



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.33 a.m. – 3.35 p.m.

Gibraltar, Friday, 17th March 2017

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Adjournment..... 21
The House adjourned at 3.35 p.m. 21

The Gibraltar Parliament

The Parliament met at 2.33 p.m.

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

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

PAPERS TO BE LAID

Clerk: Meeting of Parliament, Friday, 17th March 2017.

(vi) Papers to be laid – the Hon. the Minister for Culture, the Media, Youth and Sport.

- 5 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the table the Report and Audited Accounts for the Gibraltar Broadcasting Corporation for the year ended 31st March 2009, 2010, 2011 and 2012.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q225/2017

**Gibraltar Music Festival 2016 –
Payments to stallholders**

- 10 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 225. The Hon. R M Clinton.

Hon. R M Clinton: Thank you.

- 15 Mr Speaker, can the Government advise if all stallholders have been paid in respect of the 2016 Gibraltar Music Festival, and who is actually responsible for such payments?

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

- 20 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, some stallholders have not yet been paid because the stallholders need to produce an invoice certified by the event organiser at the Ministry in order for payments to be issued. Some stallholders have not yet produced the invoices certified by the event organisers. Until an invoice is produced, payments will not be issued.

- 25 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his reply.

I must confess I am surprised that there are still some payments outstanding. Can he perhaps clarify what he means by an invoice certified by the event organiser? My understanding was there was a prepaid system and that somehow this would be tallied electronically, and that the money, I presumed, would have been just handed over to the stallholders by the event
30 organiser, but obviously this is going through Government.

Could the Minister explain what the procedure is and what exactly is this invoice he refers to? Because there are... As he has said, there are some people who have not yet had payment, one of whom did make representations to me, and it maybe a case of just providing some information to the public as to what it is they need to do to expedite the matter.

35 Thank you.

Hon. S E Linares: Well, first and foremost, Mr Speaker, whichever stallholder has been there for more than a year definitely knows the system, and therefore whichever stallholder might have been a new one from this year and could explain why they do not understand the system.

40 The system is very simple. If you have a stall in the GMF and you sell wares, they will then charge and produce the invoice of how much they have sold, which is then tallied with the amount that comes in. But until they present an invoice, until they present how much of their wares have been sold through either the electronic system or whatever, the Ministry will not pay them. But it is not only the stallholder that has to certify that, it has to be the events
45 organiser who are in touch with the people who do the bands and run the system. It is them who have to certify because any stallholder could say they sold x or y, and it has to be certified.

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

50 May I suggest, just as a matter of expediency, that he contact the event organisers – obviously it is changing this year – to contact all stallholders to perhaps put this matter to rest so that the books can be cleared in respect of anything that is owing to them.

Hon. S E Linares: Yes, Mr Speaker, it would be better if the stallholder who has made representation to the hon. Member contacts the Ministry and we can explain everything that
55 needs to be done.

Q226/2017

Culture and heritage budget – Breakdown of expenditure

Clerk: Question 226, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a detailed breakdown of the
60 £4,564,379,42 departmental expenditure under head 40, Culture and Heritage, for the position as at 30th September 2016 and explain why this Department has in six months already spent 70% of its annual budget of £6,498,000?

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the figure
65 of £4,564,379.42 accords precisely with the half-year information provided to the Opposition. The hon. Member must understand that departmental spending is not necessarily linear, especially in a Ministry such as Culture. Therefore, there is nothing exceptional to the figure given when compared to that of the overall estimate for the full year.

Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister for his answer. He seems to have answered the second half of my question and not the first half of my question. Is the Minister able to provide me a detailed breakdown of the figure I quoted of £4.5 million?

75 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, this is a matter which has been ventilated on a number of occasions in this House.

The hon. Gentleman is talking about the six month figure which was provided to us when we were in Opposition and which we have, of course, therefore agreed to also provide to hon. Members opposite to enable them to have a heads-up of how things are going towards
80 31st March.

Mr Speaker, no breakdown will be provided of that. There is an annual Budget debate that deals with the figure, which is the figure which is set out in the Estimates Book. By the time we get to 31st March we will have a forecast outturn for the current financial year, which will then be the subject of the debate that we have traditionally in June or July, and that is when they get
85 the opportunity to get breakdowns and when they get the opportunity to ask detailed questions on the subject. What we cannot do is allow every Question Time in this House to turn into a mini Budget debate, because if we do that the House is going to come to a standstill.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for his intervention.
90 Can I perhaps then ask the Minister: is he confident that the annual budget of £6.4 million is sufficient for the requirements for the year?

Hon. S E Linares: Yes, Mr Speaker.

Q227/2017

Sports and Leisure Authority – Assistant Resources Manager vacancy

Clerk: Question 227, the Hon. E J Reyes.
95

Hon. E J Reyes: Mr Speaker, sir, following on from answers provided to Questions 1/2017 and 96/2017, can the Minister for Sport update this House in respect of the Assistant Resources Manager – that is a grade 4 post – vacancy within the Gibraltar Sports and Leisure Authority?

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the interviews that were scheduled have had to be postponed as one of the candidates has unfortunately undergone surgery and will be on certified sick leave for the foreseeable future.
105 Once this individual recovers and returns to work the interviews will be conducted.

Hon. E J Reyes: Can I ask therefore the Minister: I understand that an individual can be on certified sick leave and therefore is not fit for work, but is his condition that serious that he is actually hospitalised? It may be possible to attend an interview.
110

Hon. S E Linares: Mr Speaker, as I said, 'unfortunately undergone surgery', so the postponement will be whilst he is recovering from the surgery. I can also give the hon. Member the information that there are only two candidates, so therefore they are waiting for this person to get a bit better so that they can then start the interviews.
115

Hon. E J Reyes: Yes, that is helpful, Mr Speaker. At least we now know there are only two candidates, because last month the Minister said the interviews were in the process.

120 I know that medical conditions do make a person not apt to provide their best, so therefore we wish whichever candidate it is that has not been well a speedy recovery. From the medical certificate, as such, does he have a rough idea as to when that would happen? Would it be this side of the Budget? When it comes to Estimate time and he provides the establishment and the staffing levels that may alter and we may end up having a pending post there. I do not know what other information the Minister can shed on that.

125 **Hon. S E Linares:** Well, Mr Speaker, I do not have the information as to when the candidate will be back, but I am sure that the management of the GSLA will want to have these interviews as soon as is practically possible. Therefore, as soon as I am sure that the candidate is at least fit to come to an interview, that candidate will be called in and they will conduct the interview with that person. I could not commit myself, but I am sure if it is a surgery of the type that is not life threatening or anything like that, then I am sure that it will be done very, very soon.

130 **Mr Speaker:** Given the answer that the hon. Member has received, there is no problem in his asking a question in May as to whether it has by then been possible to hold the interviews which have been unavoidably delayed. Okay?

135 **Hon. E J Reyes:** You are correct, Mr Speaker. I was going to say that given that April is the Easter period, in May I'll just ask for an update. But it has been helpful to know that there are only two candidates, and I was going to ask, with your leave, Mr Speaker: in the meantime I suppose someone is acting for this post so that work may continue as normal as possible.

140 **Hon. S E Linares:** Yes, sir.

**Q228/2017
Victoria Stadium –
FIFA/UEFA certifications**

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

145 **Hon. E J Reyes:** Can the Minister for Sport provide details of the Victoria Stadium's football pitch number 1 in respect of FIFA and/or UEFA certifications currently held, together with details of when these certifications were issued and when they are due for renewal?

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

150 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the playing surface of the Victoria Stadium currently holds a FIFA Quality Pro certification. The certificate was issued on 29th June 2016 for a period of 12 months, and as such is up for renewal on 28th June 2017.

155 **Hon. E J Reyes:** After I posed this question, Mr Speaker, as Mother Nature would have it, the high winds have played a bit of havoc on that surface, so I hope that it has been tackled with and so on.

160 Coming directly to the answer, Mr Speaker, the Minister said that the FIFA certification was issued on 29th June 2016. I know previously from my time in the Ministry we used to get the UEFA certifications. Is there no longer a need for that because of the FIFA one? Does that

surpass it, or have we simply given up on UEFA? Perhaps the Minister can enlighten us; otherwise we end up talking in ignorance at sporting events without really knowing the true state of play.

165 **Hon. S E Linares:** Mr Speaker, as far as I understand it, the laboratory that does the testing used to do the testing for UEFA because we were members of UEFA. Now we are members of FIFA they just give you a FIFA certification. I am assuming that they are both the same and therefore it is now a FIFA-certified quality certification. So whether it is FIFA or UEFA it does not make much difference.

170 As to what the hon. Member said about the inclement weather, I can inform the House that matches were played last night and that we will also have maintenance people working as soon as ... Even though matches are being played with the wind we currently have, as soon as the wind slows down, the parts that are just behind the goals which do not affect the matches will be maintained and fixed so that everything is up to standard.

175 **Hon. E J Reyes:** Mr Speaker, one of the reasons why I posed this question is because those of us who do attend the stadium on a regular basis and so on ... One hears concern amongst team officials and so on that there seems to be a bit of doubt about UEFA's ... not FIFA, the UEFA side agreeing once again, like last year, for the pre-qualifier stages of the Champions League to be played. We had last year the games of Lincoln and Europa FC. And they were saying – and it could only be rumours, and I suppose the Minister may want to go back and look at this – that although it is a FIFA certification, UEFA was not quite straight away rubber stamping that, that it did require some sort of further inspection.

180 Given that there is no meeting next month, Mr Speaker, would it be in order simply to ask the Minister to take these next couple of months to look into it and then he can update us in May, or if anything happens in between he can always communicate to me so that if there is nothing to be feared I can certainly join him in a sportsmanlike spirit to allay any fears whatsoever?

Hon. S E Linares: Yes, Mr Speaker, I have no problem with that.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q237/2017

**World War II tunnels –
Visitor numbers**

190 **Clerk:** Question 237, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide any statistics whatsoever of visitors to the World War II tunnels from December 2011 to date?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
200 Yes, Mr Speaker. For the financial year 2011-12, 24,074 visitors; for the financial year 2012-13, 21,978 visitors; for 2013/-14, 21,831 visitors; for 2014-15, 23,205 visitors; for 2015-16, 27,955 visitors; and for the current soon-to-end financial year up to and including January 2017, 26,534 visitors. Clearly we have to add February and March to the final tally.

205 **Hon. L F Llamas:** Mr Speaker, can I just ask the Minister ... I posed a question back in
December 2016, where I asked for statistics to the Upper Rock attractions during the last five
years and I was told that there were no statistics held by the Government with regard to the
attractions at the Upper Rock, and it has taken me a little bit of actually having to go and visit
the tunnels and see that there is a system in place where you purchase a ticket and you do have
210 an actual tally on the ticket that tells you which ticket number it is ... as to why in December we
were told that there were no statistics for any of the attractions. but I have actually discovered
today that there are statistics in regard to at least one of the attractions.

Hon Dr J E Cortes: No, I think, Mr Speaker, that ... and I have not got the benefit of *Hansard* in
front of me ... and we have corresponded before and conversed on this before and this was not
215 raised. I think that what was said at the December meeting was that we were not able to give
particular breakdowns that had been requested because of the way in which the tickets are
separated by cost rather than the other information that he had asked. I would need to check
exactly what the answer was, but I am very glad to say that we have been able to extract this
after a considerable amount of work. It may not be possible to do the same with the other sites.
220 Remember this is a relatively new site and it is run slightly differently to the others, but I am very
happy to look into the actual detail of this now that he has asked me that specific question. I am
sure that there is an absolutely perfect explanation. In any case he should congratulate me for
having been able to obtain information that perhaps he says I said I was not able to obtain.
(Laughter)

225

Hon. L F Llamas: Mr Speaker, absolutely. I did ask about visitors in December and then I did
ask for a breakdown between locals and tourists. It was on the locals and tourists that you said
you were unable to provide any statistics, but having asked the previous month on visitors ...
that is why I posed the question.

230

So would it be reasonable to say then, Mr Speaker, that the Minister undertakes to go back
to his Ministry and double check on that question that the facts are correct, given that obviously
there has been some error?

Hon. Dr J E Cortes: Mr Speaker, I will say more than that. The hon. Member keeps on asking
235 me every month different aspects of the same information. I do not really know what it is that
he wants to know – I have to surmise it out of the questions. I would be very happy if he wrote
to me or had a conversation with me telling me what does he want to get out of these answers.
These are facts. This is nothing political – nobody is hiding anything. If he tells me what he wants
out of the answers, then I will use my best endeavours to provide what he wants, but it is very
240 difficult because one month I am asked for one breakdown and the other month I am asked for
another – and I really would like to be helpful but I would like a bit more information, and
certainly I will look into everything that I can.

Q238/2017

Heritage Action Committee – Reactivated priorities

Clerk: Question 238, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise what priorities has the
reactivated Heritage Action Committee identified following its recent meeting?

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

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Yes, Mr Speaker. The reactivated Heritage Action Committee (HAC) will mainly deal with issues that are current at the time, such as specific works with heritage implications, and will improve communication and co-ordination between the different stakeholders.

255

Priorities in heritage will be set by my Ministry in consultation with the soon to be created Heritage and Antiquities Advisory Council.

260

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for his answer, but he seems to have given me a generic answer in terms of the interaction of the Heritage Action Committee and various other groups. What I am asking for is have they identified any specific priorities.

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Hon. Dr J E Cortes: Mr Speaker, no, what I am trying to say is that the HAC (Heritage Action Committee) is an action committee. It will meet probably every month or every two months, or whenever there is an issue, a proposed development, perhaps necessary works which may have heritage implications. Therefore we will sit with all the representatives there – I think it is only five or six, so definitely quite an acute action committee – to discuss with all the stakeholders what the implications on heritage may be and what we may need to do to mitigate or to avoid the...

270

So I cannot tell him the priorities. The priorities will be those that arise at that moment in time. This is not what we are going to create with the new Heritage and Antiquities Act, which is the Heritage and Antiquities Advisory Council (HAAC), which, working with my Ministry, will be setting up the priorities. This is an action committee which will deal with current issues and therefore I cannot foresee what issues are going to be discussed at the HAC; it is not that kind of committee.

275

Hon. R M Clinton: I am grateful to the Minister for his answer.

Perhaps he can narrow down the answer to what acute areas, if any, were identified at the last and if not the first meeting, or the recent last meeting, that warranted action.

280

Hon. Dr J E Cortes: The last meeting was the first meeting, where we discussed how we would run the committee and the sorts of things that we would discuss. I would need to check on the minutes but I do not think we discussed any specific issue. We may have done, but I would have to check the minutes.

285

I think I have answered the question in the sense that it has not set any priorities. The priorities will be the issue, the development or the proposal – maybe a wall collapses in a monument: what do we do, how do we deal with it? It is that sort of thing. Priorities in heritage will be set by the Ministry and the new Advisory Council and we can look at all sorts of things that we want to do, but this is definitely, as the name describes, an action committee.

290

I cannot remember now – it was some weeks ago – what exactly we discussed at that committee. I can check the minutes at a later stage, but I just want to make the distinction: this is not a policy-creating committee, this is an action committee responding to the needs at that given time. I think it is something that is good to have because it brings all the stakeholders together. We can discuss what can be done, what cannot be done, what the consequences are; and sometimes, by putting all our heads together, we may solve a problem to the benefit of heritage. It is that kind of committee.

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Q239/2017
Sewage treatment plant –
Technical specification and contract

Clerk: Question 239, the Hon. T N Hammond.

300 **Hon. T N Hammond:** Mr Speaker, further to Question 449/2015, 8/2016, 332/2016, the Minister's speech during the Appropriation Bill and Question 630/2016, can the Minister provide an update on whether the technical specification for the sewage treatment plant is now understood and when Government might be in a position to award a contract?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the technical specifications for the new sewage treatment plan are understood, although we are still not in a position to award a contract.
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Hon. T N Hammond: Mr Speaker, can the Hon. Minister explain why they are not in a position to award the contract if they now understand the technical specifications?

315 **Hon. Dr J E Cortes:** Because we are still considering how to go forward and there are a wide range of issues, not just technical, that have to be considered. We are currently considering these and in discussion before we take a decision.

Hon. T N Hammond: And is the Minister in a position to describe some of those other issues which are not technical and which are perhaps holding the project up?
320

Hon. Dr J E Cortes: No, Mr Speaker.

Hon. D A Feetham: Are the issues that the Government are considering in relation to this particular project relating to the type of financing that the Government is envisaging in order to build this sewage plant?
325

Hon. Dr J E Cortes: Mr Speaker, I am not able to provide further information to that I have done. These are obviously discussions which have to be confidential in nature until the award is made.
330

Hon. D A Feetham: Mr Speaker, I can understand that the detail of any financing in relation to the project is confidential, but why is it confidential for the Hon. the Minister to say that one of the issues – if that is the case, one of the issues – concerns what type of financing the Government is considering in relation to this project?
335

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman has made clear he does not feel comfortable saying any more. I am surprised that he is being pressed, because clearly it is not that he is not comfortable saying more because there is a very good opportunity for the Government and therefore for the people of Gibraltar; it must be that he is uncomfortable saying more because he is trying to put the Government in a good position for the people of Gibraltar and for the Government.
340

I am surprised sometimes, Mr Speaker, that we get so many questions in this House urging us to complete manifesto commitments whilst at the same time we get so many statements in this

345 House inviting us not to comply with our manifesto commitments because of the way that hon. Members opposite say that they see Gibraltar's future.

So perhaps, Mr Speaker, the easiest thing might be if we just turn up here one day and are left on our desks a list that hon. Members opposite might care to produce for us of those manifesto commitments that they would like us to pursue and those that they think that we should not pursue. I assume this one might be on the list of things that they would like us to do, given their questioning on it.

Hon. D A Feetham: Mr Speaker, I know that the hon. Gentleman jumps to his feet every single time that he feels uncomfortable with a question from the Opposition, or alternatively that he has become so omnipotent in his own mind that he really does not want any questions from the Opposition side. But maybe he can answer this: has the Government made a decision as to how this project is going to be funded?

Hon. Chief Minister: Mr Speaker, if I did not want any questions from the Opposition I would not call meetings of the House every month. The hon. Gentleman knows that, outside the constitutional requirement to hold three meetings in a year where there is not an election and two in a year where there is, I have no obligation to hold a meeting of the House every month. I allow them the opportunity to ask questions by signing a notice convening the House every month. So again, Mr Speaker, the hon. Gentleman's political Tourette's gets the better of him.

I get up, Mr Speaker, because he is the Leader of the Opposition, at least for now, on that side, although I note that already there are some saying that they are eying his post – and I do not just mean the hon. Lady in the rocker chair who is in another party; I have even heard it from the newly baptised Deputy that he would not mind the job if it came his way. But as he is currently the leader of the political grouping on that side and he was asking about something which is general, I, as the political leader of the grouping on this side, have got up to reply to him. He got up as a political leader opposite before I got up, so perhaps all of the references to omnipresence and all of the other references, which I thought were the beginning of the usual slide into belligerence, might apply more to him than they do to me.

Hon. T N Hammond: Mr Speaker, I am grateful for the Chief Minister's intervention, as always.

If I can go back to the Minister, can I ask a very, very simple question? (**A Member:** As always.) As always – always very simple. The Urban Waste Treatment Plant, which I believe is what we are talking about, which in the Budget only had £1,000 allocated to it – is this subject to a tender that you are actually looking at, or are you considering the wording of a future tender? Where are we in the process?

Hon. Dr J E Cortes: Mr Speaker, I suppose that on that side it is now two people who get up in every question!

Mr Speaker, I think that the Opposition is aware that this is a tender process that has now gone through most of the process and there is now a preferred bidder, and that is where we are: it has gone through the tender process. It is obviously a very important project and we have to get it absolutely right, but it has gone through the full tender process.

Hon. T N Hammond: On that basis then, Mr Speaker, could the Hon. the Minister, just so that I know when perhaps to come back with a question and when he may be able to answer it ... Does he have any idea, any idea whatsoever, regarding the timeline for the award of the contract? Could it be a month from now, three months, six months, a year from now? Any idea whatsoever?

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Hon. Dr J E Cortes: Mr Speaker, the juncture we are at, at this point in time, it is difficult to say and I would rather not. It could happen very quickly or it could happen less quickly, so I would rather not commit myself.

Q240/2017
Western Beach –
Action to rectify sewage problem

Clerk: Question 240, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, bearing in mind the continued poor water quality at Western Beach and the Government's 2011 manifesto commitment to 'act immediately to ensure the sewage problem is dealt with', what activity has taken place since 2011 to rectify the situation?

405

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, since this Government entered into office, Western Beach has become the most frequently monitored beach in Gibraltar with numerous samples taken on a weekly basis.

Furthermore, the Government has and continues to lobby the European Commission in order to find a permanent solution to the Spanish-induced problem of sewage contamination at Western Beach. Four questions have been tabled by MEPs representing the south-west of England and Gibraltar since 2011: on 30th September 2014, again on 26th March 2015, on 30th November 2015 and 12th May 2016.

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As stated in my answer 329/2015, the latest position from the Commission was stated by Mr Karmenu Vella on behalf of the European Commission in a written answer on 5th May 2015, in which he confirms, and I quote:

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 Linea de la Concepcion, discharging sewage near that beach. The Commission formally contacted the Spanish authorities, to gather further information on the situation.

420

This was the first time that the Commission publicly accepted that the source of pollution lies in Spain. Our action has therefore secured this important development. The Department of Heritage, Environment and Climate Change is currently preparing to send an update of the latest data to the Commission, requesting that they put further pressure on the Spanish authorities.

425

Hon. T N Hammond: Thank you, Minister, for that extensive answer.

Would the Minister agree with me that while we continue to pump our own raw sewage into the sea at Europa Point our case for Western Beach and the Spaniards effectively doing the same is severely weakened in anybody's eyes?

430

Hon. Dr J E Cortes: No, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may say so, with respect to the hon. Gentleman, I have not heard a question which is more against the public interest of Gibraltar put by a Member of the Opposition in this House since I have been elected to it in 2003.

435

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Or I in 44 years.

Hon. Chief Minister: And Mr Bossano says in the 44 years that he has been here.

440 Mr Speaker, let us be very clear: the position in relation to Gibraltarian sewage has been the case for many years. It was the case while hon. Members opposite were in Government, it is unfortunately still the case in relation to us because of the complications that the hon. Gentleman has alluded to. But to say that dumping sewage into a Strait which sees a lot of movement of water and which does not produce pollution to either Little Bay or Rosia Bay or to
445 Sandy Bay or Catalan Bay or Eastern Beach –

Hon. J J Bossano: Or Spanish beaches.

Hon. Chief Minister: – and therefore any Spanish beach, because all of them would be further away, somehow makes our case in respect of an area which is close to where sewage is deposited by Spain and makes it impossible to use a beach, and that somehow our case is affected, is to see a Member of the Opposition rise and play into Spanish hands like I would never have though I would see in this House. But I am seeing things in this House done by this Opposition that I never expected to see Gibraltarians do unto other Gibraltarians – because this
455 is not unto the Government, Mr Speaker, this is unto all of us in Gibraltar.

Hon. T N Hammond: Mr Speaker, I am sorry but it is utterly inexcusable that we should continue to be pumping raw sewage into Europa, whether it affects a beach or not.

460 **Mr Speaker:** It is a separate subject, isn't it, which you are perfectly entitled to ask and develop as you see fit, but you are linking one with another. You have a specific question there and you ought to try to deal with Western Beach, and we will allow you all leeway that you wish in that respect.

465 **Hon. T N Hammond:** Thank you very much.

The point is that raw sewage is raw sewage, and where that raw sewage lands is not necessarily neither here nor there. Any visitor to Europa will see what the raw sewage and the impact of it is at Europa and indeed in the environs around Europa. But I do ask, in terms of the activity with respect to Western Beach, whether the Government and whether the Minister
470 believes we are any closer to a solution to that problem than we were in 2011.

Hon. Chief Minister: No, Mr Speaker, the hon. Gentleman has not understood the import of his own question, and if he did – as the Hon. the Leader of the Opposition is suggesting from a sedentary position that he did – that would be even worse.

475 You see, Mr Speaker, it is absolutely true that to reason is not treason. So, if somebody gets up and reasons out an argument which it is important for a community to understand, then that is not treachery and it would be wrong for anybody to suggest that simply because somebody says something and logically explains it and it is important for a community to understand it, that that would be treachery. But to get up here and to make an argument as logically flawed as
480 the one that the hon. Member has made is really not to reason; it is just to get up to seek a headline in a way that does Gibraltar a massive disservice and is against the public interest of Gibraltar.

I will explain it to him again. Sewage coming out of the northern part of Gibraltar, which has been the case for generations and which was the case under the man they call the greatest
485 Gibraltarian of all time and whilst Mr Feetham was in Government with the GSD, cannot affect beaches in Spain because it does not affect beaches in Gibraltar, which are nearer. And so therefore, Mr Speaker, if that is the case, how can there be an argument that we are somehow,

490 in some way, therefore affecting our case about what happens in the north-westerly corner of Gibraltar, which is adjacent to Spain and the sewage that comes out from there and affects our beaches?

The hon. Gentleman knows that we are working to stop the pumping of raw sewage into the sea. The hon. Gentleman also knows it was our manifesto commitment. I believe it was not theirs – Mr Speaker, they did not have a manifesto. Now, in the circumstances, given that they, as a party, have said repeatedly, with the man who is their leader having been represented sitting next to the man who said it, that it was not a priority for them –

Hon. D A Feetham: It was a priority. We said it was.

500 **Hon. Chief Minister:** Well, Mr Speaker, if you look at *Hansard* you will see that the Hon. Sir Peter Caruana – I recall from memory, but memory is something which is best checked against *Hansard* ... that it was not a priority. And so, Mr Speaker, frankly, to now have this suggestion made to us flies in the face not just of their record but flies in the face of logic and puts an argument which, by their standard – forget that I have demonstrated it is illogical, but by their standard – goes against Gibraltar.

505 So if the hon. Gentleman gets up and says this damages our case ... Well, look, Mr Speaker, the way that things have always been done in this House – not just in this House, in politics in Gibraltar – is that if you think that there is an issue which damages the case of the Government and people of Gibraltar against Spain, you pick up the phone, you call the Minister, who at the end of the day is a parliamentary colleague, and you say, ‘John, I am concerned that this damages our case.’ You do not get up here, in the glare of publicity with proceedings transmitted live on radio and on television, and tell José Ignacio Landaluce, Mr Speaker, which is what the hon. Gentleman has done.

515 **Mr Speaker:** No, that is not the point. The point is this: we have just had a question about the sewage treatment plant. Is the Leader of the Opposition offended that I am making an intervention now? Does he think that I do not have a right. Because if he does think –

Hon. D A Feetham: Mr Speaker, you have asked me a question – can I answer it?

520 **Mr Speaker:** But I am entitled, given the exchanges that have taken place ... When there has just been a question on the sewage treatment plant and now there is another one on Western Beach, I am entitled to intervene, am I not? (*Interjection*) Or does the Hon. the Leader of the Opposition think that I am not? But because I have indicated –

525 **Hon. D A Feetham:** You have asked me a question – may I answer it?

Mr Speaker: – that I am going to intervene, you make a gesture indicative of your displeasure. Is that the case? Are you displeased with the fact that I am intervening?

530 **Hon. D A Feetham:** For the third time, may I answer the question?

Hon. E J Phillips: Seriously, a gesture?

535 **Hon. D A Feetham:** Mr Speaker has got the wrong end of the stick. I have to say yet again there is absolutely no offence taken by me about your intervention, Mr Speaker. (**Mr Speaker:** Right.) You are perfectly entitled to say whatever. But, Mr Speaker, of course if you ask me a question I am entitled to answer it.

540 **Mr Speaker:** Right. Now, the position is this. The Hon. Mr Hammond asked the question about the sewage treatment plant. I think – look, I have been out of Government for many years – there is a link between a sewage treatment plant and sewage going into the Straits, is there not? And therefore it would have been quite proper for you to deal with the matter then.

I think it's unfortunate – to say the least, because it has become controversial – that you have linked it with the question of Western Beach, and I have allowed it but I really do not think that they should go any further on this issue.

If the hon. Member wishes to ask a question at the next meeting of the House about the question of sewage in the Straits, I will allow him that question.

550 I will also allow the Leader of the Opposition now, if he wishes, to ask any supplementary, but I do not want any further exchanges on the issue because they are two separate questions and –

Hon. T N Hammond: Mr Speaker, if I may.

555 **Mr Speaker:** The sewage in the Straits has got nothing to do with the sewage at Western Beach, but it has to do with the sewage treatment plant and that is where you should have brought the matter up.

560 **Hon. T N Hammond:** Mr Speaker, if I may, the reason I made that reference – and to be honest, the accusations that the Chief Minister has made of me do not become him – is because in their own 2011 manifesto they write:

We will develop a sewage treatment plant, the absence of which has allowed La Linea to defend its own sewage landing at Western Beach by saying we also put our sewage into the sea.

Several Members: Hear, hear. (*Banging on desks*)

565 **Hon. T N Hammond:** So I have deployed precisely the same argument that they have deployed in their 2011 manifesto.

Hon. D A Feetham: Game, set and match!

570 **Hon. Chief Minister:** They have not, Mr Speaker, and the hon. Gentleman should know better than to use sporting references which are going to be thrown straight back at him when I smash this ball in his court.

It is very simple. What we were saying was what La Linea had said. La Linea, Spain, have actually said in the context of the European Proceedings that that is the position. The hon. Gentleman is making the assertion for himself, and so therefore, with an ace, straight back at you.

575 **Mr Speaker:** Does the Hon. the Leader of the Opposition have a supplementary on this matter?

580 **Hon. D A Feetham:** Yes, Mr Speaker, I wanted to return to the question of the complaint that has been made to the European Commission and ask the Hon. Minister: what action is the European Commission taking in relation to the sewage at Western Beach, other than the fact that it has cited responsibility by Spain for the sewage actually being, not pumped, but via that storm drain.

585 What is going to happen? Because at the end of the day, what people want to know is not that the Government has made the complaint and that the Commission has accepted the

responsibility of Spain for this, but what is the Commission going to do in order to obviously have this stopped, which is a state of affairs that is completely and utterly unacceptable?

590 **Deputy Chief Minister (Hon. Dr J J Garcia)** Mr Speaker, I may be able to assist the House with this issue.

My understanding, and this is subject to confirmation, is that there may well be a subsequent answer to the answer that my hon. Friend has given, and that is that the Commission has actually said that they are initiating legal proceedings, or they were, against Spain at that time and they bundled this particular case with other cases which were affecting other parts of the ...
595 the discharge is coming from Spain ... other parts of the Spanish coastline. So I think there is a subsequent answer and that answer points to legal action on the behalf of the Commission, but we need to confirm that.

Mr Speaker: Next question.

Q241/2017
Cemetery –
Maintenance management programme

600 **Clerk:** Question 241, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to the motion passed in this House on 24th November 2016, has the Government prepared its management programme for the maintenance of the cemetery?
605

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
610 Mr Speaker, this is nearing completion.

Hon. T N Hammond: Mr Speaker, does the Minister have an approximate date for the completion?

615 **Hon. Dr J E Cortes:** On this occasion I am happy to say that it is just a couple of weeks away. I have seen the document this week and I think it will be ready very, very soon, certainly by the next time we sit in Parliament.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister: if he recalls last time, or a couple of
620 years ago, there was a tender put out for the maintenance of the cemetery – is it the intention to do that again, or is it going to be done in house?

Hon. Dr J E Cortes: We are considering the options, Mr Speaker. It very much depends on what the actual management programme is to see how we can deal with it.

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Q242/2017
New power station –
Technology re low emissions

Clerk: Question 242, the Hon. T N Hammond.

Hon. T N Hammond: Can Government describe what technology is being used in the new power station to ensure that emissions are kept as low as is possible?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
635 Mr Speaker, the new gas-fired power station will ensure that emissions are indeed kept as low as possible. The use of natural gas, never previously used for power generation purposes in Gibraltar, will ensure that sulphur-oxide emissions are almost zero, that both carbon-dioxide and nitrogen-oxide emissions are much reduced, and lastly that particulate matter emissions to the atmosphere become negligible.

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Furthermore, all six generating sets, not just the dual fuel sets, will incorporate the use of selective catalytic reactors to reduce nitrogen oxide emissions even further, a practice that is uncommon elsewhere in the world when combusting natural gas for electricity generation.

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Hon. T N Hammond: Mr Speaker, can the Minister then confirm that it is not the intention to use any kind of particulate remover as part of the power station, particularly when the power station – as I imagine it may occasionally have to – is running on diesel?

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Hon. Dr J E Cortes: Mr Speaker, the gas does not require particulate removers because the particulate matter in gas is very, very close to zero. Nevertheless, there are various things that we are doing in order to ensure that particulate matter is virtually not emitted from the stacks.

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There will, of course, be continuous real-time monitoring of all the different ingredients of the emissions, so this will be able to be monitored very, very easily. But we are using extremely high-performance diesel. On the rare occasions when it would use diesel, and we hope that that would be virtually never, it would be very high-quality diesel which would have pre-combustion centrifuging to remove any impurities before combustion, so the particulates are removed before the diesel is burnt. So we are removing it, but the intention is that we should use diesel very, very rarely and it is treated before. So it is very high quality and low in particulate matter and it is treated before burning.

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Hon. T N Hammond: But it is not the intention to install any kind of post combustion particulate removal for when and if the power station needs to run on diesel?

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Hon. Dr J E Cortes: Mr Speaker, we are using the best available technology for these engines. As I say, there are different ways of treating particulate matter. If the hon. Member is referring to electrostatic precipitators, these are not suitable for our type of engines and therefore we will not be using those, but we will be using the best available technology and in fact we are in discussion with the local NGOs on it and they seem to be quite content with the methods that we are using.

Q243/2017
Bouygues –
Awarding of ecosite status

Clerk: Question 243, the Hon. T N Hammond.

670 **Hon. T N Hammond:** Mr Speaker, can the Government say on what basis Bouygues is able to award itself ecosite status at the new power station and what independent verification exists for this process.

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, no sir. This should be addressed to Bouygues Energies & Services.

Q244/2017
Recent refinery flaring –
Complaint to EU

Clerk: Question 244, the Hon. T N Hammond.

680 **Hon. T N Hammond:** Has Government received a response from the EU reference its complaint about the recent refinery flaring?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government has received formal notification from the European Commission that the complaint has been registered and that it is being considered.

690 **Hon. T N Hammond:** And Mr Speaker, again in order to inform me as to when it may be appropriate to ask a follow-up question, do we know when any kind of further answer may be forthcoming in that respect?

695 **Hon. Dr J E Cortes:** Mr Speaker, I have consulted the Chief Minister and Deputy Chief Minister, who are more au fait with the procedures of the European Commission, and we suspect that it would be about six months or so. We can confirm how much these things normally take, but that is our assessment at this point in time.

Q245/2017
Beaches in off season months –
Measures to keep free from dog litter

Clerk: Question 245, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Following various complaints from beach stakeholders, can Government confirm what measures it has in place to ensure that our beaches are being kept free from dog litter in the off season months when owners are allowed to walk their dogs?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the RGP have an operational role in policing this, which is of course not under the
710 control of my Ministry.

In addition, the litter wardens and officers from the Environmental Research and Protection Unit patrol the beaches at different times on a daily basis.

Hon. Ms M D Hassan Nahon: Mr Speaker, I informed the Hon. Minister that I have received
715 complaints from beach stakeholders, especially in the Eastern Beach, saying that the situation is pretty dire and it is very unpleasant. So is the Minister telling me that I should refer to the RGP, or do they take ownership for the state of affairs there?

Hon. Dr J E Cortes: Mr Speaker, the hon. Lady is always free to refer to the RGP, as indeed are
720 those persons who are offended by the state in which dog owners will allow their dogs to leave the beach. As I said, they have an operational role in this and that is not under my control.

We also have the litter wardens and the environmental protection officers who patrol there at different times, but clearly they cannot be there all the time and I suspect that the problem happens when there is nobody there to keep an eye on it. We have increased the number of
725 patrols following complaints, which have also come to me, and we hope that this will improve.

Hopefully again, once the DNA process, which will come into effect very, very soon – dog owners have until the end of this month to record their dog's DNA ... hopefully, if anybody does allow their dog to foul and does not pick up, we will be able to identify these, so hopefully next winter we will have a more favourable situation.

730 I am very, very concerned about it and I do receive complaints from people, and also from responsible dog owners who are offended at the fact that those who are less responsible give them a bad name.

I will ask the team to redouble their efforts. Thank you.

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

If I can just suggest perhaps the situation is almost like quite innocent because dog owners leave their dogs to run wild as such in the off season months and they might not run after the dogs to check on what they have done. So perhaps would the Ministry for the Environment be interested in putting up more signs to raise awareness for owners to be more on top, literally, of
740 their dogs and go after them and make sure that they pick up after they do their business?

Hon. Dr J E Cortes: Mr Speaker, absolutely. Obviously now we will be probably looking at next winter and clearly, unfortunately, as we all know, signs in themselves do not solve the problem, which is why we have had to introduce the DNA fingerprinting, but certainly this is
745 something that we would be very happy to do.

Q246/2017

**Bayside and Westside Schools –
Security arrangements**

Clerk: Question 246, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Following my Question 768 of November 2016, has
750 Government made any changes yet to security arrangements at the entrances of Bayside and
Westside Schools?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, both secondary schools have enhanced security arrangements by strictly controlling
access through particular entrances whilst increasing supervision on others. These
improvements are particularly evident at Westside School, where access through the main
760 vehicular and pedestrian thoroughfare is restricted and closely regulated.

If I may add to my prepared answer, Mr Speaker, we have recently ... and perhaps to
illustrate it further, the reception in Westside School has been moved forward to the front of the
school, the southern side of the school, rather than inside the patio. In the past you had to go
into the patio and then into reception. Now reception is on the front line and that has already
765 made a tremendous difference – and further works may be undertaken in the future.

Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate that answer and I do recognise that
Westside has seen an improvement. The Bayside one though, however, I think still needs
improvement and I remain very concerned given its position in terms of also the front to the
770 airport and the fact that it is still accessible. I drive my son there every morning and in this day
and age it just takes one mad man and it is rather worrying and I urge the Government to take
this as a matter of priority, please.

Hon. Dr J E Cortes: Certainly, Mr Speaker, we are already more vigilant, as I have said, and as
775 I say, it is very likely that we will be carrying out works in order to increase that further, certainly
before the next academic year.

Q304/2017

**Brexit –
Impact assessments on Social Care, the port and tourism**

Clerk: We now move to Question 304. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, in the light of the Brexit referendum, has the Government
780 carried out any impact assessments on Social Care, the port and tourism? If so, are they able to
disclose the details of such assessments and the plans to counteract any potential risk in these
sectors?

Clerk: Answer, the Hon. the Deputy Chief Minister.
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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, yes, the Government has carried out an impact assessment into the areas that the hon. Member has raised in his question. The Government are not able to disclose any such assessments, for obvious reasons.

790 **Hon. L F Llamas:** Mr Speaker, I can understand how the Deputy Chief Minister deems fit not to disclose those assessments in this House, but would it be possible to have a confidential copy at all?

795 **Hon. Dr J J Garcia:** Mr Speaker, I would be happy to brief the hon. Member – not to supply a copy, but certainly to brief him on the situation.

Q305/2017
Nuffield Pool –
Timeline re handover; free admission

800 **Clerk:** Question 305, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, does the Government have a timeline for when the Nuffield Pool will be handed to them by the MOD and is it still their intention to make it available to the public for free?

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

810 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the handover of the Nuffield Pool by the Ministry of Defence is dependent on the completion and commissioning of the new facility being built at Four Corners. It is anticipated that these works will be completed during the fourth quarter of 2017 with a handover therefore likely in January 2018.

Our 2015 manifesto says, and I quote:

when the Nuffield Pool is handed back to the Gibraltar Government by the MOD a pool will be open to the public at no fee as part of the facilities available to bathers in the area of Camp Bay and Little Bay.

This remains a policy of the Government.

ADJOURNMENT

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn to Wednesday, 29th March at 10.30 in the morning.

Mr Speaker: The House will now adjourn to Wednesday, the 29th of this month at 10.30 in the morning.

The House adjourned at 3.35 p.m.