



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 7.28 p.m.

Gibraltar, Wednesday, 18th December 2019

Contents

Standing Order 7(1) suspended to proceed with Government Statement	3
Criminal complaint against VOX – Statement by the Chief Minister.....	3
Standing Order 7(1) suspended to proceed with questions.....	8
Questions for Oral Answer	9
Environment, Sustainability and Climate Change	9
Q184/2019 Cultural grants – Details of current year awards.....	9
Q185/2019 Disposal of household items – Fines/sanctions imposed.....	9
Q186/2019 Disposal of cigarette butts – Harbour Views Road.....	10
Q187/2019 Theatre Royal/Governor’s Parade – Plans to deal with slippery surfaces	12
Q188/2019 Noise pollution – Retrofitted exhausts on motorcycles.....	12
Q189/2019 Exhaust pollution – 50 cc two-stroke engine motorcycles	13
Q190/2019 and Q202-03/2019 Exhaust pollution – Vehicular idling; Upper Rock Nature Reserve	13
Q191/2019 Irrigation of green areas – Water bowsers.....	17
Q192/2019 Government fleet – Timescale for conversion to electric.....	19
Q193/2019 Destruction of olive trees in North Gorge– Outcome of investigation	21
Q194-95/2019 Dog faeces – DNA testing; fines imposed	22
Q196-199/2019 Solar panels – Output derived; return on investment; lifespan; maintenance costs.....	23
Q200/2019 Restaurant kitchen emissions – Number of complaints by homeowners.....	24
Q201/2019 Creation of zero or low emission zones – Government position	24

Q204/2019 Release of ballast from tankers – Procedures and environmental controls.....	25
Q205-206/2019 WHO air pollution limits – Plans for implementation	26
Q207/2019 Wave Generation Plant – Productivity	27
Q208-209/2019 and Q211/2019 2019 Music Festival – Tokens net surplus; net cost; issue of tender.....	28
Q210/2019 Customs and Borders and Coastguard Officers – Protection against pollution .	29
Q212/2019 UNESCO World Heritage Status – New bid.....	31
Q213-214/2019 Catalan Bay and Eastern Beach Mound – Toxicity testing; soil study; toxicity report	35
Q215/2019 COP25 Summit – Gibraltar’s involvement and impact on policies	39
Q216/2019 Climate change emergency manifesto commitments – Implementation	41
Q180-181/2019 E-Government Programme – Programme update; milestones met; payment system testing and design advice.....	42
Q182/2019 Draft Gaming legislation – Availability.....	45
Q183/2019 GFSC Gibraltar-based financial services companies’ levy – Further information; prior consultation.....	46
<i>The House recessed at 5.46 p.m. and continued its sitting at 6.09 p.m.....</i>	48
Q183/2019 GFSC Gibraltar-based financial services companies’ levy – Supplementary question.....	49
Q217/2019 Upper Town Escalator – Closures and reasons.....	49
Q218/2019 Electric scooters – Government’s position	50
Q217/2019 Upper Town Escalator – Supplementary questions.....	51
Q219/2019 Gibraltar’s MAN bus fleet – Conversion to electric or hybrid.....	54
Q220/2019 Fixed-position speed camera fines – Numbers imposed and cancelled.....	54
Q221/2019 Driving licence penalty points – Creation of regulations.....	57
Q222/2019 Learners’ licences – Changes in laws or regulations.....	58
Q223/2019 Parking zones – Festive season arrangements	58
Q224/2019 Queen’s cinema parking spaces – Allocation.....	59
Q225/2019 Fair Trading Act – Publishing revised Bill	60
Q226/2019 Amazon customs clearance – Delayed agreement.....	60
Q227/2019 Cruise passengers and crew – Arrival numbers	61
Q228/2019 Cirque du Soleil – Negotiations position.....	63
Q229/2019 Schools covered parking spaces – Background security checks	64
Q230/2019 Relocation of Attorney General’s offices – Location and rental cost	65
Q231/2019 People registered disabled – End of years 2015-2019	66
Q232/2019 Parental alienation – Contact and relationships with children	69
<i>The House adjourned at 7. 28 p.m.</i>	72

The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

Standing Order 7(1) suspended to proceed with Government Statement

Clerk: Meeting of Parliament, 18th December 2019.

Suspension of Standing Orders. The Hon. the Chief Minister.

- 5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

Criminal complaint against VOX – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you once again for permission to make a Statement this afternoon.

Her Majesty's Government of Gibraltar has today filed a criminal complaint against four leaders of the Spanish ultra right-wing political party VOX. The complaint has been filed in Spain, where the statements were made and where those who uttered them are resident, pursuant to Article 510 of the Spanish Penal Code, which deals with offences of incitement to hatred. This is only the first of a number of legal routes that the Government will pursue to counter VOX's narrative of unabashed hatred against the good people of Gibraltar. Other actions will follow in other jurisdictions.

15 In this complaint, the Government brings to the attention of the Spanish prosecutors a long list of statements emanating from VOX and its national and regional leaders. These reveal a clear strategy of disparaging the Gibraltarians and our institutions in a manner which seems clearly designed to create an atmosphere and animus of hatred among Spaniards towards Gibraltarians. These are the sorts of practices that were employed in the 1930s in Germany by the National Socialists and Hitler in whipping up aggression against the Jewish people, these are the sorts of practices we have seen in the Balkans at the time of ethnic cleansing, and this is the underlying reality of the tactic that is playing out now in relation to the Gibraltarians in the discourse being promoted by VOX. That is why we have to make a stand now. Indeed, only recently the former leader of VOX in La Linea resigned, himself accusing the national party leadership of fomenting hatred against Gibraltar. Mr Speaker, he was probably privy to their own internal discussions, and that is very telling indeed.

30 In recent days, some of the online comments provoked by statements made by VOX and its
national leaders have been extraordinarily clear in explicitly and specifically urging violent action
against Gibraltar. This is intolerable and shameful. Her Majesty's Government of Gibraltar will
not stand idly by whilst these statements are made. What we have done is avoid knee-jerk
reactions. We have taken specific advice, we have worked carefully and diligently in order to be
35 able to prepare the best case possible, and now we have filed our case. It will now be up to
Spanish prosecutors to determine if the case should proceed or not. There will be technical
aspects to it and there will be substantive aspects to it that they will have to make an
assessment of. We are advised we can be confident of the prospects of the case progressing, but
we take nothing for granted and we are ready to take other action also in case this action does
40 not prosper.

As in most other countries in Europe and the civilised world, the law of Spain punishes hate
crimes. Her Majesty's Government of Gibraltar is mindful of a long and dark history in Europe,
which I have already referred to, where minorities have been targeted by extremist political
ideologues. The outcomes of some of these campaigns of hatred are an indelible blot on
45 European history and the Government will leave no stone unturned to ensure that the
promulgators of anti-Gibraltarian hate are prosecuted to the fullest extent of the law.

In addition, the Government has asked the Spanish prosecutors to investigate incitement to
hatred aspects of the posts of the online group Gibraltar Español, a social media group which
regularly disseminates unjustified allegations against Gibraltar and which has recently been an
avid echo chamber for the anti-Gibraltarian incitement to hatred claims of VOX. These matters
50 will also be raised directly with the social media platforms that host the puerile and hate-fuelled
content of that group.

Mr Speaker, Her Majesty's Government of Gibraltar is deeply committed to the principle of
freedom of expression but we will not accept that this fundamental freedom should be abused
55 by those who mean to cause us harm by inciting hatred against the people of Gibraltar. There is
an important dividing line between the right to speak one's mind, however much we may
disagree with the views expressed, and incitement to hatred, libel, slander and defamation. We
will not allow anyone to cross that line unchallenged and we will take every recourse available to
us, all and each of us in every tribunal available to us in order to counter those attempts we
60 perceive to incite such hatred.

History has seen these moments pass before with those who have raised the temperature in
this way remaining unchallenged. That will not happen on my watch, Mr Speaker, whilst my
Cabinet colleagues and I are responsible for the discharge of our nation's affairs. That is why we
have taken this action and why we will take other action in other tribunals in order to properly
65 and fully protect our people.

Mr Speaker, on this issue I call for unity in this Parliament, unity amongst our political parties,
our people, and unity amongst all in our nation. It is that complete unity that will be our greatest
strength. *(Banging on desks)*

70 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I am grateful for the Statement made by the Chief Minister on
this important development which he has raised.

I entirely understand why he has stopped short of perhaps giving us detail of these things,
75 but it is unclear which statements he is specifically talking about, alluding to or homing in on, or
indeed that is the core and is at the crux of the action taken by the Gibraltar Government. The
extent to which, of course, this is new is again a matter of detail, because of course for many
years now there have been comments made of a deeply divisive nature by Spanish politicians
both institutionally and on a private level. I appreciate that this may have reached a level at

80 which the Government has decided to act and they will certainly have our support on taking a stand in relation to hateful comments of the people of Gibraltar, which of course are repugnant and rejected by all Members of this House, including the Members on this side of the House.

Having said that, it would probably be helpful for the Chief Minister to give us a bit more detail. Although I stress, in asking for that, that I am not asking for him to do so across the floor
85 of the House, because there may be issues that would affect the action that has been taken as a result of which he could not be explicit publicly about the particular statements or indeed the content of the documents that have been submitted. So I am not asking for him to explain in terms of clarification across the floor of the House what exactly is being put or attacked by the Government's action, but rather to perhaps brief us privately on the action taken and the
90 statements which have given rise to this deep concern of the Government.

Falling short, of course, of the detail, all I would say from across this floor is that we certainly, on the Opposition side, share the rejection of statements of hate that are repugnant generally and specifically, any statements that are made which are deeply divisive, false, have no foundation and are deeply critical of the people of Gibraltar in a way that tries to create
95 animosity between our European peoples, because ultimately those kinds of statements that are false do nothing to foster an atmosphere of constructive good relations with sovereignty to one side, which is what we all aspire to in a modern Europe.

I will say this, though, in closing my observations on the Chief Minister's comments. The decision of the Government to take legal action may be merited – and indeed once the Chief
100 Minister tells me privately what those specific matters are we will be a bit clearer – but I would slightly be concerned that, as the Chief Minister has made clear in his Statement, they have filed a document which then would be for Spanish prosecutors to act on, and so on, and all I would say as my observation is that we would of course hope that decisions that are taken as a result of whatever the Government has filed are taken in a legal and non-political way. But there have
105 been observations made by others in respect of other legal processes in Spain recently, where people have been critical as to whether the decisions taken have been non-political or at least not influenced by politics and I would hope that the outcome of any judicial process in Spain, or indeed any decision by prosecutors in Spain, is taken on an entirely non-political basis.

All I would add to that is that of course if decisions are taken not in favour of whatever the
110 Government has filed, it does not make the statements themselves less hateful as a result, and when you open an avenue like that – and I would hope the Government will have considered that possibility – it is always important perhaps to consider the danger that an outcome which is not positive because of other factors, other than a substantive evaluation of the statements themselves, then make it look as if the statements themselves have been vindicated.

115 I am sure the Government will have considered all that, and he certainly has our support in terms of the rejection of false statements about the people of Gibraltar that do nothing to assist in constructive good relations. *(Banging on desks)*

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for his support and I
120 will seek to address some of the matters that he has raised in setting out that support.

First of all, the hon. Gentleman is right to say that we have not published the complaint that we filed because we are advised it is not possible for us to do so at this stage. I have no difficulty, however, providing him with a copy of that complaint, and the hon. Lady, so that they can see the statements that we are complaining of. It is really quite something when one sees them all
125 together in one document, Mr Speaker. We may have ourselves become a little inured to the fact that VOX says these things and we are hearing them as some of the white noise of the argument against Gibraltar, the more puerile argument against Gibraltar. Put all those things together in one document, you read them all one after the other, and you do see the strategy that VOX are developing in black and white, there on a sheet of paper, and it is very worrying.

130 I am going to share that with the hon. Gentleman and the hon. Lady so that they have a copy
on the terms that it cannot be published because we have been advised it cannot be published.
We will be preparing a summary of what we have said, but this is a document filed with a
prosecutor as a complaint under the Spanish system and it is right that that document should
not be public, at least from the point of view of the complainant, until such time as the
135 prosecutor has decided whether it should go forward, whether it should be made public in its
entirety or not.

I do think it is also important, Mr Speaker, that we understand that this is not just about
statements being divisive, although I absolutely share the remarks of the hon. Gentleman that
divisive statements are unhelpful and that they do not take us to the sort of relationship that we
140 should be having with our neighbour. This is beyond the issue of creating and sowing division.
Some might say that that is just the type of politics that somebody else wants to pursue and it is
legitimate in the context of democracy in a way that we might not share; sowing division is not a
crime, although it may be something that one would never recommend or be supportive of. In
our view, the complaints we are making are about the balance having been tipped into
145 criminality and the particular offence being incitement to hatred.

Mr Speaker, the sort of language that we are complaining about – this is public because it is
something that has been said in public – is that Gibraltar does not provide employment to
Spaniards but that we hold Spaniards hostage here, that Gibraltar is a leech on the economy of
the Campo de Gibraltar, that we are money launderers, that we are a nest of criminals. All of this
150 comes from exactly the same group of individuals and they are saying it constantly and
repeatedly that the Campo de Gibraltar is kept in penury as a result of the actions of the
Government of Gibraltar and the economy of Gibraltar.

That is clearly a strategy that is being developed by this particular political party, by VOX,
because you see that these statements are repeated by different of their political leaders at
155 different times and very constantly. They use the same language over and again. Those things
are said not just of the Government of Gibraltar, they are also said of Gibraltar as a whole and in
some instances they are said about individual officers of the Government of Gibraltar.

In other cases we have seen how those almost identical statements about other races or
groups have led to the acts of hatred becoming physical. I have referred to the 1930s in
160 Germany and to the Balkans. If you do an analysis of the language that was used then, it is
exactly the same language and one is left to wonder whether in fact those who are now using
this language did not actually do an analysis themselves of the language used then successfully
by those who were using it. If you look at what happened in Germany and in the Balkans, those
who used this language won elections in those places.

Mr Speaker, we are not going to allow this to happen without it being challenged. I think
when the hon. Lady and the hon. Gentleman see the document that has been prepared it is very
compelling, although I do share the view that even if Spanish prosecutors were to decide not to
progress this claim, it does not denude the complaint of merit. And why do I say that? The hon.
Gentleman will look back at what I said in my Statement and he will see that I said that there are
170 technical and substantive hurdles to get through, of course, but there is one very clear position
and piece of advice – which he will understand, of course – and that is to get to the highest court
in Europe one has to go through the paces of taking the first steps in the national courts where
redress is available. And so, Mr Speaker, even if this particular case were not admitted at this
stage and were not to progress at this stage, we know where we are going with this complaint.

175 I have also said that we may in any event also be bringing other cases, which are the same or
related, in other jurisdictions and we shall be doing that not just in national courts but also, if
necessary, in supranational courts. The hon. Gentleman may simply wish to reflect for a moment
on the fact that in similar instances involving the trade union Manos Limpias, action was taken
actually in Gibraltar on another basis, which led to the end of that union's remarks about

180 Gibraltar and indeed continues to be an opportunity to ensure that they are kept at bay in terms
of those statements which they were making, which were exactly out of the same playbook,
almost identical remarks being made. In that instance there was a label action which I brought,
although the statements related to Sir Adrian Johns and to me but the advice at the time was
185 that Sir Adrian could not sue and that the action should be taken in my name, but it had the
effect of restraining the statements being made by that particular group of individuals.

Finally, Mr Speaker, as to the manner in which the decision will be made by Spanish
prosecutors, well, Spain is a state governed by the rule of law. We have to expect that their
prosecutors will make a decision in the proper way. If they do not do so, there are avenues of
190 appeal available which will be pursued and those are things that we will deal with having already
envisaged that there could be issues having taken advice on what we would do in those
circumstances. But this is a thing to do one step at a time and we are confident that if anybody
makes a decision about what we have filed on an objective and fair basis, then our complaint
will progress.

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

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his Statement making
this House aware about his commencement of legal proceedings against VOX for incitement to
hatred.

200 We have for some time witnessed comments by the party VOX, which I trust, now that
Government has deemed to be intolerable enough to be worthy of legal action ... Hatred is an
evil that has to be stamped out, in whatever shape or form. We have seen and suffered the rise
of racial hatred across Europe and beyond in the last few years, and every single one of us has a
duty to not only condemn it but to root it out.

205 In the United Kingdom we have seen the deepening crisis within the Labour Party MPs, which
has spiralled out of hand, leaving a very ugly legacy. Had this evil been promptly dealt with from
the outset, instead of being brushed under the carpet and given the benefit of the doubt factor,
perhaps so many people, so many Members of Parliament would not have suffered the threat
and the danger that they did and the trauma that they live through to this day where a society in
210 general has been dealt a severe blow with the anti-Semitism crisis until today.

I therefore think that we have to take lessons from this. We cannot lie on the sidelines. We
have to be proactive and not reactive. I therefore stand 100% behind the Chief Minister and his
team on this very serious issue. On behalf of myself and my party, we are here to help in the
fighting of this case and I pledge to him my unwavering support on this front going forward.

215 **Hon. Chief Minister:** Mr Speaker, I am very grateful to the hon. Lady for that very fulsome
statement of support on this important issue.

I recognise that she has referred us to another jurisdiction, not to Spain, in some of the
remarks that she has made. It is absolutely true that Spain is not the only place where hate
220 speak has become an issue in recent years; it is almost as if the world had forgotten some of the
things that we saw in Europe in the 1940s, and indeed in the 1990s during the dreadful events of
the Balkans. I do hope that the whole message from this House is understood in Gibraltar and
beyond: when it comes to the Gibraltarians, we are not going to allow people to say things
which are designed to incite hatred without pointing it out, standing up and seeking that
225 tribunals which may have jurisdiction should act to restrain that incitement.

Mr Speaker, the hon. Lady referred to delaying dealing with things in the United Kingdom. It
is also true that these statements have now been made and we have heard them made in
relation to Gibraltar by this political party with the cacophony rising and the rhetoric getting
worse and worse for some months, but it is also true that Spain was going through an electoral

230 period. It would have been wrong, in our view, to act whilst the electoral period was on so we
were using that period to prepare and we have filed as soon as we were able to after that period
of preparation because I think it would have been wrong to allow any more time to pass
thereafter. Hate speak has no place in a pre-election period or in a post-election period, but it is
important that Gibraltar should not be seen to be involving itself in a pre-election debate in
235 another jurisdiction and so I think we have acted with the alacrity necessary in the time available
to ensure that these papers were filed before the festive period commenced, so that we did not
allow these remarks that have been made to fester or indeed so that those who make these
remarks could continue to make them without at least knowing that they are going to be
challenged every step of the way.

240 I am very pleased, Mr Speaker, to say that I think it is a fair summary for me to sit down
saying that this action enjoys the support of all Members of this House in the defence of the
good name of Gibraltar and its people. Thank you.

Mr Speaker: Does any other hon. Member wish to raise a question?

245

Hon. D J Bossino: Mr Speaker, if I could ask a question in relation to the other actions and
other jurisdictions where those actions may be taken, which has been raised by the Hon. the
Chief Minister: can he develop on that? I know he developed in his reply to the Hon. the Leader
of the Opposition, but I wonder if he could develop some more of the detail. Is the action going
250 to be emanating from Spain only, or is he thinking of starting originating procedures in other
jurisdictions, for example? That is just the point of clarification I would ask him to provide an
answer to.

Hon. Chief Minister: Mr Speaker, I have not said more because I do not think it is prudent to
255 say more at this stage, and I do not think he will want to draw me to say things which are not
prudent in the context of being able to develop those other applications in a way that is most
advantageous to the people of Gibraltar. But I did say in my Statement that it would be in other
jurisdictions – and that is plural, that is more than just one more. I will be able to say more as the
cases develop and as the work that needs to be done, some of it preparatory, is finalised.

260 Another case is already on foot, but the advice that the Government has is that we should say
no more about it. I am quite happy to have a discussion with him behind the Speaker's chair if he
recognises that what I tell him behind the Speaker's chair is to be kept confidential, which has
been the basis on which we have always shared that information on that basis – something of
which I can no longer be confident because of matters raised in this place by other Members of
265 his party before the last General Election.

**Standing Order 7(1) suspended
to proceed with questions**

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to
suspend Standing Order 7(1) in order to proceed with questions.

270

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

Questions for Oral Answer

ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE

Q184/2019

Cultural grants –

Details of current year awards

Clerk: We now go back to questions. We commence with Question 184 and the questioner is the Hon. E J Reyes.

275 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Culture provide details of all cultural grants awarded so far during this current financial year, together with details of grants committed but still to be paid?

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

280

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I refer the hon. Gentleman to the Gibraltar Government statistics website. There are no further commitments at present.

Q185/2019

Disposal of household items –

Fines/sanctions imposed

Clerk: Question 185, the Hon. E J Phillips.

285

Hon. E J Phillips: Mr Speaker, can the Government state how many fines/sanctions have been imposed in relation to the improper disposal of household items at all multiple bin stores?

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

290

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, 10 fines have been issued in 2019 for the improper disposal of household items.

295 **Hon. E J Phillips:** Mr Speaker, I just ask one further question in relation to this particular point. It is a complaint we hear a lot about from members of our community in relation to the illegal dumping of items and I was quite surprised by the small figure of 10 fines being imposed by our courts or otherwise. Can the Minister state what other attempts are being made to try to reduce this activity by way of awareness and other campaigns that the Government may launch?

300 **Hon. Prof. J E Cortes:** Mr Speaker, the Hon. Mr Phillips knows by way of his profession that there is a process before a fine is actually imposed and there is a process by which the person taking this process forward has to prove that the person who is going to be fined actually deposited. It is complicated because there is not always the evidence that we would like to have. Even CCTV evidence can be called into question if there is any doubt whatsoever as to the

305 identity. So it is complicated, as he will know. These are ones that have been squeaky clean, that we have been able to take to the full process and have not been contested.

There is an increase in the number of CCTV cameras. There are litter patrols. We are actually increasing that. So this is not so much a reflection of the scale of the problem but obviously the complexity of taking a case successfully to a conviction.

310 **Hon. E J Phillips:** I entirely agree, Mr Speaker, that the process is fraught with difficulties, especially when you are prosecuting someone or imposing penalties in respect of unlawful disposal of items, but my question was specifically in relation to awareness campaigns that the Government intends to deploy to try to tell people that we should not be disposing of the litter.
315 That was the nature of the question and that was the answer I was seeking.

Thank you.

Hon. Prof. J E Cortes: Yes, Mr Speaker, I appreciate that, but I did want to explain that it is difficult, as he knows as a lawyer, to arrive at the outcome that you might wish to arrive at.

320 Mr Speaker, I have reconvened, I think about a week or two after the election, the Litter Committee, where we consider this issue. We give total support within the committee to the Environmental Safety Group, which carries out its 'Clean up Gibraltar' with its own awareness campaigns and we support that too. And we are looking, through the Litter Committee, which has broad representation from authorities, agencies, Government Departments and NGOs, to
325 increasing this in order that we encourage the community not to dispose of household items in the way that some sadly do.

Q186/2019

Disposal of cigarette butts – Harbour Views Road

Clerk: Question 186, the Hon. E J Phillips.

330 **Hon. E J Phillips:** Mr Speaker, can the Minister state how the Government intends to tackle the prevalence of indiscriminate disposal of cigarette butts on Harbour Views Road at the gravelled area between the entrance to the hospital and Morrisons car park?

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

335 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, following the smoking ban within GHA boundaries, six general-purpose bins with ashtrays were strategically positioned to cater for smokers, mainly GHA personnel and visitors to the hospital, in the gravelled areas between Morrisons' car park and the entrance to the Hospital. These have been somewhat effective, although there are still a number of smokers
340 who refrain from making use of the facilities provided.

The intention is to add signage to the litter bins, informing of the dangers of smoking as well as requesting the use of the ashtrays for the purposes intended. Additionally, the litter wardens and environmental protection officers will be patrolling the area frequently. There are also plans to beautify the area with further planting.

345 **Hon. E J Phillips:** Mr Speaker, this may seem like a small issue to many in our community, but in fact it is actually quite a serious issue given that the Hon. Minister will know that cellulose

acetate takes 12 years to degrade in the form of cigarette butts and therefore it is understood from my research that between 19% and 38% of litters collected on world beaches relate to cigarette butts. So it is actually a very serious issue insofar as littering is concerned, and pollution, given the fact that at the moment the littering of cigarettes is seen as an acceptable form of littering.

I think the Government needs to do a bit more than just signage. In fact, many people will ignore the simple throwing of a cigarette on the ground, unfortunately. What other measures can the Government introduce by way of legislation to impose more serious fines on those who are littering and use the littering patrolling officers the Government has employed over the last four years to ensure that people are reminded that this is actually a littering offence by disposing of this toxic and dangerous element which takes 12 years to degrade on our streets? I would encourage the Minister to try to be helpful with his answer in agreeing with us as to the degradability of cigarette butts and the dangers that it causes.

Hon. Prof. J E Cortes: Mr Speaker, I do not need to be encouraged to be helpful; I tend to try to be, but thank you anyway.

I do not see this as an acceptable form of litter at all. I do not think we need to legislate because it is litter and therefore what we need is enforcement. If it should be necessary to legislate specifically for this form of litter – but that is a difficult thing to do – then obviously that could be considered. I think it is a question of enforcement and public awareness.

I visit that area frequently in visiting a relative who is long term in hospital, and I used to work there, and I am quite offended by the area, how it is, which is why, and I just put it in one last sentence, we are working with Morrisons, who actually that land belongs to, to beautify the area with planting, to delimit the area with low-level fencing which will not be easy to step over, to plant quite densely in order to beautify the area and to encourage people to respect it more. Sometimes you find that when an area is not well looked after ... and that area, which I repeat is not Government per se, almost invites littering. I am not saying that any situation invites littering, but if you perceive an area which is untidy, where other people are littering, then there are those who might be encouraged to do so. So I do think that actively enhancing the beauty of the area consistent with the greening of Gibraltar will actually help, and this will highlight the bins with the ashtrays more.

I think there has to be education, and clearly, because a lot of the people who smoke there are either staff or visitors at the GHA, this is something that I think we should probably reach out to the hospital so that there can be notices and so on there. I am sure we will be able to do that with our colleagues at the GHA.

Hon. E J Phillips: Mr Speaker, whilst I would not want to teach the Minister for the Environment anything new – I am sure he knows all about it already – clearly what happens insofar as the degradability of this product is that it also damages plant life and therefore we need to tackle the problem of the prevalence of this.

This effectively is an ashtray on the side of the road, which is ugly and terrible for our environment and therefore I would encourage the Minister to think about ways in which we can legislate further in this area. It is seen as an acceptable form of littering and I agree with him it is not – it quite clearly is not, given the fact that it has a significant effect on the pollution of our waterways and indeed the area around, so poisoning our plants as well. Therefore, if there are ways that he could look at legislating in this area to improve that, then that is fine, and also an enforcement campaign, as he has alluded to, would be welcomed by the Members of this side of the House.

Q187/2019

**Theatre Royal/Governor's Parade –
Plans to deal with slippery surfaces**

Clerk: Question 187, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how it intends to deal with the build-up of slippery algae resulting from the overflow of water from planters at the Theatre Royal Park/Governor's Parade?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Department of Environment currently has an ongoing project for the refurbishment and reconditioning of Governor's Parade. It will address this problem by incorporating an adequate drainage system that will tackle the issue of the overflow water from the planters.

Q188/2019

**Noise pollution –
Retrofitted exhausts on motorcycles**

Clerk: Question 188, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what it intends to do about noisy retrofit exhausts on motorcycles, which are impacting on noise pollution levels in our community?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the issue of noisy retrofitted exhausts is a matter that is actively enforced by the Royal Gibraltar Police as part of their Roadwatch campaign and in ordinary day-to-day traffic management and enforcement.

The hon. Member may be aware that another mechanism which often addresses any such retrofitting is the periodic roadworthiness testing otherwise known as the MOT. Although the present legislative requirements are fit for purpose and all vehicles must at the time of new registration and MOT testing conform to certain standards, the retrofitting of these types of unlawful exhausts can and does happen. This can only be addressed through policing and MOT testing.

Hon. E J Phillips: Mr Speaker, again it is probably a similar question, and obviously the Government is fond of enforcement whilst we may be in favour of, or at least support, consultation with a view to bringing further legislation, but has the Government given any thought to stopping these noisy activities by simply imposing legislation banning the importation of these noisy retrofit exhausts into our community?

It is causing a problem to members of our community. It is a complaint that many of us on this side of the House receive, and I am sure Members of the Government receive complaints

435 about these noisy retrofit exhausts, but if the Government could give some reassurance that it would at least look at it and come back to me with an answer, I would be grateful.

Hon. Prof. J E Cortes: This has been looked at in the past and is currently – well, is constantly under review as a way of tackling the issue of noise.

Q189/2019
Exhaust pollution –
50 cc two-stroke engine motorcycles

440 **Clerk:** Question 189, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state its position on the banning of highly polluting 50 cc two-stroke engine motorcycles?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the air pollution source apportionment study conducted some years ago to inform the Air Quality Action Plan highlighted that more than half of our PM10 emissions from traffic are attributable to two-stroke scooters and mopeds. A ban on these vehicle types would
450 therefore have an immediate impact on our air quality, which is something the Government is carefully considering as part of its enhanced air quality plan.

The Climate Change Strategy will include recommendations to ban the importation of some types of engines from the end of 2020, an increase in financial incentives for the purchase of electric alternatives and a scrappage scheme for polluting vehicles, including the two-stroke
455 engines.

Hon. E J Phillips: I am grateful for the answer. I wonder whether the Government has given any consideration to how you can convert these vehicles. I know it may be costly, because there was a case in the United Kingdom – in Grenfell Tower actually, a business underneath the
460 tower – where an individual was engaged to convert old VW Beetles into electric cars and it proved to be fairly costly at the time, but that has moved on since and I wonder whether there has been any consideration as to whether they could be converted or at least use the existing.

Hon. Prof. J E Cortes: Mr Speaker, I would need notice of that question, on which I would
465 consult my friend and colleague the Minister for Traffic and Transport, with whom we are working very closely together together on developing the plans but I do not have that technical knowledge here.

Q190/2019 and Q202-03/2019
Exhaust pollution –
Vehicular idling; Upper Rock Nature Reserve

Clerk: Question 190, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether idling areas around schools will be implemented to avoid exposure of our children to exhaust fumes during peak times?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 202 and 203.

Clerk: Question 202, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state its position in respect of vehicular idling?

Clerk: Question 203, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government provide any data of the impact of exhaust pollution on the Upper Rock Nature Reserve?

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

Hon. Prof. J E Cortes: Mr Speaker, in reference to Questions 190 and 202, the Gibraltar Highway Code already prohibits idling. In addition, we will be specifically providing for no-idling and no-smoking zones immediately outside schools and we will step up enforcement to reduce idling of vehicles, both private and commercial.

In relation to Question 203, the information requested by the Hon. Member is in the schedule that I now hand over.

Answer to Q203/2019

Schedule of annual concentration levels of air pollution in the Upper Rock Nature Reserve

Diffusion tubes			Annual mean concentration (ug/m3) (+/- 25%)							
Site ID	Site name		2011	2012	2013	2014	2015	2016	2017	2018
GIB38	Junc Queens Rd Med Rd		48.0	40.2	40.1	40.4	39.7	38.6	43.4	35.9
GIB39	Governor's Cottage		15.1	16.0	13.2	16.0	13.8	15.1	13.5	14.9

Hon. E J Phillips: Mr Speaker, insofar as idling around schools, that is a welcome development. A number of parents have come to me at least – and other Members, as far as I understand – in relation to the noxious and sometimes irritating fumes that are coming out of cars when dropping off kids at our schools, so I am encouraged that the Minister is considering imposition of bans to prevent that from happening.

I suppose this may be a question for the Minister for Transport at the next session, how they intend to use that system to divert traffic or at least make it much more healthy for parents to walk their children to school, and what happens where there are children who cannot be walked to school and what systems are going to be in place. He will probably need notice of that, with respect, Mr Speaker, and I may need to raise it with the Hon. Minister for Transport at the next session, but if there is anything that he can be helpful with now I would appreciate it.

505 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I think he would have to give notice. I am Minister for Pollution, or for trying to remove pollution, and my hon. Friend is Minister for Traffic and Transport, and obviously, as I said before, we work closely together on this already.

We have done some research and there are options. For example, in the UK there are fixed penalty notices of £20 for idling; and in different countries what is permitted ranges between 10 seconds in Italy and France, 40 seconds in Germany and 60 in the Netherlands. Quite how you enforce that is difficult, but we are looking at possible legislation on this occasion and there are various things that we are looking at. As I said, we are developing ways in which to tackle pollution from traffic, and this is one of the ways that this is being looked at.

515 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can interject – and I come here in good faith, declaring an interest as a mother who drives her children to school – I have to say that I have been quite surprised to notice that there is a zone after Bayside and Westside which is reserved for drop-offs and pick-ups, and more often than not there are cars parked there permanently. There is no enforcement and it has caused a bit of a situation between parents trying to park there. This can have the knock-on effect, of course, of cars idling because they do not have the drop-off zone to park in because it is always full permanently. So, if the Ministers would not mind having a look and making sure that enforcement does occur in these zones I think it would actually alleviate the problem.

Thank you.

525

Hon. Prof. J E Cortes: Mr Speaker, there are three Ministers here with an interest in that – the Minister for Education, the Minister for Traffic and the Minister for Pollution – and obviously it is something we will have to look at.

530 **Hon. E J Phillips:** Mr Speaker, the reason why we raise these supplementaries of course is because a central plank of the GSLP manifesto is a green Gibraltar looking after our children's healthy future. Whilst I understand there is cross-Minister activity here, it would be helpful... It is a serious issue for our children's health, of course, toxic fumes coming out of exhausts of cars, and therefore if the Government can confirm it is a top priority for them then we are happy with that at this stage, Mr Speaker.

535

Hon. Prof. J E Cortes: Mr Speaker, my comment was in no way passing the buck. On the contrary, we are offering three Ministers to deal with it, so it must be serious.

540 **Hon. K Azopardi:** Mr Speaker, just a question on the answer to Question 203. The Minister I am sure is an expert in this field, so how do these readings compare with permissible levels and the levels that you would, I suppose, ordinarily see in other parts of Gibraltar? And are the levels that you would get around the schools around the permissible levels?

545 **Hon. Prof. J E Cortes:** Mr Speaker, again I would need notice in order to be specific in answering the information around the schools because there are many schools in many different areas and we would have to look at them all. But yes.

I must, however, encourage caution when we look at this because we are looking at the results of diffusion tube samples. These tubes, because they are not the high-tech air quality monitors – although they are extremely expensive and you could not have a hundred of them around Gibraltar – these are diffusion tubes which give you an indication of air quality. They are considered by the experts, as I stated in the table, to be accurate plus or minus 25%. They cannot be used in order to inform the EU requirements. They are indicative to give us an idea of the situation, but they are not the ones that inform the EU requirements. Having said that, the

550

pollution level which the EU permits is 40 micrograms per cubic metre and, as you can see in Governor's Cottage, which is a little bit above Jews' Gate, the figures are well below that, so even a plus or minus 25% will bring them below the 40. In the one at the junction between Queen's Road and Mediterranean Road, where there is, yes, more traffic but it is also above the South District, where there is activity which includes, for the time being, the temporary generators which will be switched off as soon as the new power station is fully commissioned, there are somewhat higher levels. But except for 2017, you can see from that, Mr Speaker, that the figures are around or just below the 40 micrograms, and if you add the plus or minus then clearly even the 2017 could potentially be below. So they are not a cause for undue concern, but they do indicate that there are issues that we have to look at. I do suspect that once those generators are completely decommissioned this will improve considerably.

I hope that that information is helpful.

Hon. K Azopardi: It is helpful, thank you, and given the explanation the Minister has just given about the level of accuracy of those readings etc., which of course I take on board, but the monitor around the Queen's Road is of course there or thereabouts in terms of permissible levels, subject to accuracy, which was also, I would assume, suggestive that levels of pollution much closer to the ground in the city might be worse, and perhaps I would just simply encourage the Minister to take measures to monitor the pollution levels around schools in a more direct way, if that were possible.

Hon. Prof. J E Cortes: Mr Speaker, there are diffusion tubes around Gibraltar. There is considerable data published. It is online in the Department of Environment statistics report and it does show a wide range of levels. Most of them are below the 40; there are some that are over, but I repeat these are the less accurate monitors. The accurate monitors, as I did mention earlier on in the year, actually achieved the levels required by the EU, for the first time ever, in 2018, so air quality is improving. We have more work to do, as I always say, but it is improving.

That information could be made available if I am asked specific questions.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his explanations and obviously his knowledge in this field. I am just curious about the monitoring that is being done on the Upper Rock with these diffusion tubes. I would be grateful if the Minister could explain whether these are fixed on site, or is it a mobile unit that goes to specific locations?

Also, he will agree with me, I am sure, that the Governor's Cottage site, which I believe he referred to as the one above Jews' Gate, is in fact behind the gate itself, is a dead end and there are no vehicles that can access it other than permitted vehicles, and it is also a particularly exposed and perhaps windier area than other areas along the Rock in the south. It is significant that the junction of Queen's Road and Mediterranean Road is geographically very close to Governor's Cottage and the variation in readings is significant. I wonder if the Minister would effectively give his view on that – I think he may have done, in saying there is lot of traffic that goes along that road. And is there perhaps a need for more monitoring on different parts of the Upper Rock on these two sites which seem to be concentrated on the south end?

Hon. Prof. J E Cortes: I do not know, Mr Speaker, whether the Hon. Mr Clinton is first questioning why on earth put a monitoring station so high up where the air is going to be clean, and then asking me to put in more monitoring stations. I do not know whether there is an inconsistency there, but it is good to have a monitoring station higher up so that at least you can see whether or not there is a problem away from the lower areas.

Yes, these are fixed. These are tubes that are fixed and they are then sampled at intervals.

605 The reason why that monitoring station is there, ironically, is it was due to capture the emissions from the Lathbury Barracks diesel-powered power station that I am glad to say never happened. (**Hon. Chief Minister:** Hear, hear.) And when asked whether we should remove it I said no, we should keep it there just to show how clean the air is on the Upper Rock, because then we could use that to prove that if we had not done what we did with the North Mole power station I suspect that those readings would be much higher than 40.

610

Hon. R M Clinton: Mr Speaker, I am grateful for the Minister's answer, but I have not heard him say whether he has any intention of having other monitoring stations along with those two, which, as I said, are in the same geographic area.

615

Hon. Prof. J E Cortes: Mr Speaker, not at the moment. We have three monitoring systems. We have the high-tech monitors, of which we have two in the South District and one in Bleak House, which is almost a control. One of the ones in South District is being moved to the north now that we have resolved the old diesel power stations, the ex-MoD and the ex-OESCO power station. That will, next year, be moved to the north so that we have more intense monitoring.

620

We have, last year, introduced air-quality measures, which is the next step down, and we have these diffusion tubes around Gibraltar. I do not think at the moment we have any reason to put in any more, but if we detect ... be it through our own work or through members of the public complaining that there are areas where we do not have monitoring, then we will do it. I believe that recently we have introduced a new set of diffusion tubes near Gibdock in reaction to complaints about Gibdock. I am not quite sure whether that is still working or not, but I do know that we do respond. So we are willing to respond where it is necessary, but we are not just going to go put them anywhere. We have to be responsible in how we spend taxpayers' money and we have to realise that where there is a need, yes, but it is not that we ... And there are at least 40 or 50 – I cannot remember exactly how many – so we are fairly well covered.

625

Q191/2019
Irrigation of green areas –
Water bowsers

630

Clerk: Question 191, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the water bowsers used to irrigate green areas of Gibraltar are electric vehicles and whether the pumps also run electrically?

635

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the three horticultural contractors currently servicing Government green areas all use different methods of irrigation. The first one operates with no bowsers of any type. Another operates with a large water tank that works on gravity, although the vehicle on which it has to be mounted is fuel driven. The third operator operates fuel-driven bowser vehicles with fuel-driven pumps working from a fuel engine. These are private firms and own their own vehicles.

640

645

Hon. E J Phillips: Mr Speaker, they are supplying water to green areas of Gibraltar which are enjoyed by members of our community and I would have thought that, given the policy that is

being promoted, and of course in terms of making our greener community, we can all agree we need to do more about that.

How is the Government going to tackle this issue of when public services are effectively being utilised insofar as watering our green areas, that they are being watered by diesel – ‘dirty diesel’, to use the Chief Minister’s words – and dirty diesel pumps to water our plants? There seems to be a huge contradiction there, so the Government really needs to take control of this. When we are watering our green areas we should be using electric vehicles, shouldn’t we, Mr Speaker? *(Interjections)*

Hon. Prof. J E Cortes: Mr Speaker, indeed, I do not dispute the fact that I would love them to not be using power. The option is not watering the plants, and then they will all die and then I will get questions about that.

Mr Speaker, we continuously encourage all providers of services to the Government to green their act, and the Climate Change Strategy will show this. Individual conversations with Government contractors happen all the time, so clearly, absolutely and unequivocally we will encourage those who need to – because the one that operates no bowsers does not have to do that – to move to vehicles which are either hybrid or electric, provided they exist to fit those needs. Unfortunately, technology has not advanced to allow us to replace everyone, but certainly we will encourage everyone to do that and the Government has been leading by example for quite a while.

Hon. K Azopardi: Can I urge the Minister ...? Obviously a lot of what he has said is good and encouraging, pushing contractors in your discussions and so on, and of course the contractors will fall into two categories, those who have existing contracts in respect of which the arrangements are already sealed and those who aspire to have contracts. Those who aspire to have contracts should be given contracts on a certain basis and those who have existing contracts could be encouraged, either on a renewal of the contract if they aspire to it or an equipment upgrade, to water the green areas in a green way.

Chief Minister (Hon. F R Picardo): Therefore exactly what you said.

Hon. Prof. J E Cortes: Yes, that is exactly what I have said! *(Interjection)*

Hon. Chief Minister: That is what you have said.

Hon. Prof. J E Cortes: It is exactly what I have said. We are encouraging them to do so, to water in a green way. In fact, we are in discussions with some of them in some areas where it is possible to not rely on bowsers but to provide water directly through irrigation systems. And certainly when it comes to those contractors – not simply horticultural – who aspire to Government contracts, Government will of course, following its green agenda, look at the environmental performance of those companies when it assesses which are the best ones to give contracts to.

Hon. K Azopardi: Mr Speaker, I am really asking the Minister to perhaps consider going a bit further than that and making it a term of a renewal or a new contract that they should use the greenest possible vehicles to conduct these practices.

Hon. Prof. J E Cortes: Mr Speaker, that is almost a repetition of what I have already said. Yes, because if there is no equivalent vehicle in electric or hybrid, then that might be unreasonable. Then we have to look at the alternatives, which I mentioned just a couple of minutes ago, of

possibly introducing an irrigation system which would obviate the need for a vehicle to take the water. So these are things that are being looked at.

700 We must remember that there are existing contractual arrangements and we have to honour those and look at ... In some cases it could be a condition, in other case it has to be gentle or less than gentle persuasion, but clearly that is the direction in which I would expect all horticultural contractors to be moving.

Q192/2019
Government fleet –
Timescale for conversion to electric

Clerk: Question 192, the Hon. E J Phillips.

705 **Hon. E J Phillips:** Mr Speaker, can the Government state when the Government intends to convert its Government fleet to all-electric cars?

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

710 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, the Government, through the Department of the Environment, is currently working on a strategy to decarbonise the transport sector as part of its Climate Change Strategy. It will include Government policies on the change of the Government fleet. This will be published once complete. Already, and despite much criticism at the time from Members opposite, a large part of the Government passenger fleet is hybrid and the G1 vehicle was moved to full electric. (Hon. Chief Minister: Hear, hear.) (*Banging on desks*)

715 **Hon. E J Phillips:** Mr Speaker, whilst the Government likes to continually look backwards and not forwards, I would ask the Government to confirm, roughly, any timescales he can be helpful with insofar as this is concerned.

Hon. Prof. J E Cortes: Mr Speaker, the Government looks backwards and then realises how much better, when we look forward, the future is going to be than it was when we look back.

725 As I said, the strategy is developing. Already there are Government Departments that are changing their fleets and looking at how to do it, and I can tell you that the Department of the Environment is already looking at moving to hybrid or electric vehicles, depending on what is suitable. So this is something that is active and current and I think that over the next few years we will see a massive change in this.

730 **Hon. K Azopardi:** Mr Speaker, can the Minister help me in telling me how many vehicles are there specifically in the Government fleet and how many are electric?

Hon. Prof. J E Cortes: Mr Speaker, I would need notice of that question.

735 **Hon. K Azopardi:** Mr Speaker, the question asks can the Government state when the Government intends to convert its Government fleet to all electric cars. Presumably, in formulating the answer they have assessed the extent of the Government fleet and its future plans in respect of the size of that fleet.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman has done us all a favour by reading the question. The question is about the Government fleet. It is not about the Government fleet to move passengers, it is not about the Government fleet to water plants; it is about the Government fleet as a whole. In other words, it is an extensive question about every aspect of every Government vehicle. That is why the answer that he has had is as generic as the question is. If he now wants to ask a specific question about the numbers of vehicles, I think it is not unfair to ask him not to do anything other than to give specific notice of a question that is going to require detailed statistics to be prepared in order to share with him which of the vehicles are electric, which are hybrid, which are plug-in hybrid, etc.

I think we all agree that the sooner we are able to move to electric vehicles the better, but there are not electric vehicles today that do all of the things that Government vehicles need to be seeing done, and I am afraid that on this they have to recognise that we inherited a Government fleet of whatever number which had no hybrids in it and had no electric. I can tell him off the top of my head that at least one Government vehicle is entirely electric: it is the G1, Mr Speaker. The car that we inherited – looking slightly in the rear view mirror, Mr Speaker – was a Jaguar that used to cost £80-odd to fill with petrol. Now it costs 70-odd pence to charge the Tesla's battery and to have it fully electric, and I hope in future it will not cost anything because it will be charged from solar power.

So, Mr Speaker, I think on this undeniably the parties that are represented on this side of the House are the leaders, our political programme is the leading political programme, our direction of travel is the direction of travel that this community wants to see us in, and as soon as that direction of travel can be powered electrically we will electrify ourselves to do so.

Hon. K Azopardi: Mr Speaker, the only undeniable reality behind all that waffle is that we have asked them to stipulate what the plans are in relation to the Government fleet and they do not even know how many cars they have got.

Hon. Chief Minister: Mr Speaker, the only basis on which a Member of the Opposition is allowed to get up at Question Time is to ask a question, and undeniably there was no question there. But given that I will take it that he expects me to say whether I agree or not, which is the traditional way of turning a political statement into a question, I do not agree.

What is clear is that the only people less than 60 days ago presenting a credible alternative to the people of Gibraltar on the environment were the party that were elected into Government, the only people who had a plan to deal with electrification of fleets etc. were us, and for him now to come here and pretend to be the champion of the environment is only going to lead him in the same direction that I told you he was going yesterday: further down the electoral rankings than even he finds himself today.

Hon. K Azopardi: Mr Speaker, the question that I asked was very simple. The Government was asked to discover and explain their plans in relation to the Government fleet and it appears that they do not even know how many cars they have. Can the Chief Minister, in providing that answer, explain to the House how the Government has given an answer explaining its plan in relation to the Government fleet when it does not even know how many cars it has?

Hon. Chief Minister: Mr Speaker, really, to be wasting electricity to power microphones to have this debate is not good for the environment because it is not achieving anything valuable. All that he is doing is demonstrating that he wants to play the Punch and Judy politics that he says he does not want to play. *(Interjection)* The last person representing the GSD who got up to challenge John Cortes in relation to matters of the environment is no longer here, Mr Speaker.

(Laughter) He was determined by the people of Gibraltar not to be worthy of returning to this Parliament.

790 For Mr Azopardi to get up and say 'Well, you don't have a plan because you don't even know how many cars you have in your fleet and therefore you cannot have a plan to replace your fleet' is something which is beneath him. I have respect for him, he knows I have respect for him, but for him to get up and say that the way to judge our commitment to the environment is whether we know how many vehicles we have in the fleet is as if I had been there at the time
795 that he was here as Minister for Health and I got up and said, 'Mr Speaker, can the hon. Gentleman say how many cases of operations for breast cancer or pancreatic cancer there have been in the last 48 hours at the GHA?' and if he were not able to answer me because I am not giving him specific notice of the question, I had said, 'Oh, he is not committed to the health of this community because he does not know how many operations for pancreatic cancer there
800 have been.'

It is utter nonsense. He knows that, Mr Speaker. He is using it as a device to try and get his voice heard. Given that he is, in the context of what is there on the other side of the House, a middle-ranking politician, I suppose he just needs to get his voice heard.

805 **Mr Speaker:** Next question.

Q193/2019

Destruction of olive trees in North Gorge— Outcome of investigation

Clerk: Question 193, the Hon. E J Phillips.

Hon. E J Phillips: I am glad to see that the green Gibraltar is centre stage in this House, as it should be, Mr Speaker, of course. *(Interjection by Hon. Chief Minister)* Yes, of course. The
810 environment is very important, Mr Speaker. The Chief Minister, from a sedentary position, has suggested that dog faeces are not important to our community. My God, Mr Speaker!

I will ask the question: can the Government state the outcome of its investigation into the destruction of three olive trees on Crown land at North Gorge by unknown contractors?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Department of the Environment and the Town Planning Department have an open, ongoing investigation regarding this incident. Therefore it is not possible to discuss this
820 matter or divulge any information until the process is complete.

Hon. E J Phillips: Mr Speaker, I am sure that the Minister has received similar representations from members of the public as we have in respect of this matter. Does that investigation include a criminal complaint, for instance?
825

Hon. Prof. J E Cortes: Mr Speaker, that is one of the options open that is being considered.

Q194-95/2019
Dog faeces –
DNA testing; fines imposed

Clerk: Question 194, the Hon. E J Phillips.

830 **Hon. E J Phillips:** Can the Government state how many samples of dog faeces have been sent to the UK for DNA testing and the average cost of a single DNA test?

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

835 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 195.

Clerk: Question 195, the Hon. E J Phillips.

840 **Mr Speaker:** [*Inaudible*].

Hon. E J Phillips: Quite possibly, Mr Speaker. To many of us, Mr Speaker.
Can the Government state what fines have been imposed in respect of dog fouling?

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

Hon. Prof. J E Cortes: Mr Speaker, in relation to the first question, which asks how many samples have been sent to the UK, the answer quite honestly is none, as the samples are sent to Germany. However, I will be helpful and say that 242 dog faeces have been tested so far this year. The cost is €35 per test.

850 The Environmental Agency has issued 40 fixed penalty notices for dog fouling in 2019.

Hon. E J Phillips: Mr Speaker, that is €34 for the actual test itself? Are there any other costs associated with that – for transportation, etc.?

855 **Hon. Prof. J E Cortes:** No, Mr Speaker, this is the information I have – it is €35 per test; I think that probably includes that. I stand to be corrected if there are posting costs, which will not be significant, and I am happy to share those with him. No problem with that at all.

860 **Hon. E J Phillips:** Mr Speaker, I will ask another question next time round in respect of that.
Insofar as the 242 tests, these are being conducted – we have all seen the GBC programme – by a number of people who are specifically employed only for that task, or they are part of the Environmental Agency, who deal with that?

865 **Hon. Prof. J E Cortes:** There are a number of officers who are empowered to collect samples. That is what you asked? That is what he asked for, Mr Speaker. These include the environmental protection officers, but the bulk of the work is actually done by the Environmental Agency as part of their duties and they have been trained specifically in how to collect the samples and so on.

870 **Hon. E J Phillips:** And insofar as the fine, this is a fixed fine of £500 – is that correct?

Hon. Prof. J E Cortes: Yes, Mr Speaker.

Q196-199/2019

Solar panels –

Output derived; return on investment; lifespan; maintenance costs

Clerk: Question 196, the Hon. E J Phillips.

875 **Hon. E J Phillips:** Can the Government state exactly the output derived from solar panel installation at Europa Business Centre/New Harbours and GASA swimming pool?

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

880 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 197 to 199.

Clerk: Question 197, the Hon. E J Phillips.

885 **Hon. E J Phillips:** Can the Government state what is the return on investment for the entire installation of solar panels in and around Gibraltar?

Clerk: Question 198, the Hon. E J Phillips.

890 **Hon. E J Phillips:** Can the Government state by reference to manufacturer guidelines and warranty what the lifespan of the solar panel installation is?

Clerk: Question 199, the Hon. E J Phillips.

895 **Hon. E J Phillips:** Can the Government state the maintenance costs associated with solar panel installation at Europa Business Centre/New Harbours and GASA swimming pool?

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

900 **Hon. Prof. J E Cortes:** Mr Speaker, the Government cannot comment on the return of investment for all solar panel installations in and around Gibraltar, as many of these are private ventures. With reference to Government-owned installations and taking into account the current cost of electricity, it is estimated that these projects will be fully amortised in about 10 years.

905 There are panels from different manufacturers installed in and around Gibraltar but it is an industry-accepted fact that after about 20 years solar panels will still produce almost 80% of their rated power.

To date, the New Harbours solar panel installation has generated about 700,000 kw. The GASA swimming pool installation has generated about 481,000 kw. The Europa Business Centre project is not yet in commission. It is expected to come into service early 2020.

910 Since the Europa Business Centre/New Harbours projects are based on power purchase agreements, the relevant company is responsible for the maintenance and associated costs. In the case of the swimming pool installation, the maintenance entails looking after the solar photovoltaic element of the project and the solar thermal side, which provides hot water for the showers and water temperature control for the pools. The cost of this is £75,250.

Hon. E J Phillips: Mr Speaker, I did not quite hear the point insofar as the warranty, what is the lifespan? Is it 20 years, did he say?

920 **Hon. Prof. J E Cortes:** Mr Speaker, the industry standard is that after 20 years the panels will still produce almost 80% of their power. They do not deteriorate more than that in 20 years.

Hon. E J Phillips: Mr Speaker, the hon. Gentleman referred to a private company. What is the name of the private company that deals with the installation and maintenance?

925 **Hon. Prof. J E Cortes:** No, I said there are a number of private companies. There are some that have put up ... For example, in Gib5 I think it was done by a private company. There are several around Gibraltar and I do not have access to that information, nor am I at liberty to disclose it if it is commercial.

Q200/2019

Restaurant kitchen emissions – Number of complaints by homeowners

930 **Clerk:** Question 200, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state how many complaints have been received by homeowners in respect of emissions from restaurant kitchen exhausts and state what powers are available to the Environmental Agency for failures by restaurants to have correct ducting or filters?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):
940 Mr Speaker, the Environmental Agency has received 17 complaints regarding smells from restaurant kitchens in 2019.

The Environmental Agency has the power to serve an abatement notice under the Public Health Act section 82 if a statutory nuisance is established. In this instance, smells from restaurant kitchen exhausts are specified as a statutory nuisance in the Public Health Act section 81(d), whereby, and I quote:

... any dust or effluvia caused by any trade, business, manufacture or process and being prejudicial to the health of, or a nuisance to, the inhabitants of the neighbourhood ...

945 The Public Health Act section 83 allows the court to make a nuisance order if an abatement notice is disregarded.

Q201/2019

Creation of zero or low emission zones – Government position

Clerk: Question 201, the Hon. E J Phillips.

950 **Hon. E J Phillips:** Mr Speaker, can the Government state what their position is as to the creation of zero or low emission zones?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):
Mr Speaker, as the hon. Member will know, zero or low emission zones are established ways of
955 reducing air pollution in specific areas and in helping to encourage a shift towards low or no
emission forms of transport. As such, the Government is in favour of the creation of such zones
in Gibraltar to assist in meeting our climate emergency and our air quality targets.

The Department of the Environment will be working with colleagues in the Ministry of
Transport to develop this.

Q204/2019

**Release of ballast from tankers –
Procedures and environmental controls**

960 **Clerk:** Question 204, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what procedures and environmental
controls are in place for the controlled release of ballast from tankers in the Bay of Gibraltar?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):
Mr Speaker, Gibraltar is not typically a load or discharge port. Vessels need to take on or
discharge ballast water only when loading or discharging cargo. Ballast water discharge is not
970 normally something that is required in our waters. As such, any vessels seeking to discharge
ballast water are not allowed to do so unless they satisfy the Gibraltar Port Authority, in
consultation with the Department of the Environment, that they are in compliance with the IMO
Ballast Water Convention and adhere to any necessary environmental safeguards.

975 **Hon. E J Phillips:** The Minister of course is aware that the release of ballast, even in relation
to those IMO guidelines, still pollutes quite heavily our water. I am encouraged that there are
very few incidences, I suspect, of this type of activity going on without us knowing about it. Does
the Minister have any experience of this happening where he has pulled up, or at least the Port
Authority have pulled up masters of vessels in relation to the not permitted discharge of ballast?
980

Hon. Prof. J E Cortes: Mr Speaker, clearly the answer was drafted by members of the
Environment Department in consultation with the Port Authority. I am not aware myself. In
eight years as Minister for the Environment no such requests have come to me. If it is done
without permission, this is a risk anywhere in the world. I am well aware of the biosecurity issues
985 in particular relating to ballast water. I do not know whether the Minister for the Port has any
knowledge of any such instances, but certainly in the discussions between the Departments of
Environment and the Port in drafting this, had there been any instances I suspect I would have
been informed but I have no recollection of anything coming my way.

Q205-206/2019
WHO air pollution limits –
Plans for implementation

Clerk: Question 205, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether or not it will implement World Health Organisation air pollution limits in Gibraltar?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 206.

Clerk: Question 206, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government publish user-friendly, independent, verified pollution statistics?

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

Hon. Prof. J E Cortes: Mr Speaker, the Government already publishes user-friendly, independently verified pollution statistics at www.gibraltairquality.gi.

The WHO guidelines are not legally binding, whereas the EU targets are. Gibraltar currently complies with all EU targets and aspires to meet WHO guidelines.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer. Has that aspiration been built into the climate change initiative and programme in any way, shape or form? Obviously an aspiration is an aspiration, but if it is built into the programme for the Government it will be helpful to understand how that is indeed incorporated.

Hon. Prof. J E Cortes: Mr Speaker, the Government aspires to the cleanest possible air and if we can achieve an air quality which is better than what WHO suggests we should have, then clearly we aspire to achieving that. That is an absolute commitment of the Government, of the Department of the Environment and of myself personally, and I think I can give no more commitment than that. I have often said that even when we hit EU guidelines, which for the first time we managed to get down to in 2018, I would still carry on working in reducing it further. So that is the commitment that I gave.

Hon. E J Phillips: Mr Speaker, just in relation to Question 206, when I framed this question I received a number of concerns from members of the public who use this data on a more regular basis than I do. I did endeavour to do it myself. It is very difficult to use, in fact. I am not a scientist, so it is very difficult to navigate certain elements and how they interact in certain areas of Gibraltar. When I did so, the graph was peaking at all sorts of different levels and it was very difficult to understand from a layperson's perspective.

I was wondering whether the Minister could review the way in which public information is disseminated to members of the public and provide user-friendly, verified pollution statistics. It is very difficult for the layperson to understand the website itself and the data that can be extracted from it, but if there could be simple results published from time to time on that

1035 website I think it would be helpful to members of the public to understand pollution in our community more generally.

Hon. Prof. J E Cortes: Mr Speaker, I do not think therefore we are talking about user friendly but the ability of the user to interpret the information that is available, so perhaps what the hon. Member is asking for is some kind of simplified summary, or something like that, to interpret.
1040 That is not that easy to achieve but I will certainly look into it because I want people to know what the air quality is. There is nothing that we are hiding at all, and if the air quality is not there we have got to strive together to improve it.

Clearly if you have scientific machines gathering data they are going to put it on the website in an accessible way. If you know about that subject matter then it is going to be easier for you
1045 to interpret. Having somebody to sit down and interpret it and perhaps give a narrative as to what it means would obviously require time – somebody to interpret it – and there would be a cost. But I will certainly see whether we can look at a way of perhaps having a summary, or maybe a monthly summary – if not a real-time simplification because that would be impossible to achieve. But I will have a look at it and if we can do that in order to assist members of the
1050 public in understanding it I think it is in everyone's interest.

He is absolutely right, Mr Speaker. Sometimes when you are faced with a chart which has a peak, you immediately panic and you say, 'Oh, this is way ...!' You have to realise firstly that it may not have been calibrated, and secondly that you have to average out over a period of time. It can cause undue concern and sometimes people get the impression that air quality is worse
1055 than it is because they cannot understand the science. So I think that is something that I will certainly take up by way of making it more accessible so that people understand where there are no real issues and where there are real issues, and those are the ones we need to concentrate on.

Hon. E J Phillips: Mr Speaker, I welcome the answer to the question. Quite clearly what we will need of course is a summary of monthly statistics that are published. It is right that all Members of this House should support an initiative which publishes statistics which are in an easy, user-friendly format, as I suggested in the question, so that we can work together to try to reduce that, and indeed so that people can understand the levels of pollution in our community.
1060 So, I am grateful for the answer, Mr Speaker.
1065

Q207/2019
Wave Generation Plant –
Productivity

Clerk: Question 207, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government update this House as to the productivity of the Wave Generation Plant?
1070

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the Government has been informed that the Ecowave Generation Plant has to date generated 2,836 kwh.
1075

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could advise if there is any intention to have other such facilities in other geographic areas of Gibraltar.

1080 **Hon. Prof. J E Cortes:** Mr Speaker, this was a pilot and the company in question is confident that they are learning a lot from this and they have already, I know, achieved funding from the EU and are looking at a plant in Sweden. In fact they received an award in Madrid last week at the Climate Change Summit; and there is an understanding that if we are satisfied that it can in fact generate significant amounts of power for our purposes then we would look at deploying elsewhere in Gibraltar. But the discussion is there, we are awaiting feedback and seeing how realistic a deployment would be.
1085

Q208-209/2019 and Q211/2019
2019 Music Festival –
Tokens net surplus; net cost; issue of tender

Clerk: Question 208, the Hon. R M Clinton.

1090 **Hon. R M Clinton:** Mr Speaker, can the Government advise the net surplus, i.e. the difference in cash value between issued and redeemed, on the issue of tokens at the 2019 Music Festival?

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

1095 **Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 209 and 211.

Clerk: Question 209, the Hon. R M Clinton.

1100 **Hon. R M Clinton:** Mr Speaker, can the Government advise the net cost of the 2019 Music Festival?

Clerk: Question 211, the Hon. K Azopardi.

1105 **Hon. K Azopardi:** Mr Speaker, when does the Government expect the tender for the Music Festival to issue?

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

1110 **Hon. Prof. J E Cortes:** Mr Speaker, in answer to questions 208 and 209, full details of payments and income generated from the 2019 Gibraltar Music Festival have not been finalised. Government will be publishing full details once they have been finalised

And in relation to question 211, responses to the call for expressions of interest are under consideration.

1115 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he advise whether it is the Government's intention to pay over to charity the net surplus on issue of the tokens?

Hon. Prof. J E Cortes: Mr Speaker, the hon. Member will be aware that I have only recently taken over the Culture portfolio but it is what is normally done in these circumstances and we would do the same.

1120

Hon. R M Clinton: Could the Minister give an indication as to when he would expect to be able to give this House some idea of the costs incurred in the Music Festival? And does he have any indication as to whether the projected loss of one-and-a-half million is going to be exceeded or be under?

1125

Hon. Prof. J E Cortes: No, sir.

Hon. K Azopardi: On Question 211, the Minister said that the responses to the expressions of interest are 'under consideration'.

1130

Two questions: first, do they intend to move to beyond the process of expressions of interest or some kind of formal tender? Or will that be sufficient. And secondly how many responses were received?

Hon. Prof. J E Cortes: Mr Speaker, 'under consideration' includes the process to follow from here, so I will not commit on the first one.

1135

On the second one, from memory, Mr Speaker, it may be between six and eight.

Hon. K Azopardi: Is the Government extending its consideration to the terms of the possible contract including, for example, the term or indeed in view of questions that have been asked in this House and outside this House in respect of costs, and so on, to perhaps set some kind of cost budget for future festivals?

1140

Is this under consideration as well from the Government?

Hon. Prof. J E Cortes: Mr Speaker, we are considering the expressions of interest and considering the way forward, and once we have determined all the different elements then obviously the public would be involved.

1145

Hon. K Azopardi: Does the Government have an idea of how long this consideration process will take, and when it aims to put new arrangements in place?

Hon. Prof. J E Cortes: Mr Speaker, it will not be long, I think we are looking at weeks, clearly. And can it also confirm how many of these six to eight responses contain responses from local people?

1150

There were a number of local elements in the proposals but I do not think I would be accurate if I hazard a guess. But there were local elements. If I am specifically asked I do not have a problem of revealing that, I think once we have determined. I think it would not be fair to give any further information while it is still under consideration.

1155

Q210/2019

Customs and Borders and Coastguard Officers – Protection against pollution

Clerk: Question 210, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what has the Government done since the last General Election to ensure the Customs and Borders and Coastguard Officers are protected against the effects of pollution at the frontier?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the necessary action was taken before the last General Election.

Hon. D A Feetham: Well, Mr Speaker, can the Government enlighten this House as to what was done before the last General Election because let me say that this was a live issue during the General Election, and the people from Customs and Borders and Coastguard that we spoke to one of the issues that was raised with us was they wanted the issue of, for example, pollution masks to be issued. Also there was the question of the pollution monitoring machine in the area not working for large periods of time during the course of the year.

So obviously unless we have been misled by those officers, and I doubt that very much, then the issue was a live one at the General Election.

Hon. Prof. J E Cortes. Mr Speaker, I am happy to assist in providing the information of what happened before the Election.

It is an issue which we have been working on for a number of years now. The Department has been in discussions with the Environment Agency, with the GGCA and with the Environmental Safety Group as well as with the Borders and Coastguard Agency and HM Customs, and a number of measures were implemented to reduce exposure of officers to the potential of vehicle fumes. These measures include regular rotation of officers manning the channels; officers are advised that they could wear masks if deemed necessary and this has happened, and it is obviously up to the officer whether he or she wishes to wear them.

The canopy and exterior of the station are washed down quarterly; 'No idling' and 'Turn off your engine' signs installed in order to reduce vehicle emissions, especially when the Airport barrier is down; agreement with the staff of the Borders and Coastguard Agency to stop traffic from coming into the customs area and under the canopy when Airport barriers are down; incoming coaches are not allowed to park under the canopy.

Additionally, the Environmental Agency installed an air quality mesh pod at the frontier on two occasions: the first between 27th September 2018 to 5th February 2019; and the second, to capture the summer period from 6th August 2019 to 7th November 2019. The device is configured for a full range of available pollutants like PM10 and PM2.5, nitrogen oxide, sulphur dioxide, carbon monoxide and ozone. The data for the second period have not been ratified yet and are still being subject to calibration. I can inform the House that – I am just looking for the results here – that there were no exceedances in the EU limit values for workplaces detected during the first period. I still have to confirm during the second period. I am happy to provide detailed information.

I think that summarises the situation.

Hon. D A Feetham: Thank you very much for the answer.

Mr Speaker, in relation to the pollution monitoring and the equipment that has been installed is he satisfied that that equipment has been working appropriately during the course of the last two years, which is the period as I understand it that it has been installed from the answer that he has just given?

Hon. Prof. J E Cortes: Mr Speaker, I have had no reports that it has not been.

1210 There was one monitoring station which we put in Europort Road to fulfil our commitment to have more monitoring in the North District, which had issue with the solar battery; but I do not think the one at the frontier had that issue. So I do not believe that there have been any faults. I can check, but I think it would have been in my brief.

No, I do not recall.

Q212/2019
UNESCO World Heritage Status –
New bid

1215 **Clerk:** Question 212, the Hon. K Azopardi

Hon. K Azopardi: Mr Speaker, does Government have plans to make or back any new UNESCO World Heritage Status bid?

1220 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, not at this stage but we continue our work to preserve Gibraltar's heritage and we are proud to have been the Government that delivered the World Heritage Status for Gorham's Cave.

1225 **Hon. K Azopardi:** Mr Speaker, indeed the World Heritage status for Gorham's Cave was a great achievement but it was somewhat of a massive downscaling of the ambition that had been the original idea. The hon. Member may recall when I was on that side of the House and was responsible for heritage, that the bid that the Government was planning initially, at least when I was Heritage Minister was much bigger than that – there was a Heritage Commission that was formed and I believe that he was indeed part of it.

1230 Obviously the thinking thereafter evolved and there was a downscaling of that ambition. But certainly, and I am not ascribing the downscaling of that ambition to the party in power now, it may have been indeed one of my predecessors who had that view. All I am saying to the hon. Member is will he consider the restoration of the original thinking behind the World Heritage bid idea, which was going to be much more ambitious – in fact, urged by UNESCO itself. And that would not only be a suitable recognition of our heritage but also bring its own touristic value to Gibraltar and add to the product that we have.

1240 **Hon. Prof. J E Cortes:** Mr Speaker, it really is interesting when we were reminded only a bit earlier – and we have been reminded repeatedly in recent months *not* to cast our minds back to pre-December 2011 – to now be given the opportunity by the Leader of the Opposition and for *him* to cast our mind back to pre-2011.

1245 I was indeed part of that Commission, and I was indeed flabbergasted when the Chief Minister who preceded the Hon. Fabian Picardo decided, I think unilaterally and without consulting anybody in either the Commission or in the world of heritage –

Chief Minister (Hon. F R Picardo): The greatest Gibraltarian of our time.

Hon. Prof. J E Cortes: Indeed. To downgrade what was an ambitious, but achievable and I think *deserved* World Heritage status to virtually the whole of Gibraltar – the Rock, its fortifications, Gorham’s cave, its natural environment – to Gorham’s Cave, and nothing else.

So, clearly, it is something that we do not take responsibility for and the time when the main party in Opposition was on this side they, or rather the Chief Minister probably without even consulting his Ministers took that decision at the time.

Mr Speaker, sadly the horse has bolted and we will not be able to get him back for a period of time because no new bid can now be put forward during the current duration of the UK tentative list. So, unfortunately, I think we have to wait until the end of next year – I stand to be corrected on that – before we could consider that. It is something worth considering.

I think the value that Gibraltar as an entity has with respect to heritage is reflected in two things: one is our manifesto commitment to create the Gibraltar National Park which will embody a lot of the concepts that we had at the time of the World Heritage bid, and perhaps that National Park could in the future form part of such a bid; and also the renewed efforts that we will be going into shortly to include Gibraltar in the Biosphere Reserve of the Western Mediterranean which includes protected areas in Spain and Morocco. But again during the tenure of the previous administration, Gibraltar was left out.

Hon. K Azopardi: Mr Speaker, I know how fond the hon. Member is of greenery but I doubt very much that a national park will meet the criteria of UNESCO for World Heritage status. I am not going to get into a to-ing and fro-ing with the hon. Member about how the decision shifted. What I was asking the hon. Member to do, without ascribing any kind of blame, because very quick to his feet he rises to give himself the badge, to use the Chief Minister’s phrase the other day, about Gorham’s Cave. I am not even going to go there with the hon. Member.

All I was asking is, and he recognises in his answer, that there was a value in having a wider bid and will he consider, when the moment comes, because I do appreciate that this is a two-stage process and that first you need to get on to the UK’s tentative list, and thereafter you need to make the bid to UNESCO – it is a two-stage process, I am perfectly aware of that. At the first opportunity that there is a reopening of bids, so as to get on to the tentative list for the UK that the Government consider a reappraised possibility whatever it may be.

And the Government is now in those chairs so it decides the scope of that, that consonant with what it says its aspirations are, that it should consider a wider World Heritage bid, a new one which fits its heritage objectives on the issue.

Hon. Prof. J E Cortes: Mr Speaker, let me just say that this is not a badge. This is something that I felt very strongly about when the previous Chief Minister took that unilateral decision, and a lot of people felt very strongly about it, and I have taken the opportunity to make that comment here. So it is not a question of badge; I used to have lots of badges when I was in the Scouts but I do not need any now.

Hon. Chief Minister: Mr Speaker, if I can be of assistance to the hon. Gentleman, because I think there is an issue here which is beyond just one Department and which covers a number of Departments I think. I had wondered how long it would take for the spirit of the PDP to once again rise and the criticism (*Interjection*) of the former GSD administration by those who now represent the GSD to come back into the fray. So we are going to see this in a number of instances and I think it is important that we get it out there and we ventilate it.

The hon. Gentleman was leading a different party for a considerable part of the time that he has been in politics and the decision which he is now tangentially criticising is a decision of the party that he is leading. Now, I know that he does not want that to be magnified but that is the reality. In other words, he spent time developing the World Heritage bid for the whole of

1300 Gibraltar. His party, the one he leads now, is the one that stopped it, despite a lot of good work having been done and he is now trying to get us in Government to adopt the decision that his party did not pursue.

Now, that is fraught with a lot of actual substantive important detail that we need to pursue. At first blush having the whole of Gibraltar as a World Heritage site might be a good thing; there are issues that need to be considered which would, I think, concern all of us at the same time as we might want to see this succeed. Getting on the UK's pre-list is, as he knows, a precursor to this whole process being undertaken. Once you are on the pre-list, remember, Mr Speaker, that it is the United Kingdom that then takes responsibility for the site and once you are approved for the site the responsibility is the United Kingdom's *vis-à-vis* UNESCO, because the UNESCO body is a UN body, much as the UK is responsible for the UK under Article 73 of the charter, they would become responsible to UNESCO.

1310 That means that there are issues which the former Chief Minister, sometimes described – the hon. Gentleman may not be aware – by one of his predecessors as leader of the GSD, as the greatest Gibraltarian of *all* time, something which I think does not enjoy the support of most people in this House, indeed perhaps not even of most people on *that* side of the House. There may have been good reasons, Mr Speaker, why he was concerned that the United Kingdom should not have responsibility for aspects of what can happen in Gibraltar going forward once the whole of Gibraltar is designated as a UNESCO site.

1320 So that is a difficult balance to do, Mr Speaker, and it is about understanding the detail of the statute, which he may have from the time that he was Minister for Heritage, but which I think would require a very detailed assessment by the Government today of the physiognomy of Gibraltar today as it is. I mean, the Gibraltar that he was proposing for inclusion in the World Heritage Site was pre-Kings Wharf – something which is a building that happened during their time. And so, as he knows this is also about views, it is about vistas from particular areas with Gorham's Cave. We have done very detailed work about what vistas there are from Gorham's Cave so that if you are protecting the environment of the Neanderthals can you still see what the Neanderthals would have seen from the Cave? What does that do to Eastside development, etc.?

1330 So I think it is important, Mr Speaker, that we are committed to Gibraltar's heritage as a parliament, as a whole parliament, but that we are committed to a further World Heritage bid – if we become committed to it – fully understanding what that may mean.

Now, I am not saying, Mr Speaker, that my predecessor as Chief Minister got it right when he decided not to progress with that bid and I am not saying that we would not also be starting such a bid, or a different type of bid, in the future; but I think it would be unfair to expect that in the course of these supplementaries we are going to commit to a particular shape or form of bid going forward.

And I hope that is helpful in some way both to him, as a former Minister for Heritage hankering for the work that he was doing to succeed; and to him as a former leader of the PDP wanting to chastise his current party for their failure to have pursued that policy at the time.

1340 **Hon. K Azopardi:** Yes, Mr Speaker, as helpful as the Hon. Chief Minister usually tries to be to the Members opposite.

Mr Speaker, this has nothing to do with other political parties. As indeed I am not making comments about the Chief Minister when he was in a different political party. (**Hon. Chief Minister:** We were together!) (*Laughter*) Indeed we were! Nor is it a new position that I adopt because I make it clear, and I have always made it clear, that if there is one thing on which I have disagreed with, my predecessor Sir Peter Caruana, it is on World Heritage. I have never hidden that fact, it is not an ideological thing and it does not make me stop being a social democrat. It is the fact that we have disagreed on issues of World Heritage before; everyone knows that and

1350 that again is not the motivation. Indeed, nor am I in my question asking them to restore the ambitious plan that I had when I was Minister for Heritage – I am not even asking them to do that.

1355 Indeed the Chief Minister, with all due respect, displays a singular ignorance about the demarcation of the plan that we had, because it was not including the whole of Gibraltar and it was before Kings Wharf, so ‘let’s be worried about it’ – because it was not going to include the new areas of Gibraltar.

1360 Look, Mr Speaker, I am glad to hear that the Chief Minister in his answer has given at least a hint that they are willing to consider a World Heritage bid. Of course, it should not be in terms that affect things like planning for the future, and so on and so forth. This is the kind of remark that I would have expected from his predecessor, not him. And perhaps if he gets better informed – I would encourage him to get better informed, and I would encourage him to come back to the House having better informed himself and discussed it with his colleague and perhaps he could indicate at some point in future when the Government gets better ideas about the kind of plan that he would have for World Heritage status, I would urge him to come back to the House and elucidate those plans with better information.

1365 **Hon. Chief Minister:** Well, Mr Speaker, I am committed to doing so because you see the position that the hon. Gentleman has felt compelled to describe as one of singular ignorance is one of commitment to reconsideration of Gibraltar’s World Heritage bid, or bids, going forward which I think is what we are alluding to in the context of the answer to the supplementary that the hon. Gentleman has given.

1370 But I must say, Mr Speaker, these are peculiar times. I mean, to find myself here not defending but at least seeking to explain the decisions that have been made by the man that one of their number describes as the greatest Gibraltarian of all time, defending the practices in respect of the public finances which they so roundly supported and they now so roundly criticise is really very difficult for us. The most difficult moment I must say I have had in the context of my political career is to stand here defending continuing to do things as they used to do them and to be attacked by them for not being ‘bossanista’ enough!

1380 Well, Mr Speaker, these are times of obvious singular ignorance but perhaps not just on this side of the House.

1385 **Hon. D A Feetham:** Well, indeed, Mr Speaker, I was myself (*Interjections*) becoming very confused because he has now made it a habit in fact of defending the decisions of the greatest Gibraltarian of all time; and no wonder, Mr Speaker, that out there in town people are now describing *them* as the GSD in disguise! The true Right, Mr Speaker! The true Right. No wonder he now wears those blue ties and light blue suits of his with so much pride, because he really is becoming the GSD in disguise.

1390 Mr Speaker, at least can he provide this House with more information as to whether some preliminary work has been undertaken by the Government as to the areas that the Government are looking at to see whether they can focus in terms of the bid, for example, the most obvious area the fortifications that Gibraltar has that range not only from Second World War but right back to medieval times. Perhaps the Government can provide us with a little bit more detail in relation to that?

1395 **Hon. Chief Minister:** Mr Speaker, when he stands up and the light goes red, I feel like I am watching the final instalment of a particular saga.

Mr Speaker, to be called the GSD in disguise as if that were a source of praise, could only have come from his lips, because of course we no longer know whether he is the GSLP in disguise, the GSD in disguise, or the Labour Party that is no more. Look, the reality, Mr Speaker,

is that that if I wear blue today it is because I have been wearing blue all my life. (*Interjection*)
1400 And perhaps if we were in a different place in a different time a long, long time ago it would be the colour of my light sabre compared to the colour of his.

But, Mr Speaker, to take that analogy further, to say that we are the GSD in disguise, I wonder whether he is describing my suits as the *Emperor's New Clothes*? If we were to start to determine where we would have a new World Heritage Site I think the work that the Hon. the
1405 Deputy Chief Minister has done and is doing in respect of the Northern Defences, for example, is an exemplary opportunity to consider whether we are going to be presenting another bid, etc. These are issues which are under serious discussion on this side of the House. They are issues which they have not raised in the past eight years, but we have advanced and delivered on, and are continuing to advance and deliver on. But, Mr Speaker, I might be able to inspire the
1410 Minister for Heritage to consider also starting in the area of the Upper Rock in the area of Ince's Farm? He has already got a heritage award for that. (*Interjection*)

Q213-214/2019

**Catalan Bay and Eastern Beach Mound –
Toxicity testing; soil study; toxicity report**

Speaker: Next Question.

Clerk: Question 213, the Hon. K Azopardi.

1415 **Hon. K Azopardi:** Mr Speaker, does the Environmental Agency conduct regular tests in respect of the mound between Catalan Bay and Eastern Beach and specifically on the toxicity or environmental issues surrounding the soil and its removal?

1420 **Clerk:** Answer, the Hon. the Minister for the Environment, Sustainability and Climate Change.

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes):
Mr Speaker, I will answer this question together with Question 214.

1425 **Clerk:** Question 214, the Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, when was the last time that a soil study of the mound between Catalan Bay and Eastern Beach was commissioned and will the Government undertake to commission a new report on the toxicity or environmental issues surrounding the soil and its
1430 removal?

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

1435 **Hon. Prof. J E Cortes:** Mr Speaker, prior to works on the site in 2011-12, chemical testing of the material was commissioned by the Government under the supervision of Technical Services Department. The samples were collected by Environmental Gain Ltd which found the material to be acceptable for recovery with very few exceedances of the screening criteria.

As part of the Eastside Rubble Tip waste recovery operation, an application for a licence to carry out recovery of waste, as prescribed under the Public Health Act Section 192D, has been
1440 submitted to the Environmental Agency. The application addresses the material sampling and

analysis for characterisation which proposes the testing for: arsenic, cadmium, chromium, copper, mercury, nickel, lead, selenium and zinc.

1445 The application states that one in every five samples will undergo Waste Acceptance Criteria testing and the results will be reviewed against the UK Waste Acceptance Criteria limit values for inert waste. Additionally, site-specific leachate tests carried out using the site material immersed in locally sourced seawater will be carried out to ensure the salinity of the water used to form the eluate does not influence the mobility of materials.

Further to the above, the Department of the Environment has a working protocol with Technical Services staff, and other onsite staff.

1450 Visual and olfactory tests are carried out by staff as trucks arrive with a form completed by contractors prior to the material going onsite. As and when required, Department staff are called out to inspect and test loads which may be of concern.

1455 Finally, the rubble from the site is thoroughly tested under the guidance of the Department before it is reused offsite. This is comprised of a full suite of contaminant testing, including heavy metals and hydrocarbons.

Hon. K Azopardi: Mr Speaker, there is quite a lot in that answer so let me just try to ask a number of questions, if I may.

1460 The hon. Member mentioned a 2012 chemical testing: can the hon. Member give us an indication of the results of that test?

Hon. Prof. J E Cortes: Mr Speaker, my answer said the material was found to be acceptable for recovery with very few exceedances of the screening criteria.

1465 **Hon. K Azopardi:** Mr Speaker, I am grateful for that. We do not have the answer in front of us so it is difficult to take all of it in.

He also mentioned a recent application, I think, for recovery of waste and a number of elements that were going to be tested. Is that because between the period of 2012 and this recent application there has been no testing? That was one question.

1470 The second question was: when exactly was this application for further tests done?

1475 **Hon. Prof. J E Cortes:** Mr Speaker, the material was all tested at the time and that was because I was not confident that the material there was of a type that would not cause an effect when any leachates went into the sea, and so on. So this was required to be tested so that we knew what was there.

1480 Subsequent to that, when new material has been added there have been inspections. On this occasion I believe that the request has been due to commencements of works on Hassan Centenary Terraces which has required the moving of material, and therefore before any material is moved elsewhere there are certain new tests that have to be carried out to reassure ourselves, and that is when this has happened. I do not know the exact date but it is I believe in relation to that project.

1485 **Hon. K Azopardi:** And again, unless I missed it, does the hon. Member have an indication of the results of those tests?

Hon. Prof. J E Cortes: No, Mr Speaker. We have to have one in every five samples tested. At the time that this answer was drafted a couple of weeks ago, at least a week and a half ago, I did not have any results. I will ask to see whether we have any results yet but the application, as the hon. Member can imagine, was quite recent.

1490 **Hon. K Azopardi:** And in respect of that, subject to the results of course, is there a programme to then have this kind of testing on a regular basis?

Hon. Prof. J E Cortes: What is tested is material when it is going to be moved. So if the tests show that there are no concerns then the material can be moved as infill, or whatever. If there is contamination then arrangements will need to be made to move that to a safe disposal site which normally would be across the border.

1495 There is no plan at the moment to test the whole of the area because, as I said, we took a look at it at the time and we have been very carefully monitoring what has come in, so we do not expect anything new to have come in. But we do not take it for granted so that when any material is moved we take the opportunity to test it again to make sure that it is safe.

Hon. K Azopardi: In the context of those tests, does the Minister know whether in measuring the environmental issues surrounding the soil – its removal, its displacement – in the context of Hassan's Centenary, it is part of this work to also gauge any environmental effect it may have on Catalan Bay?

Hon. Prof. J E Cortes: I would need to go back on this because the area where rubble would be moved specifically for this project would be on the north end, and there what we would be looking at is any material moved if it is contaminated, where is it going to go. And if it is contaminated, then obviously we would not put it in the proximity of Catalan Bay or anywhere else where there could be that kind of effect.

I do not think that this process has relevance to Catalan Bay; I think the Catalan Bay issues are separate.

1515 **Hon. K Azopardi:** Can I urge the Minister in the context of receiving results, when he does indeed receive them, to ensure that the Government take precautions so as to minimise any environmental impacts on Catalan Bay and its residents in the context of the Hassan Centenary development or indeed the displacement of the soil or the further dumping in this area.

1520 We certainly welcome the fact that they are taking these tests but I am sure that he will also be alive to these environmental impacts and will want to consider any possible effect.

Hon. Prof. J E Cortes: Yes, Mr Speaker, I think the hon. Member will not be surprised to know that we would not take any action which could in any way be of concern to any resident of Catalan Bay or anywhere else.

1525 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may interject?

I seem to recall that back in April my party and myself went to visit residents of Catalan Bay and a couple of days later, maybe even less than that, the Government gave them a pledge that they would remove all this waste and rubble. And of course now it is December and they were promised that this would be removed promptly and swiftly.

1530 So I would like to know by *when* the Government pledges to remove something that they promised they would do swiftly; an issue which causes the residents of the area respiratory issues, pollution issues that we all know and issues that were promised by this administration to be a thing of the past.

1535 I think that residents deserve to know by when exactly this growing mountain, which is supposed to be reducing but is actually growing, will be a thing of the past.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, the hon. Lady should know that we have pledged to remove this mountain – which, by the way, was there to a very great measure when

1540 we were elected – as part of another development which she also objects to, which is the Victoria Keys development. Because, you see, in the same way as there is not a magic money tree there is not a magic wand that gets rid of rubble when there is development in Gibraltar.

1545 So, principally, this is the spoil of the tunnel. It is the work of demolitions which end up in that area and it has got to go somewhere. The place that we have committed to putting it is the reclamation in the area of Coaling Island. We went to Catalan Bay during the course of the general election debate and we committed ourselves to start the displacement of that mountain.

1550 We have already started the displacement. The work has commenced for Hassan Centenary Terraces which involves the displacement, and the work is we hope going to commence in very short order on the reclamation of Victoria Keys.

1555 In so doing, Mr Speaker, by starting that reclamation we will be dealing with the issue of this mountain, and all of the concerns that the hon. Lady has which we share and which we have worked with individuals at Catalan Bay on. But we will be doing something which we think is very good and very important economically and socially and environmentally for Gibraltar. And something she thinks is not good, which is creating the reclamation at Victoria Keys.

So I think we are going to be able to deal with something that we both agree should be dealt with, but in a way that only one of us agrees should be the way to deal with it.

1560 **Hon. Ms M D Hassan Nahon:** Mr Speaker, my reasons for the objections at Victoria Keys are completely separate to this matter and I do not believe it is fair to conflate them, but I will leave that to one side for now.

Once the rubble mountain is effectively emptied, hopefully, what is the Government's plan in terms of where will they be putting the future rubble? Will it continue to be at Catalan Bay or does it have other long-term plans to deal with rubble of this volume?

1565 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Lady has to understand that it is not a question of fairness in conflating her position – a comfortable position – on Victoria Keys, and her very comfortable position on the mound at the reclamation on the Eastside. These are not things which relate to fairness. These are things which relate to the political reality of having to deal with an issue and having to create more land, and these two being inextricably linked. This is politics, Mr Speaker.

1570 Politics is not just taking a position which is popular in Catalan Bay and a position which is popular in other parts of town. And this is not an issue of fairness; it is an issue of having to deal with the logistics of it. And so, Mr Speaker, I do not think that we are for one moment being unfair to her by showing that these things are linked and that she needs to understand that one of the positions that she has taken contradicts the logistical resolution of the other position that she has taken.

1580 She raises a good point when she talks about what is going to happen with rubble in the future. The Government is already looking in detail at how we can process rubble in a different way in order to be able to use it as more effective spoil, not on the site of the Eastside Reclamation, which we would like to see fully rolled out and developed and therefore not an area where this work could be undertaken. We have not yet identified the exact place in which to do it because there are environmental concerns always when you are dealing with issues like the treatment of rubble, and we will be in a position to advise contractors where to take their rubble in future when the time comes.

1585 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would the Chief Minister not agree that when I say that it is not fair to conflate matters what I mean is that a new development of this nature is more about ... What I was saying was more about commercial structuring and financing issues of

1590 transparency, issues of conflicts of interest, and therefore has nothing to do with what we were talking about just before regarding the actual mountain, which is impacting residents of the area?

1595 **Hon. Chief Minister:** Well, no, Mr Speaker, I do not agree for a simple reason. First of all, the positions that she was taking were entirely unfair because there is no lack of transparency and there are no conflicts of interest. And second, she and Members of her party have also said that Victoria Keys is not a good idea environmentally. So she has not just taken an issue in relation to the incorrect perception of failure of transparency, and the *incorrect* failure to understand issues in relation to conflicts of interest. She has also taken the position in relation to environmental
1600 matters which means that her two positions are contradictory and this has to be pointed out.

Hon. Ms M D Hassan Nahon: Mr Speaker, I myself have raised issues of environmental concern with regard to Victoria Keys. So, yes, it has been raised and it is not something that I shy away from.

1605 The question is and I ask the Chief Minister directly as I have before: isn't a development on the magnitude of Victoria Keys, when asking on the environmental point of view, not at odds with the Government's promise for a green Gibraltar, where we are spending so much of our land creating pollution, noise pollution and other sorts of pollutants which are going to bring anything but a green Gibraltar for our future? And that is a genuine concern that me and many
1610 other people in our community share and I think the Government could treat the answer respectfully and in a way that would allay concerns for the average Gibraltarian.

Hon. Chief Minister: Well, Mr Speaker, you see how she has moved matters on. She said a moment ago that she had only raised issues in relation to transparency or confidentiality, and
1615 when I reminded her that she also raised issues in relation to the environment she then takes possession of that and says, 'Oh yes, I did mention that. What are you going to do about that?'

Well, Mr Speaker, what we are going to do about that is we, eight weeks ago, put our competing visions of what should happen in Gibraltar in all of its different areas, in particular Victoria Keys, to the general public. We defended that as a net environmental gain for a number
1620 of reasons, not least the fact that it is going to be an entirely sustainable development.

And, look, she did really well and she is the leader of the opposition poll. But in party terms she came third out of three and we came first out of three, so the people who had to make the choice – the bosses in this equation, the public – chose our view of what Victoria Keys should become.

Q215/2019
COP25 Summit –
Gibraltar's involvement and impact on policies

1625 **Clerk:** Question 215, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, could Government provide details of Gibraltar's involvement in the COP25 summit and whether this involvement will have any impact on policies regarding climate change?
1630

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

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

Mr Speaker, I will reply in relation to Government's participation. In addition my friend and colleague, the Hon. Steven Linares, attended as a representative of Liberal International and the Sustainability Commissioner, Daniella Tilbury, as part of the University of Cambridge.

I attended as the political lead of the UK Overseas Territories, as part of the delegation of the United Kingdom of Great Britain and Northern Ireland, with Mr Stephen Warr of the Department of the Environment and Climate Change as the technical lead for the Overseas Territories. I was chosen as the OT representative by the UK Overseas Territories' Environment Ministers, following the move of the venue from Chile to Madrid. Had the conference been held in Chile, the representative would have been from the Falkland Islands, in order to reduce the carbon footprint of the representation.

In this capacity, the mandate I took included ensuring that attention was drawn to the serious issues facing the Territories, and many other island countries, in relation to climate change, in particular adaptation and mitigation, to raise awareness and look for opportunities to facilitate climate financing and identify new technologies. I met with various international and UK experts and bodies to discuss the various issues related to climate change and attended a number of presentations on matters such as climate finance, renewable energy, reducing the carbon impact of cities, climate change in the Mediterranean, and more.

Together with Steven Linares, we hosted a slide presentation on the Overseas Territories which drew attention from participants. We also held daily briefings with representatives from the Cabinet Office and the Department of Business, Energy & Industrial Strategy and the Department for Environment, Food & Rural Affairs in which matters of common interest to the Overseas Territories in general, as well as Gibraltar specifically, were discussed.

The Department of the Environment, Sustainability, Climate Change and Heritage also sent a team consisting of Janine Galliano from the Department, together with Vikram Nagrani and Tania Rahmany, environmental lawyers at Hassans. They attended COP and the Sustainable Innovation Forum. Their mandate was to pursue Gibraltar's continued endeavours to contribute to global efforts that combat climate change, by establishing a world-leading venue that allows for the international trading of 'Green Units', to include a wide range of units including emission allowances, mitigation outcomes, carbon credits, units under the Kyoto Protocol and Paris Agreement, and environmental units registered internationally.

I can confirm that the attendance at COP, which was the first time that Gibraltar has been at such an event, provided useful information that is already being incorporated in the draft Climate Change Strategy.

Mr Speaker, as I was writing this answer, the outcome of COP had not been as positive as I had hoped, but I am confident that under the UK Chairmanship, COP26 in Glasgow next year will be much more positive. This is time for action, and 2020 must see real action.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for that exhaustive reply, but unfortunately I am still not much clearer on whether it would have had any impact on the policies that they would have built in their manifesto.

But, moving on, can I ask if the Government will be publishing a report on this seminar that they went on, this conference? And also on the slide presentation – is it a public presentation that we might be able to see?

Hon. Prof. J E Cortes: Mr Speaker, if I may refer to the first point.

The contribution there is contributing to our strategy. There was a lot of information there, a lot of new technologies, a lot of new initiatives that other cities are taking in order to reduce carbon footprint and that is being incorporated in the draft strategy that I will refer to in answer to the next question from the hon. Lady.

I have to prepare a report for the governments of the other Overseas Territories, part of which clearly would be an intergovernmental report and therefore there will be elements which may not be public, but I have no problem in looking at it and publishing a report. There will be a press release out very soon. As far as a slide presentation, there certainly is no problem in sharing that and I can undertake to put that on our Thinking Green website. It should be accessible to all. It is a summary of the challenges and achievements of all the territories in relation to climate change, and that was going at the UK Pavilion for a number of hours on one of the afternoons where Stephen Warr, the Hon. Steven Linares and myself were there, taking questions and talking to people about Gibraltar, and also the other Overseas Territories, and what our aspirations are in relation to climate change.

Q216/2019

**Climate change emergency manifesto commitments –
Implementation**

Clerk: Question 216, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government provide detailed deadlines on when manifesto commitments relating to the climate change emergency will be implemented?

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

Minister for the Environment, Sustainability and Climate Change (Hon. Prof. J E Cortes): Mr Speaker, the measures set out in the manifesto in relation to climate change will be delivered within this current term of office. By their very nature, many of the measures require changes to longstanding practices and so while the commencement of implementation will need to be early in the life of this Parliament, some will take longer than others to reach fruition. However, the timescales set in law by the Climate Change Act will all be met.

The Department of the Environment, Sustainability and Climate Change is already working on a wide range of measures to this effect.

The Climate Emergency Motion pledged to make Gibraltar carbon neutral by 2030 and to reduce our actual emissions by 50% by 2035. It also promised to report to Parliament with a climate action plan. The final draft is being reviewed as a result precisely of the conclusions of COP25 which, as the hon. Lady will know, were delayed to Sunday, just a few days ago; and of course with the result of the UK General Election and the now virtual certainty of our departure from the European Union.

The strategy has been prepared in response to the climate emergency and sets out how we intend to meet our targets for 2030 through to 2045. All references to the climate emergency within the manifesto are therefore reflected in this strategy.

One of the first tasks will be the appointing of a climate change committee and this will be done before the end of January 2020.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Gentleman for his answer.

It was declared in the Climate Emergency Bill that a plan would be released by the end of 2019 and obviously we are in the third week of December. Where are we with this plan?

Hon. Prof. J E Cortes: Yes, Mr Speaker, as I explained in my answer, the plan is in fact complete. But I have taken time to amend it, as the previous question suggested, in order to

1725 reflect the outcome of COP and in order to reflect the implications of a virtually certain Brexit. Therefore, Mr Speaker, if it is not possible for me to present it at this session of Parliament, it will certainly be presented with the leave of the House in the January session.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, just one more question.

1730 The renewable fuel commitment to the EU and the electorate to generate the 20% of overall power consumption via clean energy solutions by 2020: where does that stand at the moment? Are we on course?

Hon. Prof. J E Cortes: Mr Speaker, I have made reference to this in the past. I do not have the figures with me now but we remain committed to achieving 20% in 2020.

1735

Q180-181/2019

E-Government Programme –

Programme update; milestones met; payment system testing and design advice

Clerk: We now return to Question 180, the questioner is the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update in respect of its e-Government programme and milestones met or still to be achieved?

1740

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

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 181.

1745

Clerk: Question 181, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if any parallel running or testing was undertaken prior to implementing its new payment system and who advised on its design?

1750

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

Hon. A J Isola: Mr Speaker, we continue to make good progress across Government and expect to deliver digital services in the following Departments by the end of Q1 of 2020: the Income Tax Department, the GHA Core Services and the Employment Department. Online payments to HMGOG will also be introduced at this time.

1755

These services are currently being built and we will then work on the next phase of Departments Quarter by Quarter. The Departments to be delivered next will be: the Department of Education, the Department of the Environment, the Office of Fair Trading, the Civil Status and Registration Office and the Social Security Department.

1760

Government has temporarily paused the implementation of the Financial Accounting System, the Infor Cloud Suite Financials, in order to facilitate the production of the Estimates of Revenue and Expenditure and lay them before Parliament in the usual manner. We go live on the new system on 1st April 2020 at the commencement of the new financial year.

1765

We are also continuing with the roll-out of the new Procurement and Purchasing system, currently with 21 Departments substantively on P2P, with a further two operating a conduit between existing bespoke systems and P2P. We have recently introduced an Invoice Capture

system. This system significantly enhances our ability to process invoices on the P2P system. Whereas a single operative is able to process up to 700 invoices per month through the P2P system, with Invoice Capture a single operative can now process up to 3,000 per month.

Modern ERP systems are pre-built to a large degree and proven to work out of the box. However, any custom configurations to the standard settings are required to be built and tested. Implementing an ERP system follows a clear testing methodology for the build of a new solution that covers three broad testing phases: (1) Unit testing – where the builder of the system tests individual components; (2) System testing – where the various components are tested together; and (3) User Acceptance testing – where the end users ensure that it delivers the right outcome.

The Government's implementation of its ERP system followed this well-proven methodology.

Parallel running is no longer carried out in ERP implementations. New system processes are usually very different to old ways of working. As an example, the change in paying suppliers under the old PV system whereby suppliers were paid separately for each Department, has been replaced by a shared payment system whereby invoices are collated together into one payment per supplier for the whole of the Government. It would therefore have been time-consuming and potentially impossible to parallel test the majority of payments in this specific implementation.

The recommended method is to prove the outcome is correct, rather than the process, during User Acceptance testing.

Mr Speaker, I note that we have not responded in respect of whose advice we have had, all of our suppliers have been involved in the process meaning: Proactis in respect of the procurement system; Infor in respect of the ERP system; AVAP in respect of the reporting system; and Deloitte, our consultants, as well as a project management team.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his comprehensive response and I look forward to updates in future as to progress in the rolling out of his e-Government programme. But I must probe him a bit further in terms of the system – and he may correct me if I am wrong in terms of what we describe it as in terms of the correct terminology – the financial system that was paused.

Did that go through user acceptance testing? Because it would appear that obviously something must have gone wrong since you have indeed pressed the pause button. And who is providing that system?

Hon. A J Isola: The ERP system is an Infor system but with AVAP, and Infor Cloud Suite Financials (CSF) is the financial reporting system. Of course it went through all the different testing mechanisms that I have just described.

What happened basically was that once we went live we had, as a consequence of – and he will understand it better than I do – coming in through mid-year we had to migrate a lot of the data from the old systems, which is TAS, into the new system which is not a simple database which is what TAs is. It is a full accounting system. So we had complications with the migration of data and as a consequence of that with the timelines that we now have coming to the end of the financial year and the reporting being prepared for the estimates, we felt the prudent thing to do was to press pause, enable us to deal with the current issues that we have and then bring it back in on 1st April.

In the intervening period, we are still continuing the work that we are doing on the ERP systems with Treasury, Finance and the project team and I have every confidence that it will go swimmingly well on 1st April when it is reintroduced.

Hon. R M Clinton: Well, I trust that lessons will have been learnt I guess from the experience. Can the Minister advise what the cost of this new system is, if he has information with him?

Hon. A J Isola: Mr Speaker, I do not have the information but I am happy to get it to him.

1820 The difficulty is that the cost is divided amongst the purchase of the software, the licensing
system for the software, the cost of the different parties that have been involved. It is not just
one cost; it is a whole range of different costs from different providers in respect of each
different part. For example, Proactis, AVAP, Infor – these are all different service providers which
together combine to give us, (1) on the financial reporting system and (2) on the digital services
1825 which is what the first part of my answer in terms of the three Departments currently on; and
then every quarter there will be a different set of Departments coming on to full digital which is
the Online Services.

Hon. R M Clinton: Mr Speaker, I am grateful again to the Minister.

1830 Can he identify who is responsible overall for the project? Would this be Deloitte? And, if so,
my second question would be in terms of the financial system at what point did it go live and
then at what point in terms of date was the pause button pressed?

Hon. A J Isola: Mr Speaker, there is a project management team of Government
representatives of which Deloitte is a member on that project team, but they are not leading it;
1835 it is from the Ministry of Digital Services in my office that leads that project.

In respect of the exact date of when it was paused, I think it was about I would say two weeks
ago, just before I went to China. So between two and three weeks ago – I can get him the exact
date. And the date that we went live on, that we paused, will be I think two months ago. But I
will happily send an email to the hon. Member and give him the specific dates that he is
1840 requesting.

Hon. R M Clinton: Finally, Mr Speaker, I do not want to go any further than I need to on this
subject. It is quite technical, I appreciate that. But can the Minister advise if there is a sign-off
process by Departments and who are accepting new systems? In my experience, usually a
1845 department head would have to sign off and say he is happy to accept the system to go live,
because he is happy that it does what it says on the box.

Do you have that kind of process in place?

Hon. A J Isola: Again, Mr Speaker, there are a number of different systems that are going
1850 through a process at a similar time. We have 21 Departments now substantively live on the P2P
system, on the procurement system. So the way that happens is that they are trained, satisfied
and then moved on. I am not sure if there is an official, formal Head of Department sign-off, I
can check on that but I do not believe there is.

1855 In respect to the finance system, the main driver of that is obviously Finance and Treasury,
and so they are very closely involved; and they were the ones that proposed that we press
pause, which we agreed to, because at the end of the day we are building these systems for
these Departments to operate more efficiently and that is the goal. So obviously we do it hand-
in-hand and very closely with them. It would not be possible to do it otherwise.

1860 **Hon. R M Clinton:** Finally, Mr Speaker, he just mentioned the word ‘training’. Can he advise
what kind of training was provided in advance of the new financial system?

And finally, if I may add, just that he may wish to consider implementing a formal sign-off
procedure of the Heads of Department to ensure that they are satisfied with the system when
they accept it.

1865 But going back to my question, can the Minister advise what training and what period of
training was provided in the use of the new financial system?

Hon. A J Isola: There is not a specific period of training. Training has been going on for quite a lot of months for a very long period of time to different degrees with different people, depending on their usage of it. But there are reference sheets, which is like a training programme, which is given to everybody. They are then taken through it by the members of the project team, who are dealing with business change in terms of how people train on for that.

And I think if I am going to be candid, which I must, if there is one thing that we have learnt since the pressing of the pause is that we need to spend more time on training which is currently exactly what we are doing. And I am grateful for his ...

Hon. K Azopardi: Can I just ask? The Minister gave in answer to the question of my hon. Friend, he answered that he did not have the specific numbers in front of him in terms of cost of all the different elements. But does he have an idea of whether the cost is in the thousands, the hundreds of thousands, or in the millions?

Hon. A J Isola: Mr Speaker, the cost is in the millions and I think those numbers have been given in Parliament before.

Q182/2019
Draft Gaming legislation –
Availability

Clerk: Question 182, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Gaming state when he expects that the draft legislation relating to gaming will be available?

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

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, draft legislation will be available within the second quarter of 2020.

Hon. D J Bossino: So therefore he is confident they will be able to meet their manifesto commitments, which is that it will be done in the first six months of 2020?

But, Mr Speaker, will that be the primary piece of legislation? Does he expect that subsidiary legislation will also be in place by that time?

Hon. A J Isola: Mr Speaker, the hon. Member may not be aware that we started this process before Brexit, with a full-on Gaming review. We consulted with all of the gaming firms in Gibraltar on the proposals that we had. So the proposals that we are looking at now are not new. What happened was with Brexit we pressed pause and got on with other things.

So what we are now doing is finalising the work that we started, taking on board the consultation that we had from all the different firms that we met on a one-to-one basis. We will now be going back to the firms to consult again during this first quarter of 2020, as we finalise the policy decisions that we are going to be dealing with; and the drafting is obviously continuing apace with that too.

So, yes, we fully expect to meet the commitment of the first half of 2020. But I must say that we are very familiar with the detail, as are all of the gaming firms, of where we are going to go,

because it was a comprehensive report made public three years ago on precisely what we are going to be doing.

So, nothing new and no surprises.

Q183/2019

**GFSC Gibraltar-based financial services companies' levy –
Further information; prior consultation**

Clerk: Question 183, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide further information regarding the proposed levy the GFSC wants to impose on Gibraltar-based financial services companies that do business with the UK, as reported in the Gibraltar Chronicle on 29th November? And in particular if the industry was consulted ahead of the announcement?

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

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, the Financial Services Commission issued a consultation paper on 9th December 2019 that proposes to raise a one-off special levy to recover some of the costs incurred preparing Gibraltar's regulatory regime and firms for our ongoing relationship with the United Kingdom.

The levy would be payable only by regulated entities with a passport into the United Kingdom, as these are the firms that will be most affected by the new relationship and future access to the UK market. The proposed levy is set at 12% of the annual regulatory fee for those firms for the year ended 31st March 2020.

Prior to the issue of the consultation paper, senior management from the Financial Services Commission engaged directly with firms that would fall within the above remit, so as to receive feedback and to be able to explain the reasoning. It was on this basis that HM Government was content for the formal consultation to be issued.

The final decision as to whether the levy will go ahead rests with HM Government of Gibraltar as it would require legislation. This decision will be taken after the Government has had time to view the responses to the consultation paper issued.

Hon. D J Bossino: Mr Speaker, I am not sure; thank you to the Minister for the reply.

In that reply did he state – and, if not, can he advise the House – why the figure of 12%? Why is the levy being pitched at that level in particular?

I think in the UK, according to the Gibraltar Chronicle article, I have not researched the matter any further, I think an equivalent figure was of 2.7%. So the question is: why up to 12%?

Hon. A J Isola Mr Speaker, it is the end that matters not the beginning. In other words, the FSC calculated what amount of costs they were being subjected to, and how they were going to be able to raise those costs.

In the UK, the base is far greater with *many* more licensees and so that equated to 12% for each of the firms. That means that 80% of the firms in Gibraltar will be paying less than £10,000 in terms of the levy and the highest one of all of the firms is just under £30,000.

So, in terms of the total cost to firms, the bulk of them are paying less than £10,000; and the 12% is the amount that got us to the number that they had to get to.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister the obvious question: how much is the FSC seeking to raise? (*Interjections*)

1955 **Hon. A J Isola:** Mr Speaker, in order to help the bookkeeper, we expect it to raise under £500,000. (*Interjections*)

1960 **Hon. D J Bossino:** The Gibraltar article refers to GFSC preparations for the Rock's post-Brexit regulatory relationship with Britain. Does he have any specifics in relation to that? What is it that this levy is meant to be addressing in particular?

1965 **Hon. A J Isola:** Mr Speaker, I will read the answer of that part again. It proposes to raise a one-off special levy to recover some of the costs incurred preparing Gibraltar's regulatory regime and firms for our ongoing relationship with the United Kingdom – exactly the same as in the UK.

Hon. D A Feetham: But we are still not clear.

1970 What is it that the FSC is going to be doing? Is it going to be bringing in outside consultants in order to assist them, and that raises a cost? I mean, what is that extra cost? It is difficult to actually understand where that money is actually going to go to, absent an increase in human resources, for example, on a temporary basis in order to assist them. Now, that, I could understand.

But we are not clear about where specifically that money is going to be spent.

1975 **Hon. A J Isola:** Mr Speaker, I would urge the hon. Members to read the consultation paper which sets out the detail as to what the money is being raised for.

1980 But, in essence, again as I have said in the answer, it is in relation to the expense, the work and the cost that the FSC has been put to in working our way through the last 24 months, and what they envisage to be going forward in dealing specifically with firms passporting into the United Kingdom – whether that be with their relationships with the United Kingdom, the PRIVFCA, in particular firms who are passporting into the UK; legislation, Brexit – with all the costs that they have been put to specifically to do with Brexit.

1985 **Hon. K Azopardi:** Can I take it from the Minister's original answer that the Government has not formed the final view on whether it will support the levy in due course? And, if so, is it having separate consultations with the insurance industry to gauge the feeling of the insurance industry behind closed doors as to whether something like this is economically the appropriate thing to do at this time?

1990 **Hon. A J Isola:** Mr Speaker, as I said in my answer, the decision as to whether the levy will go ahead rests with HM Government of Gibraltar as it would require legislation. The decision will be taken after the Government has had time to review the responses to the consultation paper.

1995 I can tell you that the senior management team of the Financial Services Commission have been meeting with licensees who fully understand the reasoning as to why this is being done and the quantum that they are being asked to meet. And I think that from the feedback that I have had from some of these firms directly, they fully understand and they have no issue with it.

Hon. D A Feetham: I am sorry to persist with the line of questioning. I do not know, maybe it is the time of the day, I am getting old, and I am not really understanding it.

2000 But if what you are saying is that there is an extra cost to the FSC as a consequence of preparing the industry for the effects of Brexit and passporting into the United Kingdom, I can

understand if what you are saying is 'Well, look, there's going to be an increase in man hours. We don't have the human resources available at the FSC. We need to bring outside consultants in order to help us; or temporary staff in order to help us.' I can understand, for example, that there might be an extra cost in individuals at the FSC needing to be trained in a specific way in order to deal with this and that cannot be too expensive.

But, you see, the reason why I am raising it certainly is because there has to be some accountability from the FSC and we would all accept that. And if you are essentially saying, 'We need extra money from the industry for this particular purpose', there has got to be some clarity in relation to *why* that extra cost is needed. And I have to say that I still do not understand what extra cost the FSC is envisaging beyond extra human resources which is the easiest ...

I could understand that. If the hon. Gentleman had said, 'We need to recruit three or four extra people for a limited period of time', that I could understand. But absent increases in human resources, I just cannot see what extra cost is going to fall on the FSC.

Hon. A J Isola: Mr Speaker, as I said to his hon. Friend I think the first port of call would be to read the consultation document which explains the reasoning and the costs that they have been put to, to be able to deal with the challenges that they have faced with passporting into the UK. I can tell you they have been substantial and the costs being recovered is nothing like the total costs that they have been put to in terms of how we have managed that process in the past three years; and also look to why the UK themselves have had to do it and the costs that they have also been put to in managing exactly the same processes.

You are talking about a team in Gibraltar who have had to engage specialist lawyers and everything else in supporting their efforts to be able to give us the passporting to the UK that we have got, which is why the levy is specifically to those firms that are passporting into the UK and no-one else.

Hon. D J Bossino: Mr Speaker, can he absolutely confirm that this will be a one-off payment? A one-off levy?

Chief Minister (Hon. F R Picardo): The one-off levy will be a one-off levy.

Hon. A J Isola: Mr Speaker, if it was not, it would not be a levy. It is a levy, because it is a one-off payment which they are entitled to propose to us and that is what we are considering. It is not going to be annual, obviously. If we are going to do Brexit once a year, that would be a bit of a problem. *(Interjection)*

Hon. Chief Minister: Mr Speaker, I wonder whether this might be a convenient moment bearing in mind the Chair needs to stretch its legs, given that you have been in post since three o'clock, to recess for 15 minutes until six o'clock?

Mr Speaker: The House will recess for 15 minutes.

The House recessed at 5.46 p.m. and continued its sitting at 6.09 p.m.

Q183/2019

**GFSC Gibraltar-based financial services companies' levy –
Supplementary question**

Hon. R M Clinton: Thank you, Mr Speaker.

I just wanted to enquire of the Minister whether there had been any exploration to the effect that we are getting funding from the UK for these sorts of incremental Brexit-related costs?

2045 Much in the way that you have achieved in respect of infrastructure costs, will there be any consideration of asking the UK to make a contribution for these sorts of incremental costs which obviously are not something that were of Gibraltar's doing but directly related to Brexit?

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, that question is a little left field in the sense that there are specific things that Government has engaged with the UK to seek support on, but not 'business as usual' which is what we are seeking to do with the United Kingdom passporting. What we are seeking to do and what we have achieved is a political agreement to continue passporting exclusively between Gibraltar and the UK post-Brexit, and this is the work that has gone into dealing with those arrangements.

2055 So I do not think it would be appropriate in something like this to seek financial assistance from the United Kingdom. This is very much what we are doing on a daily basis between Government and the Regulator; and likewise in the UK the PRA, the FCA and HM Treasury. You will recall the Deloitte Report that we had in respect to the regulatory alignment between HM Government Gibraltar and HMG in the UK was paid 50:50 between Treasury in the UK and Gibraltar. So some of those costs we have already met on a 50:50 basis.

2060

Q217/2019

**Upper Town Escalator –
Closures and reasons**

Clerk: We now move to Question 217, the questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government update this House as to the number of times the Upper Town Escalator has been closed over the last 12 months and the reason for the closures?

2065

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the information the hon. Member has requested is set out in the schedule I will now hand over.

2070

Upper Town Escalator Faults

Date Faulty	Direction	Date Repaired	Duration (days)	Reason
07/01/2019	Down	11/01/2019	5	Water Ingress
09/01/2019	Up	11/02/2019	3	Emergency Stop Button Pressed
20/01/2019	Up	22/01/2019	2	Emergency Stop Button Pressed
08/02/2019	Up	12/02/2019	4	Water Ingress
22/02/2019	Down	23/02/2019	1	Emergency Stop Button Pressed
03/03/2019	Down	05/03/2019	2	Emergency Stop Button Pressed
04/03/2019	U p	06/03/2019	2	Emergency Stop Button Pressed
16/03/2019	Down	16/03/2019	1	Emergency Stop Button Pressed
19/03/2019	Down	21/03/2019	3	Vandalism
31/03/2019	Both	03/04/2019	4	Emergency Stop Button Pressed
12/05/2019	Down	15/05/2019	5	Vandalism
02/06/2019	Down	10/06/2019	8	Water Ingress
05/07/2019	Up	05/07/2019	1	Emergency Stop Button Pressed
22/08/2019	Up	22/08/2019	1	Power Cut
25/09/2019	Down	25/09/2019	1	Emergency Stop Button Pressed
28/09/2019	Both	16/10/2019	18	Motherboard Failure
20/10/2019	Up	20/10/2019	1	Emergency Stop Button Pressed
25/10/2019	Both	26/10/2019	2	Emergency Stop Button Pressed
27/10/2019	Down	30/10/2019	4	Emergency Stop Button Pressed
01/11/2019	Up	03/11/2019	3	Emergency Stop Button Pressed
17/11/2019	Up	17/11/2019	1	Emergency Stop Button Pressed
23/11/2019	Both	23/11/2019	1	Emergency Stop Button Pressed
01/12/2019	Both	03/12/2019	3	Oil leak and reail repair

Q218/2019
Electric scooters –
Government's position

Clerk: Question 218, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state its position in respect of electric scooters?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the Government is currently reviewing the feedback received on the consultation paper and is now actively working with Gibraltar Law Offices to determine how to regulate these devices.

Hon. E J Phillips: Mr Speaker, therefore, if I am correct in assuming from the answer the Minister has just given that no consideration is being given whatsoever to the banning of these vehicles?

2085 **Hon. V Daryanani:** Mr Speaker, we are looking at all possibilities. And, like I said, we have engaged with our law offices and we will be coming back after the holidays and we will be looking at it in more detail. We have received many different views from the public and we are taking them all on board and I have got a huge file, like this, to go through and we will be coming back to you very soon.

2090

Hon. E J Phillips: I am grateful for the answer from the Minister in relation to that and I am sure that will make for healthy reading over the Christmas festivities.

Q217/2019

Upper Town Escalator – Supplementary questions

2095 **Hon. E J Phillips:** Mr Speaker, we understand from the answer to Question 217 that the Upper Town escalator has been closed for a total of 76 days. Yet again, Mr Speaker, we ask the same question as to what improvements can be made to stop the vandalism and also the unwarranted stop the pressing of the emergency stop button. One of the issues that we raised in the last Parliament was whether or not we could put at least a sign near the escalator itself to prevent people from misusing the button – pressing stop and slowing it down – in order to avoid maintenance teams coming out at great cost to the public purse and also delays to our community who are using that escalator.

2100

Is the Government going to be installing those types of signs and appraising the general public that misuse of these types of this button certainly should, in our view certainly, amount to a criminal offence?

2105 **Hon. V Daryanani:** Mr Speaker, according to the information that I have received the emergency stop button ... There are perhaps two reasons why it is pressed: one is that the elderly members of our community will perhaps panic or whatever and they press the button. We cannot really do anything about that. And then there is the vandalism issue, perhaps children playing around in the area and you know what happens.

2110

So yes, we will consider regarding the sign ... Like I say, I have only been in place for two months and I am not really too sure of where we are with the sign issue. It has not been brought to my attention but I will definitely look into it and give it consideration.

2115 **Hon. E J Phillips:** Mr Speaker, insofar as the pressing of the emergency stop button, obviously this information does not set out that elderly members of our community that may be confused by the process have pressed this for that reason. As far as I understand there is no CCTV coverage of the escalator itself. I might be corrected, if I am wrong about that.

We would have thought that misuse of that button should be a criminal offence in order for that to be progressed along the usual route. We do have quite a lot of complaints from our side, from members of the committee who have communicated these issues to us.

2120

This is obviously an expensive course of action, setting up an escalator at the Upper Town. It was welcomed by many people but it seems to have been 76 days, which amounts to I think 20% of the time, out of order during the year. So I would be grateful if the Government could at least try to look at ways of communicating that this is a criminal offence for misusing this button and causing the mayhem it does.

2125

Hon. V Daryanani: Mr Speaker, if you look at the actual faults as such, with the emergency stop button I think there are not that many. There was an 18-day failure of the motherboard. Look, I mean, these things happen. And then the other one was water ingress. Again, these things happen.

2130 So really, yes, the emergency stop button is a problem but I do not think it is a major problem. But we will look into putting the sign up and showing that it is an offence if you press it for the sake of it.

Hon. E J Phillips: I think just to finish off, there was a question I put to the Hon. Mr Balban about that and I think the view that was taken and the concern of the public was, at least with the police at the time, that they did not have the powers to do anything about the pressing of the stop button. My understanding is, and I may be wrong, has that now been rectified? Are the police aware of their powers in respect of the misuse of the button?

2140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I wonder whether we should just have an emergency stop button for questions of this sort.

Mr Speaker, let's be very clear. The hon. Gentleman is now asking a legal question. Is there a need to change the powers for criminal damage for somebody who presses an emergency stop button?

2145 Well, Mr Speaker, this is a little bit like the law on offensive weapons, as far as I am concerned. One can carry a kitchen knife and there is no law against carrying a kitchen knife. If you carry the kitchen knife with the intention of using it to cause damage you are carrying an offensive weapon. Now, an emergency stop button is, as the name implies, a button provided to stop a facility in an emergency and if it is used outside of that purpose then that is vandalism; and if there is damage arising, it is criminal damage. There does not need to be any change in the law; there does not need to be a sign that says, 'Don't press the Stop Button if it's not an Emergency because the button says Emergency Stop Button'.

2155 I am not as frustrated by the hon. Gentleman's line of questioning as I am by the behaviour of those who press a button that is there for another purpose simply for the sake of enjoying themselves in seeing the facility stopped. But the question is: to what extent do we police, Mr Speaker? Do we set up a camera everywhere that there is a facility? Do we set up a sign that says, 'Dear Boy, do not be a vandal, it's just not on. Do not press the emergency stop button because it's not an emergency and you're doing it just for fun'.

2160 There are some things, Mr Speaker, where the frustration that is being expressed to hon. Members by members of the public is felt by all of us who are members of the public, including those of us who are Members of the Government. But there is very little that can be done to require people to act in keeping with the standards that we would all expect from each other.

2165 And if I might just say so to the hon. Gentleman, can he take this as the complete agreement of the Government with the view that he is expressing on behalf of his constituents that this is *thoroughly* frustrating for all right-thinking members of the community who have invested in this facility, in particular for those who have a need to use it, but that there is very little in terms of Government power that can be deployed to stop a teenager pressing a button.

2170 **Hon. E J Phillips:** Mr Speaker, one more question and then we can move on from this; it is fast becoming a debate. But clearly the Chief Minister has not ridden on the Tube in London for some many years and is probably driven around in limousines in London. But anyway, Mr Speaker, the point is this: on the Tube there is a sign saying 'Misuse of this handle will result in prosecution and a fine of x amount of pounds'. That is all we are asking for: a simple sign explaining that if you do not use this button in an emergency you will be fined!

2175 It is a simple thing, it happens the world over; and if we cannot have a simple sign saying that I do not know what we are doing here, Mr Speaker.

Hon. Chief Minister: Mr Speaker, nobody is saying that we cannot have a simple sign saying that and he makes all of the wrong assumptions when he gets up and talks about my being driven in London rather than not being on the Tube. I have been on the Tube probably more often than he has had hot dinners, Mr Speaker, and I have seen the signs. But if he thinks that the sign is going to put a stop to people using the emergency stop button because it says 'Emergency Stop Button' in circumstances which are not an emergency, it will be the first time in history that the sign has had more of an effect than the button itself.

2185 I do not know whether he realises what he is saying, but the Minister has already said we are considering putting up a sign and we can continue despite everything that is on the horizon, talking about the three-word sign that he wants to see on the escalator that I assume he never uses, because he does not live in the Upper Town.

2190 **Hon. E J Reyes:** Sorry, Mr Speaker, I was standing up trying to attract your attention. Yes sir, I wanted to get away from lawyers and get more into a sort of a teacher's thing.

For the sake of clarity and for the record, the last entry, the three-day breakdown from 1st to 3rd of December says 'oil leak ...' and something else, it is to some sort of repair, I cannot quite make it out fully.

2195 **Hon. V Daryanani:** 'Rail', perhaps, Mr Speaker?

Hon. Chief Minister: It is a technical term, perhaps, we do not know, but we will check. It may be a constituent part of the escalator that was damaged when you press the emergency button ...

Hon. V Daryanani: We will get back ... If you write to me I will let you know.

2205 **Hon. E J Reyes:** Mr Speaker, with your leave, when the Hon. Minister finds out he can just feed us back in Parliament, that way it goes down on the record.

And may I add, without wishing to revert to the emergency event? The emergency stop for whatever reason it was done, at times it seems to be fixed within a day, but on other occasions it takes three days, or four days, or two days.

2210 Is there any type of explanation for that, why sometimes it can be done in a day and sometimes it takes up to four days?

Hon. V Daryanani: What is it that you are referring to? (*Interjections*)

2215 **Hon. E J Reyes:** Yes, if you look, from 31st March to 3rd April it took four days to reinstall the lift when it was stopped for an emergency. And yet the penultimate one from 23rd November seems to have been fixed in a day. So I am wondering why can it take one, two or three days?

2220 **Hon. V Daryanani:** Mr Speaker, I am told that the people who come to fix it, they are not available on that day. So sometimes they are available and they come in a day and sometimes ... It is like calling a plumber, if he does not turn up on the first day he might turn up on the second day or might turn up on the third day. (**A Member:** Or the fourth!) Or the fourth, exactly.

Q219/2019

**Gibraltar's MAN bus fleet –
Conversion to electric or hybrid**

Clerk: Question 219, the Hon. E J Phillips.

2225 **Hon. E J Phillips:** Can the Government state what steps it is taking to convert our bus fleet to electric or hybrid?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2230 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the possibility of converting the current bus fleet to hybrid electric or fully electric has been explored. However, at present this type of conversion is not found to be technically feasible. Any solutions available on the market would entail retrofit modifications from third-party suppliers and these forms of modification can lead to conflicts with the original bus manufacturer parts, potentially voiding warranties. This is therefore not recommended. Other modifications may be possible and are being explored.

2235 Notwithstanding the above, the Government has performed trials and tested various new hybrid electric and electric buses from different manufacturers in an attempt to ascertain their effectiveness in view of our narrow streets, tight corners and demanding topography. Unfortunately, the models trialled have not performed successfully.

2240 The reality remains, Mr Speaker, that our existing MAN bus fleet with their Euro 6 engines are known to produce very low emissions by comparison to other engines.

2245 **Hon. E J Phillips:** I am grateful for that answer and clearly the answer is that it is not feasible to upgrade our fleet to electric or hybrid for the reasons that have been articulated by the Minister. It is a great shame of course that our community cannot use electric vehicles of this nature, given the purported green credentials of the Government.

But insofar as the technical aspects of it: can the Government give further information as to why it is not feasible – the 'technical reasons' that he alluded to in his answer?

2250 **Hon. V Daryanani:** Mr Speaker, as I said, we have trialled buses and obviously Gibraltar is unique in the way that the hills are steep. These electric buses are still not ready for a lot of our roads. As the market evolves, we will be in a position to have these electric vehicles that will be able to travel the tight corners and the hills. So we will have to wait a little.

2255 And as far as the Green Gibraltar is concerned, this was two months ago. Do you expect us to have a bus fleet of electric vehicles in two months' time, Mr Speaker?

Q220/2019

**Fixed-position speed camera fines –
Numbers imposed and cancelled**

Clerk: Question 220, the Hon. E J Phillips.

2260 **Hon. E J Phillips:** Can the Government state how many fines have been (1) imposed – paid and unpaid; and (2) cancelled, since the commencement of the operation of all fixed-position speed cameras?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2265 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the number of fines issued by the fixed-position speed cameras is 17,276 since their commencement in May 2017. There have been 5,418 fines not approved and subsequently retracted or cancelled.

Hon. E J Phillips: So the 17,276 are those that have been imposed. Is that correct? And then the 5,000-odd are the ones that have been cancelled from those 17,000-odd. Is that right?

2270 **Hon. V Daryanani:** That's right, Mr Speaker.

Hon. E J Phillips: And insofar as the total amount which obviously is 12,000-odd, does the Minister have the breakdown as to those paid and unpaid, as the question asks?

2275 **Hon. V Daryanani:** Sorry, what is it the hon. Member was requesting?

2280 **Hon. E J Phillips:** The first limb of the question asks how many fines have been imposed, which is obviously the answer the Hon. Minister has given – 17,000-odd. And then in brackets 'paid and unpaid'. Does the Minister have that information?

Hon. V Daryanani: Mr Speaker, out of the 17,276: 4,923 were paid.

2285 **Hon. E J Phillips:** I thank the Minister for the answer to the question. So, in essence, 13,000 fines that have been imposed during the last two years have not been paid by members of this community. Is that correct?

2290 **Hon. V Daryanani:** Mr Speaker, it is not that they have not been paid, there are 4,000-odd summonses issued, so you know where there is a summons issued they are in court, it is nothing to do with –

Hon. E J Phillips: We are aware of that.

2295 **Hon. V Daryanani:** Yes, and then there are others that have been contested and the RGP, for whatever reason, have decided to rescind them. It is nothing to do with the Government.

Hon. E J Phillips: So the 5,000 that have been cancelled are those that have been cancelled by whom? The 5,000 of the 17,000 that have been cancelled, have they been cancelled by the authorities, or by whom? The court has struck them out or ...?

2300 **Hon. V Daryanani:** Well, it is probably cancelled by the RGP, but not by us. It is nothing to do with the Government.

2305 **Hon. E J Phillips:** Mr Speaker, I would be grateful if the Minister could just answer how many fines that have been imposed have not been paid? (*Interjection*)

Hon. V Daryanani: Yes, the ones that have not been paid are the ones, like I said, in which a summons has been issued or (*Interjection*) they have been cancelled.

2310 **Hon. E J Phillips:** So, 9,000 is the answer. Correct?

Hon. V Daryanani: Yes, Mr Speaker.

Hon. E J Phillips: So, yes, I am grateful. I know what everyone was trying to get at here but all I was asking was imposed.

2315 So 9,000 fines that have been imposed over three years have not been paid. Correct? And what steps are being taken to recover those?

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman is not understanding the answer that is being given or indeed the types of fine that we are dealing with. So just to refresh his understanding of how the criminal law in traffic works – *(Interjection)* He says from a sedentary position he knows essentially how it works, but every question he has asked suggests that he does not know how it works, so I am going to take him through it, Mr Speaker.

2320 The fines are automatic, based on the operation of the speed camera. Then a human interaction occurs which does not involve the Government at all. We have something called the ‘separation of powers’ and the Government does not get involved in the prosecution of traffic offences. So those who are responsible for the prosecution of traffic offences – the Police – will be the ones who determine whether a fine is imposed or not.

2325 If the fine is imposed, Mr Speaker, there may be a number of reasons why there are three or four fines that are then reduced to one or two that are paid. The hon. Gentleman should remember if he ever did this practice, that sometimes an individual would manifest with five, or six, or seven or eight fines and the prosecutor on the day may agree to accept payment for two and waive another four. So in the context of trying to belittle the amounts that are paid versus the fines they are imposed, the hon. Gentleman is ignoring all of that.

2330 Now, this is a complex prosecutorial process which does not involve the Government, although the Government is able to obtain the information to provide to the Opposition. He cannot therefore interrogate the Government as to how the decisions and why the decisions have been made in respect of the number of fines that have gone forward, etc.

2335 That is the information that we can give him. The hon. Gentleman has given it to him in good faith – and, if I may say so, can I congratulate him on having got up for the first time in this House **(A Member: Hear, hear.)** and given his maiden answers to questions.

Mr Speaker, I think that it is a question of numbers and decisions made independently by prosecutors. That is what we are dealing with.

2345 **Hon. E J Phillips:** Mr Speaker, whilst I am grateful for the intervention by the Chief Minister – and I warmly congratulate the hon. Gentleman for his first appearance in this House on these types of questions. But I have asked a question about fines being imposed, I did not ask about the prosecutorial relationship between the automatic generated piece of paper and the human interaction.

2350 I have asked for the fines that are imposed. Nothing more, nothing less. Those that are paid and those unpaid. I am not talking at the Magistrates Court, the issuing of summonses, the defence of people that say they have not committed an offence. I have not asked about any of that. I have asked about the imposition of fines that are paid and unpaid. That is all I have asked, Mr Speaker.

2355

Hon. V Daryanani: Well, Mr Speaker, there are 4,923 fines that have been paid. **(A Member: Yes.)** Okay? *(Interjections)*

2360 **Hon. Chief Minister:** The balance! Let’s get the calculator out – 17,276 minus 4,923! *(Interjections)*

I just told you, they may not have been paid because they may have been waived by a prosecutor, somebody may still be contesting them, etc.

Hon. E J Phillips: Really?

2365

Hon. Chief Minister: Yes, really! (*Interjections*)

Q221/2019

**Driving licence penalty points –
Creation of regulations**

Clerk: Question 221, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state its position in respect to the creation of regulations for the imposition of penalty points on driving licences?

2370

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, as explained to Parliament by Minister Balban during the Second Reading of the Traffic (Amendment) Act 2016, the Bill contained ‘powers to make regulations for the introduction and administration of a penalty points regime’ but the Bill did not provide for the legislation required to set up the regime itself.

2375

Subsidiary legislation will be required, as will additional technical and administrative infrastructure for a penalty points’ regime to be introduced. This is being prepared.

2380

Hon. E J Phillips: Mr Speaker, when did the Government realise that the primary legislation was deficient? It was four years ago.

Hon. V Daryanani: The regulations have not been created yet and it is not deficient. And as I said in my answer, this is being prepared. It requires subsidiary legislation, right, as I told you in my answer for the regime to be introduced and therefore at the moment it is being prepared.

2385

Hon. E J Phillips: My simple question would be: why has it taken the Government three years to prepare the framework for the introduction of penalty points?

2390

Hon. V Daryanani: The Government decides its drafting priorities, and we have had ours.

Chief Minister (Hon. F R Picardo): The House may be interested to know – and the hon. Gentlemen, if they had done the exercise, might be interested to know – that 60% of all fines have been paid, although the regime only commenced in May 2017 which, in the context of the enforcement of traffic offence penalties is probably not a bad comparison to all other offences. And that is what the numbers that the hon. Gentleman has given the House, which are the ones I have used to calculate, demonstrate.

2395

Q222/2019
Learners' licences –
Changes in laws or regulations

2400 **Clerk:** Question 222, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker can the Government confirm that there have been no changes to our laws or regulations which prohibit those carrying a learner's licence from driving within the Town area?

2405

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, there have been no recent changes to our legislation which prohibit the holder of a learner's licence to drive within the Town area.

2410

Although I am not a lawyer, I refer the hon. Member, Mr Speaker, to section 85 of the Traffic (Licensing and Registration) Regulations which sets out the 'Conditions and Restrictions on Driving by Learners'.

2415 **Hon. E J Phillips:** I am grateful for that and the reason I have raised this question is quite simple and if he had read the question properly he would have known.

It is quite clear that members of the public come to the Opposition and they tell us, on numerous occasions, that those with learner licence plates are driving around Gibraltar indiscriminately but not being stopped by anyone, and this is the issue. It is an issue for members of the public. So what is the Government doing about that insofar as encouraging people not to drive with a learner's licence in the city?

2420

Hon. V Daryanani: Mr Speaker, this is an enforcement issue and this Government does not interfere with the Police.

Q223/2019
Parking zones –
Festive season arrangements

2425 **Clerk:** Question 223, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, this question has been answered by a press release that the Government issued a number of weeks ago now. Can the Government state what arrangements will be put in place, which are varying parking zone arrangements during the festive season?

2430

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, as the hon. Member may have read in the Press Release 865 of 2019, all residential and district parking zones will be temporarily suspended from Tuesday 24th December until Wednesday 1st January 2020, inclusive.

2435

Q224/2019

**Queen's cinema parking spaces –
Allocation**

Clerk: Question 224, the Hon. R M Clinton.

2440 **Hon. R M Clinton:** Mr Speaker, can the Government advise the basis on which the new 23 parking spaces at the Queen's Cinema site are to be allocated?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2445 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the ex-Queen's Cinema site will provide a total of 21 pay-and-display parking spaces and one disabled bay.

2450 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he advise for how long he envisages this facility will be available?

2455 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer the hon. Member because this is a 'land's issue'. This site has gone out to tender already. There were I believe six expressions of interest submitted. The Government has been considering those expressions of interest in the time since they were made. So this car park is a temporary car park.

Hon. D J Bossino: Mr Speaker, I think we all know it is temporary, it was announced by the Government that it was going to be temporary. But can he answer my hon. Friend's question and indicate how long does he think 'temporary' is?

2460 **Hon. Dr J J Garcia:** Mr Speaker, it will be a temporary car park for as long as it takes the Government to consider the six expressions of interest and award the tender.

2465 **Hon. K Azopardi:** I only rise because it sounded to me like the answer that Peter Hain gave when he was asked about what the perpetuity clause of the Treaty of Utrecht meant and he said as long 'in perpetuity' means as long as you want – but it does not mean forever.

2470 We appreciate that there is a consideration process but I think both of my hon. friends were hoping to get a slightly more defined answer from the Government. There was a press release some time ago that said indeed that it was temporary, and there must have been thinking behind the scenes. So can the Government assist, having now considered the future of the site and done its thinking, as to the likelihood of the process? How much longer would the site be used for this temporary use?

2475 **Hon. Dr J J Garcia:** Mr Speaker, the Government is unable to confirm the length of time that the temporary car park will be available. But once we consider the expressions of interest that have come in and we award the tender, however long that takes, that is when the site will cease being a temporary car park.

2480 **Hon. R M Clinton:** I am grateful to the Deputy Chief Minister's intervention there. If I may ask one question, just for clarification: the expressions of interest, does that include the Queen's Hotel site?

Hon. Dr J J Garcia: Yes, Mr Speaker, that was as the hon. Member knows public information. It includes the Queen's Hotel and the Queen's cinema sites.

Q225/2019
Fair Trading Act –
Publishing revised Bill

Clerk: Question 225, the Hon. R M Clinton.

2485 **Hon. R M Clinton:** Mr Speaker, can the Government advise when it intends to publish and bring into effect the regulations revising Part 9 of the Fair Trading Act?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2490 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, during the course of 2019, as the review of Part 9 of the Fair Trading Act 2015 was being completed, it became obvious that there was a need to introduce further structural change to the Fair Trading Act. As Members will know, an enabling Bill was published last year as the regulations were worked on but this was not proceeded with.

2495 We are at the final stages of drafting a completely new and even more innovative Act which will simplify and accelerate the licensing process, as well as enable the OFT to have the powers it requires to deal with enforcement in cases of breach. The new legislation will accommodate small businesses and cottage industry providers encouraging their growth in Gibraltar.

2500 This work was started by my colleague Albert Isola who is working with me in completing this Bill which has also been prepared in consultation and collaboration with the Chamber of Commerce and the Gibraltar Federation of Small Businesses in order to ensure that the needs of Gibraltar businesses are adequately catered for. I expect to publish this Bill early in January

Q226/2019
Amazon customs clearance –
Delayed agreement

Clerk: Question 226, the Hon. D A Feetham.

2505 **Hon. D A Feetham:** Mr Speaker, why has the Government delayed in reaching customs clearance agreement with Amazon in order to ensure Gibraltar residents do not encounter problems purchasing products on Amazon?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2510 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, there are no restrictions on behalf of HM Government of Gibraltar to foreign suppliers such as Amazon. Furthermore, after consulting the Collector of Customs with particular regard to the Gibraltar Customs Clearance Process, it has been confirmed that there are no such restrictions. This position has further been confirmed by the Director of Postal Services.

2515

If the Hon Member is relying for his question on a recent post on social media purporting to be an official communication from Amazon, he should be aware that Government is itself following up what appeared to be an erroneous reference in the absence of understanding that Gibraltar is not part of the EU Commission Customs Area for free movement of goods.

2520

Hon. D A Feetham: Well, thank you very much.

Yes, I am, and I am relying on a communication from Amazon to a member of the public where they said that the reason why that member of the public could not purchase some items on Amazon to be delivered to Gibraltar, was because the central Government of Gibraltar had yet to grant it legal permission for customs clearance process.

2525

I am glad that the hon. Member has answered in the way that that he has answered, and could I ask him whether the Government will also communicate with Amazon and tell them that they are in fact providing Gibraltar constituents with the wrong information and there are no such problems to be encountered with customs clearance in Gibraltar?

2530

Chief Minister (Hon. F R Picardo): Mr Speaker, that question is more of a customs matter than it is anything else, and I can tell the hon. Gentleman that I shall be visiting Amazon myself to deal with a number of different matters. And I intend to bring to their attention the fact that their customer liaison agents are giving out erroneous information including in reference to the existence of a 'central government' of Gibraltar.

2535

The only other time I have ever heard a reference to Gibraltar having a '*central* government' was when – in parliamentary terms – the was much-missed Mr Britto referred to the fact that he sometimes had to clear things with 'central government' which perplexed us on that side of the House at the time.

2540

Hon. D A Feetham: Mr Speaker, even Amazon thinks that they are the GSD in disguise.

Hon. Chief Minister: Well, no, Mr Speaker, it appears that Amazon is as mistaken as the GSD were as to the nature of Government.

Q227/2019

Cruise passengers and crew – Arrival numbers

2545

Clerk: Question 227, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, before I ask the question, I appreciate that the information I seek was actually published on the Government website a few days before I filed the question. But I will ask it anyway formally.

2550

Can the Minister for the Ports provide the updated figures as set out in Table T.14 of the Gibraltar Government website in respect of the total number of cruise passengers and crew arrivals by month and year?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2555

Minister for Business, Tourism and Transport (Hon. V Daryanani): Mr Speaker, the most updated information is already available online.

Hon. D J Bossino: Mr Speaker, yes it was updated on 5th December and I had filed the question on 9th. I should have double-checked before I filed the question.

2560 But, Mr Speaker, there is a I think a pertinent supplementary to that question and I wonder if the Government would consider – it has not been done before, I appreciate that and this is not original thinking on my part, it has been put to me by interested parties – whether it will be possible to provide figures of ... I mean the way it is done now is that we have details of the number of crew and, importantly, the number of cruise passengers who arrive in Gibraltar. And
2565 the point that has been put to me, and I think it is a very good idea – is to find out how many of those cruise passengers actually leave the cruise liner, and whether it will be possible to obtain that information, and whether it is a proposal that the Government would take on board?

Hon. V Daryanani: Mr Speaker, I think the ships do not get this information. I actually went
2570 on to an inaugural call and I made a point of trying to find out what was going on in seeing so many passengers on the ship. Some of them decide to stay on and some of them come into Gibraltar halfway through just for a short time, but there is no way of keeping tracks of how many people actually come off – at least, that is the information that I have, that we do not have, they do not they don't keep track of that information.

2575 **Hon. D J Bossino:** Mr Speaker, if I could ask a supplementary to that? Is it information which perhaps the Port and the cruise liner terminal would be able to obtain, in very similar way that the frontier does as an entry point of Gibraltar where they do the clicking? I think that the issue is not whether the cruise line company owner has that information or does not, it is actually
2580 whether we as our own authorities can obtain that information ourselves and maybe that is a way of dealing with it. But I see that Minister Licudi is going to be adding something to this.

Minister for Education, Employment, Utilities and the Port (Hon. G H Licudi): Well, not
2585 adding something but answering the question, given it is a matter that I have dealt with and I have been asked that question before.

It is not that we do not get that information. Cruise ships obviously keep a record, particularly for security purposes as to the number of people that get off the ship and the number of people that come on the ship. They can provide a global figure. What they do not differentiate is between the number of passengers and crew. So we get information as to the total numbers
2590 that get off without differentiating how many of the actual *passengers* get off the ship. That is very difficult to get our hands on, because people come off the ship possibly at the same time and they may be passengers or they may be crew and they are all dressed possibly in the same way. And for our part and certainly from the Tourism and Port point of view we just do not have the information although we do get information as to total number of *people* that get off the
2595 ship.

Hon. D J Bossino: I am grateful for that response.

Would it be possible to make that information public, I wonder, as an extra column in the relevant tables and indeed in the relevant tables in the tourist survey reports which we get once
2600 a year?

Hon. V Daryanani: Mr Speaker, it is a fair point and I am going to follow it up, and I would like that information myself also because, like I said, I was quite curious when I went on board that inaugural call in seeing people not coming off. So it is definitely information that I would want.
2605 Okay? So hopefully I will be able to tackle that issue very soon.

Thank you.

Q228/2019
Cirque du Soleil –
Negotiations position

Clerk: Question 228, the Hon. D J Bossino.

2610 **Hon. D J Bossino:** Can the Minister for Tourism state what the state of the negotiations with the Cirque du Soleil is?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2615 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, the negotiations are ongoing and are very positive.

Hon. D J Bossino: Mr Speaker, I have a number of supplementaries.
How committed is the Government to this? And in terms of the state of the negotiations do we have draft contracts? Has something been signed?
2620 I take it that the answer is going to be no, but perhaps he could enlighten this House as to what the specific answer to that specific question is?

Hon. V Daryanani: The Government is obviously in negotiations with Cirque du Soleil and, as a lawyer, I am sure the hon. Member will understand that until the ink is dry on the contract we will not be making any announcement.
2625

Hon. D J Bossino: And presumably in relation to that, I imagine that no monies have passed and nothing has been paid at this stage?

2630 **Hon. V Daryanani:** Mr Speaker, we are not going to publicly say whether we have paid anything or we have not paid. It is not a matter. We are in the middle of negotiations and when we have something concrete to announce we will let you know.

Hon. K Azopardi: Does the Government have a target date in mind for when it wants to open its circus? *(Laughter)*
2635

Chief Minister (Hon. F R Picardo): Mr Speaker, yes. The Government expects to run for 46 more months and to allow them to behave like clowns again at the appropriate moment.
(Laughter)
2640

Hon. Ms M D Hassan Nahon: Mr Speaker, sorry, I hope that this question is deemed relevant and maybe I have missed the information, but what would be the location for the Cirque du Soleil?
2645

Hon. V Daryanani: We are negotiating at the moment and we are looking at different venues.

Hon. D J Bossino: Mr Speaker, when does the Government envisage that this will start? Does it have a date in mind? And it does not have to be a specific date, I am happy with the Minister to tell me it is this year, or next year.
2650

Hon. V Daryanani: Mr Speaker, we have a date in mind but we will announce it when we are ready to announce it.

Q229/2019

**Schools covered parking spaces –
Background security checks**

Clerk: Question 229, the Hon. Ms M D Hassan Nahon.

2655 **Hon. Ms M D Hassan Nahon:** Regarding the sale and rental of covered parking spaces in St. Anne's and Notre Dame schools, will the Government be implementing any form of background security checks on both leaseholders and renters?

Clerk: Answer, the Hon. the Minister for Business, Tourism and Transport.

2660 **Minister for Business, Tourism and Transport (Hon. V Daryanani):** Mr Speaker, I can confirm that the parking spaces will only be sold or rented to residents of Gibraltar who are registered leaseholders or tenants of the area and this will be verified by review of the relevant documentation.

2665 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate the answer and I appreciate the criteria that sound as healthy as possible in the circumstances. But the Government will know that I have always been against this policy incentive of Government for obvious reasons, and the security risk still worries me in the sense that I would like to ask Government if there will be any added barriers for those purchases in the future should there be any gaps or loopholes where any sort of bad apple can actually get through?

2670 How high of a priority is the A to Z policy on ensuring the right criteria for buyers and sellers throughout and in the long term? Because from the official notice in the Chronicle from, I believe it was 9th December, there is not much mention of exhaustive checking or security screening or anything like that.

2675 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Lady knows that we have consistently taken the opposite view to her. And the reason we have done that is because we are very secure in the view that this does not create in any way a security risk for our children, otherwise we would not be pursuing this. What we are saying is that the sales will only be to people who are *tenants* of the Government or who own property in that area, or who can show a rental agreement. Therefore, that is a security check on identity of the sort that you would not hold in any other circumstances.

2680 We require at the moment, already, in respect of Government car parking spaces that people bring their tenancy agreement in order to demonstrate that they hold that tenancy, and their identity documentation. So, Mr Speaker, we think this is the most in-depth sort of check that is carried out in respect of the ownership of property albeit a small parcel of property.

2685 Now, Mr Speaker, in the context of what happens going forward the leases will continue to require that in respect of any onward sale, all of which would be subject to the Government's consent. So there is no way that anybody will be able to sell one of these parking spaces to anybody that does not fulfil the criteria that I have set out. Therefore, we think that this is absolutely and completely secure. We would not for one moment countenance something that created any potential risk or danger for any of our children in any of our schools; and the hon. Lady must rest assured that we have reached that judgment based on advice not by plucking it out of the air.

2690 **Hon. E J Reyes:** Mr Speaker, we believe, I understand and support what the Chief Minister is saying. However, let me pose another question: is the Chief Minister aware that there are

2700 certain loopholes that Gibraltarians are already taking advantage of, for example, in co-ownership parking spaces that are owned?

2705 If I give you an example, I own a parking space in my co-ownership home but there are other neighbours of mine who in turn then rent out that parking space – and some of them are even foreign-registered cars coming in. So, wishing to support the Chief Minister, I wish to assure him that I want to be hand-in-hand with him to stop that practice which I suppose *per se* as a lawyer he might advise me it is illegal, but perhaps cars that are parked there despite you owning the parking slot, may need to have a permit disc or whatever? Because in next to no time the parking could become sublet and the business was old, and it jeopardises what we all want to protect which is the safety of our children by having unknown people using those premises.

2710 **Hon. Chief Minister:** Well, Mr Speaker, the issue that he alights upon is one that has been identified in respect of issues generally, but where we have no longer got control in private estates, like the hon. Gentleman's estate. There, we have already lost the ability to control it and it is up to his management company to control it in that way.

2715 In other areas – so in the areas that we do control in the estates and in the car parks which are the Government car parks – you do not just need to bring your documents to show that you own the property in the area designated, you also get the permission for a designated vehicle only and you get a designated vehicle pass. So I think that is an extra layer of security which I think is an important one, in particular in the context of our educational establishments.

2720 Although, look, it is not lost on any of us and please God this would never happen and it is an issue we should never countenance. But the advice we have is that you do greater damage on the vehicle alongside the building than you do under a building, in particular because the layers of concrete that have been put in for the car park are blastproof and fireproof, because the building control requires that cars should be encased in that sort of concrete in case there were, not a bomb, but something goes wrong with the vehicle and there were to be an explosion.

2725 So already there is more protection for the vehicles that are under these facilities in respect of vehicles that might be parked alongside these facilities – something which could have happened at any time in respect of any school and there is 1988 for us all to remember, Mr Speaker.

2730 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask one more question? Will there be surveillance cameras in the area of these garages?

2735 **Hon. Chief Minister:** I think they are already installed, or in the process of being installed, or considered to be installed, as most car parks now have, Mr Speaker, for issues of vandalism, insurance claims and the obvious reasons here.

Q230/2019

Relocation of Attorney General's offices – Location and rental cost

Clerk: Question 230, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has finalised its plans to relocate the Attorney General's offices; and if so where to, and at what annual rental cost?

2740 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, Her Majesty's Government of Gibraltar's Office of Criminal Prosecutions and Litigation will soon be relocated to NatWest House, Suite 6, 6th Floor, 57/63 Line Wall Road.

Office rental charges are as follows: £123,853 per annum in the first year.

2750 **Hon. R M Clinton:** I am grateful to the Minister for her answer: could she advise who the landlords are?

Hon. Miss S J Sacramento: Mr Speaker, it is not information that I have. I was not involved in the negotiation of this contract and it is not information that I have. But if the hon. Gentleman wishes to know he can write to me and I can ... *(Interjections)* I am not sure. I am happy to confirm it.

I think I know who the landlord is but because I am not absolutely sure who the landlord is then I will confirm it in writing to the hon. Gentleman on another date.

2760 **Hon. R M Clinton:** I am grateful to the Minister and if the landlord happens to be a corporate entity I would also be grateful if she would confirm who the beneficial owners are of that corporate entity.

2765 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, he has been asked to write to her, so if he writes to her and he puts that detail in he might get it.

Hon K Azopardi: Can I just ask on that as well, can the Government confirm who specifically undertook these negotiations?

2770 **Hon. Miss S J Sacramento:** Mr Speaker, these have been negotiations by the Attorney General and the Director of Public Prosecutions.

Q231/2019
People registered disabled –
End of years 2015-2019

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

2775 **Hon. D A Feetham:** Mr Speaker, please can the Government state how many people were registered disabled as at the end of December 2015, 2016, 2017, 2018 and at the end of November 2019?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

2780 **Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento):** Mr Speaker, there is no such term or concept as 'registered disabled'.

Hon. D A Feetham: Mr Speaker, does the Government maintain a register of disabled people in Gibraltar?

2785 **Hon. Miss S J Sacramento:** Mr Speaker, different Government Departments may have applications by people with disabilities who may be registered with them from time to time for different reasons. And that is a different question, Mr Speaker.

Hon. D A Feetham: Well, Mr Speaker, we appear to be dancing around – or *she* appears to be dancing around on a pinhead – on what is a really important issue for *many* people in Gibraltar. (Interjection)

I am asking the Government, and she is eager to answer, let me just finish. I am asking: is there a central register that will tell us how many disabled people there are in Gibraltar? And if there is not, I would ask that the Government consider the implementation of a register because it is all very well having registers for this, or registers for that, but in my respectful view there is mileage and it is important for the Government to have one register that tells us how many disabled people there are in Gibraltar.

Hon. Miss S J Sacramento: Mr Speaker, I am glad that finally, for the hon. Gentleman, people with disabilities are an important issue and disability is an important issue. What a shame it was never even an issue when the hon. Gentleman was in Government, let alone an important issue. (A Member: Hear, hear.)

Mr Speaker, the criteria for registration in different Departments may be different. For example, Mr Speaker, someone with a particular disability may apply for a blue badge to entitle them to park in a blue bay, and that will have a particular criteria. Someone with a disability may apply to be in receipt of disability allowance benefit and that will have a *different* criteria. It does not mean that because one person qualifies for one, one person qualifies for the other.

Each Government Department that may offer a benefit, or has to have its own internal regime for the recognition of different disabilities, will have it. Needless to say, the Health Authority will have a record of people with disabilities. If someone has a learning disability, for example, that of course will be in their medical records. People who are under the auspices of the Care Agency and in particular the Social Services Department or the Care Agency will now, Mr Speaker – and I have to say this, *now* – all have been diagnosed as to what learning disability they may have and they will be registered.

So, Mr Speaker, yes, there is in respect of each individual organisation – and each individual Department will have its structure as appropriate to it and its criteria in relation to people with disabilities. And the hon. Gentleman can rest assured that everything is in place.

Hon. D A Feetham: Mr Speaker, maybe she can provide me with a straight answer to what I consider to be a simple question?

How many registers are there? And how many people overall are there on those registers?

Hon. Miss S J Sacramento: Mr Speaker, I know that he is now discovering the issue of disability and I am glad that he is, and I am glad that he is learning, and I am happy to sit down with him and explain to him how it actually works.

Mr Speaker, it may be that an individual because of their disability may appear ... If, say for argument's sake, there are 10 Departments from which a person can avail themselves of particular services, one individual may appear 10 times in 10 Departments; and one individual may be on a particular register, say, for example, in the Learning Disability Unit of the Department of Education but may not necessarily be in receipt of disability benefit. Because one does not mean that they are registered with the other.

One of the things that we did very recently, Mr Speaker, in the Ministry for Equality – for this purpose, to have an idea of people with disabilities in Gibraltar – is that we issued a Disability Information Card. It does not provide any rights, as such, it does not mean that someone who is in receipt of this Disability Information Card is automatically entitled to any benefit, like any disability allowance benefit or a blue badge as a result of having that, but we do ask the people to specify what disabilities they may have. So we centralised that information. But not everybody has to apply for a Disability Information Card, Mr Speaker, and that is the difference.

But of course if the hon. Gentleman is now keen to learn about disability and how disability systems work here in Gibraltar I am very happy to sit with him and explain to him how it works.

Hon. D A Feetham: Mr Speaker, and there I was thinking that the function of an Opposition was to ask questions on behalf of constituents and indeed to seek straight answers to what are very simple questions – without being provided with a diatribe as to whether in the past I was, or I was not, concerned about disabled people.

Look, I am asking a question about this, because I want to do an analysis of how many disabled people there are and then do an analysis – to be straight with the hon. Lady – of what benefits people are receiving and what help people are receiving. It is impossible for me, as an Opposition Member, to do my job properly if the hon. Lady does not provide me with answers. And therefore democracy is all the poorer and all those people that we are trying to help ...

Look, I may have come to this late – and I do not accept that. But, anyway, I may have come to this late but I am entitled to ask these questions. Does she not agree with me that there would be a very significant benefit to the Government and to Gibraltar to have a central register of disabled people in Gibraltar, which would be easy to compile from all the lists that the hon. Lady has said that the Government has in respect of different aspects of Government business? And, therefore, does she not agree with me that that is something the Government ought to do as a matter of priority?

Hon. Miss S J Sacramento: Mr Speaker, while it is not as simple and straightforward as the hon. Gentleman thinks that it is, it is something that my office has been working actually on for a number of years because it is quite complicated, because of the absence of the way that data was collected historically. What we have done is we have started afresh and in each individual Department we are standardising how data is collected so that then we can match it to ensure that we have no repetition of individuals so that, as I said before, in my previous example, if one individual appears in 10 Departments we count that as one individual and not ten individuals.

That exercise, the hon. Gentleman can rest assured, the Government has already thought about and the Government has already commenced; but actually it is very complicated to undertake because we are dealing with masses of data and with lots of Departments – Departments which have other day-to-day jobs. And sometimes, unfortunately, we have the issue of GDPR which can also get in the way and that has slowed us down. But we have been able to unblock that now.

If the hon. Gentleman wants to, when he has a moment, have a look at our application form in the Ministry for Equality for the Disability Information Card he will see that we specifically added a clause in relation to GDPR, because the Ministry for Equality centralises this information and it gives us now that opportunity to have that information which we were lacking in the past.

Hon. D A Feetham: I am very grateful to the hon. Lady and if she had provided me with that answer I would not have pressed it any further because really that is what I wanted to get at.

Does she have a time estimate as to how long it will take for the Government to complete this task and thereafter have this central register of disabled people in Gibraltar?

Hon. Miss S J Sacramento: Mr Speaker, it is actually quite an extensive project among other extensive projects that my team at the Ministry for Equality are working on, alongside other projects. I cannot give an estimate, it is something that we review from time to time; it is something that is very fluid and very dependent on all the other Government Departments providing us with updated information.

I would like to see it finalised as soon as possible. I know that they are very advanced on it because they have been working on it for quite a while. And as soon as it is ready I am sure that we will make an announcement.

Q232/2019

**Parental alienation –
Contact and relationships with children**

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

Hon. D A Feetham: Mr Speaker, how does the Government intend to deal with the issue of parental alienation in order to ensure that non-resident parents have proper contact and relationships with their children?

Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, as the hon. Gentleman will be aware from my Press Release No. 814/2019 that I issued on 18th November I have commenced a consultation process on parental alienation. How this matter will be dealt with will be decided *after* the consultation process is complete as it would be premature of me to announce this now when I have just announced the consultation.

I would, of course, be happy to consider any concerns, recommendations or other representations that the hon. Gentleman might wish to make if he writes to me on this matter and I would be happy to meet with him to discuss, if he wishes.

Hon. D A Feetham: Well, thank you very much, and may I congratulate her on the very convivial response to the question, I have to say. *(Interjections)* Yes, we are dancing on a pinhead but – *(Interjections by Hon. Chief Minister and Hon. Miss S J Sacramento)*

Well, I am not prone to dancing at the best of times and at quarter past seven on an evening after Parliament it is not my not my cup of tea. *(Interjection)* Well, indeed, yes. *(Laughter)*

May I get on with my supplementary, Mr Speaker? *(Interjections)* Terrible, terrible interruptions from the other side!

Yes, Mr Speaker, this is ... Order! Order! This is a complicated, complex issue. It is one that I know from personal experience how complicated it is because I attempted to grapple with this issue when I was Minister for Justice for four years post-2007, and there are legal complications as well because of course the Children Act which we introduced – which was a point that the Hon. the Chief Minister made, I think it was the day before yesterday – has as a paramount principle the interests of the child. And of course the way that traditionally has been applied it has meant that that mothers, usually, will then obtain a residence but by dint of applying that principle.

Now, other jurisdictions – and I would urge the hon. Lady in the exercise that she is undertaking to look at other principles, in particular Scandinavian models of doing this, which is that they do look at the interests of the child and interests of the child are paramount. But there is a presumption that the interests of the child are best served by there being residency with both parents and that is a displaceable presumption obviously depending on the evidence.

I would urge the hon. Lady to look at that; and, to phrase that in the form of a question, does she not agree with me that that is worth looking at? And I will also take up her very kind offer and I will be writing to her as well with certainly our ideas and the difficulties that I encountered, and to try to assist her as much as possible with this exercise which is important so that we ensure that children have a relationship with both parents and not just one.

Hon. Miss S J Sacramento: Mr Speaker, that supplementary invites me to all sorts of replies, but I will keep it short.

Yes, the hon. Gentleman on the other side was the Minister for Justice. He did introduce the Children Act to replace previously the Minors Act, but that piece of legislation does not really deal with the issue of parental alienation and it is something that I would like to deal with now. He was the Minister with responsibility to draft it, but I previously was a practitioner in the field and a practitioner in that piece of legislation. And when we look at the issue of parental alienation and the practice of the legislation, it is not always something that is based on the legislative framework but more on the advice on social services and the practices that are in place from time to time and the framework that is provided by CAFCASS.

But, having said that, the whole point of the consultation process is to look at all of the options that are available. I do appreciate that we are talking about a piece of legislation that was introduced in 2011, and our society changes. Unfortunately, there is a lot of marriage breakdown, and not only marriage breakdown but partnership breakdown and this affects children. I want to make sure, Mr Speaker, that we have a regime in place whether it is a legal framework or any other framework, whether it is policy or anything else that is relevant to the whole procedure that deals with everything that needs to be dealt with to give effect to the overriding objective of the Children Act – that is to act in the children's best interest – which I think is something that is applied by the courts. But perhaps we need to look at the framework in case there is something else that we need to do.

Hon. D A Feetham: Just one final supplementary.

When we were in Government – and I am not sure whether it is pursuant to the Children Act or whether it was pursuant to amendments to the Matrimonial Causes Act, but certainly it was one of those two pieces of legislation – we also made it a requirement that every time a divorce petition, or there is a petition for separation, that has been lodged with the court, the court service will send out a booklet that talks about parental alienation. It is a booklet that is designed to facilitate agreements between partners – well, in this case it would be married couples that are thinking about divorce or separation – in order to ensure that as far as possible there is an amicable agreement in relation to the children.

Indeed, I recall that the centre pages of that booklet were essentially like a timetable setting out the types of agreement that you might reach in relation to residency and contact in relation to the children; so that people that do not want to go to lawyers, for example, may be able to agree it amicably between them.

Now, as I understand it, that booklet is no longer being sent out by the court service. If she knows something about it could she inform the House as to why that has stopped? And if she does not know anything about it could she make enquiries, because I did think – not because we initiated it on this side when we were on *that* side of the House – but because we really,

genuinely thought it was a worthwhile exercise. I would ask the hon. Lady to investigate as to why that is not occurring any more.

2975 **Hon. Miss S J Sacramento:** Mr Speaker, I know what booklets the hon. Gentleman is referring to, I remember having seen them in practice. There was – (*Interjection*) Sorry? (*Interjections*) I do not think I did, Mr Speaker. I will not go into the details.

2980 Mr Speaker, I am aware that there are booklets (*Interjection*) that exist. But what I do recall from practice was that they were not popular either by practitioners or people who were using them.

2985 I understand the intention of the booklets when they were issued and possibly the intention was for people who did not have legal representation. But in the majority of cases I think people have legal representation; and when people have legal representation practitioners would rather work in the way that they are used to working. I recall from having discussed it with members at the Bar at the time and I think after that, while people receive it, generally practitioners will use their professional advice which in terms of the law and the legal framework will be based on the legislation.

2990 **Hon E J Phillips:** Just one question on this area concerning children from cohabitees.

The Chief Minister raised actually two days ago that the increasing prevalence of people not getting married and the effects – and I think he alluded to the effects of PAS in relation to children from parents that are not married and how they could be included in the same mechanism.

2995 In 2016 we wrote an article in *The Chronicle*, I did with the GSD, about how we could encourage more training with our judiciary, our lawyers and indeed Social Services and the Care Agency and that was a call that we made back in 2016 which we thought was actually quite a sensible solution. You talk about the booklets not being effective enough for practitioners, but I do know a number of practitioners would benefit from further training in identifying PAS very early on. As she will know, as a former practitioner, when you are advising clients in relation to this issue it is important to identify PAS very early on in the breakdown of the relationship and its effects on the children. Because the further down the line you go insofar as PAS, children become entrenched in those views and it is very difficult to roll them back in terms of reuniting with parents.

3000 Therefore, perhaps, has the Minister thought about further training for the judiciary, for example, that deal with this and how they recognise forms of parental alienation in court, Social Services and also the practitioners themselves?

3005 I would urge her maybe to give her views on that, if she could.

3010 **Hon. Miss S J Sacramento:** The reality is, Mr Speaker, that the court will determine decisions in relation to residence of the children on the welfare report that is prepared by Social Services. Social Services are probably the most trained professionals when it relates to this. I have already discussed this matter with the Court Welfare Officers from the Social Services Department of the Care Agency and I can guarantee that they are extremely up to date with their training on this.

3015 Further training that may be necessary on this will likely be an outcome of the consultation process. It is certainly something that has already crossed my mind, but at this stage having just announced the consultation process on this, which is a very important matter – and in fact I have received communications from a lot of members in the community who I will start seeing in January. A lot of people have reached out and want to meet with me and explain their circumstances to me. I will meet with everyone who has got in touch with my office and it will probably take me a good two or three months, given the high volume of people who have contacted me for it.

3020

Really, at this stage, I do not really want to pre-empt the outcome of the consultation process before it has even begun.

3025 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask one question on this?

Is the Minister for Justice liaising or forging connections with the recently formed group, the 'Forgotten Fathers', in order to gauge where their feedback is coming from; and the issues coming directly from that pressure group that has been formed and is keen to make reforms?

3030 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that I will be meeting with them too. *(Interjection)*

Hon E J Phillips: CAFCASS, as the Hon. Minister will be aware, has very significant structures in place to deal with PAS. Has much learning been obtained from them?

3035 I have actually reached out to the Chief Executive of CAFCASS in the UK, who has been very helpful to us on this side in helping us understand the issues that arise with parents. I am sure the Government may well have got relationships with CAFCASS in the United Kingdom and I just wondered if they have borne fruit insofar as that relationship is concerned.

3040 **Hon. Miss S J Sacramento:** M. Speaker, our relationship with CAFCASS is of course through the Social Services Department of the Care Agency. They are their professional framework, as it were, and they of course need to do their continuous professional development. And I know from a conversation that I had with Social Services only a couple of days ago that in fact there have been changes in the way that CAFCASS deals with parental alienation and I am very
3045 satisfied that our team are up to date on their training.

Chief Minister (Hon. F R Picardo): Mr Speaker, I would now, I think invite the House to please stand up, please stand up and adjourn to tomorrow at 3.00 p.m. *(Interjections)*

3050 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Thursday 19th December at 3 p.m.

I now put the question which is that this House do now adjourn to Thursday 19th December at 3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed. The House will now adjourn to Thursday 19th December at 3 p.m.

The House adjourned at 7. 28 p.m.