



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.21 p.m.

Gibraltar, Friday, 17th October 2014

Business transacted

Order of the Day.....	3
Bills	3
First and Second Reading.....	3
European Parliamentary Elections (Amendment) Bill 2014 – First Reading approved.....	3
European Parliamentary Elections (Amendment) Bill 2014 – Second Reading approved	3
Committee Stage and Third Reading.....	4
European Parliamentary Elections (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting.....	4
First and Second Reading.....	4
Supplementary Appropriation (2014/2015) Bill 2014 – First Reading approved	4
Supplementary Appropriation (2014/2015) Bill 2014 – Second Reading approved.....	5
Committee Stage and Third Reading.....	6
Supplementary Appropriation (2014/2015) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	6
First and Second Reading	7
Public Health (Amendment No. 2) Bill 2014 – First Reading approved	7
Public Health (Amendment No. 2) Bill 2014 – Second Reading approved	7
Committee Stage and Third Reading.....	7
Public Health (Amendment No. 2) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	7
First and Second Reading.....	8
Trustees (Amendment) Bill 2014 – First Reading approved.....	8
Trustees (Amendment) Bill 2014 – Second Reading approved	8
Committee Stage and Third Reading.....	8
Trustees (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting.....	8

First and Second Reading	9
Perpetuities and Accumulations (Amendment) Bill 2014 – First Reading approved.....	9
Perpetuities and Accumulations (Amendment) Bill 2014 – Second Reading approved	9
Committee Stage and Third Reading	10
Perpetuities and Accumulations (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	10
First and Second Reading	10
Smoke-Free Environment (Amendment) Bill 2014 – First Reading approved	10
Smoke-Free Environment (Amendment) Bill 2014 – Second Reading approved.....	10
Committee Stage and Third Reading	21
Smoke-Free Environment (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	21
<i>In Committee of the whole Parliament</i>	22
European Parliamentary Elections (Amendment) Bill 2014 – Clauses considered and approved	22
Supplementary Appropriation (2014/2015) Bill 2014 – Clauses considered and approved.....	22
Public Health (Amendment No. 2) Bill 2014 – Clauses considered and approved	22
Trustees (Amendment) Bill 2014 – Clauses considered and approved	22
Perpetuities and Accumulations (Amendment) Bill 2014 – Clauses considered and approved	23
Smoke-Free Environment (Amendment) Bill 2014 – Clauses considered and approved	23
European Parliamentary Elections (Amendment) Bill 2014; Supplementary Appropriation (2014/2015) Bill 2014; Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014; Perpetuities and Accumulations (Amendment) Bill 2014; Smoke-Free Environment (Amendment) Bill 2014 – Third Readings approved; Bills passed.....	24
Adjournment.....	25
<i>The House adjourned at 5.21 p.m.</i>	25

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

European Parliamentary Elections (Amendment) Bill 2014 – First Reading approved

Clerk: Order of the Day. Bills – First and Second Reading.

A Bill for an Act to amend the European Parliamentary Elections Act 2004.

5 The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a first time.

10 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

European Parliamentary Elections (Amendment) Bill 2014 – Second Reading approved

Clerk: The European Parliamentary Elections Amendment Act 2014.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill is really the fruit of an initiative by the former Clerk of the Parliament, Mr Melvyn Farrell, who thought it was appropriate to suggest some updating of the European Elections Act 2004, and I am grateful to him – as I am sure the whole Parliament will be – for having approached the Government on the subject.

20 Essentially, Mr Speaker, this is a housekeeping Bill. The highlights, really, are as follows.

In section 2, dated references to ‘Accession State’ and similar dated references are removed and reference is now made to the Treaty on the Functioning of the European Union, instead of the EC Treaty.

In section 4, the definition to the ‘Treaty of Athens’ is omitted.

25 In Schedule 1 of the Act, a more precise definition of the 2004 Regulations is now given for the sake of greater certainty and clarity. Hon. Members will of course know that the 2004 Regulations are the UK instrument which governs much of the substance of Gibraltar’s participation in the European Parliamentary Elections.

Also, in Schedule 1, references that are specific to the 2004 European Parliamentary Elections and which are *ipso facto* irrelevant are expressly repealed.

30 Mr Speaker, the updating I referred to needs to be reflected in the canvass form for electors and that form is therefore being replaced precisely for that reason.

35 The Government is also taking the opportunity in new subparagraph (3F)(1) of Schedule 1 of the Act to allow for two additional interim publication dates of the register of Gibraltar electors for European Parliamentary Elections. This is in keeping with the change introduced in the United Kingdom and we consider it appropriate and right to introduce the same reform here. It will maximise the opportunity for enfranchisement as individuals will more easily be able to check whether they are on the register or not, and to rectify their non-inclusion in good time, should they be eligible to vote.

40 Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

45 **Hon. D A Feetham:** Mr Speaker, very briefly, I rise just simply to echo what the Chief Minister has said. It is a house-keeping, tidying-up exercise and certainly again, from the Opposition benches, we would also like to extend our thanks to the thoroughness of the former Clerk of the House, Melvyn Farrell for his suggestions and for his work in relation to this Bill. So the Opposition will be supporting the Bill.

50 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The European Parliamentary Elections (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

European Parliamentary Elections (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree?

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Supplementary Appropriation (2014/2015) Bill 2014 – First Reading approved

60 **Clerk:** 2. A Bill for an Act to appropriate further sums of money to the service of the year ending on 31st day of March 2015.

The Hon. the Chief Minister.

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to appropriate further sums of money to the service of the year ending on 31st March 2015 be read a first time.

70 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on 31st day of March 2015 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2014/2015) Act 2014.

**Supplementary Appropriation (2014/2015) Bill 2014 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill seeks a further appropriation in excess of that countenanced at the time of the budget debate in July.

The further appropriation is for the purpose of funding the University of Gibraltar, a project which we have recently brought to fruition on the terms already announced by the Hon. Minister for Education and I at a press conference last week.

The project is one which I am sure all sides of the House will agree is a great step forward for our community. Indeed, from what I heard of the debate during Question Time this morning, there is broad agreement across even the wide political divide here about the desirability of this project succeeding. It could not be otherwise, Mr Speaker, for the founding of the University of Gibraltar has been a project long trailed by more than one political party in past elections.

Well, Mr Speaker, it is those dreams which we are now in the process of making a reality, taking one small step at a time. I know the Minister for Education gave a very full answer this morning, detailing aspects of how the university will work. I do not want to repeat myself this afternoon again setting out what the Minister said, and I will therefore simply refer the House to his earlier statement.

But Mr Speaker, if we want a university we have to fund it and that is what this Bill is about. I certainly believe we should be funding the university and I therefore commend the Bill to the House, with the caveat that any details of expected spending raised in the debate will best be replied to by the Minister for Education.

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. D A Feetham: Well, Mr Speaker the matter has been exhaustively debated in the Question and Answer session this morning, so there is very little, if anything, that I am going to be adding on behalf of the Opposition, simply to say that we will be supporting this Bill.

We very much welcome the statements made by the Hon. the Minister for Education this morning, that the £10 million that is going to be appropriated today is the effectively envisaged outlay, not only for this year, but over the next couple of years. So that deals with some perhaps lingering concerns that I may have had, because of course we are concerned about how much exactly it is going to be costing in the short term and indeed, carrying on as well from the tradition of, at budget time, always voting in favour of the Bill that is presented at budget time so as not to deprive the Government of the day of the obvious opportunity to be able to fund not only its projects but the running of Government, and although we could have perhaps have taken a different view in relation to this Bill, for the reason that we support the aim and for the reason that the £10 million will not only cover the initial outlay for this year, but also the expenditure for the next two to three years, we will be supporting this Appropriation Bill.

Mr Speaker: I now put the question – sorry.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, this morning, when we ventilated these matters, I expressed the hope and indeed the expectation that this is a matter that would enjoy cross-party support, both from the point of view of the concept of the university and the need to fund the university. I explained that this is something, again as the Chief Minister has alluded to, that it has been at the back of the minds and in fact possibly more at the forefront in more recent years, of other political parties over the years.

We are very glad to be able to bring this matter forward, to have the specific plans and to see this matter – this university which is going to be a pride of place for all Gibraltarians – taking shape. It is good and we welcome the fact that the Opposition, as hoped for by us, does in fact support the concept of the University and the funding for the university.

All other matters were set out extensively this morning, but I am very glad that this project, which is a much valued project for the whole community and will see enormous benefits, has indeed cross-party support.

Mr Speaker: The Hon. Dr John Cortes.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I would like to just make a few comments here. I have a huge personal interest having moved in the academic world – in fact, once upon a time, I hoped I would become an academic but I finished up here instead. But I have a huge interest in the subject; I am very pleased that I have been involved with my own Department and at a personal level in working with my hon. colleague's team in developing the natural sciences ideas. Also with the School of Health Studies, we worked very closely together.

Having a university in Gibraltar will clearly enrich our community and will serve to produce ambassadors in a wide range of subjects across the world. I would like to say that I too have noted the excitement in the circles in which I move. I had the honour of hosting a workshop on sustainability in higher education earlier on this year, with representatives from universities across the Mediterranean – both the European and the North African side of the Mediterranean – as well as organisations such as UNIP and the Mediterranean Office for Environment, Culture and Sustainability. Everyone there was extremely interested in working and excited about Gibraltar having a university.

Finally, I think that I have to place on record the congratulations to the Minister for Education and his team, who I know have been working hard in bringing this project to fruition. (**A Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute?
The Chief Minister.

Hon. Chief Minister: Well Mr Speaker, because it is an Appropriation Bill, I think some Members have thought that this is an opportunity to have a 'state of the nation' university debate. So enjoyable as that might be, we are taking baby steps in establishing this university and I am very grateful to the Leader of the Opposition for having indicated his support to the appropriation.

The appropriation, Mr Speaker, as we have I think already explained during the course of interviews and press statements and the things that have been said this morning in the House and I have said now, is not for £10 million to be spent between now and the end of the financial year, but it is an indication of the amount that the university will cost over a period of time.

Therefore although we are making the appropriation and seeking the appropriation it is not going to be that we are going to be spending that amount before 31st March.

I am very grateful for everything that hon. Members have said in support of this Bill for an appropriation and today is an important day in the life of the university because although we have taken steps in creating the company and in telling the public what it is that we are doing, it is when we vote the appropriation that we really are going to give life to this place of learning in our nation.

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on 31st day of March 2015 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

With the appropriation having been carried, I think that I am allowed, as a member of the previous generation, for me this is a red letter day indeed. It is something almost undreamt of.

Clerk: The Supplementary Appropriation (2014/2015) Act 2014.

COMMITTEE STAGE AND THIRD READING

Supplementary Appropriation (2014/2015) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Thank you very much, Mr Speaker.

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

**Public Health (Amendment No. 2) Bill 2014 –
First Reading approved**

Clerk: 3. A Bill for an Act to amend the Public Health Act.
The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to
190 move that a Bill for an Act to amend the Public Health Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Health Act be
read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

195 **Clerk:** The Public Health (Amendment No. 2) Act 2014.

**Public Health (Amendment No. 2) Bill 2014 –
Second Reading approved**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to
move that the Bill now be read a second time.

Mr Speaker, this Bill makes a minor amendment to the Public Health Act with the intention of inserting
a new section 252(A), to allow for the introduction of regulation making powers to provide for the naming
200 and numbering of premises in Gibraltar and for the creation and administration of an official register of
addresses.

Mr Speaker, there are a number of lists of addresses in Government Departments and Agencies,
Parliament being one for the Register of Electors, Land Property Services, the Health Authority and so on,
and it has emerged, particular in these days of GIS and wanting to have everything in an electronic format,
205 that these lists do not all coincide. Therefore it is our intention to issue regulations so that we can have an
official register of addresses and we can rationalise the naming and numbering of streets and premises in
Gibraltar.

It is for this very practical purpose that I commend the Bill to the House.

210 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles
and merits of the Bill?

Hon. J J Netto: Mr Speaker, only to say that we will be supporting the Bill.

215 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Public Health be read
a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Health (Amendment No. 2) Act 2014.

COMMITTEE STAGE AND THIRD READING

**Public Health (Amendment No. 2) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

220 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice
that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be
taken today? (**Members:** Aye.)

FIRST AND SECOND READING

**Trustees (Amendment) Bill 2014 –
First Reading approved**

225 **Clerk:** No. 4. A Bill for an Act to amend the Trustees Act.
The Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that the Bill for an Act to amend the Trustees Act be read a first time.

230 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Trustees Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trustees (Amendment) Act 2014.

**Trustees (Amendment) Bill 2014 –
Second Reading approved**

235 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill remedies what we consider to be an omission in the current Trustees Act, which has been brought to the Government's attention by members of the industry. In fact, it was first brought to our attention by the Chairman of the Bar Council and then we consulted members of the industry including
240 STEP, the Society of Trustees and Estate Practitioners, and they agreed with the proposal of the Chairman of the Bar Council.

In the United Kingdom, the Trustee Act contains section 61 which provides a power for a court when dealing with cases involving breach by trustees, to relieve the trustee wholly or partially from personal liability, provided that the trustee has acted honestly and reasonably.

245 This power has been part of the UK since the Judicial Trustee Act 1896. An equivalent section is contained in section 378 of the current Companies Act, which is section 477 of the new Companies Act, protecting directors in similar circumstances.

The Government is in agreement with the proposal made by the industry that this omission should be remedied and this Bill does this by means of inserting a new section 19A into the Trustees Act in the same
250 terms as the UK provision.

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

255 I now put the question which is that a Bill for an Act to amend the Trustees Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trustees (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

**Trustees (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

260 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today. (**Members:** Aye.)

FIRST AND SECOND READING

**Perpetuities and Accumulations (Amendment) Bill 2014 –
First Reading approved**

265 **Clerk:** A Bill for an Act to amend the Perpetuities and Accumulations Act 1986.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to
move that a Bill for an Act to amend the Perpetuities and Accumulations Act 1986 be read a first time.

270 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Perpetuities and
Accumulations Act 1986 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Perpetuities and Accumulations (Amendment) Act 2014.

**Perpetuities and Accumulations (Amendment) Bill 2014 –
Second Reading approved**

275 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to
move that a Bill for an Act to amend the Perpetuities and Accumulations Act 1986 be read a second time.

Mr Speaker, this is the first of several pieces of legislation connected broadly to the private client
industry that the Government will be introducing in the coming months. The impetus for this package of
280 legislation has come from the financial services industry, including the trust sector in Gibraltar, with the
backing of the Gibraltar Finance Centre Council.

As a result, the Government has put in place a comprehensive action plan to engage actively,
systematically and decisively to address the industry's proposals for reform, many of which have
languished for some years.

285 **Mr Speaker,** the Bill to amend the Perpetuities and Accumulations Act 1986 that is before Parliament
today accomplishes this in two principal objectives. Firstly, it provides for an increase from 100 to 250
years in the maximum period applicable to a disposition under the rule against perpetuities, where a
perpetuity period is specified in an instrument. This increase means that interest created by the instrument
would be able to vest more remotely than is the case at present.

290 I should add that the Bill is not merely prospective in achieving this reform. It will also allow for
dispositions made prior to the commencement, to be amended by deed so as to take advantage of the
increased perpetuity period.

Secondly, Mr Speaker, the Bill abolishes the rule against accumulations altogether for all trusts, except
for charitable trusts, for which a maximum period of 21 years will now be stipulated, subject to the
295 exceptions in section 16(4). This follows the consensus in developed trust jurisdictions, that the rule
restricting accumulations seldom serves any good public policy purpose in private arrangements, but to the
contrary, does serve a good purpose in respect of charities, and that the latter should spend their income on
charitable purposes and not retain it indefinitely.

300 Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles
and merits of the Bill?

305 **Hon. D J Bossino:** No, Mr Speaker, other than to indicate that equally as we have done in relation to
the amendments to the Trustees Act, we will also be supporting this Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Perpetuities and
Accumulations Act 1986 be read a second time. Those in favour? (**Members:** Aye.) Those against?
Carried.

310 **Clerk:** The Perpetuities and Accumulations (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

**Perpetuities and Accumulations (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

**Smoke-Free Environment (Amendment) Bill 2014 –
First Reading approved**

Clerk: A Bill for an Act to amend the Smoke Free Environment Act 2012 and for connected purposes. The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Smoke-Free Environment Act 2012 and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Smoke-Free Environment Act 2012 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Smoke-Free Environment (Amendment) Act 2014.

**Smoke-Free Environment (Amendment) Bill 2014 –
Second Reading approved**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to move that a Bill for an Act to amend the Smoke-Free Environment Act of 2012 and for connected purposes be read a second time.

Mr Speaker, this Bill amends the Smoke-Free Environment Act 2012 so as to create an exception to the general prohibition of smoking.

This exception permits smoking in certain parts of premises covered by a gaming operator's licence in specified circumstances and sets out that parts of the premises whereby smoking is permitted, under this provision, shall not attract the additional discount introduced in accordance with section 277B of the Public Health Act.

Mr Speaker, there is currently only one gaming operator's licence in operation in Gibraltar and it relates to the land-based casino in Ocean Village. As the premises is one in respect of which a licence authorising the sale by retail of alcohol for consumption on the premises has effect, the power in the Act to make an exception by means of secondary legislation cannot be used. As such, it is necessary to make the change by means of a Bill.

Mr Speaker, by way of background, the Smoke-Free Environment Act 2012 imposed a prohibition on smoking in certain enclosed places that are open to the public or used as a place of work, so as to ensure that the public have access to breathing clean air throughout Gibraltar.

The Act contains a number of exceptions which include: (a) designated bedrooms in a hotel, guest house, inn or hostel, being rooms set apart exclusively for sleeping accommodation, designated in writing by the person having the charge of the premises in which the room is situated as being a room in which smoking is permitted, which have a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls, which have a ventilation system but does not ventilate into any other part of the premises except any other designated bedrooms, do not have any door that opens onto premises where smoking is prohibited which is not mechanically closed immediately after use and which are clearly marked as bedrooms in which smoking is permitted; (b) bedrooms or smoking rooms in care homes,

hospices, prisons and hospitals under the Mental Health Act with similar criteria to those for designated hotel rooms; (c) specified areas of specialist tobacconist shops, again which meet similar criteria.

The criteria included in this Bill for the designation of parts of premises covered by a gaming operator's licence go further than the requirements for similar exceptions already in existence under the Act: that part of the premises must: (1) have a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls; (2) does not have a ventilation system that ventilates into any smoke-free premises; (3) does not have any door that opens onto smoke-free premises which is not mechanically closed immediately after use; and (4) be clearly marked as premises in which smoking is permitted.

Additionally, the part of the premises must be approved for the purposes of the section by the Minister with responsibility for Gambling, in consultation with the Minister with responsibility for Health and the Director of Public Health, and the approval is subject to conditions.

There are mandatory conditions which must be included in any approval and these are: (a) notwithstanding any licence which would otherwise have effect, the sale by retail of alcohol for consumption on the premises is not permitted within part of the establishment to which the approval relates; and (b) the part of the establishment to which the approval relates has a ventilation system approved for the purposes of this section by the Minister with responsibility for Gambling in consultation with the Minister with responsibility for Health and the Director of Public Health.

There is also the power, Mr Speaker, to add further conditions to the approval as the Minister with responsibility for Gambling deems appropriate.

I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the principles and merits of the Bill?

Hon. J J Netto: Mr Speaker, the Opposition will be abstaining on the proposed amendment to the Smoke-Free Environment Act 2012 essentially because what this amendment shows is the complete incompetence of the current Government when discussing and weighing up the pros and cons of draft legislation in the first place.

Back in September 2012, the Minister which was assigned by the Government to drive the current law, the Hon. Dr John Cortes, stated in his speech of the Second Reading, right at the beginning, the following words and I quote:

‘following the trend in many other countries and, indeed, a campaign led for several years in Gibraltar by several people, notably Mr Bryan Zammit, there was a feeling in the community that we should catch up with the rest of the world and introduce legislation that would make the environment within premises and public vehicles free from smoke.’

So we are entitled to ask the Minister now, having joined the rest of the world as a result of the legislation proposed then by the Minister for Health and Environment, have we now descended back to that part of the world that does not take health and environmental matters seriously?

Again in his speech, the Minister for Health and the Environment stated, that exceptions would only be given to performance in a play where the artistic integrity of the performance makes it appropriate for the person to smoke.

So in accordance with the new dawn of environmental standards of this Government as stated by the Minister for Health and the Environment then, quote:

‘in that we have gone the whole hog, so to speak.’

– grand words from a Minister who early in his tenure in Government wanted to show that he was an environmental warrior, with a radical, bold, no-nonsense approach to his responsibility as a Health and Environment Minister, one where the environment comes first and business second.

The Chief Minister, not content to allow his Minister to take all the credit for this crusade among the environmental lobby of the time, also wanted to cash in the votes of this group. He could not help himself, having a jibe against the GSD Opposition by accusing us of not protecting the workers in private clubs and restaurants. This was a beauty contest between the Minister for Health and the Environment and the Chief Minister, in order to ingratiate themselves for the medals to be placed on their chests for those who fought for the legislation in the first place.

So what has happened here, Mr Speaker? Well, let me say so in *plata* and not in meaningless, lawyerish gobbledegook. The Government in the form of the Minister for Gambling has had a shock by having a representative of the casino threaten him that either the Government introduces the exception to the general law applied in the existing legislation or they will pack their bags and go. These kinds of threats are not new in this industry and it happens throughout the world.

However, one would have thought that given the tone and manner in which the Government proceeded within existing legislation at the time, and with the health and environmental fanfare it went to make maximalist statement at the time, that they would have had the strength and conviction to tell the gaming industry where to get off. Yet this so-called environmentalist and socialist Government collapses at the first hurdle. Gone is the environmental filter. The only filter to this amendment is to be provided by the Minister for Gaming, the Hon. Albert Isola. He will be the judge to decide now whether there will be more exceptions to the rule, and the Minister for Health and the Environment will simply play second fiddle to the wishes of big business.

Mr Speaker, at the committee stage of the then Bill in 2012, the Minister for Health and Environment stated in response to my colleague the Hon. Isobel Ellul-Hammond, who had then asked if there was a particular policy with regard to guidelines for future exceptions to the rules under clause 11(1), the Minister responded by saying he would have to consider the advice of the person who is qualified in this area, the Director of Health. In other words, the remit and the focus for consideration when the Bill was being drafted was that this was to be a health and environmentalist approach to smoking in public places and nothing else.

I clearly remember, Mr Speaker, when I was a Government Minister I had several conversations with the Director of Health then, and he was always adamant that smoking in public places was wrong and that it should be banned. He was categorical and unequivocal. The question is whether anything has happened since December 2012 that would have changed his mind so dramatically, if indeed he has changed his views now.

Clearly this is a significant humiliation for the Minister for Health and the Environment, no matter how he may wish to disguise this under the so-called collective ministerial responsibility. If he still has the moral conviction for his principle that he so vehemently professes to have, the very least he should do is to abstain in the vote, otherwise it is another step in losing the confidence of the health and environmental lobby.

Mr Speaker, in politics you cannot run with the hare and hunt with the hound. The Government cannot pretend to be environmental warriors, go preaching around the world that we are world leaders in health and environment and then capitulate at the first hurdle of business opposition.

This amendment brought today to Parliament is the fruit of adopting popular schemes for the purpose of getting votes and then turning their backs to those who deposited that trust for the policy they advocated at the last election. It is a mess, hanging around the necks of the Members in Government and we in the Opposition will have nothing to do with this mess.

Thank you.

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

Chief Minister (Hon. F R Picardo): Very entertaining, Mr Speaker – very entertaining!

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, what an extraordinary statement this House has just received! To accuse the Government of incompetence and not taking health and the environment seriously, and I am sure there will be others here who will be able to defend the Government's position better than I.

But one has to wonder in the last two and a half years, the last two years and ten months, which planet has the hon. Member been living in? Has he not seen what we have done? Has he not seen what we stand for? Does he not know, like the rest of Gibraltar knows, that this Government's credentials on the environment are second to none and have never been seen in Gibraltar before? Does he not know about this Government being a modern and progressive Government that gives the environment the priority that it deserves?

Does he not know that this Government has always accepted that it has a moral responsibility and not just a legal responsibility, (**Several Members:** Hear, hear!) (*Banging on desks*) because there are many directives that say exactly what we need to do? And we do these things, not because they are our legal duty, but because it is right that we should do so.

We have done so and we have shown so by our actions and we will continue to do so for all the time that we are in office. It is in fact a pity, Mr Speaker, that the hon. Members did not do the same when they were in office.

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

Hon. D J Bossino: Mr Speaker, what my hon. Friend, Mr Netto has said is absolutely right, (*Interjection*) in the sense that this has been... The Hon. the Minister who has moved this Bill and I had a debate in the press during the course of summer and the basic point that we made is that this is very clearly – and this is something which the hon. Members opposite cannot conceivably deny – that this is a shift in

position as stated during the course of the General Election. Indeed, it is a breach of what they said in their *magna carta*, their manifesto.

Their manifesto very clearly states, and I quote:

‘We will introduce a ban on smoking in enclosed public places in Gibraltar’.

Well they clearly have resiled from this and indeed possibly, possibly, the same points and the same case could have been made when the Hon. the Minister for the Environment moved a Bill which is now the Act, in its original form when it was littered with exemptions and indeed, a general enabling provision which is section 11, which gives the Minister the power to pass regulations to provide for further exemptions.

He is already on record in this House indeed only in this session, as saying that he intends not to make provision for further exemptions to the smoking ban. But yet here, what we have is a resilement of that position and it is very clear that that is the case. Perhaps, Mr Speaker, and as I think the Hon. Mr Netto was saying, the basis on which this amendment is being moved is in effect an economic and a business case.

The Hon. the Minister when he issued his press release said very clearly that it is in order to ensure the continuing viability of this one particular economic entity, the one casino in Gibraltar, and to make it, to allow it to continue to be fit for purpose. And the point that I made during the course of the debate through the press was, well surely, if there is going to be that resilement from the puritan position of principle, which is no smoking in public places, then surely the same opportunity ought to be allowed to other businesses to make the same case to the Government.

Why is our primary legislation being allowed to be amended in order for one particular business to continue to be viable and fit for purpose? Why is it not the case that other businesses – other restaurants for example, other bars – should not also be given the opportunity to make the same case to the Government and allow them, with all the conditions and safety requirements and all the rest of it – separate rooms, no cross ventilation, all those conditions – so long as a business can say, ‘I have the facilities to provide this service and I want to provide this facility, this service to my clientele’ – no alcohol will be sold in that section, all the rest of it, why cannot another business make the same case?

And clearly they have, in my view, opened the floodgates. If they are a Government which has resiled from its position of principle, then they should do so, not only in respect of one business, not only in respect of this one casino, but also they should also give the same opportunity to other businesses. That is the point that I wish to make, Mr Speaker.

Other than that, I understand what the Hon. the Minister says, and I give him the opportunity to correct me if I am wrong, that the section 11 procedure was not available to him – or rather to the Minister for the Environment – to make regulations because this particular premises is licensed to sell alcohol. I think that is the point he made in his delivery and if I am wrong, then I would ask him to correct me.

But I make the same point: if there are premises which are other premises, other businesses which are licensed to sell alcohol, why cannot they make the same case to the Government?

Hon. D A Feetham: Mr Speaker, that is precisely and very eloquently and concisely the reason why the Opposition cannot support the Bill.

The Opposition would have wanted to come to this House, despite the criticisms made by the Hon. Mr Netto – well-made criticisms, political criticisms – would have wanted to come to this House and say, despite those criticisms in the *volte face*, the very clear U-turn that the Government has done in relation to this, the Opposition is nonetheless going to be voting in favour of this Bill.

But the reason why we are abstaining – not voting against, but abstaining – is because of the inherent inequity of having a situation where other businesses in Gibraltar cannot meet the same threshold, the same conditions as this particular business and be allowed exactly the same opportunity. It is a question of fairness and that is the reason we cannot support this Bill and that is the reason why we are abstaining.

Hon. Sir P R Caruana: And if I could just add, Mr Speaker, my small grain of thought – I was never in great, greatly in favour of the abolition of smoking in the first place, I thought it would bring problems of this sort in its wake and it has taken just a little bit longer than I imagined it would to emerge – but now that one has got used to a smoke-free regime, I suppose one should be grateful to the Hon. the Minister for the Environment for having had the courage to introduce it in the first place, because actually it does improve many environments. (*Banging on desks*)

But what I would like the hon. Member to answer – yes, the Hon. the Minister for Gambling – obviously there is an element of tension in the very drafting of this Bill. Here is an amendment to a Bill that was moved by the Environment Ministry, the amendment is moved by the Minister for Gambling because it affects gambling institution, but he still has to consult with the Minister for Health. Well, we know what the Minister for Health and Environment’s views are: he expressed them when he moved the principal Bill. So

‘consult’ means saying that you are going to do it and doing it, whatever he says. I mean, that is what consult means and that is fine, that is what consult means.

530 My point is this: can the Hon. Minister just address this point in his reply, that before the position was clear, the Government has made a policy decision with which some people may agree, others may disagree but it is a perfectly legitimate policy decision, that workers and other users of public services, or services delivered in public places, should be protected from the potential dangers and discomforts of so-called passive smoking.

535 Is the position therefore now that that policy has been modified to read ‘most but not all workers’ and ‘most but not all consumers of services delivered in public places’? Because of course the workers who work in whatever premises are subsequently given the benefit of this, they, will not enjoy the benefit of the Government’s policy to protect workers from passive smoking, and the non-smoking users of the casino in future will not – (*Interjection*) although for the non-smoking users, I accept it is easier to accommodate because they can do it in a smoking room and non-smoking room – they can have smoking rooms and non-smoking rooms – but for the workers, I suppose it could be done on the basis of volunteers.

540 But still, does the Government fear that this might undermine their more moral basis of the original policy, which is that the Government had decided, rightly or wrongly that this was something that all workers should benefit and all consumers should benefit?

545 **Hon. Chief Minister:** Well Mr Speaker, I have heard some extraordinary things in the House in the time that I have been here, but none perhaps quite as extraordinary as the ones that I have heard this afternoon from the Hon. Mr Netto.

This morning, when I was absent from the Chamber, Mr Netto told the world from, I assume, a sedentary position like he is now, on that social media that we know as Twitter, that – and I quote him –

‘Once again when we have a parliamentary session without the CM the exchanges are without hostility and respect’.

550 I think he meant ‘without hostility and *with* respect’, (*Laughter*) but I will assume that the 140 characters that Twitter affords one did not enable him to clarify that.

Well, Mr Speaker, I was sitting very comfortably and had not shown any measure of hostility or disrespect to anyone this afternoon, when we were subjected to what I must say was probably one of the most incredible political attacks that I have heard in the past two and a half years since I was in Opposition, 555 Mr Speaker – because of course when we were in Opposition, we were subjected to all sorts of political attacks.

But this was quite something, we were just cashing in votes, we were trading jibes, we were putting ourselves up for a beauty contest. Threatening, was what the casino had done to us, that they would pack their bags and go and we were therefore so-called environmentalists, if we had allowed ourselves to have 560 our arms twisted, and so-called socialists. Well, not a Friday afternoon without hostility and with much respect then.

But you see hon. Members opposite need to understand where it is that they are placed in order to be able to launch criticism of the Government. They are representatives of a political party that was in Government for 16 years – the 16 years during which the campaign led by many people, including the 565 individual that hon. Members mentioned in order no doubt to try and curry some favour with him – and yet they did nothing about it.

So the hon. the former Chief Minister has said that he did not agree with the principle and thought it could bring problems. Fair enough, that was their policy, but they had 16 years to take a puritan road or a non-puritan road and took no road. (*Interjection*)

570 And then the Hon. Mr Bossino says this is all a U-turn, it is a *volte face*, as the Leader of the Opposition put it, because your manifesto said you would introduce a ban on smoking in public places and now you have gone on to introduce exemptions to that, and therefore that is a U-turn because your policy, if it is, that you are going to ban smoking in public places, full stop, cannot then admit of exemptions. Did I understand that point right? I think I understood it right; he is nodding his head and it was very clear.

575 Well, Mr Speaker, you see sometimes one has to be careful how one articulates one’s arguments because page 47 of the GSD manifesto for the 2011 General Election sets out *their* policy and it is as follows:

‘We will ban smoking in enclosed public places.’

– full stop. And then it carries on, a new sentence:

‘In private clubs the decision will be left to the members. Restaurants and bars which operate fully isolated and separately ventilated smoking rooms through which other customers do not have to pass may allow smoking in them. We will make available measures to help people stop smoking.’

580 So it is obviously perfectly compatible to say we will ban smoking in enclosed public places and yet provide for some exemptions – which appears to be what the Hon. Mr Bossino now thinks is entirely contrary to the principle of banning smoking in public places. Now they would have done it in all of those instances and we said we would *not* do it.

585 Now just to link what Mr Bossino has said to the questions that Sir Peter has asked, how are we going to do it? Well, the mechanisms that will have to be put in place in order to comply with the legislation will mean that there will be an enclosed place into which no worker will have to wander until *after* all customers and all smoking has passed. We consulted with Unite before we were prepared to approve a mechanism that allowed this.

590 Therefore workers will be not be exposed to smoke and individuals who do not wish to accompany somebody else into the smoke do not have to be exposed to the smoke. The smoking area will be very much like the sort of enclosures that one sees at an airport. They will be absolutely awful places to go into, where all you will be able to do is smoke and play on a one-armed bandit.

So what we have done is we have achieved the objective that we set out to achieve and continue to steer the course to ensure it is achieved for many generations to come. Children, young people, those who do not wish to be exposed to smoke, and workers who might involuntarily be exposed to smoke because they have to work and may not have a choice, will *never* have to be exposed to smoke.

600 The only people who will be exposed to smoke are those who want to play on a one-armed bandit whilst they smoke, and they will not have *any* of the appurtenances of being in a commercial establishment that one might otherwise enjoy. They will not be able to eat and drink. They will not be able to do any of that and they will have no service in there, and no worker will go in there until long after the place has closed down. When it is closed down, it will be a messy place, it will be a stinking place. I certainly will not be going in there, but we are told that there is a business case for it.

605 And because that business case, done in that way, does not defeat the primary objective, therefore we are prepared to come to this House and allow it. That is not the sort of thing that they were prepared to allow but clearly, it is within the concept of banning smoking in enclosed public places full stop. And when the hon. Member goes back to *Hansard* and sees what he said and how he said it, he will see how what we are saying is within what it is that he suggested. (*Interjection*)

610 Mr Speaker – if he wants, I will finish and then give way before I sit down – in explaining that we have done a *volte face* therefore, hon. Members should have spent a little bit more time trying to understand what it is that we are doing, because the type of environment that will be created and the types of places in which it falls to be created, are places where there is no chance that a young person or a child will be remotely near the opportunity to have smoke blown anywhere near them. Casinos are casinos. You could describe them, even without trying to be in any way negative about them, as a place of vice, if one considers gaming a vice.

615 So in a place of vice, where already entry is to an extent restricted, in a particular corner, in a particular place, where workers will not have to enter, where children have no chance to go, those who enter in my view, to use a legal term – some of that gobbledegook that the hon. Member has referred to earlier – those who enter will be absolute ‘volents’. They will be absolute ‘volents’. They will be volunteers – and I will give way to Sir Peter as well before I sit down – volunteers to be inhaling that smoke because they wish to be in that very tight environment which will only have one-armed bandits and other smokers in it.

620 Mr Speaker, I am quite happy to give way at this point both to the Leader of the Opposition and to Sir Peter.

625 **Hon. Sir P R Caruana:** Well, it is very reassuring, if I can say, that the hon. Member has... I mean it would have helped if that had been explained in the presentation of the policy. It is all very well to complain that we have not given thought as to how they were going to do it, but of course since they had not explained how they were going to do it, it can hardly have been spotted. But it is nevertheless reassuring that it will be done in a way that does not expose workers, not because we would not have exposed workers, because we would not have done this, but because it does not undermine the basis of the policy when deployed in other places.

630 In that respect, I would just urge the hon. Members to be very vigilant that this does not drift into a practice where volunteers are asked for, because hon. Members know that when your livelihood is at stake, people volunteer for things that this law is designed to protect them against being forced to volunteer for, in terms of workers. That is the first point.

And the second point, if the Hon. the Chief Minister will forgive me, I will read his answer in *Hansard*, is whether he does not accept that the very same things that he has said, to in my mind sufficiently justify – if it is carried out in the way that he has described – these exemptions, why that might not be applied to other businesses if they can meet the same high standards of ring fencing.

In other words, I know he has made the point that casinos are places in which children are unlikely to be found, if there was another sort of business in which it is unlikely that children or in circumstances where children could never be found and that people who did not want to smoke did not have to go – in other words, there was a no smoking area equally, and all the sort of things that he has just said and that workers would not have to go into – would the Government *then* feel that a case *might* be made by those, and if the Government does not feel, what would they say to such businessmen who then would not understand the distinction that was being made against them?

Hon. D A Feetham: Mr Speaker, I was going to make the last point that the Hon. Sir Peter has made, but in addition, I would ask for this clarification from the Hon. the Chief Minister: I do not know how these games work. I have never gone to a casino in my life, but is what the Hon. the Chief Minister saying that under no circumstances at all will there be any members of staff in this enclosure – for example, even in the dealing of cards? So that is not applicable – nothing at all, it just applies effectively to machines, one-armed bandit and that is all?

Hon. Chief Minister: Mr Speaker, let me try and deal with the first point that the Hon. the former Chief Minister made, the volunteers. This is an issue that is very live in the debate with Unite on this issue. They pointed this issue out as well. We were keen to ensure that there was no question of people being sought to be volunteers, because in an employment situation there is potentially no such thing as a volunteer. Therefore, that is an issue that has been taken up directly with the Union and the casino and something in which the Union will be very vigilant and the casino, and we will be very vigilant of as well. (*Interjection*) Indeed, and the licence will be issued in those terms, because what we are concerned about is that even with licences issued in those terms, there are sometimes those who will suggest that they were not even asked by their bosses to do it, but they are just trying to... So there will be a requirement that employees not be allowed in, so it is the other way round.

So, if I can just ask hon. Members to imagine, in order to be able to deal with the next point more effectively, the type of enclosure that they see in an airport – and it will be a glass enclosure. It will literally be a smoking *pit* in the casino, a fish bowl, with the glass all the way to the ceiling, with air-conditioning systems sucking out, up and down, the smoke, and only one-armed bandits in it.

That seems to be something that really you can only imagine in a casino and people need to be pretty hooked on what they are doing. I query whether these sorts of places should exist, but they exist and we licence them and we are the biggest territory in the world in terms of the on-line emanation of them, but look, we cannot be looking out for everybody all the time. We are not a nanny state. So there are people who go to casinos, there are people who like to play slot machines and there are people who smoke, so we are providing that sort of environment. In my view, it is going to be a place where nobody is going to want to enter, but I am told that many people will wish to enter it, despite the smoke, despite the sucking ventilation system, despite the glass, all the rest of it. So be it.

Mr Speaker, in that context, what other type of service might be offered in that way? We are not talking about going down the route hon. Members talked about going down, which was to have the smoking and non-smoking areas in restaurants. We do not believe that works. Although it was in their manifesto, we do not believe that works. We do not believe that even in private clubs you can have this without exposing workers, so we are not going down that road.

So I suppose somebody might be able to make an argument that they could drop a hamburger into that sort of enclosure as if it were a sort of drive-through, smoke-through, but it is not reasonable to think that other businesses would be able to create enclosures of this sort, subject to this strict level of regulation which might be able to survive without employees in them or something because you have to have delivery of a thing into there.

So we are very confident, Mr Speaker, that therefore what we are doing is designed to deal with something which we did not foresee.

If I can then take the hon. Gentleman to his final point, although we do not think that it is possible to deliver any other service in this type of smoking environment, look, the door is not going to be closed because there are more things thought of in my philosophy than perhaps Horatio has thought of. So it maybe that somebody comes up with something else where you have other opportunities for employees not to be exposed to the same type of ventilation and all of those issues to be dealt with.

None of them are the ones, if I may so, with respect to the hon. Member, are the ones which are set out in the paragraph of their manifesto – in other words, it is not the restaurant, it is not a sort of private club. All of those we think expose employees in a different way. This is *so* constrained and so designed that

when people see it, if perhaps somebody has heard half of this debate and goes away thinking the GSD is right, the GSLP has done a *volte face* this is really terrible, when they turn up in the casino and they see this enclosure, they will think, ‘Oh no, my kids are absolutely safe. I am absolutely safe. Anybody who does not

700 want to be exposed to smoke is absolutely safe.’

This is never going to be... as I think hon. Members have given away by the questions they have asked, in particular the Leader of the Opposition, that this was going to be perhaps an area of table gaming which might be a smoking area etc. This is not going to be *anything* like that. This is a glass cage, really of the sort where I would ask even smokers not to go into.

705 A final – yes?

Hon. Sir P R Caruana: Except, Mr Speaker, that that is how they intend to implement this. What the Hon. the Chief Minister is explaining, is how the Minister intends, on this occasion and perhaps this Minister on every occasion, to exercise that discretion. But the law is not so curtailed. The law is not

710 limited to the situations which he has described and that really is...

But look, to the extent that it is implemented in the way that he is describing, I do not think –
(*Interjections*)

Hon. Chief Minister: Mr Speaker, I am grateful for that and the guiding principle here is public health, and the guidance of the Public Health Authority is that nobody should be exposed to smoke and therefore it really is designed to comply with that advice so that the way that we intend to do it is really the only way

715 you can do it, so that only the ‘volents’ are subject to the smoke, because only they then go in there.

Mr Speaker – (*Injection*)

Hon. Sir P R Caruana: Mr Speaker, I am not making a position on the basis of public health because I would not even have offered even this degree of public health protection. We would not have done even

720 this in terms of the prohibition.

My angle of concern is in a sense legal discrimination – in other words, that some businesses should be allowed to benefit from a certain piece of legislation, a certain regime, and others not. I think what the hon. Member has said, which I find satisfactory for the purpose is that if there are other businesses that, unbeknown to him or that he cannot now imagine, nevertheless meet the same requirements, that the Government are as open in those businesses as they will be with the criteria that they intend to apply to this business, they would be happy to apply to other businesses who can comply with the same criteria, and that certainly deals with my discrimination concerns.

725

Hon. Chief Minister: Thank you, I am grateful, Mr Speaker.

In fact, I would put it the other way: we will be not as open to their proposal; we will be as harsh in testing it as we have been on this occasion to ensure that there is absolutely no potential leakage or seepage, not just of smoke but of exposure to workers, etc.

Now, seen in that light, what I would invite the hon. Members to do, given that it appears that they had a different view of what was happening to what I have now been able to satisfy them on, to reconsider whether they do want to abstain on this or whether, given that they have the comfort that nobody is going to be exposed to smoke, that we achieve the primary objective and continue to steer the course in respect of that primary objective, that they should consider carefully whether in fact they want to abstain on this.

To an extent I put it to them, Mr Speaker, that the speeches that they have given are not speeches for abstention; they are speeches for voting against the measure. They did not, in my view, Mr Speaker, speak in a way that suggested that they had any reason for abstaining. Everything they said suggested that they would wish to object.

The Hon. Mr Bossino wants to say something and I will allow him to do so.

Hon. D J Bossino: Mr Speaker, I am grateful to the Hon. the Chief Minister. There is one practical point which arises in my mind as to the exposure of... or rather the ability of workers to go into the enclosed area. As I understand the position, certainly the press release says that they will not be required to enter the ‘fish bowl’ – as I think the Hon. the Chief Minister has put it – and it means that if they want to

750 they can, I suppose they are free to enter. But what about if there are circumstances when they have to go in because, I do not know, there is a fight going on, security needs to go in? You see, he scoffs but actually this is a practical situation which could arise.

So in other words, what I am saying is that, is it possible to have this sort of panacea that the Hon. the Chief Minister is trying to conjure up in our minds, which is that it is only very exceptional – in fact it is not exceptional circumstances; *nobody* can go in, he is saying, other than those who want to smoke and play the one armed bandits. So I am putting that practical situation to him and whether he can address it.

755

The other point, just to end, is in my view, Mr Speaker, I think there is a world of difference. Therefore the point that my hon. Friend has made, Mr Netto, and I made in my speech, which is that this is a climb down if you like from the position as stated in the manifesto. It still stands because there is a world of difference between what our position was in our manifesto, which the Hon. the Chief Minister has read, and theirs.

They did not go beyond the smoking ban without any exceptions in all public places. That was their position, full stop. There was nothing after that. (*Interjection*) Yes, no but then we go into the exceptions that we would have introduced – that is part of our policy. So I do not think, in all honesty, that that particular argument, although he expresses it as usual with all the confidence, can stand, to be honest, and I would encourage him – I know he will not – but I would encourage him to admit that it does not.

Hon. Chief Minister: Mr Speaker, well, I did not give way to allow him to make the same argument as he had made before, but I will deal with it first.

Mr Speaker, look, if he is saying that a blanket statement – we will ban smoking in enclosed public spaces, which is the one we have and they have – does not admit of exemptions, we have it without exemptions, they have it and then with exemptions following, then they did the *volte face* in the same document! In the same paragraph of their first manifesto, their 2011 manifesto, they have both things. That which he says is absolute and not admitting of exemptions *and* the exemptions. So is it that there is a *volte face* within the paragraph?

Look, I put it to him that there is not and that what we are doing now, although they can try... And I see politically the point that they are trying to make. This is an attempt to make hay because they think we are doing a bit of a U-turn, there is a lobby out there, and they are going to give it a go. Fine, fair enough, that is politics – but let us be clear that that is what it is, and that when people turn up in the casino to see this ‘dreadful *volte face*’ that we have done, they will see this pit that no right-minded individual would ever want to go into and they will say this is no *volte face* at all. This is the most properly thought-out policy that there could have been in order to satisfy this requirement which apparently there is, without failing to continue to steer the proper and appropriate course and achieve the objective.

Words describe an objective and what I am saying to the hon. Gentleman is the words in the manifesto were set out there to achieve an objective and we have achieved the objective, and we continue to achieve the objective, *even* persuading those who were not persuaded before. Because the Hon. the former Chief Minister has said that he was not persuaded before, but after we took the action, he is now persuaded and happy, and would have done it before, and he said so himself. So I think that is a very good way of seeing how the effect of the measure has worked.

And Mr Speaker, the Leader of the Opposition wants to –

Mr Speaker: Could I ask the Hon. the Chief Minister not to give way any more? Because the whole purpose of giving way – (*Laughter*) No, hon. Members have got it wrong. They do not know what the rules are.

Whoever is holding the floor should give way in a debate – and that is what we are having here, a debate – for points of clarification, not for continuing to come up with new points or for continuing to argue the toss. It is for clarification only. In the nature of a personal statement of clarification, but not for toing and froing in the way that hon. Members have been doing this afternoon.

I had noted it before, but I think that this afternoon it is becoming an abuse and therefore I ask the Chief Minister to give way on this last occasion, but please no more.

Hon. Chief Minister: Well Mr Speaker, the other point that Mr Bossino made –

Mr Speaker: And the other point that I ought to make is that in Committee, Members have an opportunity, when considering any particular clause, to cover some of the similar ground again. So it is not that their right to speak is being curtailed, but I think we must not abuse the rules of debate.

Hon. Chief Minister: Mr Speaker, I am grateful for that guidance.

I think the first point that Mr Bossino made was a point of clarification and I will deal with it now. I do not think the second one was, for the reasons I pointed out and if the Leader of the Opposition wants to make a point based on clarification, I will give way to him now, before I deal with the other point for Mr Bossino.

Hon. D A Feetham: Well, the point that I was going to be making about this is it does not alleviate the concerns of the point that I have made and the point that Mr Bossino has made, in the sense that obviously these exemptions are just limited to the gaming industry.

If what you had was a general exemption – in other words, exactly the same wording but it said, ‘If a business fulfils the following conditions – bang, bang, bang – and then has in its licence certain conditions, then they could offer effectively this service’, I think we would have supported it, despite all the other political criticisms about the fact that this is a *volte face*. Those are political points in the thrust of the debate, but we would have been in a position to support it.

The reality is, there is nothing here – and I would like the Chief Minister to confirm there is nothing here – that actually allows the Government – I may be wrong and maybe he can clarify that – to actually grant an exemption wider than in the gaming sector. In other words, this is not a situation where the Government is introducing a list of conditions for the granting of an exemption outside this particular gaming operator’s situation.

Hon. Chief Minister: Mr Speaker, let me deal with that point first. There is no provision for non-gaming operators to have such an exemption, but as I have said to Sir Peter, if we were to receive representations from another sector where we could be persuaded that it were possible to provide services in this way, we might be persuaded to come back and make a further amendment.

What I would say to the hon. Gentleman is, as I have said and is now on *Hansard*, our minds are not closed to that, but representations have not been made by any group or by anybody or by any business, that has persuaded us that this is possible, other than by the operator of a casino. A casino has a particular type of business that it does, which as I said before could be described as one of vice, etc, so it is not a general place to which many people have access. It is a very particular place and it is not a place where children can wander, etc. So we are not minded to change that, but it is now on *Hansard* and the hon. Members have the benefit of it on *Hansard*, that we are prepared to consider any other type of business that might approach us.

Now, the other point is the point made by Mr Bossino, whether there would be no circumstances in which an employee might enter such a part of the premises. Well, we have looked at everything that could happen in the context of the business. But of course what we have not done is say in the context of an emergency, no-one would be able to enter. I mean if somebody sees a person having a heart attack or what appears to be a heart attack and out of the kindness of their heart, they wish to go in there and try and pull them out or treat them, or if there is a fire and somebody wants to go in there to pull someone out – and we are not talking about a fireman, we are talking about an employee who is seeing this happen – well look, I am sure that in those circumstances somebody might enter.

But it is clear that employees are not going to be able to enter to provide service, to service machines if a machine has got stuck and money is stuck inside. There will be cameras and there will be remote monitoring of machines so that those things can be dealt with by a central cashier. The employee will not have to enter.

So I think I can satisfy the hon. Gentleman that, other than in absolute *extremis* in the sort of way that none of us are to touch the Mace, but if I saw that somebody was having a heart attack over there and I run to try and help them I might touch the Mace in the process of doing so, we are not supposed to cross the line here, but if somebody were having a problem here, I am sure the officer would come and try and give us first aid.

So other than in *extremis*, there is no circumstance in which an employee will enter that area. Therefore I think they should have the satisfaction that this Bill does not open floodgates, this Bill is actually designed to ensure that in particular circumstances, a particular type of business is able to provide this service in a way that is purposely not attractive, purposely avoids any employee having to enter there, purposely ensures that there is full ventilation of the place in which they are and that there will be no escape of smoke to the general area.

We have therefore, as I said before, in the original Bill achieved the purpose we set out to achieve and this does not in any way waiver that fact, does not in any way turn us away from that fact. In the two and a half square miles by one square mile that is our lovely land, there will be a small area, perhaps five metres by five metres, where people will be able to smoke and play a one-armed bandit – very small indeed.

But for two and a half miles by one mile, what we set out as the standard – what we the environmentalists, the socialists, the dreamers set out as the standard – remains. We steered the course and we steer her straight down the line as she goes. (*Banging on desks*)

Mr Speaker: Before I call the mover to reply, since there seems to be some surprise about my intervention, I am going to read out Rules of Debate 45(8):

‘A member who has spoken to a question proposed to the Parliament may again be heard, if the Speaker so permits, to explain some part of his speech which has been misunderstood; but when so speaking he shall not introduce any new matter.’

That is the Rule that applies and that Rule does not mean that any Member who holds the floor can be giving way continuously in order effectively to perpetuate a debate. That is an abuse of the Rules of Debate and that is my ruling.

875 The mover to reply. Yes?

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, just a very brief comment.

880 Clearly as Minister for Health, I would prefer no smoking anywhere by anyone. But clearly that is not realistic. I am, however, convinced that in the case of the Bill before us, with the very strict conditions and arrangements, no-one who does not want to be exposed to smoke, will be exposed to smoke. Nor will anyone who may be encouraged to smoke by seeing somebody smoking be anywhere near that area. (*Banging on desks*)

885 **Hon. A J Isola:** Yes Mr Speaker, just a couple of points. I think the major issues have been heavily debated already. I would just like to make a number of observations, Mr Speaker.

It is ironic that if anybody who would have heard the first line of the Hon. Mr Netto's speech where he said 'we will be abstaining' and then sat down and listened to the rest of it, would have been quite surprised by the ferocity of the tone, particularly in the attack on my hon. Friend, the Minister for Health and the Environment. And it is particularly surprising Mr Speaker, because he is the one individual that I have worked most with in the 18 months that I have been in Government, dealing with this specific Bill to ensure that the very protections that we are telling you about today were crafted by.

890 Therefore it just seems to me absolutely bizarre that the Hon. Mr Netto should be seeking to attack the individual who has had the most say in delivering the protective measures that this Government has come up with, to protect the very people that should not be affected by smoke that they do not wish to be affected by. That was the motive behind the original Bill and obviously the Hon. Mr Netto did not care to listen to a word I said, because I had not even finished before he trotted up and read out his prepared text which he was going to read out whatever I said, which I also find quite remarkable.

But if he would have cared to have listened, he would have heard me say:

'By way of background, the Smoke-Free Environment Act imposed a prohibition on smoking in certain enclosed spaces that are open to the public or used as a place of work, public places, so as to ensure that the public have access to breathing clean air throughout Gibraltar.'

900 In other words, the individual has the choice. If he wants to go to the casino and play on any of their games, he can do without having smoke in his face. That was the essence of the 2012 Act and that essence is still totally protected by the provisions of this Bill.

905 Furthermore, as we have already mentioned, now *ad nauseum*, the workers are also protected and when you think what is actually going to happen in this very small space, almost half a million pounds is going to be spent on ensuring that the place is enclosed, that the ventilation system that this area uses is totally separate – because that is in the legislation, if he has cared to read it, he would see it – from the area that ventilates the remainder of the premises.

910 Now, when you talk about these conditions, which leads me on to the second point, you should know that when you moved the Bill in 2012 and voted in favour of it, that you were already creating exemptions. You had exceptions already in that Bill, I assume you knew that and this is one more exception, one more exemption, which if this had been in the Bill, I am sure you would have voted in favour of it at that time. Now, I assume for political motives and to have a go at my good friend, the Minister for Health, you have chosen to act otherwise.

915 Mr Speaker, Mr Netto also said, 'I remember when I was a Minister, the Director of Health told me that smoking in public places was wrong.' Well, that is a view that all of my colleagues on this side of the House share. The difference is that they have done something about it, we have done something about it, and he never, ever did – when he had 16 years of opportunity on that side of the House to do something about it and they did not. (**Several Members:** Hear, hear!) (*Banging on desks*)

920 So to now come to this Parliament and say that the Hon. the Minister for Health, the driver of that Bill that came through so quickly in 2012, and who has worked so hard today to bring this Bill...

And let us be clear about one other point: this has not happened overnight. The application originally made was by Gala. That happened over two years ago and my hon. learned Friend the Minister for Gaming at that time was dealing with it.

925 When I was elected, it was passed to me and I carried it on. It is not as though on the whim or on the back of an envelope, we have decided to do a deal with the casino to stop them from doing what I assume the hon. Member is encouraging them to do, which is to pack their bags and go. Life is not quite that simple and decisions have to be taken which are often difficult decisions, challenging decisions. (*Interjection*)

Yes, of course I will.

930 **Hon. D J Bossino:** I know he was in full steam and I would not have wanted to, I was willing to make the point at the end of his... just before he sat down.

It is a point of clarification, yes, the Hon. Minister is absolutely right and I think I made the concession when I spoke on the Bill, that the Bill, now the Act which now he is wanting to amend did provide for exemptions. He is absolutely right. But the exemptions that we were willing to concede and therefore vote
935 in favour of are nothing of the sort that we are seeing now.

The distinction that I make is that is a business case which is being made. He said so and he has admitted during the course of his speech and also in the press releases. So that is the distinction.

The exemptions there related to private accommodation, residential accommodation, specialist tobacconists and the like. In fact, the one that comes closest relates to... In other words yes, people who are
940 in long term stay, basically where they sleep almost.

The one that comes closest is the accommodation for guests in a hotel because you could say well maybe could that have been as a result of a business case. But I do not think so. I think the common denominator in many of these things is that people are... it is basically almost like their own private accommodation where they actually sleep. So that is the distinction that I made, and I wonder if the Hon.
945 Minister would concede that that is, I think, a reasonable one to make.

Hon. A J Isola: No Mr Speaker, I am afraid I do not agree and I will explain why I do not agree.

I was making two points. The exemptions you are referring to which extend to, for example, bedrooms in a hotel. Well, workers go into a bedroom in a hotel. If you order room service and you are smoking, a
950 worker will come into that room.

So this situation is actually far, far better than the situation that you all accepted in 2012 when the Hon. Mr Netto voted in favour. So a prison, on each of the others, an inn, a hostel, there are staff involved. In this case, we have gone even further than that by ensuring that that does not happen.

So in respect of the exemption, I accept what the hon. Member has said insofar as this is concerned, the
955 2012 Act allows exceptions to be made, but not where tobacco is sold on the same premises – not the area, but the entire premises. (**A Member:** Alcohol.) Alcohol, I am sorry. My apologies. I am talking about smoke. Alcohol cannot be sold within the entirety of that premises, so that is why the 2012 Act actually gave even more protection by saying if it is part of a bigger establishment where there is alcohol involved, you have got to come back to Parliament.

That was the intention and that is what we are doing. So the steps that have been taken by this Government in ensuring as I say after two years of discussions with the operator, who is going to invest close to half a million pounds to ensure that everyone can be as protected as they possibly can be, bearing in mind that there are smokers in there – and I do not quite have the dim view that my hon. learned the Chief Minister does, because I happen to smoke (*Laughter*) but this pit to which he refers, I have made my
960 damned best to make sure that it is as comfortable as it possibly can be, in case I should go there! (*Interjection*)

So the extent of the protection is that if somebody does not want to have smoke in their face, which was the essence of the 2012 Act that this Parliament passed, they do not have to.

On that basis Mr Speaker, I commend the Bill to the House. (*Banging on desks*)
970

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Smoke-Free Environment Act 2012 and for connected purposes be read a second time. Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** Abstain.) The Opposition abstain. Carried.

975 **Clerk:** The Smoke-Free Environment (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

Smoke-Free Environment (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

Hon. A J Isola: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be
980 taken today? (**Members:** Aye.)

In Committee of the whole Parliament

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

985 **Hon. Chief Minister.** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the European Parliamentary Elections (Amendment) Bill 2014; the Supplementary Appropriation Bill (2014/2015) Act 2014; the Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014; the Perpetuities and Accumulations (Amendment) Bill 2014; and the Smoke-Free Environment (Amendment) Bill 2014.

**European Parliamentary Elections (Amendment) Bill 2014 –
Clauses considered and approved**

990 **Clerk:** A Bill for an Act to amend the European Parliamentary Elections Act 2004.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

995 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Supplementary Appropriation (2014/2015) Bill 2014 –
Clauses considered and approved**

1000 **Clerk:** A Bill for an Act to appropriate further sums of money to the service of the year ending on the
31st day of March 2015.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1005 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Public Health (Amendment No. 2) Bill 2014 –
Clauses considered and approved**

1010 **Clerk:** A Bill for an Act to amend the Public Health Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1015 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Trustees (Amendment) Bill 2014 –
Clauses considered and approved**

Clerk: The Trustees (Amendment) Bill 2014.
Clauses 1 and 2.

1020 **Mr Chairman:** Stand part of the Bill.

Clerk: The Long Title.

Mr Chairman: Stands part of the Bill.

**Perpetuities and Accumulations (Amendment) Bill 2014 –
Clauses considered and approved**

1025 **Clerk:** The Perpetuities and Accumulations (Amendment) Bill 2014.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1030 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Smoke-Free Environment (Amendment) Bill 2014 –
Clauses considered and approved**

1035 **Clerk:** The Smoke-Free Environment (Amendment) Bill 2014.
Clauses 1 and 2.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, if I may I have a letter prepared just dealing with a very minor amendment to replace ‘the Minister with responsibility for Gaming’ substituted by ‘the Minister with responsibility for Gambling’.

Mr Chairman: Could I draw the attention of the hon. Member to clause 2subclause(2)small(a), the third line? It reads:

‘for consumption on the premises *is not be* permitted’.

1045 I think there is either – ‘is not *to* be permitted’ – a word missing, or ‘is not permitted’. But that does not read properly. I think there is a typographical error. In either case, the same purpose can be achieved, either by adding the word ‘to,’ ‘is not to be’ permitted, or delete ‘be’.

Hon. A J Isola: Yes Mr Chairman, if I may seek to delete the ‘be’ in the third line of clause 2subparagraph (2)(a).

Hon. J E Reyes: Likewise, Mr Chairman, perhaps, just above that on that page, where the ‘be’ is just above the ‘to’, it says:

‘the condition *set out in set out in* subsection (2).’ Is that...

1055 **Mr Chairman:** Yes, yes. There was a time when, with the Attorney General a Member of the House, he would just make a simple note of those typographical errors and they would go through the system. Now unless the Minister for Justice makes himself responsible for that, maybe and unless that happens, perhaps a small formal amendment should be moved.

Hon. J E Reyes: If I remember rightly – Mr Chairman –

1060 **Mr Chairman:** That takes on the responsibility of correcting typographical errors.

Hon. J E Reyes: Yes. If I remember rightly –

1065 **Mr Chairman:** But I think Members ought to decide whether in the case of the one that I have drawn attention to, whether the word 'to' should be added or the word 'be' deleted.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Chairman, in both cases an amendment has to be moved and passed, and then the Clerk will make sure that the final version reflects what Parliament has done.

1070 It seems to me that we are agreed that in the case of the 'be' we just remove the 'be' in clause 2(2)(a) so that it reads:

'the sale by retail of alcohol for consumption on the premises is not permitted'.

1075 And in the previous 2, (1)(b) which says, 'the condition set out in', remove the second 'set out in' so that it reads simply:

'the condition set out in subsection (2)...'

Mr Chairman: Now the proper amendment – will the hon. Member move it, is he giving notice?

Hon. A J Isola: With pleasure, Mr Speaker.

1080 **Mr Chairman:** Does anybody wish to speak on the proposed amendment to clause 2. No?
All in favour? (**Members:** Aye.) Carried.
Clause 2 as amended stand part of the Bill.

Clerk: The Long Title.

1085 **Mr Chairman:** Is there a clause 3? Yes, clause 3 as well, on the next page.

Clerk: Clause 3.

1090 **Mr Chairman:** Stand part of the Bill.

Clerk: The Long Title.

Mr Chairman: Stand part of the Bill.

**European Parliamentary Elections (Amendment) Bill 2014;
Supplementary Appropriation (2014/2015) Bill 2014;
Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014;
Perpetuities and Accumulations (Amendment) Bill 2014;
Smoke-Free Environment (Amendment) Bill 2014 –
Third Readings approved; Bills passed**

1095 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the European Parliamentary Elections (Amendment) Bill 2014, the Supplementary Appropriation (2014/2015) Act 2014, the Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014; the Perpetuities and Accumulations (Amendment) Bill 2014; and the Smoke-Free Environment (Amendment) Bill 2014 have
1100 been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that (1) the European Parliamentary Elections (Amendment) Bill 2014; (2) the Supplementary Appropriation (2014/2015) Act 2014; (3) the Public Health (Amendment No. 2) Bill 2014; (4) the Trustees (Amendment) Bill 2014; (5) the Perpetuities and Accumulations (Amendment) Bill 2014; (6) the Smoke-Free Environment (Amendment) Bill 2014, be read
1105 a third time and passed.

Those in favour of the European Parliamentary Elections (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

1110 Those in favour of the Supplementary Appropriation (2014/2015) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Public Health (Amendment No. 2) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Trustees (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

1115 Those in favour of the Perpetuities and Accumulations (Amendment) Bill 2014? (**Members:** Aye.) Those against. Carried.

Those in favour of the Smoke-Free Environment (Amendment) Bill 2014? (**Government Members:** Aye.) The Opposition abstain. Carried.

ADJOURNMENT

1120 **Clerk:** Adjournment.

Chief Minister (Hon. F R Picardo): Mr Speaker, on what you yourself has described as a red letter day, I have the honour to move that the House do now adjourn *sine die*.

1125 **Mr Speaker:** I now propose the question which is that the House do now adjourn *sine die*.

I now put the question which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn *sine die*.

The House adjourned at 5.21 p.m.