



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.32 p.m. – 7.05 p.m.

Gibraltar, Wednesday, 20th May 2015

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Procedural53
The House adjourned at 7.05 p.m.54

The Gibraltar Parliament

The Parliament met at 3.32 p.m.

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

[ACTING CLERK TO THE PARLIAMENT: C McDonald Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Acting Clerk: Meeting of Parliament, Wednesday, 20th May 2015.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the minutes of the last meeting of Parliament, which was held on 19th and 30th March, 1st and 2nd April 2015.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Acting Clerk: (iii) Communications from the Chair.

10 **Mr Speaker:** May I take this opportunity to welcome Mr Craig McDonald, who is standing in, or perhaps it would be more accurately to say sitting in, as Clerk of the House for the first time whilst Mr Paul Martinez is away from Gibraltar. (*Applause*)

PAPERS TO BE LAID

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

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Solar Energy (Deductions) Rules 2015 and the Ombudsman's Annual Report for the year ended 31st December 2014.

Mr Speaker: Ordered to lie.

20 **Hon. Chief Minister:** Mr Speaker, if I might just, at this stage... In order to assist Members I would wish them all to know that it is my intention that in June we will be returning as usual for Questions during the third week of the month – I think starting again on the Wednesday, 17th and taking questions on the 18th – and that it is my intention to debate the Appropriation Bill on Monday, 22nd June so that Members can prepare themselves. It is Monday, 22nd June that will be the date this year, all things being equal... Subject to change, of course, but all things being equal the Budget debate will start on Monday, 22nd June.

25 **Acting Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q292/2015
Care Agency –
Elderly citizens waiting for beds

Acting Clerk: We begin with Question 292/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health state how many elderly citizens are presently occupying a bed at St. Bernard's Hospital, the new mental health facility and the John Cochrane Unit, who are waiting for a Care Agency bed, broken down by wards?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information requested is on the table that I now hand to the hon. Member.

Answer to Question No. 292 of 2015

Patients Awaiting Elderly Residential Services

St Bernard's Hospital & Ocean Views	Number of Applicants to the Care Agency	Remarks
Captain Murchison Ward	26	Applicants captured are at different stages of the application process but will all require long-term care outside SBH.
Victoria Mackintosh Ward	27	
John Mackintosh Ward	4	
Sunshine Ward	14	
Dawn Ward	2	
Horizon Ward	2	

In addition to this, may I say that as Cochrane Ward is actually part of Elderly Residential Services, formerly the Care Agency, residents there are not waiting to move and therefore have not been included in the table.

May I also point out, because it is the first time we have referred to Ocean Views, that Sunshine Ward, Dawn Ward and Horizon Ward are all three in Ocean Views. I do not think that is specified; I just wanted to clarify that.

Q293/2015
Care Agency –
Elderly citizens waiting for beds

Acting Clerk: Question 293. The Hon. J J Netto.

Hon. J J Netto: Did I understand 292 or 293? 293 yes. (**Mr Speaker:** Correct.) (*Interruption by iPad call ringing*) I beg your pardon.

Mr Speaker, can the Minister for Health provide the figures of people suffering – (*Interruption by iPad call*) Yes, that's my mum – Who knows what she wants!

Mr Speaker, can the Minister for Health provide the figure of people suffering from Alzheimer's and dementia by showing a breakdown of those occupying a bed in St. Bernard's Hospital, John Cochrane Ward, Mount Alvernia and in the community by stating the degree – that is whether mild, medium or acute – of the person's condition?

55 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker. Once again, the information is on the table that I now hand over.

Answer to Question No. 293 of 2015

COMMUNITY	186
MOUNT ALVERNIA	
ECA FLOOR 1	
MILD	1
MILD/MODERATE	1
MODERATE	10
MODERATE/SEVERE	0
SEVERE	9
UNAVAILABLE	1
ECA FLOOR 2	
MILD	1
MILD/MODERATE	0
MODERATE	8
MODERATE/SEVERE	2
SEVERE	19
UNAVAILABLE	0
ECA FLOOR 3	
MILD	4
MILD/MODERATE	1
MODERATE	4
MODERATE/SEVERE	2
SEVERE	8
UNAVAILABLE	0
ECA FLOOR 4	
MILD	6
MILD/MODERATE	1
MODERATE	3
MODERATE/SEVERE	0
SEVERE	2
UNAVAILABLE	0

Continued Answer to Question No. 293 of 2015

JOHN COCHRANE	
MILD	1
MILD/MODERATE	0
MODERATE	7
MODERATE/SEVERE	1
SEVERE	9
UNAVAILABLE	1
CALPE WARD	
MILD	5
MILD/MODERATE	0
MODERATE	3
MODERATE/SEVERE	0
SEVERE	3
UNAVAILABLE	0
CAPTAIN MURCHISON WARD	
MILD	2
MILD/MODERATE	0
MODERATE	10
MODERATE/SEVERE	0
SEVERE	3
UNAVAILABLE	0
VICTORIA WARD	
MILD	3
MILD/MODERATE	0
MODERATE	4
MODERATE/SEVERE	0
SEVERE	1
UNAVAILABLE	0
JOHN WARD	
MILD	0
MILD/MODERATE	0
MODERATE	0
MODERATE/SEVERE	0
SEVERE	2
UNAVAILABLE	0

60

This is a snapshot, Mr Speaker, as at December 2014. Note that the figures are constantly changing as patients move between wards, sadly pass away, are newly diagnosed etc, and the severity is also temporary as patients deteriorate – it may not be severe today, but it could be in a month or so – so there has to be some flexibility in interpreting these figures.

65 A new update of this information is due in June. We normally do this on a six-monthly basis but I clearly do not have the June figures at the moment.

Q294/2015
Alzheimer and Dementia facility –
Staffing requirements and cost

Acting Clerk: Question 294/2015. The Hon. J J Netto.

70 **Hon. J J Netto:** Mr Speaker, can the Minister for the Elderly state whether he has received from the Care Agency the request for staffing needs for the new Alzheimer and Dementia facility at the former RNH site; and if so, please provide the breakdown in relation to grades and specialist professionals needed and what the extra cost will be?

75 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, a workforce plan – there is a misprint there in the prepared answer – a workforce plan has now been prepared by Elderly Residential Services senior management and a final assessment is being made to identify what staff will be deployed.

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Acting Clerk: Question 295.

Hon. J J Netto: A quick question, if I may, Mr Speaker.
I take on board what the Minister has said – that they have received a management report as to this effect. Can the Minister perhaps then enlighten us as to when he thinks he will be in a position to know at the end of the day what the Government thinks will be the grades and specialist professionals that would be needed, by when and what the cost might be? Does he have an appreciation of by when?

85

Hon. Dr J E Cortes: Yes, Mr Speaker, we have had a workforce plan prepared by senior management, as I said. We have had an independent assessment of that work and we are now fine-tuning that. It is our intention to be able to open what we know now as ‘Block B’ – we have not revealed the official name yet – within the next few months. Certainly the intention is to do this during the course of the summer. And clearly, we are now working very very hard and I expect to have the final analysis of the workforce that we will be deploying within the next couple of weeks.

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Hon. J J Netto: Mr Speaker, if I may ask another supplementary question in relation to this, the Hon. the Minister just said that the intention is to be able to open Block B, which is the one specified for this, in a couple of months’ time, certainly before the end of summer. Does the Minister envisage a situation where existing staff, currently working perhaps in Mount Alvernia or some other places, might be part of the transfer, if you like, to the new facilities, or whether we are talking about whatever staff is going to be in Block B is going to be over and above the existing numbers of grades at the moment?

100

Hon. Dr J E Cortes: Mr Speaker, that is the analysis that we are undertaking at the moment. Clearly, the new facility cannot be completely covered by the existing staff, although we have been training up care workers and so on well in advance in order to have them qualified and ready, but there will possibly be some overlap possibly with the senior management teams. So this is the fine-tuning that we are doing at the moment, to actually have a plan in place when deployment is carried out in a few months’ time.

105

Hon. J J Netto: And finally, Mr Speaker, does the Minister envisage a situation where there will be a number of specialised nurses dealing with this particular situation and perhaps some consultants, a specialist in this field, being employed for the new facilities?

110

115 **Hon. Dr J E Cortes:** The skills mix is part of this analysis. There will be carers and there will be nursing. There is no requirement in our assessment for a full-time consultant, but clearly medical cover will be provided.

120 Remember, this is an elderly residential home. The severity of the Alzheimer's and dementia will vary and clearly will probably deteriorate as the years go by. But at this point in time, in analysing the residents that we are expecting to take into that facility, it is not envisaged we would need a full-time consultant, but clearly we will provide the medical cover that will be required for the level of care that the residents need.

Hon. J J Netto: Can I ask just one final one, Mr Speaker: is the Minister confident, given that he has set himself a timetable to open Block B in only a couple of weeks' time, to be able to go through the whole recruitment process and have the staff in place for the opening?

125 **Hon. Dr J E Cortes:** Yes, Mr Speaker. I said we would open in a few months, not in a few weeks. We will have the full workforce plan, including the migration plan, ready in a few weeks.

Q295/2015

Patients with a debilitating disease – Numbers by type and dependency level

Acting Clerk: Question 295/2015. The Hon. J J Netto.

130 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state the number of patients with a debilitating disease, broken down by type and dependency level?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

135 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, in view of the large number of diseases that can be considered debilitating and the fact that the hon. Member has not specified where the patients may be, I would request that he be more specific as to the information he requires.

140 Mr Speaker, if I may just add, in preparing this information I am aware there was a similar Question asked some time ago by the Hon. Mrs Ellul-Hammond, but there was some more specific information requested regarding where they were, and we had more of an idea of the detail. This was very generic and, short of going through all the notes of all the patients, I thought it would be helpful, and I am happy to do that by exchange of correspondence, if he specifies where exactly those patients are and whether he has any particular condition in mind, and then we will be very happy to supply that information. It was a little bit difficult to be so wide.

145 **Hon. J J Netto:** Yes, Mr Speaker, it has been a standard sort of question in the past, both by my hon. Friend Isobel Ellul-Hammond and myself, even before she took over Social Services and even in the period when I was Minister for Social Services. But we are talking about a number of, I think, about four or five debilitating diseases. If I can manage to get the categories I can easily get in touch with the secretary and I am sure the information will be given.

Q296/2015

Gibraltar Health Authority – Health and Safety reports 2014 and 2015

Acting Clerk: Question 296/2015. The Hon. J J Netto.

155 **Hon. J J Netto:** Mr Speaker, can the Minister for Health provide Parliament with copies of the Health and Safety reports conducted for the GHA during 2014 and 2015?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

160 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I now hand over to the hon. Member the list of Health and Safety reports that are completed. However, as I have said before when asked previously, these are internal working documents, so copies will not be provided.

Answer to Question No.296 of 2015

Health & Safety Risk Assessments 2014/15
Completed to date - May 2015

Date	Location	Department
08/10/14	St. Bernard's Hospital - Basement	Basement
08/10/14	St. Bernard's Hospital - Basement	Linen Stores
08/10/14	St. Bernard's Hospital - Basement	Archives
08/10/14	St. Bernard's Hospital - Basement	Workshops
29/10/14	St. Bernard's Hospital - Zone 1	[0] A & E
29/10/14	St. Bernard's Hospital - Zone 1	[0] Ambulance
24/03/15	St. Bernard's Hospital - Zone 1	[1] Critical Care Unit
24/03/15	St. Bernard's Hospital - Zone 1	[2] Captain Murchison
20/04/15	St. Bernard's Hospital - Zone 1	[3] Dudley Toomey
26/11/14	St. Bernard's Hospital - Zone 1	[4] Operating Theatre
10/12/14	St. Bernard's Hospital - Zone 1	[5] CSSD/TSSU
24/03/15	St. Bernard's Hospital - Zone 1	[6] 6 th floor: Finance
24/03/15	St. Bernard's Hospital - Zone 1	[6] 6th floor: Accounts
24/03/15	St. Bernard's Hospital - Zone 1	[6] 6th floor: Directors Office
24/03/15	St. Bernard's Hospital - Zone 1	[7] 7 th floor: Minister/CEO/Public Health
23/03/15	St. Bernard's Hospital - Zone 2	[0] Radiology
24/03/15	St. Bernard's Hospital - Zone 2	[1] Medical Outpatients Department
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Human Resources
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Sponsored Patients
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Nursing
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Medical Secretaries
20/04/15	St. Bernard's Hospital - Zone 3	[1] John Ward
24/03/15	St. Bernard's Hospital - Zone 4	[1] Surgical Outpatients
20/04/15	St. Bernard's Hospital - Zone 4	[5] Medical Investigation Unit

Hon. J J Netto: Mr Speaker, I am not quite sure what is actually coming round in terms of providing information, so what is actually coming round?

165 **Hon. Dr J E Cortes:** Mr Speaker, as I think I mentioned, it is a list of those H&S reports that have been completed, but the reports are not there. It is a list of those that have been done.

Hon. J J Netto: And could the actual Minister say why he feels that Parliament should not have that information, then?

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Hon. Dr J E Cortes: Mr Speaker, I have said this before: these are internal working documents and they are, as I have said in this House before, the sort of internal working documents that I do not believe will be handed over.

175 **Hon. J J Netto:** So the Hon. Minister basically is saying that he does not believe that internal documents of the GHA should not be provided to this Chamber – Parliament, where exactly... *(Interjection)* In other words, what the Minister is basically saying is, 'We don't want Parliament to be able to check what the Minister'... Not the Minister, because the Minister does not, at the end of the day, write the report; it is done by members of staff, but what the Minister is saying is, 'We are not going to allow the
180 Opposition to be able to know what the reports say, in case they want to raise any particular issue about them.' That is what the Minister is saying, isn't it?

Hon. Dr J E Cortes: No, Mr Speaker, not at all. If the hon. Member has any concern about any of the specifics of the list that I have provided – and I have told him all the Departments that have been assessed;
185 it is a fairly lengthy list... If he has any specific concerns or specific questions, then I would be happy to consider answering them, but handing over a large amount of documents with such day-to-day information I do not think would be helpful.

**Personal Statement
by the Hon. Isobel Ellul-Hammond**

190 **Mr Speaker:** I think it is an appropriate moment, now that we are apparently concluding questions on health, to give the Hon. Isobel Ellul-Hammond an opportunity to make a personal statement, given that she has relinquished that responsibility.

Hon. Mrs I M Ellul-Hammond: Thank you, Mr Speaker.

195 I thought it would be appropriate to make a Statement to the hon. Members of Parliament, seeing that the news was announced via the media and I believe it is only right that it is recorded in *Hansard*.

Mr Speaker, it is not given to everyone to be able to work for one's community and make a difference. It is this which was the motivating factor in my deciding to become involved in politics. For many years before, I have been involved in one way or another in voluntary and charitable work, culminating in setting up what has proved to be a source of practical help and comfort to many in Gibraltar, and that is the charity Breast Cancer Support Gibraltar.

200 Working from the Opposition benches these last four years has not given me the opportunity to work creatively for the community as I thought I could and would have wanted. Instead, and true to the tradition of Opposition politics, my role has been that of questioning and scrutinising the work of Government. Important and vital as this is for the proper management of democracy, I want to be more directly and positively involved with the community, the people and their needs, to be proactive and not reactive to the creative work of others.

210 I recently spent some months away from politics battling for my health, the third time in my adult life that this has been the case. Inevitably, during such enforced pauses from the inexorable flow of life one is given the rare luxury of reassessing one's life and refocusing on what is important and what is not. Unlike for so many during such times, it has also given me the strength not to be defeated and to face life, which is precious, with renewed energy. Every difficult episode in life brings with it opportunity and I came to the conclusion that I again wanted to spend my time working directly and creatively for the good of our community.

215 I started looking for such an opportunity but found few openings. I then saw in February, as if by providence, the post of Cancer Services Co-ordinator advertised by the GHA. I made enquiries and applied. After attending an interview I was offered the post. The work involved could not have been better crafted for me had they tried.

220 As from 7th April, therefore, I relinquished my portfolio responsibilities for Health, Social Services and Civil Contingencies and went into the backbench of Parliament. Additionally, I have stated that I will not be putting my name forward for consideration in the GSD line-up for the next General Election. My desire, however, for the few months remaining of this Parliament is not to resign and put Gibraltar to the expense, administrative and logistical organisation of a by-election, especially so close to a General Election where this will obviously be necessary. I have therefore been given the opportunity by the Leader of the House not to resign as a Member of Parliament, but to instead go into the backbench, relinquishing my portfolio responsibilities until the General Election is called.

225 I have started my new position as Cancer Services Co-ordinator in a designate capacity where I am presently fact-finding and introducing myself to health professionals in order to familiarise myself with the cancer services Gibraltar offers. This ensures I will be ready to start immediately in this exciting new role once I am no longer a Member of Parliament. As Gibraltar's first Cancer Services Co-ordinator, I will be reviewing Gibraltar's cancer services and providing a holistic cancer strategy for Gibraltar, which includes enhanced communication between all cancer service providers and an improvement in the patient experience. This is a challenge I am very much looking forward to and it is, in many respects, a continuation of the work I started with my friends back in 2007 as a founder of Breast Cancer Support Gibraltar.

235 Statistically, I am a one in eight of women who have been affected by breast cancer, a one in two to three people affected by cancer generally. Ten of my friends have died from secondary breast cancer, five of whom were 50 years of age or younger. Another similar number of my friends have died from other cancers, all young, under retirement age. Their memory helps to motivate me.

240 Creating a GHA bespoke Gibraltar cancer strategy means a new dedicated focus on cancer with the ultimate aim of raising more awareness, dispelling fears and taboos, encouraging preventative medicine and healthier lifestyles, increasing the early detection of cancer, helping to introduce new treatments to Gibraltar, and ultimately improving cancer outcomes and reducing mortality.

245 It has been a privilege and an honour to have served the community as a Member of Parliament. It is now time for me to move on and pursue my vision and vocation on how, at this moment in my life, I can best serve the people of Gibraltar.

Thank you all very much. (*Banging on desks*)

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may, on behalf of the Government and, I hope, the whole House, thank the hon. Lady for the Statement she has made.

250 She has been well known for her charitable work for many years, long before she was a Member of this House, and when she has been here she has been a huge asset to this place, although of course I always thought she sat on the wrong side!

255 In the time that she has been here, Mr Speaker, we have crossed swords passionately on issues that concerned each of us, but never to the extent that we might cross the road to avoid each other as a result of it, and I am very pleased that she was able to bring to the debates in this House her good humour and her temperance, and perhaps taught all the rest of us a lesson in that regard.

Mr Speaker, Parliament will be the poorer for the loss of Mrs Ellul-Hammond and the GHA will be the richer, which means that the community will continue to enjoy the benefit of her service and I very much look forward to working with her on the Government side.

260 **Hon. D A Feetham:** Mr Speaker, first of all, let me associate myself with the words of the Leader of the House.

265 No-one understands better than I do – and I say that with all the humility in the world, but nobody understands better than I do – what an event in your life... what impact it can have not only for yourself but also for your family, and how it can cause you to reassess your life; because I had an event, similar to the one that the hon. Lady had last year, in 2010. That I decided to continue in politics and I took a different decision does not mean that the hon. Lady's decision in any way, shape or form is wrong, and indeed the Opposition's loss is Gibraltar's gain and certainly the GHA's gain, because as the hon. Lady has said in her Statement, she can now, as a consequence of taking up this role, work positively for Gibraltar and for the GHA in progressing the Government – not only this Government but perhaps the future Government's agenda in relation to the fight against cancer, which is such a scourge on society.

270 Certainly she leaves the Opposition with all the best wishes of the Opposition and my own personally. We have been supportive of the decision that she has taken, which I know is a decision that she has not taken easily or a decision that she has not taken lightly, because I know that she would have very much liked to have seen this term out until the next General Election, but it is not an opportunity that she could have, for all the reasons that the hon. Lady has outlined in her own Statement, that she could turn her back on at this stage.

As I said, she leaves with all the best wishes and the support of the Opposition. (*Banging on desks*)

280 **Hon. Dr J E Cortes:** Mr Speaker – could I?

Mr Speaker: May I associate... Okay, the Hon. the Minister for Health.

285 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** If I may, Mr Speaker, I feel that, having been at the opposite end, on the opposite side of the Hon. Mrs Ellul-Hammond over the last three and a bit years, I feel that I should say a few words here.

Not being as seasoned a politician as many others in this Chamber, I was never quite comfortable in being at cross-swords with an old friend, so I take comfort that that is not going to happen any longer.

290 Mr Speaker, I closely followed her illness, not just as a friend but as Minister for Health, so I know what she went through. We used to joke at the time, because of course the hon. Member replaced me on the Board of the GHA back in 2007, and we often did comment, even when we were opposing each other in this House, how good it would have been for us to have shared the Board and to have worked together, because I well know all her ideas and what she wants to do, and she knows mine.

295 Therefore, not only as Minister for Health but also as Chairman of the GHA, all I can say is to reiterate what has been said already and that the contribution that the hon. Member will make to the Health Service will be profound. I am very much looking forward to working with her, not just for the next few months but at least for another four years.

Thank you, Mr Speaker. (*Banging on desks*)

300 **Mr Speaker:** May I associate myself personally with everything that has been said about the hon. Lady and also add that, although we shall have the pleasure of continuing to see her until the next General Election whilst she remains a Member of Parliament, she can rest assured that she has the best wishes of the staff of Parliament. (*Banging on desks*)

Q297/2015
Government printers –
Double-sided printing

Acting Clerk: Question 297/2015. The Hon. J J Netto.

305 **Hon. J J Netto:** Mr Speaker, can the Government state if in all Government Departments, Authorities and Agencies there are printers that have the facility for double-sided printing?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

310 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Government policy introduced when this Government took office is that all printing is to be double-sided whenever possible. In line with our green procurement policy, as printers are replaced they are replaced with modern units which are networked and print double-sided as a default setting.

315 **Hon. J J Netto:** So basically it is an ongoing process: as soon as a printer needs replacing it will be replaced by the facility of a double-sided printer.

Can I take the opportunity – and perhaps this is something that the Department of the Environment is actually doing itself... whether they are actually getting in touch with Government Departments, Authorities and Agencies in terms of creating awareness and ensuring that civil servants and Government employees are encouraged to use double-sided printers?

320 And perhaps one final supplementary: whether the officials in the Department of the Environment can actually encourage the Minister that when he delivers his Budget speech this time it will be on double-sided paper and not on single-sided paper?

325 **Hon. Dr J E Cortes:** Yes, Mr Speaker, not only that but also recycled, as it has been since I took office.

Mr Speaker, it is a process that is ongoing. Already many – and I hesitate to say ‘most’ because I do not have the specific figures; many – of the photocopiers are already able and do it double-sided. I can say that the Health Authority does virtually all of its printing now double-sided and has saved a lot on energy and on paper. The Government Departments are encouraged to do so. There have been seminars and, I believe, circulars urging the Departments to do so.

330 I might even go one better, depending on how well the technology is working: perhaps my Budget speech will be read from an iPad and there will be no paper at all, but I will not commit to that totally because it is more difficult to write notes, and so on, on an i-Pad than on a script.

Q298/2015
Licences for fishing with long lines –
Number issued

Acting Clerk: Question 298/2015. The Hon. J J Netto.

335 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many licences have been issued since January of this year to vessels and their owners for the purpose of fishing with long lines, broken down by nationality and stating whether such vessels are owned by individual persons or commercial entities?

340 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 299 to 307.

Q299/2015
Vessels fishing with long lines –
Number without valid licence

345 **Acting Clerk:** Question 299/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state on how many occasions have vessels been within British Gibraltar Territorial Waters, which have been seen to be fishing with long lines since January of this year without a valid licence, broken down by nationality and date?

Q300/2015
Unlawful incursions into British Gibraltar Territorial Waters –
Number since implementation of new licence regime

350 **Acting Clerk:** Question 300/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many unlawful incursions into British Gibraltar Territorial Waters have taken place by the Spanish fishermen since the new licence regime came into effect by the Gibraltar Government, broken down on a monthly basis, and how many of these have ended with a fine, appropriation of the boat or the confiscation of their assets?

Q301/2015
Bluefin tuna fishing –
Spot checks by Protection Enforcement Team

Acting Clerk: Question 301/2015. The Hon. J J Netto.

360 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many spot checks have been carried out by the Protection Enforcement Team of the Department of the Environment in relation to the bluefin tuna fishing since commencement of this legislation?

Q302/2015
Bluefin tuna –
Tonnage caught and registered in Gibraltar

Acting Clerk: Question 302/2015. The Hon. J J Netto.

365 **Hon. J J Netto:** Can the Minister for the Environment state what has been the tonnage of bluefin tuna caught and registered in Gibraltar since the current legislation was enacted?

Q303/2015
Bluefin tuna catch –
Comments made by European Commissioner for the Environment, Maritime Affairs and Fisheries

Acting Clerk: Question 303/2015. The Hon. J J Netto.

370 **Hon. J J Netto:** Can the Minister for the Environment provide Parliament with a statement as a result of the comments made by the European Commissioner for the Environment, Maritime Affairs and Fisheries, Mr Karmenu Vella, with regard to the catch of bluefin tuna by Gibraltar fishermen?

Q304/2015
Fisheries database –
Information available; fish tagging programme

375 **Acting Clerk:** Question 304/2015. The Hon. J J Netto.

Hon. J J Netto: Further to the answer given to Question 25/2015, can the Minister for the Environment state: (a) the information available so far in the Department of Environment Fisheries database; and (b) the figures for the fish tagging programme and type?

Q305/2015
Fishing Report –
Recommendations implemented

380 **Acting Clerk:** Question 305/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 361/2014, can the Minister for the Environment state what further recommendation or recommendations from the Fishing Report have been implemented in the following 12 months?

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Q306/2015
Dolphins –
Contamination of water in Strait of Gibraltar and Gulf of Cadiz

Acting Clerk: Question 306/2015. The Hon. J J Netto.

390 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if the Department of the Environment is aware of the report made by the Spanish Conservation Association of Studies and Information of Cetaceans, whereby it concludes that tests carried out to dolphins in the Strait of Gibraltar and the Gulf of Cadiz observed high levels of flame-retardant chemicals defined as polybrominated diphenyl ethers or (PBDEs) restricted under the Stockholm 2004 Convention; and if so, provide Parliament
395 with a statement to this effect and any measure introduced or planned in order to curtail such affliction to dolphins within British Gibraltar Territorial Waters?

Q307/2015
Marine currents –
Survey off south-west of Gibraltar

400 **Acting Clerk:** Question 307/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the test on marine currents, alluded to by the Minister back in February of this year, off the south-west of Gibraltar has now ended; and if so, provide a statement as to the result of such a survey?

405

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
410 Mr Speaker, since January this year 252 Class A, fishing with long lines, licences have been issued. All licences have been issued to local residents: 251 are British and one is Portuguese. No commercial entity has been issued with a licence.

To the Department's knowledge, the long lines which have been deployed and that have been checked whilst conducting patrols in BGTW have been from licensed individuals.

415 Incursions by Spanish fishermen into BGTW were: January 2015, 15; February, 14; March, 24; and April, 13.

Since the commencement of the legislation the Department of the Environment, through its Environmental Protection and Enforcement team, patrols BGTW on a daily basis with various patrols being conducted every day. During these patrols, any vessels believed to be fishing tuna are approached. The tuna season officially commences in mid-June and to date the Department has not encountered any vessels attempting to fish tuna whilst on patrol.

420

There have been zero tonnes of bluefin tuna caught and registered in Gibraltar since the legislation was enacted. The season does not open until 15th June.

There have been various questions which have been answered by Mr Karmenu Vella in relation to Gibraltar's fishing of bluefin tuna. The hon. Member has not specified which question he is referring to, but I will answer the latest one, which I believe may be the one he is referring to.

425

The rules of the Common Fisheries Policy do not apply to Gibraltar. Therefore Gibraltar is not bound by the EU application of ICCAT through EU law. As a result, Gibraltar is free to legislate and control the fishing of tuna in BGTW as it has done and local fishermen can legally fish tuna in BGTW. This is recognised by the Commission.

430

Furthermore, the hon. Member has asked for a statement and I would say this: in his reply, Mr Vella makes a very important distinction by addressing the position under both the EU Common Fisheries Policy and EU environmental laws. As the hon. Member may know, BGTW are not EU waters as far as the Common Fisheries Policy is concerned, but they are EU waters as far as EU environmental laws are concerned. It seems to us, therefore, that the EU Commissioner is acknowledging that only EU environmental laws apply in BGTW. If BGTW were Spanish waters, the Common Fisheries Policy would also apply. This therefore is tacit recognition of our jurisdiction over our waters.

435

The information for part (a) of Question 304 is provided in the schedule which I am shortly going to hand over.

In relation to the fish tagging programme, a total of 23 fish have been tagged so far. All tags have been placed on the white sea bream. The tagging programme will be expanded this year to include bluefin tuna.

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In addition to the extensive list of measures that have been implemented already, as I previously communicated to this House, the following recommendations of the Fishing Report have also been implemented:

(1) The Marine Protection Regulations 2015 and the Tuna Preservation Regulations were published in October last year. They are set to regulate a myriad of activities that take place in our waters, such as fishing, diving, scientific research, anchoring and dolphin tour operators. Some of the key measures included in the Regulations include the introduction of fishing licensing requirements, minimum fish sizes and the creation of no-anchoring zones, as well as the creation of marine conservation zones. These measures are directly relevant to some of the recommendations of the Fishing Report.

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(2) The Environmental Protection and Research Unit has been expanded with three new officers and the acquisition of marine assets, including two vessels – the *Darwin* and the *Storm Petrel*. This unit is assisting the Department with its fisheries management duties.

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(3) A Fishing Working Group has been created. The working group serves as a platform to discuss relevant issues, such as sustainable fishing activities in BGTW.

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(4) The full extent of British Gibraltar Territorial Waters has been diagnosed as a Marine Nature Area.

(5) A research programme on the nursery functions of BGTW is currently underway as part of the wider marine surveillance monitoring programme. The recent deployment of an underwater camera forms a critical element of this new initiative.

(6) A seagrass and fan mussel restoration project has commenced.

460

(7) Continuation of the artificial reef programme with the deployment of the *Sun Swale* by GONHS.

Mr Speaker, in answer to Question 306, yes, the Department of the Environment is aware of the report made by the Spanish Conservation Association of Studies and Information of Cetaceans. The Department of the Environment is presently working on a marine biota monitoring programme, which involves the analysis of both fish and mussel samples taken throughout Gibraltar's coastline. The parameters that will be analysed and measured include metals, organotin and other contaminants and pollutants, including polybrominated diphenyl ethers. I say this, Mr Speaker, because the dolphins will have acquired these substances from the food and therefore we cannot sample dolphins but we can sample the fish which presumably they are eating.

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In answer to Question 307, this work is expected to commence in summer this year. Two previous surveys have been carried out, one from January to March 2013 and another from February to April 2014.

470

Answer to Question No.304/2015

Permits	Active Permits	Expired Permits
A1 - Longlines	226	-
B1 - Recreational Rods and Line	1167	-
B2 - Recreational Rods and Line (Temporary)	14	98
C1 - Spearfishing	37	-
C2 - Spearfishing (Temporary)	4	3
D1 - Fishing Competition	5	-
E1 - Sports Fishing Operator	0	-
F1 - Diving	75	-
F2 - Diving Temporary	0	5
G1 - Dive Operator	1	-
H1 - Dolphin Tour Operator	1	-
J1 - Species in Need of Strict Protection	223	-
K1 - Tuna	308	-

Hon. J J Netto: Just in case I have got my figures wrong, at the beginning of his answer I think he said that 252 licenses had been issued to locals. Is that correct?

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Hon. Dr J E Cortes: To residents.

Hon. J J Netto: To residents, right. So no licence has been issued to any non-resident?

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Hon. Dr J E Cortes: Mr Speaker, if he looks at the annexe, the schedule I provided, he will see that the figures are not exactly the same, because the table has got from a particular time period and the actual specific answer on Class A is current, so that is why there is about 20 or so difference. But if he sees 'Temporary' – temporary are the licenses issued to non-residents and therefore he will see that under permits B2, C2 and F2 there have been temporary permits, and it is the temporary permits that are for non-residents. So any permit that does not say 'temporary' will be for residents of Gibraltar, regardless of nationality, and when it says 'temporary', they will be for non-residents. That might assist.

485

Hon. J J Netto: It does help a little bit.

Can the Minister say whether there have been any licences issued to Spaniards who are resident in Spain?

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Hon. Dr J E Cortes: Mr Speaker, not to my knowledge. When he asks this it may be that he is aware of some instance, in which case I do not know, but it is not... A temporary licence will have been issued perhaps to somebody resident in Spain, but not a non-temporary licence. So the answer is yes, if it is a temporary license; no, if it is one of the other standard licences. Maybe that is where the confusion is. There could be somebody resident in Spain with a temporary licence, and the law provides for that.

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Hon. J J Netto: Mr Speaker, moving slightly on, the Minister also mentioned the number of incursions in relation to fishing with long lines, but can the Minister – perhaps he said it, actually, but I missed it – specify whether such incursions were, in some cases, by Spanish fishermen into our waters?

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Hon. Dr J E Cortes: Yes, Mr Speaker, I did say incursions by Spanish fishermen.

Hon. D A Feetham: Yes, Mr Speaker, can the hon. Gentleman clarify – or confirm, because that is my understanding – that when he talks about incursions by Spanish fishermen in his answer – 15 in January; 14 in February; March, 24; and April, 13 – that that is, in the main we are talking about incursions of Spanish fishermen fishing with nets in British Gibraltar Territorial Waters, not long lines? That is what we are talking about?

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Hon. Dr J E Cortes: Mr Speaker, I believe that is the case. In my raw data, unless I am missing anything, we are talking about nets and rakes combined.

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Hon. D A Feetham: Yes, Mr Speaker, that is what I thought, because it would be highly unlikely... There would be the odd one, I suppose. You could have incursions of Spanish fishermen fishing with long lines, but the incursions are fishing with nets or rakes, as the hon. Gentleman has just explained.

515

Does he agree with me that these incursions actually damage very substantially the Government's efforts to preserve marine life in British Gibraltar Territorial Waters?

Hon. Dr J E Cortes: Mr Speaker, any nature reserve anywhere in the world will be subjected to some abuse of its natural assets; the common word used is ‘poaching and, clearly, any poaching will affect the environment. Therefore, if he asks me as a purist, clearly I would rather that these things did not occur. However, Mr Speaker, what I can say is two things: one is the excellent work that the Department of the Environment has been doing to actually enhance the marine life in Gibraltar – for example, by reef creation and the initiatives on sea grasses which I mentioned earlier; and also the fact that the figures that we have reflect a marked decrease in the overall number of such incursions in British Gibraltar Territorial Waters. So I think that the long-term strategy, which is the improvement of the biodiversity and the stocks of marine life in Gibraltar, is actually being very successfully achieved despite these setbacks.

Hon. D A Feetham: Well Mr Speaker, the hon. Gentleman uses a very curious turn of phrase – and it is two very curious turns of phrase: one, he said that any nature reserve is going to be subjected to abuse – almost justifying the abuse; and then he says ‘as a purist’, almost drawing a distinction between ‘Well, look, as a purist, you know I cannot condone this, but maybe it could be condoned.’

Well look, the question that I asked is – and I would appreciate a straight answer to the question – are the incursions by Spanish fishermen in British Gibraltar Territorial Waters, to use nets, which are illegal in British Gibraltar Territorial Waters, is that substantially damaging the Government’s efforts in relation to marine preservation?

Hon. Dr J E Cortes: Mr Speaker, I was in no way implying, even implying, justifying anything. I was making a statement of fact. Any nature reserve anywhere in the world is subjected to this sort of thing. As to whether or not I am a purist, well, that is for others to judge.

Mr Speaker, I repeat what I have said before. Perhaps it would be easier if I got a straight question, if he does not like my non-straight answers. If any natural resource which is exploited, whether legally or illegally, is reduced, that is again a statement of fact and I have repeated that clearly it would be better for an increase in stocks if there was no fishing whatsoever by anybody, but that is not going to happen because that is not realistic.

You see, Mr Speaker, we are talking about sustainability, we are talking about sustainability, and therefore we have to aspire by enhancement of the marine habitat in order to improve stocks and biodiversity and by whatever action we are taking now, which is clearly showing some success because, as I said before, the number of fishing incursions is substantially reduced. The aim of this exercise is long term and I am absolutely convinced that in the medium to long term our stocks will improve tremendously.

Hon. D A Feetham: Well, Mr Speaker, obviously I have asked the wrong question. I have asked the wrong question, as I asked the wrong question on the public finances, as I asked the wrong question on LNG – nothing to do with the answers that the hon. Members opposite provide me. It is always Daniel Feetham that ask the wrong question. But, Mr Speaker, he still has not answered my wrong question, because my wrong question was: do all these incursions damage the Government’s environmental project for preserving fish stocks? ‘Substantially damage’ is the phrase that I have used. Now, I would have thought that that was capable of a straight answer by the hon. Gentleman – or is the hon. Gentleman becoming more of a politician than the hon. Gentleman would care to admit?

Hon. Dr J E Cortes: Yes, Mr Speaker, it is an interesting point, because just as the hon. Member opposite was asking me whether I had become too much of a politician... Can there be too much of a politician? You are better to answer that. I was thinking just the very opposite, because as a politician I could answer whatever, but as a scientist my genuine answer is that I do not know whether these incursions are having a negative effect because I do not know the length of net deployed, the length of time, the amount of fish, the species, the habitat. So the answer is I do not know, but what I do know is certainly much less effect than the excessive fishing that was carried out when the Fishing Agreement was in force. *(Banging on desks)*

Hon. D A Feetham: Mr Speaker, I have to say that I am absolutely astonished – the word that the Hon. the Chief Minister likes to use in his press releases directed at the Opposition; astonished, absolutely astonished – that the hon. Gentleman, three years, or nearly four years now into their term in office, but three years since he plunged Gibraltar into a crisis with his now infamous declaration on Facebook, that he can stand there and he can say, ‘I am not able to say what the effects of all these incursions and the use of illegal nets are in British Gibraltar Territorial Waters because I don’t have enough data; I don’t know how many long lines are being used, I don’t know this, I don’t know that.’ And yet, Mr Speaker, the hon. Gentleman has spent, or the Government has spent millions of pounds in new assets, in new cameras, in new this, in new that. Isn’t that an absolute indictment, Mr Speaker of the Government’s abject failure to protect marine life in British Gibraltar Territorial Waters? And not only that, in order to give him the

benefit so that he can answer it, an abject failure in keeping to *their* promises, and *his* in particular, to the people of Gibraltar of not allowing this activity in British Gibraltar Territorial Waters, Mr Speaker?

Hon. Dr J E Cortes: Absolutely not, Mr Speaker. We are making tremendous progress in marine conservation, more progress than has ever been made in the history of Gibraltar, and he knows it. (*Banging on desks*)

As I have said before, the statistics show a tremendous decrease in incursions. The monitoring unit that we have is carrying out a lot of surveying and a lot of activity and I can assure you, Mr Speaker, that the protection of marine life in Gibraltar waters has never been better carried out from the point of view of the areas that I can control. And, Mr Speaker, I can tell you that, as I have said before, history will tell in the future quite how much progress has been made in the last three years for the protection of our marine resources.

Hon. D A Feetham: Well, Mr Speaker, I have to say we differ on that. If the hon. Gentleman cannot even tell me, cannot even tell me what the impact... whether there is any substantial damage being done to marine life as a consequence of all these incursions and the use of illegal nets in British Gibraltar Territorial Waters, I am afraid that he is not mastering this particular brief and he is not on top of this particular situation as he likes to project that he is on top of this situation.

But Mr Speaker, does the hon. Gentleman not feel at least a sense of shame that on the one day in the *Gibraltar Chronicle* there are photographs of new equipment introduced in the area of the reef, photographing marine life and statements from the hon. Gentleman saying, 'Look at this reef, teeming with marine life!' and then the next day there are three Spanish fishermen photographed with long nets in the same area where the photographs were made? Isn't there a cause for a sense of shame and an indictment of the Government's policy in this area?

Hon. Dr J E Cortes: Mr Speaker, no shame at all, but determination, Mr Speaker. (**A Member:** Hear, hear.) Mr Speaker. If they caught fish there, it is clearly as a response to the success of our initiative, which was criticised by Spain for having nothing to do about conservation and all to do with politics and reclamation. So if that is the case, that is the case. No shame at all, Mr Speaker: determination. These issues have to be tackled.

And of course, Mr Speaker, nets catch fish. I am not going to deny that, but I cannot tell him exactly what the impact is without the data. And clearly, as I said before, I would rather it did not happen. The strategy is there; I am absolutely determined this is going to be resolved. And I think the attitude that certainly my Department is taking is thorough and totally responsible, and time, Mr Speaker will prove that.

Hon. D A Feetham: Well, Mr Speaker, now I have heard it all! He pats himself on the back for the success of laying the reef – *his* initiative – attracting new fish to the area so that the Spanish fishermen can fish in the area of the reef! I really thought that I had heard it all in this Parliament, but today I *have* heard it all: the hon. Gentleman patting himself on the back for creating an environment where more fish are attracted to British Gibraltar Territorial Waters so that Spanish fishermen can haul them, using their illegal nets, from British Gibraltar Territorial Waters!

Well, Mr Speaker, can he answer at the very least this: what is his Government going to do in order to prevent the illegal use of nets in British Gibraltar Territorial Waters, which was their promise to the people of Gibraltar at the last election?

Hon. Dr J E Cortes: Mr Speaker, the hon. Member opposite has a problem. I think it is maybe because he is a politician. He transforms a statement of facts into an opinion. I have said *if* they took a lot of fish it means that the reef is successful. I did not say, 'Good lad, John, you've given them fish!' I said *if* they took more fish, it is the reef that... I have not said I am glad they took them, I am not saying I supported it; I am making a statement of fact. He does it time and time again. A statement of fact... I don't know, maybe it is because he is a politician.

I can tell you one thing, Mr Speaker. He is saying about hauling fish after a successful reef operation. The Members opposite used to allow them to haul fish without reefs and actually encouraged them to haul fish by making an agreement for them to come! This is what is absolutely

That is it. I have nothing further to say, other than to say absolutely determined. Our strategy is working and time will prove that our strategy will deliver what we set out to deliver.

Hon. D A Feetham: Mr Speaker, if this were a question of scoring goals, I'm afraid that it would be 5-0 by now to the Opposition on this particular issue.

Mr Speaker, he has not answered the question. What is he going to do, or what is his Government going to do in order to make good on a manifesto promise to the people of Gibraltar to end illegal fishing in

640 British Gibraltar Territorial Waters? He must have, or his Government must have had a strategy, his party must have had a strategy in place when they made that promise, and I just want to know when that is likely to take place and what is the strategy.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be allowed to rise to reply to the Hon. the Shadow Member for Pilchards, Haddock and Sardines, (*Laughter*) it is absolutely clear to people who are looking at this match dispassionately that the hat-tricks are being scored by this side of the House and not the other. It will be absolutely clear to anybody who reads the *Hansards* a thousand years from now, when I hope there will be people geeky enough to do so, that those who consented to Spanish fishermen coming into British Gibraltar Territorial Waters to fish with impunity are the Members opposite when they were in
650 Government and when they entered into the Fishing Agreement.

What we have done to stop this activity is to put the control of this back in the hands of those who should have the control; namely the Royal Gibraltar Police, who do an excellent job at sea, in particular in prioritising what they should deal with. What we will not do is to give the Police instruction on what to do either one way or the other, as was the case under the Fishing Agreement that hon. Members have
655 defended.

I dare say that there is a lesson for us here, because if there had been a vote on the Fishing Agreement perhaps later in the time that the GSD were in office, we, the Opposition, might have won it. Because given that Mr Netto tells us, in dealing with progressive politics, that on the GSD they can all vote their consciences all the time and that is the reason why progressive politics did not prosper – because there are
660 some who might not have supported progressive politics on the other side – there might have been some, perhaps after 2003, perhaps after 2007, who might not have supported the Fishing Agreement, although it continued in place despite the fact that they were part of the Government.

What have we done, Mr Speaker? We have undone an agreement that was an abomination and which drove a coach and horses through the rule of law. Commissioner Vella – ironically, named after probably
665 the only Gibraltarian family who also at some stage have fished with nets – actually clarifies the position in his answer very well indeed. By reflecting the fact that Gibraltarian fishermen cannot sail into Spanish waters to fish, because those are European Common Fishery Policy waters, he recognises that these are British waters and anybody who comes to fish here has to fish in keeping with such regulations as there may be in place in respect of these waters – the regulations that now supplement the Nature Protection Act,
670 which Mr Cortes has been responsible for as Minister, having been responsible for the Act as a Member of GOHMS when that Act first came about under the first GSLP Liberal administration.

So we proudly can reflect on the fact that we did the Nature Protection Act when we were in Government the first time, we proudly can reflect on the fact that we have done the regulations while we were in Government the second time, and we proudly can reflect that we undid the agreement that even the
675 Foreign Affairs Commission said was contrary to the rule of law. Those are the things that we have done.

We have done many other things, Mr Speaker, in respect of many other areas, and it may be that, in respect of those areas where we have created offences, today somebody may be committing such an offence – because the Police may not be there to see it; the Police may be dealing with other more important matters – but nobody says, ‘What is our Government going to do about children riding their bicycles in
680 pedestrianised areas?’

And so, Mr Speaker, we healthily leave matters of enforcement to people outside of this place entirely. We do not tell them what to do to enforce; we do not tell them not to enforce either, as they did under the abomination that was the agreement that we rightly undid.

685 **Hon. D A Feetham:** Well, Mr Speaker, the only abomination, as far as I can see, was the promise made at the last election by the hon. Gentlemen opposite to put an end to illegal fishing by nets in British Gibraltar Territorial Waters. If the position today – and it cannot be any different today than it was then – is it is not our role and there is nothing that we can do because the Police are the ones who have to enforce and if they are not enforcing it is the Police’s fault, that must have been the position then and they should
690 never have made the promise to the people of Gibraltar that they did. So is the Chief Minister of Gibraltar or the Minister for Environment ready to at least offer an apology to the people of Gibraltar for making a promise that they could not keep at the last election?

695 **Mr Speaker:** This is the last supplementary that I am allowing on the question of the manifesto commitment of the GSLP and the Spanish fishermen. It is a matter on which there have been exchanges in the House *ad nauseam* in the past. No doubt between now and the General Election there will be many more, but that is all we are having today.

700 **Hon. J J Netto:** Mr Speaker, may I be allowed –

Mr Speaker: Yes, I will allow the Hon. Mr Netto, of course, to come back; but that is then the end of the matter on what the Government should or should not have done about these incursions.

Hon. Chief Minister: Mr Speaker, thank you.

705 My hon. friend, the Minister for Health and the Environment, is a scientist and he sees things logically and therefore spotted what it was that the Hon. the Shadow Minister for Pilchards, Haddock and Sardines is trying to do. What he is trying to do is to say that we have said something and attack the thing not that we say but that he would rather we had said. So he says, 'So it's the Police's fault, according to you.' No, Mr Speaker, it is not the Police's fault. He would love me to say that, wouldn't he! He would run up, perhaps with one of his new executive members on the back of his moped or Audi, and stand outside the
710 New Mole police station with another leaflet, perhaps also with a photograph that does not represent reality on the front, and say, 'Picardo said it's your fault! Picardo said it's your fault! Vote for me! Vote for me! Vote for me!' Because that is what it is all about. You see, Mr Speaker, the hon. Member is not interested in the wellbeing of the waters or the marine life, perhaps not even interested in the rule of law; what he is
715 interested in is votes, gaining votes somehow, and in order to do so he has to conject that the Chief Minister has said that something is the Police's fault, when in fact, when either the Police or the geek a thousand years from now go back to *Hansard*, what they will see that I have said is that the Police do an *excellent* job in our waters of prioritising what they need to deal with. There are drug traffickers in our water, there are people traffickers in our water, there are people in danger in our water, there are people doing small
720 illegalities in our water and there are people fishing illegally in our water, and the Police have to deal with all that. Today, they can thankfully deal with it with equipment bought and provided to them for those purposes by the Government, because they are now adequately resourced and they no longer have to rely on ribs that they confiscate from drug traffickers and which are dangerous for them to use. But no doubt, given where the debate is going on public finances, the reality is that the hon. Members opposite would have said, 'You should not have spent the £4 million in buying the Police adequate assets for the water; you should
725 have continued to allow them to go at risk in ribs confiscated from drug traffickers.' That must be the position of the Members opposite because they do not want us to spend any money.

So we are not blaming the Police; we are saying it is the Police's responsibility. And I am saying that not just about fishing in BGTW. I am saying that about people riding their bicycles in Main Street. I am
730 talking about any aspect of our *corpus juris* which requires somebody to comply with a rule which they break and which is an offence. That is a matter for the Police or the relevant enforcement provisions.

Do we in this House need to do anything to give them more power? No, they already have the power.

Do we need to do anything to bolster what are offences? No, the offences are already properly set out.

Do we need to resource them better? No.

735 Are we saying it is their fault? No, it is not their fault. Nobody is saying that.

What have we done? We have undone an agreement that was an abomination.

What does he need to tweet about? He needs to tweet his *mea culpa* for forming part of a Government that allowed an agreement that was an abomination, and not tweet 'Picardo blames the Police', because if
740 he tweets the latter he is lying on Twitter, which is not an offence but it would be if he were to say it in this House, as he has.

He said to me during the course of our exchanges during the last Parliament that he was very much looking forward to debating with me on television, unconstrained by the rules of Parliamentary debate. I do not know why. It must be because he wants to be able to lie, but in Parliament he is constrained by those
745 rules.

What are we going to do, Mr Speaker, in relation to this issue which he is now so concerned about? I did not see him raise a Private Member's Motion, I did not see him issue a press release, I did not see him utter a word about the substantially much greater illegal fishing that used to go on in BGTW before the election. Well, we are going to continue to do the excellent work that John Cortes has done and support it as
750 a Government.

Let him be clear about this when he next has an opportunity to speak on the subject: if what he is saying is that he cares not one jot and that he would still go back to the old Fishing Agreement – which used to be his position, although he has already changed that, I know, on a number of occasions; but as I never know where he stands, I have to put to him what his position used to be – but that we said we would do one thing and by his measure it is not yet complete and he is only just measuring our achievement, not reflecting his
755 own commitment... Well, let him be clear about that: namely, that he would go back to the Fishing Agreement because he thinks it was an abomination to do away with it – although I think it was itself an abomination – and that he would nonetheless measure us because he is there to oppose what he says is our commitment and how we have fulfilled it. That is something completely different. That is, as the Hon. Mr Cortes says, pure politics for politicians. It is not science, it is not protecting the environment, it is not
760 looking after fish, it is not looking after the marine environment in any way. But that, Mr Speaker, I guess is what he is here for, politics; not really to look after anything that matters to the people of Gibraltar.

Mr Speaker: The Hon. Mr Netto.

Hon. J J Netto: Thank you, Mr Speaker.

765 In relation to the answer the Hon. the Minister for the Environment gave to Question 303 – that is the Question in relation to Mr Karmenu Vella on the fishing of bluefin tuna – the Minister stated that Gibraltar is not bound by the EU application of ICCAT through EU law. Then he went on to say that, as a result, Gibraltar is free to legislate and control the fishing of tuna in British Gibraltar Territorial Water, as he has done, and local fishermen can legally fish tuna in British Gibraltar Territorial Water. This is recognised by
770 the Commission. That is part of the answer that the Hon. Minister gave.

I took the trouble of getting into the European website, more in particular the Commission dealing with these matter, and looking at some of the questions that have been earmarked to the Commissioner himself. I have got a very short paragraph here, in which the first part seems to give some credence to what the Minister has said, which is what I quoted, but the second part seems to be in conflict with what he has said.
775 If I may, Mr Speaker, with your indulgence – it is a very short paragraph. The Commissioner said... I quote:

‘In his answer to a recent written question (E-008639/14), European Commissioner Karmenu Vella admitted that the common fisheries policy and the rules on the protection and conservation of Bluefin tuna were not applicable to Gibraltar. Gibraltar has declared a total allowable catch for Bluefin tuna that — by completely disregarding the guidelines adopted by the EU and by the International Commission for the Conservation of Atlantic Tunas (ICCAT) — could pose a threat to the very survival of the species.’

That does not seem to tally quite well –

Hon. Chief Minister: Mr Speaker, on a point of order – and I think that the hon. Gentleman might find that the answer is going to be provided to him in a moment – that is not the answer that Commissioner Vella gave. That is not the answer; that is the *question* he was answering. What the hon. Member has just read out is the question that was put by Fernando Maura Barandiarán of the Alde Group, who is the –
(*Interjection by Hon. J J Netto*) No. Questions in the European Parliament are set out with a preface and then particular questions. So the Spanish UPD politician wrote that as his interpretation of the earlier answer with his question as number 1 to follow. That is not what Commissioner Vella said.

If I may just give the hon. Member this example: it is as if you imputed to me what the hon. Gentleman has just said. In other words: ‘In the earlier session of the House, the Chief Minister blamed the Police for... whatever. Can you now confirm that you now no longer blame the Police?’ Right? The first part that he is reading is not Commissioner Vella’s words. It is the preface to the question. Both the preface and the question are written by the Spanish UPD politician.

If he goes to europarl.europa.eu and he finds that question, that question comes with a clicker which says ‘Answer’. If he presses ‘Answer’ he then gets the answer from Commissioner Vella, which is the one which clearly says those are European waters and they cannot do those things in European waters – but not any reference to BGTW. If I can just ask him to look back at that in detail, he may then accept that that is not in any way language which should be imputed to the Commission. It is simply the language of the questioning Spanish MEP.
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Hon. J J Netto: Mr Speaker, I am grateful to the Hon. Chief Minister for that clarification, but given that he obviously does have the answer available to him, because he has probably got it in front of him, can he perhaps tell us whether, in relation to the comments made by the Commissioner himself, he is quite content that Gibraltar has not disregarded the guidelines adopted by the EU in this matter?
795

Hon. Chief Minister: Absolutely, Mr Speaker. Does the hon. Gentleman have the answer?

Hon. J J Netto: No.

Hon. Chief Minister: Well, the answer is publicly available and it has been reported in the *Gibraltar Chronicle*, so I do not have to give it to him; but, for the purposes of the debate, let’s read it.

Mr Speaker, the answer says this, and this is the answer of the Commission, not the question from the MEP:

‘1. As stated in the reply to Question E-008639/2014 pursuant to the provisions of Article 28 of the Act of Accession of the UK, the rules of the common fisheries policy are not applicable to Gibraltar. EU environmental law is, however, applicable to Gibraltar and the Commission can fully play its role as Guardian of the Treaties in this area.2. As the rules of the common fisheries policy are not applicable to Gibraltar, access to Union water by Gibraltar registered fishing vessels would presuppose the conclusion of an international fisheries agreement between the Union and the United Kingdom in respect of Gibraltar. No such international agreement has been concluded to date. Consequently, Gibraltar-registered fishing vessels cannot enter Union waters in order to fish there any possible Bluefin tuna quotas of theirs. Such activities would be illegal incursions into Union waters, in respect of

which the Member States must take preventive and, as appropriate, repressive action in accordance with relevant Union provisions pertaining to fisheries control such as Regulation (EC) No 1224/2009(1).’

805 That is absolutely correct. That is the position in law and in international law as the Government of Gibraltar and the Government of the United Kingdom understand it to be.

Q308/2015
Seagulls –
Numbers culled

Acting Clerk: Question 308/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the number of seagulls culled throughout Gibraltar for 2014, and 2015 so far?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Question 309.

Q309/2015
Upper Rock Nature Reserve –
Number of feral cats and seagulls culled

815 **Acting Clerk:** Question 309/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many feral cats and seagulls have been culled in the Upper Rock Nature Reserve during 2014 and 2015, broken down by months?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no cats have been culled by the Department of the Environment in the Upper Rock sector of the Nature Reserve in 2014 or 2015.

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Seagulls culled in 2014: January, 157; February, 253; March, 280; April, zero; May, 321; June, 687; July, 329; August, 7; September, zero; October, 116; November, 275; December, 192. In 2015: January, 265; February, 238; March, 586; April, 705; and in the first week of May, 319. The majority of these have been within the Upper Rock sector of the Nature Reserve.

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Hon. J J Netto: May I just simply ask if the hon. Minister would be kind enough to make available to me a photocopy of the answer given just now?

Hon. Dr J E Cortes: Yes.

Q310/2015
Partridges imported from Morocco –
Numbers

835 **Acting Clerk:** Question 310/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the number of partridges imported from Morocco, the number that remain alive after the release, and whether there has been any chicks born since then?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
845 Mr Speaker, as the hon. Member might be aware, the Barbary Partridge is a very secretive species. Due to the nature of much of the terrain within the Nature Reserve, it is difficult or impossible to provide an accurate figure for the number of pairs that remain alive or chicks born. Even where nests might be accessible, methods of locating these effectively are intrusive and likely to result in excessive disturbance.

850 Having said this, I can confirm that a total of 270 birds were imported from Morocco. Although it is not possible to accurately state how many birds are still alive after the initial release, the ongoing surveillance monitoring programme has revealed that the partridges have successfully acclimatised to their new environment. The monitoring has also proved that the reintroduced birds are successfully pairing up and showing signs of courting behaviour with their resident counterparts. I can also confirm that the birds held in captivity as part of the reintroduction programme have lain over 80 eggs with 22 chicks having hatched at the time of drafting the reply. These numbers are expected to increase during the coming weeks as the partridges continue to lay eggs and more birds are released into the wild. Judging by the success of the birds held in captivity, together with field observations made by local experts, there is a very high probability that wild chicks have been born since the programme commenced.

**Q311/2015
Macaques –
Numbers**

860 **Acting Clerk:** Question 311/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what was the population of the Macaques for 2014 and for the months of 2015?

865 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, I will answer this Question together with Questions 312 to 316.

**Q312/2015
Macaques –
Birth rate**

Acting Clerk: Question 312/2015. The Hon. J J Netto.

870 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what has been the birth rate of Macaques for the last 10 years, broken down by year?

**Q313/2015
Macaques –
Exportation**

Acting Clerk: Question 313/2015. The Hon. J J Netto.

875 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if it is envisaged that the Government will be exporting further Macaques during the course of this year?

Q314/2015
Macaques –
Injuries resulting from attacks

Acting Clerk: Question 314/2015. The Hon. J J Netto.

880 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 650/2014, can the Minister for the Environment provide the figures, since October 2014 to date, for the number of attacks by Macaques to persons who have had scratches, antibiotics prescribed, sutures, and admitted to hospital, if any, broken down by months?

Q315/2015
Macaques –
Illegal enticing or feeding

885 **Acting Clerk:** Question 315/2015. The Hon. J J Netto.

890 **Hon. J J Netto:** Mr Speaker, further to Question 202/2015, can the Minister for the Environment say how many individuals have been fined or cautioned for the illegal enticing or feeding of Macaques contrary to the legislation, either inside or outside the Upper Rock Nature Reserve, stating where, the nationality, the amount imposed, which entity imposed the fine, and whether some cases are waiting to be heard in the Court, during the financial year 2014-15?

Q316/2015
Gibraltar Macaques Management Plan –
Provision to Parliament

Acting Clerk: Question 316/2015. The Hon. J J Netto.

895 **Hon. J J Netto:** Can the Minister for the Environment provide Parliament with a copy of the Gibraltar Macaques Management Plan?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

900 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, populations of Macaques at the start of 2014 and 2015, which is when we tally the numbers: 2014, 196; 2015, 158. This is at the 1st January.

Regarding the number of Macaques born: in the year 2004-05, 31; 2005-06, 37; 2006-07, 34; 2007-08, 28; 2008-09, 27; 2009-10, 27; 2010-11, 29; 2011-12, 21; 2012-13, 36; 2013-14, 29; and 2014-15, 29.

905 At the moment, it is not envisaged that we will be exporting any further packs this year, although we continue to explore possibilities.

910 It would not be correct to consider all the incidents as the result of attacks, as some at least will have been reactions to provocation, albeit some of these may have been innocent. The information requested is in the schedule which I now hand over. In fact, I have two schedules, so we might as well hand over both of them at the same time.

Answer to Question No.314/2015

October 2014	14
November 2014	3
December 2014	3
January 2015	1

A detailed breakdown is being extracted from the patients' records.

Answer to Question No. 315/2015

DATE	NATIONALITY	AREA	AREA	ACTION	BY WHOM
14/5/14	Spanish Junior	Inside	Outside St.Michael's Cave	Caution	EPO 2
16/7/14	Moroccan Male	Inside	Apes' Den	Caution	EPO 2
1/9/14	British Male	Inside	Apes' Den	Caution	EPO 2
21/9/14	Philippine Male	Outside	Outside Trafalgar Cemetery	Caution	EPO 2
26/9/14	British Male	Inside	Apes' Den	Caution	EPO 2
7/11/14	British Male	Inside	Outside Mount Alvernia	Caution	EPO 2
12/2/14	Spanish Junior	Outside	Outside John Mack. Hall – Main Street	£500 fine revoked	EPO 2

I would like to add that at the time of drafting the reply I had not yet had comeback on the classes of bites and so on, because they have to be extracted from records. I now have an e-mail, which has come in very recently, and although the figures do not quite tally – they are one or two out, as often happens when you first look through – in order to assist, scratches and minor have been 22, requiring antibiotics have been 915 four, requiring sutures have been two, and there have been no admissions. That is fresh information that I received since the answer was drafted.

The information regarding Question 315 I have similarly handed over. The Barbary Macaque Plan is currently being reviewed by the Department and will be published during the course of the spring. It is imminent. 920

Hon. J J Netto: Mr Speaker, I am not quite sure whether he has answered the last Question, which was 316. That is the one talking about the Gibraltar Macaque Management Plan.

Hon. Dr J E Cortes: Yes, Mr Speaker, I said that the Barbary Macaque Plan is currently being reviewed by the Department of the Environment and will be published this spring, and I added it is imminent. 925

Hon. J J Netto: That is almost an identical answer given, what, six months ago, something like that. What has happened, given that you are basically saying the same thing as you said six months ago? 930

Hon. Dr J E Cortes: What has happened is that the Department is extremely busy, they are at full throttle with many initiatives, and the actual final version of the Macaque Plan, although we are working along many of the recommendations, has not actually been published – but, as I say, publication is imminent. 935

Hon J J Netto: That again, Mr Speaker, was exactly word for word what he answered six months ago – that the Department is extremely busy, but surely... We have been talking about this for the last... at least two years, probably three years we have been talking about this, and every time I ask the question, Minister, it is imminent. Surely it cannot be imminent when you first started saying this two or three years ago. 940

Hon. Dr J E Cortes: Clearly it was not imminent. That is fact again. I am not justifying it: it is fact. It now is in a position where it is being reviewed by the Department.

The fact that it is not yet published does not mean, as I just said, that the aspects of it are not being carried out. For example, one of the things that the draft plan says is that exportation will be the preferred way of reduction, the question of water supplies and this, that and the other, and a lot of these things have been carried out. That piece of paper has not yet been published, and it will be published shortly. The only difference between now and perhaps my previous answer last time is that the Department of the Environment is now even busier than it was at the time, because we are driving the environmental agenda extremely fast and extremely hard. 945

Hon. J J Netto: Mr Speaker, we have heard all those excuses many times before. Can the Minister therefore say what he means by 'imminent'? Does he mean in the next few days, in the next six months? When is it going to be? 950

Hon. Dr J E Cortes: Before the next election. 955

Hon. J J Netto: Therefore, what the Minister is saying, given that he has just uttered the words that the Chief Minister has whispered to him... what he really means is that he does not want the Opposition to have a look at the report before the elections.

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Hon. Dr J E Cortes: Not at all, Mr Speaker, not at all. (*Interjection*) Absolutely. I do not see why that comes into play. It will be ready as soon as it is ready. It will be before the next election, I am committed to that, but I would like it to be ready very, very soon. It is almost there.

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I apologise to the officers of the Department of the Environment, who are probably watching this now, if they feel that they are being unduly criticised by the Member opposite, because I have absolute full respect for all the work that they are doing when they are not actually doing the Barbary Macaque Plan, because they are working extremely hard.

Hon. J J Netto: Mr Speaker, is the former team the problem once again?

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A Member: What?

Mr Speaker: Next question.

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A Member: The *former* team.

Hon. S. M Figueras: Mr Speaker, could the Minister say whether the alleged instances of provocation are excluded from the figures in his answer to Question 314?

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Hon. Dr J E Cortes: They are not.

Hon. S M Figueras: They are not, thank you.

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Hon. Dr J E Cortes: No, Mr Speaker, what I said is... The question said how many attacks. An attack implies an aggressive action initiated by the attacker, and what I am saying is that in many cases, even though it is not realised by the person that he is provoking it, it is actually provoked. The figures that I have given are all the data available from the A&E Department of St. Bernard's Hospital, no matter who provoked or did not provoke.

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Hon. S M Figueras: Mr Speaker, it is entirely unnecessary to be provoked for an attack to take place; it can happen entirely in a situation where there has been no provocation whatsoever.

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He refers to exportation as one of the initiatives that the... and this is a subject that is close to my heart, because I dealt with it for some time when I first joined this motley crew of men and women in this House. He talks about exportation being one of the initiatives that the Government has pursued as a result of this Barbary Macaque Management Plan – one of the many, I expect, given the length of time it has taken to prepare – but surely the Minister cannot say that exportation is an initiative that only came up on the radar for the Government when the plan... So in that case, Mr Speaker, could the Minister – helpfully, for Members on this side of the House, I think – give us an example of one or two initiatives that had not, previous to December 2011, been embarked upon that the plan has actually brought to light and encouraged the Government to pursue?

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Hon. Dr J E Cortes: Mr Speaker, I was not implying that it was not something that had been done before; I was just giving it as an example. What I was trying to put across is that the fact that I cannot hand him over a copy of the plan does not mean that there is no planning, that there is no strategy. That is what I am saying: that we are not awaiting the plan before we start acting and we have acted on things which include that and include other things that will have been policy beforehand, and it will include new things which may be new policy. It is very hard for me to distinguish between the two because, as the hon. Members opposite know, I had some involvement in the past, but what I can tell him is that the plan will incorporate the current activities and will have other initiatives, which include things that are new – increased presence on the sites, increased personnel available to deal with Macaques in urban areas, the presence on the Upper Rock site of environmental security, which has again started, so there are many other things. You will get it as soon as the officials have been able to finalise it. Perhaps they are formatting; I do not know.

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Hon. D J Bossino: Mr Speaker, just by way of clarification and confirmation, if he may, in relation to the timing of the publication of the plan, did he not say in his first answer that it would be ready by this spring?

Hon. Dr J E Cortes: Yes, within the spring.

1020 **Hon. S M Figueras:** Within the spring, so we are talking about before 21st June?

Hon. Dr J E Cortes: Yes, the astronomical spring, I think, starts on 21st June. (A Member: Ends.) Ends, sorry. No, that was a slip. It ends on 21st June.

Q317/2015
Upper Rock Management Plan –
Publication and provision to Parliament

Mr Speaker: Next question.

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Acting Clerk: Question 317/2015. The Hon. J J Netto.

1030 **Hon. J J Netto:** Given the latest answer by the Minister for the Environment, in which he stated that by spring of this year he will publish the Upper Rock Management Plan, can he confirm that this has now happened; and if so, provide Parliament with a copy?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1035 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, what I can say is that when you hear my answer, you will know that I have already answered all the supplementaries in the last one.

The Nature Reserve Management Plan is work in progress but will be ready this spring.

1040 **Hon. J J Netto:** Therefore before 21st June?

Hon. Dr J E Cortes: Yes, Mr Speaker, as I said before, I have already answered the supplementaries – two in one go, it's not bad going.

Q318/2015
Botanic Gardens –
Maintenance

Acting Clerk: Question 318/2015. The Hon. J J Netto.

1045 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 735/2014 – that was in December – can the Minister for the Environment state what maintenance has taken place in order to replace the broken seats within the Botanic Gardens and how many potholes have been filled since then?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, benches are maintained and repaired regularly as and when repairs are necessary. These were recently reviewed and currently all benches in the Alameda Gardens are in a fit state. In addition, new picnic benches have recently been added.

1055 Potholes and smaller cracks and cavities on the pathways within the Botanic Gardens are reviewed and repaired with tarmac on a regular basis.

Hon. J J Netto: So is the Minister for the Environment confident that there are no large numbers of potholes in the pathways of the gardens?

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Hon. Dr J E Cortes: Mr Speaker, I have not said that. I said that they are repaired on a regular basis and it is an ongoing programme. I know, probably better than most, what problems there can be, because they are generally produced by the enlargement of roots, particular after the first rains, and therefore this is an ongoing work, which is ongoing and will probably never be completed because you repair a pothole and another one opens. What I cannot tell you is how many there are at any given time.

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Q319/2015
Nature Conservancy Council –
Publication of minutes to website

Acting Clerk: Question 319/2015. The Hon. J J Netto.

1070 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if he is willing to publish the minutes of the Nature Conservancy Council either on a dedicated website of its own or on the Government website, as is the case with their colleagues in the UK by the Joint Nature Conservancy Committee; and if so, provide Parliament with copies of such?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, as I have already stated in this House, advice from the Nature Conservancy Council is received as required and not necessarily during meetings.

The Nature Conservancy Council is an independent statutory body which regulates itself and is not obliged to publish minutes of its meetings.

1080 As the Member opposite is presumably aware, the JNCC in the UK is a completely different type of body than the Gibraltar NCC, being a large organisation with a management structure, employees, researchers etc. The GNCC is a committee of five scientists who are honorary appointees. In any case, as the standing orders of the JNCC in the UK clearly state, matters at meetings can be ruled confidential if they fulfil a number of criteria, and these matters and documents are not published. One such criterion, Mr Speaker, is under section 3.5 of annex A of JNCC's standing orders, constituting advice given in confidence to the UK Government or devolved administrations.

1090 **Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question, I take on board that some matters raised in UK might be of a confidential nature, but as he is well aware, it is as simple as getting a computer, an iPad, or whatever, and you can get into the website in the UK and anyone around the world can actually look at the minutes of meetings they have had, with the exception obviously of the issues that are confidential.

1095 Given the level of transparency in the UK for people who are passionate about this matter, surely the Minister must recognise that there are also people in Gibraltar who are also passionate about this matter and they would like to see these being readily available on a website for people to look into it. Why is it so difficult for the Minister to say... if the current legislation doesn't allow us to do this, why can the Government not amend the existing legislation in order for this to take place?

1100 **Hon. Dr J E Cortes:** Mr Speaker, the Members opposite have a lot of new-found passions. If the Member opposite had this passion, I do not know why he never once convened a meeting of the NCC when he or his successors were Ministers for the Environment and I was a member of the NCC. Nobody ever asked me anything. Having said that, now that this is a body which regulates itself perhaps he could write to the Secretary of the NCC and ask them if and why they may or may not wish to publish anything which is publishable.

1105 But I made the clear distinction between the NCC in Gibraltar and in the United Kingdom, because the JNCC in the United Kingdom, being a large organisation, in its minutes will have a lot of action, a lot of activity which is not constituting advice given in confidence of the UK or devolved administrations, whereas the Gibraltar NCC is almost exclusively constituted in order to give advice in confidence to the Government of Gibraltar. Therefore, we are not comparing like with like; we are comparing one small aspect of the JNCC's work, which is confidential in UK, which is the only aspect that is done in the Gibraltar NCC and therefore is similarly confidential in Gibraltar.

1115 **Hon. J J Netto:** I think it is quite nonsensical for the Minister opposite to say that in the short period of time in which I was Minister for the Environment I did not convene the Nature Conservancy Council. He contradicts himself because, as he has said on previous occasions, the Minister does not chair the meetings as such, but it is also true to say that, in the short period in which I was Minister, I actually asked civil servants to provide information for people in the community in order to be able to develop policies by the GSD Government at the time. So it is not true, Mr Speaker.

1120 **Hon. Dr J E Cortes:** Mr Speaker, that is not the question and it is also not an accurate reflection of what happened in the days of the GSD, and I know it as a fact.

Q320/2015
Sewage treatment plant –
Failure to provide

Acting Clerk: Question 320/2015. The Hon. J J Netto.

1125 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the UK Government has now been referred to the courts by the European Commission due to the failure of the Gibraltar Government to provide a sewage treatment plant, as highlighted by the local press; and if not, what assurances have been given to the Commission of an early start in the provision of such a facility?

1130 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 321 and 324.

Q321/2015
Sewage treatment plant –
Progress

Acting Clerk: Question 321/2015. The Hon. J J Netto.

1135 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 740/2014 – that is December – can the Minister for the Environment state what progress has been made to the sewerage system as alluded to by the hon. Minister in his reply, what further works are envisaged during this year, and by when does the Minister expect the works for the new sewage treatment plant to begin?

Q322/2015
Municipal Waste Treatment Plant –
Target date for completion

1140 **Acting Clerk:** Question 322/2015. The Hon. J J Netto.

1145 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 744/2014 – that is December – can the Minister for the Environment state if the target date for concluding the works for the Municipal Waste Treatment Plant is late 2015, as alluded to by the hon. Minister; and if not, please update Parliament with development in this area?

Q323/2015
Gamasur –
Violation of environmental laws

Acting Clerk: Question 323/2015. The Hon. J J Netto.

1150 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 23/2015, can the Minister for the Environment state whether officials from his Department have now contacted officials of either the Ayuntamiento de los Barrios or from la Junta de Andalucía Consejería de Residuos y Calidad del Suelo in order to determine if the company Gamasur has violated any European environmental laws, given the fact that Gibraltar uses such facility to dispose of some material containing dangerous substances?

Q324/2015
Waste treatment facility –
Update

Acting Clerk: Question 324/2015. The Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, further to the answer given to Question 24/2015, can the Minister for the Environment state if the tender process for the installation of a waste treatment facility has now concluded, and can the Minister say when will work start, whether the plant will produce all the by-products stated in the Gibraltar Waste Management Plan, page 78, as stated in my question, and what will be the total cost of the project?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Commission has stated that it will refer the UK Government to the European Court for multiple failures to provide sewage treatment plants across the UK and Gibraltar. The Commission has been informed that we are currently going through a European tender process and the Commission is being updated accordingly by the EUID. Final dates have not been specified, but progress reports are sent on a quarterly basis. I should point out that the hon. Member had complete opportunity to deal with this matter when he was Minister for the Environment, but did not.

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Works to the sewerage system are ongoing and we have seen the completion of a number of projects, which include flood-alleviation schemes at Wellington Front and Chatham Counterguard, the repair of a stormwater drain collapse at Europort Avenue, desilting and CCTV camera surveys of the main sewer along Rosia Road, desilting of the foul sewer along Main Street from the junction with Bell Lane up to King Street, and the relaying of storm water culverts along Bayside Road.

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Further works envisaged for the year include repairs to a foul sewer collapse by the Sundial Roundabout, desilting of stormwater culverts at Fish Market Road, desilting and CCTV camera surveys of the main sewer from Line Wall Road south to Rosia Road north, desilting and camera surveys of the foul sewer along Devil's Tower Road, and completion of the Eastside sewage pumping station.

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In relation to the new sewage treatment plant, we expect these works to commence when the financial and technical negotiations are finalised.

The Environmental Agency has not yet contacted the *Ayuntamiento* or the *Junta*, although informal contact has been made with the Spanish authorities. The Junta de Andalucia authorises the notification document (TFS) and accompanying dossier prior to any consent to the movement of any waste. They are also at liberty to cancel the TFS should the receiving plant or site not comply with their waste or environmental legislation at any time. This has not occurred and indeed the Junta has publicly stated that the plant is in order and that the waste from Gibraltar is duly authorised.

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The waste treatment tender has not yet concluded and the tender submissions are in the process of being reviewed. I can therefore not comment on the details of the tender submissions, as the process is in motion. Once a preferred bidder is chosen or the tender awarded, I will be able to inform this House of timescales. What I can say is that it is the intention to award the tender this side of August.

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Hon. J J Netto: Mr Speaker, in relation to the sewage treatment plant, the Minister said that the tender process is still ongoing – I think those were the words that he used, or words to that effect. In this particular scenario, given the interest given by the European Commission in this process, has the Government provided the Commission with some kind of a timeline or timescale as to when such a tender process will be finalised, when work approximately is likely to start, when the plant or works for the plant will be completed? Has this been provided to the Commission?

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Hon. Dr J E Cortes: Mr Speaker, as I said, the reports are updated on a quarterly basis. I am not absolutely familiar with exactly the detail that has been given – I can check – but they are updated on a quarterly basis and they know that we are proceeding with the tender. This is a complex tender and an important one, and therefore it is important that discussions should be very thorough. But as I say, they are updated on a quarterly basis. The actual detail of the brief is not something that I have available here and now.

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Hon. J J Netto: Fine. I take on board that particular answer, but perhaps even the Chief Minister himself might be able to help here in the sense of telling us whether it is likely that the actual work is likely to start during the course at least of this year. Otherwise, the tender process would have been finished and allocated and then work is likely... Is that a likely scenario, or perhaps work will start in 2016?

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Chief Minister (Hon. F R Picardo): Mr Speaker, in a project like this, what I have learnt in the time I have that I have been in office – and perhaps hon. Members, from the time that they were in office, may also take the same view – is that work, in terms of the actual building of a thing, is sometimes the shortest of the periods involved. Work – in terms of once you award the contract, the tenderer going off and making the final design, doing all of the things that they need to do before they break ground – sometimes is the longest part of the project. So one may be told delivery is 18 months – of those 18 months, sometimes it is seven months on site actually constructing and building and a lot of the time doing a lot of the preparatory professional work.

I think I could venture to say that it is likely that we will have an award, if the tender process is completed in a way that is in keeping with the tenders that have been submitted etc. He needs to know, of course, that we are not yet at the stage of involvement there; it is still with procurement and with the technical assessment people. This is a very, *very* technical scientific tender, looking at the type of sewage that we have and calorific content and all the issues the hon. Gentleman will be aware of from his time in the Ministry of the Environment. It is likely that there will be a tender award given where we are, or a tender decision – let me put it that way; a tender decision – before the end of the year, yes, and that tender decision will either lead to work starting at a professional level or, if necessary, retender. With these very technical tenders, sometimes what you get is not what you asked for. I understand that we have got one or two, that are the ones being assessed, that do do what the tender says on the tin, but it maybe that there are different issues that arise in that technical exchange. I know this because I have been involved in previous tenders where you think that the tender is about to be awarded and what you have is a tender decision, which says, ‘Right, okay, we have spoken to all of you, you are all indicating that you need to do something else in order to be able to deliver the most cost-effective and best solution, so now we have to, because of European rules, retender with different criteria to start again.’ It is a much quicker second tender. That may not be anywhere near where we are here, but what I am explaining to him – which is what I think he is seeking from us – is that the process that will be determined will be the tender process, one way or the other, and that then there will either be work starting or retendering happening.

Hon. J J Netto: I am grateful, Mr Speaker, for that information.

Is it likely to envisage a situation whereby whoever is awarded the tender, having run its own course, would be a private company providing the services to the Government of Gibraltar – in other words, for the sewage treatment plant? We are not envisaging, are we, a situation where in any particular way it is going to be run by the public sector, because at the end of the day no water treatment scenario... even that is on the private sector. So it will be a private company doing the works, providing the service, for which obviously they will have to get some sort of money from the Government for those particular services. Is that a fair explanation?

Hon. Chief Minister: That is what we have tendered for.

Hon. J J Netto: One final one on the other one, on the municipal waste, because I recall the Minister saying that he is hoping to be in a position that the tender process will be finalised by August. Is that correct?

Hon. Dr J E Cortes: This side of August.

Hon. J J Netto: This side of August. Perhaps I missed out on the other part of this information in relation to my Question as to the by-product that the Municipal Waste Treatment Plant might be able to provide. Are those four options – I think there were four options – still there in the pipeline?

Hon. Dr J E Cortes: Yes, the exact details would depend on the successful tenderer, which we are hoping we will be able to declare before August.

**Q325/2015
Carbon dioxide emission –
Annual per capita amounts**

Acting Clerk: Question 325/2015. The Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for the Environment please provide the amount of CO₂ per capita produced in Gibraltar during the last three years, broken down by years and by the different sectors which contributed to the total?

1270 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Question 326.

Q326/2015
Carbon dioxide emission –
Comparison with other British Overseas Territories

Acting Clerk: Question 326/2015. The Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for the Environment please provide from his Department a comparative chart to show how Gibraltar compares in the production of CO₂ per capita against all the other British Overseas Territories?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, on a per capita basis Gibraltar's CO₂ emissions equate to just over 9.5 tonnes per person. This figure can be found in the report 'A City-Level Greenhouse Gas Inventory for Gibraltar 2013', which was published in March this year and is available online on the Government's website and contains this figure in addition to breakdowns by sector. The report sets out, for the first time ever, a detailed inventory of greenhouse gases for Gibraltar, providing an accurate understanding and picture of the major sources, activities and contributors.

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The Gibraltar Electricity Authority has also provided figures, and these are for power generation, whereas greenhouse emissions will include other factors such as transport and so on; but for power generation the GEA has provided figures which show a considerable reduction in the total amount of carbon-dioxide emitted from power generation. The figures show a decrease from 181,182 tonnes or six tonnes per capita in 2013 to 141,936 tonnes or 4.7 tonnes per capita in 2014, which equates to a reduction of 24%.

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We do not have any comparative information to show how Gibraltar compares in the production of CO₂ per capita against all the other British Overseas Territories, although the value of such comparisons would be questionable, given the very nature of the UK OT's. South Georgia, the Chagos Archipelago and the British Antarctic Territory, which have virtually no human population, will clearly have much less CO₂ emission per capita. The exercise would therefore be valueless.

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Hon. J J Netto: Valueless maybe on the particular example that the hon. Minister has just cited, but not necessarily valueless if you compare it to the other Overseas Territories. That was not a particular question, but it was a point I wanted to make.

Q327/2015
Europa Point football stadium –
Environmental impact assessment

Acting Clerk: Question 327/2015. The Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if an environmental impact assessment has been carried out or is likely to be carried out to assess the impact on the environment that could take place with the proposal to have a football stadium at the Europa Point location; and if so, provide Parliament with a copy?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1315 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the planning application for the stadium at Europa Point is an EIA application, requiring an environmental impact assessment. The Town Planner issued his scoping decision on 31st March 2014. This sets the scope of the EIA. To date, no environmental statement has been submitted to the Development and Planning Commission.

1320 **Hon. J J Netto:** Is it likely that one will be submitted before a decision is taken?

Hon. Dr J E Cortes: One will have to be submitted before a decision is taken. A decision cannot be taken without the environmental impact assessment.

1325 **Hon. J J Netto:** Mr Speaker, as the hon. Member is aware, this is something which the Environmental Safety Group has been advocating for some time now on the need to produce these before a final decision is taken. Does the Minister agree with the Environmental Safety Group, or not?

1330 **Hon. Dr J E Cortes:** Mr Speaker, the Minister agrees with a lot of the Environmental Safety Group's views; that will come as no surprise. Specifically, he is asking about the need for an EIA before a decision is taken. Well, that is part of the planning process. The Town Planner has issued a ruling on the need for an EIA, and therefore it cannot proceed without it.

Hon. J J Netto: Sorry, when was the ruling by the Town Planner issued?

1335 **Hon. Dr J E Cortes:** The Town Planner issued a scoping opinion on 31st March 2014.

Hon. J J Netto: And what progress have we had since then?

1340 **Hon. Dr J E Cortes:** The developer, on every occasion, is the one who has to prepare the EIA and submit it, and to date this has not happened.

1345 **Hon. D A Feetham:** Mr Speaker, just a general point, because I am not sure whether there are crossed wires here. I am interested, really, in a more general point of principle. He has said that an EIA is required – and I think that he looked toward the Deputy Chief Minister and the Deputy Chief Minister confirmed – before planning permission can be granted on projects of this nature. Can he confirm that is the case? Because there is a difference between an EIA being required and then the scoping opinion issued by the Town Planner.

1350 **Hon. Dr J E Cortes:** Let me just try and get this right. There are some types of development that require an EIA by law and there are others that require an EIA if the Town Planner so decides. In any case, with this one I think it was the Town Planner's decision that it should have an EIA and therefore he then issued his scoping opinion, which says 'this is the scope of parameters and of conditions and variables that the EIA has to consider', and that was issued on 31st March 2014, as I think I said. Therefore, this cannot progress until that EIA is in and considered. I look to the Deputy Chief Minister, who is nodding his head, to confirm my understanding.

Hon. J J Netto: Having said that, the fact remains that since the Town Planner actually made those comments quite a lot of time has elapsed. Can the Minister say where we are in the production of the EIA?

1360 **Hon. Dr J E Cortes:** No, Mr Speaker. The developer is now tasked with having to produce it and they have to engage somebody to do it, they have to look at and consult with the stakeholders and so on and so forth, but it is their call; it is not the Government's call. So I genuinely have no idea where that is. I just do not know.

1365 **Hon. J J Netto:** So basically what the Minister is saying is that until such a time as the report is done the application cannot proceed. Is that correct?

Hon. Dr J E Cortes: Mr Speaker, that is correct.

Q328/2015
Plastic carrier bags–
European Parliament target for reduction in use

1370 **Acting Clerk:** Question 328/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the recent European Parliament decision to curtail the use of plastic carriers by 80% by 2025, can the Minister for the Environment state what plans does the Government have to achieve this target or to obtain such a target before the 2025 deadline, given the negative environmental impact to marine biodiversity?
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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
1380 Mr Speaker, the recent European Parliament decision to reduce the use of plastic bags has been incorporated into the Packaging and Packaging Waste Directive 94/62/EC. This Directive does not apply to Gibraltar; however, the hon. Member may recall the Chief Minister's announcement in relation to the Budget measures in 2014, when it was announced that single-use plastic bags would pay a 5% import duty per bag and plastic bags made from recyclable material would attract a 12% import duty on the value of this particular commodity. We were therefore ahead of the game in this respect and I have no doubt the hon.
1385 Gentleman will want to congratulate this forward-thinking Government for that. Again, it is something he could have easily done but did not do in 16 years in Government.

Government is dedicated to reducing the negative environmental impacts to marine biodiversity and also has plans to monitor marine litter, which includes the monitoring of plastics.

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Hon. J J Netto: Mr Speaker, although the Minister does say that such a directive does not apply to Gibraltar – although I am not quite sure why this should not be the case, but assuming that is the case – I presume that the Minister, or the Government rather, notwithstanding the fact that it does not apply to Gibraltar, would wish to be in a position that, come 2025, it would curtail the use of plastic carrier bags by 80%. That is a noble goal, regardless of whether it applies to Gibraltar or not, from an environmental point of view. Having said that, is there a commitment to achieve that by 2025?
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Hon. Dr J E Cortes: Mr Speaker, it is indeed a noble goal, one to which I subscribe and one which is certainly on my agenda. As I say, it is not obligatory. There could be a number of reasons. This is the legal advice I have been given: it could be that it is to do with either the Customs Union or something like that, which does not apply to Gibraltar, and there are bits of legislation like that.
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We have taken steps to reduce the use of plastic and we will continue to do so. Micro-plastics in the marine environment are very dangerous and we are probably eating a lot of them every time we eat fish, so this is something that clearly is an aim that I will subscribe to.

Q329/2015
Western Beach –
Water pollution

1405 **Acting Clerk:** Question 329/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the problems with water pollution at Western Beach have now ended, and provide Parliament with an update on this matter?

1410 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, the problems of water pollution at Western Beach continue. The latest position from the Commission was stated by, once again, by Mr Karmenu Vella on behalf of the European Commission in a written answer on 5th May 2015, a couple of short weeks ago, in which he confirms that:
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‘The Commission is aware of the possible pollution situation of the bathing site [at Western Beach]....’

He stated:

‘The origin of such pollution is the diversion of a storm drain in the municipality of La Línea de la Concepción, discharging sewage near that beach.

The Commission formally contacted the Spanish authorities, to gather further information on the situation.’

Mr Speaker, the Government welcomes the fact that after the submissions that it and, notably, the ESG have made to the Commission, the Commission has finally confirmed that the problem with the pollution at Western Beach originates in Spain and not Gibraltar. The Government will continue to pursue the matter through the Commission until it is resolved.

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Hon. J J Netto: So basically what we have is a situation where the Commission is now aware of where the source of the problem lies, which is obviously the drains in *La Línea de la Concepción*. Having said that, it has taken us, what, three years for the European *Commissioner*, or the Commission itself, to find what we have been saying since the GSD was in Government, because that is what the GSD Government was saying all along from the beginning.

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I take note of the fact that the Minister is saying that the Commissioner himself is asking pertinent or relevant questions to the Spanish authorities in this regard. However, it has to come to a point sometime where the Commission, beyond seeking an explanation as to the problem that emanates in *La Línea*, has to force the Spanish authorities – whoever the Spanish authority is: at the municipal level, *Junta de Andalucía* level or national level – to put the matter right, that it cannot continue to be the case. Is the Government aware of what the European Commission procedure is in this matter to try and bring this to an end, given the longstanding nature of the problem?

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Hon. Dr J E Cortes: Mr Speaker, I think this is one on which we agree. Obviously, the Government of Gibraltar does not set the Commission’s agenda. The Government of Gibraltar has supported the ESG in its representations certainly from the time that I became Minister for the Environment. It has taken a long time – these things, sadly, seem to – but I think what is significant is that for the first time, and very recently, the Commission has clearly stated that the origin of the sewage is from *La Línea*. There have been indications informally that, because of our sewage outlet in Europa Point, people who do not know Gibraltar and do not know how the water moves were almost trying to suggest that it was our fault, but clearly this has now stated... it says that they have formally contacted the Spanish authorities to gather information. I do not know what kind of timeframe that will take, but certainly we will use all our resources in Brussels and elsewhere to try and extract a rapid resolution of this, now that finally the European Commission has accepted that it is most clearly *La Línea*’s fault, which is something that we have been saying all along on both sides of this House.

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Hon. D A Feetham: Mr Speaker, given that there is now talk of an *entente cordiale* between Gibraltar and *La Línea* and good relations between the mayor of *La Línea* and No. 6 Convent Place and the twinning of both cities, has there been an effort – I know that the Chief Minister is not here, but the Deputy Chief Minister is – to deal with this at a political level and to raise it with the *Alcadesa de La Línea*? At the end of the day, one would have thought that it is within her power and her gift to divert this particular sewer or pipe somewhere else so it does not affect the Gibraltar beaches. But I will be corrected if I am wrong.

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I would be happy to help. This was discussed as the first item on the agenda in the first meeting we had with the mayor of *La Línea* after coming into Government. The issue for her was that this was not her competence, it was the competence of the regional government in *Andalucía* and that she had no funding and no money for this kind of thing because it was outside her powers.

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So it has taken all this time to establish the responsibility and Spain has now finally accepted that they are responsible for the pollution. I went to a meeting in Brussels two years ago, where we were told by the Commission that their information from Spain was that the issue had been resolved, when clearly it had not been resolved. As a result of those meetings and the work done by the Department of the Environment and by Michael Llamas in the EUID, finally Spain has admitted that it is their problem and that it is up to them to resolve it.

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Hon. D A Feetham: Hadn’t this pipe been laid by the municipality, Council, in Spain, in *La Línea*, and they are the ones who have actually laid it, under the previous mayor of *La Línea*? Could they not effectively reverse that and do what they were doing before? I would have thought that yes, okay, I can understand that there may be an issue of competences, but if they laid the pipe then they can divert it.

1470 If it is a question of funds, I do not know whether there is a possibility of doing anything in relation to that, but if it is just a question of funds then perhaps, in order to avoid the pollution, the Gibraltar Government could provide some... I do not know. What I am trying to find here is whether politically it has been possible to make any kind of representations to the *alcadesa* of *La Línea* in order to get her to deal with the problem herself.

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Hon. Dr J J Garcia: Mr Speaker, the answer is yes, the Government approached the mayor of *La Línea* and the mayor of *La Línea* did put pressure, using her own internal channels in Spain, to get the issue resolved. In the final analysis it was not only a question of funding but a question of competences. Although it happened under the previous administration in *La Línea*, the previous municipal administration, this was not of their doing or of their direct competence. That is the information that we have.

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Hon. J J Netto: But is it not the case – and I take on board what the Deputy Chief Minister has said – that the problem started, as rightly said, with the previous municipal PP government when they were doing the yacht marina complex, which is called ‘*Alcaidesa*’ down here? That is when the sewage drainage part was diverted, so to speak, and it was done within the competence of the municipality. I think the problem lies probably in that the municipality, with all the good will in the world, simply has not got the money, as they have not got the money for many other things in *La Línea*. I am not quite sure that it falls as a matter for competence in the Junta de Andalucía. It is a municipal issue but, regrettably, they have not got the funds. At the end of the day, the beachgoers, either on Western Beach, our side, or on the Spanish side, what they want to have is good-quality water so they can go on the beach. That is from the human point of view, but the reality of the matter is that... I do not know what the size of the problem, in terms of money, is to put it right, but the municipality simply has not got the money – because it has not got the money for many other things, let alone paying its own employees.

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Hon. Dr J J Garcia: Mr Speaker, let me say that there is nobody... I was a regular beachgoer to Western Beach, so there is nobody more interested in finding a solution to this for personal reasons, quite aside from all the other considerations, than myself.

Our understanding is that it is two-fold: first of all, an issue of funding – the funds need to come from somewhere else; and secondly that it is not a direct competence of the municipal authorities. That is information which we were given.

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The issue is there was a complaint placed to the European Commission by the ESG – and Sir Graham Watson at the time – and that complaint has taken all of these years to come to fruition, and finally, due to pressure that we have been exerting, as has the UK, the Commission considered it and they have finally got Spain to accept responsibility. Now it is a question of getting Spain to actually carry out the works.

**Q330/2015
Dog fouling –
Fines; exemptions**

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Acting Clerk: Question 330/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many persons have been fined as a result of dog fouling since the current CCTV crackdown started in May 2013, broken down by month and district, and whether any exemptions have been made since the commencement of this programme to any individual or individuals and why?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 331 to 332.

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Q331/2015
Litter tickets –
Number issued

Acting Clerk: Question 331/2015. The Hon. J J Netto.

1520 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say on how many occasions have litter tickets been issued either by the RGP, the Environmental Agency or any other entity, on a monthly basis during 2014 and 2015 so far, stating the number of tickets issued per organisation and the number of fines arising from the issuing of such tickets?

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Q332/2015
Nature Protection Act –
Cautions and fines issued

Acting Clerk: Question 332/2015. The Hon. J J Netto.

1530 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state on how many occasions have the environmental protection officers cautioned or fined any person for any breach to the Nature Protection Act or any of its subsidiary legislation during the financial year 2014-15, broken down by month and stating the particular offence or offences breached?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1535 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the following persons have been fined – I am not going to give names – as a result of detection by CCTV specifically: Flat Bastion Road, August 2014, one ticket; Upper Witham's Road, December 2014, one ticket.

1540 In answer to Question 331, the information is in the schedule which I now hand over.

Answer to Question No. 331/2015

The following is a breakdown for 2014/2015 from all organisations:-

Environmental Agency

April'14	1	£70.00
July'14	1	£250.00
August'14	1	£250.00
Nov'14	1	£70.00
Dec'14	2	£500.00
March'15	1	£70.00

Department of the Environment & Climate Change

Jan'14	1	£70.00
August'14	1	£70.00
Sept'14	1	£70.00
October'14	2	£140.00
Nov'14	4	£460.00
Dec'14	1	£70.00

RGP

Jan'14	1	£70.00
June'14	1	£70.00
July'14	1	£70.00
October'14	1	£250.00

HEOs

March'14	1	£70.00
May'14	1	£70.00

In answer to Question 332, environmental protection officers detected one individual male in 2014 in breach of the Nature Protection Act, section 6(2), for damaging and defacing a structure, including a natural structure in the Reserve. A caution was given. No other similar offences have been detected in 2015.

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Acting Clerk: Question 333/2015. The Hon. J J Netto.

Mr Speaker: I will allow the Hon. Mr Netto... When he has had a look at the schedule, if he wishes to come back and ask some supplementaries I will allow him to do so.

**Q333/2015
Solar panels –
Installations during 2014-15**

1550 **Acting Clerk:** Question 333/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please state how many solar panels have been installed during the financial year 2014-15, stating the building and the amount of energy harnessed, and could the Hon. Minister say the name of the contractor who did the works?

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Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question with Questions 334 to 338.

**Q334/2015
Wind turbines –
Update**

1560 **Acting Clerk:** Question 334/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say if all the necessary assessments to investigate the possibility of installing wind turbines in both onshore and offshore have now taken place, and provide Parliament with an updated statement on this matter?

**Q335/2015
Eco Wave Power Ltd –
Status of works**

1565 **Acting Clerk:** Question 335/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 734/2014 – that is December – can the Minister for the Environment say if works have now concluded by the company Eco Wave Power Ltd, and where are we in relation to receiving energy into our grid from such a plant?

**Q336/2015
Renewable energy –
Amount produced**

1570 **Acting Clerk:** Question 336/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the amount of energy that has been produced by renewable energy sources, both in kilowatts and as a percentage of the total amount of energy produced in Gibraltar, during the financial year 2014-15, stating the location or locations, the type of renewable energy obtained and the amount of money saved as a result of the introduction of such renewable energy source?

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Q337/2015
Electricity grid –
Connections from renewable energy equipment

Acting Clerk: Question 337/2015. The Hon. J J Netto.

1580 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if our electricity grid has facilities to enable connections from renewable energy equipment; and if so, specify for which type of renewable equipment this is now incorporated and for which ones it is not available?

Q338/2015
Electricity grid –
Connections from renewable energy equipment

1585 **Acting Clerk:** Question 338/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment provide Parliament with a copy of the National Energy Efficiency Action Plan, as stated to original Written Question 179/2014?

1590 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will now provide a breakdown of the solar panels installed and the energy harnessed per location.

1595 Tercentenary Sports Hall: four flat and four evacuated tube panels have been installed as from 2014. This forms a solar thermal system for four 300 litre boilers. In 2014 these panels generated 6,507kWh of energy. In 2015 so far, up to 30th April, they have generated 1,445kWh. These panels were installed by Deselec/Helios Ltd.

1600 Tangier View: six flat and six evacuated tube panels installed from 2014. A solar thermal system for twelve 200 litre boilers. In 2014 they generated 83,338kWh. In 2015, up to 31st March, they generated 6,120kWh. The panels were installed by Deselec/Helios Ltd.

Sir William Jackson Grove Estate: seventy-two 250W PV panels installed as from 2014. They generated 16,593kWh of energy up until September 2014. The Department of the Environment is awaiting data for the ensuing months. These panels were installed by Cocoon Ltd.

1605 GASA, as we know it: in 2014 these panels generated 85,218kWh of energy and were installed by Green Resources Investments Ltd.

This is the first time we have had this in Gibraltar, by the way, Mr Speaker.

The Department has carried out some preliminary wind studies onshore and is currently considering the suitability of models to extrapolate the data obtained so far to offshore locations.

1610 The Department of the Environment and the GEA are working closely with Eco Wave Power on this project. The project is progressing. I cannot give a date as to when we will be receiving power from this technology, but what I can say is that every effort possible is being made to ensure that the project will be up and running within the next six months. They were here, talking to contractors and so on, just a couple of weeks ago.

1615 The total amount of energy produced by renewable sources in kilowatts is as follows – and this is where I am asked for the cost saving: the swimming pool's energy generated by solar photovoltaic, 95,994kWh, a saving of £11,999.25; street lighting and bus stops, solar photovoltaic, 17,473kWh, a saving of £2,935.41; Sir William Jackson Grove solar photovoltaic, 17,867kWh, a saving of £2,233.38.

1620 For the financial year 2014-15 the total renewable electricity was 131,334kWh, corresponding into 0.061% of the total energy generated in Gibraltar and representing a saving of £27,454, including a reduction in the fuel bill for the pool.

Notwithstanding the above, not all energy produced from renewable sources results in electricity generation.

1625 As I have stated above, solar thermal installations are operating at the pool site – about 20% of the roof space – Tangier Views and the Tercentary Hall. So these will not generate power that you can measure in

the grid but will obviously be savings. These solar thermal installations also contribute significantly to the reduction of electricity demand of these premises where they are installed, but do not figure in the percentage.

1630 The Government is at present working on future solar photovoltaic installations, totalling around 10MW of energy, which would constitute a significant percentage of Gibraltar's peak power demand. Peak demand for winter 2014-15 was about 35MWs.

1635 Although the Gibraltar Electricity Authority constantly strives to have a highly flexible electricity grid for incorporating renewable energy generation equipment, not all geographical locations in Gibraltar have the same resilience in terms of grid connectivity. Where this is not the case, the GEA advises as to what, if any, improvements or network upgrades are required to be able to evacuate generated power to the grid at these points, as happened at the swimming pool. It is not a matter of what type of renewable energy equipment can be connected to Gibraltar's electricity grid, but of the particular effects that the different types of renewably generated power might have on the security and integrity of our existing supply network, also whether this is generated at low or high voltage and the size of the renewable energy installation in relation to our conventional plants. At present, the GASA photovoltaic solar installation generates power into Gibraltar's electricity grid.

1640 Finally, a copy of the plan requested will be sent to the hon. Member electronically, if not today – if my PA has gone home – certainly tomorrow morning.

1645 **Hon. J J Netto:** Mr Speaker, I am grateful for all the information given, but given that there are so many figures in all those questions, would he be kind enough to provide me with a copy?

Mr Speaker: At long last the hon. Member has succeeded in obtaining a plan from the Government. I do not know how... *[Inaudible]* he has made... *[Inaudible]*

1650 **Hon. J J Netto:** Well, I don't want to say it too loudly because there are more Questions on the Order Paper! I will have a look at this and maybe I will be coming back later, Mr Speaker.

Acting Clerk: Question 339/2015.

1655 **Mr Speaker:** Do you want to come back?

Hon. J J Netto: As I said, Mr Speaker, I will certainly have a look at it and I might or might not be coming back later. I am sure you will be most graceful to allow me –

1660 **Mr Speaker:** We have to do it today.

Hon. J J Netto: Oh, I see. Well, we will see.

1665 **Mr Speaker:** It is alright, we will move on to other Questions, another Minister, and I will allow the hon. Member –

Hon. J J Netto: Very grateful, Mr Speaker. Very graceful.

1670 **Mr Speaker:** So, Question 339.

Hon. J J Netto: Question 339, okay.
Mr Speaker, further to Written Question 98/2014 –

1675 **Hon. D A Feetham:** Mr Speaker, I wanted to ask a supplementary on these Questions that have just been answered.

Mr Speaker: I will allow you as well.

1680 **A Member:** Is he asking a supplementary now?

Hon. J J Netto: No, I was going to leave it until later. Do you want to do it now?

A Member: I could have done it now quite happily.

1685 **Hon. D A Feetham:** A supplementary. Mr Speaker, it may well be the way that the question has been formulated, but I just want to see whether the Minister can clarify this. When we talk about the contractor that has done the works, DesElec and Helios Limited, these are not the people who were awarded the tender

1690 – or were they the people who were awarded the tender? So it is a tender for the supply, effectively, and installation of these units, and these are the people?

Hon. Dr J E Cortes: Yes, Mr Speaker, they are the successful tenderers; yes, DesElec.

Q339/2015
Environmental park –
Identification and progress

Acting Clerk: Question 339/2015. The Hon. J J Netto.

1695 **Hon. J J Netto:** Further to Written Question 98/2014, can the Minister for the Environment say if an environmental park has now been identified; and if so, what progress has been made to commence operations?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1700 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Department is currently finalising its work on the environmental park. However, because the project involves private and public sector players, it would be improper to reveal further details at this point in time. We hope to be making an announcement on this in the near future.

1705 **Hon. J J Netto:** In the ‘near future’, meaning it is not going to happen in the next three months, then: is that a fair comment?

1710 **Hon. Dr J E Cortes:** No, I believe, from my Head of Department, that we are making quite rapid progress on this one, so I may be able to surprise the hon. Member on this.

Q340/2015
Climate change forum –
Meeting dates and discussion topics

Acting Clerk: Question 340/2015. The Hon. J J Netto.

1715 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say on how many occasions has the Climate Change Forum met during the financial year 2014-15, providing the dates and subjects discussed?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Question 341.

Q341/2015
Gibraltar Climate Change Programme –
Provision to Parliament

1720 **Acting Clerk:** Question 341/2015. The Hon. J J Netto.

1725 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 737/2014 – that is December – can the Minister for the Environment provide Parliament with a copy of the Gibraltar Climate Change Programme?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1730 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Climate Change Forum did not meet during the Financial Year 2014-15. It is scheduled to meet on 30th June to receive a report from the Climate Change Taskforce, which met six times during the financial year in question.

The Gibraltar Climate Change Programme will be ready for publication following that meeting, during late summer this year. The Department is currently undergoing a data verification process.

Q342/2015

**Official Journal of the European Union –
Tenders forwarded on environmental projects**

1735 **Acting Clerk:** Question 342/2015/. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say if there are currently any tenders that have been forwarded to the Official Journal of the European Union on environmental projects, or likely to be sent in the following 60 days; and if so, say what projects or services they are for and provide a summary of each project?

1740 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

1745 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, other than the two that we have already discussed – the urban water and the waste treatment plant... I just want to make that clear. I am assuming that, because we have already discussed those, we are aware that those went to European tender and are not included in my answer. Other than those, there are currently no tenders that have been forwarded to the Official Journal of the European Union on environmental projects or likely to be sent in the following 60 days.

Q343/2015

**Revised Environmental Action Management Plan –
Update**

1750 **Acting Clerk:** Question 343/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 742/2014 – that is December – can the Minister state if the review alluded to by him has now taken place, and provide Parliament with a statement as to the content of the review and any updating, if any, of the Environmental Action Management Plan?

1755 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

1760 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the review is nearly complete and we will be publishing the revised plan before the end of the summer. There is going to be a bumper crop of plans from my Department in the next few months.

Q344/2015

**Department of the Environment Annual Reports 2013 and 2014 –
Provision to Parliament**

Acting Clerk: Question 344/2015. The Hon. J J Netto.

1765 **Hon. J J Netto:** Yes, Mr Speaker, a bumper number of reports, thanks to my Questions. Mr Speaker, can the Minister for the Environment provide Parliament with copies of the Department of Environment Annual Reports for 2013 and 2014?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
1770 Mr Speaker, I do not know whether the Member opposite genuinely thinks that the only reason my
Department does reports is because he asks Questions.

1775 Anyway, Mr Speaker, the 2013 Annual Report will be published on the Department's website within the
next two weeks – and has been formatted, by the way – and can be downloaded from there. The 2014 report
is currently being prepared and will be published when ready, later on in the year. Clearly, there has to be
some time lag between the end of the year and the publication.

Hon. J J Netto: Mr Speaker, what has been the delay for the 2013 report?

1780 **Hon. Dr J E Cortes:** Mr Speaker, the 2013 report has been done in a completely different style to
previous ones. It has been completely revamped, with more information published and more accessibility. It
is more user friendly – I am avoiding the use of the word 'format', clearly – and is now probably awaiting
my foreword, which is clearly the last thing that is written (*Interjection*) and clearly will be a source of
inspiration to many, including Members opposite.

1785 **Q345/2015**

**New power station and LNG facility –
Health and safety and environmental reports**

Acting Clerk: Question 345/2015. The Hon. J J Netto.

1790 **Hon. J J Netto:** Mr Speaker, can the Government provide Parliament with copies of all health and
safety and environmental reports available to the Government in relation to the new power station and the
LNG facility?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1795 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, I will answer this Question together with Question 349.

Acting Clerk: Question 346/2015.

Hon. Dr J E Cortes: Mr Speaker, with 349 – we are skipping a couple, if I may.

Q345/2015

**Proposed LNG installation –
Publication of reports on safety and viability**

1800 **Acting Clerk:** Question 349/2015. The Hon. D A Feetham.

1805 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether it is committed to
publishing any reports on the safety and viability of the proposed energy installation; and if so, when do
they expect them to be published?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1810 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, the Government will provide Parliament with copies of all health and safety and environmental
reports available to the Government in relation to the new power station and the LNG facility once these are
complete. It is not until the exact design and technology are finalised that these will be precise and therefore
relevant and accurate.

Government is committed to publishing the report on the safety and viability of the proposed LNG
installation.

1815 The Government has already clearly explained that its assessments are generic. They point out what
should not be done and what can be done, but safety assessments are site and technology specific. Not until
the location, design and technology are finalised will the health and safety measures to be incorporated be

precise and therefor relevant and accurate. Any reports prepared before that are really no more than mere speculation and of no scientific or probative value.

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Hon. D A Feetham: So, Mr Speaker, just so that I have this clear in my own mind, none of this has actually been completed, so what he is really saying is there is absolutely no point in instructing experts at this stage because none of the preparatory work, so to speak, has been completed and therefore it is not possible to instruct experts at this stage. Is that what he is saying?

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Hon. Dr J E Cortes: Mr Speaker, I am saying that it is not a question of engaging experts, but it would not be correct to publish anything at this stage because we are not at the stage where this is yet publishable.

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Hon. D A Feetham: Mr Speaker, I understand there is a distinction. If he has not understood my question, I will repeat it, but there is a distinction. I quite understand that if you do not have a complete report you do not want to publish an incomplete report. That, I do understand; it is perfectly logical to me. But what I thought that he was saying is, 'Look we have these generic reports. We really have not, at the moment, made a decision on some of the recommendations that have been made there and therefore any report that is published now or that is completed now in the absence of having that information is going to be worthless because really you have got to determine that information before. Ergo, ergo there is no point in instructing experts now, because that preparatory work has not taken place.' Is that the position?

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Hon. Dr J E Cortes: No, because the experts will be involved in developing that technology and in developing those plans. Therefore, whoever is developing these plans – and we know that there are people doing it at the moment – will engage experts and will refer to experts so that, as they develop the plans, they can make sure that they are absolutely squeaky clean from the health and safety point of view. That is what I am saying. We do not have to wait for one thing to finish for the other to start; things can happen in parallel.

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Hon. D A Feetham: Yes, but that is what I mean. Is the Hon. the Minister for the Environment suggesting that, though the development of those plans has not been completed at the present moment... and that what has happened is those development plans have not been completed, but in parallel with that the Government has instructed safety experts to report on the safety implications, but the reality is that those instructions cannot even be finalised because those development plans have not been completed? I just want to understand this.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the position is exactly the same as was the case in relation to, for example, the tunnel project, which we found ourselves in litigation on at the time that we took over. When a project starts, very often plans are being developed as the project progresses. The tunnel project was exactly that sort of project: there was no scheme; there was no plan for a tunnel. The plans were being developed as the tunnel was being created. So when the litigation starts there are diaphragm walls, but there is no plan as to how sand is going to be extracted, how you are going to create a tunnel, how you are going to top it etc. Now there is a plan for the tunnel.

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In relation to the power station, the LNG storage aspects are subject to proposals for different – for economic, safety and other reasons – proposals as to how the LNG storage could be done. All of them, we are satisfied, would be safe to operate. Some may be either 'safer' or more economically advantageous, or both, i.e. safer *and* more economically advantageous. We are satisfied that all of them could progress within the margins of safety and risk which are proved in western European Union countries. Therefore, any suggestion to the contrary is not one that we accept. When we determine which of the storage options we go for we will then be able to crystallise both location and method of storage and have a specific plan which deals with that completed about that option. At the moment, what we are satisfied we have is that within the types of storage facilities and the potential areas for storage we have confirmation that it is entirely safe to do any of the projects, but one may be cheaper or even safer than others, in assessment terms, because when you are looking at safety you have to accept a measure of risk. If you are not prepared to accept a measure of risk, book yourself into an institution and don't come out – don't fly, don't drive a car, don't go on a bus and don't cross the road. But within the margins of risk which are acceptable to those of us who have been to a school within 400 metres of an airport and several petrol stations, and those who generally in the European Union do these things, all of the proposals are potentially acceptable and within all of the accepted margins of risk.

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Hon. D A Feetham: Mr Speaker, I am not going to get into an exchange with the hon. Gentleman –

1880 **Mr Speaker:** No, I will not allow you. I will not allow you to have more of that acrimonious debate that you have been having outside this Parliament on the question of the LNG facility. I will not allow you, other than with a substantive motion. Is that clear? So keep these exchanges within the narrow parameters of questions and answers.

1885 **Hon. D A Feetham:** Yes, Mr Speaker. I do not understand who Mr Speaker is making that particular point to, bearing in mind that I prefixed my question that I do not intend to have an exchange about the safety aspects of the LNG with the Hon. the Chief Minister. I just want to understand where the Government is at with its reports. That is where I want to get to.

1890 Mr Speaker, does the Hon. the Chief Minister not recognise that there is a distinction between what he has said and what the Hon. the Minister for the Environment has said? I quite understand that the Government may have three proposals that are three concrete proposals from operators saying ‘this is what we intend to do’ in relation to the site, for example, very adjacent to the power station, in relation to the site adjacent to the sullage plant in relation the site on the Detached Mole. And then you might want to have further safety reports. I do not agree with the Hon. the Chief Minister that you can make a determination at this stage just simply from looking at those proposals in the absence of having an expert report – that you can say that this is entirely safe, as the Hon. the Chief Minister has said.

1895 But there is a distinction. He is saying there are those concrete proposals. What the Hon. the Minister for the Environment... I just want to understand – I genuinely do – what the position is. The Hon. the Minister for the Environment has said the plans are work in progress, there is a development in relation to this, really no expert report could possibly be produced in these conditions because we really do not know what the final version of this particular product – that is my understanding – is going to be on any of these three sites, because it is still a work in progress. That is slightly different to what the Chief Minister has said, which is that we have these proposals, we are entirely satisfied it is safe and really the Government needs to look at the question of cost. I just want to understand which one it is.

1900 **Hon. Chief Minister:** It is both, Mr Speaker, because we have not said anything which is mutually exclusive. What we have said is that there are different proposals being put for the locations he has mentioned. They may or may not be those locations.

1910 The issue is do you even consider a location before at least having an indication that it could be done there? Otherwise, you are wasting your time. If somebody says, ‘I am going to put an LNG power plant in the garage of the hospital, next to a Bunsen burner, then you say, ‘Well, is this possible? The garage of the hospital would be a place where it is out of the way, but is this safe? Is this within the margins?’ They say, ‘No, this is not within the margins, therefore do not even consider the proposal that has been put to you there.’ If somebody puts a proposal for further... In fact, if somebody tells you, ‘We are looking at putting a proposal,’ what you do is you say, ‘Is that something which is viable?’ and what we are saying to him is we are satisfied that all of the proposals are viable on safety terms. Now, is one more viable than another? On many different criteria we will then judge which is the most viable, but we would not for one moment even consider one which did not tick the safety box – and we are satisfied they all tick the safety box.

1915 Now, do we have a detailed 15-volume report telling us ‘It is safe enough for you to consider this proposal; please go on to consider it in detail’? No, we do not, because that 15-volume – to say a figure – report will not be done until we have gone further down the road of determining, on all the objective criteria, which of the locations, methods etc we will progress further down the road of. That is the perfectly normal way of doing business in every single part of the Government’s way of doing things now, before and in the past and, as far as I know, the way that every business conducts its operations.

1920 If what you are saying is before even considering a proposal you need to have a safety case in 15 volumes, I am afraid that is not the way that business works. Are we satisfied that when we get to the 15-volume stage these locations will be able to deal with all the concerns that health and safety professionals raise? Yes we are, from the preliminary advice that we have. Is that the prudent way of proceeding? Absolutely it is. And would we do anything that might somehow otherwise put the safety of this community or any part of it, in particular residential areas, at risk? The answer, Mr Speaker, written large, is NO, we would not do *anything* to put any part of the geography of Gibraltar or any person in Gibraltar at any risk, none of them, let alone people who are residential tenants in an area. So whether it is location A, B or C, method 1, 2 or 3, we are satisfied now that we can go on to consider them and then choose one to be the one to take forward to detail, knowing that all of the safety criteria are going to be satisfied.

1930 **Hon. D A Feetham:** Well, Mr Speaker, I am afraid that the answer that he has given me is riddled with inconsistencies.

1935 First of all he says that what the Government is waiting for is as to whether this is possible on the economics – that is the first thing that he has said to me; but in the next breath he says to me it is entirely viable on safety grounds. So what we have is a Government that has taken a decision to locate a power

1940 station, powered by LNG, at the North Mole, which it knows needs to be supplied by LNG stored somewhere, and in order to make that viable those tanks presumably have got to be fairly large tanks, otherwise he is going to have bowsers coming in from the Frontier or ships having to come in to supply that power station virtually every week, which is the problem that the Government has; and yet the Government took the decision to go out to tender without doing its homework about whether it is possible economically. I would ask the Hon. the Chief Minister to comment on that.

1945 Secondly, when he says ‘I am entirely certain this is viable on safety grounds’ – indeed, the Hon. the Minister for the Environment in a recent TV debate said that it was 100% safe – what reports has the hon. Gentleman obtained on behalf of his Government to give him that assurance that to proceed with a project of this nature it is entirely safe? Because, really, what he is saying is ‘The project has not been completed, there are details of the project that really need to be finalised, but we are entirely satisfied that it is safe.’
 1950 What I am saying to him is that he is not an expert, I am not an expert; I am taking my own advice and I cannot believe that the hon. Gentleman could possibly have formulated that view without having some report, an assessment from an expert, actually telling him that it is entirely safe and entirely viable on safety grounds, as he has maintained in this House.

1955 **Hon. Chief Minister:** Well, Mr Speaker, nothing I have said would lead anybody who is truly objective to say that I have said anything which is riddled with inconsistency. We have been consistent on this issue from the word go. We take this issue very seriously. We do not do politics on this issue, Mr Speaker, so there are no inconsistencies here; there is just a very clear position from a Government that is being open, honest, transparent and seeking to do the best for our community for the next 30 years plus. That is all that you are seeing here; no inconsistencies whatsoever on the side of the Government.

1960 I do not think it is possible for objective observers to say the same thing about Members opposite. He has said that I have wondered whether this is possible on the economics. I have said no such thing, Mr Speaker. In my previous answer, what I said was that one of the criteria upon which the potential locations or the potential methods would then be judged, to be whittled down, was *inter alia* the economics, so one
 1965 may be more economically advantageous than another. That does not mean that the other is not economically viable. One finds that words are put in one’s mouth, even when one is hardly able to articulate things when one has got such a sore throat, but never mind. But that is not what I said.

1970 What is economically most advantageous is definitely what we are looking at, and there may be a small spread between options or there may be a large spread between options and the community would expect us to be looking at what is economically most advantageous and balancing that if there were any safety consequences for the saving, which in my view, from everything we have seen to date, there are not.

1975 The hon. Gentleman goes on to say ‘the problem the Government has...’ Mr Speaker, I will tell him something for nothing: the Government has no problems, zero, in particular on this issue. We are working very consistently in probably the most efficient and collegiate inter-ministerial team we have on power, involving Ministers in place now, Ministers who have been in place before, the experts at the Gibraltar Electricity Authority, the experts of those making the proposals to us, the experts from the Health and Safety Executive in the UK who are advising those in the Gibraltar Electricity Authority, and we are doing an excellent job of determining, not for us, Mr Speaker, but for the whole of the community – forget who is in government after the next election, forget who is in government for the next 28, 30 years; for the
 1980 community, Mr Speaker – to get that right, and it is their obligation to test whether we are getting it right. It is not anywhere near their list of what they should be doing for this community to simply scare people into thinking that our option is not the best one. What we have to do, Mr Speaker, is get the best option for our community, so we have no problems whatsoever.

1985 And then he says that we have got to where we have got now without doing our homework. Well, Mr Speaker –

Mr Speaker: I am now going to bring this matter to order because the Hon. the Leader of the Opposition and the Chief Minister are doing what they very often do in this House, and I am not going to allow it.

1990 We have two very simple Questions: a Question on whether the Government will provide Parliament with copies of the health and safety report. Well, will the Government provide Parliament with that? Not about the issues of safety and so on and whether this has been done or not: when those reports are ready, will the Government provide them?

1995 The other Question: is the Government committed to publishing any reports on the safety and viability of the proposed LNG facility? Is it committed to publishing it, not to the merits of those reports. And now the Hon. the Chief Minister and the Leader of the Opposition... They always do this. They get involved in exchanges, it becomes a debate, and the rest of us here are just spectators. That is not fair, it is contrary to the rules and I am not going to allow it again.

2000 **Hon. Chief Minister:** Mr Speaker, I could not agree with you more in some of what you have said.

Mr Speaker: Well, if you agree with me then try to restrain yourself.

2005 **Hon. Chief Minister:** Well, Mr Speaker, what I must say on behalf of the Government – although you are absolutely right in the attitude that you take – is that I am afraid you need to take it with both of us, not just with one of us, because if somebody accuses me of having done something without doing my homework I believe I am entitled to reply. It is absolutely right of you to have suggested that that should not have been said, but with respect, now it has been said I think it is appropriate that the Government should be able to reply. I leave it to you, Mr Speaker. He has said I have done something without doing my
2010 homework. Am I able to reply or not?

Mr Speaker: Let me explain one thing. Perhaps what happens is that I have the advantage of the main answers and I see that they are specific and to the point. The Opposition listen to the answer. They may grasp all of it, or 75% or 80%. They may miss a point or other. I am able to home in and see what I have before me and what I know that the Minister has said. And then the matter becomes widened completely. Many other aspects are introduced in the exchanges and we end up, as usual, with a debate.

2015 Questions that are specific and to the point, and which it is right and proper that they should be asked here in Parliament and that that information should be sought and those assurances should be given with respect to certain reports, perfectly proper – but let us not widen all that into the merit of the responsibilities which the Government has or may not have in respect of the general safety of the community. That is a
2020 matter that they have been dealing with for weeks outside this Parliament; there is no need to repeat it.

Hon. Chief Minister: Thank you, Mr Speaker.

2025 Well, in that case, all I will do is to reassure the community that when the Hon. the Leader of the Opposition has said that the Government has done something without doing its homework, he is wrong and that is not true. When he tries to challenge that we have said that things are viable on safety grounds and 100% safe, he is wrong to challenge it. When he wants to challenge that we are entirely satisfied that this is safe, he is wrong to challenge it also. And when he says he is taking his own advice, that is a matter entirely for him and he can take it if he wishes or not, but the Government would not be acting if it was not satisfied that the advice, that we will be able to show in writing to the community, is that this is exactly the right sort
2030 of project for our future.

Mr Speaker: The original Question came from... [*Inaudible*]

2035 **Hon. J J Netto:** Actually, Mr Speaker, I have not got any further supplementary question on these Questions, but what I do want is, once we move on to the next Question, to actually go back to the Questions that were bundled together – and that is in relation to Question 337 – but once we move on.

Questions 334 to 338 – Further supplementary questions

2040 **Acting Clerk:** Question 346 –

Hon. J J Netto: Would it be a prudent moment to go back?

Mr Speaker: Yes, certainly.

2045 **Hon. J J Netto:** In his answer to Question 337 – that is the question that deals with the ability to incorporate renewable energy equipment into the grid – the hon. Minister said in his answer, he said not all geographical locations in Gibraltar have the same resilience in terms of grid connectivity. Then he went further and said where this is not the case, the Gibraltar Electricity Authority advises us as to what any improvements/network upgrades are required to be able to evacuate generated power to the grid at these
2050 points.

Now, could I ask one supplementary question in relation to this answer, and that is: what improvements to the network, if he has got the answer available to him there, have been given by the Gibraltar Electricity Authority in order to improve the ability to connect this new equipment into the grid.

2055 If he does not have the information, of course he may be able to give it to me at another time.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker, I do not have the technical information as to whether you have got to put some kind of equipment in the way or whatever, and that I will ask and I am sure I can get it.

2060 But I can say for lower voltage it is much easier and in fact the GASA swimming pool is supplying low voltage and that needed, I believe, relatively minor adjustments that my hon. friend, Mr Linares was Minister for electricity generation at the time.

2065 Also I can say that for the Eco Wave project on the east side, the initial pilot project which I think is 500 kWh is also relatively low and that will be absorbable, for want of a better word, into the grid in that area. For the bigger ones of 10MW, although it will not all be on one site, the GEA is looking, and would be able to amend the network in order to be able to absorb it.

But the technical details, I am afraid I do not have them available, but I am sure that I can request them and obtain them.

2070 **Hon. J J Netto:** Just one further supplementary in relation to what the hon. Member has just said. I think he is drawing a line on the 10MW, where the problem may lie – in other words, if it is low voltage it can be integrated into the grid, but perhaps beyond that it is a problem. Obviously though, it would depend – just to try and give an example – but if any private resident, as opposed to being a public building, were to try and incorporate some photovoltaic panels in his roof or whatever it is, would that particular private individual – I am using this as a hypothetical example – be able to connect into the grid or would that also depend on the level of voltage that would generate?

2080 **Hon. Dr J E Cortes:** I think, Mr Speaker, that would generally depend on the location. My hon. friend who was looking at that, at the time that he was Minister for Utilities, has confirmed that would depend... That would normally be low voltage and therefore it is easier to assimilate. Therefore it is not impossible but I believe it depends on the location and possibly on how new the installation in that area is. But I would need to have confirmation on that.

2085 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, just to assist, for example the GASA is very near Waterport and there you can see where the electricity that was produced there can *easily* be taken to Waterport where they have the whole distribution network.

Q346-348/2015

Air quality –

Monitoring nitrogen dioxide levels

Acting Clerk: Question 346, the Hon. D A Feetham.

2090 **Hon. D A Feetham:** Mr Speaker, can the Government please explain why it has not installed an air monitoring station in the vicinity of the temporary generators and the Waterport power station?

Acting Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2095 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 347 and 348.

Acting Clerk: Question 347, the Hon. D A Feetham.

2100 **Hon. D A Feetham:** Mr Speaker, is the Government satisfied with the levels of nitrogen dioxide in the 27 nitrogen diffusion monitoring sites in Gibraltar?

Acting Clerk: Question 348, the Hon. D A Feetham.

2105 **Hon. D A Feetham:** Mr Speaker, why have the graphs and tables published on the Air Quality website for Rosia Road, Witham's Road and Bleak House nitrogen diffusion monitoring sites on various dates this year, shown values in excess of 200 micrograms per cubic metre of air, only to be changed within hours to show values significantly below that?

2110 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the air monitoring stations presently located in Rosia Road, Witham's Road and Bleak House were installed following recommendations from the Environmental Agency's air quality consultants AEA – Ricardo and in line with criteria set out in Annexe III, IV and V of Directive 2008/50/EC. This decision was made by the previous administration, so the questioner should really ask the question of himself.

The Directive requires one sampling point per 250,000 population for urban/suburban areas – Rosia Road – and one sampling point for rural areas – Bleak House – backgrounds per 50,000 km².

Gibraltar has two urban stations and one rural background station. Gibraltar therefore complies with and exceeds the requirement of the Directive.

In answer to Question 347 which refers to whether the Government is satisfied with the levels of nitrogen dioxide in the 27 monitoring sites, the answer is certainly not, sir.

In answer to the last question, when these latest high levels were recorded, the Environmental Agency investigated the possible causes. On not finding any obvious source for the high levels, the Agency's Air Quality Consultants in the UK were immediately contacted. They confirmed that the scaling factor on the analysers used in the data management were not correct. They proceeded to fix the problem, which resulted in the real levels recorded and subsequently displayed on the Air Quality website.

Hon. D A Feetham: Mr Speaker, before I move to supplementaries, the hon. Gentleman has not answered the question, 'Can the Government please explain why it has not installed an air monitoring station in the facility of the temporary generators and the Waterport Power Station?'

Hon. Dr J E Cortes: Mr Speaker, I think I have. I have explained at length the fact that this was a decision taken by the previous administration on advice. They defended that, in fact publicly by way of at least one press release and that this satisfies the requirements of the EU Directive. So I think I did answer that question.

Hon. D A Feetham: Yes, Mr Speaker, I am afraid that I had not understood the answer.

Mr Speaker, just dealing with that aspect of it, before I turn to Questions 347 and 348, is he satisfied – because at the end of the day we all strive to do better than the previous Administration and the hon. Gentleman and his Government crow from the highest perches how much better they have done in four years than we did in 16! (*Interjections and banging on desks*) Yes, Mr Speaker!

Mr Speaker, is he satisfied to just follow the lead and not have air monitoring stations in the vicinity of Waterport power station and the temporary generators, which we think actually now, are responsible – we will come to that in a moment – for the high levels of nitrogen dioxide that we are seeing in various places in Gibraltar, indeed in the majority of these monitoring stations – and that we are committed to doing should we be elected into Government?

So is he satisfied that it is the right course of action to just simply point to what we did and say, 'We're content to follow the lead of the GSD when they were in Government' and not install a monitoring station in this area?

Hon. Dr J E Cortes: Mr Speaker, again, clearly the Members opposite, in the face of this wonderful new dawn of good environmental governance, are being converted. We have heard a number of Members opposite having their moments of conversion today.

Mr Speaker, I am not totally against the idea of an extra air quality monitoring and it is something our Department is considering. But one cannot just spend the money – and this runs in the region of several tens of thousand pounds – which then the Members opposite could accuse us of overspending, clearly. Then there is the recurring cost.

This is a decision like every other decision we take when we consider expenditure that we have to measure very, very carefully. We have to look at the value of having an air quality monitoring system being introduced now. Because clearly we have nothing prior to that to compare it to and we only have the future to look at and clearly the future with a state-of-the-art energy powered power station in the North Mole, we know that the air quality is going to substantially be improved. Therefore we know what that is going to read and in any case we do have the diffusion monitors, which are not as accurate – I think we will all agree – as the air quality monitoring.

I am not rejecting it totally; it is something that my officials are closely studying as to whether there is a logic in doing so and in going to the considerable expense.

Clearly there is another alternative, Mr Speaker. As the South District power stations themselves are due... in fact, two of them are now closed completely and will completely stop operating with the new power station – then the purpose of having, certainly the Witham's Road one there, was to monitor emissions from those power stations so it might be more economical to actually, when the new power

station is built and those have completely stopped, to move that one to a northern location to have a more balanced view.

2175 So that is the kind of initiative and the kind of discussion that we are currently having within the Department to have a responsible solution which is also cost effective and does not throw Taxpayers' money away.

Hon. D A Feetham: Well, Mr Speaker, let me congratulate the hon. Gentleman on one of the most political answers that I have heard in this session today from the non-politician!

2180 I need to come back to – because I am going to ask supplementaries on the others – but I am going to come back to this question of the air monitoring station in the vicinity of Waterport Terraces, for reasons that will become apparent during the course of the questions that I am going to be asking the hon. Gentleman.

2185 The hon. Gentleman is obviously aware, is he not – I am asking him formally – that there is an average upper limit of 40 micrograms of nitrogen dioxide per cubic metre imposed by the EU under EU Directives?

Hon. Dr J E Cortes: Yes, there are a number of upper limits and the upper limits for Gibraltar have been failed in the past.

2190 Yes I am aware of the limits. There is also allowance for a couple of instances of higher, up to 200 on one or two occasions and that has only been failed once in 2009. So yes I am aware.

2195 **Hon. D A Feetham:** Yes, but I am not asking about the 200 limit. I am aware that under EU law the exceedance of the 200 limit can only be exceeded 18 times. I am asking about the 40, which is the annual average. Does he agree with me that there is an upper limit of 40 micrograms of nitrogen dioxide per cubic metre of air imposed by EU law as an annual mean average?

Hon. Dr J E Cortes: Yes, and which has been failed through the years due to the old fashioned power generation system that we have been suffering from. Yes.

2200 **Hon. D A Feetham:** Yes, and Mr Speaker, does he agree with me that in fact in 2014 there has been a failure of, or there has been an excess – the limit has been exceeded I should say – that 40 figure has been exceeded in 25 out of the 27 monitoring stations throughout Gibraltar? Is he aware of that?

Hon. Dr J E Cortes: Absolutely, Mr Speaker, which is what I said in my answer, that I was certainly not happy with that situation.

2205 But perhaps he could get to the point rather than ask me these questions one by one, so that I can provide him with a reasoned answer, rather than just in this sporadic manner. I do not really know what the hon. Member is trying to get at.

2210 **Hon. D A Feetham:** Well, Mr Speaker, does he accept that, for example, in 2014, which is what I am focusing on, the 40 microgram limit was exceeded, as I said, on 25 occasions; that in five stations there were readings between 40 and 49; in 12 stations, there were reading between 50 and 59; and in eight stations, there were readings between 60 and 69? Does he therefore not agree with me that these are very, very high levels indeed of pollutants that the population of Gibraltar is being exposed to, according to these particular readings?

2215 **Hon. Dr J E Cortes:** Mr Speaker, I do not know whether the hon. Member opposite, before I answer, would like to postulate what the reasons for those high readings may be. Before I actually tell him, he may have an idea; I am interested in what he is getting at. He has not quite told me. Because you see, by knowing what he is getting at, I will be able to provide an answer which is going to be more relevant, as I said before, rather than these point by point.

2220 **Hon. D A Feetham:** Mr Speaker, I am just trying to lay the ground work of what it is that we agree with. Now we agree that the limit is 40. We agree that in 25 out of 27 stations that annual upper limit has been exceeded. We agree with the values that I have given the hon. Gentleman and we agree, I suppose, that this is exposing the population of Gibraltar to harmful pollutants.

2225 Just can you just confirm that we agree on all those, please?

2230 **Chief Minister (Hon. F R Picardo):** What is happening here is that we are seeing a cross-examination. It is a typical tactic, Mr Speaker, it is very simple – (*Interjection*) Yes, and you say, Mr Speaker, you say do you agree to A, do you agree to agree to B, (*Interjection*) do you agree to D, (*Interjection*) do you agree to

B, do you agree to O, do you agree to Y and then when you have said you agree to all that, they say ‘You have agreed you are a bad boy.’

2235 Mr Speaker, it is a very easy cross examination tactic. It does not serve our community to get to the bottom of these issues, which the Hon. Minister knows about and is ready to talk about if he is put a sensible question rather than a simple attempt to try and catch somebody out for cheap political ends, rather than to get something done for the environment.

2240 **Hon. Dr J E Cortes:** Mr Speaker, perhaps I could ask the question for him. Does he want to ask me (*Interjection*) No, I cannot. That is the problem, not being in a court of law I do not get a chance.

Hon. D A Feetham: You do! Mr Speaker, it is a perfectly legitimate question to ask: are you aware that there is this limit? It is perfectly legitimate to ask: are you aware that in 25 out of 27 stations it has been exceeded? (*Interjection*) It is perfectly legitimate to ask whether the Government accepts that it is exposing the population to very high levels of pollutants. They are perfectly acceptable questions.

2245 Now that is where we agree and I will come to some political point that no doubt of course I am going to be making in due course.

Hon. Dr J E Cortes: Yes, Mr Speaker, the answer is yes, but the Member opposite has conveniently not stated for example, that the exceedances were much higher in, for example, 2009 and 2011.

2250 **Several Members:** Hear, hear.

Hon. D A Feetham: Well actually, this time the hon. Gentleman... I have all the figures and I do not agree with the hon. Gentleman in relation to that.

2255 But let me read him, Mr Speaker – of course, this is the political point, there are others that I am going to be making or questions that I am going to be asking, but this is a political question and I accept it.

I want to read from an extract of his speech during the Budget and he said, he talked about targets published with heavy fines of millions if not met, and he said not only will these actions reduce our carbon footprint but they will also lead to a significant improvement of our air quality. He says we are certainly moving in the right direction, the total removal of the three existing power generating stations continue to be a top priority for this Government as we have seen. The commissioning of – and I am going to come back to this – the temporary turbines located at the North Mole just six months ago, especially when fitting silencers and scrubbers is complete, will mean not just resilience in power supply but much less overall noise and pollution.

2260 Then he said this: already the reading of nitrogen dioxide in the South District monitoring stations have shown significant reductions in levels detected. Mr Speaker, we are serious when we say we will revolutionise the environment for our people. The worst thing, Mr Speaker, that it has been *so easy to do* – that is what he said. Where was the Government in 2011?

2265 Well, I ask him, where is the Government now with these very abnormally high levels of pollution that our population is having to breathe in?

Hon. Dr J E Cortes: I would like to thank the Leader of the Opposition, who I know is a Manchester United supporter and they did not do too well at home the other day, for really attacking me – (*Interjection*) as am I! (*Interjection*) – for hitting me in my home turf, Mr Speaker.

2275 Mr Speaker, I am afraid that the Leader of the Opposition’s analysis of the situation is incorrect. He has chosen to go to the 27 diffusion tubes which have, in themselves, a 20% margin of error and are not even recognised – (*Interjection*) no, 20% is 20%. They are not even recognised by the EU when you submit your information for their purposes. They are just a guideline. The ones that count are the ones in the monitoring station.

2280 Mr Speaker, I have readings from some of these diffusion tubes here and I can tell him, that at the time of the writing of that speech, the figures were in fact lower – not only there, but also in the continuous monitoring stations at Rosia and Witham’s Road.

2285 But, Mr Speaker, of the 27 stations that he has chosen to take a sample of, he chose 2014 as a sample. And what happened at the beginning of April or mid-April 2014? Their decrepit, old, useless, out-of-date power station blew up! (*Laughter and banging on desks*)

And then, because of that, Mr Speaker, we had no choice but to start up the South District again, because we wanted to stop having power cuts! (**Several Members:** Hear, hear.) We had no choice but to put in the skid generators and what happened? Surprise, surprise! Levels started to pick up for a while, Mr Speaker. That is the reason for those higher readings, Mr Speaker. (*Interjection*)

2290 But what happened subsequent to that? Well, Mr Speaker, he has chosen 2014. We are already almost midway through 2015 when I can clearly show from the graphs that, following the closure of the OESCO

plant in February and following the closure of the GMES plant in April, the readings have started to go down considerably again, Mr Speaker. (*Banging on desks*) Maybe he hasn't got those figures.

2295 And more important, Mr Speaker, the graphs that show the air quality system – there are two. One is Rosia and the other one is Witham's. Rosia was low, then it picked up and then, Mr Speaker – I wish I had PowerPoint, I honestly do! (*Laughter*) And now it is continuously dropping and it is now almost at the same level as it was in 2012.

2300 But the one that picks up pollution from the power station, Mr Speaker, the one at Witham's Road, is actually continuously decreasing till 2012 and is now at its lowest level since the records I have started in 2008. So we are getting it right, Mr Speaker. (*Banging on desks*) Moreover, Mr Speaker, if you look at the daily oscillations (*Interjection*) because these plants are now shut down at night, you can see that at night in those different monitoring points, the readings go down to practically zero.

2305 So what is happening? You have some pollution in the day, it goes down to zero at night, clearly it is not power generation, clearly because the plants are all off; it is something else. Mr Speaker, the contribution to that is largely coming from traffic. Traffic we are tackling in a sustainable plan which is going to deal with that. So we have in fact almost totally extracted the power generation element from those graphs. (*Interjections*)

2310 Moreover, Mr Speaker, if we remove traffic – as I gave some figures before, Mr. Speaker – and we go only to the figures provided by the GEA which I said in a previous answer, where carbon emissions from power generation dropped 24% from 2013 to 2014, well carbon emission is directly proportional to nitrogen dioxide emission.

2315 Therefore, carbon emission went down, nitrogen dioxide from power generation also went down, so therefore something else is happening, Mr Speaker. Levels are lower and the levels that are there are not due to power generation, which he is trying to throw in my face; it is due to traffic and I am glad to say that we now have a plan to deal with that.

So, Mr Speaker, I am sorry, he may be a good lawyer; he may *even* be a good politician – that is not for me to say – but clearly a scientist he is not. (*Banging on desks and applause*)

2320 **Hon. D A Feetham:** Mr Speaker, I am afraid it does not stick with me, Mr Speaker, because I have got all the figures. (*Interjection*) I have all the figures, Mr Speaker. I have all these wonderful graphs from all these stations that the GSD was responsible for installing and clearly, Mr Speaker, there is a peak in 2011 probably attributable, Mr Speaker, to the explosion at the sullage plant but actually the trend is upwards. Of course the trend is upwards! The trend is upwards from 2008 all the way to 2014. The trend is upwards and we will see whether at the end of 2015, because we are taking mean averages for the year, we will see whether 2015 turns out as he says to be a lower year. But the trend is upwards; it is not lower.

2325 But let us explore why, Mr Speaker. Mr Speaker, during the course of his intervention during the Budget, what he said and I will repeat it, is that the commissioning of the temporary turbines located in the North Mole just six months ago, especially when the fitting of silencers and scrubbers is complete, will mean not just resilient power supply but much less overall pollution. That is what he said then, and indeed, 2330 in 2013 as a consequence, I accept of those temporary turbines, there was a substantial reduction in pollution, because from 2012 it went down 2013 and it has spiked again. And the spike occurs, Mr Speaker, and I am asking him to confirm, in June, July, August of 2014 I think it is and it is as a consequence of, it is the month after the Sparks generators were installed in Gibraltar.

2335 Now, do the Sparks generators include scrubbers, as indeed the temporary turbines that are now not being used, as he indicated in his Budget speech? Do they include scrubbers to ensure that the emissions are cleaner emissions into the atmosphere?

Hon. Dr J E Cortes: Mr Speaker, they do not at this point in time – (**Hon. D A Feetham:** Ah!) No, no, *a nada!*

2340 Mr Speaker, but because – (*Interjection by Hon. D A Feetham*) No, no but because they are new, Mr Speaker, they are much cleaner than the old GMES and the old OESCO power stations which every time they were switched on they billowed smoke, I could see it from my office and everybody complained. (*Interjection*) Mr Speaker, before he carries on trying to teach me about my subject, he cannot deny the fact that if the emission of carbon has gone down by 24%, therefore in direct proportion to that, the emission of 2345 nitrogen dioxide has scientifically got to come down and he has got to look elsewhere for the source of that nitrogen dioxide.

Hon. D A Feetham: Well, Mr Speaker, I do not know about the correlation between carbon dioxide and nitrogen. (*Interjections*) No, I am looking at the figures, the previous answers that were provided in Parliament, and I note from his speech that when the temporary turbines were introduced, he justified them 2350 on the basis of resilience in power supply and then a downturn in pollution.

That downturn in pollution happened, Mr Speaker, but of course, the resilience in power supply did not. Because out of the 83 power cuts that happened in 2012, 2013, 2014, half of that was due to a failure in those temporary turbines because that is the answer that was provided – I will give him the question which was 618/2014.

2355

What has happened here, Mr Speaker, and this is what I am putting to him, is that they bring these temporary turbines; that brings pollution down but it does not deal with the resilience point, because half the total power cuts are due to the temporary turbines. He is then forced to bring in temporary generators. Those temporary generators in fairness *have* dealt with the power resilience, because there have not been any power cuts since those were installed, but then all of a sudden there is a shoot up in pollution in Gibraltar. And I am suggesting to him that is too much of a coincidence to ignore, Mr Speaker.

2360

And again, although he is going to ask me who are the experts who are advising me, he will appreciate that I am no expert and I do have people who are also providing me with information and suggesting possible explanations for this and this appears to be the most likely.

2365

Hon. Dr J E Cortes: Mr Speaker, he is totally incorrect. Pure speculation – science does not work like that.

Mr Speaker, I go back to the 24% reduction in emission of carbon, which is directly proportional to the amount of fuel consumed, which is directly proportional to the amount of nitrogen dioxide consumed. Therefore carbon dioxide and nitrogen dioxide are directly proportional.

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If we are using less fuel, we are producing less nitrogen dioxide, we have to look at another source and because at night in Witham's and in Rosia, I think it was Rosia, it goes down to virtually zero when there is no traffic, it is highly likely that traffic is the main source of the pollution that he is trying to attribute somewhere else.

2375

A Member: Hear, hear.

Hon. D A Feetham: Well, Mr Speaker, is it not the case that the Government does not want to install an air quality monitoring station at Waterport Terraces because of the readings that would provide them and this would put the debate completely to rest?

2380

Hon. Dr J E Cortes: Absolute nonsense, Mr Speaker. That is probably the reason why they did not want one in the north district because they knew the mess their power station was in because they should have shut it down years before.

2385

A Member: Hear, hear. (*Banging on desks*)

Hon. D A Feetham: And, Mr Speaker, is it not the case that actually, had they continued with the power station that we had planned, that would have been built by now and what we are seeing is the population of Gibraltar having to choose between power cuts, as we had with the temporary generators, or increased pollution as a consequence of what we are seeing now? That is the cost to the people of Gibraltar.

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Mr Speaker: That is the end of the question. There are two questions –

2395

Chief Minister (Hon. F R Picardo): Mr Speaker, with respect to that particular question which has been put, although you stopped him at the end of it, can I simply, for the sake of the record, say that the answer is no.

Procedural

Acting Clerk: Question 290, the Hon. E J Reyes.

2400

Chief Minister (Hon. F R Picardo): Sorry, Mr Speaker, I think that is a convenient moment for us to adjourn this evening until –

Mr Speaker: You want to adjourn. There are only two questions to Mr Linares, just two.

2405

Hon. Chief Minister: Well, Mr Speaker, I am afraid that I am already half an hour late for something because Mr Cortes will not be here tomorrow and that is why we have had to sit through until now. So if the

hon. Minister is here tomorrow, Mr Reyes is here tomorrow, I would ask that the House do now adjourn until 10.15 tomorrow morning.

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Mr Speaker: The House will now adjourn until 10.15 tomorrow morning.

The House adjourned at 7.05 p.m.