4,459     | 17,784,160            |
| <b>Dec-16</b>   | 4,615     | 18,450,530            |
| <b>Jan-17</b>   | 4,721     | 18,503,700            |
| <b>Feb-17</b>   | 4,449     | 17,917,570            |
| <b>Mar-17</b>   | 4,298     | 20,456,505            |
| <b>Apr-17</b>   | 4,006     | 16,701,860            |
| <b>May-17</b>   | 4,280     | 16,998,689            |
| <b>Jun-17</b>   | 4,572     | 18,020,982            |
| <b>Jul-17</b>   | 4,382     | 18,482,666            |
| <b>Aug-17</b>   | 4,824     | 18,839,468            |

400

In answer to Q475, as from 1st September 2016 and up until 31st August 2017, the total amount of fuel burned by the Temporary North Mole Power Station has been approximately 28,649 metric tonnes of automotive gas oil.

405

The new power station is envisaged to be commissioned and enter into full operational service in 2018.

410

**Hon. T N Hammond:** Just one supplementary, Mr Speaker. For my understanding, the burn of the temporary power station, the fuel bill was 28,000 metric tonnes; the quantities for all of Gibraltar are 4,600 tonnes, for instance, in September 2016; I am just trying to understand whether these ...

I withdraw. (*Interjection*) No, I understand now. Absolutely. I understand and that is absolutely fine. Thank you.

**Q477/2017**  
**Littering offences –**  
**Fines and prosecutions**

**Clerk:** Question number 477, the Hon. T N Hammond.

415 **Hon. E J Phillips:** Mr Speaker, can the Government state how many littering offences have been prosecuted and fines imposed each month since 31st July 2016?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

420 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

| Month  | Issued | Paid | Passed for prosecution |
|--------|--------|------|------------------------|
| Aug-16 | 5      | 4    | 1                      |
| Sep-16 | 10     | 9    | 1                      |
| Oct-16 | 11     | 6    | 5                      |
| Nov-16 | 4      | 4    | 0                      |
| Dec-16 | 6      | 3    | 3                      |
| Jan-17 | 5      | 1    | 4                      |
| Feb-17 | 5      | 2    | 3                      |
| Mar-17 | 10     | 5    | 5                      |
| Apr-17 | 4      | 2    | 2                      |
| May-17 | 1      | 0    | 1                      |
| Jun-17 | 3      | 1    | 2                      |
| Jul-17 | 2      | 0    | 0                      |
| Aug-17 | 2      | 0    | 0                      |
| Sep-17 | 2      | 0    | 0                      |

**Q478-479/2017**  
**T levels –**  
**Proposed introduction**

**Clerk:** Question number 478, the Hon. E J Phillips.

445 **Hon. E J Phillips:** Mr Speaker, what steps have the Government taken in relation to the proposed introduction of T levels?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

450 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Yes, Mr Speaker, I will answer this question with Question 479.

**Clerk:** Question number 479, the Hon. E J Phillips.

455 **Hon. E J Phillips:** How does the Government envisage introducing T Levels in the context of current training resources that are available?

460 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government is working on a parallel vocational framework to run alongside GCSEs and A-Levels. The project is well underway and obviously tied to the launch of the new schools. It is not just about T Levels, the Government is considering other options, and will be announcing these when it is in a position to do so.

470 **Hon. E J Phillips:** In so far as other measures that the Minister has alluded to, do they relate to apprenticeships?

**Hon. Dr J E Cortes:** Mr Speaker, not in the context of this question. I am talking about training within the schools and the plan is that there will be alternatives to GCSEs and A-Levels, which can be taken within the schools for vocational subjects, in order to increase the opportunities available to young people who may not want to progress in the traditionally more academic subjects.

**Hon. E J Phillips:** So, just to clarify, the purpose of this is to integrate vocational training in the context of the newly built schools, as they may well be in due course?

480 **Hon. Dr J E Cortes:** That is what we are working towards, Mr Speaker.

If I may add, Mr Speaker, it is a reflection of something that is happening also, although it is independent of, in the UK, with introduction of T-Levels, which wants to achieve more or less the same thing.

485 **Hon. E J Phillips:** Just to come back on that, the whole purpose of ... I think, in the Chief Minister's Budget speech he made reference to T Levels and apprenticeships; that is why I asked that specific supplementary. But if the Government has now abandoned this issue of apprenticeships then I am quite happy to accept that.

490 **Hon. Dr J E Cortes:** Mr Speaker, I am not saying that the Government has abandoned anything; I am just saying that in the context of what we are trying to do in schools, we are not talking about anything other than what I have already explained.

**Q480/2017**  
**Energy drinks –**  
**Age restrictions**

**Clerk:** Question number 480, the Hon. L F Llamas.

495 **Hon. L F Llamas:** Mr Speaker, does the Government intend to regulate the age restrictions on energy drinks?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

500 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, at present, the Government has no plans to regulate the age restriction on the consumption of energy drinks.

**Q481/2017**  
**Cinema under the Stars –**  
**Event not held**

**Clerk:** Question number 481, the Hon. L F Llamas.

505

**Hon. L F Llamas:** Mr Speaker, can the Government explain why the popular 'Cinema under the Stars' held at the Commonwealth Park has not been held, albeit in a different location such as the Alameda Gardens Theatre?

510

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

515

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the cinema showings had a negative impact on the park and there have been no requests for a similar regular event elsewhere.

520

**Hon. L F Llamas:** Mr Speaker, given that the whole community was attending these events and engaged with them in such a positive manner – most of us, and especially those with young children – and it has been circulated on social media as well that the viewings and screenings of films did provide for an additional nocturnal experience throughout the summer months, together with providing an additional – *(Interjection)* Yes, it was a good idea! – providing an additional event for tourists as well, is it not possible that, at least for the next summer, the Government could consider bringing these and engaging with the public, seeing if there is a demand?

525

530

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am delighted that the hon. Gentleman feels so strongly about what was, in effect, an idea of this Government; and in fact – as the Hon. Minister Cortes was always keen to remind me the morning after the performances – it was my idea. When he was having to clean the park and deal with the problems of the grass, he reminded me it was my idea. I thought it would be a magnificent way of making the most of Commonwealth Park. Unfortunately, I was unable to attend any of the sessions, but I could see the benefits of watching Grease, or Airplane, or Superman, or Jaws, with a keen eye on the koi carp were doing in the pond, to make sure they were not attempting to imitate what was being shown on the wall!

535

But unfortunately the toll on the park was dramatic. In fact, at that time the party that he used to sit with started to say that we had made a mistake in the type of grass that we had chosen and that Commonwealth Park was a disaster that would not succeed because the grass could not prosper. Commonwealth Park grass was prospering perfectly well, until 2,000 people came to sit on it every Tuesday afternoon – **(A Member: And Thursday!)** and Thursday – to watch a movie.

540

545

Now, the hon. Gentleman might best understand this by reference to what happens at Wimbledon. If the hon. Gentleman watches the first round of the tennis at Wimbledon he will see the players on a pristine court which looks perfectly green, and if he watches the final he will see the players standing on a patch of sand at the back of each side of the court. Unfortunately, therefore, what I think was a magnificent idea, had a toll on the park which was just unacceptable in the context of the other use that the park has on a daily basis for all our children.

550

I am very keen to bring back cinema under the stars, but not necessarily in the park. So, to spare the Minister for the Environment the horror of the effects on his grass, it is something that the Minister for Culture and I are discussing and we would very much like to bring it back and we very much welcome his welcoming of our very welcome initiative.

Thank you. (*Banging on desks*)

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just interject here?

555 I think that, from speaking to people, the issue mainly, one would say, is that when we get close to elections we see these sorts of gimmicky type of events; for example, the one on the beach where we had those jamborees in the sea that we have not seen since 2015, I think.

Would the Government not understand the electorate for wondering why these wonderful little incentives in the summer come and go once every four years?

560

**Hon. Chief Minister:** Mama Mia! Here we go again! Wouldn't that be a good film to show under the stars?

Well, Mr Speaker, I disagree with her, obviously, because we are not a Government of gimmicks. And the floating facilities which were provided at the beaches were provided, I believe, when Minister Costa was Minister for Tourism for two consecutive years; and on the second consecutive year they were so damaged that it was impossible to repair them for a third year and we had to make a decision about whether or not to once again invest in those facilities.

The Cinema under the Stars was unrelated to a general election and it would have gone on had it not been for the toll on the grass.

570 But, look, if what the hon. Lady is telling us is that we get better as we go along and in the fourth year of our Government we are at our peak, I think the public appreciate it and that is why, if she will allow me to remind her, she stood with the team that was massively rejected by the people of Gibraltar and by an electorate that is wise enough to look beyond a movie at a park and a floating lilo offshore. People understand why it is that they vote for the Government that they vote for and I think it has more to do with their depth of understanding of the experience and the commitment that there was in respect to the team that is now sitting on this side of the House, than there was presented by the other side, some of whom have even felt that they need to go off to further their studies instead of continuing in politics in Gibraltar.

580 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask does the Chief Minister envisage the floating lilo to be fixed by summer 2019?

**Hon. Chief Minister:** Mr Speaker, the current Minister for Tourism has stepped out and I do not know what it is that we will be doing in summer 2018, let alone summer 2019. But I can assure her that the Government will seek to mature all of its policies and deliver them to the electorate as soon as we are able to do so.

590 Some of them, whether in relation to lilos or otherwise, will peak in 2019. Some of them will peak after 2019, but I have no doubt that the electorate will look at what is on offer at any impending general election, and likely make the same decision, lilos or otherwise. I think, if she will allow me to say so, with respect, there are some on that side who are junior enough in this House that they still need to put their wings on before they are able to swim on their own, and I am not just referring to her, I am referring to some people who lead political parties, and who are, having said that, still very junior in parliamentary terms.

595 **Mr Speaker:** Next question.

**Q482/2017**  
**Waterport Fountain –**  
**Inactivity**

**Clerk:** Question number 482, the Hon. L F Llamas.

600 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide details of when the Waterport Fountain has been inactive and the reasons why?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

605 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Department does not keep a log of every time – or did not keep a log of every time – the fountain is inactive. However, I can confirm that since the fountain was refurbished in 2013, it has only been switched off for maintenance work and during National Day.

610 At this moment in time, the fountain is undergoing maintenance works to one of the pumps, and I am going to depart slightly from the prepared answer – the prepared answer said it is due to be functioning again next week, that was for last week – due to be functioning again this week but I was told on Monday that they have identified an electrical problem and it is being repaired and it should be ready in the next couple of days.

**Q483/2017**  
**Swift bird nest webcam –**  
**Installation costs**

615 **Clerk:** Question number 483, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state how much has been paid for the setting up and installation of the swift bird nest webcam and internet site?

620 **Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the cost for setting up and installation of the swift bird nature cam series is £1,581.53.

**Q484/2017**  
**Medusa nets –**  
**Purchase costs since 2011**

625 **Clerk:** Question number 484, the Hon. L F Llamas.

630 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of how much money has been spent on the purchase of medusa nets since December 2011 per financial year, detailing for which beach each purchase was for?



**Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

635 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the overall costs are in the schedule which I now hand over. There is no breakdown available per beach. I am told that, because of the way the work is done, it is not possible to sub-divide into each beach.

| 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 | 2016/2017 | 2017/2018      |
|-----------|-----------|-----------|-----------|-----------|----------------|
|           |           |           |           |           | <b>To date</b> |
| N/A       | £93,230   | £48,345   | £30,154   | £36,193   | £52,584        |

**Q485/2017**  
**Fix my Street app –**  
**Launch and cost**

640 **Clerk:** Question number 485, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain why the 'Fix my Street' app was never launched, and the cost involved?

645 **Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

650 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the app has not been launched because it was superseded by the Environmental Feedback Section, now back in operation, and the Environmental Agency's app 'Gib Environ' which has the reporting facility. It was deemed that an additional app would have been confusing.

**Hon. L F Llamas:** Mr Speaker, was there any cost involved in the preparation?

655 **Hon. Dr J E Cortes:** Mr Speaker, not to the Department. I believe this was an initiative together with other work that was being done for the Government. As this was not proceeded, the Department has not paid for what was not published. Obviously, the other app for the Environmental Agency would have had costs but that is not the subject of this question.

660 **Hon. L F Llamas:** Mr Speaker, the hon. Minister says that the Department has not had an incurred cost. Can he confirm that the Government has not paid, given that there was a website and a detailed availability on the internet of what the app was going to look like, and I am sure that some costs would have been involved?

665 **Hon. Dr J E Cortes:** Mr Speaker, my information is that the cost for that particular app, which was not processed, was not distinguishable from other work being done on that project, but I can see whether I can delve into it and see whether it can be factored out but it may not be possible because it was part of a bigger picture but I will investigate.

**Q486/2017**  
**Dumping of household refuse –**  
**Main Street and surrounding streets**

**Clerk:** Question number 486, the Hon. L F Llamas.

670

**Hon. L F Llamas:** Mr Speaker, how does Government intend to tackle the dumping of household refuse in Main Street and surrounding streets, lanes and alleys?

675

**Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there has already been considerable improvement in a number of areas which had long been hot-spots.

680

Notably, rubbish accumulations have now totally disappeared from Chatham Counterguard, Turnbull's Lane, Mess House Lane and the corner of Governor's Street at the bottom of Prince Edward's Road.

We continue to review the whole waste strategy to bring about even further improvements.

685

**Clerk:** Supplementary to Q484.

690

**Hon. L F Llamas:** Mr Speaker, looking at the schedule provided by the Hon. Minister, we can see that the initial purchase of the nets back in 2013-14 was £93,000, the following year was £48,000, 2015-16 was £30,000, 2016-17 was £36,000 and 2017-18 there is a rise again going up to £52,000 which is more than half of the initial purchase back in 2013-14.

695

Can the Minister explain if all these are new purchases or if there are repairs involved and whether there is a policy that can be put in place so that we do not have to spend so much on these nets? I say this, Mr Speaker, because up at the Europa Advance Road during the summer period there has been some of those medusa nets deposited at the recycling centre and obviously they are in a bad state, and I am not sure if it is a question that they are not being maintained properly or if they are actually being neglected, or if it is a position where they do need replacing after a couple of years.

700

**Hon. Dr J E Cortes:** Mr Speaker, I will reply with caution, because the last time, in a constructive way, I said I thought that something was a toilet all sorts of things blew up.

**A Member:** Not the toilet!

705

**Hon. Dr J E Cortes:** No, the toilet did not, but I have to say that I am trying to reply in good will without the backing of factual information. So I am doing it with caution, because I do not then want to be challenged about saying something which I said in all honesty I thought was the case without having the information. I think I have to make that point.

710

These things clearly have wear and tear, and after a number of years there will be need for greater investment. If he wants a breakdown of exactly why it is somewhat more this year than the last couple of years, I would have to look into it. I suspect – and again with caution – that as the years go by you have to repair more. We are looking into how we can perhaps make this less expensive and hopefully will be able to do something in that respect next year. But if he wants any more detailed information then I will need to have either the question made or the hon. Member is quite welcome to write to me.

715

**Q487-492/2017**  
**Public area cleaning –**  
**Schedule of flushing down; Government rental estates;**  
**Contract with Master Services**

**Clerk:** Question number 487, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule of locations and frequency regarding the flushing down of our public areas since December 2011?

720

**Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 488 to 492.

725

**Clerk:** Question number 488, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose its public area cleaning strategy in advance of the upcoming tender?

730

**Clerk:** Question number 489, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state how much it has spent in each financial year since April 2012 to date in the cleaning of public areas in Government rental estates, per estate?

735

**Clerk:** Question number 490, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the contract entered into between Government and Master Services?

740

**Clerk:** Question number 491, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule since December 2011 of how much has been paid to Master Services for services in addition to their original contract and what the services were for?

745

**Clerk:** Question number 492, the Hon. L F Llamas.

750

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule since December 2011 of how much has been paid to Master Services as per their original contract?

**Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

755

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will be referring to three schedules which I will hand over together at the end, I think, rather than make the Clerk staff go across three times.

760

The information in relation to Question 487 requested is in the schedule I will be handing over. The tender includes a more intensive cleaning programme, details of which can clearly not be revealed at this time, but will be published shortly. In addition, we are developing a review of

waste management in general. This is part of the overall Master Service contract, Q489, and costs are not specified by area.

765 In relation to Q490, as the hon. Member is aware, the Government is in the process of issuing a tender and it would not be appropriate to disclose the current contract entered into by the GSD at this moment in time.

The information requested for Q491 and Q492 is in the schedules:

Answer to Question No 487:

|  | Flushing |
|--|----------|
| Abecasis Passage                                     | F3       |
| Admiral Rooke Road                                   | F4       |
| Airport tunnel Access Road (from Devil's Tower Road) | F4       |
| Alectoris Lane                                       | F4       |
| Ansaldo's Passage                                    | F3       |
| Arengo's Block Car Parks                             | F3       |
| Arengo's Palace Car Park                             | F4       |
| Arengo's Palace Lane                                 | F4       |
| Armstrong Steps                                      | F3       |
| Baca's Passage                                       | F3       |
| Bado's Pasaage                                       | F3       |
| Bado's Steps   | F4       |
| Baker's Passage                                      | F3       |
| Bayside Area Roads and Car Parks                     | F3 (P)   |
| Bayside Road   | F4       |
| Bedlam Court   | F3       |
| Bell Lane  | F3       |
| Bella Vista Close                                    | F4       |
| Belvedere Car Parks                                  | F4       |
| Benoliel's Passage                                   | F3       |
| Benzimra's Alley                                     | F3       |
| Bishop Caruana Road                                  | F3       |
| Bishop Healy Home cul-de-sac                         | F4       |
| Bishop Rapallo Ramp                                  | F3       |
| Bomb House Lane                                      | F3       |
| Booth's Passage                                      | F3       |
| Boschetti's Steps                                    | F3       |
| Boyd Street  | F4       |
| Brian Navarro Way                                    | F4       |
| British Lines Area                                   | F4       |
| Bruce's Gully  | F3       |
| Buena Vista Road                                     | F4       |
| Buffadero Lane                                       | F4       |

|   |    |
|---|----|
| Cable and Wireless Road   | F4 |
| Calpe Road  | F4 |
| Camp Bay Road and Car Parks   | F2 |
| Camp Bay Road and Car Parks   | F4 |
| Camp Bay Tunnels to Junction with Rosia                               | F2 |
|   |    |
| Camp Bay Tunnels to Junction with Rosia                               | F4 |
| Cannon Lane   | F3 |
| Carrera's Passage   | F3 |
| Casemates Gates Area  | F3 |
| Casemates Hill  | F3 |
| Casemates Road & area behind kiosks                                   | F3 |
| Casemates Square  | F3 |
| Castle Ramp   | F3 |
| Castle Ramp - steps leading to Lower Castle Road                      | F3 |
| Castle Ramp to Road to the Lines - steps to Moorish Castle Estate     | F3 |
| Castle Road (bottom of Willis' Road to Moorish Castle Estate)         | F4 |
| Castle Road (from Prince Edward's Road to bottom of Willis' Road)     | F4 |
| Castle Road (No. 50) patio area                                       | F3 |
| Castle Steps  | F3 |
| Castle Street   | F3 |
| Catalan Bay Road including Car Parks                                  | F2 |
| Catalan Bay Road including Car Parks                                  | F4 |
| Catalan Bay Village main lanes  | F2 |
| Catalan Bay Village main lanes  | F3 |
| Cathedral Square  | F3 |
| Cathedral Square - Pedestrianised Areas around Holy Trinity Cathedral | F3 |
| Cathedral Square - Streets around playground                          | F4 |
| Cemetery Road   | F4 |
| Centre Pavilion Road  | F4 |
| Charles V Ramp  | F3 |
| Charles V Steps   | F3 |
| Chatham Counterguard  | F3 |
| Chicardo's Passage  | F3 |
| City Mill Lane  | F4 |
| Cloister Ramp   | F3 |
| Coaling Island Road   | F4 |
| College Lane  | F4 |
| Convent Place   | F4 |
| Cooperage Lane  | F3 |
| Cornwall's Lane   | F3 |
| Cornwall's Parade   | F4 |

|  |        |
|--|--------|
| Corral Road  | F4     |
| Crutchett's Ramp   | F3     |
| Cumberland Road  | F4     |
| Cumberland Steps   | F4     |
| Customs Area (Frontier) Four Corners                           | F4     |
| Danino's Ramp  | F3     |
| Demaya's Ramp  | F3     |
| Devil's Bellows Lane   | F4     |
| Devil's Gap Steps  | F3     |
| Devil's Tongue including car park                              | F4     |
| Devil's Tower Road   | F4     |
| Dudley Ward Tunnel   | -      |
| Eastern Beach Road   | F2     |
| Eastern Beach Road   | F4     |
| Elliott's Close  | F4     |
| Elliott's Way  | F3 (P) |
| Emerson's Place  | F4     |
| Engineer Lane  | F4     |
| Engineer Lane waste ground Car Park and steps/ramps leading to | F4     |
| Engineer Road  | F4 (P) |
| Europa Advance Road  | F4     |
| Europa Road  | F4     |
| Europa Road - Road from/to rear of Europa Mews                 | F4     |
| Europort Avenue including roundabout                           | F4     |
| Europort Road  | F4     |
| Fish Market Road and Car Parks                                 | F2     |
| Flat Bastion Road  | F4     |
| Flat Bastion Road parking spaces under flats                   | F4     |
| Flint Road   | F4     |
| Forbes Road (including top area car park)                      | F4     |
| Forty Steps  | F4     |
| Fountain Ramp  | F3     |
| Frazer's Ramp  | F3     |
| Frontier loop area   | F4     |
| Gardiner's Road  | F4     |
| Garrod Road  | F4     |
| George's Lane  | F4     |
| Giro's Passage   | F4     |
| Glacis Road including Fountain Roundabout                      | F4     |
| Governor's Lane  | F4     |
| Governor's Parade  | F3     |
| Governor's Street  | F4     |

|  |        |
|--|--------|
| Gowland's Ramp   | F3     |
| Grand Parade   | F3 (P) |
| Gunner's Lane  | F4     |
| Halifax Road   | F4     |
| Harbour Views Road   | F3 (P) |
| Harding's Road   | F4     |
| Hargrave's Parade  | F4     |
| Hargrave's Ramp  | F3     |
| Horse Barrack Lane   | F3     |
| Hospital Hill  | F3     |
| Hospital Ramp  | F3     |
| Hospital Steps   | F3     |
| Irish Place  | F3     |
| Irish Town   | F3     |
| Irish Town - Steps From North End to Line Wall Road                  | F3     |
| John Mackintosh Ramp   | F4     |
| John Mackintosh Square   | F3     |
| John Snow Close  | F4     |
| Johnston's Passage   | F3     |
| Keightley Way Tunnel   | -      |
| King's Street  | F4     |
| King's Yard Lane   | F4     |
| Koehler Ramp   | F4     |
| Lady William's Close   | F4     |
| Lancaster Road   | F4     |
| Landport area (from Corral Road), including bridge & tunnel entrance | F3     |
| Landport Car Park (top)  | F4     |
| Landport Ditch Car Park  | F4     |
| Landport Tunnels   | F3     |
| Lathbury Road  | F4     |
| Levant Battery Road  | F4     |
| Levanter Way including the mound                                     | F4     |
| Library Ramp   | F3     |
| Library Street   | F3     |
| Lime Kiln Road   | F3     |
| Lime Kiln Steps  | F3     |
| Line Wall Road   | F4     |
| Little Bay Car Park including access road                            | F2     |
| Little Bay Car Park including access road                            | F4     |
| Lopez Ramp   | F3     |
| Lower Castle Road  | F3     |
| Lower Witham's Road  | F4     |

|   |        |
|---|--------|
| Lower Witham's Road access road to Upper Witham's Road                      | F4     |
| Lynch's Lane  | F3     |
| MacPhail's Passage  | F3     |
| Maida Vale  | F4     |
| Main Street From Casemates Hill To Referendum Gates                         | F2     |
| Market Lane   | F3     |
| Mess House Lane   | F4     |
| Mid Harbours Close  | F3     |
| Mid Town Coach Park (ground & level 1)                                      | F3     |
| Mons Calpe Road (from Emerson's Place around Waterport Terraces)            | F3     |
| Mons Calpe Road (from Emerson's Place to New Power Station)                 | F4     |
| Montagu Place including Car Parks   | F4     |
| Moorish Castle Estate to Road to the Lines - Steps                          | F3     |
| Morello's Ramp  | F3     |
| Mount Alvernia - Pathway to the Mount                                       | F4     |
| Mount Road  | F4     |
| Naval Hospital Hill   | F4     |
| Naval Hospital Road   | F4     |
| Nettle Tree Ramp  | F4     |
| New Passage   | F3     |
| New Street  | F3     |
| North Gorge access road   | F4     |
| North Mole Road   | F3 (P) |
| North Pavilion Road   | F4     |
| Notre Dame School and Playground - pathway between                          | F3     |
| Nuffield Pool Car Park  | F2     |
| Nuffield Pool Car Park  | F4     |
| Palace Gully  | F3     |
| Paradise Ramp   | F3     |
| Parliament Lane   | F3     |
| Parody's Ramp   | F3     |
| Parson's Lane   | F4     |
| Pathway seafront next to Nuffield Pool from Camp Bay to Little Bay          | F2     |
| Pathway seafront next to Nuffield Pool from Camp Bay to Little Bay          | F4     |
| Penney House - adjacent steps leading to Brympton Estate                    | F4     |
| Peter Isola Promenade   | F4     |
| Pezzi's Steps   | F3     |
| Piazella - By Governor's Parade   | F3     |
| Piazza Including Parliament lobby   | F3     |
| Pitman's Alley  | F3     |
| Police Barracks Lane  | F3     |
| Prince Edward's Road (from Hargrave's Parade to junction Flat Bastion Road) | F4     |



|  |        |
|--|--------|
| Prince Edward's Road (junction Flat Bastion Road to Governor's Street)           | F4     |
| Printer's Passage  | F4     |
| Public Market Acces Area & Bus Terminus  | F2     |
| Queensway - parking spaces   | F3     |
| Queensway (up to New Harbours)   | F4 (P) |
| Ragged Staff Car Park  | F4     |
| Ragged Staff Car Park  | F3     |
| Ragged Staff Road  | F4 (P) |
| Reclamation area car park and access road at Catalan Bay                         | F4     |
| Reclamation area car park and access road at Catalan Bay                         | F4     |
| Reclamation Road   | F3     |
| Red Sands Road   | F3     |
| Richardson's Passage   | F3     |
| Road To The Lines  | F3     |
| Rodger's Road  | F4     |
| Rodger's Steps   | F4     |
| Romney Car Park  | F3     |
| Rosia Bay - steep hill and steps   | F4     |
| Rosia Lane   | F4     |
| Rosia Ramp   | F4     |
| Rosia Road   | F4 (P) |
| Rosia Steps  | F3     |
| Saluting Battery Promenade   | F3     |
| Sandpits Road  | F4     |
| Schomberg House - steps from South Barrack Road to Witham's Road                 | F4     |
| Scud Hill  | F4 (P) |
| Scud Hill Steps  | F4     |
| Secretary's Lane   | F4     |
| Serfaty's Passage  | F3     |
| Shackleton Road  | F4     |
| Shakery's Passage  | F3     |
| Sir Herbert Miles Promenade  | F3     |
| Sir Herbert Miles Promenade - middle access to Commonwealth Park including steps | F3     |
| Sir Herbert Miles Road including car parks                                       | F4     |
| Smith Dorrien Avenue   | F4     |
| Smith Dorrien Avenue path leading to Glacis Road                                 | F4     |
| South Barrack Close  | F4     |
| South Barrack Parade   | F3     |
| South Barrack Ramp   | F4     |
| South Barrack Road   | F4     |
| South Barrack Road - steps leading to Nettle Tree Ramp                           | F4     |
| South Pavilion Road  | F4     |

|   |        |
|---|--------|
| South Port Gates and surrounding area   | F4     |
| South Shed's Place  | F4     |
| St. Bernard's Road  | F4     |
| St. Christopher's Alley   | F4     |
| St. Jago's - Car Park   | F4     |
| St. Jago's - Steps  | F4     |
| St. Joseph's Road   | F4     |
| Stirling Lane   | F4     |
| Sunnyside Steps   | F4     |
| Tangier View Lane   | F4     |
| Tank Ramp   | F4     |
| Tank Ramp Steps   | F3     |
| Tankerville Road  | F4     |
| Tank Passage  | F4     |
| Tank Road   | F4     |
| Theatre Royal Park  | F3     |
| Town Range including Car Parks  | F4     |
| Trafalgar Hill  | F4 (P) |
| Trafalgar Road  | F4 (P) |
| Transport Lane  | F4     |
| Transport Lane triangle   | F4     |
| Transport Road  | F4     |
| Trinity House Road  | F4     |
| Tuckey's Lane   | F3     |
| Tudury's Steps  | F4     |
| Turnbull's Lane   | F3     |
| Upper Castle Road   | F4     |
| Upper Witham's Road   | F4     |
| Victualling Office Lane   | F4     |
| War Memorial Boulevard including steps  | F4     |
| Waterport Road to exit roundabout from Varyl Begg Estate                      | F3     |
| Waterport Wharf   | F4     |
| Waterport Wharf Road  | F3 (P) |
| Wellington Front - Ground & Upper level (including passageway from Queensway) | F3     |
| Westside Road   | F3     |
| Willis' House - Service Road  | F4     |
| Willis's House Service Road   | F4     |
| Willis's Passage  | F3     |
| Willis's Road   | F4     |
| Wilson's Ramp   | F3     |
| Windmill Hill Road  | F4     |
| Winston Churchill Avenue and Sundial Roundabout                               | F4     |

|   |    |
|---|----|
| Witham's - steps Upper from/to Lower Witham's | F4 |
| Zoca Flank                                    | F4 |

Flushing FI = Daily  
F2 = Weekly  
F3 = Monthly  
F4 = Quarterly  
(P) = Pavements only

**Contd. Answer to Question 492**

**Answer to Question 491**

**MASTER SERVICE EXTRA PAYMENTS**

| Date             | Description                      | £ | Extra      |
|------------------|----------------------------------|---|------------|
| -                | -                                | £ | -          |
| <b>F/Y 11/12</b> |                                  |   |            |
| 15/11/2012       | Seasonal workers & extra         | £ | 49,941.84  |
| 19/12/2012       | Seasonal workers & extra         | £ | 12,731.04  |
| 25/03/2013       | Social ins. Adj.                 | £ | 1,086.00   |
| 26/03/2013       | Seasonal workers & extra         | £ | 33,185.10  |
| <b>F/Y 12/13</b> |                                  |   |            |
| 11/03/2014       | Seasonal workers & extra         | £ | 15,176.31  |
| <b>F/Y 13/14</b> |                                  |   |            |
| 18/03/2015       | Seasonal workers & extra         | £ | 67,288.87  |
| <b>F/Y 14/15</b> |                                  |   |            |
| 15/03/2016       | Additional services              | £ | 174,679.75 |
| <b>F/Y 15/16</b> |                                  |   |            |
| 09/12/2016       | Beach attendant & extra services | £ | 90,529.39  |
| 17/01/2017       | Additional services              | £ | 3,900.00   |
| <b>F/Y 16/17</b> |                                  |   |            |
| -                | -                                | £ | -          |
| <b>F/Y 17/18</b> |                                  |   |            |

Examples of additional Services Include:

Removal of Seaweed at Western Beach

Provision of Mobile recycling unit services

Additional Sunday morning collection of household waste

Changing toilet facility and general cleaners at GASA sea bathing pavilion

Cleaning of pools at GASA sea bathing pavilion

Changing room and toilet facility covering Easter period, prior to official bathing season

Mechanical removal of dried aloes and soil at Europa Advance Road

Cleaning of glass panels, lift and bandstand at Commonwealth Park

Cleaning at Wellington Front

Cleaning of Small Boats Marina

**Contd. Answer to Question 492**

**Answer to Question 492**

MASTER SERVICE PAYMENTS

| Date             | Description                              |   | Contract Sum |
|------------------|--|---|--------------|
| 13/12/2011       | Qtr 01/01/12                             | £ | 1,163,710.26 |
| <b>F/Y 11/12</b> |  |   |              |
| 12/04/2012       | Qtr 01/04/12                             | £ | 1,141,230.48 |
| 22/06/2012       | Qtr 01/07/12                             | £ | 1,141,230.48 |
| 18/09/2012       | Qtr 01/10/12                             | £ | 1,141,230.48 |
| 07/12/2012       | Qtr 01/01/13                             | £ | 1,111,953.44 |
| 20/02/2013       | Contract sum 11/12, 12/13 (Adj) & KPI    | £ | 536,149.73   |
| <b>F/Y 12/13</b> |  |   |              |
| 16/04/2013       | Qtr 01/04/13                             | £ | 1,120,366.50 |
| 18/06/2013       | Qtr 01/07/13                             | £ | 1,120,366.50 |
| 12/09/2013       | Qtr 01/10/13                             | £ | 1,322,333.25 |
| 05/11/2013       | KPI 12/13                                | £ | 70,000.00    |
| 10/12/2013       | Qtr 01/01/14                             | £ | 1,187,688.75 |
| 20/03/2014       | Loan 18-20                               | £ | 23,294.13    |
| <b>F/Y 13/14</b> |  |   |              |
| 03/04/2014       | Qtr 01/04/14                             | £ | 1,187,688.75 |
| 04/06/2014       | Qtr 01/07/14                             | £ | 1,187,688.75 |
| 11/07/2014       | Arrears 1st & 2nd Qtr                    | £ | 85,970.00    |
| 03/09/2014       | Qtr 01/10/14                             | £ | 1,230,673.75 |
| 08/12/2014       | Qtr 01/01/15                             | £ | 1,230,673.75 |
| 30/03/2015       | KPI 13/14                                | £ | 67,000.00    |
| <b>F/Y 14/15</b> |  |   |              |
| 08/04/2015       | Qtr 01/04/15                             | £ | 1,230,673.75 |
| 04/06/2015       | Qtr 01/07/15                             | £ | 1,230,673.75 |
| 08/09/2015       | Qtr 01/10/15                             | £ | 1,230,673.75 |
| 01/12/2015       | Qtr 01/01/16                             | £ | 1,230,673.75 |
| 13/01/2016       | Contract sum adj. 14/15 & 15/16          | £ | 125,625.00   |
| <b>F/Y 15/16</b> |  |   |              |
| 01/04/2016       | Qtr 01/04/16                             | £ | 1,262,080.00 |
| 05/05/2016       | KPI 14/15                                | £ | 44,500.00    |
| 03/06/2016       | Qtr 01/07/16                             | £ | 1,262,080.00 |
| 01/09/2016       | Qtr 01/10/16 (includes adj. -£91,660.00) | £ | 1,124,590.00 |
| 01/12/2016       | Qtr 01/01/17                             | £ | 1,216,250.00 |
| 12/12/2016       | Wage increase Sep 16                     | £ | 47,349.93    |
| 22/02/2017       | KPI 15/16                                | £ | 28,000.00    |
| <b>F/Y 16/17</b> |  |   |              |
| 04/04/2017       | Qtr 01/04/17                             | £ | 1,216,250.00 |
| 01/06/2017       | Qtr 01/07/17                             | £ | 1,216,250.00 |
| 24/08/2017       | Qtr 01/10/17                             | £ | 1,216,250.00 |
| <b>F/Y 17/18</b> |  |   |              |

770

**Mr Speaker:** These are extremely lengthy schedules, so unless the hon. questioner has supplementaries on the other questions which are not the subject of the schedules ... if he has, we will proceed with that, otherwise I will allow time for the schedule to be considered.

775

**Hon. L F Llamas:** Mr Speaker, I have a supplementary on Q490, which is not part of the schedules.

780 I understand, obviously, that the Government is unable to disclose details of the contract, but would the Minister be able to divulge or disclose to us whether within the contract does it actually specify which areas Master Services is responsible for and where the responsibility for cleaning lies?

**Hon. Dr J E Cortes:** The contract has schedules which define areas that need to be cleaned, so in that respect, yes. I do not know what more detail he wants?

785

**Hon. L F Llamas:** Would the Minister be able to disclose those schedules to us? Obviously, I understand that perhaps he might not have them here today, but he could perhaps email.

**Hon. Dr J E Cortes:** Mr Speaker, this has not been requested. I have provided the information that has been requested, except those which at this moment have to be confidential because we are in the process of preparing a tender document with a new schedule of duties and there is information that I cannot reveal in advance of issuing that tender. So I do not think I should provide any more than the copious information that I have provided already today.

790

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if it is of any assistance, the tender will be public and the tender will contain the list of areas to be cleaned etc. So the hon. Gentleman will see it very shortly indeed. It is just a question of dotting 'i's and crossing 't's at this point, as far as I understand.

795

**Mr Speaker:** Let's move on to Q493.

800

**Hon. T N Hammond:** Mr Speaker –

**Mr Speaker:** I will allow –

805

**Hon. T N Hammond:** ... one supplementary not subject to ... (**Mr Speaker:** Okay.)

Mr Speaker, if I may just ask: does the Minister know when the tender may be issued; where we are in that process?

**Hon. Chief Minister:** Mr Speaker, the tender document has just been passed to my office literally, I think, overnight. It needs to be seen by the incumbent of the Office of Chief Minister just to ensure that it is in keeping with the discussion I have had with ministerial colleagues as to what we want from the new contract. Once I am satisfied of that it will go for publication.

810

**Q493/2017  
Project Search –  
Progress report**

**Clerk:** Question number 493, the Hon. L F Llamas.

815

**Hon. L F Llamas:** Mr Speaker, can the Government provide details on the progress being made in relation to the Project Search including: (a) Persons pending employment; (b) Persons employed as a direct result of this initiative; (c) Number of persons identified suitable to channel through the project; and (d) Number of employees working on this initiative?

820

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**

825 Mr Speaker, the Government is following a model based on Project Search, which was founded in 1996 in the USA. The work is carried out by an officer in the Department of Education working with young people with special educational needs (SEN) across our secondary schools. At present, the main thrust of the work is to assist students with special educational needs attached to the LSFs (Learning Support Facilities).

830 The 2017-18 short/medium term plan involves working with eight Year 12+ students based at the LSF at Bayside and Westside, incorporating matched work experience placements in their free slots in their school timetables. Gibraltar College and St Martin's School are in the process of identifying which students will require work experience for 2017-18.

835 Employer engagement is accessed so that we can successfully place six LSF Year 10 students on the work experience offered to all Year 10 students as part of the curriculum. Assistance is also being provided in the transition process of four school leavers, supporting them with unemployment registration at the ETB, CV building, job applications, interviews and employer engagement. One college student has been successfully placed in employment.

840 The long-term plan is to offer a supported internship for those students who have peaked at full-time education and would now benefit from a clear-cut, year-long, work training programme.

#### Q494/2017

#### School classrooms –

#### Class sizes, children with special education needs, learning support assistants

**Clerk:** Question number 494, the Hon. L F Llamas.

845 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule of the number of pupils in each class during each school year since September 2012 stating: (a) the year the class relates to; (b) the school the class belongs to; (c) the number of children with special education needs; and (d) the number of learning support assistants per class?

850 **Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the hon. Member demonstrates a very narrow understanding of Education – a conclusion that I come to for a number of reasons, which I will spell out.

855 I cannot provide him with such a schedule. Class sizes, issues relating to special educational needs, and indeed the consequent deployment of support are constantly changing. Classes shrink and grow, as children move across sets, enrol or leave midway through a term, complete core modules and are then subdivided to complete topics of choice. A child's needs today are different tomorrow; additional temporary help will be needed at different stages of a child's journey, and no stone is left unturned to ensure that this support is afforded every time. A snapshot of this, as requested by the hon. Member, is not only impossible but totally unnecessary and meaningless.

865 I am disappointed that such a question, which the Member opposite will have known would have required a great deal of research by many of the team in the Department of Education, should be asked at a time when the school term is starting, and professionals across our schools

and at the Department are working extremely hard to ensure that the children begin the term and are completely settled and happy.

870 Is the hon. Member therefore suggesting that I should recall headteachers and advisors from schools in an attempt to answer an impossible question? This I will not do, Mr Speaker. I will, however, say that the average classroom sizes and the provision afforded are completely in line with our manifesto commitments.

**Hon. L F Llamas:** Mr Speaker, I did not envisage this question being controversial or getting the Hon. Minister heated up on a question which was filed in good faith, I can assure him.

875 Mr Speaker, I would have thought, and I understand that classes can be expanded or smaller, depending on the time of the year, depending on the needs, I am fully aware of that; however, I do not envisage that it would be that difficult to table a schedule perhaps on the first day of each school year relating to the class sizes and the number of teachers and the number of learning support assistants in each class. I do not think it is that unreasonable of a question to  
880 ask.

So, is the Hon. Minister able to answer this question if I file it next month in the next session and state that it could be a snapshot as at the first day of each educational year?

**Hon. Dr J E Cortes:** Mr Speaker, the hon. Member has mentioned good faith and I have to  
885 take that because he said it, but I think recent events would justify me in perhaps not seeing that the good faith actually shows itself in the day to day. But let's leave that to one side.

Mr Speaker, if the hon. Member thinks I was heated up he should have seen the members of staff of the Department of Education when they read the question. It is, as I have explained clearly, a well-nigh impossible task and, to me, meaningless; and perhaps if the hon. Member  
890 were to explain to me, certainly not now, what he wants to get out of this and what it is that he wants to analyse, it might be easier at least to have a discussion.

But certainly, going back to September 2012, looking at the number of pupils in each class, in each Year, in each school, how many of those have special education needs – which I have explained varies – and the number of learning supports in each class, when that can vary almost  
895 on a daily basis, is not reasonable and is something that I certainly will not provide.

**Hon. L F Llamas:** Mr Speaker, unfortunately, the Hon. Minister judges my faith unfairly and I am quite disappointed at that.

Mr Speaker, it is not a question of what I want this answer to provide; I am factual and I  
900 would like to get the answer that I am entitled to when I file a question. What the Minister is, therefore, suggesting – and I could understand that perhaps it is an added burden to the staff of the Education Department – is that perhaps they are under-resourced and this is why they are unable to answer this question. Is that the case, Mr Speaker?

905 **Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker. That is absolutely right.

Every Department of Government is under-resourced for dealing with questions that simply require that staff be set aside to compile meaningless statistical data which cannot be provided with any accuracy, in some instances, other than by seeking to rely on the memory of people as to what might have been the case five years ago in respect of data which has never been  
910 compiled and where people will not, therefore, be able to give accurate answers.

Every Department is going to always be undermanned if we are asked to compile a list of how many paperclips have been purchased by each Department and how many were used in each day since 10th December 2011. It is impossible, Mr Speaker, to deal with some questions and it is very easy to put a question that cannot be answered. The political art, Mr Speaker, is to put a  
915 question that *can* be answered and gets to the nub of a political issue that the Member feels he must hold the Government to account for.



920 But if the hon. Member is not able to conject questions which require information that is available to be provided, he can expect us to tell him that we are impossibly under-resourced to come up with the answers for the speculative questions that he might try to put, which require resources which have never been available to any Government of Gibraltar or indeed any government around the world.

925 Because some of the things that we have been asked for, Mr Speaker – and I do not want to refer to things which are coming up in the Order Paper – the hon. Gentleman is going to get the same answer that he has been given by the Hon. the Minister for Education – a Minister who, if I may say so, Mr Speaker, does not often get het up as we have seen him this morning, given the – I am sorry to say and I say it with the greatest possible affection to the hon. Gentleman; he knows I am very pleased to see him ... since the Budget debate in this House.

930 But the questions are in some instances just nonsensical in the sense that the data requested is not data maintained, or that it is reasonable to have maintained. In some instances, Mr Speaker, the hon. Gentleman may ask us, ‘Look, I understand the position; could you kindly, going forward, keep a record of this and give me, monthly, these numbers?’ Well, that is relatively easy in some instances, Mr Speaker, but to go back and recreate from a point in time that happens to be 10th December 2011, without showing any interest in what has happened before – in any event, where things may have been worse and there may be an appreciable improvement after 10th December 2011 – is just an attempt to ask questions to show off about the numbers that have been filed, not to ask questions in a way that is designed to get to reasonably relevant information, in our view.

940 **Hon. L F Llamas:** Mr Speaker, I will take it as a compliment that I am asking questions which have never been asked before; that means I am actually going deeper than any other Member has gone before.

Mr Speaker, what I am not clear on, and I do not believe that this question is unreasonable, otherwise the Hon. Mr Speaker would have ruled it out –

945 **Mr Speaker:** No, I do not rule questions on whether they are unreasonable or not; I deal with questions in accordance with the Rules which are stated clearly in the Rulebook, as it were. The question of reasonableness does not come into it as far as I am concerned. There are other considerations.

950 **Hon. L F Llamas:** Fine, Mr Speaker.

Would the Government be able to supply the information as at the first day of each school year, given that there has to be a compilation of information for each school, of how many students are going to be allocated in each class, how many teachers will be allocated in each class. Somebody must prepare this, otherwise it would be impossible to run an educational system. I am actually informed that it could even be the case that some of these registers are electronic, so I am amazed that it can be so complicated to compile and supply this information.

Would the hon. Minister be able to provide an answer to this question if I come back with this question next month?

960 **Hon. Chief Minister:** Mr Speaker, there is the nub of the issue. The hon. Gentleman now slowly seems to be reaching understanding. A snapshot on 1st September 2017 is probably something that can be provided. Going back and giving the snapshot may not be so easy. But he has to understand that is a snapshot and that by 15th September it may have changed, and that by 10th December the position may have changed too; and that going back is probably not something that can easily be done, or at least will not provide anything near information which is worth analysis. I think that is the point that the hon. Gentleman is trying to make.

965 So this is not about not giving him information which is easily possible to provide, and very likely, given where we are in the month, we could probably ask teachers to give us the start of

970 term figure and that going forward we could perhaps seek returns as to a monthly figure, or something like that.

Can I encourage the hon. Gentleman to speak to Minister Cortes offline and see what it is – as the hon. Minister has said – what it is him that he wants to understand. There may be another data collection method that may be able to assist him and which we may be able to provide which he can then put as a Written Question, or as an Oral Question if he likes, and then he can be receiving the information in a way that is meaningful to him, given what it is that he wants to provide.

975 I am not, Mr Speaker, able to say that he is going deeper than anyone has ever gone before; I think he is just going down a route that nobody has gone before, perhaps because it is statistically irrelevant to go there. I can assure him that if there was statistical relevance to a question the person sitting to my left would have been asking it since 1972.

**Hon. Dr J E Cortes:** Mr Speaker, if I may just add and thank the Chief Minister for that, the question is how relevant and how could you interpret the snapshot on 1st September, because particularly in the first few weeks there are going to be changes and if you are going to be wanting to compare year on year what conclusions can you reach from something which is perhaps not going to reflect the reality of the transition through the school year. I think it is a discussion that we have to have.

985 I was going to say, Mr Speaker, that I was sorry that the hon. Member was disappointed in me, but I am going to say the contrary because I was disappointed in him a couple of weeks ago. So that is one all; maybe we can make a fresh start.

**Hon. E J Phillips:** Mr Speaker, just to facilitate and help my hon. friend in relation to this, the information I believe that the hon. Member requested is in fact online on the Government's website; however, the issue is, I think, the class size, which I think can be easily ascertained by asking the question about class sizes in reference to those particular statistics which the Government have supplied online. That would be a helpful answer from the Government's side, but I think if those numbers could be crunched one more time, rather than spending inordinate resources on this question, we could have the answer.

1000 **Hon. Dr J E Cortes:** Mr Speaker, if my colleagues in the Department of Education and I had wanted to come up with figures I am sure they could have come up with figures, but this goes deeper than that. Because these figures change, because it would not give an accurate representation of what the issues are with special needs, it was felt that the exercise would have been futile as well as onerous.

1005 Certainly, we can look at it and I think the Hon. Mr Phillips' suggestion is helpful, but we have got to be cautious in how we interpret these snapshots, because snapshots do not reflect what is actually happening in the classroom, necessarily. That is the point I was making.

**Mr Speaker:** Next question.

1010

**Q495-506/2017**  
**St Martin's School –**  
**Portacabins, new school buildings and bus**

**Clerk:** Question number 495, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, further to the answer provided to Question 328/2017 and statements made on social media and the press, can the Minister for Education state where the toilet portacabins he referred to are?  
1015

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 496 to 506.  
1020

**Clerk:** Question number 496, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, in relation to the portacabins at St Martin's School, can the Government state for the current academic year: (a) how many children are taught in each classroom; (b) how many teachers are in each classroom; (c) how many learning support assistants are in each classroom?  
1025

**Clerk:** Question number 497, the Hon. L F Llamas.  
1030

**Hon. L F Llamas:** Mr Speaker, can the Government provide details of the specifications as at 1st September 2017 of the enhanced acoustic conditions and sound insulation of each classroom at the two-storey portacabin at St Martins School (walls, ceilings and floors) and confirm they are suitable for children with special needs?  
1035

**Clerk:** Question number 498, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm that as at 1st September 2017, a risk assessment had been carried out on the portacabins at St Martin's School?  
1040

**Clerk:** Question number 499, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm that as at 1st September 2017, adequate internal and external lighting has been provided at the two-storey portacabins at St Martin's School, including emergency lighting?  
1045

**Clerk:** Question number 500, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm what will be the procedure during winter for children attending the two-storey portacabin to go to the main building for scheduled activities or play time?  
1050

**Clerk:** Question number 501, the Hon. L F Llamas.  
1055

**Hon. L F Llamas:** Mr Speaker, can the Government provide details of the internal area of each portacabin classroom being used at St Martin's School detailing: (a) the classroom area; and (b) the toilet area?

**Clerk:** Question number 502, the Hon. L F Llamas.

1060

**Hon. L F Llamas:** Mr Speaker, can the Government provide the specification as purchased from the supplier of each portacabin making up the two-storey portacabin at St Martin's School?

**Clerk:** Question number 503, the Hon. L F Llamas.

1065

**Hon. L F Llamas:** Mr Speaker, can the Government state the cost of each portacabin at St. Martin's School, their location, purpose and the provider?

**Clerk:** Question number 504, the Hon. L F Llamas.

1070

**Hon. L F Llamas:** Mr Speaker, will the Government consider a more inclusive approach for children with disabilities short term in order to resolve the portacabin situation at St Martin's and long term so that all children are educated as per their catchment or choice rather than their abilities?

1075

**Clerk:** Question number 505, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state where they intend to build St Martin's School and by when will the project be completed?

1080

**Clerk:** Question number 506, the Hon. L F Llamas.

**Hon. L F Llamas:** Can the Government provide details of when it intends to provide a new bus as promised during the Budget of 2016 for St Martin's School?

1085

**Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the toilets are within the portacabin to the left as one enters the school site.

1090

There are six children per classroom, taught by one teacher who is supported by three learning support assistants in each of the portacabins.

The ground floor cabin roof has been insulated with 100 mm rigid expanded polystyrene (EPS) to improve sound proofing.

1095

In relation to 498, yes, I can confirm this.

Q499: all electrical installations, inclusive of lighting, are EU compliant and have been reviewed, and adapted, if applicable, by the Gibraltar Electricity Authority. External lighting is not required.

Protocols will be in place to guarantee the safety and wellbeing of all the children, even during transition, if this is required. Indeed, procedures are currently in place throughout our schools.

1100

The internal area of each mobile classroom is approximately 50 m<sup>2</sup>. This is comprised of three modular units measuring 6.00 x 2.40 m (43 m<sup>2</sup>) and one WC disability specification toilet facility measuring 2.90 x 2.40 m (7 m<sup>2</sup>).

1105

Specifications, as in surface area etc., have already been answered in my reply to Q501. I think there is a slight repetition in Q502.

The information requested in Q502 by the hon. Member is set out in the schedule which I now hand to him; however, as additional information, I can reassure the hon. Member that the modular units comply with EU regulations and are certified under ISO 9001:2008 and ISO 1404:2004.

1110

Answer to Question 502:

**General Technical Specification — Modular**

**Units 1.1 Modular Structure**

- Totally self-supporting, constructed with UPN160 beams.
- Beams and floor joists have been factory welded.
- The structure consists of 4 x 100 x 100 columns. The roof structure has been designed with two functions, the collection of rainwater and suitable to support and stack additional units. Constructed with profiled panels.
- The above mentioned structural elements are hot dip galvanised and powder coated in white.
- Certified to conform to Building Regulations 305/2011, 9th March 2011 by AENOR quality assurance accreditation. Marked CE.

**1.2 Floor**

- The installation and design of the profiles together with the anchor points provide an elevated floor finish of 180 mm.
- The deck consists of a 19mm thick water-resistant board. The floor boards are lined with proprietary non-slip linoleum with a welded seal.
- The deck is designed to support a loading of 350 kg/m<sup>2</sup>.

**1.3 Enclosure**

- The vertical enclosures on all modular units consist of sandwich panels with the following characteristics:

Composition:

2 x 5 mm hot dip galvanised zinc sheets with a powder coated paint finish (white)

Insulation:

The sandwich between the aforementioned sheets is injected with polyurethane resin, (s/norma DIN

4102), applied HCFC and CFC-141v. Density 40 kg/m<sup>3</sup>

Roof:

Constructed using the same insulated sandwich panel as the vertical walls.

The complete composition of the panels including the insulation provides a total thickness of 60 mm.

The design and composition of the panels, guarantees the insulation and waterproofing properties.

The panel's suitability is certified by ICITE in the European Union, the Construction Technical Agreement UEAtc

In relation to Question 503, the total cost of both Portman portacabins amounts to approximately £75,000. The ground floor portacabin was installed in 2016 for a total cost of £35,183. The first floor portacabin was installed in August 2017 and the total cost will be in the region of £39,000.

1115

The modular classrooms are located in the patio entrance to the school adjacent to the main building structure and serves as two classrooms with individual toilet facilities that are situated

for children with disabilities. Both projects were undertaken by GJBS Ltd and they were purchased from Portman Ltd.

1120 In relation to Q504, the Government will consider no such approach. The hon. Member clearly fails to understand the meaning of inclusive education and I would ask him to read up on the literature. The Government will not deviate from the path it has traced out in terms of delivering a new St Martin's. We also make absolutely sure that the needs of current children at the school are met.

1125 In relation to Question 505, the Government will be making the pertinent announcements when it is in a position to do so. And in relation to Q506 – the bus – the procurement process is underway.

1130 **Hon. L F Llamas:** Mr Speaker, just turning to the first question which is Question 495, the Hon. Minister has said that the portacabin that he was referring to was the first on the left, which I presume is the two-storey portacabin. Can he confirm this?

**Hon. Dr J E Cortes:** Mr Speaker, I have said where the toilets are and they are the ones that he has referred to, yes.

1135 **Hon. L F Llamas:** Mr Speaker, I ask this because obviously I took in good faith what he had replied to in answer to a question prior to the Budget; however, it does not coincide with what he has said on social media. I will read what he said on social media, which is why I am particularly confused, Mr Speaker:

Now on the subject of the new pre fab extension. Incidentally, the toilets I referred to in Parliament were another building altogether and had nothing to do with this.

1140 Can he confirm then, if the toilets and the prefab extension he was referring to have nothing to do with the two-storey building – at the time it was a portacabin classroom and now it is a two-storey portacabin classroom – where the prefab extension he was referring to in Parliament is?

1145 **Hon. Dr J E Cortes:** Yes, absolutely, because the toilet I referred to at the time had nothing to do with that. That is where the toilets are, which is what I have answered today.

If you recall, Mr Speaker, the thing is I think so much has been made ... this is why I have to be cautious, because I try to offer assistance. If we go back to *Hansard*, this was in relation to a question on increases in St Martin's School and then I am asked:

Mr Speaker, I would like to ask one supplementary. Therefore, the portacabin that has been placed in the car park, I take it that is for toilet facilities or is it for classroom facilities?

1150 I did not know what he was referring to and I said:

Mr Speaker, specifically which portacabin is he referring to? There are several on the site.

– which is not so; there are prefab buildings, but I was working from memory. Right. So I was referring to prefab buildings. Then he said:

I believe it is the one where the bus usually did a three-point turn just as you go in in the main entrance.

At the time, I thought he was referring to the outbuilding on the right-hand side, which I believed was the toilets. Then I said:

The portacabin at that level, I believe, is a toilet facility.

1155 This was a totally noncommittal answer in good faith, answering a question which had nothing to do with the original question, and I have clarified where the toilets actually are, and therefore I think that is all I can add.

1160 **Hon. L F Llamas:** Mr Speaker, just for clarification before I proceed with another supplementary, the original question, Q328, had nothing to do with students and pupils; it was actually:

What modifications to St Martin's School and Early Birds Nursery are being carried out or being planned in preparation for September 2017?

So, Mr Speaker, the question I did propose originally was relating to any extensions or works being carried out, rather than –

1165 **Hon. Dr J E Cortes:** Mr Speaker, if I may clarify, the supplementary was referring to the increase because in my reply to the supplementary I referred to the increase in pupil numbers.

1170 **Hon. L F Llamas:** In any event, Mr Speaker, regarding the lighting, the Minister has said there is no need for external lighting in the portacabin; is that correct?

**Hon. Dr J E Cortes:** That is the advice that we have been provided. It appears that the lighting that is there anyway through other external lighting is such that it does not specifically require its own dedicated light. Should it be found that it is necessary then clearly that will be provided at very short notice. But that is the advice that I have.

1175 **Hon. L F Llamas:** Mr Speaker, I would like the Hon. Minister to please reconsider that. Having looked at the Department of Education in the UK, 'Advice on standards for school premises,' issued in March 2015, I will quote what they had to say on lighting for pupils with special educational needs, and that is, Mr Speaker, that:

Pupils with special educational needs, including visual impairment or other disabilities, may have additional lighting requirements and specialist advice may be needed.

1180 Mr Speaker, given that this is a building which has steps which are external, it would seem that it is pretty obvious that this staircase, in particular, has to be illuminated and floodlights to the area have to be provided in order to increase the accessibility and the procedure in arriving into the classrooms.

1185 **Hon. Dr J E Cortes:** Mr Speaker, specialist advice has been given and if the specialist advice changes and I am told that we have to provide additional lighting I have said this will be provided. The advice that we have at the moment is that, clearly, there is sufficient lighting for that purpose.

1190 General advice is not relevant to specific locations. I will, myself, go there. I go there regularly, but I will, myself, go there after dark to ascertain it for myself, but that is not specialist advice. I am not a specialist.

**Q507/2017**  
**School classrooms –**  
**Adequate heating**

**Clerk:** Question number 507, the Hon. Ms M D Hassan Nahon.

1195 **Hon. Ms M D Hassan Nahon:** Will an audit be carried out before the cold weather starts to ensure that all schools have adequate heating in all classrooms?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1200

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, we continuously monitor this and, consequently, there is no need for a formal audit.

1205 **Hon. Ms M D Hassan Nahon:** Mr Speaker, there were many complaints last year about the heating. If there will not be an audit, what other solution does the Minister propose?

1210 **Hon. Dr J E Cortes:** No, precisely because of the fact that there were complaints, we have been monitoring this and the team is preparing an assessment. It is not going to be a formal audit because we are getting information from the teachers and so on. But, as I say, we are monitoring this and we are hoping that the problems that apparently occurred in some classrooms last year will not occur again.

**Q508/2017**  
**School lunches –**  
**Update**

**Clerk:** Question number 508, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Can Government give this House an update on the matter of school lunches?

**Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1220

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, an implementation model is being discussed to coincide with the launch of the new schools.

1225 **Hon. Ms M D Hassan Nahon:** Can the Minister give us any idea by when this launch will happen?

**Hon. Dr J E Cortes:** The eternal word 'soon'! But it is soon. We are developing the presentation and you will hear about it, Mr Speaker, very soon indeed.



**Q509/2017**  
**Supply teachers –**  
**Government policy**

1230 **Clerk:** Question number 509, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What is this Government's policy in connection with the supply cohort of teachers?

1235 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
1240 Mr Speaker, I am not entirely clear about what the hon. Member is attempting to ascertain. Government policy on the supply cohort is based on demand across sectors and subjects. We added 47 new teachers to the complement when we were elected in 2011.

But I am not sure whether that is the information that she was requesting.

1245 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was asking the question in relation to the fact that, from what I understand, the supply teachers are tied down to waiting to hear when they need to step up, while at the same time they are on a zero-hour contract and, basically, I know that many of them feel like they are tied down without being able to pursue other jobs by being on standby daily and they are not earning or having anything to do.

1250 So my question really was getting at whether there are any other jobs in Government Departments; would that be a possibility so that they do not go stale, as such, waiting for that phone call to supply teach? These are young teachers who might be losing time and experience in waiting.

1255 **Hon. Dr J E Cortes:** Mr Speaker, that second part of that question is not something that I can answer, but clearly there would be difficulties in having people on standby, but that is something that I think would have to be addressed separately.

1260 In relation to people being on standby, that is the nature of being on a supply list. It is not a comfortable thing to be on, but obviously the Department of Education has to have a policy by which it has people available to call in at short notice. If we did not have such a supply list then, clearly, we would be failing the education of our young people. There is a policy on when supply teachers are called in and I would be very happy to share that, but I do not think that is the point the hon. Member is making. I think that anybody on a supply list, not just teachers, would have to be conscious of the fact that it is a supply list and that this is the nature of such an arrangement.

**Q510, Q522-528, Q535-537/2017**

**Health care –**

**Hospital escalator; Septicaemia cases; GHA Tertiary Referrals Board and sponsored patients;  
Cancellation of medical procedures; Chemotherapy treatment; UK GMC registration**

1265 **Clerk:** Question number 510, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Minister provide details on the periods during which the escalator outside the hospital has been unserviceable since 1st January 2017?

1270 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with questions 522 to 528 and 535 to 537.

1275 **Clerk:** Question number 522, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose since December 2011 how many cases of septicaemia have been reported together with (a) the hospital where first diagnosed and (b). period person was hospitalised?

1280

**Clerk:** Question number 523, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose since April 2012 a breakdown of each sponsored patient sent outside Gibraltar including: (a) the hospital centre attended; (b) the length of stay; (c) the care received; (d) the cost of the trip; (e) whether it was a first visit or first review?

1285

**Clerk:** Question number 524, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm that the GHA Tertiary Board consults with physicians in charge of sponsored patients outside Gibraltar when taking a decision?

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**Clerk:** Question number 525, the Hon. L F Llamas.

1295

**Hon. L F Llamas:** Mr Speaker, can the Government confirm that all patients who have not been approved to be reviewed outside by the GHA Tertiary Board have had their medical cases formally handed over by the hospital or clinic they had been attending?

1300 **Clerk:** Question number 526, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain on what basis does their GHA Tertiary Board can conclude that a specialised consultant's surgeon patient care plan in a leading hospital in London, 'does not provide the optimal treatment for the patient's condition'?

1305

**Clerk:** Question number 527, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule of formal complaints filed against the GHA as from April 2012?

1310

**Clerk:** Question number 528, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government confirm how many medical procedures have been cancelled since April 2012, and the reasons why?

1315

**Clerk:** Question number 535, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What is this Government's policy with regard to where patients are entitled to have their chemotherapy treatment since the opening of the Ayling Buttigieg Chemotherapy Suite?

1320

**Clerk:** Question number 536, the Hon. Ms M D Hassan Nahon.

1325 **Hon. Ms M D Hassan Nahon:** Where does the GHA stand at present with the new regulation regarding the registration of doctors with the UK GMC?

**Clerk:** Question number 537, the Hon. Ms M D Hassan Nahon.

1330 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, given that these questions are bunched up can I just say that I found out some of the answers to these questions in the press a couple of days after I had submitted the questions, which took me by surprise. I did not expect to find these answers in the press, but nonetheless I continue to ask them now.

1335 How is registration with the UK GMC going to benefit the population of Gibraltar when many specialists who are well experienced may not be eligible to register and revalidate?

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

1340 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the two escalators outside the hospital were unserviceable between 1st January 2017 to 15th February 2017. Currently, one of the escalators remains unserviceable since 31st August 2017.

1345 Mr Speaker, it is a disproportionately lengthy task to provide, since December 2011, the cases of septicaemia that have been reported together with (a) the hospital where first diagnosed and (b) the period a person was hospitalised, as this data would have to be manually retrieved and this would entail going manually through thousands of records.

1350 I hope the hon. Gentleman understands that, given the laborious exercise, it would have taken staff away from their principal role in the laboratory where these cases are recorded. I will, however, provide the hon. Gentleman with the information that has been retrieved over the last four days: there were 212 patients admitted via A&E between August 2015 and August 2017 with potential sepsis.

1355 In relation to the breakdown of each sponsored patient sent outside since April 2012, including (a) the hospital centre attended, (b) length of stay, (c) care received, (d) cost of trip and (e) first visit or review per individual, I am providing the hon. Gentleman with the only information the Sponsored Patients Department has been able to compile over the last four days. Once again, Mr Speaker, it would be a disproportionately lengthy task to provide the information that the hon. Gentleman requests.

1360 I hope that he understands that, given the high demands on the Sponsored Patients Department staff and their numerous duties, to collate the information requested would have taken them away from their principal role of ensuring safe travel and adequate care to the sponsored patient. I will, however, Mr Speaker, hand over to the hon. Gentleman a schedule with the information we have been able to retrieve:

| Financial Year | Number of new patients sent | Number of review cases sent | Sum of cost for treatment and travel |
|----------------|-----------------------------|-----------------------------|--------------------------------------|
| 2012/13        | N/A                         | N/A                         | £7,922,909.51                        |
| 2013/14        | N/A                         | N/A                         | £10,667,162.77                       |
| 2014/15        | N/A                         | N/A                         | £13,094,326.65                       |
| 2015/16        | 2624                        | 4033                        | £14,372,871.97                       |
| 2016/17        | 2786                        | 3272                        | £18,085,482.18                       |

Further, Mr Speaker, the GHA Tertiary Referrals Board makes its decisions based on all the available clinical information, which includes clinical reports, of course, from the other hospitals.

1365 It is the case, Mr Speaker, that all patients who have not been approved to be reviewed abroad by the GHA Tertiary Referrals Board have had their medical cases formally handed over by the hospitals or clinics they had been attending.

The Sponsored Patients Programme is designed to provide patients with clinical services that are not available in Gibraltar. Once patients complete their specialised treatment, follow up care will continue in Gibraltar, if the medical services are available locally.

1370 The information as to the formal complaints filed against the GHA, as from April 2012, is published on the GHA website.

1375 Mr Speaker, once again, it is a disproportionately lengthy task to provide figures for the number of medical procedures that have been cancelled since 2012, as this data would have to be retrieved from patient notes and this would entail going manually through thousands of records.

The number of medical procedures that have been cancelled since 2013, however, will be in the schedule that I will hand over to the hon. Gentleman:

|             | <b>Patient Did Not Attend</b> | <b>Cancellations Medically unfit / Non-compliant with preparation</b> | <b>Cancellations Equipment Failure</b> | <b>Cancellations Refurbishment Works</b> |
|-------------|-------------------------------|---|--|--|
| <b>2013</b> | 6                             | 6   | -                                      | 30                                       |
| <b>2014</b> | 12                            | 22  | 10                                     | -  |
| <b>2015</b> | 15                            | 26  | -                                      | -  |
| <b>2016</b> | 43                            | 15  | -                                      | -  |
| <b>2017</b> | 50                            | 40  | -                                      | -  |

1380 I hope, once again, Mr Speaker, that the hon. Gentleman understands that, given the laborious exercise, it would have taken staff away from their principal role in the Medical Investigation Unit where these procedures are performed.

1385 Mr Speaker, the Government policy with regard to where patients are entitled to have their chemotherapy treatment is first and foremost to provide the best possible medical treatment to our patients. It is precisely for this reason that the Government has invested in setting up the specialist unit to provide chemotherapy to patients locally. The unit has been hugely popular, to the extent that we are in the process of, in fact, expanding the service even further. Patients are entitled to receive the best possible care and we are proud to say that is exactly what they are getting at the Ayling Buttigieg Chemotherapy Suite.

1390 Mr Speaker, the regulation has been implemented in respect of the GMC as from 1st April 2017 and I am informed by the Gibraltar Medical Registration Board that the vast majority of practising doctors and specialists in Gibraltar have been licensed. There are a small number of doctors who are on transitional relief, most of whom are expected to obtain their licence before the end of the year.

1395 Mr Speaker, in respect of how the GMC registration will benefit our community – and, with respect, I do not accept the hon. Lady's premise of the question – the vast majority of doctors in Gibraltar, including specialists, have already been registered and licensed with the GMC. All doctors working for the GHA, for example, have been already licensed.

1400 The Government is supporting the remaining doctors to obtain their licences through membership of the Independent Doctors Federation and by other means. When the reforms are fully implemented, all doctors holding qualifications recognised by the GMC, whether they are GPs or specialists, will continue to be supported by the Government in maintaining their licences.

1405 These reforms are greatly important, Mr Speaker, for our community, as once the reform is fully implemented the people of Gibraltar can be assured that all their doctors have committed themselves to the UK standard of good medical practice, are undertaking an appraisal every year with a trained independent medical appraiser and are having their licences revalidated every five years, just as all doctors do in the UK.

**Hon. L F Llamas:** Mr Speaker, I thank the Hon. Minister for his very courteous answer and –

1410 **Mr Speaker:** Before we deal with supplementaries there is a matter I want to clear up.

The Hon. Neil Costa spoke to me and has assured me that when his Department, the GHA, issued a press release on Tuesday – I think it was Tuesday of last week – on the question of GMC registration he had not seen that there were two questions on the Order Paper.

1415 I have accepted those assurances without reservation, but it gives me an opportunity to give Ministers some guidance. If Parliament meets on a Friday the questions are received on the previous Friday and the staff immediately email those questions to the Departments concerned. Obviously, on the first day that they are received, Ministers are not going to be working on the answers; probably civil servants in the Department will be dealing with at least the first drafts.

1420 But in order to avoid that we get a reoccurrence of when a press release is issued when there is already a question on the Order Paper, could I suggest that Ministers, that day, do have a cursory glance through the questions that they are down for answer, and that would give them an indication of the subject matter, and try to avoid issuing a press release in the interim.

1425 Having said that, there are going to be occasions when, because of an emergency, because of a question of public interest, the Government will need, on some matter or other, to deal with an issue that is the subject of a question and may have to issue a press release beforehand.

That is just by way of general guidance.

1430 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, just on a procedural point, in fact my understanding is that the questions do not go to the Department, they go to the Parliament team at No 6, that then distributes them to the Department. At least that is what I see from where I am sitting.

1435 In some instances, the procedure that the Hon. Mr Speaker sets out would be the best one to follow but, unfortunately, sometimes Ministers are busy throughout the day and will not get to see questions. But the House is ensured of the Government's goodwill in seeking to avoid issuing press statements about matters on which questions have been asked, where it is appropriate to do so.

1440 In this particular instance, I sincerely believe that there is the public interest in knowing that that particular deadline was up and that the application of rules in respect of doctors was applicable; and, as I understand it, this was something that was programmed to happen at that time regardless of the question.

1445 So I think this fits neatly within the exemption that Mr Speaker set out, which is a highly relevant one, of the public interest, where the Government cannot allow the Opposition to – and I will use language which I do not intend to be emotive or pejorative – gag the Government in respect of what the Government can say in the seven days or longer that may elapse before a question is answered, in respect of an item which may be of public interest, or which may be subject of what some people might regard as a ding-dong from Opposition to Government.

1450 So a press release is issued by the Opposition saying, 'The Government are terrible so-and-sos for a reason'; the same day the Opposition puts in a question, the Government cannot be prevented from responding that, 'Actually we are lovely blokes and not so-and-sos,' because the ding-dong is then subjected to parliamentary questions.

But other than that, I think we all endeavour not to pre-empt parliamentary questions being answered in the course of the issue of press releases.

**Mr Speaker:** The Hon. Neil Costa.

1455

**Hon. N F Costa:** Yes, Mr Speaker, just to, apart from associating myself with the explanation provided by the Hon. the Chief Minister, simply to say that certainly it was no one's fault other than entirely my own. I should have checked the questions before I issued the press release and I have no compunction in saying that I apologised to the hon. Lady when she brought it to my attention and I have no problem in doing so for the record across the floor of the House.

1460

**Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you, I appreciate that explanation and I take it in good faith.

1465

Can I just ask a couple of supplementaries? I know that there were loads of questions bunched together, but if I just may.

On Q535, the chemotherapy arrangement, I understand that, from what I take from the answer, it seems like there is a slow process to migrate chemotherapy treatment to Gibraltar because of this new facility and I completely understand that. However, I was led to believe that at the moment existing patients had the choice as to where they took their chemotherapy treatment.

1470

I have a few constituents who have come to me saying and showing me letters where they are not being given a choice and they are, effectively, being forced to have the treatment at this new facility in Gibraltar.

1475

It is causing them a lot of grief, because of course these patients have been having their treatment specifically somewhere else, whether it is Algeciras or Marbella or whatever, and they have developed a relationship of trust with their oncologist and it has caused them a lot of grief. They are spending a lot of time with dealing with emails and so on and so forth trying to convince the GHA to let them continue having their treatment where they are.

1480

Can the Minister give some assurances or something to the effect that these people do indeed still have the choice – existing patients?

1485

**Hon. N F Costa:** Mr Speaker, I fully understand that a patient should wish to continue any clinical relationship with an institution abroad, but the hon. Lady should, I think, consider the context. The Government has spent capital and recurrent expenditure on repatriating certain services to be provided locally by the GHA.

1490

The reason being of course that when one is ill and has a serious illness like cancer, perhaps the last thing that one would want to do is add the unnecessary stress of travel, and it makes sense – it certainly made sense to my hon. predecessor, Dr John Cortes, and the Hon. Chief Minister – that where we can provide equal or even better services locally we should be able to do so. That was the aim of the Hon. Dr John Cortes and the Hon. Chief Minister inaugurating this particular chemotherapy centre.

1495

The hon. Lady should rest assured that any therapies that are not available in Gibraltar will continue to be provided by an institution abroad, but for those therapies, which include immunotherapies, chemotherapies, hormone treatment for adult solid tumours, that can be provided within the GHA, then it makes sense that they should be provided at the GHA.

1500

The Government having spent money on fitting out a state-of-the-art clinic and having trained and hired clinical professionals to be able to provide the service at home, it makes sense to provide it at home. Whereas, Mr Speaker, I certainly understand that each person is an entire world and some persons may prefer to go abroad, but in my experience when I had an operation my preference was to have had the operation done locally, had I had the choice, which I did not.

But it is a policy decision of the Government that if the same kind of treatment can be provided locally then we will be providing it locally.

1505 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for this explanation. I just want to draw his attention to the issue of distance and making it more comfortable for the patient in Gibraltar because of lack of distance; but it is horses for courses really because there is the issue of trust versus distance. Some patients do not mind the trek to Algeciras for 20 minutes or HC, for example, in Marbella for 40 minutes, if it means they are seeing a doctor that has saved their lives over the last four years.

1510 Also I draw the Minister to a *Chronicle* article from 12th August where it says specifically that patients with cancers, including breast, prostate, stomach, lung and colon are given the choice of being treated at St Bernard's Hospital.

1515 So I think there is some sort of confusion, at least for the patient as to what the policy is. I would not be so assuming as to put myself in his shoes, but is it not obvious to perhaps take it as a policy that future patients or patients coming into the unfortunate world of cancer perhaps need to abide by this new policy, but the existing ones still should continue to have the choice until they finish their treatment?

1520 **Hon. N F Costa:** Mr Speaker, I note the point the hon. Lady makes in relation to trust but unless the patient with cancer actually attends the Ayling Buttigieg clinic there will be no possibility for that patient to establish a relationship of trust with the doctor and nurses in Gibraltar.

1525 I can assure the hon. Lady that the patient who is having a service repatriated from the UK or Spain to Gibraltar is fully informed and advised, and I insist when I receive an email or a telephone call or a Facebook message, when people query the reasons why a clinical decision has been made to refer treatment to Gibraltar that the clinicians meet with the patient to fully explain.

1530 **Hon. Ms M D Hassan Nahon:** Mr Speaker, again, I thank him for the explanation, but it is at odds with this article which talks about the local suite, for example, 'only took on new chemotherapy patients as the GHA wish to refrain from interfering with ongoing treatment abroad.' It just does not add up. The Minister is not showing consistency.

1535 **Hon. N F Costa:** Mr Speaker, I am afraid she is reading the article out of context. 'For those treatments that are not available locally' – she is missing the second essential element of the definition. If the GHA provides a service locally and the taxpayer pays for clinicians, specialists, doctors and nurses and pays for all the clinical treatments, it would be, I think, a dereliction of us as the holders of the public purse to pay for all of that in Gibraltar but also pay for exactly the same treatment in the UK – in addition, and quite apart from the fact that every single clinician that I have spoken to has told me that certain patients should avoid travel at all costs and for the majority of cases of persons who live with cancer, they are certainly one of the persons who should avoid travel where at all possible. *It is possible* because we have the most magnificent chemotherapy suite established within the GHA.

1545 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I continue to see that the article conflicts with what the Minister is saying, but I will let that lie for a moment.

All I ask of the Minister is perhaps to establish better lines of communication with existing patients in order to assure them that their treatment is just as viable in Gibraltar if that is the way it is going to carry on.

1550 **Hon. N F Costa:** Mr Speaker, I can assure the hon. Lady – I can assure her – that there is not an email or text or call that has come in to my office where I do not myself call the clinician, or my principal secretary calls the clinician, and insists that the patient and the families meet with them so that the process can be fully explained.

1555 We fully take the hon. Lady's comments that medical treatments are matters which need to be treated delicately and sensitively and compassionately, and that some persons will be happy to simply have the services repatriated from abroad to Gibraltar and there will be others who, because they have developed, as she said, a relationship of trust with an institution abroad, would prefer that the relationship continues.

1560 But, for all the reasons I have explained to her in this House, I can assure her that there is communication and if there is any example that she can point to me, either privately or across the floor of this House, where this has not happened, she only need tell me and I will make sure that a meeting is held with the relevant clinicians, the patient and the family.

1565 **Hon. L F Llamas:** Mr Speaker, I thank the Hon. Minister for his positive approach and it is very welcome.

Mr Speaker, the answers the Hon. Minister has given seem to suggest that there could be some value in perhaps reviewing the data-gathering practices of the GHA as to ensure that such data can be easily retracted, but beyond that can easily be processed and analysed by the GHA and the Government at large. Is this something the Government is committed to looking into?

1570 **Hon. N F Costa:** Mr Speaker, I would not like to enter into a commitment across the floor of the House because I would first need to understand what it is that would be required. I can assure the hon. Gentleman that from the moment that we received the questions my office goes from fifth to sixth gear and have spent all week just working on the answers, and I have given him precisely all of the information that we have been able to retrieve without affecting patient care. You should not think for a second that I am trying to obfuscate or to be difficult. Indeed in one of the questions he asked from 2012 and I have given it since 2013. So it was not that back going ... but I can assure him that what we have available we do provide. I will go back and ask whether there is any way that we can better collate data to be able to provide to the hon. Gentleman.

1585 **Hon. L F Llamas:** Mr Speaker, referring to one of the questions to do with sponsored patients and the way in which the board is analysing and deciding whether patients will be sent abroad or not, it has come to my attention, and I know the Hon. Minister is aware, that there are cases in which the patients are being declined the application to go abroad and it has come to my attention that there has been no interaction with the clinician abroad in terms of what the best way forward is, how best to treat the patient and whether they are happy to hand over the patient's care to the GHA and have a formal handover and discussion on what the care plan that the clinician in the UK, for example, had for that particular case.

1590 Is this something that is perhaps the odd case that is happening in the community or is this a policy that is being taken by the board?

1595 **Hon. N F Costa:** Mr Speaker, I think in the first place, given that this is a new reform – it was only started in May of this year – I think it is important to place the context. Of all the applications received for referrals to the UK, 80% have been approved – eight zero! – so the majority of referrals made by our GHA clinicians, once they reach the Tertiary Referrals Board, are actually being approved.

1600 So we are only talking about 20% of referrals that are not being approved and, as I have explained in articles in the press and also in press releases, the decision of the Tertiary Referrals Board is purely, solely and exclusively clinical. It is comprised of three senior clinicians, chaired by the Medical Director himself and basically the board considers whether or not the referral is necessary. If it is necessary then I can assure the Hon. Gentleman the cost is not an issue and the person will be referred.



1605 There will always be reports from the UK or Spanish hospital, and if there is not they would certainly request it; and if there are any questions then the board will certainly insist that the clinician calls, personally, the clinician in the UK or Spain to make additional contacts.

Indeed, it has been the case that due to further contact between the referring clinician and the UK or Spanish hospital, the GHA clinician has once again referred the matter to the Tertiary Referrals Board who have received additional information and has changed their view.

1610 So there is, in my estimation, seamless communication – although undoubtedly there will be cases where perhaps there are gaps in the data, but any gap in the data will be very easily resolved.

1615 Just one thing that he did say – and I am not trying to be picky – is that the UK or the foreign institution may or may not be happy to refer the matter to the GHA or release the care to the GHA. Remember that some hospitals to whom we refer our patients are privately run, so they will never be happy to refer the matter to us, because of course it will mean that they will stop charging us for those services.

**Hon. L F Llamas:** I fully understand, Mr Speaker, and the hospital I was referring to is one of the trusts with which the GHA has a reciprocal agreement.

Mr Speaker, also on sponsored patients, is the Minister, in light of the answer given to question 523 in this Chamber this morning, is he comfortable with the figures in the fourth column; that is the figures given for the sum of costs?

1625 **Hon. N F Costa:** Mr Speaker, unfortunately, yes.

**Hon. L F Llamas:** Mr Speaker, just going back to question 522 to do with sepsis, can the Minister confirm that there is a sepsis screening policy in place within the GHA on arrival at A&E?

1630 **Hon. N F Costa:** Mr Speaker, the GHA has up-to-date protocols for the management of patients with sepsis and has used an electronic antibiotic guideline since 2016 to standardise treatment. The care of patients with life threatening sepsis or septic shock is managed by a multi-disciplinary team including A&E, the intensive care team, the medical team, the surgical team and our microbiology consultant, Dr N Cortes, who was appointed in 2014 – (**Hon. Dr J E Cortes:** No relation!) I say 2014 because he happens to be my cousin and I had nothing to do with it, and no relation to Dr Cortes.

1640 **Mr Speaker:** Any other supplementaries? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Yes, Mr Speaker – and I am not entirely sure why my question, which was of a very technical nature and completely non-clinical, was lumped in with a lot of clinical questions which are obviously very important to those involved in those matters.

1645 Just going back to the escalator and the very first question that was asked – and I think the Minister said the escalator was at present out of service and had been since 1st August –

**Hon. N F Costa:** One of them.

1650 **Hon. T N Hammond:** One of them. Was it 1st or 31st August, I am not sure which. But could the Minister perhaps ... does he have any idea of when the escalator may be returned to service?

**Hon. N F Costa:** Yes, Mr Speaker. Simply to repeat, one of the escalators remains unserviceable since 31st August – I am advised that spares are due to arrive imminently with

1655 rectification works to commence on delivery; and the second escalator is still in service and has been set to remain in the 'up' mode until both units are operational.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have a couple of supplementaries on the GMC questions.

1660 Regarding the 10% of doctors that are not yet registered, are these doctors within the GHA; what type of special assistance is going to be provided in order that they do register?

**Hon. N F Costa:** Mr Speaker, as I advised the hon. Lady during the course of my answer, all GHA doctors have been registered and licensed by the GMC. As I have also explained to the hon. Lady during the course of my answer, the Government is supporting the remaining doctors to obtain their licences through the membership of the Independent Doctors Federation.

1665 The press release, to which she mentioned during the course of asking me the question, actually was issued because the Independent Doctors Federation arrives in the first week of October and we are alerting all private doctors who have been unable to register and be licensed by the GMC that we have this association coming to Gibraltar precisely to be able to help them complete their registration and licensing with the GMC.

**Hon. Ms M D Hassan Nahon:** Am I correct in saying – because the Minister has just said that all the doctors in the GHA have already registered – I thought, or I was led to understand, that 2% were not registerable; is that not correct, that 2% of doctors or two doctors were not actually registerable?

**Hon. N F Costa:** Yes, during the course of an interview I noted that there were three doctors who had not been able to register. Those doctors are receiving our support in order to be able to be licensed, but their issues relate to language difficulties. In other words, they have the qualifications obviously from the country next to us and they would be fully registerable here with us now, except that they have an issue with the language which we are helping them with and which we are entirely satisfied the GMC will accept – although I probably have jinxed it by saying that right now, but that is our sincere hope.

1685 **Hon. Ms M D Hassan Nahon:** Regarding the fact that a lot of our patients go to Spain to receive treatment and of course there is no GMC licensing there, and considering how much emphasis and priority the Government has given to this body, how are these doctors going to be able to match up to such a body that we have the equivalent of in Gibraltar when our patients are receiving the treatment by Spanish doctors in Spain?

**Hon. N F Costa:** Mr Speaker, I think it has to be put into context in the first place. The majority of doctors and specialists have already been registered and licensed by the GMC. Of course, as she will know, European Union legislation demands that a doctor's qualification in France be recognised in England and vice-versa, but each national jurisdiction has a right to add conditions which it thinks are important, such as being able to communicate in the language. So you may have the best neurosurgeon in Germany who wants to come and work in the UK, but if he cannot communicate in English then, in my estimation and indeed in the estimation of the GMC, it would make very little sense in employing the person because they would be unable to communicate with the patients.

1695 So we are in the situation which is exactly analogous to the one in the UK. A doctor who wants to register in the UK needs to become registered and licensed by the GMC and the only issue, if you are from the European Union and have a European Union doctor's qualification, is language. We would expect that doctor, whether it is in the UK or in Gibraltar, or indeed if it is a UK doctor going to France or a French doctor going to Germany or a German doctor going to the Netherlands, to speak the language.

So qualifications from Spain are entirely and automatically recognised here by virtue of our legislation and EU law, but it makes sense that they should also be able to speak in English.

1710 **Hon. Ms M D Hassan Nahon:** Thank you for that. Another question: the time that it takes for this update and revalidation; will it have an impact on patient care, because it would take away some time from clinic work or surgical work? Has the Government put a plan in place in order for things not to end up ... there being a backlog that impacts on the patients as a result of this new requirement?

1715 **Hon. N F Costa:** Mr Speaker, in the first place let me provide assurance to the Hon. Lady by saying that the GMC has now been regulating UK doctors for quite a long time and there has been no case reported or no complaint lodged that, as a result of the annual appraisal by the independent doctor and the revalidation every five years, there has been any backlog built up.

1720 I expressly, in fact, asked that question to the Medical Director and he assures me that will not be the case.

**Hon. Ms M D Hassan Nahon:** One more, if I may. Will, effectively – I suspect that the Minister for Health will say no but I need to ask – will this not perhaps have a negative impact on doctors who do want to come to Gibraltar but really do not want to bother revalidating with the GMC? Would we lose doctors of high calibre as a result of this new scheme?

1730 **Hon. N F Costa:** Mr Speaker, the whole purpose of GMC validation and revalidation is precisely so that the community knows that these are specialists and doctors who have been able to achieve high medical standards. Each GMC registered and licensed practitioner has to comply with a whole series of conditions and, of course, with principles. So the persons that we want in Gibraltar are, in fact, the GMC registered and licensed doctors, so the GMC registration and licensing will improve the quality of the medical care that we provide. *(Interjection by the Hon. Chief Minister)*

1735 Yes. Yes, the Hon. the Chief Minister brings up an analogy, which is that we would not buy a vehicle that has perhaps suffered failure of their MOT exam. So similarly we want to make sure doctors do pass their MOT and are happy and willing to submit themselves to such independent investigation and revalidation. *(Interjection by the Hon. Chief Minister)*

1740 **Mr Speaker:** Any other supplementaries? The Hon. Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, actually I would like to thank the Minister for that last answer because it was interesting. I can see parallels in my own industry where, while you can travel anywhere in Europe with your licence, you do need to speak the language which is clearly a fundamental. So it makes perfect sense that that should be the case.

1745 However, back to the escalators! Just with respect to the last answer the Minister gave to the supplementary, that the parts are on their way, can I ask whether the escalators are still under any warranty or whether there is any additional cost in the current maintenance that is being undertaken?

1750 **Hon. N F Costa:** Mr Speaker, the first instance of unserviceability of the escalators in January, we have not paid for that on the basis that the damage occurred due to heavy rains and our view was that they should have been able to endure the rains and therefore we were not paying it. In any case, the escalators at that point were under warranty period. The warranty period has now expired and I have not received any costing in respect of the spares or the works that will be required to be undertaken, but if he asks me on the next occasion I will be happy to provide it to him.

1760 **Hon. T N Hammond:** And, as is typical in any household, the warranty has always just expired when it breaks. Is the Minister satisfied that such a breakdown is acceptable in what is an expensive piece of kit? I think the total cost of installation of these escalators was in the order of £200,000, including the design obviously.

1765 Does the Minister find it satisfactory that shortly after the warranty should expire we found ourselves in a position where the lifts are out of service for the best part of a month, presumably, by the time that they are reinstated, and at further cost to the taxpayer?

1770 **Hon. N F Costa:** Mr Speaker, anyone who knows me will know the answer to that already. I shall be exploring every single legal avenue to ensure that we do not have to pay a penny for what has happened to the escalators.

**Hon. T N Hammond:** From which I assume the answer to the question is he is not satisfied then?

1775 **Hon. N F Costa:** Yes.

**Mr Speaker:** Next question.

**Q511-520, Q531-533/2017**

**Police and judicial matters –**

**Parole drug tests; Release of Isaac Marrache; Judicial Services Commission;**

**Director of Public Prosecutions; Trial waiting times;**

**Civil claims and criminal actions before the Supreme Court; Police manning levels;**

**Armed patrol boat officers; Supreme Court Judge's contract; Young offenders**

**Clerk:** Question number 511, the Hon. E J Phillips.

1780 **Hon. E J Phillips:** Mr Speaker, further to Questions 45 to 47/2017 can the Government state whether the Superintendent has issued the requisite notice under the Prison Act for the mandatory drugs testing of prisoners at HMP Windmill Hill?

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

1785 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 512 to 520 and 531 to 533.

**Clerk:** Question number 512, the Hon. E J Phillips.

1790 **Hon. E J Phillips:** Mr Speaker, further to Questions 45-47/2017 can the Government state whether the Parole Board now imposes mandatory drugs testing conditions to those persons released on parole?

**Clerk:** Question number 513, the Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm the legal fees paid by the Government in the appeal by the Minister against the decision of Mr Justice Jack in respect of the decision of the Parole Board to release Mr Isaac Marrache?

1800 **Clerk:** Question number 514, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state on what dates the Judicial Services Commission met between 1st June 2016 and 31st July 2017?

**Clerk:** Question number 515, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Government state when it intends to appoint a Director of Public Prosecutions?

**Clerk:** Question number 516, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Government state the average time it takes from when the RGP charge an individual to full trial in proceedings before the Magistrates Court?

**Clerk:** Question number 517, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Minister for Justice state the number of civil claims, including family proceedings, issued at the Supreme court each of month from January 2014 to present?

**Clerk:** Question number 518, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Minister for Justice confirm the number of criminal actions listed before the Supreme Court each month from 1st June 2016 to 31st July 2017?

**Clerk:** Question number 519, the Hon. E J Phillips.

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**Hon. E J Phillips:** Can the Government state the Royal Gibraltar Police manning levels by year from 1997 to present?

**Clerk:** Question number 520, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise whether, given the shooting incident at sea in June 2017, the RGP and other local enforcement agencies are still arming officers on patrol boats for their own personal protection?

**Clerk:** Question number 531, the Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, can the Government explain why they had communicated to the Supreme Court Judge on a three-year contract that his contract would not be renewed before the Budget, but failed to advise this House that the estimates being debated were in fact incorrect as they had been superseded by events in at least one Head?

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**Clerk:** Question number 532, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, does the Government have plans to increase manning levels at the Royal Gibraltar Police?

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**Clerk:** Question number 533, the Hon Ms M D Hassan Nahon.

**Hon Ms M D Hassan Nahon:** Does Government have any plans to provide alternative provision for detained young offenders other than Windmill Hill Prison?

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

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Prison Superintendent has not yet issued the requisite notice under the Prison Act for the mandatory drugs testing of prisoners at Her Majesty's Prison at Windmill Hill.

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I can confirm that the Parole Board now imposes drug testing as a condition of licence in those cases that it deems it to be necessary or desirable.

The legal fees paid by the Government in the successful appeal by the Minister in respect of the decision of the Parole Board were: his former firm, Isolas – £35,666.99; Blackstone Chambers – £68,590.

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Given that the Judicial Service Commission is totally independent from the Ministry of Justice, question 514 should be addressed to the Chairman of the Judicial Service Commission.

Mr Speaker, the Government will make an announcement on the appointment of a Director of Prosecutions when it is in a position to do so.

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The Gibraltar Courts Service does not retain information in a way that statistics can be compiled to ascertain the average time it takes from when the RGP charge an individual to full trial in the Magistrates Court.

Mr Speaker, the number of civil claims and the number of divorce, dissolution and matrimonial (DDM) cases issued at the Supreme Court each month from January 2014 to present is in the schedule I hand over to the hon. Gentleman:

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**Answer to Question 533 of 2017**

**Answer to Question 517**

| 2014     | Civil Claims | DDM (Divorce Dissolution Matrimonial) | 2015 | Civil Claims | DDM (Divorce Dissolution Matrimonial) | 2016     | Civil Claims | DDM (Divorce Dissolution Matrimonial) | 2017                   | Civil Claims | DDM (Divorce Dissolution Matrimonial) |
|----------|--------------|---------------------------------------|------|--------------|---------------------------------------|----------|--------------|---------------------------------------|------------------------|--------------|---------------------------------------|
| Jan      | 25           | 9                                     | Jan  | 10           | 6                                     | Jan      | 10           | 9                                     | Jan                    | 10           | 7                                     |
| Feb      | 21           | 7                                     | Feb  | 7            | 11                                    | Feb      | 6            | 7                                     | Feb                    | 12           | 10                                    |
| Mar      | 21           | 8                                     | Mar  | 14           | 4                                     | Mar      | 5            | 11                                    | Mar                    | 11           | 11                                    |
| Apr      | 19           | 11                                    | Apr  | 16           | 7                                     | Apr      | 7            | 12                                    | Apr                    | 11           | 10                                    |
| May      | 17           | 11                                    | May  | 12           | 6                                     | Ma<br>y  | 13           | 11                                    | May                    | 16           | 13                                    |
| Jun      | 14           | 12                                    | Jun  | 28           | 5                                     | Jun      | 3            | 11                                    | Jun                    | 14           | 11                                    |
| Jul      | 9            | 7                                     | Jul  | 25           | 15                                    | Jul      | 6            | 6                                     | Jul                    | 12           | 6                                     |
| Aug      | 9            | 7                                     | Aug  | 14           | 4                                     | Aug      | 11           | 7                                     | Aug                    | 5            | 8                                     |
| Sep<br>t | 20           | 17                                    | Sept | 18           | 14                                    | Sep<br>t | 4            | 10                                    | Up<br>to 8<br>Sep<br>t | 2            | 1                                     |
| Oct      | 21           | 12                                    | Oct  | 62           | 13                                    | Oct      | 5            | 13                                    |                        |              |                                       |
| Nov      | 9            | 13                                    | Nov  | 7            | 5                                     | Nov      | 11           | 10                                    |                        |              |                                       |
| Dec      | 10           | 7                                     | Dec  | 18           | 4                                     | Dec      | 19           | 10                                    |                        |              |                                       |

1875 The number of criminal actions listed before the Supreme Court each month from 1st June 2016 to 31st July of this year is also in the schedule I will hand over to the hon. Gentleman:

| 2016      |                                    | 2017     |                                    |
|-----------|------------------------------------|----------|------------------------------------|
| Month     | Number of criminal cases committed | Month    | Number of criminal cases committed |
| June      | 2                                  | January  | 9                                  |
| July      | 5                                  | February | 4                                  |
| August    | 5                                  | March    | 4                                  |
| September | 5                                  | April    | 1                                  |
| October   | 0                                  | May      | 5                                  |
| November  | 5                                  | June     | 1                                  |
| December  | 5                                  | July     | 3                                  |

The information as to RGP staffing levels is publically available information which is accessible to him in Parliament.

1880 Following a reassessment of the threat picture, the RGP reviewed its security posture and removed the armed officers on 17th July 2017.

In respect to the question the hon. Gentleman is asking on the Chief Secretary's communication to the former Supreme Court Judge, I refer the hon. Gentleman to the information already put in the public domain by press release 494/2017.

1885 Government is in receipt of a business case from the Royal Gibraltar Police, which deals with matters relating to human resources. Government is presently actively considering this business case in close consultation with the Commissioner of Police and the Royal Gibraltar Police Federation.

1890 The Government is actively looking at the possibility of alternative provisions for young offenders. Consultations are already ongoing between pertinent Government Departments and agencies with a view to finding a satisfactory solution.

At the present stage, we have identified a potential location, which we are actively considering, to determine if they are suitable to provide a secure accommodation and a detention centre.

1895 **Hon. E J Phillips:** Mr Speaker, just before we digest some of the statistical elements that the Hon. Minister has provided, just going back to question 511, I am quite surprised that requisite notice has not been issued. The question that was asked in January of this year relates to the mandatory testing of prisoners where the Minister said in response to that supplementary question I gave to him:

In respect of the mandatory testing of prisoners, I have now spoken with the Superintendent that it is in his view that there has to be mandatory testing working in tandem with voluntary testing.

1905 Given the statement that the Hon. the Minister gave in January 2017, is there any reason why the Superintendent has not issued that requisite notice, given the strong indication given by the Minister that these two bases for testing of drugs in prison should operate in tandem; and the fact that the requisite notice has not been issued in a huge delay from January? I would be grateful for clarification.

1910 **Hon. N F Costa:** Yes, Mr Speaker. Without wishing to reprise the Q&A session we had on the last occasion that the hon. Gentleman asked me the question, I think that he knows that it is my view that we should have mandatory drug testing at the same time as we have voluntary drug testing – which, as he knows, is quite a successful programme at the prison.

He can rest assured that there is no one more eager than I to make sure that the Superintendent, who is the officer under law who has the power to issue the notice, does so as soon as possible. After various discussions with him, I am regrettably satisfied that he has not been able to proceed, for good reasons, which I will explain to him now.

1915 In the first place, we now have: an MDT suite, which means that they can include samples, they can process the samples; there is a sample storing area inclusive of a secure refrigerator; there is a computer and equipment store; and an adjacent holding cell that may be used to securely hold prisoners waiting to provide the sample.

1920 The reason why we have a voluntary drug testing programme and not a mandatory drug testing programme, I am sure he will have alighted on in his mind already, is that in the event that a mandatory drug test comes out positive then the law, in effect, empowers the Government – the Prison – to impose disciplinary proceedings; and to that extent we therefore need to make sure that there is – as he will know from his own defence of criminal cases – continuity of evidence, security of samples, even up to and including the laboratory and coming back. In other words, if there is a positive result which is then challenged in the courts and there are issues as to any of those legal matters – which I know that he is very familiar with – then that positive result may be challenged and the whole purpose of the system defeated.

1925 To that extent, I am advised by the Prison Superintendent that he is requiring meetings with the judiciary in order to be able to brief JPs so that once the programme is up and running they will be able to call a JP to be able to attend to the processes and make sure that any disciplinary process that is metered out – which could include adding to the sentence of the prisoner – is done absolutely properly and immaculately, procedurally and substantively. This is why it has not been instituted yet.

1930 On the other hand, the voluntary programme is simply a contract entered into between the Prison and the inmate, so the reason why the inmate is incentivised to enter the programme is because he will obtain an increased grade of privileges. But when the end result of a positive result is that you may have days added to your sentence, then he will be, I am sure, realising that due to constitutional and legal reasons, the manual that has been employed in the UK, which is, if he has read it or at least looked at it, quite a thick file that needs to be implemented properly. To that extent as well, I am advised that the Home Office in the UK does have permanent officials that deal exclusively and solely with the process of monetary testing in prisons.

1935 To that extent, the Superintendent of Prisons has advised me that in order for all of this to come together they will require an MDT co-ordinator, so that none of the different legal, constitutional and procedural pieces of the jigsaw puzzle are missed and then the whole effect and purport of the system is undermined by the fact that some important evidentiary piece has been missed and the positive result cannot be taken into consideration, and the JPs are not able to analyse the case and consider what is the appropriate disciplinary consequence.

1940 **Hon. E J Phillips:** I am grateful to the Minister for that full answer to the question regarding mandatory testing. Just to get to the nub of it, clearly we have the legal framework available to us to conduct mandatory testing in prisons; the difficulty is a question of resourcing and a watertight procedure that will lead to successful prosecutions possibly and also adding on of sentences.

1945 I understand that, but this legislation has been, in my respectful view, in place for a very long time. The Superintendent has confirmed, via the Minister in Parliament, that there has to be mandatory testing running in parallel with voluntary testing. When does the Government believe it will be in a position for these two systems to run in parallel, given the clear issues that the Prison has with facilitating and underpinning this legislative framework that we have had in place for some time?

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**Hon. N F Costa:** Mr Speaker, I am afraid that I am not in a position today to be able to give him a timeframe and do not want to do so when I know that we may completely fail that deadline.

1965 What I will ask the hon. Gentleman to do is – of course if he wishes – at the next session of Parliament ask me again and I will, as I always do, I meet with the Prison Superintendent at least monthly; and I will, when I leave the House as well, email him – I am sure he is listening to the exchange that we are having – to ask him to report on progress and see whether at some point soon I will be able to tell him: this is the date by which the MDT system will be in place.

1970 **Hon. E J Phillips:** I thank you for that answer.

Just so that we get the position clear in relation to question 512, the Minister did confirm that drugs testing conditions are being added on to those that are released on parole; but I am not too sure that he used the word ‘mandatory’; is it mandatory or voluntary arrangements? I was not very clear on the conditions. Will they be, I assume, mandatory conditions that are imposed as part of the release on the licence itself? It is just a matter that the hon. Member, Mr Feetham, asked me about a couple of months ago.

1975 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman has alighted on the right answer: it is a condition of licence.

1980 **Hon. E J Phillips:** Mr Speaker, in relation to the answer on manning levels in question 519, does the Minister agree with me that we should take seriously the statement by the Gibraltar Police Federation in respect of their statement that the RGP is woefully undermanned?

1985 **Hon. N F Costa:** Mr Speaker, I really do not want to seem difficult, but on the basis that the hon. Gentleman clearly does not know the increase in levels, I do not think that it lies in him to ask me a question as to whether or not I agree with that analysis.

It is interesting that the Chamber of Commerce was able to extrapolate from the publicly available information that under this Government, RGP resources on manpower have increased by – they said – 30%. But the point is that there has been an increase under this administration and if he wants to ask me that, certainly, in a further session of the House when he has been able to consider the information, he is of course perfectly entitled to do so.

1995 **Hon. E J Phillips:** It is just the genuine concern in relation to, effectively, the Police union, the Federation, and its members releasing public statements about manning levels in our community of police officers – concerns that have been alluded to by the Chamber in relation to numbers of visible police officers on our streets, and indeed the RGP themselves who have said quite publicly that they are in discussions with the Government in relation to manning levels, but see the need for that increase.

2000 I am asking a genuine question: whether the Government now accepts that an entire review of the services that are afforded by the Royal Gibraltar Police in our community generally, given the fact that the RGP is a different beast to what it was 50 years ago ... We all have to accept that. They do much more work in terms of the fraud activity that they have done in terms of questions I have asked this House before.

2005 Insofar as the explosion of the internet and the particular forensic nature of the work that they conduct, it is quite clear that many of the representations that I receive privately in relation to this issue relate to manning level resources in respect of the day-to-day work of the RGP.

That is why I am asking the Minister if he would express his view, or express at least an indication of the Government’s view as to whether they agree with the Federation’s comments and also the comments by other bodies in our community.

2010

**Mr Speaker:** The Minister is not required under the Rules to answer that question – whether he agrees with comments made in public. He can if he wishes to, but the Rules do not require that he do so. It is a matter for him.

2015

**Hon. N F Costa:** Mr Speaker, all that I will say to the hon. Gentleman is that on the basis of the fact that there has been self-evidently an increase in resources, recurrent expenditure and capital by this administration in respect of RGP resources and manpower, I think he can take comfort from the fact that when we receive representations from the RGP that different workstreams have increased or additional resources are required, that we do listen to them and it is self-evident from the amount of money that we are spending on the RGP and the increases year on year.

2020

In addition, I did say in answer to my question that we are presently actively considering the case.

2025

**Hon. E J Phillips:** Clearly, of course, the Superintendent himself has recently made statements in relation to the surpassing of the budget very quickly, in fact, that is provided to the RGP in relation to the funds that they have to run the RGP. That just causes many people concern about the way in which everyone is working, what we are meeting, the demands on our police service who do an excellent job in our community of keeping us all very safe. But those concerns are, with respect, quite genuine and I appreciate that the Minister may not want to answer entirely on this question, but I am grateful for his reassurance that this is under active review, given the resources that are required to man a security service that we have.

2030

**Hon. N F Costa:** Yes, Mr Speaker, given that the hon. Gentleman has referred to comments made by the Superintendent, I think it is important that I contextualise those remarks.

2035

The Superintendent was referring to the need to increase visible patrolling and security as a result of atrocities in different parts of the world, and therefore there was an increase in the overtime allocation. That was the only extent to which he was referring to the fact that there had been an excess in the spending of the Government on the Police for this financial year.

2040

I receive a monthly financial report from the RGP and there have only been instances following the atrocities in different parts of the world that there has been a need for an increase in presence for security and other reasons, and there has been therefore an increase in overtime.

2045

But that, as I understood the comments made by the police officer to the *Chronicle*, I believe it was, it related to the need for additional patrolling and additional security resources, and that only reflects as additional overtime. When we come to debate the estimates at the beginning of the next financial year, he will see that the increase only relates to that subhead.

2050

**Hon. E J Phillips:** I think one of the statements, just from memory now, is that the Superintendent himself confirmed that the redeployment in relation to unexplained deaths recently had caused an issue with that as well. I do not think it was solely related to incidents across the world relating to terrorism, but it also related to unexplained deaths, I believe is the more accurate version of that. But I am grateful for the answer and hopefully we can have further dialogue privately in relation to this matter.

2055

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman, in fact, is entirely right. From the financial report I received, there have been two occasions for overtime and for a particular investigation. He is right.

2060

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his response in respect of question 520, and that is the arming of RGP and local enforcement agencies at sea. If I

understood the Minister correctly, that actually ended on 17th July following, what I think he said was, a security review.

2065 I would be interested to hear from the Minister in terms of the protection of these law enforcement agencies at sea where perhaps the threat level is not something that is covered by intelligence, obviously it will be something that they will meet on a day-to-day basis. I think there was a report yesterday in a local paper – although the RGP have denied the veracity of that report – as to shooting incidents and whether the policy ...

2070 Again, I would be grateful if the Minister could indicate who would make that kind of decision as to whether the marine services should be armed, whether it is a preventative or reactive policy; because obviously it may be that they will not know until they get out to sea what kind of threat they are facing.

2075 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman and the whole House, I am sure, will be delighted to know that those decisions are made by the RGP and has no input from the Government.

**Q521/2017**  
**Social care abroad –**  
**Repatriation of service users**

**Clerk:** Question number 521, the Hon. L F Llamas.

2080 **Hon. L F Llamas:** Mr Speaker, can the Government provide details as to when they expect to repatriate service users currently receiving social care abroad?

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

2085 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I do not accept the hon. Gentleman's premise of his question, because it implies that there is an expectation that all service users currently receiving social care abroad are to be repatriated. The common denominator in determining if and when a service user is repatriated is based solely on what is in their best interests.

2090 Service users in UK have an Independent Mental Capacity Advocate allocated to them, who act as a safeguard in advocating on their behalf. Independent Mental Capacity Advocates play an instrumental part in making best interest decisions for people who lack the capacity to make specific important decisions such as where the person should reside.

2095 In addition to this, a further safeguarding best interest mechanism that is in place is the input of an Independent Consultant Psychiatrist, who is also a Lead Second Opinion Appointed Doctor. Commissioning the support of a leading health care professional in the field of learning disabilities ensures that all professionals work together for repatriation plans to be implemented in a manner that is person centred.

2100 I can confirm that at present repatriation plans are underway for two service users who are currently receiving social care abroad. Both of these service users have transition plans in place, which are devised in partnership with both professionals and family members.

2105 Given the complexities of the transition process, and how each step is guided by best interest decisions, it is not possible to quantify whether this will happen. However, Mr Speaker, please rest assured that regular placement reviews, case conferences with family at a senior management level to look at short-, medium- and long-term plans for each service user periodically take place.

**Q529-530 and Q534/2017**

**Primary Care Centre –**

**Online appointment cancellation; Calls to the centre; New health visitor**

**Clerk:** Question number 529, the Hon. L F Llamas.

2110 **Hon. L F Llamas:** Mr Speaker, can the Government explain why the online cancellation of appointments system is down, and since when?

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

2115 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with questions 530 and 534.

**Clerk:** Question number 530, the Hon. L F Llamas.

2120 **Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule showing how many calls the Primary Care Centre has handled since April 2016 to date?

**Clerk:** Question number 534, the Hon. Ms M D Hassan Nahon.

2125 **Hon. Ms M D Hassan Nahon:** Has the new health visitor at the Primary Care Centre been through the standard interview process before taking on the post?

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

2130 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the online cancellation of appointments is functioning correctly.

We are only able to provide figures for calls handled since 13th March this year, as the volume of data required to store this historical digital information is enormous and quickly exhausts our data storage capacity.

2135 The figures for March to August, Mr Speaker, are as follows:

| Month (2017)         | Calls handled |
|----------------------|---------------|
| March (13th to 31st) | 6,709         |
| April                | 8,154         |
| May                  | 10,493        |
| June                 | 10,158        |
| July                 | 9,372         |
| August               | 11,056        |

Mr Speaker, the notable increase in calls handled from May 2017 onwards can be explained by the positive changes in the PCC, including having up to eight clerks staffing the telephone lines during the peak periods each day, and the addition of the telephone sick certificate line.

Mr Speaker, there is no new health visitor at the Primary Care Centre.

2140

**Hon. L F Llamas:** Mr Speaker, just coming back to question 529, with regard to the online cancellation appointments system, is it possible then that perhaps the link, the web address

given on the appointment schedules is wrong, because it does come up with an error message and it does not take you to the portal in order to cancel the appointment?

2145

**Hon. N F Costa:** Mr Speaker, I do not know whether perhaps we are looking at different things. We tested it, as he would have expected, and the IT Department assures me that there has been no time during the course of which there has been any interruption to the service. Even when there was a migration from the old GHA website to what I think is the vastly improved current GHA website, the online functionality, I am assured, has been maintained.

2150

So perhaps behind the Speaker's chair he can refer to me to which link he refers.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, on 21st June, me, myself and Neil Costa, the Hon. Minister for Health, had a very heated discussion about this health visitor that had not been appointed yet.

2155

Today, from my understanding, this candidate is sitting in the health centre – the old health centre, the new Primary Care Centre – and, from what I understand, the interview process has not yet taken place or rather was going to take place after she was sitting at her desk.

Is the Minister going to tell me that she was not appointed as health visitor at the time, because we are talking about the same candidate who is sitting at the Primary Care Centre prior to having had her interview?

2160

**Hon. N F Costa:** Mr Speaker, the question asks whether the candidate has undergone the usual process and, again, I do not wish to relive the lengthy exchange that we had on the last occasion. I even went as far, Mr Speaker, to tell her that within the GHA, having different strands, the PCC, the hospital and Ocean Views, it makes perfect sense to me that if the Director of Nursing wanted to redeploy different nurses of different grades to different parts of the GHA she should be able to do so if there were clinical demands.

2165

In other words, if a particular nurse or particular nurses were needed in one ward over another or there was a need for additional nurses in Ocean Views for any particular reason, the Director of Nursing should feel entirely comfortable and free to be able to allocate the resources of the GHA where they are best needed. After all, nurses work for the GHA; they do not work for a particular ward.

2170

But the hon. Lady should rest assured that the GHA is following, in this case of health visitor, the regular route and an advert has been issued and the closing date has already gone by and interviews will be held.

2175

**Hon. Ms M D Hassan Nahon:** Mr Speaker, interviews will be held but this candidate is already sitting at the post, is that right?

2180

**Hon. N F Costa:** Mr Speaker, once again, we have had this sort of exchange before where the hon. Lady receives information and comes to this House asking me to verify information that she has received. We are not here, with respect to her – and she knows that I have great affection for her – we are not here to comment on what people hear or do not hear.

2185

What I am telling her, Mr Speaker, in answer to the question that she posed to me, was whether or not the usual advertising procedure for the post of health visitor has been followed or will be followed, and I have assured her that, notwithstanding that the Director of Nursing has every right to be able to allocate any nurse to any part of the GHA, we are following the usual vacancy procedure, the advert has gone out, the closing date has come and gone, and there will be an interview process.

2190

**Hon. Ms M D Hassan Nahon:** I am sorry to labour this point, but I just want to say it for the last time, just to make myself clear that the issue that I have – and I think that most people would agree – is that it just looks like a complete mockery of the system when you have the post

2195 holder sitting at the desk prior to an interview, and let's see in a few weeks if that person gets the job. Basically, it is making a farce of the entire process. This is the question I was asking and we still do not have an answer. All we have to do, I suppose, is wait a few weeks, see if that person gets the post and then obviously will come back to the same thing.

2200 **Hon. N F Costa:** Mr Speaker, that was a statement and a repetition of statements, and not a question. But given that she has made statements, I will answer the assumptions that she wrongly makes.

In the first place, Mr Speaker, she is making statements on an assumption that I have not verified. I have already told her that I will not be drawn into comments and rumours that she  
2205 hears in the street or whether she has heard it in the street or she has been written to.

Mr Speaker, the hon. Lady, with respect to her, should, I think, measure her words a bit more carefully. The GHA is full of consummate, dedicated, passionate, incredibly hardworking individuals and professionals, and in my 10 or 11 since that I have been the Minister for Health, and I have been honoured with that position, I can assure her that if there are people in this  
2210 world who are going to go rigorously through processes and who are going to be whiter than white and above board, and follow processes, especially for the selection of candidates, it would be the GHA.

Let me state in this House, Mr Speaker, and anywhere else, that I have the fullest, the most wholesome, fulsome confidence in any person that sits at a selection board for the GHA –  
2215 because I know for a fact that they will choose the best person for the job, be that person whoever he or she is.

**Mr Speaker:** I think as the Minister for Health has now finished answering his questions, this might be a convenient moment in which to –  
2220

**Chief Minister (Hon. F R Picardo):** Indeed, Mr Speaker. I now call on the House to recess until 3.30 p.m. this afternoon.

**Mr Speaker:** The House will now recess until 3.30 p.m. this afternoon.  
2225

*The House adjourned at 12.55 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.30 p.m. – 5.35 p.m.**

**Gibraltar, Wednesday, 20th September 2017**

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# The Gibraltar Parliament

*The Parliament met at 3.30 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

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

## Questions for Oral Answer

### ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

**Q538-544 and 553/2017**

**Government Finances –**

**Public debt; Total liquid reserves; Revenue and expenditure; Community Care investments and accounts; New £1 coin; General Sinking fund; Housing estates mortgage spending**

5 **Clerk:** We resume with Answers to Oral Questions.  
Question 538. The Hon. R M Clinton.

**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 date, being 1st July 2017?

10 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

**Minister for Economic Development and Telecommunications (Hon. J J Bossano):**  
Mr Speaker, I will answer this question together with Questions 539 to 544 and 553.

15 **Clerk:** Question 539. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents namely Consolidated Fund, Improvement and Development Fund, Government Owned Companies, deposits, contingencies and other funds for the following date, being 1st July 2017?

**Clerk:** Question 540. The Hon. R M Clinton.

25 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held giving details of all bank/savings bank accounts and cash held for the following date, being 1st July 2017?

30 **Clerk:** Question 541. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, will the Government confirm that it will, as per last year, provide a six-month statement of revenue and expenditure to 30th September 2017 and if so when is it anticipated it will be provided?

35 **Clerk:** Question 542. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise what financial oversight or monitoring does it perform over Community Care and its investments and what are the latest audited accounts of Community Care and its companies that are in the Government's possession?

**Clerk:** Question 543. The Hon. R M Clinton.

45 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it is to introduce a new design for the Gibraltar £1 coin given that the UK £1 coin is to be withdrawn in October 2017?

**Clerk:** Question 544. The Hon. R M Clinton

50 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund at 1st July 2017?

**Clerk:** Question 553. The Hon. R M Clinton.

55 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much of the net £275 million raised from the mortgage of the housing estates has been spent and on what?

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

60 **Minister for Economic Development and Telecommunications (Hon. J J Bossano):** Mr Speaker, the figures requested for 1st July are:

|                   |       |
|-------------------|-------|
| <b>Gross Debt</b> | 447.7 |
| <b>G. S. Fund</b> | 5.2   |
| <b>Aggregate</b>  | 442.5 |
| <b>Cash</b>       | 114.5 |
| <b>Net</b>        | 338   |

The position regarding the total liquid assets composition when, where and how these are invested on a particular date chosen by the Member opposite continues to be as previously stated.

The six-month estimate of revenue and expenditure will be provided as per last year.

65 Community Care is an independent charity which was set up in November 1989 with the specific purpose of providing support to our senior citizens. No Government, since its inception, has ever introduced any financial oversight or monitoring of the charity and there is no intention to change this. Regarding the audited accounts of the charity, I understand that the most recent accounts are for the year 2014/15.

70 It is the intention to introduce a new design £1 Gibraltar coin.

With regard to 553 there has been no change since the answer to Question 298/2017.

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

75 If I can start perhaps with the easy question, 543, the £1 coin. If he recalls we did touch upon this in December 2016 in a supplementary to Question 893 when there was a discussion about the use of coins in the coin machines in Gibraltar.

80 Can the Minister give an indication as to when this coin is likely to be introduced, given that obviously the banks in Gibraltar are having to deal with the withdrawal of the old UK pound coin and the new design, and of course the Gibraltar £1 coin looks very similar to the old UK coin and they have to literally eyeball these coins to separate them from the Gibraltar £1 coin.

**Hon. J J Bossano:** Mr Speaker, the problem, as I mentioned at the time, is the availability of the blanks which are only available from the Royal Mint that produces them for themselves and sells them to the Tower Mint, which is the one that mints the Gibraltar coins. In effect, until they tell us that they have got a sufficient quantity to spare, we are not able to fix a date.

85 The position of the Royal Mint is, not unreasonably, since they have got a deadline of October after which their coins will no longer be usable in shops, they are clearly using all the available supplies in order to be in a position to replace the millions and millions of coins that will cease to become legal tender in October. Presumably, after October, the situation may improve because there will still be, it is calculated, several millions in the system that will be accepted at the Mint but will no longer be accepted in the retail trade. So hopefully, by the end of this year, they will have caught up with their own backlog sufficiently to make blanks available for us, and then it would be the 2018 coin set of Gibraltar that will include the new coin. In any coin set we do for the remainder of this year, we will be using the old design of coin.

95

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

100 Has the Government presumably already designed this new £1 coin? Obviously the volume in circulation in Gibraltar is a lot lower than in the United Kingdom so hopefully we should be able to get some blanks off the Royal Mint in the UK. But I presume you have already got the design prepared and it is just a question of placing an order? And how long does it take between placing the order and receiving in terms of the lead time to receiving coins?

**Hon. J J Bossano:** Well, it takes a couple of months to get the design approved in fact because it is a lengthy process.

105 The designs are usually produced by the Mint, we do not have anybody doing designs in Gibraltar. We give the theme to the Mint, and the Mint produces a number of designs which are looked at by the Minister for Finance, who is responsible technically for coinage, and then it is sent to the Governor and then it is sent to the Palace, and then the Palace sends it back to the Foreign Office, the Foreign Office sends it to the Governor, the Governor sends it to the Minister for Finance, and then it comes to me and eventually the coin is done!

110 So the whole process takes six to eight weeks. And we are not at the start of that process because when we do the new coin it will not be the only coin we do, we will do an entire new set with that new coin and we will see if there are any other changes in the United Kingdom in the offing for 2018 which we will incorporate at the same time. But our coins clearly are going to be legal tender for quite a while yet.

115

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

120 Just going on to Question 541, I am grateful that he will give another six month statement to rolling expenditure. In terms of when we could expect it, would it be January, as per this year?

**Hon. J J Bossano:** I am sorry, I did not follow. What is it you are expecting for this year?

**Hon. R M Clinton:** Yes, sorry, Mr Speaker, I will clarify.

125 Question 541, the six-month statement of revenue and expenditure: could we expect it in January 2018 as we did this year? I think we got it in January or February 2017.

**Hon. J J Bossano:** I think it was slightly delayed but the expectation is the same as the expectation of last year that it should be ... This is really driven by how late things come in, because in fact once the Treasury is satisfied that the figure for September is reasonably accurate in terms of how close it is to the estimates, or that it may be over the estimates in some areas, then they do not expect that there will be stuff in the pipeline which has to still be processed. But historically by December it has reached a point where you can be fairly comfortable about the level of accuracy.

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

Turning to Question 542, is the Government saying that in terms of the Community Care charity, which I recognise is an independent charity, that it does not receive information regularly from the charity? And did I hear him correctly in saying the last accounts were 2014/15 which I presume would be to June 2015?

**Hon. J J Bossano:** We do not receive information regularly because in fact the information that really we get from the charity is not so much about when the accounts are finished or not finished but it relates to the commitments of the payments that we have got and the number of people who are receiving payments. That information is based predominantly on us looking at what are the requirements they are facing in terms of their commitments for the Household Cost Allowance for Community Officers, for the widows' benefits – those are the things that they keep us informed about because monitoring that gives us the picture of the liabilities that are going to be the recurrent expenditures.

It has to be understood that we have got a commitment to provide them with money every year which we have to be confident will be over what they are likely to be spending because the commitment of this Government is to increase their reserves. Before, the position was that the Government of the GSD did not have the same commitment to maintain the reserves so their interest was to be sure that they were not running out of cash because they were not putting money in, unless it was that the reserves had been used up.

To my knowledge, the level of information that the Government gets today is the level that I used to get in 1989 and the level that was given to the previous Government in the intervening 15 years. It has always been thought important that the connection between the Government and the charity should be as minimal as possible for self-evident reasons.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister again. Just to clarify, the last accounts he has in his possession, would those be June 2015?

**Hon. J J Bossano:** To my knowledge the last accounts that they were auditing were 2014/15 but I am not saying it was in the Government's possession because I do not think it necessarily means that they actually give us an account every year. But I have asked what are the last accounts that have been done, and I have been told from the charity it is 2014/15.

**Hon. R M Clinton:** Finally, Mr Speaker, I do not want to go on too long about Community Care. But does the Government have any – I would not say would they issue any 'guidelines' – but have any expectations in terms of how Community Care would be investing its surplus?

**Hon. J J Bossano:** The historical position has always been that Community Care deposits its surplus funds in the Savings Bank; that is what it has always done.

**Q545/2017**

**Government Approved Contractors Scheme –  
List of contractors and trades**

175 **Clerk:** Question 545. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a list as at the commencement of each financial year of contractors on the Government Approved Contractors Scheme and their individual trades?

180

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

**Minister for Economic Development and Telecommunications (Hon. J J Bossano):** No, Mr Speaker.

185

**Hon. L F Llamas:** Mr Speaker, may I ask why? I understand that perhaps going back to each financial year may be complicated but perhaps the Hon. Minister would be able to provide the list as of now, or as at the commencement of this financial year?

190

**Hon. J J Bossano:** Mr Speaker, I would not be able to provide him with the figure at the commencement of each financial year, unless I knew that it was each financial year since the last election, or each financial year since the previous election, or each financial year since 1972 when I came in, or each financial year since 1704 when we captured Gibraltar!

195

But in any event we do not do the list by financial year, that is to say when I have asked they tell me they are not able to tell me, for example, who was on the list six months ago – the list is added to or removed from. In addition at the moment the list is being expanded, in the sense that it started off as the hon. Member may know from questions that I have answered going back a couple of years, some since he has been here and some before, the original figure that we inherited in 2011 was 91 companies which were the companies that were on the approved construction list. That was a special arrangement that was introduced in 2010 where, in order to be able to get construction work from the Government, you had to be on a list and you had to commit yourself to keeping your accounts up to date, to pay your social insurance and to give priority of employment to unemployed persons provided by the employment service to the company. Unless those conditions were met you were taken off the list. That did not mean that you could not work as a construction company but you were taken off the list of the companies that could do work for the Government.

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We found that this was not being universally applied and therefore we actually expanded the construction list in our time, some were because about 35 or 40 new companies were created by small people who were unemployed, who had been in the construction industry – mainly people who were in their 50s and therefore had difficulty in competing. We helped them to set up little companies and those 30 or 40 companies were added to the list.

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Since then, the other issue which I have explained previously to the former leader of the Opposition when he has raised it with me, was that there are companies of course that are put on the list only for the period that they are doing work here, because they are non-Gibraltar companies that are allowed to come in on specific contracts, but we only put them on the list in order to complete the contract that they have obtained. So, for example, if we have got a contract that goes out and they bring in specialist subcontractors for the Marina, the contractor for the Marina has to become a member of the approved contractor list and instead of having a definite date it will say 'until the completion of the work on the Marina', and then he drops out of the list.

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So there is nothing significant about the beginning of the financial year. What I can do is... At the moment in addition to this, there is the computerisation that is taking place with the

225 Procurement Office and we are going to finish up with one list which is electronic and which will cover every contractor and every supplier, and that may even be publicly available so that anybody can log in and see it; but if it is not, when that is ready I will provide the hon. Member with a copy. I have not got more now than I could tell him what 'It was a week ago', but that would not mean anything because it is in the process of being expanded and being put in the electronic system.

**Q546/2017**

**Continued existence of 'the Scheme' –  
Employee numbers**

230 **Clerk:** Question 546. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Employment confirm if the 'Scheme' still exists, providing numbers of employees, or if it has been replaced by employing individuals through a recruitment agency?

235 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

**Minister for Economic Development and Telecommunications (Hon. J J Bossano):** Mr Speaker, from the way the question is drafted I am unable to decipher what 'scheme' in particular the hon. Member has in mind, although it is not for me to teach her how to draft parliamentary questions.

240 Given that the clue is that it is a scheme that has something to do with employment, I am assuming that the question is about the so-called Vocational Training Scheme operated by the GSD Government which existed in December 2011, when I became Minister for Employment. I know of no other scheme related to employment.

245 The hon. Lady wants to know whether it is still in existence in 2017 and if that is what she wants then I must say I am astonished that she should need to ask the question. What I ask myself is, where was the hon. Lady in 2011? Indeed where has she been *since* 2011?

I appreciate of course that there is no evidence that before she arrived in this place by hitching her wagon to the GSD and shortly afterwards unhitching it, the hon. Lady took any interest in schemes related to employment or anything else happening in this Parliament. Now that she is unhitched from the GSD it appears that she sees herself as the future first female Chief Minister and believes that this would result from what she claims to have introduced, namely a new style of political debate in this Chamber, to the support of which our citizens are flocking in masses.

255 I have to acknowledge that she has brought something new to this Parliament exemplified by the contents of this question. This is a level of ignorance that I find unprecedented in the short time she has been here and indeed in the long time that I have. Given how little she knows about the fate of the defunct Vocational Training Scheme and how it came about, I will enlighten her so that at least in this area her knowledge will be enhanced.

260 Although the Vocational Training Scheme which was in place up to 2011 was linked to employment, it did not actually have any employees as such. There were a few hundred individuals who were placed predominantly in the private sector, but with a significant number in the public sector, who were not deemed to be in employment with anybody – that is, they had no employer and were not subject to Employment Law. They had no employment contract, they had none of the entitlements to leave or anything else that the law provides; they were paid an allowance instead of a wage which was, however, well below the national minimum wage. These 'students', for want of a better name, ranged from school leavers to, in one

particular case, an individual in his 60s. When the students left the scheme, which generally was after six months but in some cases had lasted for several years, they had no guarantee of  
270 employment and it was a matter for the private sector employer whether they chose to offer them a job or not. Those placed in the public sector were not guaranteed employment either, although a few did get taken on, but I remember one particular case where a person was terminated from the scheme after seven years and was not able to do anything about it because she had not been employed by the scheme.

275 All this was fully debated and argued in the public domain in the 2011 General Election, when one of the most debated policy differences between the parties was the defence by the GSD, then in Government, of the scheme that they had – the Vocational Training Scheme – and the commitment on our side that we would scrap it if elected to Government and replace it with a strategy which we called the Future Job Strategy. This, in effect, would create specific training  
280 companies, pay the national minimum wage, and provide a contract of employment to all those then in the GSD scheme and to other people wishing to be considered from the unemployment list.

The training companies came into effect on 1st February 2012 as I had promised that they would during the 2011 election campaign and have been operating since, and continue in  
285 operation. This is public information which the hon. Lady should know from the fact that questions have been asked when she has been in this House regarding the persons in the training companies in anticipation of getting jobs in the private sector, where the difference, apart from the fact that whilst in training they are employees of the companies, lies in the commitment on the part of the employer with whom the trainee has been placed to employ  
290 them at the end of the agreed period. These are partnership agreements with firms in the private sector which have led to an increase in private sector employment since 2012 for locals in areas where previously employers might have relied on imported labour.

So the short answer is that the only ‘scheme’ that has ever existed which had a connection with employment was the Vocational Training Scheme which was discontinued in January 2012  
295 and had been operated by the GSD administration. Those persons who were in the scheme in January 2012 were transferred into training companies and given contracts of employment in these training companies, and those training companies continue to this day. All this, of course, is not new and has been raised many times in the course of the last Parliament and since the 2015 General Election.

300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am sorry to see that the Minister for Employment and Trade has treated my question in such an unnecessary, defensive and personal style by bringing up my past, my future which he has decided I am gunning for – I do not know if the hon. Gentleman knows me well enough but he seems to – and my style.

305 I was also just told by the hon. Gentleman that I have all of a sudden developed an interest in employment. Let me just say to the hon Gentleman, as well as to every Member of this House, that my only interest – and I always repeat this when people try to trip me up, as such – is people. So whether it is swimming, flying, employment, health, education or finance that is where I will be, and that is what I think is my job, despite whatever the Minister is trying to  
310 accuse me of.

The only scheme that I was actually talking about was the Future Job Strategy which is a scheme that this administration of today came up with in 2011. The promise to those youngsters and to those students was theirs, and it is those students who feel cheated and feel that they have been given false hopes in part, and these are representations that come to me. It is not  
315 something that I am inventing and I think that the Minister, with respect, would do well to accept that these complaints are coming to me and this is why I am representing them in this Parliament.

320 These are the questions relating to the Future Job Strategy that I was bringing up; that was the data I was trying to gather and it is unfortunate that he has spent so much time trying to judge me and come up with things that I think are irrelevant to this question.

325 But the point I was trying to make was that there is a lot of discontent among youngsters and I would have tried to ask the Minister what is going on with the Future Job Strategy – is it sustainable, and why is there a correlation between the complaints of the Future Job Strategy with the increase in recruitment companies?

**Hon. J J Bossano:** Well, I regret to say that her supplementary only increases my conviction that she does not have a clue what she is talking about. I do not know what complaints there are.

330 The original question was asking for me to confirm if the 'Scheme still exists'. The Future Job Strategy is not a scheme, it is a label that we attach to the creation of a company that employs people who, before they were employed in that company, were previously unemployed. The concept of a 'scheme' is something that disappeared in 2012 – she does not seem to know that because otherwise she would not have been using terminology which is not applicable.

335 Secondly, she wants to know if it still exists. Well, there is no 'scheme' that exists. There is a company that exists and she should know that it exists because she has been sitting where she is sitting there, and sitting somewhere else before that, and heard questions about the fact that there are people there. If she has a doubt about whether it exists, that is in conflict with her supplementary that the people who are in the scheme – that she does not know whether it exists or it does not – go to complain to her. If it did not exist there would not be anybody there, and nobody could complain to her.

340 So I am afraid that the question does not make any sense because if what she thinks is that there are no longer people being taken on in the training companies, notwithstanding the fact that we provide figures here to show that there are, then the second part of the question does not apply, because obviously if she thinks that the training companies do not exist and have been replaced by recruitment agencies – which I find very strange – the answer is the training companies, if that is what she wants to know, still exists and I have already answered that in the original question.

345 There is no indication here of anybody complaining about anything, but if she had some complaint about something from somebody then I think if she had put a question originally which reflected the complaint that she had ... I am sure nobody has come to us to say, 'Ask if the scheme in which I am working still exists', because there would be something wrong with the person if they asked that.

350 So, she has assumed presumably that the training companies have stopped existing and that we are not doing it any more, and if that is an assumption that she has made then it is incorrect, and if that is something she has been told, then she has she been told incorrect information.

355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again, the Minister accuses me of not knowing what I am saying, and perhaps when you do not know something it is a good time to ask the question, which is why I brought the question to Parliament. If constituents are telling me, or asking me, if this scheme still exists, if the Future Job Strategy is still viable because they are not hearing anything, and they are not going anywhere with it, and I come to Parliament to ask the Minister what is going on with that, I am sorry that the Minister answers me in this way. All I am trying to do is to give him the space to answer these questions for these constituents, and these are the types of answers that I get in return, so I do not think it is such a bad thing that I am coming here to ask further questions.

I still do not have any of the answers clearly, really, and now I will finish off with a question: if we are talking about the GSD as he said, your Government changed the scheme, you closed that side of the way that the GSD used to do things. Where is the training aspect that the GSD used to provide, which clearly is not happening today?



370 **Hon. J J Bossano:** Mr Speaker, the hon. Member stands up and says things that either she  
knows are not true – and I do not want to say that because that is something we do not do in  
this House, we do not to say to people, ‘You are not telling the truth’, so I do not want to say  
that. Therefore, I am left with only one alternative: if she does not know that what she is saying  
is not true, it means she thinks it is true. And she says, ‘Where is the training that used to be  
375 done with the GSD?’

Where was she? Where was she when I gave the breakdown of the training of the  
construction and of Gibdock that is going on when I was answering questions from Mr Phillips?  
Where was she that she thinks we stopped that training in 2011, and it has been going on all the  
time? It was going on before and it went on after. We did not stop the training of the people in  
380 Gibdock in the construction, we doubled the pay of the people who were there and we gave  
them a contract of employment. Before, they were treated as if they were in school with an  
allowance of £300 a month and we came in and we gave them the minimum wage which was  
then just under £1,000 a month, we gave them a contract of employment, we gave them the  
right to protection against employment injury, we gave them the right to annual leave, we gave  
385 them the right to public holidays, we treated them as workers – in fact, we introduced a national  
minimum wage at the age of 15 and we are paying our apprentices in Gibraltar almost double  
what they get paid in the UK!

Now, I know they may be complaining to her about it, because people in Gibraltar are  
notorious for complaining irrespective of what they get, that does not surprise me. But the point  
390 is that she seems to think, firstly, that we have discontinued training, notwithstanding the fact  
that the information is in the public domain and has been given in this Parliament; and secondly,  
she is speculating in her original question that the training companies have disappeared  
altogether.

I cannot understand how she can justify the nature of her questions on the basis that is what  
395 people tell her, which she is bringing to my attention, because the question implies that people  
are telling her, ‘We are not being trained any more’. Well, if they are not being trained any  
more, certainly I will want to know because I am paying for them to be trained; or, ‘We are not  
being employed any more’, and then I would want to know what is happening with the money  
that I am providing for wages.

400 So people are getting paid every month and people are receiving training every month. Some  
of the training is in training centres and some of the training is on the job where an employer  
commits to taking on the person; and the commitment, as I have explained many times, is done  
on the basis that we guarantee the first month to everybody, irrespective of how little training  
there is, so that the person does not have the argument of saying, ‘Well, look, I have to ...’. For  
405 example, in some areas employers have said, ‘I have to provide a uniform and then I find out  
that after the first few weeks the person is failing to turn up for work, and everything else, and I  
have got to take on a new employee’. So there is a very high turnover.

Many employers in the private sector say to us that the people from the unemployment list –  
we do not necessarily believe it, it may be in some cases they are but it is not true of everybody  
410 – are less reliable than people who come across the border. Well, obviously, one thing that is  
true is that I have been an immigrant worker in the UK and when you are an immigrant worker  
somewhere else I suppose you are more worried about losing your job than when you are in  
your home territory. But the fact is that providing through the company for the payment of  
wages for a period of time while the person is being trained and acquainted with the nature of  
415 the work, means that in the period when theoretically the worker is less productive because he  
is not familiar with the job, we provide the necessary financial incentive to encourage private  
sector employers to employ Gibraltarians.

We monitor that by looking at the degree to which we have got more Gibraltarians in the  
private sector in employment. It has not been a huge increase, firstly, because not everybody  
420 wants to work in the private sector, and secondly, because there was not a huge increase of

labour available anyway. But there has been an increase in the numbers working in the private sector. It is still happening and we are still employing people and we are still paying them.

425 If she was more specific in pinpointing what it is that she thinks is happening now which has led her to say whether the companies have been replaced, then I might be able to provide her with concrete answers to specific questions. But at the moment the things she has said in her last supplementary are no more accurate than what she said at the beginning. It is not true that we have discontinued training and it is not true that the companies are not employing people.

430 It is driven by demand, so we say to an employer when they open their vacancy, 'We have got a person here that may have some previous experience of working in this industry, and if you are willing to take him on instead of asking for permission to bring in somebody from outside, we are prepared to make that attractive for the company financially by providing financial help' ... some of it we do with our own money and some of it we do with EU money. That is what was being done before, during the GSD years, and it was being done by the GSLP who were the first Government in Gibraltar to achieve money from the EU from the Social Fund for Employment.

435 It was a GSLP Government that brought this to Gibraltar and it carried on throughout the years of the GSD and it has carried on with us. It was partly Gibraltar money and partly EU funding and it is still there and it will go on presumably until 2019, and then after 2019 what we have said is it will have to be 100% funded by us, because we are not going to stop it when the EU stops giving us money.

#### CHIEF MINISTER

#### Q460/2017

#### Information Technology – Works outside of ITLD and costs

**Mr Speaker:** We will move on to the next question.

**Clerk:** We now move to Questions to the Chief Minister. We commence with Question 460. The Hon. L F Llamas.

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**Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule since December 2011 of information technology works carried out which have not been carried out by the Government Information Technology and Logistics Department and the cost of each work?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I start to answer can I just point out for those who are not in the House that this is a question posed to the Hon. the Minister for Commerce, Albert Isola, who is away from Gibraltar and I shall be dealing with the questions posed to him.

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Mr Speaker, the information cannot be provided in the time available since the question was asked. On many occasions, there is an overlap between the purchase of equipment and services provided by the companies that supply the equipment, making the determination even more challenging. To provide the information for one year alone is a challenge, to go back five years is considerably more.

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**Hon. L F Llamas:** Would the Hon. Chief Minister guide me in rephrasing the question by perhaps providing a cap on the cost of the works? Could that perhaps provide an answer in the future if I table this question again?

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**Hon. Chief Minister:** Mr Speaker, I am not here to advise him but I will do what I can. For example, I would suggest to him that if he looks at the Estimates Book there will be the cost of the complement of this Department and then there will be funding available for other works. Perhaps if he asks us for a breakdown of the type of other works which are undertaken by that Department he might there be able to see what is work undertaken by the Department itself and work undertaken by third parties.

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I used to carry this portfolio and I can tell him, for example, the way that Government accounting works you might find that the ITLD Department is paying the Gibraltar Electricity Authority for works which are done by the Gibraltar Electricity Authority. So he will see a lot of that in the context of that breakdown. That is likely to be easily accessible for the year just gone and the year which we are in, and that might be an easier way of understanding how that Department spends the money which is not spent on the salaries of the people in that Department, etc. who are the ones working themselves at ITLD.

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**Q461/2017**  
**Gibraltar International Bank Limited –**  
**Audited accounts for 2016**

**Clerk:** Question 461. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise if it has, as sole shareholder, approved the audited accounts of the Gibraltar International Bank Limited for the year ended 31st December 2016?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

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**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Is it possible for him to explain why the Government has not yet approved the annual audited accounts?

**Hon. Chief Minister:** Mr Speaker, because the annual general meeting has not yet been called.

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**Hon. R M Clinton:** Mr Speaker, the Chief Minister will be aware that the audited accounts obviously exist, the FSC has a copy, but they have not been filed at Companies House presumably because, as sole shareholder, they have not been approved. Does he have any idea as to when the AGM might be called?

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**Hon. Chief Minister:** I do, sir.

**Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could enlighten us as to when that would be.

505 **Hon. Chief Minister:** No, Mr Speaker, because I have an idea of when it might be called, it is not something that is fixed in time, it might change and I do not want to give this House information which may turn out not to be correct.

510 **Hon. R M Clinton:** Mr Speaker, as anybody who works in financial services will tell you, banks usually compete with each other to file their accounts promptly. Can the Chief Minister indicate if, in his thinking, this meeting would occur before the end of this year?

515 **Hon. Chief Minister:** Mr Speaker, it is not for my thinking, because I am not the person who is going to be attending the Annual General Meeting or whose timetable is relevant, but the information I have at the moment is that it will happen during the course of this calendar year.

**Q462/2017**

**Gibraltar International Bank Limited –  
Capital restructuring approval**

**Clerk:** Question 462. The Hon. R M Clinton.

520 **Hon. R M Clinton:** Mr Speaker, can the Government advise why it approved the capital restructuring of the Gibraltar International Bank Limited such as to convert its authorised share capital into two classes namely an A class with voting rights and a B class with non-voting rights and what is the purpose?

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

525 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the capital restructuring of the Gibraltar International Bank was carried out pursuant to advice received and with the approval of the Financial Secretary. As the hon. Member knows, the new shareholder with the Government of Gibraltar is the Gibraltar Development Corporation, a Government-owned company; and its investment in the Bank is entirely consistent with its objectives.

530 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answer, and indeed a filing at Companies House dated 5th September shows that the Gibraltar Development Corporation has indeed subscribed for £6 million of share capital, ordinary B shares, of the Gibraltar International Bank.

535 If I may ask the Chief Minister why was this money not routed through the Improvement and Development Fund?

**Hon. Chief Minister:** Mr Speaker, because the Government decided it should not be, and it should be routed in the way that it was routed.

**Q547/2017**

**Runway Tunnel project –  
Projected completion date**

540 **Clerk:** Question 547. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, could the Government say what is the latest projected date for the completion of the runway tunnel project, including associated roads?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the situation has not changed since the reply given in answer to Question 223/2017 which is that the completion date for the runway tunnel project is expected to be in the first quarter of 2019. The associated roads will also be completed by that time.

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**Q548/2017**  
**Cooking oil –**  
**Quantity imported**

**Clerk:** Question 548. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, how much cooking oil was imported from 1st September 2016 to 1st August 2017?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, cooking oil is presently imported under 'other foodstuffs' (OF) in the Customs tariff; for example, Morrisons imports most of its food products as other foodstuffs, or OF, otherwise their customs declarations would be very time consuming to complete and an administrative nightmare to check – just to give the hon. Gentleman an example. I am therefore unable to single out 'cooking oils' and extract that data for the hon. Gentleman.

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**Hon. T N Hammond:** Mr Speaker, bearing in mind obviously the importance of recycling where possible products such as cooking oil, particularly as opposed to other foodstuffs of whatever nature they may be, would the Government consider actually separating out items such as cooking oil in this case, just so that we can monitor how much is coming in and compare those figures with the amounts being collected, and we can get an idea of what then is being disposed of by means other than the most appropriate means, which would be to recycle? I only ask that question for Government's consideration.

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**Hon. Chief Minister:** Mr Speaker, as I understand it, unless foodstuffs are specifically required to be declared, there is no ability to drill down into the foodstuff imported, so I could not answer the question today with more particularity in relation to cooking oil, as I would not be able to answer it in respect to cookie dough, for example, or Smarties – that is probably a brand name I should not have mentioned, but 'chocolates of a particular variety coated lightly with sugar and bright colours'.

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The reasoning there is not entirely national thinking. There is an international customs tariff which under WTO-style rules applies between countries that subscribe to the United Nations tariff structure for customs purposes; and there is a centre of excellence in respect of the United Nations Customs practice at the Gibraltar University of which we are all duly proud.

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It is not therefore entirely in my view, given what I know of the subject, which is superficial, possible to do that. But I will certainly go back and check whether it is possible, going forward, to seek to require specific declaration of an item and whether there is a good reason that we

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should do that in relation to cooking oil, something which I shall consult with the Hon. the Minister of the Environment in order to make an informed decision.

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**Q549/2017**  
**Bus fleet –**  
**Enaction of buy-back clause**

**Clerk:** Question 549. The Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, has Government given consideration as to when it might enact the buy-back clause on the bus fleet and if so, when might that be?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

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**Hon. T N Hammond:** So, Mr Speaker, from that answer I ascertain that consideration has been given. Is it that the Chief Minister is telling me that he is not willing to answer the second part of the question as to when it may be?

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**Hon. Chief Minister:** Mr Speaker, 'giving something consideration', which is what the hon. Gentleman has asked me whether the Government has done, is not to say that one has reached a conclusion or decision, and therefore it is not that there is a consequent 'if so, when?', which runs from the first part of his question.

He has asked us whether we have given consideration; I have given the answer that we have given consideration, there is no consequent 'if so, when?' that necessarily flows.

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**Hon. T N Hammond:** I thank the Chief Minister for his answer and I only followed up in the way I did for clarification and clarity over the point I was asking.

Is there any limitation on the buy-back in terms of time? Does it expire at any point within the contract, or is it open-ended and would it be as valid 10 years from now as it may be at the moment?

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**Hon. Chief Minister:** Mr Speaker, from memory I am not able to give that information. If the hon. Gentleman asks next time perhaps I will be able to come with the detail.

**Q550/2017**  
**Gibraltar ID card –**  
**Validity post-Brexit**

**Clerk:** Question 550. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise whether the Gibraltar ID card will still be a valid travel document for entering the UK post-Brexit?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, at this stage in the Brexit negotiations it is not possible to answer this question beyond speculation. The issue will, however, clearly be a bilateral one for Gibraltar and the United Kingdom.

630 **Hon. R M Clinton:** Mr Speaker, I raise this question because as the Chief Minister may be aware, in a recently leaked UK government document they kind of indicated that national ID cards may not be accepted as valid travel documents in the United Kingdom. I would just ask the Chief Minister to bear that in mind in his future negotiations.

Thank you.

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**Hon. Chief Minister:** Mr Speaker, I am grateful that he thinks he needs to bring matters to our attention for the list of issues. This is very much something that has already been the subject of consideration and has been a matter which, for the past year and a half, we have been dealing with in the context of heat maps, etc. that were prepared by the Office of the Deputy Chief Minister with their usual efficiency.

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Mr Speaker, if he does think that there is an important point to bring to our attention for the negotiations, can I just say to him that the best way to do it in the interest of Gibraltar is to pick up the phone and call us, or to write to me if he wishes to put one of his inevitable stickers on the letter about how parliamentary and how urgent the letter may be – it is up to him. But if something is important for Gibraltar in his view as he says this is, and it is for the negotiations between Gibraltar and the United Kingdom, if I may say so, with respect, putting a question in Parliament is not the best way to advance Gibraltar's position in respect of matters to be put on the list for negotiation.

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650 **Hon. R M Clinton:** Mr Speaker, if I could remind the Chief Minister there is in fact a Select Committee where perhaps these matters could be discussed and I would urge him to convene it sooner rather than later.

**Hon. Chief Minister:** Well, Mr Speaker, I am surprised that he feels the need to ask me here to convene the Select Committee and if he has thought it appropriate that we should have a meeting of the Select Committee that he has not approached myself or the Deputy Chief Minister and asked that we convene one. We have just come out of a period of recess in the United Kingdom, we have been in continued contact with colleagues in the UK. There may be material to brief, or there may not be material to brief, until after the party conferences. But, Mr Speaker, this does not obviate the point I am making to him: if he thinks something is important to Gibraltar then the best thing to do is to tell us about it directly and not put a question on the floor of the House, otherwise one is left with the impression that this is something that is important for *him* to highlight that he has highlighted.

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#### Q551/2017

#### Gibraltar Constitution Order 2016– Research paper commissioning

**Clerk:** Question 551. The Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, has the Government commissioned any research paper into the Peace, Order and Good Government clause in the Gibraltar Constitution Order 2016, and if so from whom, for what purpose and at what cost?

670

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is undertaking work on an analysis of that aspect of the Constitution. The analysis is being undertaken by Dr Hakeem Yusuf at the University of Birmingham School of Law. Dr Yusuf is not charging for his work. Disbursement costs of research assistants undertaking the necessary ancillary work amounts to a total of £52,286.60.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his comprehensive response. I did not quite catch the purpose of the research paper.

**Hon. Chief Minister:** Mr Speaker, it is an analysis in respect of that aspect of the Constitution.

**Hon. R M Clinton:** Mr Speaker, if I may ask the Chief Minister, why does the Government feel it needs such an analysis?

**Hon. Chief Minister:** Well, Mr Speaker, I would be quite happy to brief him behind the Speaker's Chair rather than here. If the hon. Gentleman thinks that it makes sense to have that debate across the floor of the House I do not think he knows what these words mean, or what they have been used for in the past.

**Q552/2017**  
**Gibraltar's 'Great Repeal Bill' –**  
**Managing and consultations**

**Clerk:** Question 552. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise how it intends to manage the introduction of Gibraltar's own 'Great Repeal Bill' in respect of Brexit and what consultations are envisaged?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will make a statement in due course about how it intends to manage the introduction of a Bill in respect of the repeal of Gibraltar's European Communities Act. It would be premature to say more at this stage

**Q554-555/2017**  
**Affordable housing schemes –**  
**Detailed announcement and updates**

**Clerk:** Question 554. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, further to the Minister for Housing's June 2017 Budget speech, can the Government advise what were the technical difficulties in respect of infrastructure that caused a delay in the affordable housing schemes; what is the change in footprint and when will a detailed announcement be made in respect of the affordable housing schemes?



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

710

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 555.

**Clerk:** Question 555. The Hon. L F Llamas.

715

**Hon. L F Llamas:** Mr Speaker, can the Government provide an update on its affordable housing and government rental projects?

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

720

**Hon. Chief Minister:** Mr Speaker, an announcement on the new affordable housing schemes will be made before the end of September. The changes and the technical issues that gave rise to them will be apparent then.

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

725

Is there anything in respect of these technical difficulties that is in any way confidential that cannot be disclosed to this House now?

**Hon. Chief Minister:** Mr Speaker, the technical issues that gave rise to the changes will be apparent when we make the statement; and when we make the statement the hon. Gentleman will be able to understand what the reasoning behind the decision to move away from the original designs and the geographic changes arises from.

730

**Hon. R M Clinton:** Mr Speaker, would the Chief Minister be able to confirm that Hassan Centenary Terraces and Bob Peliza Mews are going ahead, albeit perhaps on a different footprint?

735

**Hon. Chief Minister:** Mr Speaker, as I have already said – in fact I believe I confirmed that during the budget session to a question that was from the hon. Gentleman if not in identical terms then in almost identical terms.

#### **Q556-564/2017**

#### **Midtown parking –**

**Escalator installation; Unsuitable doors; Cleaning contract; Cleaning company name; Sale of parking spaces revenue; Cleaning company payments; Pay and display revenue; Rental spaces revenue; Public parking revenue**

740

**Clerk:** Question 556. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, did the Government consider installing an escalator between the Coach Park at Midtown Parking and the bus tour level in the same building?

745

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 557 to 564.

**Clerk:** Question 557. The Hon. L F Llamas.

750

**Hon. L F Llamas:** Mr Speaker, why did the Government not install disability, elderly and pram-friendly doors at the Midtown Parking?

**Clerk:** Question 558. The Hon. L F Llamas.

755

**Hon. L F Llamas:** Mr Speaker, can the Government disclose the contract entered into between Government and the cleaning company at Midtown Parking?

**Clerk:** Question 559. The Hon. L F Llamas.

760

**Hon. L F Llamas:** Mr Speaker, can the Government state which company is responsible for the cleaning and maintenance of Midtown Parking?

**Clerk:** Question 560. The Hon. L F Llamas.

765

**Hon. L F Llamas:** Mr Speaker, can the Government state how much revenue has been collected on the sale of car parking spaces at Midtown Parking?

**Clerk:** Question 561. The Hon. L F Llamas.

770

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule of how much has been paid to the company responsible for cleaning Midtown Parking?

**Clerk:** Question 562. The Hon. L F Llamas.

775

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly breakdown of revenue received from each pay and display location since April 2012?

**Clerk:** Question 563. The Hon. L F Llamas.

780

**Hon. L F Llamas:** Mr Speaker, can the Government state how much revenue has been collected per month for rental car parking spaces at Midtown Parking since it first opened?

**Clerk:** Question 564. The Hon. L F Llamas.

785

**Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly breakdown of revenue received from public parking at Midtown Parking since it first opened?

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

790

**Chief Minister (Hon. F R Picardo):** Mr Speaker, in answer, the Government has not considered an escalator for the Midtown Parking.

The doors fitted at Midtown Car Park are wide enough to allow for disability wheelchairs and scooters, the elderly and prams to go through.

795

The company in charge of cleaning this car park is Jetsweep Limited. The contract is a monthly roll-over agreement between both parties at a cost of £4,900 per month for three cleaners.

The total revenue generated from the sale of car parking spaces at Midtown Coach and Car Parks is £9,029,500.

800

The information requested by the hon. Member in respect of his other questions is set out in the schedule I will now hand over to him.

**Answer to Question 561**

805

Since the commencement of the contract the cleaning company has been paid as follows:

| Payments       |           |
|----------------|-----------|
| May 2016       | £1,260.00 |
| June 2016      | £3,600.00 |
| July 2016      | £3,600.00 |
| August 2016    | £3,600.00 |
| September 2016 | £3,600.00 |
| October 2016   | £3,600.00 |
| November 2016  | £3,600.00 |
| December 2016  | £3,600.00 |
| January 2017   | £4,271.00 |
| February 2017  | £4,900.00 |
| March 2017     | £4,900.00 |
| April 2017     | £4,900.00 |
| May 2017       | £4,900.00 |
| June 2017      | £4,900.00 |
| July 2017      | £4,900.00 |
| August 2017    | £4,900.00 |

**Answer to Question 562**

| 2012      | Flint    | Shackelton | Landport Ditch | Ragged Staff | Airport Terminal |
|-----------|----------|------------|----------------|--------------|------------------|
| January   | £ 271.02 | £1,064.36  | £ 6,944.65     | £ 2,157.09   |                  |
| February  | £ 268.57 | £ 914.61   | £ 4,638.15     | £ 2,129.86   |                  |
| March     | £ 356.58 | £1,129.67  | £ 5,162.30     | £ 2,953.92   |                  |
| April     | £ 331.94 | £ 821.59   | £ 5,047.78     | £ 2,814.03   |                  |
| May       | £ 262.91 | £ 842.81   | £ 4,319.40     | £ 2,532.99   |                  |
| June      | £ 345.71 | £ 908.50   | £ 2,317.67     | £ 2,524.25   |                  |
| July      | £ 331.40 | £ 489.77   | £ 3,173.00     | £ 2,582.81   |                  |
| August    | £ 383.28 | £1,317.83  | £ 5,716.09     | £ 3,048.77   |                  |
| September | £ 292.11 | £1,134.42  | £ 5,561.04     | £ 1,973.07   |                  |
| October   | £ 288.58 | £1,070.61  | £ 4,855.09     | £ 2,746.19   | £ 2,578.12       |
| November  | £ 354.78 | £ 548.39   | £ 6,260.22     | £ 2,966.21   | £ 3,337.65       |
| December  | £ 358.46 | £1,064.21  | £ 6,911.84     | £ 2,259.53   | £ 3,105.79       |

810

| 2013      | Flint    | Shackelton | Landport Ditch | Ragged Staff | Airport Terminal |
|-----------|----------|------------|----------------|--------------|------------------|
| January   | £ 246.76 | £ 835.29   | £ 5,015.93     | £ 1,504.80   | £ 2,774.31       |
| February  | £ 327.70 | £ 1,219.86 | £ 5,543.99     | £ 2,591.16   | £ 2,494.45       |
| March     | £ 428.58 | £ 1,494.58 | £ 7,078.22     | £ 3,675.97   | £ 3,092.50       |
| April     | £ 329.63 | £ 1,075.16 | £ 5,594.21     | £ 3,527.53   | £ 3,190.53       |
| May       | £ 295.93 | £ 1,228.22 | £ 5,926.08     | £ 4,776.75   | £ 3,433.39       |
| June      | £ 268.75 | £ 1,270.54 | £ 6,435.49     | £ 5,027.38   | £ 3,962.28       |
| July      | £ 236.83 | £ 959.49   | £ 6,405.15     | £ 5,075.89   | £ 3,414.48       |
| August    | £ 184.35 | £ 874.48   | £ 4,256.47     | £ 2,374.19   | £ 2,820.76       |
| September | £ 178.94 | £ 727.63   | £ 4,862.84     | £ 3,054.09   | £ 3,307.65       |
| October   | £ 152.96 | £ 747.25   | £ 4,463.57     | £ 3,908.83   | £ 2,973.85       |
| November  | £ 302.00 | £ 1,120.61 | £ 4,780.13     | £ 4,056.98   | £ 4,189.33       |
| December  | £ 260.53 | £ 672.51   | £ 6,161.44     | £ 3,850.52   | £ 3,893.42       |

| 2014      | Flint    | Shackelton | Landport Ditch | Ragged Staff | Airport Terminal |
|-----------|----------|------------|----------------|--------------|------------------|
| January   | £ 78.57  |            | £ 4,173.76     | £ 2,173.43   | £ 3,165.66       |
| February  | £ 177.19 | £ 252.82   | £ 3,784.22     | £ 3,707.30   | £ 3,158.33       |
| March     | £ 240.90 | £ 618.72   | £ 4,941.75     | £ 3,533.15   | £ 3,889.59       |
| April     | £ 298.45 | £ 842.52   | £ 6,029.47     | £ 4,040.66   | £ 4,618.48       |
| May       | £ 213.10 | £ 800.75   | £ 5,181.40     | £ 3,797.54   | £ 3,915.03       |
| June      | £ 258.06 | £ 675.97   | £ 5,414.83     | £ 4,955.58   | £ 4,754.64       |
| July      | £ 257.62 | £ 645.48   | £ 8,628.70     | £ 9,526.38   | £ 6,102.83       |
| August    | £ 215.59 | £ 438.73   | £ 7,764.26     | £ 8,300.11   | £ 5,052.46       |
| September | £ 226.54 | £ 574.75   | £ 8,770.81     | £ 9,263.50   | £ 6,675.48       |
| October   | £ 194.67 | £ 482.92   | £ 6,015.10     | £ 6,127.27   | £ 4,923.39       |
| November  | £ 134.90 | £ 582.29   | £ 5,961.33     | £ 5,295.44   | £ 4,984.27       |
| December  | £ 148.68 | £ 254.92   | £ 8,162.41     | £ 5,856.84   | £ 6,209.57       |

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| 2015      | Flint    | Shackelton | Landport Ditch | Ragged Staff | Airport Terminal |
|-----------|----------|------------|----------------|--------------|------------------|
| January   | £ 72.03  | £ 191.84   | £ 5,068.47     | £ 2,950.50   | £ 3,715.82       |
| February  | £ 132.63 | £ 254.36   | £ 6,159.60     | £ 5,368.67   | £ 3,942.77       |
| March     | £ 215.70 | £ 339.02   | £ 7,798.89     | £ 6,086.50   | £ 5,710.83       |
| April     | £ 125.63 | £ 310.33   | £ 6,398.55     | £ 4,805.98   | £ 5,082.45       |
| May       | £ 211.15 | £ 362.96   | £ 7,526.82     | £ 6,428.78   | £ 5,704.35       |
| June      | £ 119.90 | £ 187.85   | £ 6,067.83     | £ 5,967.40   | £ 4,769.93       |
| July      | £ 157.40 | £ 229.68   | £ 7,459.45     | £ 7,059.12   | £ 5,110.68       |
| August    | £ 158.64 | £ 366.00   | £ 10,718.23    | £ 8,121.24   | £ 6,593.69       |
| September | £ 78.17  | £ 278.35   | £ 7,082.86     | £ 5,425.22   | £ 5,178.56       |
| October   | £ 59.90  | £ 324.47   | £ 7,463.32     | £ 7,710.85   | £ 4,585.22       |
| November  | £ -      | £ -        | £ 8,733.76     | £ 8,153.85   | £ 4,838.31       |
| December  | £ -      | £ -        | £ 7,947.69     | £ 7,446.64   | £ 5,353.18       |

| 2016      | Romney Huts | Landport Ditch | Ragged Staff | Queensway  | Ragged Staff | Airport Terminal | Small Boats Marina | Line Wall Road | Watergardens |
|-----------|-------------|----------------|--------------|------------|--------------|------------------|--------------------|----------------|--------------|
| January   | £ 5,801.86  | £ 2,220.49     | £ 1,005.89   | £ 1,535.65 | £ 3,728.77   |                  |                    |                |              |
| February  | £ 9,057.26  | £ 3,276.92     | £ 2,426.83   | £ 1,838.73 | £ 3,827.74   |                  |                    |                |              |
| March     | £ 2,861.94  | £ 1,380.27     | £ 3,673.98   | £ 2,097.89 | £ 5,379.17   |                  |                    |                |              |
| April     | £ 2,935.05  | £ 5,390.34     | £ 4,169.64   | £ 2,087.69 | £ 4,714.00   |                  |                    |                |              |
| May       | £ 2,491.43  | £ 7,154.75     | £ 3,359.93   | £ 1,411.52 | £ 4,368.27   | £ 203.23         |                    |                |              |
| June      | £ 3,254.15  | £ 11,585.25    | £ 4,368.53   | £ 1,333.54 | £ 2,194.26   | £ 5,654.47       | £ 384.17           |                |              |
| July      | £ 3,211.73  | £ 11,120.65    | £ 4,193.55   |            | £ 1,853.38   | £ 4,850.03       | £ 835.03           |                |              |
| August    | £ 2,884.89  | £ 11,325.18    | £ 4,044.67   |            | £ 2,133.75   | £ 4,692.62       | £ 1,083.75         |                |              |
| September | £ 2,713.67  | £ 11,245.54    | £ 4,378.85   |            | £ 1,595.72   | £ 4,981.85       | £ 2,205.08         |                |              |
| October   | £ 4,218.75  | £ 14,204.40    | £ 4,796.76   |            | £ 4,067.88   | £ 6,196.75       | £ 2,093.65         | £ 6,143.13     |              |
| November  | £ 2,973.29  | £ 11,284.74    | £ 2,897.70   |            | £ 1,384.65   | £ 4,461.59       | £ 974.33           | £ 4,512.37     |              |
| December  | £ 3,641.66  | £ 13,455.63    | £ 4,739.55   |            | £ 1,873.23   | £ 5,520.68       | £ 1,195.39         | £ 4,933.33     | £ 2,107.56   |

| 2017     | Romney Huts | Landport Ditch | Ragged Staff | Portland   | Airport Terminal | Small Boats Marina | Line Wall Road | Grand Parade | Rosia Rd   | Bayside Rd |
|----------|-------------|----------------|--------------|------------|------------------|--------------------|----------------|--------------|------------|------------|
| January  | £ 2,846.26  | £ 9,184.08     | £ 4,735.90   | £ 286.18   | £ 4,285.11       |                    | £ 4,090.39     |              |            |            |
| February | £ 3,055.25  | £ 12,140.30    | £ 5,610.11   | £ 1,382.69 | £ 4,164.10       |                    | £ 4,755.33     |              |            |            |
| March    | £ 3,744.28  | £ 15,614.44    | £ 7,264.70   | £ 1,591.43 | £ 5,668.55       |                    | £ 6,186.89     |              |            |            |
| April    | £ 2,098.21  | £ 10,529.71    | £ 4,603.19   | £ 1,026.36 | £ 5,708.58       | £ 900.71           | £ 4,820.08     |              |            |            |
| May      | £ 2,019.73  | £ 12,016.47    | £ 3,997.27   | £ 1,241.54 | £ 5,156.96       | £ 2,926.56         | £ 4,450.50     |              |            |            |
| June     | £ 3,382.81  | £ 13,804.50    | £ 5,253.71   | £ 1,475.40 | £ 5,955.07       | £ 3,975.99         | £ 5,053.87     |              |            |            |
| July     | £ 3,353.03  | £ 11,681.38    | £ 4,731.94   | £ 1,156.89 | £ 6,726.84       | £ 3,733.18         | £ 4,608.39     | £ 4,298.84   | £ 1,405.34 | £ 3,064.42 |
| August   | £ 3,247.01  | £ 13,303.95    | £ 5,308.13   | £ 1,103.26 | £ 5,181.27       | £ 3,428.23         | £ 4,458.03     | £ 6,343.98   | £ 2,005.85 | £ 3,904.57 |

Answer to Question 563

| Rentals        |            |
|----------------|------------|
| Month          | Amount     |
| August 2016    | £1,650.00  |
| September 2016 | £1,950.00  |
| October 2016   | £1,950.00  |
| November 2016  | £15,880.00 |
| December 2016  | £11,505.00 |
| January 2017   | £10,665.00 |
| February 2017  | £6,790.00  |
| March 2017     | £9,570.00  |
| April 2017     | £6,915.00  |
| May 2017       | £8,500.00  |
| June 2017      | £8,170.00  |
| July 2017      | £8,755.00  |
| August 2017    | £7,550.00  |
| September 2017 | /          |

820

Answer to Question 564

| Public         |            |
|----------------|------------|
| Month          | Amount     |
| August 2016    | £7,499.63  |
| September 2016 | £25,532.53 |
| October 2016   | £16,583.65 |
| November 2016  | £15,391.39 |
| December 2016  | £18,794.50 |
| January 2017   | £14,880.90 |
| February 2017  | £10,520.33 |
| March 2017     | £11,749.53 |
| April 2017     | £11,175.20 |
| May 2017       | £13,269.31 |
| June 2017      | £9,923.72  |
| July 2017      | £13,307.61 |
| August 2017    | £12,314.88 |

825

**Hon. L F Llamas:** Mr Speaker, with reference to Question 557, the Hon Chief Minister states that the doors are wide enough to accommodate a wheelchair and pram, and suitable for the elderly. However, they are extremely heavy and only two nights ago on City Pulse we saw a wheelchair user trying to open the doors and saying that the doors were probably the heaviest he has had to manoeuvre with.

Is it not possible to adapt these doors, given that it is a new build and it should have been taken into consideration at the time that these doors should have been automatic, or with an

830 automatic feature on them in order to enable wheelchair users in particular, as well as the elderly and parents with prams to access the building in a much more friendly way?

**Hon. Chief Minister:** Mr Speaker, I was struck by that and it is something that is being looked into. I do not think necessarily this is the sort of facility that is seen in car parks, because car park doors have particular characteristics which are a requirement as to fire retardant capabilities. But it is something that is being looked at in the context of ensuring that those types of difficulties can be married with the requirement for the doors to be of a particular weight and type.

**Q565-566/2017**

**Boats –**

**Numbers imported and import duty paid**

**Clerk:** Question 565. The Hon. L F Llamas.

840

**Hon. L F Llamas:** Mr Speaker, can the Government disclose how many boats have been imported since they waived import duty on boats, and the value of each?

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

845

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 566.

**Clerk:** Question 566. The Hon. L F Llamas.

850 **Hon. L F Llamas:** Mr Speaker, can the Government disclose since December 2011 how much import duty has been paid regarding the importation of boats?

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

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, since 1st July 2014 a total of 907 vessel import licences have been issued, with a total value of £16,312,395 – that is the date of the waiver.

Between 9th December 2011 and the waiver of import duty, £207,895 was collected over those three and a half calendar years.

**Q567/2017**

**Ocean Plaza construction and fitting out –  
Estimated import duty**

**Clerk:** Question 567. The Hon. L F Llamas.

860

**Hon. L F Llamas:** Mr Speaker, can the Government disclose what the estimated import duty revenue would have been for the construction, fitting out and equipping of Imperial Ocean Plaza had it not been waived?

865

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, £440.66.

870 **Hon. L F Llamas:** Mr Speaker, going back to a question asked back in June by the Leader of the Opposition, the reason for waiving the import duty was explained as having been paramount for the project to have succeeded. Surely £440 would therefore not have pushed the developer enough in order to complete the project.

Could the Chief Minister explain the rationale behind the £440, please?

875 **Hon. Chief Minister:** Mr Speaker, I am told that Imperial Ocean Plaza is presently a derelict site and that the works done there have been of very little value and that the import of equipment, etc. has been very minor and therefore that is why the figure in £440.66. If it is any consolation I get very confused about the names of the Ocean Village Towers as well!

880 **Hon. L F Llamas:** Would the Chief Minister know what the estimated import duty would be for the project, and the figure that the Government considered at the time of whether they waived the import duty or not?

885 **Hon. Chief Minister:** Mr Speaker, I do not have that number with me. I do not know whether the calculation was based on Imperial Ocean Plaza or it was based on the gross development value and then extrapolation from there, which is not something that the developer gives us but that we consider. But it is not in respect of Imperial Ocean Plaza and its particular fitting out, etc. it is not based on a brochure or description of what this particular developer may eventually issue publicly as the fitting out that they will do there. I think it is based more on an analysis by the Financial Secretary's Office of what is the type of accommodation that is being designed, is it 890 the sort of accommodation for which we would approve Category 2 citizenship, therefore what is the m<sup>2</sup> cost and what is the gross development value, what is therefore the potential value of building materials that would be used, and therefore what extrapolation can you do from that. That analysis I do not have with me today for this particular project.

895 I cannot recall entirely, but if I may just remind the hon. Gentleman in respect of matters that were discussed at length in this place and in fact in the media, at the time that we were first elected and at the time of the 2011 General Election from memory – and relying also on the memory of the Deputy Chief Minister – but no more than that I would have to go back and look at it in detail. The waiver of import duty in respect of Ocean Village projects was a waiver entered into in a composite agreement entered into between the former administration and the 900 Ocean Village developers, not by this administration. So it may be that we inherited that aspect of the calculation and were persuaded to keep it either because it was relevant for the banking of the project, which all developers say these waivers are; and/or in addition because we might have had advice to suggest that this was a commitment already entered into on which the developer had detrimentally relied, which is the legal position. But I cannot exactly remember, 905 talking about *this* particular tower, what the issue was.

**Hon. L F Llamas:** I would just indulge one final time, Mr Speaker.

910 If I table the question for next month would the Chief Minister be able to provide the estimated figure for this particular tower?

**Hon. Chief Minister:** With all the caveats that I have given, Mr Speaker, to suggest that it may be something that it is in a 'D file', i.e. a file to which I do not have access, I will endeavour to do so if it is possible.



**Q568-569/2017**  
**Gibraltar Audit Office –**  
**Monthly rentals and recipients**

**Clerk:** Question 568. The Hon. L F Llamas.

915

**Hon. L F Llamas:** Mr Speaker, can the Government state what the monthly rental for the Gibraltar Audit Office is at their World Trade Centre office and who it is payable to?

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

920

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 569.

**Clerk:** Question 569. The Hon. L F Llamas.

925

**Hon. L F Llamas:** Mr Speaker, can the Government state what the monthly rental for the Gibraltar Audit Office was in their Irish Town location and who it was payable to?

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

930

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the monthly rentals paid by the Audit Office in the Irish Town location under a licence was £8,007.64. The monthly rental paid by the Audit Office at the World Trade Centre is information that is publicly available, I am advised.

**Q570-571/2017**  
**Number 6 Convent Place –**  
**Number of employees; internal and external areas**

**Clerk:** Question 570. The Hon. L F Llamas.

935

**Hon. L F Llamas:** Mr Speaker, can the Government state how many employees have been physically based at Number 6 Convent Place in each financial year since April 2012?

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

940

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 571.

**Clerk:** Question 571. The Hon. L F Llamas.

945

**Hon. L F Llamas:** Mr Speaker, can the Government state what the internal and external area of Number 6 Convent Place was before the refurbishment and what it is following the refurbishment?

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

950

**Chief Minister (Hon. F R Picardo):** Mr Speaker, beyond the complement numbers set out in the estimates book, it would now be impossible to provide the figures of who was based at Number 6 Convent Place in earlier financial years with any degree of accuracy.

955

The internal and external area of Number 6 Convent Place before the refurbishment was 1,173 m<sup>2</sup> and 149 m<sup>2</sup>. The internal and external area of Number 6 Convent Place after the refurbishment is 3,380 m<sup>2</sup> and 987 m<sup>2</sup> respectively.

**Q572/2017**  
**Gibraltar Wine Vaults Ltd –**  
**Financial assistance**

**Clerk:** Question 572. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government disclose whether they have directly or indirectly provided any financial assistance to Gibraltar Wine Vaults Limited?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has not provided any financial assistance to Gibraltar Wine Vaults Ltd.

**Q573-576/2017**  
**Former Rooke site –**  
**Details of plans; answer update; Eastside development**

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**Clerk:** Question 573. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details of its plans at the former Rooke site?

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

**Chief Minister (Hon. F R Picardo):** Nobody wants to talk about the Sunborn today, Mr Speaker. I will answer together with Questions 574 to 576.

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**Clerk:** Question 574. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an update to the answer provided in Question 209/2017?

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**Clerk:** Question 575. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government state what is happening with the Eastside development?

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**Clerk:** Question 576. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can Government inform the House if there have been any developments on the Bluewater Project at the Eastside?

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

**Chief Minister (Hon. F R Picardo):** Negotiations as to the future developments on these sites are ongoing.

## Questions for Written Answer

995 **Clerk:** Answers to Written Questions. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W116/2017 to W130/2017.

1000 **Mr Speaker:** Ordered to lie.

### Procedural

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before we start the process of dealing with Bills I propose that the House should recess for 10 minutes.

**Mr Speaker:** We will now have a 10 minute recess.

*The House recessed at 4.38 p.m. and resumed its sitting at 4.48 p.m.*

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### Legal Services Bill 2017 – First Reading approved

1005 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith.

The Hon the Minister for Health, Care and Justice.

1015 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith be read a first time.

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

**Clerk:** The Legal Services Act 2017.

**Legal Services Bill 2017 –  
Second Reading approved**

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1030

Mr Speaker, as you know, a last minute amendment has arisen, notice of which I have given to you and copies of which have been circulated to Members of the House. As hon. Members will know, the Government has a long-standing commitment to reviewing the current system of regulation of legal services in Gibraltar to achieve a modernised and comprehensive system. That this review is necessary is not in doubt. The current law has not been fundamentally reviewed for 50 years and requires modernisation and amendment mainly because it has not kept pace with the growth of the legal profession and the current working environment. What is more, the current law does not fully reflect the fused nature of legal practice in Gibraltar nor does it cater for the clear regulation of persons providing legal services who are not barristers or solicitors in private practice, for example Government lawyers, in-house counsel, legal executives and law costs draftsmen.

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To that end the Government consulted with all relevant stakeholders including the Hon. the Chief Justice and the Bar Council to ascertain how 50 years of reform could be undertaken. The Bar Council and in particular its Chairman, Keith Azopardi QC, have proved to be the driving force behind this much-needed reform and it is their work which culminated in the first draft of the Bill and which they submitted to me, which forms the backbone of this Bill which is before Parliament today.

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Mr Speaker, the Bill has been through two rounds of public consultation undertaken in conjunction with the Bar Council and it is a testament to the hard work and sensible approach of the Council that the final version is in very similar terms to the first draft they submitted.

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As I mentioned, Mr Speaker, the objective of the Bill is to provide an overhaul of the regulation of legal services. This will achieve an intelligible, comprehensive, modern and effective regulatory system which: defines the provisions of legal services; provides for the registration of authorised persons, being such persons as will be authorised under the Act to provide legal services; establishes a register of authorised persons to that end; places the successor to the Bar Council on a statutory footing; establishes a legal services regulatory authority; enables the making of subsidiary legislation to govern matters of discipline, conduct and practice for providers of legal services; provides a system of statutory exemptions in defined cases; and allows for the provision of legal services through an expanded form of structures not currently provided for in law.

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As the lawyers in Parliament will know, the admission and enrolment of barristers and solicitors to the Supreme Court is governed by the Supreme Court Act 1960. The way the Act is drafted means that potentially there are people who may fall outside the current statutory regime but who are nonetheless arguably providing legal services in Gibraltar. The new regulatory system will therefore govern private practitioners, Government lawyers, in-house

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counsel, legal executives and a law costs draftsman. It also clearly provides that unauthorised and non-exempt persons cannot provide legal services. The Bill, however, does provide a system of statutory exemptions for persons regulated under the Act, regulated under other Acts or other specified persons to enable these to continue to provide core services within the scope of their respective professional activities.

Mr Speaker, the Bill is an umbrella piece of legislation under which subsidiary legislation governing professional conduct, discipline, Solicitors' Account Rules, practising certificates regulations and other matters relating to the provision of legal services will now fall under.

You will, for example, Mr Speaker, be aware that the Bar Council has already published a draft code of conduct for consultation purposes, so that they will be ready to hit the floor running when the Bill becomes law.

Given the fact that the Bill has in various forms been the subject to two rounds of consultation, I do not intend to go through the Bill on a clause-by-clause basis, rather I will summarise the main parts and highlights of the Bill.

Part II of the Bill and Schedules 1 and 2 to the Bill draw from the English Services Act of 2007 with amendments to adapt these to our particular local circumstances. In clause 3 there is an explanation for what falls under providing legal services for the purposes of the Act. Under clause 3 a person provides legal services if, not being an exempt person, he does all or any of the matters set out in the paragraphs (a) to (f) contained therein. These are very comprehensive and for the first time explicitly contain references to in-house lawyers, etc., Government-employed lawyers and legal executives. The definition of 'reserved legal activity' is contained in clause 4 and includes the exercise of rights of audience, the conduct of litigation, probate, the provision of legal advice or assistance on Gibraltar law in connection with the application of Gibraltar law, or with any form of resolution of legal disputes; and the provision of representation in connection with any matter concerning the application of Gibraltar law or any form of resolution of legal disputes.

The spine of the new regime will be the Register of Authorised Persons which is created and maintained under clause 6 of the Bill. The register consists of a number of parts to allow persons who intend to provide legal services to register as 'Authorised Persons'. The various parts of the register are as follows: (1) private practitioners who are in practice in Gibraltar; (2) foreign counsel called for specific cases; (3) Government lawyers; (4) legal executives who work for Part I lawyers; (5) in-house counsel working for companies, businesses, trade unions, statutory authorities or other bodies; (6) legal executives who work for companies, businesses, trade unions, statutory authorities or other bodies; (7) law costs draftsmen; and (8) EEA or registered European lawyers.

The Bill further provides that law practices can operate via partnerships, corporate entities, or limited liability partnerships, and must register in Part 9. Subsidiary legislation will set out more detailed provision in respect of Part 9 registration.

Mr Speaker, applicants for registration will require to pay a registration fee, which will finance the LSRA's and the Law Council's activities and will need to comply with any code of conduct under the Act. Registration under different parts of the register provides a tier of rights as set out in the Bill, with each part having different rights and duties. Exemptions are provided for by clause 7 of the Bill and particularly by Schedule 2 to the Bill. Persons who are regulated by other laws in Gibraltar, or other specified persons, are exempt from the provisions of the Act and may provide the services specified in Schedule 2 – for example, persons regulated by the Financial Services Commission and Accountants may provide certain services that would technically fall within the definition of legal services.

Mr Speaker, moving on to Part III of the Bill we see provision for the Establishment of the Legal Services Regulatory Authority. Its composition is governed by Schedule 3 to the Bill. The general functions of the LSRA are set out in clause 15. It will have wide-ranging functions including: powers to regulate the provision of legal services; to protect and promote the

interests of consumers; to encourage an independent, strong, diverse and effective legal profession; regulate the provision of legal services.

1120 The regulation includes: the administration of rules in relation to practice, discipline or conduct of authorised persons; the application, registration and removal of authorised persons from the register; the application and issue of practising certificates to authorised persons; and monitoring the adequacy of anti-money laundering and anti-terrorist financing systems maintained by authorised persons.

1125 The process of investigation of disciplinary matters is governed by Part IV of the Bill. A full procedure for making complaints and investigating them is set out, and a new disciplinary tribunal is established which would perform its functions through disciplinary panels. The disciplinary tribunal may by way of an interim measure suspend, impose conditions on or revoke the authorised person's practising certificate and ban him or her from providing legal services, 1130 undertaking restricted legal activities in Gibraltar. In addition it may recommend to the Chief Justice and apply for the authorised person to be struck off the Roll of the Court; impose a fine on the authorised person; administer any reprimand to the authorised person; order the authorised person to repay or forego a fee; and order the authorised person to make a payment of or towards the cost of investigations capped at £20,000. Appeals from decisions of the 1135 disciplinary tribunal will lie to the Chief Justice or some other judge designated by him.

Mr Speaker, Part V, the final part of the Bill, other than transitional and consequential provisions, places what is currently known as the Bar Council on a statutory footing, renaming it as the Law Council. The change of nomenclature is not merely cosmetic but it is intended to reflect the fact that the 'Law Council', as it will become known, is the body representative not 1140 just of the Bar but solicitors, in-house counsel, legal executives and law costs draftsmen consonant with the regulation of the overall provision of legal services.

The Law Council will have diverse advisory, consultative and policy-making functions and, through its officers on the LSRA, decision-making powers. The LSRA will hold regulatory functions while the Law Council will retain its role in respect of representation, policy-making, 1145 promotion and marketing. Membership of the Law Council is automatic on registration in the register established under the Bill. The constitution of the Law Council is modelled on the current Bar Council's constitution with necessary revisions. It is included in Schedule 5 of the Bill.

Mr Speaker, in conclusion, the Bill provides a welcome and necessary update to our law in this area. The Bar Council and relevant stakeholders are confident that the fundamental review 1150 contained in the Bill ensures that our legislation regulating our legal profession reflects the fused nature of the profession and the numbers now involved at different levels and roles. It is, Mr Speaker, one of those occasions where all stakeholders are agreed that change needs to take place and the direction that such reforms must take. It is not change that makes life necessarily easier for the stakeholders, in fact it is important to note that those stakeholders are taking on 1155 duties and responsibilities which to date have fallen to others, and are doing so in order to ensure that our jurisdiction's legal profession is better regulated and fit for purpose with robust systems in place to protect consumers and the public, and ensure that international and domestic responsibilities are met.

Mr Speaker, the Bill is the culmination of much hard work, not least by members of the Bar 1160 Council, and two valuable and informative consultation processes where members of the legal profession all with a degree of positivity and a sense of awareness of the value of the exercise, worked together to produce this Government Bill.

Mr Speaker, I would like to take the opportunity to thank the Hon. the Chief Justice, the Bar Council, the Attorney General and all stakeholders involved in the Bill. It has been a true team 1165 effort and one of which I am extremely proud to have been a part.

Mr Speaker, 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 this Bill? The Hon. Elliott Phillips.

1170 **Hon. E J Phillips:** Mr Speaker, before I make my short contribution on behalf of Her Majesty's Loyal Opposition I must of course declare an interest in that my firm and the lawyers at my firm will of course be materially affected by this new proposed legislation. We, together with other law firms, have been closely involved in the consultation process on the Bill and have offered the Bar Council from time to time, as currently constituted, our views on the Bill and the codes.

1175 I was also a long-standing committee member of the Bar Council at various points in time when this Bill and the original concept of regulation hit the Bar Council and when it was floated before I took my seat in this House. The Bill – and I agree with the Learned and Hon. Minister for Justice – represents the most significant piece of legislation passing through this House to affect the legal profession in 50 years, and I am honoured and privileged as a Member of this House  
1180 and a member of the Bar to support this Bill, and we on this side of the House will be unanimously supporting the Bill through its various stages today.

The way in which our legal profession offers its services has changed beyond recognition in the last 50 years and we need to respond to the community's and the profession's call for more modern and relevant framework for the regulation of the legal profession. It has been a long  
1185 time coming. This Bill will, amongst other things, further strengthen the disciplinary powers that apply to legal practitioners, introduce a more modern regime for the continued education and training of legal practitioners, and it will also focus importantly – and to the Leader of the Opposition's delight, I am sure – on the involvement of lay people in the LSRA, which I believe is critical in the delivery of a modern regulatory regime which has at its heart the service to the  
1190 consumer.

The Bill will also ensure that the LSRA will set and promote, in the public interest, standards of behaviour and professional performance. The above reforms represent a substantial change, Mr Speaker, in the way in which lawyers conduct their business. At the same time the Government has strengthened the law by the creation of a regulatory body to enforce  
1195 professional standards and obligations. This approach to reform will result in a vibrant and robust legal services market that will be of benefit to the consumer, and at the same time will ensure that consumers are not exposed to any increased risk of inappropriate behaviour and poor performance. The Bill demonstrates that reform can be of mutual benefit to the legal profession, businesses, consumers and the community at large.

1200 Finally, Mr Speaker, we must thank the profession and the members of the Bar Council, past and present, for the work that has been done to produce an excellent piece of legislation, and in particular this House must record its gratitude to Keith Azopardi QC for his drive and determination in seeing through this reform in this area. We should also thank the legislative drafting team for their work, the Chief Justice and the Attorney General. Therefore we will join  
1205 the Government in commending the Bill to the House.

**Mr Speaker:** Does any other hon. Member wish to speak on the Second Reading of the Bill?  
The Hon. the Chief Minister.

1210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, simply to rise on behalf of the office that I hold to thank all those that the Hon. Mr Costa has indicated have been of assistance in the context of preparing this Bill – without falling into the trap of campaigning for anyone who might be putting their name forward for any particular post – but to thank everyone who has been  
1215 involved in producing a text that the whole House can get behind and which I think will provide for better regulation of the legal profession, and which is not something that happens every day.

This is, in my view, a seminal piece of legislation that will change the legal regulatory framework in a positive, modern and forward-looking way. And if I may say so on behalf of the Government, also to thank the Hon. Minister Costa for the work that he has done driving this legislative enactment in the way that he drives everything, which is also entirely positive and  
1220 designed to produce a result that everyone can support.

**Mr Speaker:** Does the hon. mover wish to reply?

1225 **Hon. N F Costa:** Simply, Mr Speaker, to thank the Hon. Mr Phillips for the comments he has made and his fulsome support of the Bill; and of course as well, Mr Speaker, to thank my hon. Learned Friend, the Hon. the Chief Minister, for his gracious and kind remarks.

1230 **Mr Speaker:** And so I now put the question, which is that a Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith, be read a second time.

1235 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Legal Services Act 2017.

**Legal Services Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Hon. N F Costa:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1240 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE AND THIRD READING**

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

1245 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bill clause by clause, namely the Legal Services Reform Act 2017.

*In Committee of the whole Parliament*

**Legal Services Bill 2017 –  
Clauses considered and approved**

1250 **Clerk:** A Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith.

Part I, clauses 1-2.



**Mr Chairman:** Stand part of the Bill.

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**Clerk:** Part II, clauses 3-5.

**Mr Chairman:** Stand part of the Bill.

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**Clerk:** Clause 6 as amended.

**Mr Chairman:** Clause 6, a small amendment has been circulated which I think hon. Members have. I would just like perhaps to suggest it says in subclause 4 of clause 6, perhaps that should read in subclause (4). (**A Member:** Yes.) Alright? Change that to subclause (4) as circulated. Do all hon. Members support the amendment? (**Members:** Aye.) So we will move that.

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Clause 6, as amended, stands part of the Bill.

**Clerk:** Clauses 7-13.

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**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part III, clauses 14-25.

**Mr Chairman:** Stand part of the Bill.

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**Clerk:** Part IV, clauses 26-29.

**Mr Chairman:** Stand part of the Bill.

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**Clerk:** Part V, clauses 30-37.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** Part VI, clauses 38-41.

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**Mr Chairman:** Stand part of the Bill.

**Clerk:** Schedules 1-5.

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**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Legal Services Bill 2017 –  
Third Reading approved: Bill passed**

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Legal Services Bill 2017 has been considered in Committee and agreed to with amendments, and I now move that it be read a third time and passed.

**Mr Speaker:** I now put the question, which is that the Legal Services Bill 2017 be read a third time and carried. All in favour? (**Members:** Aye.) Those against? Carried.

#### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, in an attempt to be able to get back to monthly meetings of the House after the difficulties that we have had with the Brexit referendum where the House agreed that we would not be meeting monthly, and the aftermath thereof which has sometimes made meeting monthly difficult, it is the Government's intention to continue now the pace of monthly meetings that we had established.

1300 In order to do that this month, Mr Speaker, and to deal with the remaining motions and perhaps even some Bills that are on the Order Paper, we have to do a fairly tricky exercise given that we are straddling the happy period of the Jewish Holidays – Shana Tova, to our members of the Jewish Community in Gibraltar who will be celebrating the Jewish New Year tomorrow and on Friday. I understand from the hon Lady also Sukkot in the first week of October; and also  
1305 attendance of Ministers at the Labour Party Conference and the Conservative Party Conference, and the SNP party conference, and also at the United Nations. So therefore I am going to propose, Mr Speaker, that the House should now adjourn to Tuesday 10th October at 10 a.m. while still in Bills and Motions.

1310 It is my intention that on Tuesday 10th October we will take the motions that are on the Order Paper and that as soon as we finish I will give notice of the next meeting. So I am expecting to deal with business on Tuesday 10th, adjourn *sine die* on Tuesday 10th at some time, and then immediately either during the course of that day or the next day give notice for the October meeting. So although we are going to have a session on 10th October for business relating to the September meeting, I fully intend to come back and have an October meeting as  
1315 well. There, Mr Speaker, the issues that hon. Members would be aware of will relate of course to the celebration of the Gibraltar Day events in London which I understand are the last full week of October. We will have to try and see how we can marry the monthly meetings with all of that which I have set out and the events at the end of October, whilst fully intending to come back also for a full meeting in November and December this year.

1320 So, Mr Speaker, with that explanation which I hope is of assistance to you, and to the staff of the House and to Members opposite, I now move that the House should adjourn until Tuesday 10th October at 10 a.m.

**Mr Speaker:** The House will now adjourn to Tuesday 10th October at 10 in the morning.

*The House adjourned at 5.35 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.06 a.m. – 1.10 p.m.**

**Gibraltar, Tuesday, 10th October 2017**

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# The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: C Eagle *in attendance*]

## **Welcome to new acting Clerk Mrs Cynthia Eagle**

**Mr Speaker:** May I in the first place draw the attention of hon. Members that we have a new acting Clerk, Mrs Cynthia Eagle. As far as I can recall I think it is the first occasion when a lady exercises that function, so I welcome her to this session today. (*Banging on desks*)

## **SUSPENSION OF STANDING ORDERS**

### **Standing Order 7(1) suspended to proceed with laying a Report on the Table**

5 **Acting Clerk:** Meeting of Parliament, Tuesday, 10th October 2017. Order of Proceedings. Suspension of Standing Orders. The Hon. Chief Minister.

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

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

### **Gibraltar Annual Policing Plan for 2017-18 laid on the Table**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Gibraltar Annual Policing Plan for 2017-18.

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**Mr Speaker:** Ordered to lie.

## Order of the Day

### GOVERNMENT MOTIONS

#### 50th Anniversary of 1967 Referendum – Celebration of Gibraltar's right to self-determination – Debate commenced

20 **Acting Clerk:** Order of the Day, Government Motions. The Hon. the Chief Minister.

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

*THIS HOUSE:*

*NOTES that 10<sup>th</sup> September 2017 marked the 50<sup>th</sup> anniversary of the 1967 Referendum when the people of Gibraltar voted overwhelmingly to retain their links with the United Kingdom;*

*WELCOMES the events that have been organised to commemorate this important anniversary;*

*CONSIDERS that National Day celebrates the Referendum but is also an assertion of our right to self-determination;*

*FURTHER WELCOMES that the National Day rally returned from John Mackintosh Square to Casemates in 2012;*

*ACKNOWLEDGES the enthusiasm of members of the public spontaneously dressing in the colours of the Gibraltar flag, red and white, on that day and recognises the contribution to the organisation of National Day by the Self-Determination for Gibraltar Group;*

*BELIEVES that it is essential that a number of Members of the UK and the European Parliaments should be invited to Gibraltar during the year and more particularly on National Day itself;*

*AND THEREFORE DECLARES in the spirit of the 1967 Referendum, that the future of Gibraltar can only be freely and democratically determined by the people of Gibraltar in exercise of their right to self-determination.*

25 Well, Mr Speaker, as we move into the autumn, we will all remember very fondly, no doubt, 10th September this year – 10th September 2017 – when we were able to celebrate that 50th anniversary of the referendum held in 1967. The fact that we have talked a lot about this issue in the past months and that it is not novel to get up and talk about commemorating and celebrating the 1967 Referendum, I think it is a credit to the Deputy Chief Minister, who is not in the Chamber today because he is travelling back from the attendance at the Conference of the  
30 Scottish National Party, but he has been responsible for the organisation of the Referendum 50 events, which have enabled us all to refresh, in many instances, our memories of what happened in 1967 or indeed in the context of those like me, and most Members now who were not around in 1967, to learn a little about what happened in 1967.

35 So Mr Speaker, from the Pathé newsreels, we saw the excitement that there was in Gibraltar on 10th September 1967. We saw the passion that there was in Gibraltar to make the choice to remain British and we saw in the declaration of the result of the 1967 Referendum, the declaration of the 12,138 against 44. We saw the birth of a modern European nation – the nation of the British family of nations – that is the Gibraltar. And all of that, Mr Speaker, is something that we have rightly had cause to celebrate this year.

40 Mr Speaker, the images of Gibraltar in 1967 are memorable in part because of the carnival atmosphere that seemed to have gripped the place at the time and is the recollection that we are told by those who were then lucky enough to be around to make that choice.

All of the images show a Gibraltar bedecked in red, white and blue – a Gibraltar revelling in the opportunity that Britain put before it, as a territory on the list of non-self-governing territories of the Committee of 24 of the United Nations, that was going to be given the opportunity to exercise its right of self-determination.

Mr Speaker, we all know in Gibraltar, perhaps some should understand it in more depth, what came before and after that referendum in New York, in the context of the resolutions that were passed, generally in relation to the people of non-self-governing territories, and particularly about the territory of Gibraltar, and we understand that the context of 1967 was a different one to the context today. The choice that was put before the people of Gibraltar, in effect, was whether or not to continue with British Sovereignty or to take the offer that had been put before the people of Gibraltar by the then Government of Spain – in fact, it was an offer put to the United Kingdom, not to the people of Gibraltar. It was an offer to join a nation that was not even pretending to be a democracy. It was a nation that the world understood was a dictatorship under General Franco, a fascist dictatorship that had acquired power through civil war, and a more murderous dictatorship, Mr Speaker, there has not been in the context of our neighbour.

Mr Speaker, the choices that we made in 1967 were made by people who were staring down the barrel of the bully's cannon. They were staring down a bully who was making very clear that a no in the referendum to the choice that he presented would mean that there was going to be no easy ride. Indeed, the closure of the frontier might have seemed only like the tip of the iceberg of the attempts that Franco might take to repress the people of Gibraltar if they made the wrong choice in his view.

And yet, Mr Speaker, those Gibraltarian patriots, those men and women of Gibraltar in 1967 understood all that, and yet they made the choice that they thought was right for their nation and that they thought was right for their children, for the future generations of Gibraltarians. They had no thought for what might be their greater comfort. They had no thought for what might be their prosperity. They had a thought only for what was right for their children, and that is why they made the choices that they made, Mr Speaker.

And I make no apology for having explained this to the whole world gathered in New York last week at the General Assembly of the Fourth Committee of the United Nations, Mr Speaker, because they need to understand the choice that the people of Gibraltar made was not a choice to live in comfort, was not the easy choice; it was the hard choice, Mr Speaker. It was the hard choice that enabled us to reach the state of prosperity that we have reached today only by dint of further hard work and sacrifice, so it was not 'tick this box and Gibraltar will have the third highest GDP in the world in 50 years from now'.

'Tick this box to remain British and the frontier will likely close, your neighbour will take every possible negative measure against your people that it can and this is a future to choose the British way of life, the Gibraltarian way of life and the British rule of law, but it is a future that will be far from the most comfortable of futures' – and that is the choice that was made in 1967.

Mr Speaker, there was a different Chief Minister then; there was a different Leader of the Opposition then; but we will all remember the words of Joshua Hassan and of Peter Isola at that time, when they were defending the option of Britishness. There were other Members of the House who were equally active in their campaign. Gibraltar was entirely united in the choices that were being made.

And it is that Gibraltar, Mr Speaker, it is that difficult choice, it is that referendum generation that we have honoured – not just this year, on the 50th anniversary of the referendum – *half a century*, Mr Speaker. It is that Gibraltar that the Self-Determination for Gibraltar Group sought out to honour 25 years ago, when it was a quarter of a century since the referendum, in 1992.

Mr Speaker, it was absolutely right that even just 25 years after that choice had been made, we were already ensuring that the memory of the choice that was made in 1967, the assertion of rights that was made in 1967, would endure in the memory of Gibraltarians, thereafter by commemorating that day every year, celebrating that choice and asserting – because we are still  
95 on the list of non-self-governing territories – our right to self-determination.

And Mr Speaker, that is a political act. There is no getting away from the fact that it is a political act of commemoration, of celebration and of assertion of the right of self-determination of the people of Gibraltar and of the international community's obligation to recognise that right.

100 Twenty-five years ago, Mr Speaker, as ... I would like to say I was a schoolboy, but unfortunately I no longer was. I see Mr Isola smiling – at least, the Pathé newsreels show us what he looked like with hair!

Just as a university student, Mr Speaker, I enjoyed forming part of the Self-Determination for Gibraltar Group and inflating red and white balloons when that was politically correct and acceptable, Mr Speaker, to celebrate the 25th anniversary of Gibraltar's referendum.  
105

The Self-Determination for Gibraltar Group (SDGG) understood the importance of this and found in the Government a kindred spirit in the then Chief Minister, Joe Bossano, who quickly aligned himself with the objectives of the SDGG in ensuring the commemoration, the celebration and the assertion that National Day is about.

110 And National Day started in this place. It started in the Piazza – in the place where Hassan and Isola addressed the crowds when they returned from the United Nations in New York. It started in the place which is the heart of our democracy because of this Parliament being part of this area. But it moved quickly thereafter to larger premises as a result of its success, down to Casemates and Mr Speaker, on this side of the House, we are very clear that the home of  
115 National Day is Casements because of the numbers involved. It is now impossible to take it somewhere like the Naval Ground where it was taken for some years under the former administration. But it is important that we have space for our whole community to celebrate, to commemorate and to assert its rights on 10th September when we celebrate the anniversary of the referendum and for that reason, Mr Speaker, it was absolutely right that shortly after the  
120 first celebration of Gibraltar's National Day here at the Piazza, the events moved to Casemates, which is the home also of the Casemates Declaration.

And so Mr Speaker, in that context, I recall how National Day grew. I recall how it moved from a spontaneous day of celebration into a day that is now an annual day, with important political addresses, with important reflections on what is happening in the context of each  
125 particular year, and how it reflects on the right of self-determination of the people of Gibraltar being recognised by the international community.

And Mr Speaker, in that context, I think it is absolutely right that the House should recognise the contribution of the Self-Determination for Gibraltar Group in the establishment of Gibraltar National Day. Indeed, if I may say so, Mr Speaker, in the maintenance of National Day, even  
130 when there have been attempts to deny National Day of its obvious political significance, the Self-Determination for Gibraltar Group has ensured that through its organisation of events on 10th September, there is that significance maintained even in the context of attempts to undo the political significance of that day.

Mr Speaker, part of how we ensure that the international community, in particular the  
135 Westminster Parliaments – both the House of Lords and the House of Commons – and the European Parliament, understand the significance that the people of Gibraltar attach to the international recognition of our inalienable right of self-determination, is to ensure that those who hold seats in other parliaments and have political responsibility beyond Gibraltar share with us in the celebration, commemoration and assertion of our right of self-determination.

140 Mr Speaker, therefore it is absolutely right that in the context not just of 10th September, but in particular on 10th September, we should be joined by parliamentarians from beyond our shores who leave Gibraltar better informed about the issues that matter to the people of

145 Gibraltar, and in particular better informed about the nuances of the international issues that affect Gibraltar and how they relate to the 1967 Referendum and our commemoration celebration and assertion of the rights exercised on that day 50 years ago.

150 Mr Speaker, I have no doubt that the House will therefore share the sentiments set out in this Government motion, and will want to join in declaring in the spirit of the 1967 Referendum that the future of Gibraltar can only be freely and democratically determined by the people of Gibraltar in exercise of their right of self-determination, as the motion says in its final paragraph, and that the whole House will understand the importance of 10th September in maintaining and enhancing the political edifice of the assertion of the right of self-determination that underlines that free and fair democratic choice about our future.

155 Mr Speaker, National Day is a day when Gibraltarians celebrate together. It is not a day when Gibraltarians should be divided. National Day is a day when Gibraltarians commemorate the referendum generation and the choices that they made together. It is not a day when we should be divided.

160 National Day, Mr Speaker, is no doubt in my mind the day when if we are to be taken seriously by the international community, we must assert the international community's obligation to recognise our exercise of the right of self-determination, in the past and in the future, whenever we deem it absolutely appropriate and necessary, and that is something which this Government surely will never waver on. The 10th September is a day, Mr Speaker, when the Gibraltarians assert who they are and they assert politically that we will be masters in our homeland forever.

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

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

The Hon. the Leader of the Opposition.

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

175 I do not think that anyone in this House can for one second, not identify with the spirit and the sentiment of the motion, as the Chief Minister has just laid out. Certainly it was very moving to see the black-and-white images of our forefathers and mothers exercising their right to determine what not only their future would be, but effectively what our future is today, as we sit here today.

The concept of self-determination is something that, chillingly, is becoming more of an issue on the international stage, on a daily basis. Any news channel you watch today, as we all know, will be full of the images of the way the Catalanian referendum was treated, and to see the images of people being physically pulled out of polling stations is shocking to say the least.

180 Watching those images in contrast with those of the 1967 Referendum which we held here, which was held peacefully and was recognised certainly by the United Kingdom, albeit not by the United Nations for their own reasons, it is stark contrast to what it is we hold dearest to our hearts, and that is the freedom to express our democratically expressed wishes and our right to self-determination. No-one can take that away from us.

185 We wait to see today what will happen in Catalonia, but there are other referendums happening around the world. I only read yesterday about the Kurds, about their right to independence, and that in fact was declared invalid by none other than the United States and the United Kingdom. So the ideal of having a referendum is fundamental and goes to the root of democracy.

190 The 1967 referendum is without doubt one of those defining moments in our Gibraltarian history, tantamount to the evacuation and any other matter which has cemented the Gibraltarian identity. It is entirely right and proper, Mr Speaker, that we in this House recognise the importance of that act of self-determination and that, politically, we continue to tell the world that we will continue to exercise that right, no matter what anybody tells us to do.



195 We as Gibraltarians in our hearts know what it is to be Gibraltarian. We know what it is to live  
in our own homeland. We know what it is to defend it. We know what it will take to defend it,  
and we all know that we will make the sacrifices necessary, if there are any sacrifices to be  
made, to do so.

Therefore, I obviously again agree with the sentiment expressed by the Chief Minister in that  
200 we have to continue to make the international world know about what it is that we as a people  
feel.

Mr Speaker, the idea of the referendum I think is now becoming so important that I would  
like in the Chief Minister's motion and again in the spirit of his motion to perhaps give it more  
focus and more prominence for years to come. That is why, Mr Speaker, I have proposed an  
205 amendment to the Chief Minister's motion – Mr Speaker, I am not sure whether we will take  
that when I sit down or at the same time or afterwards. But basically, Mr Speaker, what I would  
like to say is that I agree wholeheartedly with the Chief Minister – questions of physical location  
of the rally, really, I think are neither here nor there; what is important is the gathering of the  
people in whatever space is available.

210 But Mr Speaker, I really do believe that for generations to come, we should make sure that  
they remember the referendum and what it stood for.

Thank you, Mr Speaker. *(Banging on desks)*

**Hon. Chief Minister:** Mr Speaker, just for clarification, is the hon. Member moving the  
215 amendment set out in his letter?

**Mr Speaker:** Yes, you have given me notice of an amendment. I think you should move it  
now.

220 **Hon. R M Clinton:** Right, Mr Speaker, that is what I was asking, yes.  
I would like to move the amendments to the motion I propose.

**Mr Speaker:** Would you read it out, please?

225 **Hon. R M Clinton:** Certainly. Mr Speaker, the amendments to the motion are as follows ...  
Sorry, I am on the wrong page.

Mr Speaker, I propose the following amendment to the terms of the motion standing in the  
name of the Hon. the Chief Minister:

*In paragraph 2, after 'anniversary', insert 'and congratulates the hard work undertaken by the  
SDGG in that respect.'*

230 Though obviously the fuller name, the Self-Determination for Gibraltar Group might be more  
appropriate and we are happy to accept the amendment to that. I note that they already have a  
congratulations later on, but I think they cannot be congratulated enough.

*Furthermore to delete paragraph 4: 'FURTHER WELCOMES that the National Day rally  
returned from John Mackintosh Square to Casemates in 2012;'*

Frankly, Mr Speaker, the reason for that amendment ... I speak afterward, obviously, yes?

Sorry, I carry on.

Then:

*In paragraph 5, after 'ACKNOWLEDGES' insert 'and applauds' and after 'white', insert 'and  
the flying and displaying of the Gibraltar Flag and Union Jack;'*

*In paragraph 6, delete 'essential' and replace with 'useful'; insert after the first word 'of relevant' and after 'parliaments' insert 'including the All-Party Gibraltar Group';*

235 Finally Mr Speaker:

*Insert a new paragraph after paragraph 6:*

*'ASSERTS that a National Day holiday be reinstated as in previous years, to be called hereafter Referendum Day, in honour of the people of Gibraltar in 1967 who voted overwhelmingly for Gibraltar to remain British'.*

**Mr Speaker:** Would you like at this stage to say a few words in support of your amendment? Or you do not feel that that is necessary?

**Hon. R M Clinton:** If I may, Mr Speaker.

240 As I said a couple of minutes ago, all I want to do by way of these amendments is perhaps reinforce the importance of the referendum held in 1967 and ensure that it is enshrined in our national memory.

The insertion after paragraph 2 – again as I said, the SDGG cannot be congratulated too much.

245 The removal of the reference to the National Day rally frankly is just a question of geographic location, and as the Chief Minister said, really is a question of available space, and I do not think generations to come will understand why that was inserted in the motion.

In paragraph 5 I note the comment about red and white, but I think we should also make reference to the flying of the Gibraltar Flag and Union Jack. I think the flying of flags all over Gibraltar, not just on National Day, at Casemates has become very much a part of the occasion and I think it would be remiss to leave that out.

255 And then in paragraph 6, as regards the visiting MPs I would not say it is essential because essential implies that we cannot have a National Day without them; I would say it is useful, and again relevant MPs, and I think it is right and proper that the All-Party Gibraltar Group be specifically referenced in the motion, given their continuing support for Gibraltar.

Then finally, Mr Speaker, and perhaps the most controversial element of it, is to reinstate National Day in our calendar and perhaps call it Referendum Day because we are all, I think, in agreement that it was a defining moment in Gibraltarian history and that we should, in honour and memory of the people in 1967 who have put us where we are today, in a much more favourable position compared to the decision they could have taken, that for here and after it should be called Referendum Day. You can still have your rallies, we can still do whatever you want, but I think that particular national holiday should always be called Referendum Day and also it should be as close as possible to 10th September to commemorate the event. So, this year it would have fallen on 11th September and not the 4th, as it was placed, some might say mischievously, next to the GMF weekend.

265 And so, Mr Speaker, that is the spirit and meaning of the amendments I propose. I would hope that the House will understand the spirit with which I move them and I would ask the Government to consider them in the spirit in which I propose them.

Thank you, Mr Speaker.

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**Mr Speaker:** I now propose the amendment to the Chief Minister's motion as moved by the Hon. the Leader of the Opposition and which has been circulated to all Members. What is now before the House is the amendment.

The Hon. Joseph Bossano.

275

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** I am not going to surprise the hon. Member opposite, Mr Speaker, because I am going to say no,

so I stand to speak on the amendment and to recommend rejection of the amendment. I understand the spirit in which the hon. Member has delivered it but I think some of it fails to understand the history, in particular when in 1992 we decided to have a rally in the square here it was on the basis that it was going to be Referendum Day commemorating 25 years of the referendum, and that the next Referendum Day would have been in 2017 to celebrate the 50th anniversary, and that nothing would happen in between. That is how we as a Government saw it then and I hoped then that I would be here now to do it 25 years later, and as I recently said in Casemates, I hope I will be there in future when we do it in another 25 years' time! I think that is something that is part of our history. And you say, 'Well, look, we don't do it every year because it is a very special thing' and 25 years really is no different from 24 or 26 but people tend to celebrate things in quarters of centuries all over the world, in every relationship and in days and things like that.

What happened then was that it acquired a life of its own. The Government did not say to people dress it red and white. The Government thought let's see if we can fill the square downstairs, and in fact, in effect, what we discovered was that the feeling of national identity was stronger than we had anticipated – strong enough for us to say forget that it is 25 years, what is clear is that, just like, not just Spain and the UK have got national days, but Scotland has its national day, Cataluña has its national day and Andalucía has its national day because in effect they have the cohesiveness of a nation, even if they are not recognised internationally as a state. The United Kingdom is the United Kingdom of a number of nations, but the state is a state which is a unitary state and therefore Scotland clearly has got an identity as a nation which is different from England, but there is only one state because there was a referendum there and there was not a majority for separation from the United Kingdom.

We are a colony and the concept of a colony is, in effect, very clear in that a colony can only cease to be a colony either because it acquires the identity of a nation state or it links up with an existing nation state either in free association that can be unilaterally broken by other ... and therefore it can link up and then de-link, or be de-linked, or it chooses to become integrated. Given that in effect we, as a colony, in international law are an embryonic nation state with three potential outcomes under the Charter of the UN, everything that Spain has done, from the first time they appeared in 1964 to the last time they appeared a week ago, has been to deliver one single message and that is that we are not a state at all, we are an occupied part of Andalucía and the occupying power is the United Kingdom, and they cannot follow those of us in this room and those of us outside this room. In effect, saying the most important thing is to remind us of Referendum Day, is to remind us of the fact that on a particular day we rejected a proposal made by Spain to integrate us into Spain. I think we have now gone beyond that point because, independent of rejecting integration with Spain, what we are doing 50 years later is saying we are a nation but a nation that has not yet exercised self-determination; and a nation, until it exercises self-determination, will not be recognised as a nation. Therefore, this is a bigger issue than the narrow issue which was put before us in 1967.

I think many people do not remember what it is that made ... I remember very recently being asked by GBC why was something being celebrated ... well, not celebrated but being remembered, because Castiella had kicked the bucket and I wanted him to know who Castiella was. Well, Castiella was the guy who invented the Spanish doctrine and when he kicked the bucket my own reaction was 'not a day too early'! But the doctrine of Castiella lives today and was in fact repeated a week ago because every single argument that Castiella invented in 1964 was based on a premise, and the premise was that we are not a real people. Therefore, what we now celebrate in the rally in Casemates is, first of all, the identity of the Gibraltarian as a British citizen, but as a Gibraltarian British citizen as opposed to an Irish British citizen, a Scottish British citizen, an English British citizen or a Welsh British citizen. It is the Gibraltarianness that is being highlighted on that National Day.

So we are not just saying we celebrate that our forefathers – or, in my case, not my forefather because I was the one that was there – rejected the Spanish proposal, that we are

330 doing more than that. We are saying, as the hon. Member rightly said, in my view, one of the  
elements in the development of our identity as a people was not so much the evacuation but  
the fact that the evacuation which dispersed us did not result in us being assimilated in the  
places to which we were dispersed, and losing, they decided to come back to our homeland. I  
was shipped out when I was a few months old and I came back when I was eight years old. My  
335 family did not want us to stay in Northern Ireland or in London or anywhere, and other people  
we knew did not want to stay in Jamaica or in Madeira; they all wanted to come back home. The  
fact that we knew where home was in 1946, and in 1947 when most of us came back ... I think  
we were one of the last to come back; the last cohort to come back were in 1947. Possibly the  
Foreign Office already had some idea what was happening. They let me come back and they  
340 kept me amongst the last. So then I think we began to see that our people, after many years  
outside of their homeland ... A few settled but the vast majority wanted to get back home, and  
they kept, wherever they were, their Gibraltarian identity, just like whenever people migrated ...  
When I left Gibraltar in the early 1960s there were communities where Gibraltarians lived. There  
was a community in Fulham because, in fact, many of the Gibraltarians had been taken there  
345 during the war, so even the ones that did not come back did not just stay there but kept a bit of  
Gibraltar alive there. Indeed, the whole movement during the closed Frontier days and the  
movement of chartering aeroplanes and coming back home from the communities that were in  
the United Kingdom was all centred around the communities in the area of West London, where  
the majority of them were.

350 So, what we have in National Day now is a reinforcement of that, and one of the fantastic  
things that has happened, I think, since the 25th anniversary in 1992, is that the reaction of our  
people in taking their babies in prams there, is that there is now a generation of 25-year-olds in  
Gibraltar who have only known life as being dressed red and white, even with red and white  
nappies, and that is embedded in their psyche, embedded in their brains and it gives them a  
355 reinforcement of their identity and of knowing who they are and of knowing who or what we are  
collectively. We are collectively a family of people. We have quarrels with each other, because  
all families quarrel – you do not have a real family unless you are quarrelling, and we are a  
quarrelsome family by nature, anyway. But it is that.

I think that to say this is just because of the referendum, which is... no, it is in fact because of  
360 the intervening 25 years, that what was seen by people like me as something ... ‘Okay, we need  
to do something because it is 25 years and then we need to something else in another 25 years,’  
was the understatement of the century. The people wanted much more than that and the  
people did a lot – not the GSLP, not the Government, the *people* – have developed something  
else. I think that what the GSD tried to downgrade was a mistake, a political mistake, because it  
365 failed to recognise the strength of the sentiment, and if that sentiment had not been there we  
would not have been able to have kept the rally alive in Casemates in opposition. People went to  
the Municipal Day jolly that was being organised at this end of town and then they went to the  
rally at the other end of town, where the political real business took place. I have no doubt in my  
mind that their main motivation was not that our constitutional relationship with the UK had  
370 developed to a degree that we were no longer a colony; I think the main motivation, as far as I  
am concerned, was very clear. It was that the rally was something that was not something that  
pleased people in Madrid and that there was a view then in the leadership of the GSD, which I  
believe is no longer there, I hope is no longer there – I certainly believe it was not there under  
Danny and I hope that it is not there under Roy, and I hope if Roy is not there it will not be there  
375 under whoever happens to be there; I hope it never comes back again – which is that asserting  
our identity and upsetting people in Madrid was gratuitously inviting trouble. The Catalans may  
be inviting trouble by declaring UDI, but nobody has suggested they were inviting trouble on  
11th September every year by having a national day, which they do. Their national day is on  
11th September because on 11th September they had the misfortune ... I do not know why they  
380 celebrate it, because on 11th September 1714 they had the misfortune to be incorporated under  
the Kingdom of Spain, just a year after our liberation from Spanish domination and colonial

subjugation was accepted by Spain as having ended in 1713. I suppose they consoled themselves by imposing on the Catalans what we had been liberated from.

385 So these are political issues, these are not municipal events, and I think the attempt to move the rally and then downgrade it was a mistake, and that is why we think it is right that we should want it to be back in the Casemates and want it to be a political rally, and I would want the hon. Members opposite therefore not to want to change it in the knowledge, which they may not have realised, of what the change meant, the significance of saying the political rally is not required because we are now decolonised, which is not correct in international law, we have not  
390 been decolonised. And in any event, when we are decolonised, as we will be – we will be decolonised one day. As certain as night follows day, that day will come, and when that day comes our National Day rally will then continue celebrating the fact that we have been finally recognised as owners of our homeland and that we are a nation. So the National Day does not end because we cease to be a colony; the National Day, if anything, continues with even greater  
395 sense and even greater significance after you stop being a colony. That is how it has been in every colony that has been decolonised.

But of course if you call yourself a municipality you are in fact doing what they want us to do in Madrid. The position of Madrid all the time has been ‘We talk to a nation and there is only one nation involved in this issue, which is the United Kingdom, and you can be present as the  
400 local council and so can the local municipality of La Línea.’ And their latest version of the proposed committee to discuss how we can co-operate with each other – which we have rejected, of course, and I have rejected in the seminars – provides that there would be the United Kingdom and the Kingdom of Spain, and then Gibraltar as a local municipality and then La Línea, the *mancomunidad*, Andalucía ... I suppose they recognised that they would need half a  
405 dozen of them to be able to counteract one of us, but I do not know why we, Gibraltar would want to go with so many other people there telling us what we have to do with our homeland, that there seems to be little...

So the answer has to be, just like I am critical of what the GSD did in removing the date, I am happy to acknowledge that what they achieved by having tripartite talks, where the three had  
410 equal voices, was an achievement which we have wanted to not lose, because what we are trying to do is claw back what the GSD achieved under a socialist government in Spain. Probably it would not have been possible if the socialists had not been in in Spain, but they responded more favourably to the idea of recognising to a greater degree than anybody else had done before them or since them the separate identity and rights of the people of Gibraltar and the  
415 right to be the only people who could speak about those rights.

That is why I do not support the amendment that we change the name or that we should not be changing the venue as we have done, and I would hope that the hon. Member recognises that I am putting arguments so that what I am saying is I would hope that if there is a future GSD Government – it is not that I hope that there will be one, but I hope that if there is one by some  
420 mysterious accident – then that bit of the history which was a bitter quarrel between the two sides will not come back, and there is no need why it should come back, because just like I have said, they did some things which we did not agree with and they did other things which I think took us forward, and it would be a mistake to downgrade the rally or to bring it back from the Casemates and have it in the square downstairs.

425 I also think that in terms of how essential it is ... Well, look, we are going to keep on inviting people and it is essential that they accept the invitations. It will be a very bad day for Gibraltar the day that we invite Members of Parliament and they do not turn up. It is not just useful that they come, it is absolutely essential because whether Members opposite are aware of it or not, the reality of it is that everybody recognises that the most powerful lobby that exists in the UK  
430 Parliament is the Gibraltar lobby, and when we had that regrettable episode with Hain ‘the Pain’ trying to introduce joint sovereignty, the fact is that what our friends in Parliament mounted in collecting enough signatures to have a motion to debate it, was sufficient to make the Labour government of the day, independent of the red flags and independent of anything else, question

435 the wisdom of what they were doing because the opposition was so strong inside Parliament and cross party.

The Gibraltar lobby, which we must nurture and support, is worth to us its weight in gold because there are 30,000 of us and we can mount a bigger lobby and have more influence than Wales has. As the Welsh Minister recently told me when he was in Gibraltar, was that in fact we have the ability to mobilise more support for Gibraltar than he has for Wales in Parliament. That is not because we give them a free holiday once a year; that is because when they see us on National Day in our national colours and with our commitment to our identity, they know that this is real. Nobody can come here on National Day and go away without knowing that this is not a fiction, this is not something we are making up. This is real. The spontaneity that was there in 1992 gets repeated every year. Nobody tells them they have to dress up their cats and dogs as well – they all do it.

445 I think understanding all that is something that I want to share with Members opposite so that on this occasion they know it is not simply because I like saying no to the hon. Member, but because there are sound reasons behind it, and therefore, without in any way affecting the affection and warmth of the friendship that I believe is mutual, I have to say I recommend the rejection of the amendments, Mr Speaker. *(Banging on desks)*

**Mr Speaker:** Does any other hon. Member wish to speak on the amendment? The Hon. Marlene Hassan Nahon.

455 **Hon. Ms M D Hassan Nahon:** I would like to speak on the general motion, Mr Speaker.

**Mr Speaker:** On the amendment? (**Hon. Ms M D Hassan Nahon:** No.) The amendment is what is now before us. If no other hon. Member wishes to speak, the procedure will be that I will call upon the mover to reply and then put the amendment to the vote.

460 The Hon. Daniel Feetham.

**Hon. D A Feetham:** Mr Speaker, I did not intend to say anything in relation this particular motion but I think that Minister Bossano's words also require me to say ... I feel compelled to say something.

465 First of all, I would like to say thank you very much for his warm words about myself and also about the Leader of the Opposition, but what I want to do is just ... I feel duty-bound to explain, because of course I was part of the GSD Government that made the decision to move from the rally at Casemates to the John Mackintosh Hall civil occasion.

470 The hon. Gentlemen in this House will understand and will appreciate that in any political party there is always going to be differences of opinion, particularly on issues of this nature. Normally what happens, of course, is that it is debated internally, it is debated in Cabinet, a majority decision then prevails and everybody defends that majority decision. I am not going to stand here and divulge or break any confidence by basically saying how people voted or anything like that – that was the position of the party and I myself have defended that position on public television and also at the time when the National Day comes along and one is interviewed about National Day. What I will say is this: that it was a decision that was taken completely in a bona fide way in what the Government of the day felt was in the best interests of Gibraltar at the time.

480 It is important that we place that into context. We had had a new Constitution that had been adopted here in Gibraltar when we took a position that it gave Gibraltar the maximum level of self-government short of independence and beyond which there could only be independence. That the United Nations refused to remove us from the list of non-self-governing territories we took the view that actually that is a political decision by the United Nations but what it does not alter is the reality of the situation, which is that the United Kingdom and Gibraltar are not in a colonial relationship, because Gibraltar is self-governing. That is the reality of the situation. We

can look at the Constitution and we can point to elements of the Constitution where there is a retention of powers by the United Kingdom and we can have an academic debate as to whether that is true or not true, but that was the position that we took at the time and I believe that there was merit in that position as to the consequences of the new Constitution.

490 So, as far as we were concerned, there had been the exercise of self-determination by the people of Gibraltar in the 2006 referendum adopting a new Constitution that gave Gibraltar a maximum level of self-government and that was an act of self-determination and indeed that that Constitution was akin, I think ... I will be corrected if I am wrong and I apologise if I am, but I think that the Hon. the Chief Minister has alluded in some of his speeches and public statements  
495 to the fact that our Constitution is akin to a full solution, which is something that the hon. Gentleman the Father of the House, Minister Bossano, first came up with, I think it was, in the 1980s when he was either the Leader of the GSLP or the Leader of the Opposition.

For those listening to this debate, the fourth solution is that we have – fourth option, I beg your pardon – is independence. We have free association, as the hon. Gentleman pointed out,  
500 we have integration, and we have a tailor-made model, fourth option, which is that we adapt our Constitution and our relationship with the United Kingdom to the needs of the local community and our relationship with the United Kingdom, but the reality is that the relationship is not constitutional and therefore we ought to be decolonised, we ought to be delisted from the list of non-self-governing territories on that basis. That is the view that we took and I believe to  
505 this day that there is merit in that view.

The hon. Gentleman also quite rightly pointed out that part of the context was that we had also reached an agreement with the United Kingdom and Spain, which were the tripartite agreements, and for the very first time Spain made very significant concessions and I think that it is universally accepted, or virtually universally accepted, in Gibraltar that the tripartite  
510 agreement was an agreement and a forum that was beneficial to Gibraltar and for the very first time allowed Gibraltar to basically talk directly to the United Kingdom, to Spain, and that that was of benefit to everybody.

In that context, bearing in mind that our view was Gibraltar has exercised our right to self-determination, we have a non - colonial relationship, one of the cornerstones of the policy of the  
515 then Chief Minister was that it was desirable to, in as far as possible, achieve a level of normality in our relations with Spain and that Gibraltar should strive to seek normality in our relationship with Spain.

In the context of that referendum result, in the context of the tripartite agreement, the view was taken is it appropriate to be having a political rally that talks of ... Effectively, it is almost like  
520 having a complex, if I can put it in those very simple terms, and that perhaps what we ought to be doing is celebrating a family day, a civic occasion in Gibraltar without having to be having a political rally talking about self-determination, which we have already exercised and which creates the impression that our relationship somehow with Spain and the United Kingdom is abnormal.

525 That was the rationale. I feel duty bound to put those arguments to the House so that the record shows ... I am sure that I have not done the argument justice, but so that the record shows what the argument at the time was.

When I became ... Well, indeed, when we lost the election in December 2011, the Government at the time, the hon. Gentleman's Government, took the view that they wanted to  
530 reinstate – which was a longstanding policy – the National Day rally at Casemates.

In September of that year I was Deputy Leader of the GSD. I was invited by the Self-Determination Group to the rally. I took the position that it was important for me ... and indeed others also attended – it was important for us to attend, and we did attend. And then when I became Leader of the Opposition in February 2013, one of the first decisions I took was to make  
535 it party policy for us to effectively support the National Day rally at Casemates. I took that decision because I think that it is important on issues of this nature for Government and Opposition, as far as possible, to present a united front. Indeed, unless the Opposition of the day

cannot live with a policy of the Government on issues of this nature and really has to take a stand, I think it is incumbent on the Opposition of the day to attempt to support the Government of the day in its decisions of this nature, unless it is something that they really cannot live with.

Of course there is an element here – and I feel that I can say this, that there is obviously going to be an element of coming to the fore of a leader of the party's own personal views, which is only natural. Indeed, I speak only for myself but I have always believed that National Day is an important event, it is a statement of Gibraltar's right to self-determination, and until such time – I hope it arrives one day – that the international community and also Spain recognises that we have that right, that we have exercised it and that we can live in peace and prosperity on our own, governing ourselves, it is important in those circumstances for us to keep repeating the point.

I just wanted, in as fair a way as possible, to explain the policies of the GSD Government and also explain what happened afterwards, and I am very grateful, Mr Speaker, for your indulgence. *(Banging on desks)*

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

**Hon. Chief Minister:** Well, Mr Speaker, just on the amendment that the Hon. Mr Clinton has moved. I will reply more fully to the part of his speech which did not concentrate on the amendment at the end of this debate.

Just on the amendment and starting with the issue of location, which the hon. Member said was not so important but constitutes part of what he has asked that we should change, I think Mr Bossano made it very clear why it is that Casemates for us is the right place to celebrate National Day. The issue of location has become tied in with a lot of the politics of National Day and the issues between the GSLP, the Liberal Party and the GSD before the 2011 General Election which led to our differences in this respect. So the location matters, Mr Speaker. Indeed, you might recall the phrase that estate agents favour, which is 'location, location, location'. Location matters in this instance because bringing National Day to the Piazza was, for the reasons that the Hon. Mr Feetham I think has fairly exposed, an area of great political difference between the GSLP Liberals and the GSD. Coming to the Piazza to offer *torta de acelga*, *Calentita* and soft drinks at greatly subsidised prices, which is what the announcement from the party opposite in Government was, was the attempt to move away from that raw political significance of the day, which the hon. Gentleman has recognised is important to us on this side of the House and, if I may say so, I think, is not unimportant to him given the way that he has expressed his views today, in particular the way that he has reflected the collective-responsibility aspects of how the decision was made and then subsequently defended.

Mr Speaker, it is very easy to fill a square with people if you tell them, in particular in Gibraltar, that they can have slightly subsidised food and drink. It has been done very effectively in Havana but it is not what we think is the spirit of the celebration of National Day, and this is where I think Mr Bossano put his finger on it. He talked – as history shows us Dennis Mathews talked in 1993 and 1992 – about the spontaneous nature of the support that there is for National Day. We do not need to offer people subsidised *tinto de verano* or *torta de acelga* for them to turn up on 10th September dressed in the expression of their colours of red and white in a small square or in a large square. This is not a celebration that the Government lays on and people attend; this is a celebration that comes from the people. It is a commemoration that comes from the people and it is an assertion of political right that comes from the people.

So we are not going to agree to a change of location, because the change of location is linked to the attempt to make municipal – 'civic' the Hon. Mr Feetham said – the nature of the celebration when this is a political celebration of the people and by the people. The congregation of people at Casemates is an important part of that, and indeed it is an important



590 part of some of the dynamic that I will come to now in the context of the leadership of the principal party opposite.

The Hon. Mr Clinton also wants to add an additional congratulation to the SDGG. If I may say so, I think there is a logistical reason why Mr Clinton has moved that. The motion that I moved in the House contains the congratulation to the SDGG; the motion that was published in various media does not, because it was the wrong version that was put out by the Press Office. The version that arrived here had the congratulations included and I am sure that therefore Mr Clinton has seen the published version in the media, not the version which was in the Parliament. Therefore he will likely agree that it is important, as the Government feels, to have the congratulations to the SDGG but it is not necessary to put it in twice, and in this context in particular because the Government, when we were first elected in 2011, moved a motion to endow Dennis Matthews, who had been the first Chairman of the SDGG, and Forty Azzopardi, who had been the principal organiser of all SDGG events related to National Day, with the GMH and the GMD respectively for their contribution, therefore recognising, congratulating and, rightly, in this Parliament reflecting the thanks of the people of Gibraltar for the work that they had done.

605 Mr Speaker, changing the name of National Day, changing the name of something that we have done for 25 years is not something to be done lightly and I think it is important to understand why National Day is called National Day. It goes to the root of what I said to the hon. Gentleman before: the referendum gave birth to a nation. That is why it is National Day, because that is the expression of the free will of the people of Gibraltar. That is the moment from which Gibraltar turns from a place British because it was conquered in 1704, or granted to Britain by treaty in 1713, to a place British by the choice of its people, freely and fairly determined in a referendum in 1967. The birth of a nation, therefore National Day.

615 That is the core of what we are celebrating, commemorating and asserting on 10th September on this side of the House and therefore we are not going to change our minds or our view on that. Indeed, if I may say so, I think it is something on which we have been *ad idem* with the GSD before. In the report of the 10th September celebrations for September 1993 the *Chronicle* of that day published an advertisement from a very fresh-faced and young-looking Peter Caruana – it is incredible what politics at the top does to you, Mr Speaker – headed ‘National Day Message’. It is an advertisement from Peter Caruana, and on behalf of the Gibraltar Social Democrats, then as Leader of the Opposition, he wished to ‘congratulate all the people of Gibraltar on the celebration of our first National Day’. This is the adoption, by the party that Members opposite represent, of National Day:

On this our National Day

– these are his words –

we commemorate also our historic decision, taken on Referendum Day on 10th September 1967, to preserve our close links with Great Britain, the first exercise of our right of self-determination.

625 So, Mr Speaker, a National Day advertisement by the party that the hon. Member presently leads in a caretaker capacity and purports to lead more fully. This desire now to change the name of National Day seems to be a little bit at odds with the position of the GSD, as it was at least in 1993, the first expression of the Opposition –

630 **Hon. J J Bossano:** The first at Casemates.

**Hon. Chief Minister:** The first Casemates rally, as I am rightly reminded by Mr Bossano.

Mr Speaker, I wonder what it is that is giving rise to this desire to change the name. The Government is not going to agree to change something we have been doing for 25 years at the motion of someone who has not been here for 25 months. He has to understand that there is a

635 historical significance to National Day, and when he understands that fully I put it to him he would not make a motion to amend a motion celebrating, commemorating and asserting our right to self-determination on National Day.

But I think it is a little bit more serious than that, Mr Speaker, and I think Mr Clinton's lack of understanding of some of the aspects of this motion which have led to his purported  
640 amendments are a little bit deeper than appear at first blush. For example, the idea that it is not essential to have people here on that day as part of our lobbying effort throughout the year and that it is also useful is a reflection not of the things that he has told us today on their own, but also a reflection of some of the things he has said outside this place.

In the newspaper, on the week of National Day, the hon. Gentleman said this, and the  
645 newspaper quotes him and reflects what he said in different measure:

While he agrees

– the hon. Gentleman opposite –

that this year is an important year to celebrate National Day, with the 50th anniversary of the referendum, generally he is not such a fan of the tub-thumping and patriotic fever.

Well, Mr Speaker, I do not think that National Day is about tub-thumping patriotic fever; I think it is about something slightly deeper than that.

Once daring to wear a green shirt on the fated day, he believes it has become a day for 'political grandstanding'.

I am surprised, Mr Speaker, that he might have taken that attitude, given that, as we have  
650 said, the expression of our colours, of our red and white, means so much to most people on that day that simply choosing to wear a contrary colour for the purposes of being a little bit more anti-establishment on that day does not really speak to most Gibraltarians, I would imagine, given that we all choose to wear red and white for a reason.

And then he says this, and this is a direct quote:

We got on perfectly well without National Day in the past. It is more an opportunity now for the government. It all goes a bit over the top. Half the dignitaries invited are just over here on a jolly. They don't really care where they are going.

655 Mr Speaker, more damaging words for the efforts of the Government in the essential lobbying that we do I cannot imagine. Many Members of Parliament who were here on that day picked up this free newspaper, which is available in hotel lobbies etc., and pointed out to me that they were not here on a jolly and that they staunchly defended the rights of their constituents, which is their obligation as Members of Parliament at Westminster, and  
660 additionally defended the rights of the people of Gibraltar when that was relevant in debates in the House of Commons.

So, Mr Speaker, I think that there is a little bit more underlying the purportedly innocent amendments that the hon. Gentleman is moving and I do not impute that to the second speaker on behalf of the Opposition, to Mr Feetham. That newspaper which published a double-page  
665 interview with the hon. Gentleman providentially that month had a full-page advertisement from the Social Democrats and that advertisement said:

The GSD is delighted to be celebrating the 50th anniversary of the 1967 Referendum.

It does not say 'National Day' anywhere on the advertisement, Mr Speaker. Perish the thought that I prefer an advertisement from Peter Caruana in 1993 to an advertisement by the GSD at least in its interim guise led by the hon. Gentleman *this year*. He says the speeches have  
670 become too political for his liking. Well, I do not know whether he means the speeches between 1996 and 2007 when we were treated to speeches from Peter Caruana, or whether he just

675 simply does not like my style. I certainly remember very fondly the tears streaming down my face when Joe Bossano used to speak at National Days between 1992 and 1996. It was not too political for me or for the many thousands who were out there listening at that time. Peter Caruana did not quite move me to tears, but at least he had my full agreement when he came up with the definition of 'nation' from the *Oxford Dictionary* and demonstrated to the world watching that there was every reason why this nation of ours should be described in that way.

680 On a political day of a political re-vindication of rights, for a political leader to say that speeches have become too political is really, frankly, quite something, but it belies the motivation behind the allegedly innocent amendments that we are seeing to this motion to try and change the name.

685 So I think the hon. Gentleman's nomenclature amendment and the hon. Gentleman's change from 'essential' to 'useful' in the context of the lobbying amendment are much more the underlying attempt to continue to fashion National Day in a way that is contrary to the view of most people in Gibraltar than they are the innocent attempt to simply amend the motion to make it stronger.

690 Mr Speaker, from the man who tells us that he sometimes wears a green shirt on National Day, to see an amendment to encourage people to fly flags, assuming that he does not want to encourage people to fly green flags, is really quite something. It is a step change, so from saying 'a day when you wear what you like, not just red and white', to saying 'not just wear red and white, fly the flag' it seems that we are seeing a transformation that one might think is more related to trying to curry favour with Members in the midst of a leadership election than genuine understanding of what National Day is about.

695 But again, here the celebration is *of* the people. Nobody had to say 'wear red and white' in the Government press release in 1991 or in 1992. The SDGG said 'we invite those who might wish to do so to wear red and white' – the SDGG, not the Government and not the Parliament – and spontaneously it happened, and we would be depriving the people of Gibraltar of that spontaneity if we included in the motion the requirement or the advice that people fly flags. Therefore, we are not going to go down the Castro doctrine, which we might start calling the Clinton doctrine when it comes to flags but not when it comes to tee-shirts.

700 As for the idea that we need to – (*Interjection by Hon. J J Bossano*) Yes! There is a defence of some aspects of the Castro doctrine from my left! Mr Speaker, the idea that we need to reinstate the National Day holiday is utter nonsense because the National Day holiday continues to be on 10th September every year when 10th September is otherwise a working day. The only issue is how should the choice be exercised when 10th September is not a working day: where should the bank holiday move? This year the Government made the choice that people would prefer a second August bank holiday closer to a very large event like the MTV Music Festival than they would to National Day – which was a holiday anyway because... or not a working day anyway because it was a Sunday – given that National Day events for most families end much earlier than Music Festival events, which end later. But that is only because of the fact that National Day was on a Sunday. Next year, National Day is on a Monday and National Day therefore will be a holiday on the Monday –

705 simple. I do not think the hon. Gentleman has quite understood that, Mr Speaker. There is nothing mischievous about making a choice about the day you move a bank holiday to.

715 The context of the congratulations to the SDGG must also be seen in light of the reality of what was happening when hon. Gentlemen had the ability to determine policy as Government. Between 1996 and 2011 the SDGG was marginalised. The SDGG was prevented from organising more and more events until the rally left Casemates and the SDGG was told it could not organise an event, (**Hon. J J Bosano**: That's right.) to such an extent that I want to place on record in this House again – because we also granted him the Medallion of Distinction – the gratitude of those of us who believe in National Day being celebrated at Casemates to A B Massias for allowing us the use of the ICC to celebrate at Casemates, with the organisation of the SDGG. So it is a bit rich to see the attempt now at congratulations from the GSD to the SDGG.

725 Mr Speaker, the extent of the lack of affection, if I can put it no higher than that, that there was between the GSD and the SDGG led even to a boycott of the SDGG's Casemates event when we had become the Government and they were in opposition in 2012:

GSD declare boycott of SDGG rally and urge normal National Day.

730 That is 'normal' being not what had been done for 25 years but what had been done for three. Well, Mr Speaker, I think it is right to set things in a historical context and remind hon. Members opposite of the reality underlying the amendments that the Hon. the Acting Leader of the Opposition is trying to put to us.

735 Finally, Mr Speaker, I just want to deal with some of the things that the Hon. Mr Feetham said and reflect on how those affect the amendments. The hon. Gentleman, in telling us what the GSD policy was – and, I think, not defending that policy, he simply sought to set out what the policy was, as I understood from him – told us that the view that had been taken was that we should not be acting as if we had a complex. Well, what we have on this side of the House – and I think most Gibraltarians, and I include him in it – is a complex understanding of the UN doctrine in respect of non-self-governing territories, and we have a complex understanding of the attempts that there are to undermine us in New York at the C24 and at the Fourth Committee. We have a complex understanding, developed in great measure by Joe Bossano's demonstration of how it is possible to give effect to the C24's mandate to educate people of non-self-governing territories as to what the fourth option amounts to and how it can allow a non-self-governing territory that does not fit easily within the concept of territorial integrity or of independence an option to exercise its right of self-determination and emerge from colonialism, and one which I think most people in Gibraltar also fully understand.

745 So the context that leads us on this side of the House to say that the Constitution that we have today, the 2006 Constitution, may be a mechanism which can lead us to the fourth option, may be the maximum possible level of self-governance short of independence which is required for the fourth option to engage, is one that has led us to submit that Constitution to the Secretary General. In fact, the only surprising thing is that it was not done by the GSD in 2006. It had to be done by Joe Bossano, who I was proud to accompany to the United Nations in those days and to the Chairman of the C24 – so not just to the Secretary General but to the Chairman of the C24 – to say to them, 'Look, we think this could fulfil the requirements and the criteria of the fourth option – if you think it doesn't, tell us which parts of it would require further amendment.'

755 That is the nuance between us and them on the issue of the Constitution. They say it decolonises us, we say it could decolonise us, but we all realise – and the United Kingdom in particular because it does not co-operate with the committee – that management of the list is by a third party, the United Nations, and therefore their view matters in the context of this issue, even though we may not share their view and indeed even though they fail to express a view, which is even more complex. It is in that complexity that it was wrong, in our view, to abandon the political National Day, which is the Casemates National Day, in favour of the municipal or civic National Day for all of the reasons that I have set out and for all the underlying reasons that Joe Bossano set out at the time and has set out today.

760 Mr Speaker, 'Caruana proclaims a National Day for a new Gibraltar' was the headline in the *Gibraltar Chronicle* on Tuesday, 9th September 2008 – so not the year after the new Constitution. There was a hiatus of a year. "No need for political rally" says Caruana' is the headline on Wednesday, 9th September 2009, and I read to Members earlier 'GSD declare boycott of SDGG rally and urge normal National Day' in 2011.

770 Mr Speaker, we do not share that view. This is a fundamental difference of opinion. It is probably the broadest dividing line that there is between us and the GSD in respect of that particular policy as expressed in that way. I think hon. Members did the right thing, led by Mr Feetham in 2012 after he became leader, in lifting that boycott and attending National Day

775 with the rest of us, although they explained what their view continued to be. If I have a  
difference with the hon. Gentleman on this issue it is that his view continued to be expressed to  
be that there was no need for the political rally – although I recognise that when he had his own  
mandate after 2015 his position changed. So between 2012 and 2015 the hon. Gentleman set  
out a position in respect of National Day which was not to boycott the rally, to come to  
Casemates to show unity but to set out a caveat in his National Day messages which was, if I  
780 may put it this way, the Caruana doctrine. In 2016 he took a slightly different position, which I  
also recognise, and I welcome that because this is hugely important and the narrowing of that  
red line between us is in the interest of every citizen of Gibraltar because we will achieve  
delisting and we will therefore achieve decolonisation. That day will come, as Joe Bossano has  
said. It will not be something that is put off because the GSD takes a contrary line, because I  
785 think we have demonstrated on this side of the House that whether we are in Government or in  
opposition the people are with us on that, but it will come earlier if we are more united on this  
issue than we have been in the period between 2008 to 2015.

Therefore, Mr Speaker, I am in the strange position of wanting to align myself with a Peter  
Caruana advert of 1993 and with statements of Daniel Feetham in 2016, and in that way saying  
that the Government will not agree to the amendments that are being moved by the Hon. Acting  
790 Leader of the Opposition.

Mr Speaker, I want to add one thing and that is that we were not alone at Casemates  
between 2008 and 2011. In those years, apart from having widespread support from the  
community and the strong support and encouragement, as ever, of our own membership, we  
were joined, in the chicken coop that the SDGG set up for us at the ICC, by Keith Azopardi QC,  
795 who, as leader of the PDP, took the view that it was wrong to move National Day from  
Casemates and supported the SDGG and delivered tub-thumping, patriotically fervent speeches  
from the ICC to those who congregated with us at Casemates.

Mr Speaker, I wanted to be with the Leader of the Opposition on this motion. I wanted it  
to pass unanimously and I am sorry that I cannot give his amendments my support, but I am with  
800 Caruana in 1993, with Feetham in 2016 and with Azopardi from 2008 to 2011 when I say that we  
should always ensure that we keep National Day at Casemates – location, location, location –  
and that the underlying politics of his amendments is the wrong politics for our future, and that I  
will never wear a green tee-shirt on National Day.

I will tell him one more thing: in that interview he said something about my wife that he did  
805 not need to say. In all the time that we are in politics together I will never say anything about his  
wife, other than to say that I know her and she is an absolutely lovely lady. (*Banging on desks*)

**Mr Speaker:** Is there any other contributor to the amendment? I will call, then, on the Hon.  
the Leader of the Opposition to exercise his right to reply.

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

Where shall I start ... First of all, I think I should start with the most constructive contribution  
we have had to the debate today, from the Hon. Mr Bossano. I am always grateful for his  
impeccable memory and his knowledge of events that some of us here in this House obviously  
815 were too young to remember. I would again encourage him to write his memoirs sooner rather  
than later because it is something I think that generations to come will find invaluable.

**Hon. Chief Minister:** He hasn't finished making history yet!

820 **Hon. R M Clinton:** Well, he can make a start!

Mr Speaker, coming to the concept of National Day versus, for example, a Referendum Day,  
in which I sought to amend the motion, the French do not celebrate a national day, the French  
celebrate Bastille Day, because to them it means something; it was an event in history that  
defined their nation. It is for that reason that I think Referendum Day is perhaps a more

825 appropriate reference to what is National Day. Having said that, I could be persuaded by  
Mr Bossano's arguments, given the historical context and the rationale that he puts to it, but  
again we need to keep on reminding future generations as to what it is they are celebrating. As  
he quite rightly pointed out, there is an entire generation, 25 years, who have only known red  
and white, but we have to make sure that they remember that it is red and white and that it is  
830 because of the referendum. But if he feels so strongly that changing it to Referendum Day is not  
appropriate, well, so be it.

Mr Speaker, I think the most remarkable contribution came from the Chief Minister. I know  
that for at least a month now – and I pity him for this – he has been positively straining to bring  
up that interview in the *Olive Press*. I know, because he has been sending me horse's-head  
835 messages at lunches at the Governor's house and other little snippets elsewhere. But before he  
makes too much of this 'green' issue, what the interviewer failed to mention is that in fact I went  
out immediately and bought a red one, and the only reason I had a green one is I could not find  
my red one. So I am sorry to disappoint the Chief Minister on that score. And in fact, as he said  
only too recently, the future is green – although that is only for the Mediterranean Rowing Club  
840 and not for the members of the Calpe. And so, Mr Speaker, I really do not believe that this green  
matter is that much of an issue as the Chief Minister would believe, and it certainly was not an  
act of defiance on my part but perhaps an oversight for not having done my laundry the day  
before; But I did nevertheless obtain the required red tee-shirt.

Mr Speaker, although the Chief Minister entered Parliament as Chief Minister in 2011 in his  
845 New Dawn Government, the Chief Minister does not have a monopoly on what it is to be  
Gibraltarian or how to express that sentiment. The Chief Minister has not set 2011 to year zero  
and he, as Brother Number One, will tell us all in Gibraltar what is right and what is wrong. We  
are Gibraltarians in our hearts. We do not need to wear a shirt or tee-shirt or anything else. By  
all means let's celebrate it, but I think everybody should have the right to celebrate it the way  
850 they want. As I said, I did go out and get the required red tee-shirt. But enough of the red tee-  
shirts.

Mr Speaker, also in my article I said, about any joint sovereignty with Spain, that our  
generation will have to die before any of that ever became a reality. My generation, part of his  
generation, that grew up with the closed Frontier will never forget and will never forgive, and  
855 until my generation dies out there is no way that any of us will ever consider any proposals with  
Spain at all, (**Hon. D A Feetham:** Hear, hear.) and that I can guarantee.

Mr Speaker, the Chief Minister has finally made a confession about the National Day holiday.  
He has told this House, 'Well, Mr Speaker, the National Day holiday we did on the fourth  
because people stay up later at the MTV.' This is not a holiday to accommodate a commercial  
860 event, however successful or unsuccessful it may be financially, but is meant to be our national  
holiday. It should be sacrosanct. No one in Government should be saying, 'Well, actually, if we  
move it to this day it's better because I'll have a hangover, everybody will call it GMF hangover  
day, and then the day after National Day, well, that doesn't really matter.' I think if there is  
anything in my motion that the Government must see fit to support it would be to, at the very  
865 least, respect National Day and keep it where it should have been. We all know in this House it  
should have been on 11th September and not 4th September. He has admitted that it was more  
convenient to have it next to the GMF because people are going to be up later – oh, and people  
will not be up later on National Day. Seriously, Mr Speaker, does he expect everybody to go to  
bed at 10 o'clock on National Day because that is what he does? I think it belies the fact that the  
870 National Day holiday has been, unfortunately, usurped for other purposes and I would urge the  
Government to put it back to where it deserves to be.

Returning to the question of the MPs, I attended my first National Day rally on stage last year  
and I am sure it cannot have failed to have reached the Chief Minister's attention that one of  
those MPs that he had invited in his wisdom was actually an avid Brexiteer and probably made  
875 history by actually being booed by the people in the square. So I would say he has to be a bit  
more judicious in his selection of MPs that he brings to Gibraltar.

880 In that respect I would have thought that the one amendment to his motion that would have been acceptable would be to include reference to the All-Party Gibraltar Group – after all, as he has quite rightly pointed out, they do sterling work for us in Parliament. So, rather than just referring to MPs in general – or MEPs, who may not be around for much longer anyway – I think there should be specific reference to the All-Party Gibraltar Group.

National Day means a lot to everyone. For some it means a good time to celebrate with family and friends; for others, and for us in this Chamber and certainly for him opposite, it is of political significance where there is a political stage and a political message to be delivered.

885 As regards the concept that there is some great divide between us, we may differ on style, but I think in terms of purpose there is not much difference between us. We all agree that we need to defend the rights and interests of the people of Gibraltar, however best we may do that. And so my amendments to the motion were really exactly, as I said at the beginning, in the spirit they were meant. There was no hidden agenda or particularly subversive element to him that he has read into it. But again, that is, I guess, his privilege.

890 And so, Mr Speaker, I propose the amendments to the motion and, by way of aside, if I have offended his honour and his wife I apologise profusely and I acknowledge the fact that indeed my wife is most wonderful.

Thank you, Mr Speaker.

895

**Mr Speaker:** I will now put the amendments moved, in the terms moved by the Hon. the Leader of the Opposition to the vote. Those in favour.

900 **Hon. Chief Minister:** Can we have a division on the amendment?

**Mr Speaker:** We are voting on the amendment.

**Hon. Chief Minister:** Can we have a division?

905 **Mr Speaker:** You want a division? Then I do not have to ... Very well, call a division.

*Voting resulted as follows:*

| FOR               | AGAINST                  | ABSTAIN            | ABSENT             |
|-------------------|--------------------------|--------------------|--------------------|
| Hon. R M Clinton  | Hon. P J Balban          | Hon. Ms M D Hassan | Hon. N F Costa     |
| Hon. D A Feetham  | Hon. J J Bossano         | Nahon              | Hon. Dr J J Garcia |
| Hon. T N Hammond  | Hon. Dr J E Cortes       | Hon. L F Llamas    |                    |
| Hon. E J Phillips | Hon. A J Isola           |                    |                    |
| Hon. E J Reyes    | Hon. G H Licudi          |                    |                    |
|                   | Hon. S E Linares         |                    |                    |
|                   | Hon. F R Picardo         |                    |                    |
|                   | Hon. Miss S J Sacramento |                    |                    |

**Mr Speaker:** The position is that there are 2 Members absent, there are 2 abstentions, 5 votes in favour and 8 votes against. Therefore, the amendment is defeated.

What is now before the House is the original motion of the Chief Minister. All Members, except the Hon. Roy Clinton, can speak on that motion. The Chief Minister has a right of reply, obviously, later. So that is now the motion before the House.

The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, this year 10th September was indeed an anniversary to be proud of. Our people enjoyed as we celebrated 50 years since that historical day when Gibraltarians put pen to paper and let the world know who we were and where we wanted to go. Events organised this year have indeed been momentous, but I still fail to

understand why, among so many events and celebrations, we could not have had a bank holiday on 11th September, the day after National Day, to commemorate this 50th anniversary.

With respect, the choice to place the bank holiday after the Music Festival week as opposed to after National Day goes against the very message that this Government is trying to promote through this motion. On this occasion, I believe that Government has not proved to be in tune with what people wanted, and not allocating the bank holiday the day after National Day when it fell on a weekend this year contradicts the level of importance given to National Day in this motion before this House. The Chief Minister decided that placing it the day after the Music Festival was the best swap, but it should, when on a weekend, by default be moved to the nearest Monday to 10th September, just like any other bank holiday, regardless of other surrounding events a week or days before.

Furthermore, I regret to say that, as much as the Members of the UK and European Parliaments are welcome, in my humble view, to the National Day celebrations, that due care and sensitivity must be taken in the choice of delegates. Hard Brexiteers, for example, have not been well received in the past, causing embarrassment and discomfort when they have been jeered on stage, and it should not be a surprise, keeping in mind the 96% vote to remain in the EU last year, that sensitivity and due care must be taken. Similarly, other choices like far-right DUP representatives have also clashed with our views of tolerance which defines our National Day identity more than the colours we wear on 10th September. National Day should project Gibraltar's national identity as a multicultural and inclusive nation. Therefore I take this opportunity to restate the importance of choosing wisely and according to our values when inviting individual Members of Parliament to share a day like National Day with us.

Given these provisos and these caveats, which should be taken in the spirit of advice and consort, I shall still be voting in favour of the motion because I adhere to its general principles.

**Mr Speaker:** Any other speaker? The Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, I am grateful to the Hon. the Chief Minister for bringing this motion to the House. It is an opportunity for Members of both sides to engage in a discussion about a matter which is of fundamental importance.

I am reminded, as I touch upon the matters raised here today, of Jo Cox, the former Member of the British Parliament for Batley and Spen, who Members will recall was murdered in cold blood in the days running up to the worst day of June last year. I am reminded of her because certain words that she used in her maiden speech to Parliament barely a year before her tragic death resonate with the matter at hand in this Chamber and at this very moment today. No truer words can be said than, in respect of the issue of who we are as a community, our emancipation and our exercise of our inalienable right to self-determination is a matter in respect of which it is clear to me that we have far more united and far more in common than that which divides us.

There are, however, a couple of points which do divide us, although by the grace of God such sources of division are neither critical nor existential in nature. National Day this year had the special significance of being the 50th anniversary of that day in 1967 when Gibraltar came together, as it has done on so many occasions before in our history, to stand up to the challenge of its identity and to assert itself as one community united. We have much to thank our predecessors in this House for much of who we are today and because for such a long time now the political leaders of this community have pursued our interest in an international context as well as they have, that we can stand proudly in our red and white on 10th September each year as Gibraltarians, knowing that Gibraltar's identity as a people and our inalienable rights to our homeland have been and will always be defended.

I believe that Gibraltar has already determined its own path but that the United Nations' unreasonable stance keeps us on their list of non-self-governing territories. I agree with and hold true to the position established by Sir Peter Caruana's GSD in this regard, namely that Gibraltar's



referendum adopting a new constitutional relationship with the UK was an act of self-determination. We have the highest form of self-government possible whilst retaining our links with the United Kingdom in a manner that is consistent with the democratically, freely and emphatically expressed wishes of the people of Gibraltar. National Day is therefore not, in my view, exclusively about us asserting our rights to self-determination but about celebrating our identity as Gibraltarians, an identity that over the years has naturally and inevitably been shaped by the peaceful and prosperous quality of life we have all come to cherish. That we commemorate or celebrate our exercise of that right to self-determination is, of course, also proper and correct, but it is not and neither does it need to be the central tenet of the annual celebrations of 10th September.

But there are some issues on which Members here do differ. It is a nuance, but the motion should note and not necessarily welcome the return of the rally at Casemates, because it must be clear that not everyone here is of the same view as hon. Members opposite, and that the policy of Members on this side of the House – at least that of the GSD and myself – is, as I have explained and as has been touched upon, that we hold the celebration of our identity on National Day in high regard but that a political rally is no longer required in the context of Gibraltar in 2017.

The House should also acknowledge that it is right, of course, that we invite foreign politicians who support us, but it must also acknowledge that it is right that we do so because the Government of the day has taken it upon itself to reinstate a political rally held under a banner seeking a right which we already have and exercise freely, and if it did not invite foreign politicians it would not be much of a political rally at all.

I presented a series of amendments to the Chief Minister behind the Speaker's Chair, which I commend to him, but I will not be presenting them formally on my own initiative, choosing instead to commend them to the Hon. the Chief Minister in the hope that he might be able to persuade or introduce some which he considers are not deal breakers in order that we may achieve the unanimous support of all Members present. The essence of the amendment I commend to the Chief Minister is that the return of the rally should be noted as opposed to welcome and that the invitation of foreign MPs should be done consequent to the decision to reinstate the political rally at Casemates. I trust the Chief Minister will give these matters some consideration and look forward to hearing his views on them.

Thank you, Mr Speaker.

**Mr Speaker:** Any other contribution from the Members on the motion? The Hon. Albert Isola.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, very briefly, if I may, I have to say sitting here and listening to the contributions made by my friends on the other side of the House has left me feeling rather confused as to not what the position of the GSD is, because that seems to be confused in itself, but also of the Members who sit on either side of the GSD Opposition.

I remember the 1967 referendum as a very young five-year-old child. I remember the festive atmosphere. I did not know what was going on but it was a cracking time to be in Gibraltar and to enjoy the celebrations that were going on then, even though of course, as the Chief Minister has mentioned already this morning, it was a deeply political step that was being taken. In fact, the referendum generation, as the Chief Minister has now labelled them, took that decision in the full knowledge of what awaited them, and not just what awaited them but lived through the entire period that they suffered during the closed Frontier and the many restrictions, which were not limited to the closure of the Frontier, as we all know. And so to choose that day to celebrate National Day could not have been more appropriate 25 years ago. The response that we received from the people of Gibraltar in respect of that call could not have been more appropriate.

And so the significance of this motion is, in my view, totally undermined by talk of on what day is the bank holiday or on whether the arrangements should be in one place or another,

because frankly, for the GSD leader to stand up and say that the choice of moving from Casemates or to John Mackintosh Square is geographical location when we all know that of course is not true, when he seeks to congratulate the SDGG when in 2011 his party was calling to boycott the SDGG, there is some substance lacking entirely in what the Opposition is saying in respect of this, what I consider to be a very serious motion.

I, like I know my colleague Ms Hassan Nahon, will be very proud of the roles our respective fathers took part in that day, and I think if they were listening here today they would be deeply disappointed with what they have heard today.

Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** The Hon. Joe Bossano.

**Hon. J J Bossano:** On the original motion, Mr Speaker, let me say that I do not agree that the decision that we took in 1967 was a very difficult decision which we had great courage to take. We happened to be next to a neighbour that was garrotting people like me. I probably would not be here to tell the story if a decision had gone the other way. Anybody who had any left-wing leanings had a very short lifespan. Most of the leaders of trade unions and political parties in Spain in those days only kept their heads if they went into exile. So the reality of it is that it was incredible ...

It is not that the British gave us a choice, because they did not have a notion of what we would decide until they gave us a choice. It is just that it would have been unprecedented in the history of western civilisation for any community that had free elections, free trade unions, the right to strike, a constitution protecting human rights and the right to elect a government of their choice to freely give all that up and join a military dictatorship created by a *coup d'état*. That was the choice. Forget about being British or being Spanish, it was about either being free or choosing not to be free. That is why when I spoke that day at Casemates I said the incredible thing is that 44 people chose not to be free, chose to be under Franco's dictatorship. It can only be because they probably were people who had links with the other side and knew where in the hierarchy of the dictatorship they would finish off and they would be better off under Franco – because the ordinary person would not have been.

So I think we need to understand that the people took the decision in the knowledge that whatever hardship the outcome would produce of a closed Frontier – before the closure the removal of supplies of oxygen for our hospitals, or removal of the flowers for our churches, all the things that they did – all those things could not possibly be compared with what we knew life under Franco was like every time people went across that Frontier on the 80 days a year, with the 80-day pass, that they were permitted to visit.

So let us be clear that what the British Government did was important in the sense, as the Chief Minister has said when we celebrated our National Day and since ... was that in effect they were saying 'The people of Gibraltar will say whether they want to be with me or not, even though I, as the administering power, have the right to decide.' And indeed the position in 1964 and 1965 which the UK took, which in my view was a mistake and which antagonised the Committee of 24, was not the position that they took in 1967 when they had the referendum but the position to say 'the Committee of 24 doesn't tell the British Crown what it does with its possessions – this is British sovereign territory and nobody is going to tell us what we do with our sovereignty.' In 1964 and 1965 the UK of 1964 and 1965 is not the UK of 2017 and therefore they said it on the basis of if the people want to go, then we will respect the people's right, but no foreigner is going to tell us that a British territory has to stop being British.

In fact, technically they were right in saying that the disputed sovereignty by Spain as a result of the retrocession clause in the treaty was not a matter for adjudication by the Committee of 24; if by anybody, it would be by the international court that adjudicates as between member states of the United Nations when there is a dispute over a treaty. Spain had no argument then and it has no argument now because the nature of the argument is that the territory that is

owned by the United Kingdom as a colonial power, which is still the case. Whether Mr Caruana, as Chief Minister of Gibraltar, decided that we were not a colony or whether Mr Llamas believes today that we are not a colony is irrelevant because it is not in their gift under international law.

Under international law we are a colony, as Spain frequently says, correctly, because the British government decided to put us on the list as a colony. Ceuta and Melilla are not there, but Western Sahara was because the Spaniards decided to put Western Sahara but decided not to put Ceuta and Melilla. The United Kingdom decided to put Gibraltar, Malta and Cyprus but decided not to put the Channel Islands or the Isle of Man. Had they put them on the list ... because it was not the UN that drew up the list, it was the members of the UN who were invited to put on the list in the 1940s, in 1948 or 1949, and the list then eventually in 1854 was finalised but on the basis that territories could be removed or added. In fact, New Caledonia has been in and out and French South Pacific territories were included, if you remember, a few years ago.

So the reality is that this is the list and once you are put on the list the problem is that you cannot come off it that easily. The United Nations Committee of 24 has acted totally in breach of its terms of reference under the United Nations Charter because it has allowed Spain to argue that because they have not even a claim but a right of retrocession, then the people of Gibraltar are not able to exercise their right to self-determination.

But of course the argument of Spain in 1964 in the UN when we had our first referendum was that we were not a people, and therefore you cannot separate the fact that we are, at the rally in Casemates, declaring our right to self-determination and say, as Mr Llamas says, what we were declaring was the fact that we are the Gibraltarians, a people, because it is only because we are the Gibraltarians that we have the right to self-determination, and it is not because, like the Catalans, we are a region of anywhere. Under international law it is only and exclusively the territories that are under colonial rule and foreign domination, to use the colourful language of the 1960s, that entitle as a human right to exercise self-determination, and under the provisions of the resolutions of the UN of the 1960s and the one of later years, the criteria for being able to call yourself a people is that your identity should be distinct from the identity of the colonial power.

Therefore, if the administering power is the United Kingdom and the people in the colony are all settlers from the United Kingdom, then the settlers from the United Kingdom cannot really say 'we have got the right to self-determination', and therefore the people in Ceuta are not a colony because the people in Ceuta are integrated in Spain and they see themselves as Spanish. We do not see ourselves as Anglo-Saxons, we do not see ourselves as ex-pats. We have no other home; this is our home. And if we say we are Gibraltarians and we are celebrating our Gibraltarian identity, then we are saying by definition we are celebrating the right to self-determination because only the people who can say the first can say the second. The people who choose to say the second and cannot say the first lose the argument in law because the interpretation of the United Nations of chapter 11 and of the resolutions are that only those with a distinct cultural identity of their own are entitled eventually to be owners of their own destiny, owners of their own land, and enjoy the right to self-rule.

Self-determination is the road that has to be followed to achieve self-government. It is the degree of self-government that we have got and that degree of self-government, in our view, can only be determined to be sufficient by the United Nations – because that is what the Charter of the United Nations says, not because we want it to be like that – because that is the only body of international law that exists. So we may be 99.99% of what is required and they would still say 'You stay on the list.' And they are entitled to say it. When the United Kingdom created associated statehoods for the colonies in the Caribbean, the United Nations refused to remove them from the list.

So we cannot celebrate our national identity unless we claim to be a nation, and we cannot claim to be a nation unless we are talking about being a nation which is not yet fully self-governing. Therefore, what we are celebrating is something that started as an event where we were not exercising self-determination. It was the closest we had been because before we had

not had an opportunity to decide anything. But in 1967 what the United Kingdom said to us was, 'Look, these are the Castiella proposals – do you want to accept the Castiella proposals or do you want to continue as you are?' We voted to continue as we are in 1967, as we were, because we said it is better to be under colonial rule with the United Kingdom than free under Franco, because freedom under Franco was that you left every day with your head on your shoulders and you were not sure how you would finish that day. That was the freedom and it is a freedom that they seem to be having great difficulty in shaking, given the way they behave when people want to vote in Cataluña.

So the reality of it is that the assertion of our identity with which we are all clear carries with it a responsibility for doing the next thing – which seems to be difficult for some people – and saying this is ours, we take the decisions here, we are the owners of this place, nobody tells us what to do in our homeland, and we choose to be with the United Kingdom even as a colony because it is the lesser of two evils. That is what we decided in 1967 because that was the choice on the ballot paper. The choice on the ballot paper was 'Do you want to be decolonised by being put under a fascist dictatorship, or do you want to be a colony under a democracy?' Well, you had to be a very peculiar person to choose to do the second. But it was a self-determination. Self-determination requires that the people of Gibraltar freely choose independence, free association, integration or the fourth option, which we did not know existed and in fact we did not discover that had been there since 1971, even though we discovered it in 1992 when I first went to the UN. Nobody told us, and in those days there was no internet. Today they cannot keep anything away from anybody because all you do is you google it and you find the answer.

So, I think in supporting the motion, as I am standing up to do now, I do it in the context that we have moved away from the referendum because the referendum was a very narrow choice. We had the choice of being a colony or being under a fascist dictatorship, and I think the choice today, the result would be the same, for two reasons: one, because as a colony under our new Constitution, under British rule we have a greater level of self-government than Cataluña and the Basque Country, which are not colonies but have got less right to govern themselves than we have; and because even though they may have a democracy in Spain, they seem to have a tendency to choose very undemocratic leaders in the process. Therefore, there is no question about it: if the choice today were limited to be under a so-called democratic Spain or a British colony under the United Kingdom, the vote would be the same, even if it were that narrow.

But fortunately it is no longer that. Today we are able to celebrate that the United Kingdom has accepted our right to choose whatever we want – not whatever Spain may offer us, whatever we want – and the only argument that they have, which we think is incorrect, and not only do we think it is incorrect but the GSD think it is incorrect, because when the letter from the Foreign Secretary that introduced the new Constitution to Gibraltar was transmitted to Gibraltar it contained a clause agreed by Government on a position that we did not agree with the UK view, that the Treaty of Utrecht prevented us from choosing independence. We may not want to be independent, simply because we are sensible people and we know how long that independence would last – I am not sure if we would measure it in minutes or in seconds – but not because we do not have a spirit of independence in us and it is not because, as Margaret Thatcher told Felipe Gonzalez when she visited him in 1995, 'the people of Gibraltar in 1995 would be an independent nation today if it had been any other colony', because we are more advanced than many of their other territories that Britain has given independence to, 'and the only reason that they do not is because we say we respect the Treaty of Utrecht we have with you, and you should be thankful for that.' That is what she told him – because she had no problem in telling people things to their face.

So the reality is that we are now in a situation, when we are talking about the United Kingdom, that accepts that and that accepts a degree of control over external affairs that did not used to exist, in that they will not enter into talks about our constitutional development or about our future or about our sovereignty without our prior consent. That gives us a degree of

control over external affairs which other remaining colonies – non-self-governing territories, as they are called nowadays – do not have.

But the fact that we are at that level has not decolonised us, because the 1964 Constitution of Bermuda is more advanced than the 2006 Constitution of Gibraltar – in 1964, and they are still on the list with that constitution. So we can say, if we look at the Constitution that we have got today and we compare it with the one of Bermuda, we should not be a colony – well, then, Bermuda should have stopped being a colony then.

The hon. Member, Danny, will remember that when we were in London and we asked for the same text as the Bermuda constitution, what we were told by the expert from the Foreign Office was, 'Nobody's ever going to get that again because that was a mistake that we made – we gave it to them in the 1960s because they told us that they were about to go independent, and then they didn't do it, and therefore we are not going to make that mistake again.' That is the reality. That is the knowledge we have to have when we make a judgement and an assessment of what it is that we are doing, and in the context of that knowledge I think what we are doing today is in fact taking our constitutional development a step further by moving on from the referendum to where we are already, where we have been as a result of what the GSLP did and as a result of what the GSD did and as a result of the new reality that the United Kingdom has accepted, a reality that will never again allow any Foreign Secretary in the UK or any Secretary of State in the United Kingdom to try and foist on to us joint sovereignty with anybody. The only joint sovereignty there is ever going to be in this place is British and Gibraltarian, and that is a day we will celebrate when we are finally decolonised. (*Banging on desks*)

**Mr Speaker:** Any other contribution? The Chief Minister.

**Hon. Chief Minister:** Mr Speaker, Joe Bossano has been following issues relating to the decolonisation of Gibraltar and its international status since before he came back to Gibraltar in 1972. His involvement with the IWBP – the movement first and then the party later – started when he was beyond Gibraltar and he has said on occasions in this House that what most motivated him to return to Gibraltar was forming part of the struggle in Gibraltar in relation to our international status.

What hon. Members have had the benefit of today is what Members of the UNC24 enjoy the benefit of every year in the seminar that is organised by the C24 before the session in New York. There, the UN invites only territory governments, it invites the members of the UN, the ambassadors who are members of the C24 and the secretariat. In the years when the GSLP Liberals were in opposition, Joe Bossano was invited in his own right as an expert on the right of self-determination, something for which he is recognised perhaps sometimes more outside of Gibraltar than he is inside Gibraltar.

Therefore, Mr Speaker, I associate myself with everything that he has said this morning in setting into context the National Day celebrations that were born at the time that he was Chief Minister and indeed at the time that he was returning Gibraltar to the UN and to our annual opportunity to defend ourselves against the annual opportunity that being on the C24's list gives Spain to claim our land. This is an important part of what I am going to say in reply.

Hon. Members might take the view that they have expressed what Mr Llamas said was the GSD view under Sir Peter Caruana that he still associates himself with. I do not know that the Hon. Mr Clinton was making that assertion, and indeed I do not know that Mr Feetham was defending that assertion – he told us he was just setting out what the position had been, and his position in 2016, when he had his own mandate on National Day, was different to the one that he had taken in the years between 2012 and 2015 when he had the mandate that the GSD took in 2011's General Election.

That is the reality, Mr Speaker: that every year in New York, because we are not decolonised, Spain gets to claim our land at the United Nations. She does it twice: at the C24, where she has to seek leave to make her claim and express it from the secretariat, which of course grants it

because she is a member of the United Nations seeking leave to intervene in a committee; and at the Fourth Committee of the General Assembly in September.

Just so that hon. Members understand – and I do not understand this half as well as Joe Bossano does, given that I am almost half his age – the General Assembly meets in September; the session starts in September. Hon. Members will see the Pope, the King of Spain, the Prime Minister of the United Kingdom attend the session. It starts in September, the beginning of a new UN year. Then after that plenary, the UN divides into committees. The committee that has responsibility for non-self-governing territories is the Fourth Committee. It has an initial hearing in October and then sends to the C24 – which then will meet, after a seminar in May, in June – the issue of what is happening with the remaining listed territories.

At that Fourth Committee, whatever our Constitution says, the Spanish ambassador says, ‘United Nations, you said in the 1960s we have to negotiate with the United Kingdom the return of Gibraltar to Spain under the principle of territorial integrity, which was the applicable principle in terms of the decolonisation of Gibraltar. We want to start that process. Please tell the UK that we must do so.’ That happened in 1968, 1969 and 1970, despite the change of Constitution here; it happened in 2005, it happened in 2006 and has continued happening after 2006 whatever our Constitution says – *whatever* it says.

And so Hon. Members can stick their heads in the sand like ostriches and say we are decolonised, but in New York somebody will be planning to come and ram them on their behinds because they have got their heads stuck in the sand, because the decolonisation of Gibraltar has not happened where it needs to happen.

Colonisation is no longer an instrument in the national legal order of the United Kingdom. The concept of colonialism disappears from the United Kingdom legal order when we moved to Overseas Territories and the new constitutional structures, yes, in the 1960s and the 1970s, and whenever the United Kingdom has dealt with that issue. But it was never an issue in the national legal order, other than in the context of nationality. You could not have nationality if you were born in one of the colonies. The United Kingdom did not take the *pax romana* attitude of the Roman Empire and make citizens of those who it conquered. It created two classes of citizens, something that only the United Kingdom could do – like a P&O cruise, different classes; British Airways colonialism. Overseas Territories citizens were in those old days BOTCs, not full British citizens. Not until after Hong Kong did the concept of full British nationality for everyone come into the concept of British nationality.

It is therefore in that context that the battle for decolonisation starts. It starts in the 1960s when Sir Joshua and Peter Isola lead us at the United Nations. What they were fighting then is still the reality today. For national political purposes, if you get a great constitution and you want to say, ‘Yes, I’ve done it, I’ve achieved it, I did what Hassan and Isola could not do’ ... Of course you can understand that a local political leader might try and do that, but he is not going to pull the wool over anybody’s eyes who has bothered to understand what is happening. It might be what *should* have decolonised us – and this is the point that Joe Bossano has repeatedly made since 2006 – it should be very likely the maximum possible level of self-government short of independence that should amount to the fourth option, but whilst the C24 and the Fourth Committee do not recognise that, then whether we like it or not, in international law, which is the battle we started fighting in 1964, we are still a colony, and you cannot assert that you won the fight, that Hassan and Isola could not win, simply by saying ‘I’ve done something in Gibraltar.’ Well, look, if we could have done something in Gibraltar we would have done it in 1964, or we would have done it later. Maybe the UK would not have played ball in 1964. As Joe Bossano also said a moment ago, the UK of 1967 is not the UK of 2017. But the idea that we have won in New York that which we lost in 1964 is a nonsense which we cannot swallow.

All of that leads us to what happens in Gibraltar on 10th September. Have we won in New York? No. Then 10th September has to be a political act not with a view to the United Kingdom – I think we have won the argument with the United Kingdom. And not just Gibraltar; it has been won by all the Overseas Territories, but in particular by Gibraltar. What we have not won yet is

the right that we started fighting for, and it cannot be right that Gibraltar is divided in half between ... not in half, 68-32, by those who are persuaded by the magical art of politics that we have won today that which we started fighting for in the 1960s but which we have manifestly not won.

I am half tempted, Mr Speaker, to ask the Hon. Mr Llamas to accompany me to New York in October or June. I am sure he would make a very convivial travelling companion. When we get there he will see the Spanish ambassador give the same speech today that they have been giving since 1962 – the same speech on the same legal principle. And therefore the re-vindication of our right, the assertion of our right in the context of the international battle that we are fighting, is as important today as it was then, and whether I am Chief Minister or not I will be at Casemates every 10th September for the rest of my life until in New York somebody one day has the courage to get up and recognise, as Joe Bossano has just said, that the people of Gibraltar are decolonised under this Constitution or a future constitution. But until then I will not tire of persuading people that although Peter Caruana and his negotiating team – which included Mr Feetham, included Joe Bossano and included the Deputy Chief Minister and included you, Mr Speaker – brought back a great Constitution from London in 2005 and 2006 ... But is it a decolonising constitution? The answer, Mr Speaker, is not yet.

That is why the nub of the issue, dealing with Mr Llamas's contribution, is not a nuance about whether or not we are celebrating or commemorating. I know that he came with a prepared speech, but I was very careful in what I have been saying all of this morning. I have been saying that National Day is about celebrating, commemorating and asserting. We are commemorating the generation that did what it did in 1967; we are celebrating the choice that they made – thank goodness the result was not otherwise, otherwise the people in this room might have ended up with their skulls cracked simply for defending different opinions; and asserting because we have to assert, at least internationally, that we continue to be of the view that Gibraltar's future will only be determined by its people.

Every year there is a consensus decision of the C24 and of the Fourth Committee that talks about the re-establishment of talks under the resolutions. That consensus decision has occurred, as I said, before and after the two Constitutions which are relevant in this debate, 1969 and 2006; it occurred after Sir Joshua and Peter Isola's intervention; it occurred in the years between 1969 and 1992, when Joe Bossano did not attend and there was no representation from Gibraltar; it occurred from 1992 onwards. The recitals to that declaration are different, so in different years different things have been added to it – the UK and Spain are in a trilateral process etc. – but the conclusion is always the same one about our homeland.

In New York – and this is where we had the great difference about Peter Caruana's decision as Chief Minister not to attend the C24 – in New York in June there will be a decision that says Spain and Gibraltar should start the process of discussing the reintegration of Gibraltar into Spain. Do hon. Members, and Mr Llamas in particular, think that we should not be there to put the point of view of our people? In October they do the same thing.

Hon. Members will know – because I learnt it from Joe Bossano – that I go to New York for 20 hours, Mr Speaker. I do not go for a week. I do not get a chance to have a great meal and I do not get a chance to do much shopping. I go for 20 hours because Joe Bossano taught me that we go to New York to do what we are there to do, not for a jolly or a holiday. Why do I put myself through that? Why did he put himself through that, even when he was not in Government? Why did Peter Caruana put himself through that, and continue to do so in respect of the Fourth Committee in October but not in respect of the C24? Because it is absolutely the first duty of whoever is the political leader of this nation to tell the international community when they are considering the issue of Gibraltar what the view of the people of Gibraltar is, because they are still stuck in the 1960s considering how we reintegrate this place into that place.

If there was anybody who in good faith heard the siren calls from Madrid in 1967 – there were 44 – in 2002, or indeed when Mr Montegriffo and others have made statements about reaching accommodations with Spain ... If there was anybody who heard those siren calls and

was slightly persuaded and then sought to persuade the people of Gibraltar that we should accept any aspect of Spanish control of our sovereignty, then I genuinely believe that a week on Sunday, when Gibraltarians were watching their television screens, they understood that it was right that we chose not to allow Spain one foot in the door of our sovereignty and that it will not be necessary for the GSLP to be alone making the argument in the future with the Liberal Party, because the images on our television screens made that argument. Whether it is something as potentially light as making the argument that perhaps one day a Gibraltarian Chief Minister might recommend a modern Andorra-style solution to the people of Gibraltar, as Sir Peter said in Seville in December 2010, I do not think there will be ever any Gibraltarian leader now who will be able to persuade anybody to listen to him for a moment if he starts to make that argument.

All of this is connected. All of this is what Spain is pushing for in New York. All of this is what would be easier if we did not congregate as a people on 10th September each year to commemorate what happened in 1967, to celebrate the choice that was made and to assert that we will forever be the masters in this place and that we have the whip hand on the political future of Gibraltar.

So this is not something that we can consider to be in the bag and we cannot put our heads in the sand and our posteriors in the air, because there are people in New York planning how they are going to ram things down not our throats but anything else that might be exposed.

Mr Speaker, coming back to the contribution from the Hon. Mr Clinton, he said that the issue of self-determination today was taking a new prominence. Indeed, it is. It is in our daily newscasts – and not because of Gibraltar. Indeed, what I sometimes call during our Budget debates his ‘beige friend’ carries a headline today which is not usual for that particular publication, which is ‘Self-determination versus sovereignty’. It is a very good in-depth article about the collision of national sovereignty and the issue of self-determination. It is important that we do not allow anybody to confuse the issues of movements like the movement that there is in Cataluña with their seeking to find a right of self-determination and assert it, with our existing recognised international legal right of self-determination set out in the United Nations resolutions, especially in Resolution 1514 of the General Assembly XV.

Mr Speaker, that is an internationally recognised right. Spain says – and in the context of the debate that we have seen internationally on Cataluña in particular – the only internationally recognised right of self-determination is the right of the colonial peoples. And you almost feel like ramming yourself down the television when you hear somebody say that on a Spanish news broadcast, except although they do not articulate it in the context of the debate as it is today, the footnote is that the people of Gibraltar are not a people and therefore they do not have that right according to the Spanish dogma.

We need to understand this, because this underlies our conviction about 10th September and what it means and why it must be called National Day. We do not do this simply because we like to be hot at midday at Casemates – although Joe Bossano always loves to be out of air conditioning and in the sun, like every good rock scorpion – but we do this for a good, valid international political reason.

Mr Speaker, it is very important that people internationally understand that the people of Gibraltar are not nationalists in the dirty sense of that word. In other words, we are not seeking to expand the writ of the kingdom of Gibraltar beyond our shores, as some nationalists seek to do. We are defending our shores, our borders, our rights, our people. We are not seeking to secede or to go beyond. We are not expansionists. We are simply seeking to defend the part of the world that is ours.

In the Kurdish referendum that the Hon. Mr Clinton referred to there is an interesting example of a state not recently in democracy, the Iraqi state, dealing with an attempt at secession in a way more civilised than some who have been longer in democracy, because although there is no recognition of the result of that referendum – indeed, the Turks have taken a slightly more belligerent approach to the Kurdish referendum than the Iraqis – there was no



repression of the ability to vote in it. I think that is an important juxtaposition to some of the things that we have seen closer to home where, without seeking to interfere or comment on the legality of a vote, I think people in Gibraltar have been shocked by the brutality of the repression of it.

I will put the issue to hon. Members in this way: do hon. Members believe that if the Scots had decided under Ms Sturgeon to vote in a referendum which had not been approved by Westminster, that the riot police would have been drafted in from all around the rest of the United Kingdom to stop the Scots from voting, that their ballot boxes and their ballots would have been collected and that their heads would have been cracked? I think all of us understand that that would not have been the case.

There is, in fact, an example when that happened within the writ of the United Kingdom, and that is Gibraltar. In 2002, with the support of this House, and with our support when we were on the other side, the then Government of Gibraltar organised a referendum on the joint sovereignty proposals that had been tabled by the then Minister Pique in the context of the shameful discussions between Tony Blair and Prime Minister Aznar of Spain.

The only difference that the GSLP have had with the GSD then in Government, was that we had thought it should have been a referendum called sooner, but it was absolutely right that again the people of Gibraltar exercised their right of self-determination in the context of that choice.

It is important that we reflect on that for three reasons: the international reason; the sporadic nature of the choice that had to be put; and third, the reaction of the United Kingdom. Let me go through those.

First of all, the international reason. We do not know when international politics is going to turn against us and we are again going to have to assert our right of self-determination over our land. We did not expect it in 2002. Just so that hon. Members understand, Tony Blair had been to visit Joe Bossano – when Joe Bossano was Chief Minister and Tony Blair was not yet Tony Blair, (**Hon. J J Bossano:** A backbencher.) a backbencher – with Cherie. They were in Gibraltar. Labour politicians supportive of Gibraltar and a Labour politician who had brought in the minimum wage before the United Kingdom etc. And yet in Government, for reasons related to the Iraq War etc., suddenly it is Labour that is presenting us with the sell-out that Hain and Straw etc. led on. Gibraltar galvanised itself, but look, we are very secure in our Britishness with the first part of our preamble as set out on the stalactite that we can see there, and yet we had to act, we had to assert our right of self-determination. But we asserted it in the context of a choice, not the sort of choice that a governing and administering power is required under the Charter to put in the context of a referendum on self-determination as required by the UN, which is to put the four options – or three options and a fourth option if a fourth option is relevant to that territory. But we exercised the choice. So therein another reason why we cannot say ‘we are done with the right of self-determination, let’s have a party’.

Second, it is absolutely important to reflect on the fact that the United Kingdom did not repress the referendum. There was no attempt, apart from political insistence that the referendum would not be binding, indeed that it was not legal – which leads hon. Members to understanding our Referendum Act, which was a manifesto commitment under our first administration, which is now on the statute books, which cured the legality going back and going forward of referenda ... The United Kingdom, despite saying that the referendum was not valid, did not crack anybody’s head open for trying to vote in it. Indeed, there was a huge demonstration of all the people of Gibraltar in 2002 where we were all able to march peacefully, as is the nature of the Gibraltarian community, and then we were all able to vote peacefully, as is the nature of every opportunity that the people of Gibraltar have been given to cast a ballot, whether it is in a General Election, however contested until the night before, or in a referendum. I think that demonstrates that we made the choice in 1967 which allowed us to continue to make these choices in an orderly and peaceful way.

All of that together demonstrates that the choices we made were the right choices and that the siren calls, even when they came, were the wrong choices.

I think this is the third point: the international community needs to understand in New York every time we make those choices, and needs to, under the Charter, also be kept updated about what is happening in Gibraltar now. We may not like those rules, but we cannot ignore them and we cannot pretend that they are not there, because pretending that they are not there leads you into a much more difficult political situation as the noose starts to get tighter around your throat. Imagine, 50 years after the referendum, if Joe Bossano had not come back in 1992, where the C24 and the Fourth Committee might be. Would that lead to action if the C24 reached a conclusion which was, 'Okay, the UK is not talking to Spain – we declare that Gibraltar is Spanish'? Would it lead to action? Would the tanks roll? Probably not, but the world is a much more dangerous place today than it was two years ago. We need to ensure that the noose does not tighten, that we are there to make the argument.

Mr Speaker, it is absolutely right, and I reflected this in my speech, that the referendum generation is in great measure also the evacuation generation, and indeed the evacuation generation, the referendum generation and the closed Frontier generation are hugely important in the creation of the Gibraltarian identity that we have today, that we are today and that we celebrate also alongside the assertion of our political rights. But we should not take that for granted. We should never take for granted that our nation has been forged by those generations without sacrifice. It has been forged in sacrifice and in deep debate about what our future should hold. We must never, however, allow anybody to believe that a challenge can be put in a way that will do anything other than strengthen us, because they evacuated us and we came back stronger, they put a choice to us in a referendum that was a threat versus opportunity and we faced that down, and then they closed the Frontier on us and we got stronger even then.

So, Mr Speaker, referendum generation, evacuation generation, closed Frontier generation, all of them have fought to deliver the Gibraltar that we have today. That does not mean that they are not all constituent parts of the nation that is Gibraltar and that does not mean therefore that just because there is a referendum generation that the 10th September should be Referendum Day.

It also does not mean, just to come back to the point, that where you put National Day is a point of geography, whether it is the Piazza or Casemates. It simply is not, for all the reasons I gave earlier in answer to the hon. Gentleman's amendments, for all the reasons Joe Bossano has gone into further. I would put it to him like this: a point of geography is when you move from the theatre at the John Mackintosh Hall into the Charles Hunt Room. One you go into if you have 350 people you have to accommodate; the other one you go into if you have 60 people to accommodate, a geographic move that hon. Members have recently done in the context of their annual general meetings. But if you have a clamour of the majority of your population who want to come out, it is not a point of geography to try and squeeze them into a smaller square; it is an attempt to prevent the demonstration of the wealth of support that there is for the position.

This is not about the French celebrating Bastille Day, but the French also gave birth to a nation on Bastille Day – the Republic of France. They moved from monarchy to republic and that became the French nation. The French nation before was the Kingdom of France. So they celebrate the moment of emancipation from the sovereignty of a monarch, a divine monarch with a divine right of kings, to the right of the people who created the French Republic. They are recognised by the United Nations as a nation and that is their moment of emancipation, but they do not celebrate 'Cutting off of the Head Day' – which is another way of saying Bastille Day, isn't it? They do not celebrate 'Guillotine Day'. They celebrate the place which they stormed – Bastille Day. This is different to Referendum Day versus National Day and the hon. Gentleman is not going to be allowed to get away with that sort of allusion, pretending it is going to persuade anyone of anything.

When he refers to Joe Bossano's reference to the 25-year period when Gibraltarians have only known red and white as a good reason to move back to Referendum Day rather than

National Day because people might not remember the referendum, well, that is our duty. It is our duty that on 10th September people remember Referendum Day, and they always have in those 25 years. Whether, wearing red and white, they have had too much of the red and too much of the white and they cannot remember what the speeches were about is another matter, but 10th September, at least with a GSLP Chief Minister, has always been about the referendum and the choice and never been about *la torta de acelga* and the *Calentita*.

He said that I was positively straining to refer to his *Olive Press* speech. Well, I do not strain much; I have quite a good body clock in that respect and olives certainly do not make me strain. But what I thought was important was to point this out because the hon. Gentleman could not get away with setting things down on the historical record of a newspaper and not be challenged for it, Mr Speaker. It is important if he was misquoted, though, that he should clarify that. So, if he did not say 'Haha, I wore a green tee-shirt on National Day in defiance', he should write to the editor and take up with him the fact that he has been misquoted on an issue that is fundamental in the context of Gibraltar politics. Even John Cortes favours red and white over green on National Day, Mr Speaker, so he should not allow the editor of the *Olive Press* to misrepresent his position in respect of this matter.

I do not pretend that I have a monopoly on being Gibraltarian. Gibraltar is a diverse community. It is a community of different colours, it is a community of different beliefs, it is a community of different religions, it is a community of many different sexual orientations now that we recognise that, rightly, under the stewardship of Samantha Sacramento. It is a community that we are all proud to call home, and we all celebrate it in a different way. But that does not move us away from the objective reality of the laws that we are dealing with internationally and in New York, which, as I was telling the Hon. Mr Llamas a moment ago, that is an objective international reality. It is not a question of what colour we choose to wear.

Mr Speaker, to suggest that I am insisting on people wearing red and white and that I am trying to impose my view of Gibraltarianness while saying that he always wears red and white does not quite sit comfortably one along the other. It is almost as if to say 'Maybe I made a bit of a mistake in the context of the interview that I gave, and I am not going to allow Fabian to suggest that everybody must wear red and white on that day.' I wear red and white on that day because I believe it is right. If other people do not want to wear red and white it is up to them, but when they assert it politically let them defend it politically as well.

When he tells me that I do not have a monopoly on being Gibraltarian and what should be done or worn on 10th September, but yet he has tried to amend the motion to insist that people fly flags on that day, it is almost as if to say not 'Fabian, you don't have a monopoly on what being Gibraltarian means on National Day and it is wrong that anybody should assert it'; it is almost as if to say 'You, Fabian, don't have a monopoly on what should happen on National Day and what is Gibraltarian – I, Roy, do!' Well, we are not going to fall for that one either!

Mr Speaker, I was pleased to read that part of his interview where he said that in his lifetime there would not be a consideration of joint sovereignty. I did not for one moment suggest that he had said anything to the contrary and I am surprised that he felt that he had to say that in the context of this debate, but I am very pleased that he did because that means that we have moved on more considerably perhaps than people know, until today, from the GSD of Seville in 2010, although Mr Llamas still appears to agree with the Caruana convictions that the GSD of December 2010 is the GSD whose leader said 'I might one day consider the possibility of recommending a modern Andorra-style solution to Gibraltar.' I take it from what I have heard today that that is not his position, because for many of us that amounts to joint sovereignty. Titular or otherwise – but Spain has never really sought anything other than titular sovereignty – it amounts to joint sovereignty, so I am very pleased that he has said that that will never be the case under him.

There is a footnote to Keith Azopardi's book *Sovereignty and the Stateless Nation* – get it now on amazon.com – which suggests that the Andorra-style solution is not a joint sovereignty solution. I respectfully disagree with my friend Keith Azopardi in that respect. I believe it is a

joint sovereignty solution and I am very pleased that by saying no to joint sovereignty today the hon. Gentleman is indicating positively his view that he is rejecting even the possibility of one day recommending a modern Andorra-style ... Ah, no, he is saying he is not so sure. I do not know ... He is not so sure. Okay, well then we have not come as far as I thought we had come, so I will abandon the point and allow him to be captured by it, Mr Speaker.

Then he came on to the issue of the National Day holiday. I do not think he has understood this and I think Ms Marlene Hassan Nahon has also not understood this, Mr Speaker. National Day is a holiday on 10th September every year when it is a working day. It is not a holiday on a Sunday because Sunday is a day off. So nobody has moved the National Day holiday. The National Day holiday was celebrated on 10th September. The holiday given in lieu of National Day, which only happens in two out of every five years, was this year given – because it is in the discretion of the Chief Minister – closer to summer and closer to the MTV Festival than on the day after National Day. So, on the days when it is given the week day after National Day, or before National Day depending on when it falls, this year we made the choice of moving it another way. We have not for one moment abandoned the holiday of National Day – because how could we expect people to go to Casemates on 10th September if it is a working day? So hon. Members have got it completely wrong on the holiday, completely wrong. The holiday has not moved. It will not move. We are the GSLP Liberals. We believe 1st May should be celebrated on 1st May, an important day to recall the sacrifice of workers. We are the first Government to have done that, from 1988 to 1996. The Government after us undid that and we reinstated it after 2011. We are the Government that introduced the holiday on 10th September for National Day. We will maintain it on 10th September every National Day. When it falls on a weekend, whoever is Chief Minister will be able to decide when to give it.

Hon. Members may like to have a discussion with me behind the Speaker's Chair of why it is not in anybody's interest to have a long weekend exactly the weekend of National Day on some occasions. I am quite happy to have that discussion with them behind the Speaker's Chair, but perhaps if they think a little bit about it and they talk to the SDGG, who are the ones responsible for organising the National Day celebrations, they might better understand what is behind that. Literally, as soon as we break I shall tell them what the issue is.

Mr Speaker, therefore not everybody should go to bed at 10 o'clock like I do on National Day, as the hon. Gentleman imputed to me. Well, unfortunately, although I have a pretty exhausting National Day, National Day weekend and National Day week, in particular this year, I do not get to go to bed at 10 o'clock, in particular on National Day. I am surprised that he has said so, because we were together at 10 o'clock on National Day – not holding hands, but watching the magnificent display of fireworks organised by the SDGG over the Bay of Gibraltar up at the cable car together with a collection of people who I think were here doing some fantastic work for Gibraltar and he thinks were here on a jolly. So even when the hon. Gentleman makes an assertion as to the time, hon. Members need to check with me before they take it from him.

910 And as to the issue that both the Hon. Ms Hassan Nahon and Mr Clinton took of who is invited as a Member of Parliament to come to Gibraltar, because we made the mistake of inviting some leading Brexiteers who were jeered and booed, in the same sentence as I have  
915 been told to include in the motion a reference to the All-Party British Gibraltar Group, leaves me a little cold because the Brexiteer who was jeered last year was the Chairman of the All-Party British Gibraltar Group, Jack Lopresti. Is it that hon. Members did not know, or had forgotten that, Mr Speaker? So, on the one hand I am told 'You must congratulate the All-Party British Gibraltar Group, those are the ones who should come', and on the other hand I am told, 'Don't bring the Brexiteers who are jeering.' They are one and the same. Mr Lopresti is no longer the Chairman of the All-Party British Gibraltar Group, but he was last year and he got booed.

Mr Speaker, hon. Members need to have a better grasp of the detail of politics before they stand up here and make assertions which make fools of them, because they are saying one thing on the one hand and the opposite on the other hand about something as important as a motion

920 on National Day. Please, we need to be a little bit more cautious when it comes to the detail of these things.

He ended with an assertion that his wife is very nice; well, so is mine, but you see, the point is this, and so is the partner of everybody here, Mr Speaker, because they do not choose to be involved in politics, they do not choose to have to go to endless parties, they do not choose to have to put up with all of the rest of us. The point is that none of us – indeed the hon. Gentleman sitting to his right – none of us have ever thought that someone’s partner is a target through which to get at the other, never, until the hon. Gentleman gave an interview to a particular newspaper, and that, Mr Speaker, I think is a new low in Gibraltar politics. So his assertion in response to me that his wife is nice does not take matters further. What this House needs is an assertion that we are not going to be using each other’s partners, as we never have before, to try and get to one of us on an opposite side. We do not need to do that. This is about a contest of ideas, about what we each defend for the future of our nation, and if the hon. Gentleman wants to lead he should lead from the front and he should attack from the front and he should attack at the front. He should not try and attack from behind, he should not try and use a person’s spouse or partner in order to try and get at them. That is the point, Mr Speaker, because I make the assertion that my wife is as nice as his, his wife is as nice as he thinks she is and all of our partners are perfectly nice and they do not deserve to be brought into the political frame.

Mr Speaker, the hon. Lady was very pleased with the celebration that we held on National Day, except for the issue of the bank holiday, which I have dealt with already. I was particularly pleased to see her and her mother and to see Mr Isola with his mother as representatives of Sir Joshua and Peter Isola at the magnificent concert that we held at the Victoria Stadium where the Royal Philharmonic Concert Orchestra played us into National Day with a patriotic Proms-style entrance to the celebrations, which I think everybody who was present on that day will never forget, and I think we have done proud the memory of the people who voted in 1967, the people who organised in 1967 and the political leaders who were part of that celebration. We saw magnificent video images of the day and indeed that small film then developed into a *Viewpoint* programme where we saw even more of what happened on that day and we had the opportunity of hearing from other Chief Ministers past and present, political leaders, about the significance of the referendum. Joseph Garcia is not here to hear me say it, but the work that he has done to bring to life the events of 1967 cannot be ignored.

Mr Speaker, the only point that I think is left for me to reply to in respect of the hon. Lady, apart from the issue of Brexiteers, is the issue of far-right DUP Members that she referred to. I have to take this point with her: is the hon. Lady saying that we should not seek to influence the group that holds the balance of power in Westminster? If that was the only reason we were doing it you might think, well, that is a bit mercenary, but nobody complained about Ian Paisley when Margallo was making it impossible for people to cross the Frontier and live their lives, when even the restricted mail, the diplomatic mail, between the United Kingdom and Gibraltar was being interfered with, when at that time Gibraltar needed friends and Ian Paisley stood up in the Houses of Parliament, in a style reminiscent of his father, and said, ‘What we should be doing is telling the Spanish Ambassador to get his sombrero and his donkey and go back to Madrid.’ Everybody clapped. Nobody looked at what his views were on equality. And yet now a person who has been coming consistently to support Gibraltar we are told is not somebody who should be welcomed. I do not know which barometer the hon. Lady chooses, because if it is the barometer of booing I do not bring the Chairman of the All-Party British Gibraltar Group, and if it is the barometer of cheering I do not bring those who are cheered but who have opinions which might be slightly different to ours. Ian Paisley Jnr, Bob Neill, Fabian Hamilton, none of them are members of the GSLP – they are all members of different political parties with different views. The hon. Gentleman might share views with Fabian Hamilton about nationalisation and not with Bob Neill about privatisation, or the other way round, and we might all share some views with Ian Paisley on issues relating to self-determination and sovereignty and none of his views in

relation to equality, but the man has been there to support us so I think we need to be a little bit careful about how we criticise those who have consistently been there for Gibraltar and not take a more populist attitude that might simply satisfy one particular interest group on one particular day.

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Mr Speaker, I was pleased to hear the Hon. Mr Llamas start with Jo Cox. I think Jo Cox is an emblematic politician. She was somebody who I was not aware of until she passed away, but going back to see what she stood for and some of the things that she said is a refreshing reminder of what politics should be about. This was a woman who was clearly against rancid nationalism, but who I think would have stood side by side by every Gibraltarian asserting our rights to defend our homeland and our right to self-determination.

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The Hon. Mr Llamas, however, then told us that he held true to Sir Peter Caruana's GSD and its views about National Day in the celebratory aspects trumping the political aspects, so I am interested to see how that develops in the context of how the leadership of the party opposite might develop. I do not know whether being part of Sir Peter Caruana's world view in the GSD makes you a part of Roy Clinton's world view in the GSD and whether it excludes you from being in the world view of a potentially Keith Azopardi led GSD, because that, last time I checked, was all about Casemates. So I am watching with interest from the side lines to see how that develops, Mr Speaker. But for all the reasons I told him before, and I do not intend to take him through again, this is not about nuance; this is about cold, hard international law and the importance of ensuring that what we do in Gibraltar and what we do in our relationship with the United Kingdom dovetails into what needs to be done in international law and in New York at the United Nations. Otherwise, mental masturbation aside, we have not achieved what we need to achieve in international law, however much we might want to think that we have and however much somebody in the past may have wanted to sell us a pup in respect of that matter – if you will excuse the pun in relation to his particular hobby – because the pup was sold to us by the man whose world view in the GSD he still tells us that he believes in.

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Mr Speaker, I want to end taking the House to somebody else's words, not to my own. I want to take the House to the words of the Chairman of the Self-Determination for Gibraltar Group in 1993, the year of the first National Day rally at Casemates. Peace broke out for a few moments there. There is an excellent photograph in that day's newspaper of Ernest Britto, then an Opposition Member for the GSD, with the magnificent Mrs Perez, the mother of Minister for Government Services then, Juan Carlos Perez, both of them enjoying the day at Casemates. So it is good to sometimes put our differences aside and enjoy ourselves together. They both looked magnificent on that day, Mr Speaker. The letter is called 'Identity' and it is from Denis Matthews, Chairman of the SDGG. It says this:

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If any doubts existed about the desire of Gibraltarians to be finally recognised as a people in their own right, then these must surely have been dispelled last Friday. The massive turnout and the overwhelming display of the Gibraltar colours have established a Gibraltarian identity in the most emphatic and least controversial manner.

Clearly that was not the day that someone strolled in wearing green.

Friday, 10th September 1993 will be remembered as the day Gibraltar came of age and the day that recognition of our rights by Spain began. In the words of the Chief Minister, the time will come when the Treaty of Utrecht and the Lisbon and Brussels agreements will be forgotten but the Casemates declaration will always be remembered.

The Chief Minister in that context was Joe Bossano and the reference to Spain was the reference to a group of Spaniards who came to Gibraltar to sign up to that declaration and recognise our right to self-determination.

The presence on the platform of Gibraltar's political leaders together with Spanish politicians, the President of the Amigos de Gibraltar, the Secretary General of the European Liberal and Radical Youth Movement and, last but not least, those old friends of Gibraltar who were able to recall that their last visit here at the time of the referendum, Lord and Lady Merrivale, made it a day of friendship and unity unequalled in Gibraltar's history. This was reflected

also by the crowds thronging the streets, the young people at the Rock Concert and all the people later on at the fair. Everyone in festive, happy mood with not a single incident to mark the occasion.

As the organisers of the Gibraltar National Day celebrations, the SDGG wishes to thank all those, too numerous to mention here, to whom time and effort meant nothing when working for our National Day. Most of all we would like to thank the people of Gibraltar who turned out in such large numbers and by their mere presence made our first National Day the tremendous success it undoubtedly was. We now look forward to seeing you all again at next year's celebrations.

1010 Mr Speaker, we are not going to change the name 'National Day'. We are going to ensure that National Day endures. That is part of our political DNA on this side of the House. We hear the whispers of the women of the 1967 generation and the murmurs of the men and will never let them down. *(Banging on desks)*

1015 **Mr Speaker:** I now put the question in the terms of the motion moved by the Chief Minister. Is a division required?

**Hon. Chief Minister:** Yes, Mr Speaker.

1020 **Mr Speaker:** Yes, very well.

*Voting resulted as follows:*

| FOR                      | AGAINST | ABSTAIN         | ABSENT             |
|--------------------------|---------|-----------------|--------------------|
| Hon. P J Balban          | None    | Hon. L F Llamas | Hon. N F Costa     |
| Hon. J J Bossano         |         |                 | Hon. Dr J J Garcia |
| Hon. R M Clinton         |         |                 |                    |
| Hon. Dr J E Cortes       |         |                 |                    |
| Hon. D A Feetham         |         |                 |                    |
| Hon. T N Hammond         |         |                 |                    |
| Hon. Ms M D Hassan Nahon |         |                 |                    |
| Hon. A J Isola           |         |                 |                    |
| Hon. G H Licudi          |         |                 |                    |
| Hon. S E Linares         |         |                 |                    |
| Hon. E J Phillips        |         |                 |                    |
| Hon. F R Picardo         |         |                 |                    |
| Hon. E J Reyes           |         |                 |                    |
| Hon. Miss S J Sacramento |         |                 |                    |

**Mr Speaker:** There are 2 Members absent, there is 1 abstention and there are 14 votes in favour of the motion. The motion is therefore carried.

1025

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now recess to this afternoon at 3.30 p.m.

**Mr Speaker:** The House will recess to 3.30 this afternoon.

*The House recessed at 1.10 p.m. and resumed its sitting at 3.30 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.30 p.m. – 9.15 p.m.**

**Gibraltar, Tuesday, 10th October 2017**

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# The Gibraltar Parliament

*The Parliament met at 3 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: C Eagle *in attendance*]

## GOVERNMENT MOTIONS

**Municipal cleaning services –  
Tendering for new contract –  
Motion carried**

**Acting Clerk:** Government motions.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**

Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*THIS HOUSE*

*ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;*

*NOTES and acknowledges the recent complaints by the public generally and by the Government specifically, the latter made directly to the directors of Master Service, of the state of cleanliness of parts of Gibraltar, which is not satisfactory and which does not, in the Government's view, arise from any inaction on the part of the employees of Master Service;*

*CONSIDERS that such an unsatisfactory state of cleanliness is neither in the interests of residents nor of visitors to Gibraltar;*

*FURTHER NOTES the end of the period of the contract between the Government and Master Service, which contract was awarded by the former GSD administration without any competitive tender process having been followed;*

*FURTHER ACKNOWLEDGES and welcomes the decision of the Government to comply with European and National legislation in going out to tender for a new contract for municipal cleaning services which will be designed to transparently ensure that Gibraltar is provided with better value for money for the tax payer, a consistent high standard of cleanliness throughout Gibraltar and, additionally, that will provide stability to the employees of Master Service Ltd.*

- 5 Mr Speaker, I feel that I am particularly qualified to table this motion. I have been known in some circles as *el jardinero*, and my duties as *el jardinero* included sweeping, collecting litter on a regular basis, emptying bins and taking them to the refuse dump on a regular basis, so I know how hard this work can be. Also I know how proud one can be having carried out these tasks, which some people may consider to be menial but are not menial at all because of the
- 10 satisfaction you get looking back on your work and seeing how an area improves and can be enjoyed by the whole of the community. So I have, myself, personally and regularly carried out a lot of the duties that the employees of Master Service carry out regularly day in and day out.

Mr Speaker, this last summer the issue of cleaning attracted a lot of attention. It is true that it is always at its worst at the end of the summer, with no rain and so on, but I am not arguing that this summer was not particularly bad. This was a concern of mine, indeed, and before it was on social media I had already met with the directors in order to require an improvement. It should not have required my direct involvement.

Let's, first of all, start by considering what causes dirty streets. The rubbish does not get there on its own; it gets there through the agency of humans, and I cannot emphasise enough that we must all work hard to make sure that that small minority that may be irresponsible litters even less. The type of litter is the traditional litter of crisp packets, bottles and so on dropped here and there, people putting out rubbish in the wrong place and at the wrong time or without the correct bags, irresponsible dog owners perhaps who fail to clear up. I repeat it is very much a minority, but sadly, as so often happens and as the workforce sees day by day, it only takes a few. Someone can work very hard in cleaning up an area now, and one irresponsible person can mess it up in an hour or two. But, as I say, it is the minority that has this effect.

We have to accept that we are not living in an ideal world and that there will be rubbish, and then the next step of course is cleaning. And of course it is the Government's responsibility to ensure that the rubbish that will occur, sadly but inevitably, is cleaned. Part of this responsibility was, of course, again back in 1999 contracted out to Master Service (Gibraltar) Ltd. It was a type of contract that, by the very nature of the way that it was set out and the way that there were insufficient controls by Government worked into it, could go very wrong and could end up most literally in a mess.

Mr Speaker, the workforce of Master Service work long hours in a job that, again by experience, I know can be tedious, is not always pleasant and often can be most unpleasant, and it takes dedication and commitment to carry it out. Most workers have to work weekends, or are currently working weekends, including bank holidays. The worst times for the workforce in terms of workload are those following when we are celebrating National Day – they must all be wondering what they are going to have to clear up the next day. Absolutely normal. I know from experience when we had to clean up after functions once again in the Alameda Gardens, and of course Christmas and New Year when we are out there celebrating and taking time off, and Master Service's workforce has to be aware of the work that is coming their way.

It is especially hard for all sweepers through periods of intense rain and stormy weather, when even the best waterproofs – if they had the best waterproofs – are powerless, and in these conditions they sometimes have to be working in the cold, when they are wet under their waterproofs, causing them to suffer from colds and throat and chest infections, which they frequently do in the winter months. This is almost a characteristic of the trade but not something that we should take for granted, but is often forgotten. They start their working day extremely early, many workers starting their day at 6 a.m.

Some of the workforce are in fact very highly trained and qualified. For example, those who work in the Upper Rock and have to carry out duties from the treetops specialise in rope work and are qualified in rope work, in health and safety, first aid, in the use of chain saws, hedge-trimmers, strimmers, forklifts and other machinery. And some of the equipment that they use, like the water-pressure machines, can be very dangerous. There was an incident some time ago when a single worker operating one of these machines at 5 a.m., all by himself, had an accident and the machine blew up. Thankfully, this was at a reasonable distance and there was no serious injury. Having to deal with the recycling bins and being criticised and people saying no, they are not doing it right, and then having to wait up for one and a half hours to drop off cardboard and other recycling items ... Something that people may not appreciate is that when there is very heavy rainfall in the region and the rivers in the region burst their banks, the cleaning of the beaches becomes particularly difficult, including the possibility of animal carcasses being washed up. They have included baby whales, cattle and even, in 2003, the carcass of a donkey that had to be cut up before being taken to the incinerator by this workforce. This is hazardous work and sometimes they do not have all the equipment that perhaps they might need.

65 So, among other things, Mr Speaker, the workers involved clean the Town area, the Upper  
Rock, the beaches, estates and patios, parks, carry out the maintenance of the automated toilets  
and other public toilets, the Upper Town area, all the roads in the South District to Europa Point.  
They clean bin cubicles after the rubbish has been collected, flush down the streets, do weeding  
70 in green areas and pick up cardboard for recycling. It is all hard work and I can say, once again,  
that I know exactly how hard it is.

Mr Speaker, it can be heart-breaking to find your work undone, heart-breaking too if you do  
not have enough equipment or are not given enough time to do it, or if in your opinion those  
who manage you may not be prioritising the work in the way that you would with the  
experience that you have. We all have frustrations at work, but in the case of these workers  
75 their frustrations, through no fault of theirs, can become the next post on *Speak Freely* or the  
next tweet by an Opposition MP. (Chief Minister: Here, here.)

Mr Speaker, this is simply not fair; nor is the Opposition motion by the Hon. Trevor  
Hammond which is down for discussion later on, which also, in the way that it is worded, could  
direct those who may not be aware towards the workforce. I would hope that in the light of this  
80 motion that other Private Member's motion could be withdrawn. Making this sort of statement,  
criticising the cleanliness of the streets without qualifying it, without any explanations in the  
media, social media or in the press can, if you do not know the details, cast aspersion on those  
who do the work. This was simply not good enough and is one of the reasons precisely why the  
Government has brought this motion to this House, to clear the name of those who may be  
85 blamed by those who are not aware of the facts, because what we cannot do is blame the  
workforce.

In fact, the workforce were here this morning, expecting the motion to be taken, in a very  
peaceful demonstration of their concerns – but I must add for the public record that they did  
that in their own time, using the time afforded to them for their lunch breaks and so on, and did  
90 not prejudice the work which they always responsibly carry out.

Mr Speaker, a member of the workforce does what he is told. He works where he is deployed  
and he delivers his work in proportion to how he is provided with the means to do this work –  
equipment, vehicles, protective clothing – and also to his morale, and management has the  
responsibility to ensure that all this is available and that the morale is kept high by ensuring that  
95 the workers are able to perform their duties to the best of their abilities, which as we have seen  
are considerable.

It is management that decides in this type of contract how the money is divided between the  
different aspects of the work and who decides what resources are put to the operational side,  
the administrative side and the company and directors. It is not the workforce. It is management  
100 who must ensure that they have brooms, bags, gloves, protective clothing, equipment and  
vehicles so that the contractual duties can be delivered. It is management too who decide  
whether to go that little bit further in delivering what they have been contracted to deliver – a  
clean Gibraltar – both by supporting the staff and in response to a public outcry and to the direct  
involvement several times by the Minister. It is not the workforce.

105 Add to that an out of date contract, Mr Speaker, awarded by the GSD in 1999 without a  
tender process and then extended in 2004 on a month to month basis, and then in 2007 for  
10 years with some adjustment but not reflecting the increasing needs of the community and  
without the mechanism to make it dynamic and ensure that it kept up with the times. Gibraltar  
is more populated, more areas need attention, more estates, more commercial activity. It is the  
110 success of Gibraltar that leads inevitably to this and it is constantly under scrutiny. There is a lot  
more awareness. We are more demanding and have greater expectations, and rightly so. So a  
contract that requires an estate to be flushed once a quarter, which means just before and just  
after the summer, is simply not good enough.

The need also, because of the restrictive nature of the contract, to make extra payment for  
115 extra work. While sometimes this is justified, it is not fair on the taxpayer, and again the worker  
is simply, obviously and most certainly not responsible for this.

In the face of all of this and of the legal requirements of the process, the Government has decided not to simply extend but to go out to tender. Many workers were upset. They came to see us, the Chief Minister and myself together and separately, wanting reassurance. They wanted reassurance on a number of things but on two main counts: (1) that their work output was not being questioned, and I think that the motion today clearly demonstrates that; and (2) on the uncertainty that being between contracts entailed.

In order to do away with at least some of the uncertainty I am happy to say, following Monday's Cabinet meeting, that the tender is now ready to go and will be published in the *European Journal* at the earliest opportunity – that is imminently, Mr Speaker – and that the document, and more importantly the contract that will emanate from it following the process, will contain all of the guarantees that the workforce and the GGCA in representing them have been asking for.

They deserve to be reassured because they really are proud of their work. They were disappointed, maybe even heartbroken, to see it apparently trashed on Facebook potentially by parliamentary motions and to feel that people may think that it is them, hard workers that they are, that are responsible. I must categorically say, Mr Speaker, that it is not a reflection on the workforce and that they have our full trust and confidence, mine and the Government's, which is why we have said from day one that they will be fully protected in any contractual transition and it is why I am proud to be bringing this motion today, (*Banging on desks*) and because it is only fair and it is only right.

Mr Speaker, the future is bright. There will be new specifications reflecting the current and future needs of Gibraltar, new areas covered at greater frequency and including a range of green areas which up to now have not been covered. So we must all look forward to a much improved, up to date and focused contract; a contract where all of the taxpayers' money will go towards cleaning our streets and our green areas and not that which can be decided by the contractors; a contract where the workers, ensuring a much cleaner and pleasant Gibraltar with their vast experience and dedication, will feel fully supported and valued, with the result that they and the whole of Gibraltar will be well and truly proud of their work and of the Gibraltar that they will help to define.

Mr Speaker, I commend this motion to the House. (*Banging on desks*)

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Minister for the Environment, Energy, Climate Change and Education.

The Hon. Trevor Hammond.

**Hon. T N Hammond:** Thank you, Mr Speaker.

I would like to begin certainly by associating myself with some of the Minister's comments, which were very valid regarding the hard work done by people in the cleaning sector in Gibraltar, by the employees of Master Service. It is hard work, there is no denying that. The Minister mentioned that it is particularly hard work after days when others might be celebrating. That does not necessarily fall to the crux of the issue. It is always understood that after celebrations, whether they be National Day celebrations or whether they be the Cavalcade in Main Street, extra work is generated and certainly the whole debate that may have gone on in social media and elsewhere has been nothing to do with those special occasions but more about the underlying concerns, which I am pleased to say the Minister accepts in his motion regarding the general cleanliness of Gibraltar.

The Minister has, to some extent, put words into my Private Member's motion, which will hopefully be heard later today, regarding how that may impact or how it may be suggestive of somehow a lack of work on behalf of the workers of Master Service – and it could not be further from the truth. It is simply not the case. The motion that I put forward is purely about the cleanliness of Gibraltar and does not in any way subscribe or intend to apportion any blame in particular for the situation, but as will become clear when I make my speech to that motion –

170 because I will not be withdrawing it – it will be clear that no blame will be apportioned. Indeed, I  
work in an industry where we operate in what is known as a ‘just’ culture. It is a no-blame  
culture in that respect. We do not work in a space where if something goes wrong it has to be  
somebody’s fault; far from it. That appears to be where the Minister is coming from, which is  
175 very sad because it is a very old-fashioned view. No one is to blame necessarily for the state of  
our streets. We need to look at the problem and we need to find the solution. That is what a just  
culture is about, not about pointing fingers at the management of Master Service, or the  
Ministers indeed, and certainly not the workers of Master Service. It is about having a just  
approach to how we deal with this and a just way of moving forward on this.

I do have an amendment to the motion, which I hope the House will find acceptable, and I  
would like to read that now, if possible, Mr Speaker.

180 **Mr Speaker:** Make a copy for me.

**Hon. T N Hammond:** Oh, has one not been provided?

185 **Mr Speaker:** Yes. You read it out, give me a copy and then we make copies of that and  
circulate it.

**Hon. D A Feetham:** It has already been circulated.

190 **Hon. T N Hammond:** I believe it has been circulated, Mr Speaker.

**Mr Speaker:** It has been? Read it out.

195 **Hon. T N Hammond:** Mr Speaker, I propose the following amendment to the terms of the  
motion standing in the name of the Hon. Minister for the Environment, Energy, Climate Change  
and Education:

*In paragraph 2 delete ‘the Government’ and replace with ‘Members of this House’, delete ‘the  
latter made directly to the directors of Master Service’, delete ‘Government’s view’ and  
replace with ‘view of the Members of this House’.*

*In paragraph 4 insert ‘(Gibraltar) Ltd’ after ‘Service’, and delete ‘without any competitive  
tender process having been followed’ and replace with ‘is imminent’.*

*In paragraph 5 insert ‘contract’ after ‘which’, after ‘stability’ insert ‘the recognition of the  
service’ and insert ‘(Gibraltar) Ltd’ after ‘service’.*

I do hope I read that correctly.

200 Mr Speaker, I table my amendment to the Government motion in order to try and seek  
unanimity in this House for an issue that is not only vital to our community but an issue that  
affects the livelihood of many workers currently employed by Master Service who have done  
sterling work for Gibraltar over these past 17 years.

There is no question and all seem to be in agreement that the condition of our streets, their  
cleanliness, has been deteriorating over these past months. Indeed, were it not for some  
unseasonable rain during August the situation could have been a lot worse than it is now.

205 It is not easy to understand why this should have been. It is certainly not being suggested  
that there has been any lack of effort on the part of the employees of Master Service or even the  
company itself. On this I believe we are all agreed.

We are also all in agreement that the present state of affairs is unsatisfactory, as is stated in  
the Minister’s motion, and is not in the interest of those of us resident on the Rock, both  
210 because none of us wish to live in such an environment and it is not the impression of our  
beautiful and unique country which we would like visitors to take away. Indeed, in the long term

such impressions can be damaging to our economy, as such impressions are shared and spread amongst visitors both by word of mouth and through online media. Our tourist industry has been struggling to recover since the lows of 2012. We do not wish anything to inhibit future growth, so something needs to be done and something needs to be done urgently about the condition of our streets. On that we all agree.

Mr Speaker, Government has decided that it wishes to retender the Master Service contract. This is of course within its gift and we have no difficulty in supporting this. Government says it will do this transparently and I certainly hope that this means full transparency with full consultation with all stakeholders affected, and once a contract has been awarded the ability to test that commitment to transparency in this House without Government falling back on the usual excuses of commercial confidentiality to avoid answering difficult questions.

It is, of course, the workers of Master Service who are most affected and most vulnerable during this process, and it is they who must be protected. I myself have been through a number of retendering processes in my own employment and am acutely aware of how unsettling, even unnerving, it is. It introduces uncertainty no matter what assurances are provided, and where one's employment is concerned uncertainty is never a good thing. Above all else, I ask that Government keeps this at the forefront of its thinking during this process.

Many of the employees of Master Service have provided many long years of dedicated service to our community. It is not an easy job, as the Minister has said, and it is a job for which we are very grateful to them for doing. Having done such a superb job over so many years, if that is now to change it needs to be ensured that any new service provider can provide the service to the same excellent standards as has been the case with Master Service, and that the current employees of Master Service are completely protected in every aspect of their employment. Indeed, to this aim I wonder if Government would commit to reviewing the concept of nationalising the service to ensure the protection of the workforce.

Mr Speaker, it is a given that the Transfer of Undertakings (Protection of Employment) Regulations, commonly known as TUPE, will apply to any changes in the contract provider and therefore not only employment is protected but all terms and conditions associated with that employment. However, those terms and conditions are not protected forever. Indeed, TUPE Regulations apply for a year after the transfer and it is vital that the Government obtain guarantees from any new service provider, should there be a new service provider, that they will not in the future, in order to improve profits or for any other reason, begin to erode those conditions of employment applicable at the time of transfer. A commitment of this nature will go some way to allaying the fears of the employees of Master Service regarding their future.

Of course, another significant factor which might affect employees in any transfer of undertaking is what any new service provider might be offering by way of a pension, and here we are not able to rely on TUPE for safeguards. Here we have to rely on Government ensuring that the provision of employee pensions is a part of the tender requirement and that whatever pension is in place under any new service provider it is at least as good as that currently available to the workforce.

Mr Speaker, we all look to the day of our retirement and we all plan for that day many years ahead in terms of our pensions and investments. None of us wishes to rely only on the state for our pensions and neither does the state wish its people to rely solely on it for a pension, as providing such is not easily affordable. It is in the long-term interest of this community that employees of Master Service continue to be given the opportunity to invest in their futures through a pension scheme and it is the least that can be demanded of any new service provider that it make this commitment to the workforce.

Mr Speaker, in similar vein, it is important that the contract for which Government tenders is for the services as currently provided by Master Service, that is the whole suite of services provided by that company, and that the Government does not attempt to break this down into a series of smaller contracts. If such were attempted it would do a disservice both to the community and to the current employees of Master Service: a disservice to the community

265 because the management and oversight of several small contracts is more complex than for a  
single large contract; a disservice to the employees as they will find themselves divided into  
penny packets across many companies and are in this way more likely to see their employment  
conditions deteriorate over time. The old adage of divide and rule would very much take effect  
to the detriment of the workers. Government must provide assurances that this will not happen  
and that there will be a single tender for one service provider to take over all of the services  
270 currently provided by Master Service – and I say this without excluding the possibility that  
Master Service successfully bid for the tender.

Mr Speaker, I hope that the House can see that my amended motion is designed to facilitate  
agreement across this House – remove the politics, if you like, from an issue over which there is  
much, a great deal of common ground and provide a platform from which unanimity can be  
275 achieved, because I am certain that all of us here support those basic principles set out in the  
motion that in the interest of the community our streets need to be cleaner, that the employees  
of Master Service have done and continue to do an excellent job and that their employment  
must be carefully protected, and that it is important to provide transparency and value for  
money for our community.

280 Mr Speaker, I commend my amendments to the motion to the House. (*Banging on desks*)

**Mr Speaker:** I now propose a question in the terms of the amendments moved by the Hon.  
Trevor Hammond. I would advise hon. Members that if they wish to speak on the issues widely  
and not just specifically support the amendment they should wait until the amendment is dealt  
285 with. These are relatively minor amendments, they can be dealt with specifically; however, if  
they wish to speak specifically supporting the amendment moved by the Hon. Trevor Hammond,  
they can do so and they would still be able to speak generally on the issue – but they have to be  
careful that they do not do both. I hope the position is clear.

Does any hon. Member wish to speak on the Hon. Trevor Hammond's amendment? The Hon.  
290 the Chief Minister

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the introduction that we have heard from the  
Hon. the Minister for the Environment has set out the position of the Government in relation to  
the motion very, very clearly, and in doing so I think the Hon. Minister has dealt with a lot of  
295 what the Hon. Mr Hammond now tries to undermine with this amendment. And so, without  
speaking on the general principles of what the motion seeks to deal with and which I will deal  
with in the context of a later intervention, seeking to deal only with the amendments and the  
things that Mr Hammond has said after he moved the amendment, I think it will be obvious to  
those who are listening that Mr Hammond has realised that he has made for himself a difficult  
300 hook on which he started to hang when he moved the motion which is on the Order Paper  
under Private Members' Motions and which talks about the state of cleanliness of our streets,  
which he said in his Private Member's Motion was not meeting the standard that the community  
would expect, without identifying there that he was not somehow trying to besmirch the  
reputation of the good men and women who work at Master Service and who have been doing  
305 the magnificent job that the Hon. the Minister for the Environment has highlighted in the course  
of his introduction and which Mr Hammond has tried to salvage in the context of what he has  
said.

Let's be very clear. Let us set in mind what was happening at the time that this opportunistic  
motion came as a Private Member's Motion. There was comment in social media, there was  
310 comment generally about state of cleanliness. The Hon. Ms Hassan Nahon made a comment in  
this House that Gibraltar was 'smelly', she said, and then we receive this motion that does not  
identify and properly exonerate the men and women of Master Service from those  
circumstances.

Indeed, the hon. Gentleman now tells us that he operates in a culture of no blame, which he  
315 appears to tell us is the sophisticated way of doing things, and blames us for not identifying that.

Well, has he ever been to a Question Time in this House when he is asking questions, or is he so detached from his own reality that he does not realise he spends most of his time in this House seeking to blame Ministers for things far beyond their political reach? But so be it, Mr Speaker. So be it. In the same way as we have been told that we should not be making announcements until the ink is dry, we will look forward to not being blamed for things and simply analysing during the course of Question Time how things could be improved without seeking to spread blame.

But what we are not going to be able to do in the context of a Parliament is not to be political. And so, when the hon. Gentleman says that the amendments are designed to take the politics out of the motion in the Gibraltar Parliament ... Look, I am sorry to say even the motion this morning where we were largely united in the end was a political motion. It is one thing to be partisan; it is quite another thing to be political. Everything that happens in this place is political. This is the political heart of our democracy. It is quite another to be partisan.

If what the hon. Gentleman intended to say was that he was trying to remove the partisan aspects of the motion, well then I would put it to him that what he is doing is actually trying to introduce a different spin on the partisan in the context of what he is trying to do. So what he is trying to do is to take out the fact from the motion that the contract was awarded without tender. This is, by Gibraltar standards, a huge tender. When it goes as one tender it is many millions of pounds a year. There are procurement rules – not Gibraltar rules, European rules which have now been transposed into Gibraltar law – which require under law that contracts like this are put out to tender. Why? So that there is not a failure of transparency in the award.

Gibraltar is always rife with rumours that tenders are going to be awarded to this friend of a Minister or that relative of a Minister, or this friend of an ex-Minister, or was given to an ex-friend of a Minister or a relative of a Minister. That is par for the course in Gibraltar and unfortunately it is constant that one hears those rumours. Under any administration you hear the rumours. Mr Speaker, it is one thing to hear rumours; it is quite another thing to see it happen, and what we are not going to do is to take out the reference in this motion that rightly condemns the former administration for having given a contract out of tender, in particular given the amounts that we are dealing with, which are required by law to go to tender, European tender.

So we are not going to remove that condemnation which is a core aspect of what is wrong here. We will not remove the words ‘without any competitive tender process having been followed’ because that is part of what the problem has been and it is right to identify that.

We are not going to agree that complaints should be reflected to be by Members of the House and not also by the Government, because the Government made specific complaint to the directors of the existing contractor about the state of cleanliness. It would be equally factually wrong to remove the reference of a lack of tender as it would be not to include the specific reference to the complaint from the Government to the contractor’s directors about their failings – not the failings of those who do the work at the sharp end, *their* failings as the contractor.

So is it that the hon. Gentleman thinks that he can persuade us to remove facts from a motion? Well, Mr Speaker, that is not to make the motion less political or less partisan; that is to make the motion less factual. Unless he gets up and persuades me that every Member on this side of the House and every civil servant that advised us missed the advertisement, we are not going to remove the aspect that says that it was not advertised and was not tendered. And because we know that the Minister made the complaint directly to the directors about their failures, not the failures of the men and women at the sharp end, we are not going to remove the factual reference in the motion to that complaint. It just does not make any sense that he should suggest that that is the case.

If he had said, ‘Look, I am prepared to withdraw my motion if this motion refers also, in addition to the reference to the Government’s own complaints, to the Members of the House’s view in addition to just the Members of the Government’ ... If he said, ‘Well, look, I’m going to



370 take away my motion,' – a motion which does not exonerate the workforce; I would be happy to see him withdraw it, because it does not exonerate the workforce – 'if you include also the complaints of Members of this House generally in the context of your motion,' well then we might have had an opportunity to work together. No, he does not want to do that. He wants to take out the reference to the Government's complaints and supplant for them the complaints of all Members of the House. That is not going to be acceptable to the Government, Mr Speaker.

375 And then he wants to add the words to provide not just the stability, which is our wording, and 'recognition of service to the employees of Master Service (Gibraltar) Ltd'. He wants to add the word 'Gibraltar' – that is just about the name of the company. The company already appears with its full name in the first line – I do not think there is any need to repeat that.

380 So, Mr Speaker, we would, in normal circumstances, accept an amendment that said 'and recognition of service' but it is the height of hypocrisy for the person who has moved the motion that does not recognise the service of those individuals and simply complains about cleanliness to be the one to bring that amendment here. But we are reflecting that recognition in the context of the first line of the motion. The first line of the motion that the Government is moving today, that the Minister is moving today and that I am giving the Government's full support to, says:

THIS HOUSE

ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;

385 Mr Speaker, I think that is, as clear as can be, a recognition. He just wants to add the words 'and recognition', but that is as clear as can be a recognition of the excellent work that the men and women of Master Service do that there can be in any motion brought to this House in respect of any subject.

390 I will tell him what I suggest, Mr Speaker: none of his amendments enjoy the support of this side of the House for the reasons I have given, but I commend to him that he add the first line of our motion as an additional first line of his motion – and if he does not move the amendment I will. So that when the time comes to consider his motion I will move an amendment, if he does not, so that it starts by reading:

THIS HOUSE

ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;

395 because what these men and women do not deserve is that there should even be read in this House a motion which does not have that recognition in it.

For all of those reasons, Mr Speaker, the Government will not be supporting the amendments put in this House by the hon. Member. (*Banging on desks*)

**Mr Speaker:** Does any other Hon. Member wish to speak on the amendment?

400 I call upon the mover to reply.

**Hon. T N Hammond:** Thank you, Mr Speaker.

405 First of all, I would like to say I will certainly consider the Chief Minister's suggestion for adding the first paragraph of the Government's motion as it stands at the moment to my motion if that makes him feel better.

**Hon. Chief Minister:** It's not about me.

410 **Hon. T N Hammond:** But the reality is that he has taken the motion out of context, the Government has taken the motion out of context in order to try and grandstand and suggest that those on this side of the House, certainly those of the GSD, are not supportive of the workers of Master Service, or even acknowledging the excellent work they do and, as has been

415 cited in my own speech, that could not be further from the truth. Indeed, I know neither the  
Minister nor the Chief Minister when he stood up – and I certainly hope it will come later on in  
their further interventions – have provided any of the assurances with reference to things like  
pensions or breaking up the contract that I sought in my own speech, which I think are very  
important and should be established today in this House.

420 **Hon. Chief Minister:** Mr Speaker, I said specifically ... The hon. Gentleman is now replying to  
my lack of reply to an aspect of what he said in respect of the main motion. I said I was  
concentrating only on the words of his amendment. I will deal with those issues in the context of  
my reply on the motion, and I think it is very unfair that the hon. Gentleman should say I have  
not given assurances. I have said specifically that I am dealing only with the wording of the  
amendment.

425 **Hon. T N Hammond:** Which is why I said, Mr Speaker, that I hope that is forthcoming in the  
interventions, because I have not heard such so far.

430 The Chief Minister accuses me of being opportunistic with my motion. Again, that is just  
laughable. Because there is an issue in Gibraltar, there are people commenting, there are people  
concerned about an issue and we bring it to this House, that is not being opportunistic; that is  
doing the job that we are paid to do. It is very simple in that respect. If you use that argument,  
then on every occasion that the Opposition say anything that has been brought to them by a  
member of the public they are being opportunistic. That is not opportunism; that is doing the  
job that we on this side of the House have been elected to do, and it is as simple as that. So why  
435 the Chief Minister should accuse us, or me in particular, of opportunism in this respect I really  
cannot understand. What we are doing is listening to the people.

440 Again, I sensed that the Chief Minister was living in this blame culture and cannot get away  
from it. He says at Questions we blame the Ministers. No, I do not blame the Ministers for  
anything, that is not what it is about; what I do is I hold the Ministers to account because  
Ministers are accountable for what goes on within their portfolios. They are the executive, the  
buck stops there and they are accountable, and when they are failing they need to be held to  
account. That is not the same as blame. It operates on a completely different level and it really is  
high time that the Government understood the nuance of that, because it clearly is ... It is not a  
445 modern way of thinking; it is just the way people think these days as opposed to the way they  
were thinking perhaps in the 1970s, where somebody had to blame for everything. We are not  
blaming people, we are holding Ministers to account, and we are certainly not blaming anyone  
for the specific condition of our streets as they are today. We all acknowledge it is not good  
enough, we all acknowledge something needs to be done to improve the situation, and that is  
enough, and achieving an improvement is enough. No one is to blame here. In this case the  
450 Ministers are not to blame, the company is not to blame and the workers are most certainly not  
to blame. They do their job, they do the job they are paid to do and they do the job they are  
paid to do very well. It is a tough job and I think everyone in this House agrees with that.

455 I am disappointed that the amendment to the motion will not be supported by the  
Government, but I am not surprised. But I will certainly consider the Chief Minister's original  
suggestion of adding a line in order to make absolutely clear that my own Private Member's  
motion is not directed at blaming anybody for the situation, as will become clear when I speak  
on that motion, which will be purely about the actual conditions of our streets. It will analyse the  
condition in terms of the cleanliness and other factors, and I very much look forward to having  
that debate, hopefully later today. (*Banging on desks*)

460 **Mr Speaker:** I now put the question in the terms of the amendment moved by the Hon.  
Trevor Hammond. Those in favour? Those against? Can I ask how the hon. independent  
Members are voting? (**Hon. L F Llamas:** Abstain.) Abstention. (**Hon. Ms M D Hassan Nahon:**  
Against.) Against. So there are 5 votes in favour, there is 1 abstention, there are 2 Members  
465 absent and 9 against. The amendment is defeated.

So we are still dealing with the original motion and only the Hon. Trevor Hammond has spoken on that, so anybody else can now speak on the motion moved by the Hon. Dr Cortes.

The Hon. Elliott Phillips.

470 **Hon. E J Phillips:** Mr Speaker, thank you.

I just want to speak to the part of the motion that considers the issue of unsatisfactory state of cleanliness and raise an issue that has not been raised by the hon. Member the Minister for the Environment in relation to cleanliness, and that is of course the wider participation by the community and civic participation in cleanliness. Clearly, at the present moment in time Master Service have a job to do and in the future some other company may have a job to do, but without the participation of every single member of our community to keep our streets clean they will have to do a lot more work than they are doing now. It is a civic responsibility to keep our streets clean.

480 In fact, one of the questions that I asked the hon. Member opposite in September of this year was how many fines had been imposed on those that were littering our streets, also how many people had been prosecuted and how many fines had actually been paid, and the answer very simply was this: in 13 months, since August last year, only 70 fines had been imposed, only 37 of those fines had been paid and only 27 people had been prosecuted for littering our streets. That is, in fact, shameful.

485 What we should be doing is a question of enforcement. These gentlemen and these ladies that clean our streets and keep our streets clean – and not smelly, as the hon. Member next to me said – deserve to have the reinforcement of the law to protect our streets and make sure that people are punished for littering our streets. What we need is a more robust enforcement policy and that needs to stem and lead from the front by the Government.

490 That is all I have to say about that, but ultimately it is about enforcement and the question of public participation, civic responsibility and pride in our community, Mr Speaker.

**Mr Speaker:** The Hon. Lawrence Llamas.

495 **Hon. L F Llamas:** Mr Speaker, I rise today to address the House in relation to this motion with mixed feelings. As the Chair will have gathered from the contributions by hon. Members, this motion comes to this House, chronologically at least, in the wake of a campaign that I designed to raise awareness of the very serious concerns I harboured about the disappointing state of cleanliness of our cherished homeland.

500 I had received many complaints and seen countless more on social media about this and it was gratifying to observe how, very quickly following the launch of the campaign under the slogan of *Aquí no se limpia* – we don't clean here – I began to receive news, anecdotally of course, of the improvements in cleaning in certain parts of the city. I am therefore thrilled to have played my part in raising awareness in the way the campaign did and that today, after a good few weeks, we are now debating this very important issue here in this Chamber.

505 A moment ago, however, I alluded to the fact that I was making this contribution with mixed feelings, and those mixed feelings are for two reasons: firstly, whatever has been done is simply not enough; but secondly, and more importantly, it is apparent to me, as it would be for anyone who has followed this matter online or in the press, that the Government has sought to offload responsibility again to the GSD administration which left office in December 2011 and that the matter therefore comes before us in debate with the inevitable partisan politicisation of the issue and the consequent lack of progress I worry that it might bring.

510 The Minister for the Environment has been quick to lay blame at the feet of the contractor responsible for cleaning our streets and public areas. The Government has complained that the contract awarded to Master Service, allegedly in a manner which they say was not proper, was agreed in such terms that the Government was not to blame, nor could they do anything about it. This has led the Government to effectively telling us that when the contract is now tendered

out, only then will they be free to restore Gibraltar to the level of cleanliness which we used to take for granted, a level of cleanliness which is sorely lacking today and which causes an untold harm in the context of the impression that we give, not to mention the health hazard it instinctively causes.

I set out on this campaign to raise awareness intending only to motivate or compel the Government with the force of public opinion to act. The issue with cleanliness boils down to this, Mr Speaker, a very simple accurate observation I have heard uttered by many and with which I wholly agree: our roads and pavements used to get washed with water, hosed down on a regular basis, and it seems that just stopped with the advent of this New Dawn. This was the basis of the concern and this was the nub of the exercise to raise awareness.

When the campaign began, I was surprised to be rebuked by a number of people who were telling me that I was playing right into the Government's hands, that the Government had always wanted to get rid of Master Service and that raising awareness as I did would only give the Government the leverage it wanted over the situation. Such rebuke always invoked the same response from me: whatever the issue is, whatever the reason why we are living in such filthy conditions and whatever the reason why our home is no longer maintained to the very high standard we had known for so long, all I want is for the Government to act and for the problem to be dealt with. That is why I set out to raise awareness and that is why I am here today.

A week after starting my campaign the GSD Opposition filed a motion on the matter, one that was quickly followed by a countermotion from the Government. The filing of a motion in the House was something I thought about, but I thought it was likely to achieve little by way of an actual result. I thought it would do little to tackle the dirt and rubbish on our streets, serving only to kick off another Punch and Judy session in this Chamber.

And so it seems this is what it has come to pass. I do not know the ins and outs of the contractual arrangements between the Government and the supplier of these services in the community and I do not care much for talk of revolutions at some point down the line when all we need to see is water being used to hose our pavements. It is not even so much the streets, as these tend to be kept quite well; it is the areas where we walk, in particular the areas in proximity to the Port and the cruise liner terminal.

I do not want to hear about a revolution, Mr Speaker, because it sounds expensive. I do not want to hear about revolutions, because it sounds like something was pretty short of the mark already and they have been in Government for the last six years. If during that time the Government was so concerned with the quality of the service Master Service was providing, was the Government legally completely unable to do anything to remedy the situation? Was the Government unable to do anything at all or take any legal action either to enforce delivery of the contracted services or to seek damages? Was it powerless to do anything at all?

There is also this, Mr Speaker: the Master Service contract is one thing, but the contract for the Midtown car park is another altogether. The contract for the cleaning of that particular location was awarded by this Government, as confirmed in answers to questions in this House, and that location is also falling woefully short of the mark in terms of its upkeep and cleanliness. It looks rather oppressively kept and the responsibility for that contract falls squarely on the shoulders of this administration.

Whatever the answers to these questions, I remain committed to raising awareness of this issue because it seems that the campaign has at least part of the intended effect – the matter is being discussed and hopefully we will see progress sooner rather than later.

There are two things that have also become clear to me since the start of the campaign. Yes, the people in our community are clearly and rightly incensed about the state of Gibraltar, but secondly it is clear that we have to do our bit. However much Government does to clean up our streets and our public areas, nothing will change if the community at large does not keep Gibraltar looking like a million dollars. This is another element of the campaign that I have been working on, which is so critical. Year after year we see hundreds of people cleaning hot spots in

570 the same locations, and yet day after day we see people dumping their rubbish and unwanted furniture illegally, people throwing wrappers and other waste out of car windows because they say *ya vendrá alguien para limpiarlo*. It is just a question of zero civic pride, a lack of education, or the result of so many years of plenty for this community.

575 Whatever the reasons, shouldn't tackling these counterproductive attitudes be the subject of sustained and intense campaigning by the Government and its agencies? I know awareness campaigns do happen every now and then but the civic pride issue is one that deserves much attention. I do not wish to denigrate the Government, because we all see on TV and in our schools, for example, how it tries to get the message across, but it is more a fundamental malaise born of our affluence that we have not yet identified, much less begun to tackle.

580 Finally, Mr Speaker, no debate on this issue can be complete without reference being made to issues of enforcement. In the residential and commercial context the rear of many restaurants are absolutely filthy and teeming with vermin and other pests. We need all those who do not maintain a clean property or recklessly sully our public streets to be met with a robust enforcement policy which will ensure that they think twice before they act in reckless  
585 ignorance of the harm they do to this community.

I believe my approach and campaign have engaged with the community in a way which can only be productive and effective, more effective than simply bringing motions to this House and initiating a mudslinging debate as usually occurs in these situations, sidelining the subject of the motion and the fundamental and substantial matters relevant to it. The public are having their  
590 say without a party-political spat developing unnecessarily.

I also hope that the employees of the current contractor can be, as far as possible, protected and guaranteed by the Government.

I am optimistic that despite the party-political spat that has arisen as a result of it, that my campaign has caused the Government to pause for thought. I hope that it has given the  
595 Government new life in pursuit of these objectives and that I am confident one way or another the community will not allow this issue ever again to be allowed to slip the public psyche for reasons other than the return of our beloved, clean, hygienic, attractive and beautiful Gibraltar.

Thank you, Mr Speaker.

600 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, the Chief Minister earlier said this is the heart of democracy. This is the heart of democracy, this House, and yet this morning the Master Service workers were not allowed in this Chamber in order to hear what the heart of democracy had to  
605 say. (*Banging on desks*) I counted about 40 free chairs this morning, and yet people who are invested in this debate were not allowed in this Chamber, and I would think it would be proper to have an answer as to why they were not allowed.

**Mr Speaker:** Perhaps you will allow me to intervene at this stage, lest it be thought  
610 mistakenly that we in Parliament had something to do with that prohibition.

Neither the Government nor the Opposition, nor I as Speaker, had anything to do with whether those people were allowed into the Chamber or not. As far as I am concerned as Speaker, members of the public, including the employees of Master Service, are very welcome here and will always be welcome, the only requirement being that they do not try to in any way  
615 make any demonstration or interruption of the proceedings of Parliament. They are very, very welcome here and I am not aware as to the reason why that happened.

The only situation that I can bring to the attention of Members is this. The Precincts of Parliament were, by ruling of the Hon. Major. Robert Peliza, deemed to include the pavement on the western side of Main Street. Therefore, any demonstration which is going to be held outside  
620 Parliament has to be on the other side, on the eastern pavement of Main Street. That is the only

matter that concerns me, as Speaker, the ruling of Major. Robert Peliza, which I endorse most certainly.

625 I make it clear that the pavement downstairs is regarded as being within the Precincts of Parliament, but why members of the public have this morning not been allowed in to Parliament presumably by the Royal Gibraltar Police – I do not know, I have no idea – and I would say that it is a matter, if they so wish, for Members of this Parliament to ask the appropriate authority as to why that has been the case.

630 I would rather we did not take the matter any further. The point has been made by the hon. Lady, I have explained what the position of this Parliament and myself as Speaker is – let us have nothing to say further here and the matter, as I say, can be pursued outside this House.

635 **Hon. Ms M D Hassan Nahon:** I am grateful, Mr Speaker, I did not apportion blame to anybody. In fact, I raised this earlier with the Chief Minister and he seemed unaware of this, so I was just raising the point because I find it wholly inappropriate that they were barred from this House. And I will be asking questions; I do not shy away from asking questions, as everybody knows.

640 Mr Speaker, I was pleased to note that the initial paragraph of this motion acknowledges the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do. I hereby take the opportunity to also commend their effort and their constructive response to the recent controversy, as it seems to me that, so far, these workers have been treated simply like collateral damage. It is only fair that someone lays out their concerns on the map and that all parties accept their share of responsibility on the sub-par state of our streets.

645 The Government shows good judgement when it states that little or no responsibility for the lack of cleanliness of our streets and neighbourhoods can be attributed to the workers of Master Service, because in my view, given the dramatic decrease in manpower, as we say in Gibraltar, *demasiado están haciendo*.

650 It is a shame, however, that the Government have decided to hide behind yet another dig at the GSD administration for having awarded this contract to Master Service with no tender process. Is the Government prepared to take any responsibility for the current state of affairs? A few 'smelly' issues arise from this controversy. Firstly, for how long is Government going to look to the past to justify their questionable U-turns? This is getting a little tedious now after six years in office. Furthermore, how can this Government have the audacity to highlight a contract awarded by the GSD administration with no competitive tender when what it is doing now is pulling the plug on an operation with 100-plus employees – which worked, because say all you want about the GSD's time in office but Gibraltar's streets and neighbourhoods were squeaky clean and that was something we could all be proud of. So, in those circumstances it is a bit like that old saying 'if it ain't broke, don't fix it'.

655 So, what do we effectively have today? A dirty, grimy Gibraltar which today has no idea about what the future holds for its streets and the employees who clean them. Mr Speaker, there is a lot of uncertainty – an uncertainty which began when the new contract was announced and has definitely not been of the workers' making. The workers have continued to work to the best of their ability despite all this uncertainty and despite having been treated like pawns in this situation. In my view, this process which they have found themselves in should at least lead to a review of their working conditions.

665 Also, when the Government talks about stability, what do they mean exactly? Perhaps the Government mean stability in terms of longevity of the workers' contracts, but what is going to happen with regard to their terms and conditions? Does Government have anything more than what has already been generically said to better reassure this workforce after almost a year of insecurity?

670 For example, the conditions at the moment for the Government refuse collectors are much better than those of the Master Service employees. Furthermore, according to the Employment Act, the workers' pension entitlement is not overly protected, so I was pleased to hear Minister

675 Cortes's assurances today that the Government will ensure that their pension rights on a transfer of undertakings will be protected to a higher standard than is required by the law and that this socialist Government is going to protect the worker by increasing his or her rights in a dignified manner, given they now have the opportunity to do so.

680 But nothing is yet totally clear, Mr Speaker. And when Government talk about the new contract designed to transparently ensure that Gibraltar is provided with better value for money for the taxpayer, will Government be willing to make the new contract subject to public scrutiny in the name of this transparency they talk about? That would certainly be a departure from the past and very recent bad practices and would finally show some real commitment to more accountability in line with the Government's manifested aims in this regard.

685 In terms of budget, where little has been said in the Government motion, both Government and the Master Service directors have indeed confirmed that the Master Service budget did not increase in the last two years, something which has naturally had an effect on output and productivity. This is where my 'smelly' comment came from a year ago: smelly streets and services were only a domino effect of this tightening of budget.

690 Government has reflected on this by saying the workforce had nothing to do with the dirty state our streets are in. However, they have failed to mention that, contract or no contract, the budget is effectively decreasing in relation to inflation and expansion. Where is the ownership by Government for this colossal lack of judgement? Or was it part of the plan to dump a GSD undertaking literally in the trash?

695 Mr Speaker, I am afraid this motion does not deal with the key issues, which to me are in more certain, and specific terms, reassuring the workers on future terms and conditions, reassuring the electorate that the new contract will be awarded based on principles of transparency and efficiency and reassuring the citizens that Gibraltar will be clean and that there is a plan amidst all this uncertainty to make it clean. There is also a clear avoidance of responsibility on the part of Government for the underfunding and neglect of this service under the current administration.

700 So based on these facts, I will be voting against the motion.

705 **Mr Speaker:** Before we move on, I have been informed by a member of my staff that this morning the police duty officer informed him, the member of my staff, that an agreement had been reached by the Police, apparently, and the general secretary of the union representing Master Service, that only she and two members representing the staff would be present here.

Be that as it may, I am glad to see that in fact this afternoon we have not only the general secretary here with us but what I would term is a significant representation of the members of Master Service, and I repeat that they are very welcome here. (*Banging on desks*)

710 The Hon. Roy Clinton.

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

715 This topic in respect of Master Service and the putting out to tender of the contract is something that has been going on since February 2017 at least, if not before, and the GGCA certainly in February 2017 were already expressing concerns about the anxiety this was causing their members and the uncertainty. And yet here we are eight months later, in October, and the Minister is saying to the employees of Master Service, 'We will be putting out the tender at the earliest opportunity, possibly imminently.' Could that mean 'shortly'? We all know what shortly means in this House.

720 **Hon. Chief Minister:** That's not what he said.

**Hon. R M Clinton:** So, Mr Speaker, in terms of their concern for the employees of Master Service, they have had eight months to address those concerns, and yet here we are today. I fear that this motion is nothing more than a fig leaf to cover their inaction over the last eight months.

725 In their motion they are very quick to blame others, but I see no solutions in this motion.  
They say they have complained to the directors of Master Service. Well, what were the  
complaints? I am sure the House would be interested to know. I think even more interesting  
would be what was the response of the directors of the company. Could it be they said, 'Well,  
730 look, we would love to do more, but you have cut our budgets and we have not got the budgets  
anymore – we cannot do this because we need more money,' or whatever the reason is.

It is certainly not the fault of the workforce, because at the end of the day they do their jobs  
as they are asked to do by a company, but a company can only do as much as it has the  
resources to do.

735 If what the Government is saying is the company somehow has been negligent in provision of  
this service and they did not know what they were doing, that is strange – they seemed to know  
what they were doing for the last 10 years and it is only recently that suddenly it has become a  
huge issue.

740 And so I would be very interested to hear what solutions it is that the Minister is going to  
propose, not just for the employees but for Gibraltar as a whole. We hear that there is going to  
be some magnificent new contract, but I really would like to know a little bit more detail perhaps  
as to what is it that is going to change in this magnificent new contract. Is it that they are going  
to double the budget? Or is it that there is going to be some new technology we do not know  
about? Either way, the employees would like to know, as would this side of the House. I find it  
unforgivable that eight months have gone past and we have had no tender gone out to resolve  
745 the problems for the employees, the company and indeed this community.

When we talk about tender, I sincerely hope that when the tender does go out, albeit in the  
*European Journal*, that it does not appear in a local paper for one day 10 days before Christmas  
expecting a full proposal to be in just before the holidays, because that is hardly what I would  
call fair. And in that tender I would expect to see full details as to what it is the Government  
750 proposes, and I sincerely hope that we will see a significant difference in this tender to what it is  
that Master Service already provides. I have heard no new ideas from the Government as to  
what it is that they will do to do things differently and I have heard nothing that the Government  
has said so far that provides any comfort to the people of Gibraltar as to how the services in  
respect of cleanliness will improve.

755 Of course the employees are entirely blameless in this; I think we can agree on this in this  
House. However, the Government cannot avoid its responsibility for the delivery of services, and  
in doing so they need to provide solutions. Today we have heard no solutions and I would invite  
the Minister to provide this House with solutions.

Thank you, Mr Speaker. (*Banging on desks*)

760

**Mr Speaker:** Is there any other contributor to this debate? The Hon. the Chief Minister.

765 **Hon. Chief Minister:** Mr Speaker, having dealt with the issue of the proposed amendments, I  
am now going to deal with the substance of the things that Mr Hammond said in the context of  
his speech.

770 When the Hon. Minister rose to introduce his motion he talked about the reality of what  
everyday life on our streets is. Whether it is a day of rain, whether it is a summer's day, a sticky  
Levanter day, a National Day, each of those circumstances produces a different sort of  
environment that needs to be dealt with, and it is very ably dealt with by the men and women  
who work at Master Service. That is the sort of complexity that people might not bother to seek  
to understand when they are simply on social media trying to make a point about an area  
looking better or less smart.

775 It is surprising that those of us who are elected to this House think that we need to run  
campaigns on social media and that bringing motions to this House is not worth anything, as the  
Hon. Mr Llamas has suggested just that we will have a political debate on it. Well, I commend to  
Mr Llamas that he should resign his seat, he should make himself a social media activist and



allow those who are interested in coming to this House to make political arguments to do so, because that is what this House is about.

780 This is not about *Aquí no se limpia*; this is about *Aquí se debate*, Mr Speaker. Some of what we have heard said in the context of the past three quarters of an hour is really gobsmacking in the context of how people think that we are going to be able to conduct the political debate. All the senses are engaged, but surely we are not going to spend time thinking about whether something is smelly or less smelly; we are not going to spend time looking about our streets on an *Aquí no se limpia* basis/*Aquí sí se limpia* basis.

785 Indeed, if we are not going to fall into the culture of blame – which the Hon. Mr Hammond has invited us to do, although Mr Clinton has quickly brought the GSD back to its roots and said that it is all the Minister’s fault – what we are not going to do is sit here and pretend that all of this debate and the improvement of the quality of cleaning in our streets, when it comes, is down to Lawrence Llamas and his little camera and his *Aquí no se limpia* campaign. Even in the  
790 context of what he has said, with the contributions from the opposite side, we can demonstrate that the position is not as he suggested, because Mr Clinton has said we have been having the debate about the tender since February 2017 and *Aquí no se limpia* was a short-run thing in late August, early September – and he admits that, Mr Speaker, when Mr Llamas says that shortly after he ran his campaign the motions came in, namely for the September session of the House.

795 So, even when it comes to trying to take credit the hon. Gentleman cannot get the chronology right, but this is a place to debate *how* we get things right and how we improve upon things – and Facebook, Mr Speaker, is a place where he can go and do that in debate with any other member of the community, and Twitter is a place where he can do it with any other member of the community, but in this place it is about something else. We have already had  
800 Facebook and Twitter erupting in our Budget debate – let’s not bring it further into the proceedings of this House, Mr Speaker; it was not particularly edifying when it crept in then.

The Government dearly values the work that is done by the men and women of Master Service. The Hon. Minister has said so. He said that he himself has swept the streets at Alameda Gardens. Well, Mr Speaker, Joe Bossano became Chief Minister of Gibraltar and gave us all a  
805 lesson this morning on international law and swept the streets of West Ham in London. On this side of the House we have family members who sweep the streets of Gibraltar – like I do, Mr Speaker – who have swept the streets of Gibraltar, like I do, and we sincerely and deeply value what that work entails.

That is why we will not denigrate it, and in particular we will not denigrate it – and this is a  
810 point, I think, on which the whole House agrees – when people in our community fail to understand their personal obligation to keep our streets clean, be that with their children and teaching their children not to drop litter and not to litter generally, or be it themselves. I think it is disgraceful that a car with a Gibraltar number plate should be seen as a place from which people discard rubbish. It is absolutely disgraceful. (*Banging on desks*) It is the sort of thing that I  
815 associate with number plates of another nation, not the number plates of the cars licensed in Gibraltar. The fact that people think that they can fly tip, which is also an issue that affects Master Service and the general refuse collection services of the Government ...

I think it is also important that we realise the fact that people do not clean up after their pets. That is not going to be fixed with two dog parks; it is going to be fixed by people taking  
820 responsibility for their pets, and indeed it is going to be fixed by people sometimes thinking that they might not be able to own a pet if they have not got the facilities to ensure that they can clean up after them. I commend the Hon. Member for the Environment for the DNA testing facility that is going to, I think, make a difference in that respect, although it is not going to happen overnight. When people take their dogs out and allow them to urinate, in particular, and  
825 defecate on the streets, in some instances people clean up after themselves, in most instances, even now, they do not. It is very easy to see where somebody has made a removal and the efforts have not been as successful as they could have been, but at least the person has tried to remove the defecation. But the animals still urinate and people do not take the vinegar and

830 water required to remove that, and that is endemic. Part of the problem on our streets is the  
urination of animals – owned animals and the not stray animals – and that is not something that  
the men and women of Master Service deserve to be blamed for. And it is not something that  
happens under the GSLP any more or any less than it happened under the GSD or indeed under  
any previous administration. It is something which requires civic pride, it is something that  
requires a deep understanding of what we can and cannot do as a community and what you can  
835 or cannot do as a property owner.

Now, Mr Speaker, dealing generally with the issues, I think it is important that we understand  
that the number of fines there have been and the number of prosecutions there have been for  
littering etc. is, by the measure of the Hon. Mr Phillips, low. Seventy fines and 27 prosecutions  
he says is woefully low – I do not know whether he said ‘disgracefully’ low. *(Interjection)* In a  
840 year, yes, every year. Mr Speaker, that is probably more than there ever has been in the history  
of Gibraltar in that period.

**Hon. E J Phillips:** That’s not the point.

845 **Hon. Chief Minister:** He says that is not the point. Well, Mr Speaker, the point is now, today,  
he wants a thousand fines for littering, and then when we have them Mr Hammond will get up  
and say, ‘Ah, Mr Speaker, a thousand fines multiplied by a hundred pounds – they made a  
million pounds because they are running out of money!’ *(Laughter)*

Mr Speaker, the hon. Members opposite have to know that they have to get beyond the joke  
850 that they are making of this place, because it is absolutely right that the civic pride is linked,  
unfortunately, to the enforcement aspect – of course it is – and if he wants to see more fines  
and more prosecutions, fair enough, but can he at least acknowledge that there are more now  
than there ever have been and that this is progress? And if it is progress, can he commend the  
Government for that progress, even if there has to be more progress in his view?

855 Mr Speaker, I will say it to the hon. Lady, I will say it to him and I will say it to Mr Llamas: this  
idea that we are not allowed to put the clock at zero on 9th December 2011 when it is  
convenient to them ... When it is convenient to them, we are building on the legacy of the GSD,  
but otherwise everything has to be judged as it is under us without us looking back. Don’t they  
know that famous Churchill phrase: ‘It is only by looking far into the past that you will see  
860 further into the future’? That affects everything that we are doing in relation to this matter. This  
is not Picardo trying to take it out on the GSD; this is Churchill, somebody who we all regard as  
demonstrating a deep understanding of the political makeup of our western civilisation. We  
have to look back not to make the same mistakes when we go forward, and the mistake is to  
give a contract to your mates, a large contract, a multi-million-pound contract, to your mates,  
865 Mr Speaker –

**Hon. R M Clinton:** Mr Speaker, I must object to his reference to ‘mates’.

870 **Hon. Chief Minister:** I have not mentioned *his* mates, Mr Speaker, so I do not see what the  
objection is – he might like to tell us what it is.

**Hon. R M Clinton:** Mr Speaker, with respect...

875 **Mr Speaker:** A point of order, is it? No point of order.

**Hon. R M Clinton:** Sorry?

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

880 **Hon. R M Clinton:** Is there a suggestion of some impropriety?

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

**Hon. R M Clinton:** There is?

885 **Hon. Chief Minister:** Yes, definitely, and I will tell you what it is.

**Hon. R M Clinton:** And you will be able to substantiate that?

**Hon. Chief Minister:** Absolutely, yes. Mr Speaker, that is what my speech is about. It is  
890 improper that, contrary to European rules and contrary even to national rules which transpose  
European rules, the GSD gave the contract for the cleaning of Gibraltar to their mates – I have  
said it a hundred times; I do not know why it is that he has not objected the first time I have said  
it – without a tender. Therefore, to now be told that it is hoped that we will not do the same  
895 thing, when what we have announced is the opposite ... What we have announced is that we are  
doing a European tender for this project because the amounts involved are so high that they  
should never have been subject to being handed to one entity, a group of individuals or  
otherwise.

We are going to European tender, to the *European Journal*. It is a good thing we are leaving  
the European Union, Mr Speaker, because if Mr Clinton had to continue to grapple with the  
900 European rules he would realise that there are specific periods of requirement of advertising  
which you cannot get out of when you do a European tender. So there is no question of  
something being advertised on one day for another in a local newspaper or otherwise; it has to  
be advertised in the *European Journal* for a specific period of time.

That is what is going to happen here, and then the hon. Lady will not be able to say that we  
905 have been anything other than entirely transparent in the context of this tender, as we are in  
respect of all others, because when we do not grant something by tender we grant something  
directly to someone after a process of three quotes, which is a mechanism introduced by  
Members opposite when matters do not by law have to go to European tender. We do not willy-  
nilly hand out any contract and I resent the suggestion that we ever have in any instance. We  
910 have debated the instance of the MTV Festival, which is the instance that she might be alluding  
to, which was an instance where it was absolutely right and in the public interest of Gibraltar  
that we leverage the possibility to advertise Gibraltar's services around the world as we did in  
respect of that particular contract, although I know that one of the people who appeared in the  
video with her was particularly against that. Well, Mr Speaker, it was the right decision  
915 (*Interjection*) and it could not have been more transparent. The whole world has seen what we  
have done in Gibraltar with MTV on MTV, and that was the whole point. Everything we are doing  
is subjected to absolute and utter transparency, Mr Speaker, and if she thinks it is not the case,  
instead of attacking us with innuendo she should attack us with facts. She should tell us which  
are the contracts she says have not been granted with full transparency and then we will deal  
920 with those issues, because that is the way that we must deal with things, not on the basis of  
'rumourology', which is fast becoming her style. That is not fair. It is not fair, in particular, on the  
good men and women who are at the sharp end of the work that is done by Master Service  
under all parts of the contract – the contract granted in 1999, the contract renewed in 2004 and  
the contract then renewed again by the GSD in 2007 – for 10 years, by the way, I should say.

925 I was, frankly, this morning very disappointed to see that the workforce of Master Service  
had been denied access to Parliament and I am very grateful that you have clarified what the  
circumstances were, but when I walked downstairs I was met by members of the GGCA  
committee and by members of the staff of Master Service, who explained to me what had  
happened and I put the position to them exactly as you have today – that as far as I am  
930 concerned, any member of the public is able to enter this place and they are subject only to the  
control of the Speaker in the context of public order in the Gallery. I am very pleased that some  
of them are here this afternoon. This is an issue that directly concerns them and that is why the

Government has moved the motion that defends the work that they have done, and I am very pleased to see the new attempts at one-upmanship on the other side, where Members opposite  
 935 have tried to muscle in on the Government's defence of the work of the men and women of Master Service, having shamefully taken the position that they took in the Private Member's Motion that I have already alluded to, which does not mention the work of the men and women of Master Service.

Mr Speaker, the wider participation of the community is something which is essential and on  
 940 which I agree with Mr Phillips. We see every year how the Clean up the World campaign, when undertaken in Gibraltar by volunteers with the assistance in some instances of Master Service and materials provided by them, leads to the collection of the most impossibly huge amount of rubbish – every year – and you wonder how does this accumulate.

Well, we cannot blame the tourists. We cannot say it is simply the tourists who are coming to  
 945 Gibraltar and are discarding their rubbish because they do not care because it is not their home. It is absolutely true to say that there are Gibraltarians who are failing in their civic duty to this community to ensure that they do not litter. And beyond the men and women of Master Service, beyond the men and women of the Ministry for the Environment, what about the young children and the teams from around Gibraltar civic society who form part of the Clean Up  
 950 Gibraltar campaign? I have formed part of those campaigns in the past and I see children from our schools who have the civic pride to go out and give up a Saturday during their weekend to collect rubbish that should not be there in the first place. I see divers who get into the sea and pull out rubbish that has been put there and I see people who go into very hairy circumstances on the Upper Rock and balance where I would not be too keen to balance in order to collect  
 955 rubbish to clean up Gibraltar. You would have thought there would be less of this rubbish around and that every year there would be less because some of it looks like old rubbish and you think, 'Well, that's from a bygone era, we have more civic pride now.' No, Mr Speaker, every year there is the same quantity. That is absolutely not fair, it is absolutely the wrong thing to see happen in our community and it adds to the work that has to be done by the men and women  
 960 who are at the sharp end of this at Master Service, and it adds to what the Government has to seek redress for in the context of the contract that will go out to tender.

That is what hon. Members will see. The contract that goes out to tender now in the  
*European Journal* will be very detailed as to what it is that we are seeking to ensure is dealt with. That is the big idea and that is what has taken time. Hon. Members opposite seem to want to  
 965 see things happen quickly, but they do not realise that in order to do things properly it is sometimes important not to move with great haste but to move with a little bit more care – and that is what we are going to achieve.

In the context of whether choosing to continue down that road or whether to go down the  
 road of nationalisation of the contract, I could not see a more populist move coming. Frankly, for  
 970 the Hon. Mr Hammond to say in this House that we should consider nationalisation, when what we favour actually is a successful tender which involves the men and women of Master Service in ownership of their own entity, is really their most populist measure I have seen deployed in this House.

It is impossible for the Hon. Mr Hammond to reconcile the position that he has taken with  
 975 the stated position of the Opposition under both Mr Hammond and Mr ... I am confused which one of them is vying for what position, they are all at it ... under Mr Feetham or now under Mr Clinton or, I expect in the future, under Mr Azopardi, because one of the things that they made the hallmark of their election campaigns and their position in this House is the growth of the public sector and the growth of recurrent expenditure. And yet now he is encouraging me, I  
 980 guess because it is popular, to take on another hundred into the public sector. Well, Mr Speaker, I am grateful for all of us that Mr Feetham is no longer in the leadership role, otherwise the explosion that we would have seen would have been tremendous. Maybe it would explain the burning that is going on, Mr Speaker! *(Laughter) Parece un bandolero.* It is just impossible to reconcile with the politics of the GSD of the past five years. Let us be honest and say 'We in the

985 GSD stand for whatever is popular at whatever moment in time we may be, depending on  
 whatever audience happens to be in the room,' and if that is the case, people will judge you on  
 that basis. But let us not also pretend to be consistent, because what there is is an  
 encouragement by the hon. Gentleman for the Government to do the opposite of everything  
 990 particularly in the Health Service, included more people in the complement, all we have faced is  
 constant attack for having done so. So either they have not just changed their policy on joint  
 sovereignty and on Spain and on National Day, they have gone out to subscribe to the politics of  
 the GSLP, or they are being wholly inconsistent.

Mr Speaker, this was a contract granted under their administration and it was put at arm's  
 995 length by their administration. I have said what I have said about the grant of it, but it existed as  
 an arm's-length contract. The 1999 contract expired in 2004, it was renewed on a yearly basis  
 for three years until 2007, and then it was renewed for 10 years under the GSD – for 10 years as  
 a contract at arm's length. What is different now? That they are in Opposition and we are in  
 Government? Because the Hon. the former Leader of the Opposition, who is with us in this  
 1000 House, was in that Government which granted the extension for 10 years outside of European  
 rules, why were they not nationalising then? I do not understand how, with a straight face – I  
 guess a blameless straight face – he thinks he can make the argument now.

Better to advance the cause of the men to favour the possibility, if they can do it, of them  
 being part of the ownership of the entity that takes the contract in the future, because that  
 1005 would be better than just a few taking a handsome 10% profit on top of the cost of the contract,  
 which is what the cost-plus contract that the GSD gave is all about. Just so that Mr Clinton  
 understands this, the contract they gave outside of the European tender rules is a contract  
 where what the contractor spends the Government must add 10% to. It is not a way of  
 controlling cost; this is a way of encouraging more cost. That is what is wrong with the contract:  
 1010 cost-plus. You, contractor, do the best you can to spend as much as you can and we will add 10%  
 on top. And that does not go to the men, Mr Speaker. When you control the cost, I bet it is not  
 the 10% that is controlled. I bet it is the men that suffer the loss of earnings, I bet it is the men  
 that lose out on overtime; but the bonuses, those are not the ones reduced, Mr Speaker. The  
 1015 10% cost carry over, that is not what is reduced. It is the men and the women at the sharp end  
 who suffer. That is what is wrong with this contract in particular, and if they were genuine on  
 the other side about being concerned about recurrent expenditure, they would condemn every  
 single one of the cost-plus contracts given by the GSD. (*Banging on desks*) That is an area where  
 blame must attach.

This is not, therefore, Mr Speaker, about offloading responsibility to the GSD; it is about fixing  
 1020 the mistakes of the GSD. I do *not* recognise that Gibraltar is suffering filthy conditions and I  
 certainly do *not* recognise that Gibraltar was squeaky clean under the GSD. How can you make  
 that up? How can you even make that up?

I lived at Calpe all of my life until I moved away, and Calpe was not squeaky clean. It was not  
 squeaky clean under the AACR, it was not squeaky clean under the GSLP, it was not squeaky  
 1025 clean under the GSD and it is not squeaky clean today. I would love it to be squeaky clean and  
 every corner of Gibraltar, and that is what this tender is designed to try and do. But the idea that  
 we create a halcyon past, a pot and king village, which is what Gibraltar was under the GSD –  
 look it up – and we pretend that we have moved from that to where we are today ... Come on,  
 Mr Speaker, *aquí no se miente* It is nonsense.

1030 The suggestion somehow is that there is now a failure in the service. We do not recognise  
 that at the sharp end of the service there is a failure, and that is why we brought this motion: to  
 defend the people who *are* at the sharp end of the service, Mr Speaker.

At Midtown, which is an area which is not cleaned by Master Service, it is true that there is a  
 want of cleanliness on some occasions, but this is a car park cleaned every day, with exhaust  
 1035 fumes from diesel engines in there – we all hope one day there will be no exhaust fumes from  
 diesel engines; it will be electric and then we will not have those issues – next to the biggest

building site in town. If you judge cleanliness by what happens when there is building going on, then all of us have lived in places which are filthy because all of us, I am sure, have had works done either in a kitchen or in a bathroom and, however much we try at home, when there are works going on it is impossible to keep things clean. You know that you clean and a few hours later, even when there is not work going on, because the dust is settling it becomes again unattractive and we have to clean again. That is normal, unfortunately, because the Government does not have a magic wand to control dust from a building site – and we have the biggest building site in Gibraltar today, which is the Midtown development, next to the Midtown car park. So I would say the hon. Gentleman should judge the cleanliness of the Midtown car park once the biggest building site in town has moved on in that respect.

Mr Speaker, the hon. Lady, when she raised the issue of the ability of members of Master Service to come into the House, wanted to say that they would always be welcome here, and she was absolutely right to say that. You followed up and I associate myself with that. But the men and women of Master Service are not just welcome in this place; they are welcome in my office, where they have been on a number of occasions and received the assurances that hon. Members here are trying to seek and extract on their behalf. They have had those reassurances in meetings with me about what it is that the Government intends to do. They have had reassurances about this being one contract. They have had reassurances about the protection and improvement of the terms and conditions of employment. Indeed, they have had reassurances even beyond that, because the Government wants to see the men and women of what is presently the Master Service crew succeed in the future.

This is not therefore about a dig at the GSD or about U-turns. What U-turns? We are not pulling the plug on an operation that works; we are ensuring that we pull the plug on an operation that was created improperly and we are going to ensure that the contract is now granted properly and in keeping with the proper rules.

I do not think it is fair to say that Gibraltar is dirty and grimy, although I think Gibraltar must be cleaner in the future. Words like that create the image of a Gibraltar that I do not recognise and that hon. Members should not be seeking to propagate. We fall into the trap sometimes in politics of talking everything down simply because we are not in Government. That is bad for this community, it is bad for the future of Gibraltar and it is, in my view, not fair politics.

So, stability is what will come from properly tendering this contract and properly ensuring the future of those who work in this company for the future, subject of course, as I said to her, to the full glare of public scrutiny in a European tender. But again, this is not about underfunding. Where is the under-funding? Simply because we have not increased the amounts that we spent in respect of the Budgets? Is it that hon. Members do not see the increases based on inflation? Is it that hon. Members do not see the increases in other Departments, like Health, based on inflation? Or is it that hon. Members are suggesting, because it is convenient to them today and they are not bringing the arguments that they bring during the Budget debate, that we should somehow have increased the recurrent expenditure of Gibraltar, the opposite of what they have been saying to us that we should do?

So this is not about fig leaves, Mr Speaker, although I think the GSD is left not even with a fig leaf to defend the way it granted this contract in the mid-90s and then in 2007, not even a fig leaf of protection for the way that they acted. What there is is now a plan to ensure the tendering of this contract for wider services as one contract and to ensure that that provides the security that the men and women of Master Service deserve.

Has it taken some time? Yes, it has taken some time, Mr Speaker. It was brought to our attention in February that the contract was going to come to a conclusion and we have designed the new tender requirements. This is not easy. It is not easy in particular when the procurement department is digitising the service that it is going to provide, it is not easy when Ministers have to ensure that we act in keeping with European rules, and it is not easy if we want to act to protect the interests of the workers, because we need to ensure that in the way that the tender is constructed that it is provided for.

1090 So, Mr Speaker, I think that this is a new big idea, this is the new way of ensuring that  
Gibraltar's streets are cleaner than they have been in the past by giving the tools to the people  
who we ask to be on the ground, at the sharp end, doing that work in the context of the way  
that we tender for the contract and in the context of the way that the public's money is used in  
that tender, so that we are not doing cost-plus and that additional amount is a bonus for those  
1095 who are not getting their hands dirty, getting wet on a rainy day and ensuring that they do their  
best and give their hardest work to keep Gibraltar clean, but to the people who sit round the  
board room tables reminding themselves of how they managed to secure this contract in the  
first place. That is what we are not going to do. We stand with them, Mr Speaker, not with those  
who took the contract contrary to European rules. (*Banging on desks*)

1100 **Mr Speaker:** Any other contribution before I call upon the mover to reply?  
The Hon. John Cortes.

**Hon. Dr J E Cortes:** Mr Speaker, I think it has been an interesting day – and there is a lot more  
to come, Mr Speaker – and certainly this debate has been an interesting one.

1105 I think I can say I have been disappointed by a lot of the comments coming from the  
Opposition benches, if only in that many of them were repetitive. I suppose the fact that we de  
facto have three different points of view in the Opposition is one that is reflected today and will  
be reflected in days to come.

1110 Mr Speaker, as the Hon. the Chief Minister has said, a tender of this nature is a long and  
complex process, and I am proud to say that there has been a great deal of consultation with  
stakeholders as well as commitment to the union and the workforce that they will be totally  
protected. They well know that my office and that of the Chief Minister have been open and  
continue to be open to discuss any uncertainties that they may have until this is finally  
concluded.

1115 Mr Speaker, we have gone over and over the schedules, we have been responding to the  
professionals and we have involved the Environmental Safety Group, who are the people who  
for many years, as the Chief Minister has said, have been spearheading Clean up the World in  
Gibraltar and doing excellent work. They have been involved in assisting us in drawing up the  
schedules because we want to draw on the experience that they have, and this has taken time.

1120 This debate cannot be a review of the whole waste strategy of the Government. That is  
something that we could debate another day and that is something that does turn up in our  
Budget speeches, but I must say that any suggestion that the question of cleanliness has  
somehow slipped attention until the Hon. Mr Llamas raised it on Facebook just does not hold  
any water. This is something that my Department has been working on very hard over the past  
1125 years.

The Hon. Mr Phillips mentioned fines and the Chief Minister answered that point in the way  
that I am just going to repeat: how many fines had been issued in a similar period any time in  
the history of our community? It was this Government that introduced litter tickets, it was this  
Government that introduced litter wardens, it is this Government that reactivated the Litter  
1130 Committee that meets regularly and discusses these things time and time again.

There has been a lot of work done in this field and the fact that we are now able to issue  
these tickets and that we have increased the number ... certainly not enough, and, as I always  
say, if anybody ever asks me is enough being done on any environmental topic my answer will  
always be no, because I will always aspire to more.

1135 Mr Llamas does not have the exclusive on seeing the state of our streets, and it is very easy  
to post on Facebook and do videos but that is very comfortable when you do not have to do  
anything other than that. We have already taken up the question of our streets.

People do have short memories. Let me just explain, for example, one of the issues that I  
tackled early on in 2012. This was the question of flushing the streets. People seem to think that  
1140 the streets were being flushed during the so-called 'squeaky-clean' days of the GSD – when they

were not. I remember attending the first meeting of the committee that I set up and saying, 'With what frequency are we flushing the streets?'

'Well, really, we cannot flush any streets because people won't remove the cars and then there is no point and we cannot really deep clean in this estate or that estate.'

1145 I got a Street Cleaning Committee together and when I raised it again ... 'Well, people don't remove their cars.'

'Well, let us now enforce the removal of cars.'

'But there haven't been any signs on the estates for years and therefore we cannot remove the cars because the signs in the estates have fallen off and they haven't been replaced.'

1150 So it was our initiative that we reintroduce that. Nobody had even bothered to replace the signs on the estates, so they could not even move the cars so they could flush. So this thing about squeaky cleanliness in the GSD days is simply not true. But in any case, when we started cleaning and heeding the signs that we eventually replaced, we were down to contractual obligations and, as I explained before, the contract was simply not good enough.

1155 Mr Speaker, the tender will now be published at the next possible opportunity in the *European Journal*. It is not putting it off *sine die*; it is at the next possible opportunity. It has to be submitted and published in the *Journal* and then the detail in its schedules and so on will of course become public knowledge. That has been the work of the last few years in which we have realised the shortcomings of what was being done.

1160 Mr Hammond tried to jump on our bandwagon and it seems that every Member of the Opposition now thinks that the workforce of Master Service is the best thing since sliced bread. Well, hang on, we were the ones who said it first. Mr Hammond had the opportunity to include this in his motion and he did not. Now he is considering the Chief Minister's suggestion that he should. It is almost like he said, 'Oops! The Minister is right. I've put my foot in it. I'd better look like I really do feel that the workforce is absolutely wonderful and I'd better put it in my speech, and now the Chief Minister has given me the opportunity to exonerate myself and perhaps accept an amendment.' Well, Mr Speaker, he did not put it in, so either he does not really mean that he thinks so highly about these men and women or it did not even occur to him that he should – and that is almost as bad if it did not even occur to him that he should mention the workforce.

1170 Mr Speaker, the workforce will be protected and they know they will be protected. Government will ensure that their conditions are guaranteed and their welfare is guaranteed and that they have security in the present and in the future, and this has been very clear throughout in all my dealings with them.

1175 I look forward to an improved contract for the benefit of Gibraltar with guarantees for the workforce and that next summer those people who like to post on Facebook will have something else to write about.

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

1180 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Dr John Cortes. Those in favour? Those against. I did not hear that. Those against? I think two. Shall we call a division?

**Hon. Chief Minister:** Shall we have a division?

1185

**Mr Speaker:** Let's have a division.

**Hon. E J Reyes:** Mr Speaker, I did not have the speaker on, but I was suggesting politely that we have a division precisely because I foresaw this confusion, more so for the benefit of the Clerk – I think she has done wonderfully today, being her first session, (*Banging on desks*) so it is up to us to make life easier for her.

1190



*Voting resulted as follows:*

| <b>FOR</b>               | <b>AGAINST</b>           | <b>ABSTAIN</b> | <b>ABSENT</b>      |
|--------------------------|--------------------------|----------------|--------------------|
| Hon. P J Balban          | Hon. Ms M D Hassan Nahon | None           | Hon. N F Costa     |
| Hon. J J Bossano         | Hon. L F Llamas          |                | Hon. Dr J J Garcia |
| Hon. R M Clinton         |                          |                |                    |
| Hon. Dr J E Cortes       |                          |                |                    |
| Hon. D A Feetham         |                          |                |                    |
| Hon. T N Hammond         |                          |                |                    |
| Hon. A J Isola           |                          |                |                    |
| Hon. G H Licudi          |                          |                |                    |
| Hon. S E Linares         |                          |                |                    |
| Hon. E J Phillips        |                          |                |                    |
| Hon. F R Picardo         |                          |                |                    |
| Hon. E J Reyes           |                          |                |                    |
| Hon. Miss S J Sacramento |                          |                |                    |

**Mr Speaker:** There are 2 Members absent, 2 have voted against the motion and 13 have voted in favour. The motion is carried. *(Banging on desks)*

1195 **Hon. Chief Minister:** Mr Speaker, can I venture to suggest this may be a convenient moment to recess for 15 minutes before we deal with the next motion?

*The House recessed at 5.25 p.m. and resumed its sitting at 5.50 p.m.*

**Calpe House –  
Declaration of support and confidence –  
Motion carried**

**Acting Clerk:** We continue with motions.

The Hon. the Minister for Economic Development, Telecommunications and the GSB.

1200 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**  
The last bit was the GSB, not the GSD. *(Laughter)*

Mr Speaker, I beg to move the motion of which I have given notice, namely that:

*THIS HOUSE:*

*NOTES that Calpe House is an independent charity which has been in existence since 1989 and that there has never been any involvement by any Government in the affairs of the charity.*

*THIS HOUSE further notes and rejects the reports and comments put in the public domain which appear to question the honesty and integrity of the trustees and suggests that the donations made to the charity by the public are unaccounted for.*

*THE HOUSE therefore declares its full support for and confidence in the honesty and integrity of the trustees and directors of the institutions set up by the Charity.*

*THE HOUSE furthermore wishes to express its appreciation to those involved in the work of Calpe House for the many hours of unpaid work they have given and continue to give to the institution.*

*THE HOUSE in addition fully supports the decision to invest in new premises in order to provide improved facilities and assist a greater number of sponsored patients when in London for medical treatment.*

1205 Mr Speaker, in moving the motion and in speaking to the motion I am seeking the support of  
the Members opposite. I feel confident that I can count on the GSD Members to support this  
1210 motion because I want to recognise that when some comments were made on an account on  
Twitter, in fact it was the Hon. Mr Feetham who immediately came to the rescue of the charity  
and criticised the campaign that was being mounted against the charity, which has done a  
fantastic job for patients in the United Kingdom. Indeed, when we started downstairs with a  
campaign for the raising of funds, he was the first one to personally put his money where his  
1215 mouth is and say 'I support the campaign and I will do it by giving £100 a month to charity – a  
decision which we then followed by giving £100 every month just to do better than he did!  
(*Banging on desks*)

1220 There are three entities – an anonymous entity, the hon. Lady opposite and the media – that  
have been involved in a year-long campaign which can only be described as one that has set out  
to undermine the charity. In moving this motion, what I am doing really is not trying to pick a  
fight with anybody – although I am a battle-scarred veteran who is not afraid of fights, but I am  
not looking for one – but I am defending something with which I feel very closely involved  
because it was when the GSLP was in Government that this institution was created, like many  
other things that were created during the GSLP administration of 1988-96, and it was created as  
1225 a charity independent of the Government but with the support of the Government.

That is what the first paragraph says and that is what happened in the eight years we were in  
Government, what happened in the 15 years that the GSD was in Government and what has  
happened since 2011 – that is to say no interference in the running of the organisation but  
external support to a charity which is very highly valued and has been highly valued by the GSD  
1225 in its time in Government and by us in our time in Government, and of course in opposition as  
well, and I hope that will continue to be the case.

1230 I am not sure how the two former GSD Members will vote, given today's experience of their  
voting pattern. The motion seeks to defend the position and to express the support of the  
Government – not just mine – and, I hope, the support of the majority of the Members of the  
House.

On 1st August, a particular newspaper – I am not going to personalise it, I am not going to  
mention the paper and I am not going to mention the writer, but people will know where these  
stories have appeared – challenged the Government to make a statement and explain its  
position on what was allegedly happening with Calpe House. This motion effectively does that.

1235 Strangely enough, the very entity that on 1st August asked the Government to do this now  
criticises me for doing it. So I feel that I need first to deal with and dismiss that criticism, and also  
to use that criticism, which appeared the day after the motion was sent to the media, to  
demonstrate how in fact it is possible for a newspaper to do more than publish information and  
publish news and in fact seek to convert the news that it is publishing into something that is not  
1240 what the news is.

So, although there was a two-page spread in this particular newspaper saying 'the truth  
about the Calpe House charity', it was not about the truth at all. The truth is that I have brought  
a motion to Parliament which will explain the Government's position – as this newspaper said  
we should do on 1st August – and will explain why the Government supports the trustees and  
1245 why the Government supports the charity, and why we reject the accusations that have been  
made.

The newspaper has interpreted my motion as an attempt to sweep things under the carpet.  
The motion does nothing here to tell anybody to sweep anything under the carpet. I am saying  
this live and people are listening to me, and nothing is being swept under the carpet. The article  
1250 says:

It is as if he is against public information about charities, which include millions of pounds of public funds, that  
they should not be put in the public domain, as if he would prefer that the public be kept in the dark.

So the newspaper thinks that what I am doing by coming here and giving explanations is trying to keep the public in the dark. I hope the public stays switched on and keeps the light on.

In defence of its analysis of my position, which I reject totally, this newspaper says:

Public information contained in a letter on such and such a date to the Westminster Council ... says ... 'The three properties have been vacant for some time and are in a poor state of repair.' ...

Does Minister Bossano think that such information should have been swept under the carpet?

1255 Well, no, and nobody is telling them.

The article starts by saying that all the information that has been published in the last 12 months is all information in the public domain, available to the public. They did not need to buy the newspaper to find out; it was already in the public domain before it was published. That is what the opening paragraph says. And then it goes on to suggest that everything that they have published – which was already public knowledge, but they have emphasised it and interpreted it for the public, who clearly cannot be relied on to understand what they read without having it interpreted for them by somebody – is something that I am trying to prevent with this motion and sweep under the carpet.

1260 Well, what I am trying to do with this motion is in fact produce the truth about Calpe House and put the record straight about the things that have been said, which are not true and are wrong.

1265 One of the issues, for example, that has led to comments not just in the media but in what is called now the social media, on this thing called Twitter and the other thing called Facebook – which I know the Chief Minister said should not be brought in, and I do not normally bring it in because they are animals that I do not understand, but since they happen to be relevant I have no choice, I think, but to bring that to the attention of Members of the House and of the public who are listening – is that on 7th August the hon. Lady opposite made a statement in the media in which she said, and I quote:

When I last called for an investigation in Parliament in December last year, I was told in no uncertain terms by Mr Bossano that the Government had no involvement in Calpe House. We now know that HM Government of Gibraltar owned 51% of Calpe House Ltd at the time that I was given that answer by Mr Bossano.

1275 Well, Mr Speaker, that created and generated comment in the press and comment in the media on the assumption that the hon. Lady was telling the truth, but of course the hon. Lady was not telling the truth. In December 2016 when she asked me the question, the Government of Gibraltar did not own 51% of Calpe House Ltd. It did not own it then, it did not own it in August of 2017 when she said it, and it does not own it now.

1280 Clearly, the hon. Member opposite does not have a clue what a company limited by guarantee means, otherwise she would not have assumed that we own 51% of the company. It is only possible to own 51% of a company if you have got a company limited by guarantee and one guarantor has a guarantee which is 51 times what the other guarantors have. So, if you have got a company limited by guarantee and one guarantor has £1 and I am the Government and I have £51 as a guarantor, then you could say that I own 51%, although technically of course it would be incorrect because a company limited by guarantee does not have shares, so it is impossible to own 51% of non-existent shares. The closest would be if you were a guarantor of 51% of the guarantee and the other guarantors made 49%. That is not true, that is not the case, has never been the case and she could not possibly have learned that from anybody because one would have to be as ignorant as she is to have taught her that, and I doubt there is anybody that ignorant.

1290 So, what happens with that accusation is that it gets picked up immediately by what I assume is one of her newly formed movement participants – the people that are gathering around her – a certain Thomas Johnson, who on reading what she has said, that I had lied, in effect, accusing me of having lied in December 2016 because I said we had nothing to do with the involvement ...

1295 I will read what I said in December. It is a matter of public record, it is in *Hansard*, and  
nowhere in the debate that took place – or rather in the answers to questions, but almost  
deteriorated into a debate – do I say anything using the words that she attributes to me. What I  
did say was what is the first paragraph of the motion, what I have said happened in the 15 years  
of the GSD, and that is that in the running of the charity the Government is not involved; the  
1300 Government is involved in giving support to the charity.

This particular supporter of hers ... and if that is not the case, even though he is very  
complimentary of her and very critical of me, she can put the record straight, but we live in a  
free society and people are entitled to have views of different politicians and of people who are  
not politicians. But of course the consequence of her saying that we had nothing to do with the  
1305 charity and claiming, as she claimed, that at the time we owned 51% of the business that we said  
we had nothing to do with, is that this particular gentleman says:

You cannot trust a single thing that comes out of Bossano's mouth. I often ask myself how such a deceitful guy got  
elected.

For 45 years is what I am saying.

He later on goes on to suggest that the best thing for me is to resign over my not having told  
the Lady that we had 51% – which of course we did not have. I do not know whether after this  
1310 debate he is going to ask *her* to resign for inventing the 51%.

I am afraid that it does not end there, because another of the companions of the new pristine  
movement that is going to be the model for Gibraltar joins in and a certain Kyle Pecino goes on  
to say that he does not mind being vulgar and blunt and that I am an evil four-letter word which  
I will not repeat.

1315 Then, Mr Johnson explains that I am responsible in the early 1990s for having targeted his  
grandfather and his pension because his grandmother is Spanish – I do not know if she is still  
alive – and I stopped it. Well, of course not everybody in this House will know what this refers  
to, but let me remind the Members that do and enlighten the ones that do not. In the 1990s  
what happened was that we had Community Care, and what was happening with Spanish people  
1320 in Community Care was that they were claiming that they should get Community Care the same  
as people in Gibraltar should get it. In fact, a case was taken to court in the name of a Spanish  
pensioner by Messrs Triay and Triay and I brought the motion to this Parliament condemning  
that move – and in fact Mr Caruana, in order to distance himself from the action and save his  
political neck, left the partnership and set up his own office and his own practice as a lawyer.

1325 That is the context in which I am being accused of having refused a Spanish grandmother a  
pension, which probably means that she was unable to get Community Care in the 1990s, not  
because I said so but because the rules of that charity – also at a distance from the Government,  
as I said in an earlier question to the Leader of the Opposition – had rules which it was applying.  
Some people benefitted from the rules and some people were worse off from the rules. But in  
1330 fact the court case at the time was a test case taken in the name of the Spaniard, which in the  
event was a complete setup because the guy whose name it was allegedly being taken in did not  
even know it was happening. As a consequence of that in the 1990s here we are in 2017: that  
person thinks I should resign because allegedly I lied about the 51% of the company that we do  
not own.

1335 And it goes on. It does not just end with that. It then goes on, because these two individuals  
continue with their use of derogatory language, which gets worse with every line – in Facebook  
apparently they allow all these things; they are a very open media, everybody is free to call  
everybody else what they like and get away with it, and I think that since these gentlemen have  
put their names to it I would like the whole of Gibraltar to know it – and when somebody  
1340 suggested to them 'Don't you think you should have a little bit more respect for somebody who  
has been 46 years defending Gibraltar?' they would become even more vulgar.

I do not know whether there is anything anybody can do or have recourse to, to stop this kind of thing being done, but I suggest to the hon. Member that if those are the kind of people she is recruiting into her new movement, the sooner she distances herself from them the better and maybe she will have an opportunity of doing so today when she contributes to this motion.

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This is an illustration, Mr Speaker, of how you can build up a momentum behind something on the premise that you make a false statement which people do not question, and then you have got a whole situation where I am the target of having lied in Parliament to the Member opposite by saying that we are not involved in Calpe House when we are supposed to own 51% of a company which I have just demonstrated is impossible for us to own and we do not own.

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And what is the situation as regards the existing building, which has nothing to do with the debate about the new building? The existing building in fact was originally, in 1994, given a lease that was in the name of the Governor, 100% as the Crown, and the Crown held that property for the benefit of the Calpe House Trust as to 49% and for the benefit of the Government of Gibraltar as to 51%. For a lease to be held by the Governor for the benefit of the Government as to 51% and for the benefit of the Trust as to 49% does not mean that we have been using that 51% beneficial ownership of that building to involve ourselves in 51% of the decisions that the Trust has taken between 1994 and now, any more than in the 15 years when the GSD was the 51% beneficial owner they got involved in running the Calpe House Trust or taking any decisions as to who did and who did not go in or how money was spent or not spent. So one thing has nothing to do with the other.

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In any event, let me remind the hon. Member of what I actually told her, which is not what she claimed on 7th August. I told the hon. Lady:

I am of course very close to Calpe House, as the hon. Member may know, because the original idea was launched back in 1988-89. We are all putting £100 a month of our money in Calpe House, so we have got a personal interest in making sure that the money is being well spent for what it is intended. But of course this is a private charity and is independent of the Government, and it is not the Government that has to do investigations because that would imply we do not trust the trustees.

The hon. Lady was asking us to carry out an investigation. The answer was that we do not run the charity. We are giving £100 of our own money and we are supporting the campaign to raise money, and if we thought the trustees could not be trusted then we would do something about it, but we do not need to investigate the trustees – the fact that we are involved in supporting it is evidence of our trust in the trustees; we think they do a good job. We continue to think they do a good job.

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Let me tell the hon. Lady that the charity clearly has always, when it has had to take decisions which require Government support, always consulted the Government in order to ascertain whether the support would be forthcoming, and that is what they did before they bought the building. Before they bought the building of course they came to us. They told us the different buildings they had looked at, they said what this building was like and they asked the Government if they went ahead with buying it would the Government support it, because they would not commit themselves to doing it if the Government was not going to be behind them. That is not involving themselves or interfering in the decisions or telling them what to do. We could have said ‘no, we are not going to support this’ and then they would not have proceeded because that would have been something that the trustees would not have wanted to take on without the backing of the Government.

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The Lady opposite has told people, including the charity, that we match pound for pound every pound that is raised in the campaign for the donations. This is not true. She has made that up. We matched pound for pound the money that was raised in 1989 – she is 13 years out of date. Nobody has matched pound for pound the money. Otherwise, the Government would not be putting £100 for each of us every month, because we are giving £100 to the charity every month, so there would be £100 from our pocket and £100 from the Government’s pocket – this is not happening. What we have done is make sure that if there is a shortfall we will be there to

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step in, but clearly we do not want people to think ‘It doesn’t matter, I won’t give money to the charity because the money will be coming from the Government.’

1390 But I can tell the hon. Lady that the negative campaign in the media and the negative  
campaign which she has aided and abetted has had some effect and that the people who are  
involved in raising money are telling me that since that, because of the doubts that have been  
created, they have found some resistance and that when they have been ... For example, for a  
1395 charity that is totally independent of this one, that has a flag day and they had a flag day not  
long ago where they were collecting – where they actually give financial support to the patients  
and their families that go there who are on very low incomes and cannot manage with the  
money that the Government pays ... When they have been out there collecting they have found  
a situation where, when they approached people to put in some money, they said, ‘If this is for  
1400 Calpe House, I am not putting the money in.’ They explained to them that it is not for Calpe  
House, the money is directed at a charity that gives the money to the actual patient, who is part  
means tested and has difficulty in going to the UK and meeting the costs there. So you have got  
a situation where, on the basis of deliberate ... or misrepresentations based on ignorance – I  
think the two have been there – damage has been done, and the damage has been done as  
indeed Mr Feetham predicted was going to be happening when he entered into the Twitter  
1405 account.

This Twitter account, we do not know who started it. All that we know is that there are  
people there who are castigating the GSD for not being more hostile, so there seem to be people  
who want the charity to have people hostile to it, and so far, the only ally they have been able to  
find is the hon. Lady.

1410 Mr Speaker, the wording of the motion is self-evident: we reject the reports and the  
comments put in the public domain which appear to question the honesty and integrity of the  
trustees and suggest that the donations made to the charity by the public are unaccounted for.  
We reject this. We reject it because it is not true, because if it was true ... if we believed it was  
true that we had trustees that were dishonest and were pocketing the ... the first thing we  
1415 would do is we would stop our own £100 – let’s be clear – and then what we would do, as a  
responsible Government, would be to do something about getting to the bottom of what was  
happening with the money and taking action; and if in fact we were talking about criminal  
activity, then it would indeed be very serious, seeing as one of the trustees himself is the head of  
the Police.

1420 Mr Speaker, how can anybody think that the money is unaccounted for? Does the hon. Lady  
really believe that we do not know where the money has gone? Who claims that we do not  
know where the money has gone? I will tell the House who claims this: a lady who writes in a  
newspaper, who is an English lady who lives in Spain, who has no connection with Gibraltar  
other than writing in this newspaper, as far as I am aware, and who wrote an article in this  
1425 newspaper on 24th August and the headline on the front page of the newspaper was ‘Where  
has the money the people have donated gone?’ This lady, as well as claiming that the money  
that the people have donated was not there because the company set up in the United Kingdom  
as a charity had a zero balance sheet, so therefore where has all the money gone ... Having said  
that *en passant*, she then took it upon herself to question the honesty and the integrity of Lord  
1430 Hoyle. Lord Hoyle, who is older than I am, over 80, happens to be a man, like many, who when  
he was a trade union leader supported us 50 years ago, when he got elected to Parliament  
supported us, and when he left Parliament and got elected to the House of Lords continues to  
support us – more than half of his life supporting us. I am happy to say that the person who has  
criticised Lord Hoyle is not a Gibraltarian; it is an English woman. I am happy to say that because  
1435 I would be ashamed of my own people if they had criticised Lord Hoyle unjustly and  
unnecessarily and rubbed out in this place, it seems ...

I do not want and I have never wanted any credit for anything I do. I enjoy what I am doing. I  
enjoy it now, I enjoyed it when I was on the other side, I enjoyed it when I was on the picket  
lines, I have always enjoyed it – I am very lucky – whatever I was doing. But I think this place can

1440 be very ungrateful to people, and people do expect some kind of recognition for their efforts. So you spend 46 years in Parliament and a newly arrived Member in Parliament says you lied and you said we had nothing to do with something when you own 51% of it – it happens to be untrue – so you should get sacked.

1445 Well, look, the accounts are not published on time in the charity and they are six months out of date or nine months out of date, so therefore everybody should resign. Well, then, by that definition the 15 years of the GSD should have been wiped out. We are doing the accounts of 1996 now, so how can it be such a terrible crime to be late with a set of accounts that people have to be castigated publically?

1450 Don't the people who do that understand that we do not have a huge queue of people volunteering to do unpaid work for the public good, and that if what people do when they do something for no monetary reward is find themselves pilloried we are going to have even less? Why should anybody spend their time doing work for Calpe House on a committee and not getting paid, and thinking, 'Well, at least the community to which I belong will see what a good guy I am,' and instead he finds himself effectively having his integrity and his honesty questioned?

1455 This article that appeared on 24th August is very strange because the question is: where has the money gone? The money from all the donations, where is it? All the person who wrote this on 21st August had to do was to go back to the edition of 24th July, because the same newspaper on 24th July said where the money was. On 24th July, the same newspaper says all the donations in Gibraltar are in an account in Gibraltar, in a different charity called the Friends of Calpe House, which is answerable to the charity commissioners of Gibraltar and not the UK.

1460 This is either a monumental level of incompetence or a determined effort to put doubt in people's minds, because if people read the article of 24th July nobody would have been worried about putting their penny in the box, it is in the Friends of Gibraltar account in Gibraltar. But if people read on 21st August the newly formed company in the United Kingdom, Calpe House Ltd, has zero money, well, 'Zero money? Where is my £100 going every month?'

1465 If that is not a deliberate thing, then it is the height of irresponsibility, and if the hon. Member is supporting that campaign then she needs to know what it is she is supporting. If she is so keen on the truth and on transparency and on explanations, then she should make sure that she checks what she gets told by people before assuming it.

1470 Mr Speaker, apart from the position that has been put in these articles, we have a situation where I am telling Parliament that the building was bought after the charity got the go-ahead from the Government. So, if you want to blame anybody, you blame the Government – all the Government, we are all responsible.

1475 If you have got a situation where you are buying something as opposed to selling it, is it so strange that the person that buys a house says it is in a very bad condition and the person who is selling the house says it is in a very good one? Or is that something so new that nobody has come across it before? Let me tell the House that when we bought the first Calpe House I went to see it, as Chief Minister, before we bought it. At that point we were putting up half the cash up front, pound for pound. I went to see it and it was dilapidated, and I said to the guy, 'When you go, look at every crack that there is in the wall and every leak – find as many faults as you can to try and bring the price down.' Nobody then said, 'Ah! Look how many faults Bossano has found – he's crazy to buy the house.' This is part of what you are doing when you are bargaining to buy something. If I had been selling the house, I would have said to the guy, 'Paper all the cracks and give it a coat of paint.'

1480 So you put motives into people. What is it that you are saying? That somebody deliberately bought something and paid more than they should? Are you then saying that the people who took the decision ... and the decision was not a decision taken by them in the sense that we had the opportunity which they gave us to say do not go ahead and do not buy it? But we said yes, so are we being told that we have been overcharged for that building, that the people we

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contracted in the UK are also taking backhanders and that they are getting a cut of what we paid?

1495 Listen, we paid it to the National Health Service, the Trust – that is the people we bought it off. Is it that the Secretary of State is also getting a brown envelope? He actually overruled the Trust when they asked for compensation. They asked for £5 million compensation for removing the nomination rights that there were, going back a very long time, because this is a building that has always been associated with the Health Service in the United Kingdom. The nomination rights allowed the place to be used for staff for St Mary's Hospital and for the whole of the Trust – the Imperial Trust or something like that it is called, National Health Service Trust. There was a company called Catalyst that owned 50% of the equity in the building and the other 50% was owned by the National Health Trust. In order to remove that nomination right, which we said ...  
1500 The Trust came back to us and said, 'We don't think we should take this with the nomination right. They never used it very much, but if we do the place up and it is in a very good state and they come back with a nomination of right saying "now we want to stay put – people we are bringing from outside, doctors or nurses or whatever, we want to put them in your building," the building we bought – we cannot stop them. So before we spend money in... It may not be an attractive place in the state that it is in now because it is run down, so you may have difficulty making use of it, but if we are going to spend money in doing it up they may want to use the nomination rights, so we have got to say to them with the nomination rights we don't take it.'  
1505 That is the advice they gave us and we said, 'Okay, we support what you are doing.'

1510 Ninety-nine percent of the time, frankly, everything that has happened has been on the basis of them telling us what the problem is, advising us what they think the answer should be to the problem, and 99% of it is us agreeing. So it is not that we tell them 'do it this way'; it is just that we look at what they say, we look at why they say 'do A and not B' and, because it makes sense, we say yes.  
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So they went back and said, 'We don't want the building with nomination rights,' and then they were told the nomination rights were going to cost five million quid and the company that had other property interests and other commercial reasons for wanting to get out quickly and reinvest elsewhere, because otherwise they would have lost the opportunity of other reinvestments, said 'I am prepared to give my 50% of the nomination rights free of charge.' The NHS Trust, because they are also short of money, would not give it up without their half, without the £2½ million, understandably. In fact, one of the trustees, using the longstanding relationships we have got with Members of Parliament and our political lobby, managed to get direct access to the Secretary of State for Health and persuaded him to waive the £2½ million,  
1520 and therefore we got something that had been valued at £5 million thrown in for nothing.  
1525

Is this something that we want swept under the carpet? Is it that they pocketed the £5 million and charged us? It is not. It is that when people are doing a job they do not come up with press releases every day. Politicians might want press releases every day because they need to keep their profile out there in order to get voted for, but the people who are in the Trust are not in that business. They just get on with the job. They do things. They have problems and they find solutions.  
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So the nomination rights were removed at zero cost to the Trust. What is the explanation? What is this mystery of the company? Well, look, this started in 2014. The first approach was made to the Trust in 2013 by their lawyers in the United Kingdom saying, 'The previous trust had the beneficial ownership of the property but the property was in the name of the Governor of Gibraltar, in the name of the Crown. You may have a problem with a trust which is not a body corporate actually owning property. You may have a problem with Capital Gains Tax. You may have a problem with VAT. If the property is not going to be owned by the Crown and if it is not going to be owned by ... it may be that a trust is not the best way to do it.' They suggested two different options. One was a company limited by guarantee and another kind of company which is not a limited liability company and is one I had not come across before, and they  
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recommended the company limited by guarantee as the best option – and indeed the Financial Secretary at the time in 2014 made the same recommendation.

1545 Is this a secret that we have swept under the carpet? Or is it that we have to do a press release every day of every decision the Financial Secretary makes so as not to be accused of sweeping things under the carpet? If any Member opposite does not believe me, I will produce the email of the Financial Secretary of the time, if they think I am lying, when he said ‘I think this is the best way to do it.’

1550 When we make statements in the House we make ourselves responsible for the accuracy of the things that we are saying and we are not allowed to call each other liars because we are not supposed to lie in this place. The most we are allowed to do is to be economical with the truth, I think, but I am not being economical with the truth because I am willing to back everything I am saying if anybody puts in doubt what I am saying.

1555 So this is the point that I am trying to put across, so that Members will see that I am demonstrating factually; it is not blind faith, as the people in the Twitter account say – ‘Time to stop the blind faith.’ Well, look, it may be time to stop the blind faith if anybody has blind faith, but if we are going to replace trust by distrust then nothing will work in this place. If the people we have known all our lives we now cannot trust, even when there is no inkling, no indicator, nothing to show that money is missing or that anything is wrong, then what kind of society are we? What kind of people have we become in this place that people who have contributed their whole life ...?

1560 Lord Hoyle is being accused of being in a company that is fleecing people who are in debt – let me tell the House what the truth is – simply because seven or eight years ago, not now, a company was created in Chorley, where he was the MP, and he was a non-executive director for a short while eight years ago, and then some English lady from nobody knows where, who lives in Spain, has the temerity to put in question the integrity of the man who has defended Gibraltar and asked for nothing in exchange – except for the odd jolly on National Day – and defended us in the Commons, in the trade union movement, in the TUC and in the House of Lords. Well, we Gibraltarians know how to be grateful. We appreciate what people do for us –

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**Hon. Member:** From the Labour Party.

**Hon. J J Bossano:** From the Labour Party, that is right. (Hon. Chief Minister: *Que estaba defendiendonos desde el AACR...*) Yes, absolutely, a long, long time, going back to... Salvador’s time.

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Independent of that, Mr Speaker, we have a situation, of course, that all this emanates from an original anonymous distribution of papers. Obviously, all those who are not interested in things being swept under the carpet and all those who are interested in everything being reviewed do not seem to be remotely interested in the identity of the anonymous so-called whistleblower – because they are not a real whistle blower because there is no whistle there to blow.

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But papers belonging to the charity were sent to the charity commissioners and the charity commissioners cannot ignore, even if it is anonymous, papers that are sent to them which say a building has been bought and there was asbestos and nobody looked at it. Well, look, if you buy a building for £8 million and you discover that there is asbestos, which you did not know was there before, and you spend a couple of hundred thousand pounds putting it right, it is £200,000 more than the £8 million. But of course if you buy a building for £4 million and you have to spend £4 million removing asbestos, then it is riddled with asbestos. ‘Riddled’ with asbestos is if it is costing you as much to remove the asbestos as the building cost you. That is riddled with asbestos, not that you find £150, 120 or £130 worth, which in any event, the only reason, as I explained already on 16th December, why the Trust was not going ahead with recovering it was because they were advised that the cost of recovery might be more than the cost of removing it

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in the litigation against the people who should have seen it before or should have noticed it before.

1595 So the charity commissioners in the UK look at this and they go through it and they say, 'Well, there are some things that we are not happy about, put them right, but at the end of the day I am satisfied that the trustees have acted correctly and that they have not done anything wrong.' If they had not been satisfied they would have taken action against Calpe House in the United Kingdom.

1600 But one of the things that they queried was: what have you done about the security, so that people cannot hack your computer or take your papers? That was the one thing the charity commissioners were left with, not what was in the paper but the fact that somebody who should not have had those papers had them and sent them. But that has not been questioned by either the Lady opposite or by the newspaper articles or by anybody else.

1605 So what is there about this entity which we do not know what it is? Well, I do not know if I can throw any light on this. It is somebody who has an email which is Leviticus 19:13 and for Members who are not as familiar with the Bible as I am, (*Laughter*) Leviticus 19:13 says you shall not rob your neighbour. That suggests to me that whoever decided to open that email thought that he had discovered that somebody was robbing his neighbour and that is why he shows that name.

1610 I do not know who that person was but I do know that in the newspaper that was carrying much of this material, a longstanding friend of mine, Emilio Duarte, on 20th September this year said he was very surprised at the GSD not voicing an opinion on all these issues that have come to light, commented on the article by the English lady whose name I will not mention, saying the Calpe House accounts which she had investigated had zero. So all the millions of pounds had disappeared; they were here, not there. 'Where has it all gone?' says Emilio Duarte and 'I congratulate Ms Hassan Nahon and the newspaper for pursuing this matter.'

1620 Well, I have known Emilio Duarte a long time ago. He used to be one of my shop stewards. I had not seen him for many years and he came to see me about a year ago – maybe a little bit more, eighteen months ago – to ask for my help because he had a personal grievance against one individual, who happens to be one of the trustees, and I did what he asked me to do and I have not heard from him since. I also know him to be a very religious man, so he will know what Leviticus 19:13 means.

1625 I think that because somebody has an issue with somebody ... I have had many issues in this Parliament with Peter Caruana and I had many issues in this Parliament with Sir Joshua Hassan and I would never have allowed any issues that I had at a personal level with either Sir Joshua or with Peter Caruana to put at risk Gibraltar, ever. Sir Joshua knew that he could get me to go outside there – he often did it and took me for a ride and said to me, 'Joe, this is very important for Gibraltar so please don't ask me anything,' and I did not – and maybe it was not so important, but it always worked.

1630 I think the same has to be true of what we do when we are talking about a charity as important as Community Care, which does a fantastic job and has done a fantastic job for so many years. So if you have got something on somebody or against somebody, or you suspect somebody, you go ... If you think somebody has put his hand in the till, you do what you should do: you go to the Police and you say, 'I've got this evidence,' and let the Police do their work, but you do not put innuendoes in the media, you do not put comments in the media and you do not tarnish people's reputations – you put your money where your mouth is.

1640 Therefore, if somebody has got a personal grievance – and I hope it is not Emilio, whom I have known many years – then ... Emilio should not have been a party, but I can tell Members that having known him almost all my life I cannot imagine him ever having been interested in any of the things in this letter if it was not because of the personal interest he had when he came to see me 18 months ago.

So, in asking Members opposite to support the motion, which has the support of the Government, of course, I am saying that the lesson to draw from this is that it is important to

1645 make sure that you have checked yourself what people are telling you before you embark on a  
crusade, because if you do not, you carry the same responsibility as the guy who started the  
thing, who lit the first match.

In Gibraltar it is very easy to walk down Main Street and say ‘I met somebody at one end of  
Main Street and he was coughing,’ and by the time you get to the other end the guy is being  
1650 buried in North Front. Every time it is passed from one to the other the guy gets worse. That is  
something we have got to guard against, because we have got a responsibility, and more than  
the average person would have a responsibility if we have been elected by the people because  
people have got a right to expect that if somebody has been elected to represent them in this  
Parliament then they speak with greater authority, and speaking with greater authority does not  
1655 mean that you come here with every rumour that you hear and then you endorse it with  
credibility because you believed it. You need to believe it because of the evidence that you have  
got.

There is no evidence in support of any of this. It is not true that the charity decided to buy the  
building and send us a bill. That is not what happened. It is not true that they suddenly decided  
1660 to stop being a trust and became a limited company and that I am trying to sweep that under  
the carpet because I do not want people to know it – because it was public information that that  
is what was happening. We have not explained why; there is no reason why we should. We have  
seen the professionals that we employ, our Financial Secretary in 2014 agreeing with the advice  
given by the professional in the United Kingdom giving advice to the trustees. So the  
1665 professional says to the trustees, ‘This is important, taking into account UK legislation, VAT and  
Capital Gains Tax, for the future.’ Well, I do not know if it is right or wrong but the Financial  
Secretary of the time says he knows and gives the same advice. So what are we supposed to do?  
Say we are now going to tell Her Majesty’s Government Treasury in the UK that what we are  
changing is so as to lessen our tax liability and we will send them a copy of the press release’? Is  
1670 that what we do?

There has to be an element of an assumption of honesty before you start alleging dishonesty.  
You do not start from the premise that everybody is dishonest unless they prove that they are  
honest. There is not a presumption of automatic guilt and you have to prove your innocence.  
That is the Spanish system, not the British system, not the one we have in Gibraltar

1675 Therefore, Mr Speaker, on the basis of the explanations that I have given, I hope I can count  
on the support of all the Members of the House and I hope that we can put this to bed once and  
for all.

As I started saying, I do not want to pick a fight with anybody, but I happen to think that this  
is one of my babies and I will fight to protect it to the end. (*Banging on desks*)

1680

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

The Hon. Ms Marlene Hassan Nahon.

1685 **Hon. Ms M D Hassan Nahon:** Mr Speaker, everyone in this House knows that I have sent a  
letter to the Trustees of Calpe House with a list of detailed questions. If they have not yet read  
it, I suggest that they do so, or that they should have done, as perhaps the questions raised  
therein could have assisted them in deciding whether or not to support this motion. I have yet to  
receive a written response to my questions, as I have requested.

1690 I find it disconcerting that the Government should be so concerned with committing the  
Members of this House to a firm position with respect to the management of the Trust while  
these questions remain unanswered. It is my opinion, Mr Speaker, that Government should  
instead be investigating these questions itself. As I do not have all the answers that I seek on  
behalf of my constituents, I am not in a position to support this motion. Furthermore, in light of  
1695 the serious concerns I have raised and which remain unaddressed, I believe that this motion is  
premature and unnecessary.

If I may turn to the first paragraph of the motion, it reads, and I quote:

Calpe House is an independent charity which has been in existence since 1989 and that there has never been any involvement by any Government in the affairs of the charity.

1700 Mr Speaker, I could not believe my eyes when I read this first point, as I could not understand how Government could base a motion brought to this Parliament on such a blatantly and demonstrably flawed premise.

Last December, when I initially asked questions about Calpe House in this House, I was told categorically by Minister Bossano, and I quote Hansard:

This is a private charity that is independent of the Government.

1705 I further asked Minister Bossano about the discrepancies between his statement and the written evidence available. For example: (1) the Gibraltar Government letterheaded correspondence with Westminster City Council; (2) the fact that the architect's website lists the Gibraltar Government as its client for the project; (3) the fact that the planning application to Westminster City Council reads, 'The applicant is the Calpe House Charitable Trust supported by Her Majesty's Government of Gibraltar'; (4) the fact that the current Chairman of the Trust has acted not only as Calpe House trustee but also as Government representative, as can also be seen in letter-headed correspondence.

1710 All these facts showed clearly that Government was indeed truly involved and invested in Calpe House. Despite this, Minister Bossano defiantly argued it was an independent charity.

1715 Mr Speaker, lo and behold, it did transpire that at the time I was told that Calpe House was an independent charity the Trust had already been wound up and a limited company had been created in its place, of which the Government of Gibraltar has 51% ownership.

The Minister calls me ignorant – an insult that I am now getting used to, as it is not the first time that he tells me this – but if I am ignorant perhaps I am not alone, because in the *Chronicle* of 7th August an article reads:

the Government will be responsible for 51% and Calpe House limited for 49% of the property and of the associated costs incurred.

1720 So, if I have mistaken a company limited by shares for a company limited by guarantee, it does not change the fact that ultimately Government is responsible for 51% of the property and the associated costs. It changes nothing in terms of his denial of Government involvement in Calpe House. Semantics, Mr Speaker, pure Semantics.

1725 I have now learned from the charity's latest set of accounts that Government has loaned Calpe House just under £13 million and that Government will not seek repayment of the loan for the foreseeable future.

Furthermore, if I may point Minister Bossano to the Chief Minister's own words in the *Gibraltar Chronicle* on 7th September this year, just over one month ago:

We have been appraised of all aspects of the acquisition and the proposed refurbishment at every stage.

And on the matter of the changes in Calpe House's structure, the Chief Minister also added:

these had been done with the support of the Government "and for good reasons.

1730 Furthermore, the Chairman of the Trust was cited in the same article in the *Gibraltar Chronicle* as having stated:

There was no step taken without the full consultation of the government.

Mr Speaker, I therefore wonder if, prior to drafting that first paragraph in the motion, Minister Bossano should have consulted the man to his right, the Chief Minister, because it is abundantly clear that they have two very different views with regard to Government's involvement with Calpe House.

1735 Government is a majority shareholder of Calpe House Ltd. If this, as well as all the other evidence I have just cited, is not proof of involvement of the Government in the affairs of the charity, then the Government must have a very unique interpretation of the word 'involvement'. I daresay Mr Bossano and the Chief Minister should have cleared this up among themselves before bringing this motion to Parliament.

1740 In our last parliamentary session Mr Bossano told me that in this House 'we do not say to people you are not telling the truth' and that therefore he was 'left with only one alternative', that being that I did not know what I was telling was untrue. In this case, Mr Speaker, I wonder whether it is possible that the hon. Member did not know at the time that his own Government was a majority part shareholder of the company and therefore did not know that what he was saying was untrue, because of course far be it for me to suggest that Mr Bossano himself is ignorant, as he accuses me of being, and was not telling the truth.

1745 Perhaps now would be a good time to rectify this in light of all the information I have just provided him with in relation to the Government's involvement in the affairs of the charity.

Mr Speaker, turning to the second part of the motion, it reads:

THIS HOUSE further notes and rejects the reports and comments put in the public domain which appear to question the honesty and integrity of the trustees and suggests that the donations made to the charity by the public are unaccounted for.

1750 The motion refers to 'the reports and comments put in the public domain which appear to question the honesty and integrity of the trustees'. For my part, all I have called for is an inquiry to establish the facts of how we have gone about the purchase, and in this regard even the trustees have accepted that things might have been done better.

1755 Moreover, it would be for others to decide on questions of honesty and integrity once the full facts are transparent. As it stands, even the UK Charity Commission has been chasing the Trust's financial affairs and only reinstated the charity back into their books a few days ago after striking it off for some time for lack of accounting.

1760 Similarly, an auditor of Friends of Calpe House Gibraltar, a Gibraltar-registered charity which is audited separately with annual accounts filed with the Gibraltar Charities Commission, recently stated:

There is no system of control. There were no satisfactory audit procedures to confirm the accuracy of income received.

Although the importance of this has been played down by some, the reality is that it is a grave situation for the Trust to find itself in.

1765 Also, although I do read the press, I struggle to see where the comments referred to have been made. It would be immensely useful to know exactly what publications, persons and comments are being alluded to in the motion.

Furthermore, if the Trust thinks that the trustees have been defamed, then surely there is recourse in law and not a matter for this House to be involved in.

1770 More importantly, Mr Speaker, I do not think that this House should be in the business of effectively criticising and gagging the free press, and I will not be the one taking this dangerously undemocratic step. Mr Bossano's attack during his speech just now on the press and that they do not just report facts but read into them and interpret them is totally unacceptable. That is free journalism, Mr Speaker. How dare the Minister chastise the press for having the audacity to do their job as the free journalists that they are?

1775 Mr Speaker, the research by the free press, as well as my own research that has followed, has in the last year pointed to a series of discrepancies which have raised alarm bells and worried many in our community. These discrepancies have been plentiful and are highlighted in depth in my lengthy letter to the trustees which I referred to earlier and which have given rise to a long list of unanswered questions, that long list of questions to the fact that the charity was struck off the UK's register of charities for 'repeatedly failing to submit accounts', and we have legitimate reasons to ask questions.

1780 Mr Speaker, I know that the hon. Members opposite do not like it when I or other Members on this side come to this House with what they call gossip or hearsay from Main Street, but we work for those people up and down Main Street and I give you my word that from the moment I began to ask questions about the workings of Calpe House in this House, the people of Gibraltar have inundated me with their own concerns on this issue.

1785 Following the publication of my letter to the trustees, I have been thanked by countless members of this community many times, many of these well-known distinguished public figures who, for whatever reason, do not or cannot voice their concerns publicly. I may appear to be a voice in the wilderness on this issue, but I can assure you it is not me alone who has reservations about the management of this charity; it is every second or third Gibraltarian – our employers, Mr Speaker – who demand the answers, who are entitled to the answers, because they are the ones breaking their backs all year round to raise funds for this worthy cause. So, when those who want to twist my motives say that it is disgraceful of me to call into question the workings of a charity, it is precisely because it is such a noble project that it should be open to scrutiny and that Government should facilitate such scrutiny to its main donors, the people of Gibraltar.

1790 I do, therefore, unequivocally agree with paragraph 4, which reads:

THE HOUSE furthermore wishes to express its appreciation to those involved in the work of Calpe House for the many hours of unpaid work they have given and continue to give to the institution.

1800 I wholeheartedly agree with that sentiment, Mr Speaker, and to all those trustees and fundraisers alike who have given so freely without remuneration I say thank you for the countless hours spent working for Calpe House, for your altruistic acts of kindness and selflessness; for standing in the rain and the wind in the winter and in the unbearable heat of summer; for organising events and, in some cases, achieving amazing feats of physical endurance in order to raise funds and keep the charity afloat, all in order to accommodate sick and vulnerable patients, many of whom may even be too weak to thank you themselves. So, from this corner of the House I say thank you, because without you Calpe House would not be what it is today. And precisely because of your hard and unpaid work, it is you who deserve to know that the funds and the accounts that come from your good work are honoured and administered cleanly and correctly, which is the only mission in my line of questioning and the least you deserve.

1805 So, in answer to Mr Bossano's previous comment that I have been involved in a year-long campaign to undermine the charity, nothing could be further from the truth, Mr Speaker. My aim is precisely the contrary: to protect the charity.

Paragraph 5 deals with the premises acquired by the former trust, now company. I quote:

THE HOUSE in addition fully supports the decision to invest in new premises in order to provide improved facilities and assist a greater number of sponsored patients when in London for medical treatment.

1815 Mr Speaker, I do not know anyone in Gibraltar who has disputed the need for new premises. We all know that there was a pressing need to be able to accommodate more patients. I have said repeatedly the issue was not about needing new premises but rather about the need to purchase an expensive dilapidated grade II listed building. There are clear questions about the decision to purchase these specific premises given the amount of problems, issues and questionable circumstances surrounding the purchase of this particular building.

1820 So again I point any genuinely interested Members of this House to my letter to the trustees,  
1825 detailing my questions in relation to this purchase, and I ask Minister Bossano: given that there  
are over 40 reasonable questions in that letter, why on earth is this New Dawn and Stronger  
Foundations Government doing everything in its capacity to deprive the people of Gibraltar from  
getting the answers they deserve?

1825 The Government can no longer tell us they have nothing to do with the charity, given that  
they are majority shareholders. So surely, if there is nothing to hide there is no need to hide, and  
the Government is responsible for providing us with answers we deserve as beneficiaries of this  
Trust as well as the people who fund it both through our donations and through our taxes.

1830 Before I finish, Mr Speaker, I would like to make a point about the Opposition's reluctance to  
ask any questions about the matters affecting Calpe House, especially as they are so keen to  
establish Public Accounts Committees. Interestingly, I discovered that this House had a Public  
Accounts Committee which, in 1980, looked into a situation where a company called RYCA  
Supply Company Ltd was apparently selling goods to Government at inflated prices. The  
managing director of RYCA was the current Chairman of the Calpe House Trust. The Public  
Accounts Committee found that RYCA had not been helpful to the inquiry by 'consistently  
1835 refusing to reveal to the committee certain manufacturers' invoices' that would have helped to  
establish the facts. Ultimately the Committee found that, from the evidence it had managed to  
obtain, it could 'not satisfy itself as to whether or not there had been malfeasance; however, an  
earlier investigation to possible malfeasance may have resulted in a more positive conclusion'.

1840 Why do I mention this? For three reasons. Firstly, because I fear that delays in examining the  
events around Calpe House will again leave us in a situation where we cannot ascertain the  
facts. Secondly, because this example from 1980 shows the service to transparency and  
efficiency of public institutions that an investigatory framework can perform. When there are  
serious and credible concerns surrounding the administration of large sums of public funds, a  
framework with powers of investigation can get to the heart of those concerns in a way that the  
1845 press and my voice in the wilderness – that is this House – when it comes to this issue cannot.  
We need a transparent investigatory committee that is fit for the present, not merely for the  
1980s. I may not agree with the GSD on the mechanisms of Public Accounts Committees, but I  
agree with them wholeheartedly on the principles of openness, transparency and accountability.

1850 Seeing and hearing Minister Bossano fight tooth and nail to prevent an investigation only  
makes it more obvious that there needs to be a framework in place to ensure these principles  
are adhered to. You see, Mr Speaker, the irony of all this is that the GSD has repeatedly called on  
the Government to establish a Public Accounts Committee for the sake of transparency, an issue  
the GSD claims is very close to its heart. Instead, it is a conspicuous reality that to date the GSD  
has not said a word about the substantive concerns that have been raised by me and in the  
1855 press. I urge the GSD and Mr Llamas, and even the hon. Members opposite: ask yourselves  
honestly, objectively – forget that it is me who is asking – do you not think that an investigation  
is warranted in light of all these discrepancies. Do a quick Google search and see the number of  
press articles surrounding the issue. Look at the facts, talk to people, read the press articles.  
There are serious questions to be answered and my constituents, *our* constituents, people from  
1860 across the community, supporters of every corner of this House, are approaching me with those  
questions and I do not have the answers for them.

Government should take heed because people are growing tired of things being brushed  
under the carpet and of legitimate concerns being ignored. We should learn the lessons history  
has taught us and see the benefits of having an investigative framework that can hold public  
1865 institutions to account. This is something that the Opposition and I agree on and I cannot see  
how the GSD can claim to want that yet remain so silent on this issue, considering the level of  
public interest and concern.

I honestly hope that the result of the investigation is that there was nothing to be concerned  
about, but I would urge the GSD to put personal antipathies aside and take a position on this so

1870 they can substantiate. Otherwise, the GSD are just also about transparency à la carte, Mr Speaker.

1875 It is quite clear to me that the motivation behind this motion of Minister Bossano is silencing an Opposition MP and elements of the free press in relation to a clearly controversial issue and obstructing our work through demagoguery by attempting to make those of us raising our well-substantiated concerns appear to be enemies of the charity and the work that it does for our vulnerable patients. Minister Bossano has brought this motion on the blatantly erroneous premise that Government has no involvement in Calpe House. He states this as a matter of fact. It is incredible that the GSD should be silent on this issue and the concerns that flow from it. Mr Bossano's word and that of his friends is not enough to give me or the community peace of mind and I am surprised that it is enough for the GSD.

1880 Thirdly and finally, I raise the point about the RYCA inquiry because I have concerns about a potential conflict of interest following research that I have carried out as a consequence of learning of Calpe House's change in accountants from Grant Thornton to a firm called Cooper Young, who audited the accounts filed at Companies House UK a week ago. The revelation that Calpe House has changed accountants prompted me to do some research into the issue. It struck me as strange that Grant Thornton, a company described on its website as 'one of the world's leading independent assurance and advisory firms' should not have the capacity to file accounts on Calpe House's behalf. I was also slightly confused by the decision to appoint Cooper Young, which describes itself on its website as 'a growing independent accountancy practice' and, from what I can see from its website, only has two practitioners working out of its offices.

1885 Considering the myriad of complications arising out of the purchase of the new building and the clearly complex financial structures surrounding Calpe House, together with the repeated failure to submit accounts and therefore presumably the great deal of backdated accounts information to be dealt with, I could not help but question the decision to appoint a small independent practice working out of London and with no apparent links to Gibraltar over an international accountancy firm with a local presence, of which there are several other than Grant Thornton. However, upon doing further research into Cooper Young I came across the following publicly available information, which might explain the decision to choose this firm of accountants.

1890 On 13th May 1997, RYCA Supply London Ltd, a company of which Mr Albert Poggio was a director, was voluntarily wound up. The proceeds of the liquidation went to Barclays Bank and something termed the AAP Pension Scheme. RYCA Supply London Ltd's registered address was then changed to that of Cooper Young on 29th June 1995. Upon further investigation, I found another link between Cooper Young and Mr Poggio. Another company of which Mr Poggio was a director and to which it appears he retains close links is Antwerp Brokering Enterprises UK Ltd, known as ABE Ltd, which is in the business of selling pharmaceutical goods to the GHA. ABE Ltd has its registered office also with Cooper Young, who are also ABE Ltd's accountants.

1900 There is therefore clearly a longstanding commercial relationship between one of the trustees and Cooper Young. The fact that Cooper Young have assisted the Trust's Chairman with the administration of two of his companies is a fact which I believe could lead to the perception that there might be a conflict of interest, Mr Speaker. Because of this potential conflict of interest and given the pressure from the Charity Commission, I would have thought that we would have wanted a leading set of accountants with an established reputation to complete the auditing work quickly and thoroughly, rather than a modest high street outfit, so I will be writing another letter to the trustees raising these questions in addition to those already posed in my first letter. I would have liked to have had the chance to raise this issue formally with the trustees prior to raising it in this House, but this motion has forced me to bring this issue to light here today before I have had time to contact them.

1915 Mr Speaker, for all of the reasons I have touched upon, I cannot support this motion out of principle, difficult as that is when you are speaking of the worthiest of causes to be supported by us all. I am indeed grateful to the trustees, who give freely of their time. If questions remain

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1925 unanswered after they respond to my letter and if there is nothing to hide, an investigation could assist in increasing the efficiency of an institution which, by the trustees' own admission and clearly from what we know about the financial management of the Trust, appears to be lacking.

1930 The trustees acknowledged in the *Gibraltar Chronicle* that demands for scrutiny are legitimate, given the public funds involved. I understand the trustees' frustration that their voluntary work is being tarnished and that this may be having a knock-on impact on the appeal. I would urge the trustees to see that the best way to stop their voluntary work from being tarnished is to encourage full transparency, and I am still hopeful that the response to my letter will be transparent and comprehensive and negate any need for an investigation.

1935 People have raised, donated and contributed millions of pounds and they continue to do so. Is it not also a disservice to the appeal not to take steps towards achieving more transparency and efficiency into the management of Calpe House, I ask. Minister Bossano just said in his speech he wants to produce the truth about Calpe House, and based on all these discrepancies I have highlighted and the press have highlighted the only way is through an independent investigation. So, as much as I would like to support a motion on such an honourable cause, precisely in order to protect the charity, those who selflessly work to run the Trust to raise funds, those who donated and those who need it, I shall have no option but to vote against the motion today, Mr Speaker.

**Mr Speaker:** The Hon. Edwin Reyes.

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

1945 It is a memorable day today for me: I never thought I would actually have my dear friend Joe Bossano quoting from Leviticus, but there we have it. Joe, may I quote back another book of the Torah to you. The Torah means the law where the commandments are given, one of which is honour your father and your mother, and certainly today you deserve to be honoured as Father of the House for the detailed explanations that you have given as part of this motion. It certainly cleared up the air and any doubts.

1950 One thing that I have learned whilst being a Member of this House, nowhere near the number of years' service that the Father of the House has given, but certainly on this side it is only Daniel Feetham and myself, we are the two longest serving Members, and like many of you – Joe, the Chief Minister and others – we have served on both sides of the House. One thing we have learned is it is a special privilege to belong to this House, it is a privilege to serve the people, but one has to be careful in the service towards the people. Joe gave a very good and realistic example. You can start off, I think he said, at one end of Main Street saying that someone has a cough and by the time you reach the other he is dead and buried. That, Mr Speaker, I think you will agree you can multiply by 17 – the number of Members of this House – the way the exaggeration will take on board if a Member of this House just adds a little bit. What is a grain of sand coming from a Member of this House, given the respect that the electorate has, irrespective of who you voted for, that respect that we often show to each other and sensible people understand ... We have to be careful – a grain of sand for ordinary members of the public is actually a mountain if it comes from a Member of this House. Therefore, Joe, I think you gave a very good example.

1965 I used that because in the hon. Lady's contribution she has said more than once 'the GSD has kept quiet – I expected the GSD to do something.' Mr Speaker, from this side of the House I perhaps win the tournament for who has more white hair, and what one learns from that is if you have to say something, make sure it makes sense, make sure you know what you are talking about. (**A Member:** Hear, hear.) I was unsure on certain things about Calpe House. What I did was talk to certain individual trustees – one has the ability to do that in Gibraltar; you can have a cup of coffee with someone off the record – and those trustees allayed any fears I may have had towards any misappropriation of funds, so therefore there was no need for me, in the absence

1975 of facts, across the floor of this House ... More so, Mr Speaker – and I have double checked the date – after the due notice had been given by, like it says here, the Hon. Minister for Economic Development, Telecommunications and the GSB on the 18th September, I think it would have been improper for me to have tried to jump the gun and cast any further allegations without having given the hon. Member the chance that he had today and that I think he has used his intervention to clear up any minds.

1980 So, Mr Speaker, may I please contribute and stress in the record, in the *Hansard* of this House, that I could not agree more and wholeheartedly with the motion, especially paragraphs 3 and 4:

THE HOUSE therefore declares its full support for and confidence in the honesty and integrity of the trustees and directors of the institutions set up by the Charity.

And paragraph 4:

THE HOUSE furthermore wishes to express its appreciation to those involved in the work of Calpe House for the many hours of unpaid work they have given and continue to give to the institution.

The trustees do a lot of voluntary work, quite often, like anyone who does voluntary work knows, unappreciated, but I know they do go beyond the call of duty.

1985 I have a vested interest in making sure that there is a bigger and better Calpe House. Going back to the sad days of 1995, my family had the unfortunate experience that my mother was diagnosed with cancer and was sent to the Royal Marsden Hospital in January 1995 and she remained there until she died on Boxing Day of 1995, that is 12 months worth and during those 12 months I came across other fellow Gibraltarians – my colleague sat on my right was also there with his late mother. None of us could actually get allocation at Calpe House at that moment, so we had to rely on other charities but very much guided from the bottom of their hearts by members of Calpe House – constantly apologising; they even went overboard with apologies, ‘I am sorry, we simply do not have enough rooms.’ They knew it added to the burden of the family; they knew it added to the extra expense of the family. Luckily Mr Phillips and I shared many sad moments together in I think it was called Dame Unity House, like a little residence at the back of the Royal Marsden. But what a relief at the end of the day, when you have spent hours seeing your own mother slowly going away, to be able to meet a fellow Gibraltarian and to be able to talk in the way that we Gibraltarians can talk amongst each other. So, if we gain an extra room or an extra dozen rooms at Calpe House it certainly carries my full support.

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1995  
2000 Just for the public record, like the mover of the motion said, there are many Members on this side of the House who also contribute through monthly standing orders. We even donate a whole month’s worth of salary because we believe it is a worthy cause.

Long live Calpe House and thank you, trustees, for your hard work. (*Banging on desks*)

2005

**Mr Speaker:** Any other contributor? The Hon. Roy Clinton.

10  
2010 **Hon. R M Clinton:** Mr Speaker, perhaps I am the only one in this House who is uniquely qualified to talk about this subject, because I am, or have been, a professional auditor. I have all the pieces of paper to prove it. I have worked for big audit firms, including Price Waterhouse and KPMG.

2015 I find myself in a slightly unusual position of having to explain why the GSD Opposition do not engage in witch hunts. We have been silent on this matter because, frankly, we did not see there was anything to be said. However, that is not to say that I have not done my homework and done my own independent research on the subject.

I have investigated frauds, I have investigated areas of concern in multimillion-pound cases. In this particular case, Mr Speaker ... and the hon. Lady will acknowledge that she had a

conversation with me and I said, 'Look, if you have evidence go to the Police. (*Interjection by Hon. Ms M D Hassan Nahon*) Yes, sorry, say it on the microphone.

2020

**Hon. Ms M D Hassan Nahon:** If I ever had an issue to take to the Police, the Commissioner happens to be a trustee: there you have another conflict of interest.

2025

**Hon. R M Clinton:** Well, Mr Speaker, I also asked her to bring it to me, and to date I have had no papers at all.

I cannot accept any criticism from the hon. Lady as to what we have or have not done, because I have done my homework, I did go to the Charities Commission here in Gibraltar in May of this year and I did pull out the accounts that were available at the time in the Charities Commission.

2030

This is where I really wish I had a whiteboard in here, because then I could explain with one of my famous diagrams as to what the structure is. (*Interjection and laughter*) I will beg Members' patience and indulgence, because what I am trying to embark on is to draw the picture of what it is that we are talking about, and unfortunately it is, in parts, complex.

2035

The first thing the House has to understand is when we talk about Calpe House we are not talking about one entity – and I am happy to be corrected by the Hon. Mr Bossano. We are talking about the old, as it were, Calpe House Charitable Trust, the very original one which was set up to own the original building in London, and there is also another charity called the Friends of Calpe House. They are two separate charities and they both file separate accounts at the Charities Commission, and then later on, as it gets more complicated, we have the limited company, which is called the Calpe House Ltd, which is the company limited by guarantee, as Mr Bossano has so eloquently described.

2040

Throughout all this, what I am trying to do is to allay the general public as to any fears they may have, because if there were any fears I would be the first one to have them and, as the hon. Lady has said, I would be the first one in here demanding an investigation if I had the evidence. Otherwise, she would quite rightly call me a hypocrite; but if she is calling me a hypocrite, give me the evidence – because I see no evidence.

2045

The accounts that are filed at the Charities Commission in Gibraltar are the ones for 31st March 2015. I have heard a lot in the press about 'we need more transparency, where was the information, we did not know about this entity being created, this is terrible, we need more transparency and disclosure'. Mr Speaker, the information is there in the accounts at the Charities Commission. Anybody can walk in and look at them.

2050

The Calpe House Charitable Trust, which is the original Trust, quite clearly states in the trustees' report 'Plans for future periods' and it talks about the three buildings being bought and it talks about the financing arrangements and it talks about Calpe House Ltd – and that is in the trustees' report.

2055

If you go to the back, which is where most accountants start because that is the most interesting bit, there is something – the auditors and accountants listening will know what I am talking about – that is called the post balance sheet event note. Basically, if anything happens that is of such significance as to be fundamental to the understanding of these financial statements, you are required under the relevant accounting standard to disclose it. And quite rightly, here in the accounts, which are signed, there is a note 15 which says 'Post balance sheet events'. Again, Mr Speaker, I beg the indulgence of the House so that I can read this into the record:

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In July 2014, a company limited by guarantee was created, called Calpe House Limited. Calpe House Limited is considered a related party as the directors and guarantors of Calpe House Limited are the same individuals as the Charitable trust's board of management and trustees.

– which we all know –

On 19 May 2015, the Charitable trust purchased 3 buildings located in Norfolk Square, Paddington, London (the '19-23 Norfolk Square Property'). The purchase was supported by loans from HM Government of Gibraltar. The refurbishment of these buildings is expected to be completed in March 2017. The new buildings will enable Charitable trust to substantially increase its activities. In order to finance the purchase and to finance the refurbishment of the 19-23 Norfolk Square Property, Calpe House Limited entered into a £10 million term loan facility agreement. The Charitable trust serves as guarantor to the loan. The loan is secured by a mortgage over the 47 Prince's Square Property and a guarantee from the Charitable trust for £5 million as secured by a mortgage over the 19-23 Norfolk Square Property.

2065 And then, Mr Speaker, it says at the very end:

The Charitable trust intends to transfer its beneficial interest in both the 47 Prince's Square Property and the Norfolk Square Property to Calpe House Limited.

So there is no mystery there, Mr Speaker.

2070 The area of confusion – and I can understand the hon. Lady referring to the 51%... Under 'Tangible fixed assets' in note 8 – and, Mr Bossano, again, please do interrupt me if I get anything wrong here – in a footnote, and this is where it talks about the freehold land and buildings, this is the original building before the purchase, it says:

The registered owner of the freehold land and buildings is HM Government of Gibraltar. The Charitable trust received the rights, among others, to use the said property under the deed of trust entered into between the Charitable trust and HM Government of Gibraltar.

This is where it gets interesting, Mr Speaker:

Under the deed of trust, HM Government of Gibraltar retains the power to sell the property, postpone the sale, hold the net proceeds of the sale and net rents/profits until sale as co-owners with HM Government of Gibraltar holding a 51% share of the freehold land and buildings and the Charitable Trust holding the remaining 49%.

Well, of course, as Mr Bossano has explained, this does not necessarily mean that you control the charity. You may have an interest in the assets of the charity, but you do not necessarily control the charity.

2075 Mr Speaker, one of the reasons why I have no concern is certainly the accounts which were audited by Grant Thornton – and I should point out to the hon. Lady that these accounts have been audited; and again I stand to be corrected by Minister Bossano – these have been audited on a pro bono basis and they valued the cost of the audit, because what they would do is they would say 'technically the cost is £4,500, we will give you a donation of £4,500, net cost to the  
2080 charity is zero'.

Mr Speaker, the audited accounts of the Calpe House Charitable Trust for 31st March 2015 is what we would call in my profession as a chartered accountant a clean audit report. It says quite clearly in their report to the trustees 'Independent Auditors' Report to the Trustees – Grant Thornton' and it concludes:

In our opinion, the financial statements:

- give a true and fair view, in accordance with Gibraltar Generally Accepted Accounting Practice, of the state of the Charitable trust's affairs as at 31 March 2015 and of the Charitable trust's incoming resources and application of resources, including its income and expenditure, for the year then ended; and
- have been properly prepared

2085 And then it says:

Opinion on other matters

In our opinion the information given in the trustees' report for the financial year for which the financial statements are prepared is consistent with the financial statements.

We have nothing to report in respect of the following matters where we are required to report to you if, in our opinion:

- the Charitable trust has not kept proper accounting records; or

- if information specified by law regarding trustees' remuneration or other transactions is not disclosed; or
- we have not received all the information and explanations we require for our audit.

This is signed by Frederick D J White, Statutory Auditor, Grant Thornton (Gibraltar) Ltd, Gibraltar. So Mr White, certainly when he signed this audit report on 10th March 2016, had no concerns whatsoever about the Calpe House Charitable Trust.

2090 Keeping on the Trust, if we go on to the other Trust, the Friends of Calpe House Charitable Trust, and the comments and again there has been selective reporting of the audit report. Those of us who work in the profession will understand there are degrees of qualification of an audit report which range from 'we have not had all the information' to complete disclaimer saying 'we cannot reach an opinion'. In between those extremes – from a clean audit report, as I just read you, to a report where there is a disclaimer – there are, to use a favourite phrase of the Chief Minister, shades of grey, and one of those shades of grey which this newspaper has picked up on is about the recording or controls over cash income. It says:

2095

There is no system of control over cash donations, membership subscriptions or other income ...

But then, of course, what has not been given enough emphasis is that the auditor then says:

Except for the effects of the matters described above in the qualified opinion paragraph, the financial statements are said to give a true and fair view in accordance with Gibraltar ... for the results at 31st March 2016.

So what the auditor is saying is 'except for that particular item on which I cannot get any comfort, I don't have a problem'.

2100 Mr Speaker, I will confess I have not seen those accounts, because in comparison – or I have seen them, but I do not have a copy with me – in comparison to Calpe House Charitable Trust they are not of the same magnitude or scale, but what I will tell the House is that it is not unusual for charities to have great difficulty over controlling cash because, let's face it, if you put a collecting tin in a shop and then you pick up that tin at the end of the week, how do you know that all the money that has gone into that tin you have taken back? It is the same when you have a flag day. To get a completely unqualified audit report in that particular area you would need to have pretty tight controls – you would have to have sealed tins signed out by two people, monitored by two people, the opening monitored by at least two people and the banking and the controls ... So it is always an area of weakness for charities and certainly in Gibraltar, where people collect cash out of the goodness of their hearts. But certainly if you had to sign an audit report, could you get any comfort that it was complete? And so that is the context in which that particular audit opinion has to be looked at, not extracted by itself. What you have there is the Friends of the Calpe House Charitable Trust collecting money and then, as I understand it, donating it to the main charity.

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2115 Then, Mr Speaker, what we have is, as I have already described – it is all there in black and white in the accounts for March 2015 – that there was an intention to transfer the property across. In the accounts which are now filed at Companies House there is the report of the new auditor. Let's address the issue of the auditor.

2120 For a charity of this scale to employ a big five accountancy firm would be, in my view, somewhat unusual because it is going to cost you a fortune. I can say that for something of this scale to use an audit firm – and I have to emphasise the Lady disparages this firm, but this is a registered firm of chartered accountants which is regulated. This is not some backstreet unregulated accountant; this is a properly registered chartered accountancy firm which is regulated. Whether the charity's trustees consider that, in terms of what it is they need, whether this particular firm is cheaper – because I see they only charged £2,000 for the audit, compared to the £4,000 that Grant Thornton would have charged in Gibraltar, and in London I would double that, so it would probably be more like £10,000 ... and also you would want a firm in London that is familiar certainly with the rules and regulations in the UK and certainly tax and VAT.

2125

2130 Mr Speaker, I am now looking live at the accounts at Companies House in the UK – and again I beg the indulgence of the Members. ‘Principal objectives and activity’ – this is for the period ended 31st March 2017:

The principal activity of the company was that of other human health activities

– which is a creative description but nevertheless true. And then it goes on to say:

Calpe House Limited, (a company limited by guarantee) was set up on 09 July 2014 and took up all responsibilities of *The Calpe House Charitable Trust* since 11 March 2016. *The Calpe House Charitable Trust* transferred all of its assets, liabilities and operations to Calpe House Limited. The Calpe House Limited is responsible for the control and administration of funds which may be available together with the administration and control of freehold properties at number 47, Prince’s Square and at number 19-23 Norfolk Square, Paddington, in the London borough City of Westminster.

The Objectives of the Charitable Trust are for the relief for sick persons who have been referred for treatment in the United Kingdom under the Government of Gibraltar Medical Health Scheme.

2135 Mr Speaker, the auditors ... and, in fact, technically there is no change of auditor because this is an entirely new entity in any case. What this auditor has written is quite simply ... funnily enough, he has given:

In our opinion the financial statements:

- give a true and fair view of the state of the charitable company’s affair for the year ended 31 March 2017 and of its incoming resources ...

– this is standardised boilerplate phraseology –

including its income and expenditure, for the year...

- have been properly prepared ... in accordance with the requirements of the Companies Act 2006.

Matters on which we are required to report on by exception

We have nothing to report in respect of the following matters where the Charities Act 2011 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or

- the financial statements are not in agreement with the accounting records and returns; or

- certain disclosures of trustees’ remuneration specified by law are not made; or

We have not received all the information and explanations we require for our audit.

2140 This is a clean audit report and this is signed again by Cooper Young & Partners, Chartered Accountants and Statutory Auditors, fully regulated in the United Kingdom.

Mr Speaker, without wanting to go into too much detail, a cursory glance at the balance sheet of Calpe House Ltd will show it has tangible fixed assets valued at over, well £14.9 million, has cash in the bank of £230,000 net ... well, unrestricted funds, it says basic reserves of £2.1 million. And so what is it I am supposed to be concerned about? Frankly, I do not see what the issue is.

2145

If we go through the notes:

Charitable status

The charity is limited by guarantee and has no share capital. In the event of charity being wound up the liability in respect of the guarantee is limited to £1 per member of the Charity.

They are there for everybody to see. I accept that tardiness in filing will never be accepted as an excuse by me, regardless of which company it was.

2150

There is again a long note at the end of it about the fixed assets in London of this company and a commentary, as the hon. Lady has just said, about the loans payable in more than five years’ time from the Government:

for the purchase and refurbishment costs of the freehold properties ... repayable on demand although HM Government of Gibraltar has indicated their support for the Charitable Trust and they will not seek repayment of the advances for the foreseeable future

in the amount of about £12.9 million.

2155 It even has a detailed breakdown of administrative expenses, which amount to about  
£180,000. In auditing and accounting terms this is not a large entity that would require the  
2160 expertise of a big five audit firm.

2160 Mr Speaker, what is it that the Opposition is reluctant about? I have been to the Charities  
Commission, I have looked at the accounts, I have looked at the accounts here, I have looked at  
the file at the Charities Commission and I see nothing that would warrant anything remotely like  
an investigation. If the hon. Lady has evidence, bring it to this House. If the hon. Lady has  
concerns of criminality, take it to the Police – unless she is suggesting that the Police in Gibraltar  
cannot be trusted, in which case I would suggest that she perhaps goes to Scotland Yard in  
London; maybe she will get more luck there. *(Laughter)* But frankly, Mr Speaker, to accuse this  
2165 GSD Opposition to be lacking on precisely the subject matter on which I stood for election and  
which I will always pursue – and that is transparency and accountability – is frankly  
disappointing. I will always seek transparency and accountability in this House and outside.

2170 There is nothing that I have seen so far that would warrant any form of investigation, and so I  
have to wholeheartedly agree with the Hon. Minister Bossano's motion that this community  
should stand full-square behind Calpe House.

2170 If the hon. Lady has evidence, by all means pursue it. I will be first one who will stand up in  
this place and shout murder, but I need to see the smoking gun. I do not work on the rumour  
mill; I work on facts and figures – this is my bread and butter. To be told that I am somehow  
remiss in what is my area of expertise is frankly regrettable. But again, the hon. Lady, I am happy  
to help her – if she produces the evidence I will look at it. But if she has evidence, she should  
2175 give it to the Police, give it to whomever and put pay to it. If there is no evidence, I really believe  
that she should stop doing what she is doing, because she is doing a disservice to this House and  
a disservice to herself.

Thank you, Mr Speaker. *(Banging on desks)*

2180 **Mr Speaker:** The Hon. Daniel Feetham.

2185 **Hon. D A Feetham:** Mr Speaker, I am extremely grateful, I have to say, to the Hon. Minister  
Bossano for bringing this motion to this House and for allowing this matter to be debated, and  
indeed for allowing Members of this House to show their support for Calpe House and for its  
trustees. Indeed, if Minister Bossano had not brought this motion to the House, I would have  
personally brought this motion to the House because I feel very, very strongly about what is a  
regrettable, lamentable and shameful campaign against an innocent charity and its trustees,  
inflamed and given vent to by the hon. Lady peddling her version of the rumour mill in this  
House and outside it without a shred of evidence – and I do not use the words 'credible  
2190 evidence', because there is simply no evidence at all.

2195 It is the height of political hypocrisy for the hon. Lady to talk about how grateful she is to the  
trustees and how very much she appreciates the work done by the trustees and those  
associated with the Trust, when on the other hand she says that it is her mission – she said today  
– to ensure that the funds and accounts of the Trust are administered properly and cleanly.  
What she is really saying is that there has been misappropriation of moneys. That is what she is  
saying. That is a serious allegation that the hon. Lady is making, because she would not be saying  
she wants to ensure that they are properly and cleanly administered – that the funds are  
administered in that way – if she was not really suggesting that it is uncleanly and improperly

2200 being administered. And she is doing so without a shred of evidence and indeed without any respect for the damage that it is doing to the reputation of people.

The people we are talking about are people like Olga Zammit OBE, the Commissioner of Police Eddie Yome, James Neish QC, Lord Hoyle and Commodore Ian McGhie – and I do not leave anybody else out because I do not give them credit; it is just that these are very well-known individuals. The idea that any of these people would sit idly by whilst the money of the charity was being syphoned away or misappropriated or uncleanly administered is as fanciful as it is grotesque – because that is what it is: it is absolutely a grotesque allegation that is being made without a shred of evidence. Without a shred of evidence.

2210 My hon. Friend Mr Clinton said that he is an accountant and this is his business. Well, I am a lawyer; I have done many cases involving commercial fraud. You do not make allegations of fraud without having evidence, credible evidence, but there is not a jot of evidence of anything nefarious having occurred in relation to the funds in Calpe House.

2215 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am being accused of making allegations. I do not think that is right. I am not a barrister like them, so I cannot bring you Hansard and points of order.

**Mr Speaker:** I do not think that there is anything which the Hon. the Leader of the Opposition is saying which transgresses any of the Standing Orders.

2220 **Hon. D A Feetham:** Mr Speaker, I am extremely grateful.

It is also aided and abetted by anonymous Twitter accounts. The Hon. Mr Bossano mentioned the Twitter account involving Calpe House and some of the tweets I ... in the context, of course ... because this is what the motion is about, the campaign against Calpe House. Let me read some of the tweets:

Time for a moratorium on fund raising.  
Where's the money gone?

2225 There is a photo then of Nathan Payas and then there is a tweet:

Raises £6,700 for financial black hole in the Calpe House.

That is the kind of campaign that is being waged on social media against this charity and its trustees and it is absolutely disgusting. Absolutely disgusting.

2230 And then, simply because on this side of the House we do not agree that this kind of campaign should be made against innocent trustees, there is then tweets – presumably because they think that I am the kind of individual that is going to bend in the wind because of mafia-style threats, because it has to be said that is what it amounts to, mafia-style threats, there is then a tweet:

It's all starting to feel a bit like Baltic, Papa Baltica. Daddy knows best. Boys' club.

2235 Obviously the inference here is that because my father served with the Hon. the Father of the House, somehow that is going to influence me – me, who has ended up in this party campaigning against the party that my father founded; me, of all people ... that that is going to prevent me from basically taking a stand on what I believe, rightly or wrongly but on what I believe.

2240 And of course it is, as the hon. Gentleman Minister Bossano says, having an effect on fund raising and that is the sad sub-story which should be the main story about the Calpe House. It should be about the community coming together and raising funds for what is an extremely worthy cause. And because of the hon. Lady and the campaign on social media and in the press, it is having an effect on the ability of these trustees to raise funds for what is that worthy cause.



And that is regrettable, Mr Speaker, it has to be said, and it is indefensible. It is absolutely indefensible.

2245 Mr Speaker, I would like to drill down on some of the allegations that have been made. I disregard some of the statements made by the hon. Lady today about serious questions, serious concerns, discrepancies, need to investigate. As both Minister Bossano and my hon. Friend the Leader of the Opposition have rightly pointed out today, show us the evidence. Come and show us what the evidence of the discrepancies are. What is there? What is there for the need of an investigation to arise? I disregard that, but I want to drill down on some of the allegations that I have seen in the press that have been made.

2250 It is said that there is some nefarious objective or reason behind the change from a Trust to a company limited by guarantees. Mr Speaker, I am a litigator. A large percentage of my work is advising professional trustees and indeed litigating in relation to trust matters. In the last seven years that I have been in practice following our loss at the General Election in December 2011, I have not come across a situation where I have found individual trustees ... in other words, Daniel Feetham as a trustee. Nowadays what you have is former trustees being directors of a company that acts as trustees, and there are valid reasons for that. Minister Bossano has outlined a number of reasons; there are others. For example, it is a valid concern of trustees that of course they are personally liable – and let me just explain that to this House, how it could possibly arise. And remember that what we are dealing with here are people who are volunteers. They are not professional trustees, they are not being paid; they are volunteers, community volunteers.

2260 If you had a situation, for example, where somebody fell down the stairs in Calpe House, it may lead to a claim for under occupiers' liability in the UK, which is virtually strict liability. It does not depend on fault – strict liability. You could have a situation where the trustees are then sued personally. If I were a lawyer advising Olga Zammitt, for example, who is a volunteer, I would say, 'Olga, I know that you want to give of your time to this particular charity, but nowadays you structure charities through a limited company, not trustees personally.' That is the reality of the situation, Mr Speaker. There is nothing nefarious about that. It has been done, as the Hon. Minister Bossano has explained, on the advice of lawyers for very sound reasons.

2270 It is then said that there is something nefarious because the accounts were not filed. Well, one has to bear in mind ... and I do not want to excuse the fact that accounts were not filed and that there was criticism by the Charities Commission in the UK for the fact that accounts were not filed, accounts should always be filed, but let's bear this in mind and place it into context. This is a company that was incorporated in 2014. The activities of the Trust were only transferred to the limited company in March of 2016. Before March 2016 there were no assets in the company, so indeed, if the company was going to be filing accounts for that year and the year before, it would be filing a nil return. That is the reality, Mr Speaker. In fact, anecdotally, let me just relate a story to hon. Members of the House to illustrate how that can happen.

2280 Just a year ago, I was involved in commercial litigation representing a trust company. We got to trial and the only asset of this particular company – it is public knowledge because there is a judgment etc. – was a chosen action; that is a claim brought against another party. That is the only asset, so this particular trust company should have filed for the preceding years accounts nil returns – they did not have any other assets. We got to court and the other side waved a paper in front of me and said, 'This company has been struck off the register for failing to file accounts.' Of course I turned round to my client and I said, 'You stupid so and so, you should have filed,' but the reality is they could have been all right. You should always file accounts and it was stupid not to do so. My client said to me, 'But it's a nil return, there are no assets.' He should have filed them.

2285 But to go from the failure to file an account, which can be criticised, to then imputing some nefarious plot to really keep the affairs of this particular trust – because that is really the implication – away from the public eye because there is something really going on behind the scenes with the trustees ... Well, I am sorry, but that is disgraceful and that is a leap that nobody sane can possibly make, Mr Speaker.

2295 Then there is the other point that has been raised – it has been raised here in this House –  
 and that is the question of asbestos. It is true that asbestos was found – as I understand it,  
 between the floorboards and the floor – that was not picked up by the survey. I accept the  
 explanation that has been provided by the Hon. Minister Bossano, which is the charity could  
 have sued the surveyors for failing to pick up the fact that there was asbestos in the floorboards,  
 2300 but to put it right the cost was £130,000 and to actually sue the surveyors for professional  
 negligence in England would have cost at least £½ million. Well, that is not the figure that he has  
 provided. I can tell you, as somebody who practises, Mr Speaker – I apologise for using you, but I  
 can tell Mr Speaker – as somebody who has an active practice certificate in England, who  
 appears in the English courts, that that is what you are talking about: £½ million to sue the  
 2305 surveyors for professional negligence.

Mr Speaker, even if you had a situation where you could say actually the trustees are  
 susceptible to criticism because they asked for this particular survey but they should have asked  
 for a better survey, well maybe people make mistakes, but again to go from there to be scripting  
 some kind of plot by the trustees, in my respectful submission, is something that cannot possibly  
 2310 be done.

I am just going through the four – and this is the last one – the four concrete allegations that I  
 have picked up in the press in relation to this matter.

2315 Then it is said that the purchase of this particular property ... there is something not quite  
 right with the procedure adopted for the purchase. Again, the Hon. the Minister Bossano has  
 explained how the procedure was adopted, how this particular property was purchased, and I  
 for my part am prepared to accept the explanation that he has provided. Again, the procedure  
 might have been with the purchase of this property, but again you cannot make the type of  
 leaps that the hon. Lady and those that are actively campaigning against the Trust are seeking to  
 make.

2320 Mr Speaker, if the allegation is that anybody has taken some kind of hidden commission in  
 respect of the purchase of this property then people should have the courage of their  
 convictions to say so, not raise allegations in the hope that somebody might sort of pick it up  
 from here or pick it up from there. Let's invite members of the public to add one and one and  
 make 69: that is what is happening, and the reality here is that unfortunately this has turned into  
 2325 a bit of a kangaroo court as far as the trustees are concerned. That is why I am grateful to the  
 Hon. Minister Bossano for bringing this motion, for allowing Members to debate this motion and  
 for allowing us to clear the air and setting out what our positions are clearly.

Mr Speaker, that is all I have to say. *(Banging on desks)*

2330 **Mr Speaker:** Any other contribution? The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, what a curious session this is turning out to  
 be.

2335 The hon. Lady, in her contribution, has managed to put Members on this side of the House  
 and Members on that side of the House for the GSD into violent agreement *(Laughter)* – it does  
 not happen often – in support of a charity, the value of which I think all of us agree on, including  
 her. I think it is difficult for me to understand why it is that she has taken the route that she has  
 in respect of these particular trustees, in respect of this particular charity. We have not yet  
 heard from Mr Llamas, I do not know whether he is going to contribute in the debate, but  
 2340 certainly in respect of the position of the Government and of the official Opposition she is going  
 to stand alone on this issue.

I think it is absolutely right – and I think in their contributions Mr Bossano, Mr Clinton and  
 Mr Feetham have said so – that people should be free to ask questions of trustees, in particular  
 of trustees of charities that are important to a small nation like ours; and in fact we have seen  
 2345 those questions asked in part by her, in part in sections of the media – indeed, she referred us to  
 a lengthy letter that she has now written to the trustees that asks questions. Nobody is saying

2350 that she is not entitled to do that or that there is anything wrong with that, but when the questions tend to tarnish the very good work, here in particular, of the charity and of the trustees who make the charity a reality, then I think the hon. Lady needs to ask herself whether she may have allowed her questioning to get out of hand to the extent that it is now being interpreted – even if she does not intend it in that way – to become almost a questioning of the motives and the integrity and honesty of the trustees.

2355 I think that there are two ways of looking at this matter: there is the purely technical and there is the position that most people will take, which is the general political confidence that can be attached to the performance of the trustees and the performance of the charities.

2360 Joe Bossano has given us a technical analysis of the structure of the Trust, its operation and the reasons why there should be no technical concerns. He has given us an analysis of some of the media articles that have appeared and the answers that can be provided from reading indeed publicly available material and even articles published in that same media and other media which answer those very questions.

2365 And then there is the issue of what the public will think, and in the context of questions being asked the public sometimes will simply take the view that if questions are being asked there might be something wrong. I think, therefore, the position that the Government and the official Opposition are taking together is going to be an important one in demonstrating to the general public the confidence that they should have in the administration of the Trust of Calpe House and of the work that the charity is doing.

2370 The Hon. Mr Clinton in his own technical analysis has reached the self-same conclusions as Mr Bossano, and from another aspect – from the legal aspect rather than the accounting aspect – Mr Feetham has reached the same conclusions that Mr Bossano has reached. So, in that context and in the context of the reinstatement of the charity, which has been announced today, and all of the publicly available material, I think there is unanimity across the floor of the House between the principal party of Opposition and the Government and the parties in Government that there is that confidence in the operation of the Trust, in the aims and objectives of the charity and in the honesty and integrity of the trustees.

2375 Therefore, I think the hon. Lady needs to ask herself 'is this the right issue for me to stand alone on?' because politics can be a lonely place. Joe Bossano has stood alone in this House but he has stood alone on issues on which he has been proved right – for example, in the 1970s and in relation to the Lisbon process and the Strasbourg process and then Brussels etc. But on this issue I put it to the hon. Lady that she needs to read carefully what has been said in the context of the speech of Mr Bossano and in the speech of Mr Clinton and understand that a lot of the questions that she is asking she has had the answers to.

2385 This is not an easy area, trusts and accounts of trusts are not straightforward, but I think when people look carefully at what has been said in this House they will see that all of the answers are there and they are not answers that should raise concerns about these subjects – the operation of the Trust, the objects of the Trust, the work that the charity does, or indeed the honesty and integrity of the trustees in the context of the work that they do for the Trust.

2390 For that reason, Mr Speaker, the simple position of the Government and the simple position, as I understand it, across the floor of the House between the official Opposition and the Government is to say to the general public Calpe House enjoys the full support of the Government and of the Opposition.

2395 We have disagreements sometimes in areas where we should not have disagreements. The fact that we are passionately in agreement about this must send a message to the general public. We sometimes have disagreements about nuances on issues on which we agree in general. On this we do not even have a disagreement on the nuance and I think that is an important distinction and one that I commend that the hon. Lady should consider carefully as she analyses what should happen after today and when she considers how she should vote in the context of this motion.

2400 Mr Speaker, in particular I think it is important that Calpe House should continue to prosper, and the idea of what Calpe House has done and will grow to do should be one that remains untarnished in the minds of Gibraltarians in particular and every resident of Gibraltar who would be entitled to use it.

2405 Mr Speaker, for that reason and having heard what we have heard today, there is no reason why anybody should be persuaded by anything they have heard today that there is a need for an inquiry into Calpe House. If the Leader of the Opposition was saying across the floor of the House that the Minister for Economic Development and the Savings Bank had misled the House as to what is the publicly available information that he had reflected, or that there was something nefarious in the notes to the accounts and she was raising these issues that she is raising and not finding answers, which she is getting across the floor of the House in relation to a charity and in relation to a charity as important as this one, people might be persuaded that she  
2410 was right. But the Government would not be persuaded because we can see the workings, we understand the workings and we have advice on the workings and we are told that this is working exactly as it should. But there is no such evidence that can lead her to that conclusion. Indeed, the interim Leader of the Opposition has said that in terms. So there is no need to carry out an inquiry, but simply calling for an inquiry creates a political issue that can send a message  
2415 to people which then affects people's view of how a charity is operating and what support the charity should have.

I have just been shown by the Hon. Mr Bossano this account that the hon. the former Leader of the Opposition has referred to, and I must say apart from being shocked to see some of the things that this person hides behind the cloak of anonymity to say, I am shown a tweet of  
2420 31st August that says:

Donations to Calpe House must stop. Needs new management and transparency.

Mr Speaker, that is probably the most mendacious and pernicious social media post I have ever seen in respect of an organisation like Calpe House, which does such absolutely essential work. I am almost put in the position of thinking that ... That sort of tweet is something that I would never want to be associated with. I am sure the hon. Lady does not want to be associated  
2425 with it. She should put distance between her questioning and this sort of social media campaign. But I am almost left with the impression that this is somebody, whoever he or she may be, who does not understand their own mortality, does not understand their own potential need for a place like Calpe House. Is it somebody who is so well off that they will never need to have a place to be looked after in London because they can afford a five-star plush hotel? Is it  
2430 somebody who thinks that they will never be ill?

In the moving remarks from Mr Reyes, I was reminded of the times I have been to Calpe House and I have seen people using Calpe House, of the times that as Chief Minister I have been asked to intercede with the trustees of Calpe House when people need a place to stay in London and think that by calling my office I can somehow juggle around who is staying at Calpe House.  
2435 This is work done by Sponsored Patients and the trustees of Calpe House, and if there is not room, there is not room – that is why we need a bigger Calpe House. The work that Calpe House does when people are at their lowest ebb in the United Kingdom is work that deserves the full support of absolutely everyone in our community, and frankly ... I have never said this before, I do not know if it is the said thing in relation to social media, but I wish the fingers of the person  
2440 who wrote that would fall off, because that is frankly not the sort of attitude that anybody should be taking in relation to Calpe House.

It is important that we do not fall into the trap of bringing gossip or hearsay into this place and giving it the legitimacy of parliamentary debate. That is not, as the hon. Lady has suggested, a criticism of the press or an attempt to silence her. The press is the fourth estate; it is there to ask questions, usually of the Government, sometimes of other institutions also. But not agreeing  
2445 with the press is not to suppress the freedom of the press. There are articles in the morning that

I enjoy and bring me a smile and there are articles in the morning that I do not enjoy and bring me no smiles – and they tend to be authored by Members opposite as press releases and carried by the media. There is no suppression of the freedom of the press in disagreement with an article that may have appeared in any particular press.

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This language of attempted suppression of the free press is not language that fits in with the reality that we live in every day. I do recognise the Hon. the former Leader of the Opposition used to talk about the ‘ring of steel’, but he was wrong about that. The press is right to pursue any avenue it wishes to pursue and the Government, on behalf of the people, is right to challenge those avenues where necessary. But everybody is free to say what they wish to say.

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If I may say so, Mr Speaker, the hon. Lady is wrong also to say that bringing the motion is an attempt to stop her from asking questions, because the motion – and Mr Feetham said if we had not brought it he would have put it – is an opportunity for the Parliament to express its view. That is not just done in the context of the terms of motions; it is done in the context of the debate. So the motion actually gives her a platform to put the issues that she has put in the context of this debate, with which we are disagreeing but we are not silencing her to an extent we are creating for her the opportunity to say in this Parliament the things that she has said, even though we disagree with her and even though we will vote on terms of this motion which she appears to disagree with. But this is not silencing – (*Interjection by the Hon. Ms M D Hassan Nahon*)

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Well, Mr Speaker, let me come to that point. In fact, I am pleased that she prompts me to it because it is the next item on my list. There is absolutely not one hair’s breadth of distance between the things I am saying and the things that Joe Bossano is saying; they are identical, Mr Speaker. That is why I say to her that she needs to look at the *Hansard* and analyse carefully what it is that we are saying and look at what the various entities in this group do and what the old structure was and what the new structure is and what the transition from one to the other is. We are saying the same things.

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These are highly technical things in some instances and I think that it is important that she looks at what has been said in the context of the *Hansard* so that she can read what Mr Bossano has said and she can read what I have said and what I have said in the past. In most instances, what we say in relation to the Trust etc. we say on advice, because although this is an area in which I would have been in practice, when I am Chief Minister I am not practising this myself and I am taking advice on these issues. The advice is very clear and is authoritative and it is identical to the things that Mr Bossano has been saying to her.

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Calpe House will not fail. It will not fail because it enjoys the support of the Government, it enjoys the support of the Opposition, it enjoys the support of the community – which is what we are trying to ensure never falters – and it enjoys the depth of affection of the many thousands of people who have already benefitted from it. Therefore, most families in Gibraltar will have been touched by Calpe House in one way or another.

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I want to join the view that was expressed in this House of thanking the fundraisers – in fact, I think it may be that she raised this point of thanking the fundraisers for Calpe House and those who give to Calpe House, which includes most of the people in this room, I am happy to say – but to go a little beyond that and also thank the trustees, which I think Mr Feetham has done and Mr Bossano has done and Mr Reyes, and go a little bit further as well. I want to thank also those at the Sponsored Patients department of the GHA who co-ordinate so effectively with the trustees to ensure the smooth running of people accessing Calpe House. I want to thank Jaime, the man at Calpe House who ensures everything is clean, everything is ready and who is from Latin America but has become an honorary Gibraltarian in London in the support and work that he gives to Calpe House. The fact is that Calpe House deserves that full support and the trustees, who are in effect the embodiment of Calpe House, deserve the full support of this Parliament.

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The new Calpe House, when it is sold many years from now, will be worth a fortune compared to what we have paid, as the old Calpe House will be when we sell it, and if we were going back and looking at what we bought in 1988-89 we would say that we bought a rundown

terraced property which, with Joe Bossano in the driving seat of the acquisition, was probably described as more rundown than it was in the context of the negotiations for the purposes of trying to get the price down, (*Interjection by the Hon. J J Bossano*) and we had bought a property that would be described as needing refurbishment. There was no question of us buying something that we could quickly move into. And so that aspect of the description of the new Calpe House is not something that creates discomfort to the Government; it is what we expect. We expect to purchase a property that we are going to do up to fit the purpose that we wish to see residents of Calpe House enjoy in the future. So that is not going to concern us in any way.

We were all no doubt disappointed that there was the issue with the asbestos during the works but, if I may say so, one of her earlier interventions in the House suggested that patients might be affected by the asbestos. This is something that was detected in the context of the works and this is going to be dealt with in the context of the works and it is going to add some costs to the refurbishment, costs that would have been there whether we had identified it or not at the time that the works were going to commence when the trustees were starting this work. Would we not have bought these terraced properties if we had known about the asbestos in the survey? The answer is we would probably have gone ahead with the purchase. (**Hon. J J Bossano:** Absolutely.) It would be very difficult to find a property in the United Kingdom, in London in particular, that does not have encapsulated asbestos. The only issue is have we been slightly delayed by the fact that it was found later rather than earlier. I think the philosophic calculus that would have been done in the context of whether to sue or not sue is exactly as the Hon. Mr Feetham has suggested, and therefore the decision has been made to just carry on and this is what it was going to cost us, whether we had known about it or not, to deal with. There is no additional cost; there is just a loss of time, which is unfortunate.

So, Mr Speaker, we are not silencing anyone. We are not suggesting that she should not take points and we are not for one moment trying to suppress her right to bring points, we are not silencing the media. All we are doing is disagreeing with her, which is a freedom the rest of us must continue to enjoy, and disagreeing with those sectors of the media that have taken the position that they have taken in respect of these aspects of the reporting. The same as we might violently agree with her on other matters and with those sectors of the media, we might be in violent agreement on other matters. That is not to affect the quality of our democracy and it is wrong to suggest that.

Mr Speaker, finally, we are never going to cover anything up. We are never going to align ourselves with any misappropriation. If I may say so, she needs to find a way of unpainting herself out of the corner into which she is painting herself in respect of a charity that deserves our full support in this House, including her full support. I encourage her to seek to re-establish a positive relationship with the trustees of Calpe House. I encourage her to look carefully at what has been said and what has been disclosed, so that she can see that there is none of the nefarious activity that she has suggested could be going on from anything that I have seen which is in the public domain, from any of my dealings with the trustees, from the announcements that we made with the Trustees early on about the purchase of this additional Calpe House, this new Calpe House, and that I am saying, on behalf of the Government, as Mr Bossano has said in bringing the motion, the Government gives the full weight of its confidence to the Trustees of Calpe House and to the charity that is Calpe House and to the work that Calpe House has done.

Mr Speaker, it would be disappointing indeed if Gibraltar had become a place where somebody can hide behind a cloak of social media anonymity and in some way therefore affect an institution as beloved and as important to the people of Gibraltar as Calpe House.

I commend the attitude that hon. Members in the party opposite have taken. We rarely agree on anything, and on this occasion we seem to agree on everything in relation to this motion. I think the hon. Lady should take notice of that, because if there were the slightest chance of us going at each other we would grab it and seek to bring conflict from the jaws of agreement – and if we are not doing so, she needs to think carefully about the position that she has taken in relation to Calpe House.

I commend the motion, as moved by the Minister, to the House. (*Banging on desks*)

**Mr Speaker:** I call upon the mover, the Hon. Joe Bossano, to reply.

2555 **Hon. J J Bossano:** Mr Speaker, I am, on behalf of Calpe House more than anything else,  
extraordinarily grateful for the contributions from the Members opposite. In the 45 years that I  
have been here I have never seen the same not just commitment but the same emotion  
expressed in support of any institution. I think it is only when we have been talking about issues  
of sovereignty and Gibraltar that there has been that kind of level of commitment between the  
2560 Government and the Opposition.

I am extraordinarily grateful, for the sake of Calpe House, for the sake of the people who are  
committed to making it work, that they will have, after today, the comfort of knowing that the  
Government and the main Opposition, the two parties that are represented in this House ... and  
I hope that we can count also on Mr Llamas's vote; I doubt that Ms Nahon is going to change  
2565 hers. That will give them a lot of comfort and I think that it will be important because we want  
the people there to stay – we do not want them to chuck it in and say, 'I'm not here if all I'm  
going to get for what I am doing is having my name tarnished – I've got better things to do with  
my life.'

I think so many arguments have been put already by the Members opposite that there is little  
2570 that I can add, except that certainly I cannot make myself to be as generous and kind as the  
Leader of the Government has been in relation to the attitude of Ms Nahon. I think my reactions  
to her attitude are closer to those of Danny Feetham than they are to the views expressed by  
the Leader of the Government. (*Interjection and laughter*)

2575 **Hon. Chief Minister:** We are all too tired.

**Hon. J J Bossano:** Okay. If we look at the Twitter account, the Twitter account started by  
saying in the first tweet that people should stop donating. When we all go at the end of this  
session, I shall make a point of looking in that corner to see if there are any fingers on the floor.

2580 I am sorry to say that my invitation to the hon. Lady to disassociate herself from the  
comments on Twitter and the comments on Facebook was not taken up. I invited her to distance  
herself and she has not; she has chosen not to. Well, that is fine. It is obvious that she, in  
principle, sees nothing wrong with the comments that have been made here, because I asked  
her to not speak and ignore what these people were saying because they are people who  
2585 portray themselves as her supporters. In this new movement that she is starting, if this is the  
calibre of people in her new movement we are going to have fun and games in the next few  
years because I am certainly not going to stand for any of this nonsense from any of these  
people. That is why I started by saying I am not looking for a fight but I am not running away  
from one either.

2590 What is not acceptable in terms of the freedom of the press, which I am fully committed to,  
what is not acceptable is that if, for example, the Government gets a question saying what is the  
funding arrangement and we say we are hoping that ... which is, in fact, something we are very  
confident about, but the official who writes the answer says we are hoping that the money that  
will be realised from the sale of the existing Calpe House – which, by the way, was dilapidated  
2595 and I persuaded the person selling, a Greek guy who was using it as student accommodation,  
that it was so dilapidated that he would sell it to us for £600,000, and we are now told we are  
likely to get £8 million for it, which is obviously ... If I had been doing the dilapidation speech, we  
might have done a better deal with the new one. We hope that the £8 million from the sale of  
that will mean that we will recover the money that is put in, but the commitment that we have  
2600 given ... If the money is available because of the sales and we get it, that is fine. If we do not get  
it ... We are committed. The Government is committed to the extent that if the campaign to say  
to people 'don't donate' has an effect, then Calpe House will not suffer; the Government will

2605 make up whatever shortfall there is as a result of a campaign which is absolutely outrageous, as  
Danny Feetham said from the beginning, before any of us. He was the first one to respond to  
this Twitter business, in which he is involved and I am not, and of course he has been castigated.  
Talk about freedom of the press! If you do not agree with what these people on Twitter say, you  
are then attacked, so you have to agree.

2610 So who is here trying to stifle other people's opinions? When we say to a paper we are  
hoping to get the money, the paper does not say simply the Government hopes to get the  
£8 million and make a profit, as it cost them £600,000; no, the paper says the Government is  
keeping its fingers crossed. We are *not* keeping our fingers crossed: their next article can say  
their fingers are now *uncrossed* – we are confident that we will get the money.

2615 I cannot accept that the freedom of the press is something that allows somebody to say, as  
she does echoing the things that she has heard, it is terrible that there should be no accounts  
submitted and that you should be deregistered. The Charity Commission says it is something  
that happens automatically, it is a computer programme; you get deregistered if the date arrives  
and there is nothing there. But, as the Hon. Mr Feetham has said, the account that was not  
submitted was a nil account, so now the newspaper discovers it is a nil account and what is the  
new story? 'Where has all the money gone? It's a nil account.' Well, it is a nil account because it  
2620 is a company that is producing its first account from zero. You know where the money is because  
you said it yourself a month ago, on 24th July.

It seems to me that we have a situation here where there are people who do not want  
answers to their questions; they want answers to questions which will only lead to more  
questions. It is something I have accused the Leader of the Opposition of before, but after today  
2625 I forgive him. (**Hon. Chief Minister:** For now!) For now, until the next meeting!

But that is what happens: she produces a list of questions. Well, look, she is entitled to ask  
questions which go somewhere, but if the question is 'Why did you buy the property?' the Trust  
bought the property because after doing what they were supposed to do, which is looking for  
alternative properties, this property came at a price which reflected the limitations on the  
2630 property, and the limitations on the property we succeeded in removing so that the price that  
we paid, which was when there were limitations, is the price we paid after we removed the  
limitations. Isn't that something we should all be celebrating?

I am telling the hon. Member that the fact that they came and told us they were going to buy  
the property and we said go ahead and buy it when we looked at all the figures and we took the  
2635 advice of our technical people and we sent Hector Montado over to the United Kingdom and the  
Financial Secretary looked at it, we did not come up with saying 'tomorrow we are sending  
Hector Montado'. That is not suppressing information and that is not sweeping things under the  
carpet.

2640 We just do work every day. I work seven days and I do not come out with a press release  
saying everything I have done every day since I opened the office at seven in the morning until I  
closed it at eight at night. But if somebody asks me a question and I give him the information or  
the information is put on the webpage, or if the information is available in the accounts, then it  
is not something you have discovered, it is something that is available to the public. If you get it  
and you then say 'Look, they don't produce accounts,' and then say 'The account has got no  
2645 money in it, so where has all the money gone?' either you do not know what you are saying and  
you have not got a clue, or you know what you are saying and you know that you are  
deliberately misleading people.

I have to say that I take the generous view and I assume that the hon. Lady opposite does not  
have a clue, because the other one would be worse, but it concerns me that there is a reference  
2650 to something that happened in 1980 in the Twitter account and in her statement today. I do not  
know how old she was in 1980 but this has happened on the watch of her father. The scandal of  
RYCA which she has mentioned today is mentioned in the Twitter account. What has that got to  
do with Calpe House, what has that got to do with the accounts and what has it got to do with  
anything? Is that not throwing more mud to make things look worse? Or should we now



2655 investigate what was it that the AACR administration did wrong in 1980? They were responsible for the public finances – what did they do wrong?

Mr Speaker, I do not expect the hon. Member opposite, the hon. Lady, to vote in favour of the motion, given that she has said what she intended to say as if I had not spoken. The fact that I said to her that we do not own 51% of the company does not stop her saying it is just a technicality because it is a company by guarantee and not by shares. It is not a technicality. It is that owning 51% of a building is not the same as owning 51% of a business. If she cannot tell the difference in that, then she does not understand anything at all.

2665 So, on the basis that I am not even trying to convince her anymore, I commend the motion to the House and I am very grateful for the warmth of the support that we have got from the Members opposite. Thank you. *(Banging on desks)*

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

2670 **Hon. Chief Minister:** Mr Speaker, can we call a division, please.

**Mr Speaker:** Is there a need for a division? **(Several Members: Yes.)** Okay, if you want to take up another five minutes of a long day, we will.

*Voting resulted as follows:*

**FOR**

Hon. P J Balban  
Hon. J J Bossano  
Hon. R M Clinton  
Hon. Dr J E Cortes  
Hon. D A Feetham  
Hon. T N Hammond  
Hon. A J Isola  
Hon. G H Licudi  
Hon. S E Linares  
Hon. L F Llamas  
Hon. E J Phillips  
Hon. F R Picardo  
Hon. E J Reyes  
Hon. Miss S J Sacramento

**AGAINST**

Hon. Ms M D Hassan Nahon

**ABSTAIN**

None

**ABSENT**

Hon. N F Costa  
Hon. Dr J J Garcia

2675 **Mr Speaker:** There are 2 Members absent; 1 Member has voted against the motion, 14 in favour. The motion is carried. *(Banging on desks)*

**PRIVATE MEMBER'S MOTION**

**Cleanliness of streets and public places –  
Failure to meet expected standard –  
Amended motion carried**

2680 **Mr Speaker:** Given that I understand the Government does not wish to proceed with any Bills, I think we can therefore move on to Private Members' Motions. I call upon the Hon. Trevor Howard – Trevor Hammond. Sorry, what did I say, Trevor Howard? I have raised you to the level of *Mutiny on the Bounty!* Trevor Hammond.

**Hon. T N Hammond:** Mr Speaker, I fully understand, at this time of night, the confusion in name and I think on the same lines I beg the indulgence of this House to move the motion that stands in my name:

*THIS HOUSE*

*NOTES that the Environment in which we live has a direct impact on the wellbeing of people as well as affecting Gibraltar's reputation in the eyes of visitors and that the cleanliness of our streets and public places is an essential part of environmental management and our tourism product;*

*AND THEREFORE CONSIDERS the current state of our streets does not meet the standards our community would expect.*

Mr Speaker, I need to say right from the beginning that the motion is in no way aimed at apportioning any blame towards any entity specifically; it is purely a motion in order to debate whether or not we in this House consider the streets to be at an appropriate level of cleanliness and therefore what our views are in that respect. Cleanliness is next to godliness, so the saying goes, and, if true, then that maxim is being sorely tested at the moment in our own little piece of heaven.

Let me make clear again that this motion has nothing to do with the service delivery for cleaning the streets. It is broader than that and it has been made clear in my previous contribution to the Government motion that we on this side, representing Her Majesty's Opposition, believe that Master Service and its employees have provided outstanding services for many years. If there is an issue now, it does not rest at that door, and while not apportioning blame for the current public concerns regarding cleanliness, the only part of the equation that has changed these past 17 years is the Government, and many people who are attributing blame place it firmly at Government's door.

The environment in which we live has a direct impact on the wellbeing of the people, as stated in the motion; a truism that is often lost when discussing matters of the environment. Too often people think of environmental issues as being solely about conservation and protection of the natural environment. They do not make the connection between the environment and their personal health. Where the Health Services provide for us once we are ill, a healthy environment is the major factor in preventing us from getting ill in the first place. Whether it be air quality, water quality, noise pollution, waste management, urban planning or of course environmental cleanliness, all impact on our wellbeing. This can be directly, such as poor air quality leading to respiratory conditions and other diseases; or indirectly, like noise pollution causing stress, which can lead to a whole range of illnesses from heart disease to depression.

The cleanliness of our streets is certainly a factor causing stress for many at the moment and I think it has been agreed that our streets do not meet the cleanliness standards which our community demands. The causes are many. Air pollution – whether from Saharan dust or diesel exhausts from cars, lorries and even ships – certainly blackens our streets after it has blackened our lungs. Bird guano contributes, as do dog faeces or urine not properly removed by owners, chewing gum, littering, spillage from poorly disposed-of rubbish, items falling from backs of lorries or blown off lorries or from bins by the wind, to name only a few contributors.

Some of these, of course, can be helped with education and better self-discipline, as well as an appropriate regime of catching people and fining them. Fines for littering remain very few, despite the clear volume of littering that goes on. Campaigns to encourage people out of these antisocial behaviours are equally important and need to be persistent to work. I recall the Keep Britain Tidy campaigns of the 1970s, which really had an impact in changing the way that nation thought. We must campaign as vigorously and persistently here to try and achieve similar results. The same must be true of careless dog owners and we hope that the current DNA testing will lead to positive results in that respect.

2725 I know that the Chief Minister or indeed the Minister will argue in their replies that I am not an advocate of heavy fining. That is not true. I am an advocate of fining appropriately and I think whereas things like littering or leaving dog foul on the streets for me is a very black and white no and should not be tolerated in any circumstances, when it comes to parking I may have a slightly different and more reasonable view.

2730 I think Gibraltar has to move away, as has been alluded to previously, from the culture that there will be someone else coming along to pick up the mess. That needs to be ended. That is, of course, not to say that we should not have a good service in street cleaning and this should continue – it can only be more effective if we all play our part in reducing the dirt in the first place. Working together like this will lead to results and return us to the state of grace where our community was not stressed by the lack of cleanliness of our streets and visitors do not think less of our community because of the same.

2735 Sadly, it is not just dirt and litter which contribute to the general shabbiness of many areas of our community, and I now turn to the matter of refuse disposal, particularly that around the Town area. It simply cannot be acceptable to walk down Main Street just after seven in the evening – indeed, as we may possibly see this evening – and find the street littered with refuse which will remain uncollected until after nine o'clock. If you do this with a visitor it is very difficult to explain and, frankly, very embarrassing. Surely we can find a better way to do this through more efficient collection or by having proper covered disposal areas.

2740 Likewise, while it is laudable to have cardboard recycling areas designated – as, for instance, in the case of Bell Lane – the policy does not work if the piles of cardboard are permitted to accumulate to a point where the street becomes almost impassable and then others take advantage by adding their regular refuse to the pile. It is unsightly, it is unhygienic; it is not acceptable. I am frequently contacted by a businessman in Bell Lane, a Mr Den Bossano, who specifically asked that I mention him in this. He runs a bar there and his business suffers very badly as a direct result of the mountain of cardboard and other rubbish accumulated every evening outside his bar – no one wishes to sit amongst this to enjoy a beverage. I would invite anyone here to go and see for themselves. How it is allowed under the fire regulations I do not know. Mr Bossano, I am sure, is not alone in his concerns. Again, a solution must be sought: either more efficient collection or improved storage, or perhaps something else.

2745 All of these issues are more keenly felt in the heart of Town. In the very area where these concerns should be most effectively managed, they are least effectively managed. In the very area where thousands of tourists visit daily, certainly through the summer, Main Street should be pristine, clean and tidy. Many visitors love the quaint appeal of Main Street – let's not disappoint them but ensure that in every respect it looks as good as possible. Who knows, if it looks better we might get them spending some more money there.

2750 I have focused so far on the Town area, but what I have said is equally true of many other areas of Gibraltar. Our streets could be cleaner; they could be tidier. We can help ourselves as a community by ensuring we do not add to the problem, by acting responsibly in the way in which we discard our waste, but we need the Government to ensure that not only is the hard work of those who clean our streets provided with the proper support to do the best job possible, we also need to ensure that the general maintenance is conducted regularly. You cannot polish a ... well, I will let you finish that phrase. If an area is not well maintained, if paint is flaking – as indeed it does on the walls of certain areas of this House – if pavements are lifting, if roads are crumbling, it still looks like a pile of ... rubbish, and no matter how good a cleaning job you do, no matter how much effort you put into polishing that, it will still look bad because the maintenance simply is not good enough. Good maintenance is as important as good cleaning, and that is the point, and the standard of maintenance in many areas is simply inadequate.

2755 Winston Churchill Avenue – as you drive from the Frontier, the very first impression that visitors have and the welcome home we all receive – is falling apart. The road is crumbling. I know because we find parts of it on the runway often, it is that bad. There are very few roads that you can point to that are in any kind of decent condition. Markings are often faded, zebra

crossings almost invisible. All this neglect adds to the sense of a lack of cleanliness. Even if it is clean, it does not look clean. Pavements everywhere are uneven and often challenging to pass. This too adds to the sense that they are not clean. This is directly a Government responsibility and I would ask that it is addressed.

2780 To conclude, Mr Speaker, there is public dissatisfaction with the cleanliness of our streets and the community itself, with guidance, can do much to improve this situation. Certainly those who carry out the cleaning are doing all they can, but there is a question mark over whether they have the necessary level of support from Government. Government could certainly do more to manage the perception that Gibraltar is looking shabby by improving the work it does to  
2785 maintain our streets and highways. Let's all play our part in cleaning up, but let's see Government leading from the front.

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

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon.  
2790 Trevor Hammond.

The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, normal service has been resumed, thank goodness, even if it is late in the day.

2795 I do not identify with much of what the hon. Gentleman has said is the state that Gibraltar is in today. Those who are, to take his last point, driving into Gibraltar through Winston Churchill Avenue will today be greeted first by a soon to be finished, refurbished, fantastic-looking Laguna Estate on the left and by a magnificent-looking Glacis Estate on the right refurbished from the shabbiness that there was before, and if they look up to the Moorish Castle not only will they  
2800 see the magnificent Tower of Homage with the Gibraltar flag flying above it, they will see also Moorish Castle Estate fully refurbished. They will see, in many areas, repainting work that is being done; they will see in many areas resurfacing work that is being done – resurfacing that had been left undone for many years and is being done now, again a trademark of the time that the GSLP is in Government.

2805 Mr Speaker, for all of the reasons that I indicated this morning, a motion like the one that the hon. Gentleman has put is not a complete motion and is the wrong motion for us to have on the Order Paper if it does not, in relation to cleanliness, have a clause in it that acknowledges the excellent work that the employees of Master Service (Gibraltar) have done and do in discharging their obligations to keep Gibraltar clean.

2810 It is not fair, in the Government's view, not to reflect the fact that the contract that has been in place to date is the contract that was granted by the former administration in 1999 and subsequently renewed, as I indicated this morning, without also reflecting that the Government is now moving to take cleanliness in Gibraltar to the next level by moving to a European tender for this service. And so, Mr Speaker, as a result of that, I have given you notice a moment ago,  
2815 and I understand it has now been circulated to Members, of an amendment to the motion that the hon. Gentleman has put, to include a new paragraph by the inclusion, after the words 'This House', of the following:

*ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;*

I think there is a spelling mistake in the typing – it is 'do', not 'so', in that first paragraph, Mr Speaker.

2820 And, after the words 'Therefore considers' in the motion, delete all the words appearing, including the word 'considers', and add 'commends' and then what I have included in the reference. It will read:

*And therefore commends the Government for now moving to, properly and in keeping with EU and Gibraltar procurement rules, go out to tender for the contract on cleaning Gibraltar, contrary to the position of the GSD, who when in Government granted the Gibraltar cleaning contract without competitive tender.*

2825 Mr Speaker, I propose that those amendments should be included in this motion for all the reasons that I gave at length this morning when I was speaking on the motion that the Hon. the Minister for the Environment brought, which included the language of the acknowledgement of the Master Service employees' work and really was a motion where we set out in detail what it is that we are doing with the tender and why it is that we are going to tender.

2830 I do not think I need to take the House through that all again. We had the debate, it is fresh in our minds. It is now 10 to nine in the evening and I think Members will appreciate that I rely on their recollection rather than take them through all of the issues again. But amended in that way – and I do not know whether these amendments will enjoy the support of Members opposite – the motion will enjoy the support of the Government.

2835 So perhaps without more, I will allow others to give their views in respect of the amendment which I hereby move.

**Mr Speaker:** I now propose the amendment to the original motion as moved by the Hon. the Chief Minister. Does any Member wish to speak on the amendment?

The Hon. Trevor Hammond.

2840 **Hon. T N Hammond:** Mr Speaker, I will just speak very briefly on the amendment.

2845 I know the Chief Minister pointed out what he described as the magnificent work done on the estates, but the fact is getting to the estates is a messy business and the reality is the streets over which we have to travel, whether it be on two wheels, four wheels or indeed on foot, are not in a good state, and that is the impression that visitors receive on arrival and go away with, over and above whether they see a tower block that has received a relatively recent, although now some years ago, coat of paint. When they come around Main Street and this building – the centre, the heart of our political institution, our Parliament – they see flaking paint, and this is not the only public building that suffers such.

2850 I am not saying that every area of Gibraltar is in a state of disrepair, but there are many areas of Gibraltar which are in a state of disrepair and this does lend an air of shabbiness to the impression that visitors take away with them. It also lends an air of lack of cleanliness even when such does not exist, and this is an important issue.

2855 As the Chief Minister asked the question, clearly those Members of Her Majesty's Opposition on this side of the House, Members of the GSD, will not be able to vote with Government on this occasion in terms of the amendments that have been proposed.

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

2860 **Hon. R M Clinton:** Mr Speaker, I echo the sentiments of my colleague, the Hon. Trevor Hammond.

2865 If the Chief Minister or the Government could see it in their way to using exactly the same language as in the motion this morning, instead of the one they are proposing, then perhaps we can come to an agreement and go home tonight. If we use the same language, I think it will provide exactly the same intent perhaps without the barbed comment that he has put in his amendment. I would urge the Government to consider using exactly the same closing paragraph as they used this morning.

Thank you.

**Mr Speaker:** Does any other Member wish to speak on the amendment?

2870 I call on the mover to reply. The Hon. the Chief Minister.

**Hon. Chief Minister:** Well, Mr Speaker, I think we are going to go home tonight, whether or not we agree to the hon. Gentleman's language.

2875 Just on this amendment ... the streets are not in a good state of repair and need resurfacing: well, I have already said to the hon. Gentleman there is a resurfacing programme going on. The fact that the road that he may traverse each day is not the one that has been done yet is perhaps not so relevant, in particular given the fact that the hon. Gentleman knows and will be pleased to be reminded that the whole entry into Gibraltar is going to change. It is going to be diverted towards the east and into the underpass and will not be continuing in the area of the runway. So, although there will be a resurfacing, that is not something that is going to be relevant in the future when people go east.

2880 It is not true that a few years ago we gave the estates a coat of paint. We did a substantive refurbishment piece of work, which included cladding, not just a coat of paint. But it is also true that when we do work and we spend money we get chastised for it in this House. So we were chastised for the refurbishment of the estates because it cost too much, and we are chastised when we deal with flaking paint – or is it that they forget that one of the biggest areas of complaint for them was that we spent money fixing Convent Place? What is it – that there are some buildings they will tick off we should not have flaking paint on and others where we are encouraged to allow flaking paint simply because they happen to house Ministers? This level of contradiction is really becoming quite nonsensical. Would the hon. Members just like to give me a list of the buildings that they would like to see refurbished, and if I think I have any chance of satisfying them at any time I might point to them when it is that those buildings are in line for refurbishment?

2885 Is the hon. Gentleman saying that the Government owns every building and it is only Government buildings that have flaking paint and not in fact many buildings of private landlords that have flaking paint, and some buildings which belong to the Government and some buildings which belong to landlords which are in an excellent state of repair? You cannot have it every way.

2890 We cannot have everything looking fantastic all the time, Mr Speaker; it is just not possible. The hon. Member might know that if you own a slightly larger home, by the time you finish with one room you are back refurbishing the one you painted last. To an extent, we only have two and a half miles by one mile. These things matter. I call them trivial matters that are essential because there is that juxtaposition.

2905 The Government is doing as much as it can to ensure that we are refurbishing, that we are repainting, that we have Gibraltar in the right state of repair. Gibraltar is becoming a more attractive tourist destination, not a less attractive one. And this is not just about tourists. This is about those of us who live here and want to enjoy the benefits of living in a place that does not look like it is in a state of disrepair. But that does not mean that with the weather we have in Gibraltar etc. you are not going to have humidity in old buildings, in particular in the old Town, or that you are not going to sometimes have flaking paint etc.

2910 If this motion has become about flaking paint, then the hon. Gentleman needs to wonder what it is that the people of Gibraltar elected him for. They did not elect him to come here and say there is a bit of flaking paint on a Government building. That is something that needs to be dealt with but it is not something for a motion in this House, frankly.

2915 Mr Speaker, when it comes to the language that we are going to use ... I do not know whether the Hon. Mr Clinton knows what he voted on this morning but this morning the GSD Opposition voted in favour of a motion that says that the contract that we were dealing with was awarded by the former GSD administration without any competitive tender process having been followed. *(Interjection)* Yes, Mr Speaker. And here all we are doing is commending the Government for moving to, properly and in keeping with EU and Gibraltar procurement rules, going out to tender for the contract on cleaning, contrary to the position of the GSD, who, when

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2925 in Government, granted the Government cleaning contract without competitive tender. It is the same fact, Mr Speaker. The first limb of that paragraph is exactly the same as the final paragraph of the motion this morning and the second limb of that paragraph is exactly the same as the fact recited in the second phrase of the fourth paragraph of the motion that they voted in favour of this morning.

2930 So, at the end of the day, they voted in favour of the fact being reflected and the fact has just been reflected again. This morning they voted in favour of a paragraph that says ... this is what the GSD Opposition voted in favour of this morning, that they further acknowledge and welcome the decision of the GSLP Liberal Government – it is not in there in those terms – to comply with European and national legislation in going out to tender for a new contract for municipal cleaning services which will be designed to transparently ensure that Gibraltar is provided with better value for money for the taxpayer, a consistent high standard of cleanliness throughout Gibraltar and, additionally, that will provide stability to the employees of Master Service Ltd. It is exactly the same.

2935 Maybe they are having second thoughts about what they voted in favour of this morning, but that is what I am proposing to them now, and therefore I propose that the House now take a vote on the amendment because it is an amendment that properly reflects the unanimity that there was across the floor of the House this morning on exactly the same issue.

2940 Let us at least end as we started at least the second part of the session this afternoon – with unanimity also in respect of this matter. I am going to start getting jealous, Mr Speaker, and I am going to *grow Curro Jimenez* sideburns myself to see whether I can get people to agree with me across the floor of the House.

2945 **Mr Speaker:** I now put the question, namely the amendment as moved by the Hon. the Chief Minister. Those in favour? Those against? It is carried by a majority.

2950 So we now have before the House the motion of the Hon. Trevor Hammond as amended by the Chief Minister. All hon. Members, other than the Chief Minister, the Hon. Trevor Hammond and the Hon. Roy Clinton can speak on the motion if they so wish. If not, I will call upon the mover to reply, which he is entitled to do.

The Hon. Marlene Hassan Nahon.

2955 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the Private Member's Motion presented by the GSD is right to say that the current state of our streets does not meet the standards our community would expect. This is an issue I also put forward in my response to the Government's motion on cleaning earlier today. It is also right in saying that the environment in which we live has a direct impact on the well-being of people as well as affecting Gibraltar's reputation.

2960 However, Mr Speaker, I am afraid to say that this motion fails to address the other salient issue which has direct impact on the state of affairs: the plight of the Master Service worker. Both the poor management of these employees and the general mismanagement of the service in the hands of Government have a lot to do with the sorry state of our streets and this has not even been reflected or addressed.

2965 Another point that has not been addressed – and on this one it really is our turn, as citizens, to be honest and self-critical – is our share in the blame for this very sorry situation. The dumping of heavy waste by some members of this community, as well as a widespread lack of civic pride and responsibility in dealing with our waste, have a grave impact on the state of many of our street corners. I hereby encourage all Gibraltarians, myself included, to extend the display of national pride and civic engagement like the one we show on days like National Day to other aspects of our lives, like doing our share in the cleanliness of our streets and the well-being of our environment. We live in a place where people have no problem tossing out a sofa, a mattress or a broken-down washing machine on our street corners. We need to stop dumping rubbish and heavy goods on our streets because it looks terrible, it is highly irresponsible, it is

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unsafe and it is environmentally very unfriendly. This behaviour has been going on for years and it is about time we made a stand as a community to put an end to it.

2975 Of course, the main issues with both these motions have stemmed from the conflict with  
Master Service, but if we really want to analyse our mindset and our trends in relation to waste,  
we all need to take a good look at our neighbourhoods and ask ourselves whether we are being  
part of the problem or part of the solution. Perhaps we should take this opportunity to, as an  
Opposition, call for stricter measures to stop this habit of throwing out heavy goods – like more  
2980 CCTV in rubbish dumping hot spots or other tools in order to be able to enforce fines for those  
who dispose of large pieces of waste on our streets and our street corners. Further, Mr Speaker,  
Government implementing easier access to the refuse department would, I am sure, facilitate  
citizens to dispose of their heavy waste in a correct and timely manner.

Having said all this, however, as Gibraltarians we should be aware that in Gibraltar, barring  
2985 Saturdays, there is a daily collection of rubbish. Other places do not enjoy such privileges. In  
most boroughs in London or mainland England, for example, rubbish collection is every four to  
five days. We therefore have to be grateful, in the circumstances, for the resources we have on  
this front and educate ourselves a little more on how to deal with our waste and each do our bit,  
from throwing litter in the bin, to using recycling areas properly, to getting rid of household  
2990 rubbish responsibly.

However, going back to the original motion, Mr Speaker, I shall be voting against it, given the  
fact that it does not mention the plight of the Master Service worker, which to me –  
(*Interjections*) This motion.

2995 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr  
Speaker –

**Hon. Ms M D Hassan Nahon:** The original one?

3000 **Mr Speaker:** On a point of order?

**Hon. G H Licudi:** Yes.

**Mr Speaker:** Are you sure that it is a point of Order?

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**Hon. G H Licudi:** Mr Speaker, the point of order is on relevance. The hon. Lady is speaking to  
a motion that does not exist and therefore the point that she makes is not relevant because she  
should be speaking to an amended motion, which is what the House has now voted.

3010 **Mr Speaker:** But the amended motion does have an element in it, at least a paragraph, of the  
original motion.

**Hon. G H Licudi:** No, Mr Speaker, the amended motion mentions specifically Master Service,  
and what she says is she is going to vote against because the motion does not mention Master  
3015 Service. So that is the point of relevance.

**Mr Speaker:** Well, that is a mistaken comment on her part.  
Please carry on.

3020 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I beg your pardon, I was under the impression we  
were still debating the original motion. It is late and I am sorry. (*Interjection*) Sorry? (*Interjection*)  
I understand.

Mr Speaker, I shall be abstaining from this motion. Thank you.



3025 **Mr Speaker:** Anybody wish to ...? The Hon. John Cortes.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, I am, like the Chief Minister earlier, not going to go and repeat all that was said in the motion earlier on today. It is all, as again he said, fresh in our minds.

3030 Just to remark on two or three very, very brief points, one is that the Hon. Trevor Hammond, who in that motion he made – maybe it is not as fresh in his mind – said that he does not play the blame game and then proceeded to blame the Government. Once again, he introduced in his speech a retrospective recognition of the Master Service employee, which he had completely forgotten in his first drafting.

3035 But the main thing is that I will not let him get away with giving the impression that nothing is being done on cleaning Gibraltar, on litter and on rubbish. That would be unfair to all the staff of the Department of the Environment, the Environment Agency and all the different agencies – including environment monitors, including litter wardens – who work very, very hard.

3040 To remind the House of what I said earlier about reconvening the Litter Committee, about introducing laws which allow us to fine ... Six years ago there was not a single CCTV camera directed at any litter hotspot; now we are complaining that there are not enough. We introduced those cameras and indeed some of the fines that have been levied have been as a result of many hours of monitoring the footage on those CCTV cameras.

3045 On refuse disposal we have removed the hotspots of rubbish that we had at the corner of Turnbull's Lane, at Mess House Lane, at the bottom of Prince Edward's Road near what used to be known as the Three Roses Bar, at Chatham Counterguard, and we are now actually in discussion with the Chamber of Commerce in order to jointly tackle the problem of the rubbish and the out of synchronicity that we have with the putting out and the collection of rubbish in Main Street, and we will be hearing more about that very soon.

3050 Mr Speaker, we must all pull together. There are people here who do the unacceptable when it comes to littering our streets and placing rubbish, and there is of course more to do but I think, as we have established today, it will be done and it will be done soon. (*Banging on desks*)

**Mr Speaker:** The Hon. Trevor Hammond.

3055 **Hon. T N Hammond:** Mr Speaker, I will be very brief because there are just a couple of points that I do believe need to be clarified or corrected.

3060 The Chief Minister spoke of Winston Churchill Avenue, the entry point into Gibraltar. I accept that in the future it will not directly be the entry point into Gibraltar, once the tunnel is completed; however, the tunnel is some way off. We know, in questions, that the tunnel is likely to be ready in the early part of 2019, but that is still the best part of 18 months away and in the meantime it is Winston Churchill Avenue that people traverse and it should not be allowed to deteriorate further. It really does need to be improved because, as I say, we do frequently find parts of it on the runway, which is never a good thing.

3065 I think the Chief Minister also started talking about refurbishment of buildings. I was not at any point referring to refurbishing buildings, I was talking about maintenance of buildings, and they are two very different things. If you refurbish a building it is usually far more expensive. Maintenance is a basic thing, a lick of paint – not cladding, not changing the dynamics, not changing the room sizes, not moving walls around; that is a refurbishment. All I am talking about  
3070 is basic maintenance of civic buildings, which I think is important to give the right impression to foreigners and to tourists of our community. Whether the private sector and private buildings are maintained to the same standard, I do think Government should be setting the example on this.

3075 The Chief Minister also, to some extent, belittled the importance of maintenance, as if it is almost insignificant in many respects. Well, I can tell you there are aspects of maintenance that are absolutely critical to public safety – for instance, making sure that zebra crossings are clearly

3080 painted and marked. We have a lot of tourist vehicles on our roads – if they cannot see the zebra crossing... I know it is there, they do not know it is there – I go to cross, they do not stop. The Chief Minister might think it is a good thing that that should happen, but I certainly do not. The same happens with other road markings. If give-way signs are not clear, tourists are not aware of them and accidents will happen. This is the importance of maintenance. Apart from leading to a general shabbiness in our streets, it also leads potentially to accidents.

3085 I just wanted to make those points because I did feel that the Chief Minister did belittle the points I was making and they are important and they can have a direct impact not only on public perception but on public safety.

Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** I will now put the motion as amended to the House. All in favour? Those against? Carried unanimously.

3090 The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, it is 10 past nine. This morning we started with a motion on National Day and news has come in on social media – sometimes useful for positive reasons – that the Gibraltar Football Association under-21 squad has won its first official international match 1-0. (*Banging on desks*) What a great way, with all of us banging our tables, to communicate to the young men of that under-21 squad the support of the whole House, and what a great way to end a day when we started with a motion on National Day.

3095 And so, Mr Speaker, reminding hon. Members that I said I would shortly be calling a House again, probably as early as tomorrow, for October, I move that the House should now adjourn *sine die*.

**Mr Speaker:** Before I put the Chief Minister's motion that we adjourn *sine die*, I am going to crave the indulgence of the House for a few minutes. I think that after presiding over the debates of four motions since 10 o'clock this morning I am entitled to do so, and hon. Members will see why.

3105 I received recently an anonymous letter which is a serious insult against Members of this House and this Parliament. I showed it to some Members during the coffee break. How I wish that it was not so late, because then there would be perhaps a chance that this very brave individual who has written anonymously might have been listening to the proceedings of the House and might have heard what I am about to say. (**Hon. G H Licudi:** We are still online.)

3110 The letter asks two questions:

Is corruption an integral part of politics?

And the second question, to me specifically:

As a Roman Catholic, have you pondered that you preside over a den of thieves?

3115 My answer to the first question is that I am not aware, I have no experience, since this legislature was created in 1950 ... as long ago as that I am not aware that any Gibraltar politician has ever been convicted of corruption. I think the writer of this letter may be following events in another country, but certainly not in Gibraltar.

3120 Now have a pondered? I have pondered a great deal today – I have had plenty of time. I have not done so as a Roman Catholic, I do so as Adolfo Canepa, and I have to tell this person that, I have come to the conclusion that, given that we have been debating four motions, during which there has not been a single occasion when the Standing Orders and the Rules of this House have been transgressed – and hon. Members know that I sometimes chastise them if they do not stick to the standards that I expect from Parliament – I have come to the conclusion that I am very proud to preside over the deliberations of the elected representatives of the people of Gibraltar,

3125 who today in this Parliament have done politics proud, and I congratulate you all. (*Banging on desks*)

**Hon. Chief Minister:** Mr Speaker, can I, I think on behalf of all Members of the House, associate with the words that you have uttered and say that the refuge of the coward and the refuge of the corrupt is anonymity. (*Banging on desks*)

3130 **Mr Speaker:** The House will now adjourn *sine dine*.

*The House adjourned at 9.15 p.m.*