



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.

210 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
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:**
 465 **Against.**) Against. So there are 5 votes in favour, there is 1 abstention, there are 2 Members
 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.

1190 **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.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
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.

1345 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.

1350 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.

1355 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.

1360 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.

1365 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.

1370 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.

1380 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

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
1500 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
1505 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 ... 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
1510 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.' That is the advice they gave us and we said, 'Okay, we support what you are doing.'

1515 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.

1520 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,
1525 and therefore we got something that had been valued at £5 million thrown in for nothing.

1530 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.

1535 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
1540 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

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.

1575 **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.

1580 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.

1585 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.

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.

1810 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
1835 Accounts Committee found that RYCA had not been helpful to the inquiry by 'consistently
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.

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-
1875 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
1880 mind and I am surprised that it is enough for the GSD.

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
1885 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.
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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
1895 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.

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
1900 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.
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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
1910 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.
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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
1920 us all. I am indeed grateful to the trustees, who give freely of their time. If questions remain

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.

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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.

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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.

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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

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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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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*)

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Mr Speaker: Any other contributor? The Hon. Roy Clinton.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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:

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
2105 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
2110 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.

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,
2125 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.

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
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.

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.

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
2185 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.

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.
2195 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 Zammitt 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
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.

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
2315 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.

2380 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.

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.

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 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 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 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 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 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. 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 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 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.)

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.