



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 4.30 p.m.

Gibraltar, Wednesday, 22nd July 2015

Business transacted

Prayer	3
Confirmation of Minutes	3
Communications from the Chair	3
Ruling by Mr Speaker	3
Papers to be laid.....	5
Questions for Oral Answer	6
Business and Employment.....	6
Q445/2015 Registered unemployed – Details for 2014-15.....	6
Q446/2015 Construction Industry Group – Accident investigation, June 2015.....	6
Q453/2015 Gibraltar Maritime Conference – Cost.....	7
Health, the Environment, Energy and Climate Change.....	7
Q447/2015 Solar thermal systems installations – Financial reward.....	7
Q448/2015 Climate Change Task Force – Key objectives for 2015.....	8
Q449/2015 Waste treatment facility – Renewed tender process; commencement of works.....	8
Q450/2015 Ecopark – Location and facilities.....	9
Q451/2015 Department of the Environment – Prohibited drug on premises.....	9
Q452/2015 Dementia Centre at the old RNH – Details of opening and staffing.....	10
Economic Development, Telecommunications & the GSB.....	11
Q454/2015 Future Job Strategy – Government companies providing employment.....	11
Q455-459/2015 Government cash reserves – As at 30th June 2015.....	11
Chief Minister.....	15
Q460/2015 United Nations Committee of 24– Report to House on discussions with Chairman.....	15
Q461/2015 Tax affairs of the previous Speaker – Investigation into leak.....	16
Q462/2015 Naturalised British citizens in Gibraltar – Number obtaining Government housing.....	16

Q463/2015 Defamation claims brought/defended by Ministers – Taxpayer funding 16

Questions for Written Answer.....17

Adjournment..... 17

The House adjourned at 4.30 p.m. 17

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*]

PRAYER *Mr Speaker*

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday 22nd July 2015.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 17th, 22nd, 23rd, 24th and 25th June 2015.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Ruling by Mr Speaker

10 **Clerk:** (iii) Communications from the Chair.

Mr Speaker: On 6th July this year, the Chief Minister wrote to me requesting that I rule on the calls made by the Leader of the Opposition, for the Chief Minister to repeat outside Parliament what he had said in the House about him during his winding up speech at the end of the debate on the Second Reading of the
15 Appropriation Bill, whereupon the Leader of the Opposition would issue defamation proceedings against him.

Specifically, the Chief Minister requested that I should rule as to whether such a threat constitutes an abuse of Parliamentary privilege.

20 In this connection, I wish to refer to and place on record, the Ruling which my predecessor, the Hon. Major Robert Peliza made in similar circumstances on Thursday, 15th February 1990. On that occasion, the Speaker ruled as follows.

‘Matters touched upon at the last meeting of the House have given rise to correspondence being addressed to Members which could inhibit their legitimate activities as elective representatives in this House of Assembly. I thus believe it prudent to bring to the attention to hon. Members and the public generally, the privileges with which elected Members are vested for the purpose of carrying out their duties in this House, and by my doing so, discourage and dissuade people breaching these privileges and in the process, unwittingly perhaps, making themselves liable to the consequences of any such acts of contempt.

Parliamentary Privilege is defined in Erskine May as “the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually, without which they cannot discharge their functions and which exceed those possessed by other bodies or individuals.”

Section 36 of the Gibraltar Constitution Order 1969 states: “The Legislature may prescribe the privileges, immunities and powers of the Assembly and its Members but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the Members thereof.”

Part V of the House of Assembly Ordinance – Powers and Privileges of the Assembly states: “Section 61. There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.”

Section 62, no civil or criminal proceedings may be instituted against any Member for words spoken before or written in a report to the Assembly or to the Committee thereof, or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

The privileges extended to Members individually are far reaching and legally complex. The subject cannot be examined widely and extensively in a short statement as the one I am making today’.

That is Major Peliza.

‘Furthermore, each situation has to be considered on its merit if and when it arises.

Thus to meet the situation that has obliged me to make this statement, I must draw attention to the freedom of speech that elected Members are protected by whilst carrying out functions connected with proceedings within the House.

Members are protected from interference through any form of physical, oral or written intimidation which could be considered to obstruct Members of the House carrying out the duties for which they are elected.

Members who may feel being so obstructed may report the matter to the Speaker, who taking into account the facts and circumstances of the case, will follow up the report as he may deem necessary, bearing in mind that the House collectively in its judicial capacity is the court that will pass the final judgement if so required.

As past examples of what may constitute molestation of Members on account of their conduct in the British Parliament, I quote cases embodying this type of contempt.:

“(a) Challenging a Member to fight on account of their behaviour in the House or any Committee thereof or even on account of remarks made outside the House which touched proceedings in the House.

(b) Writing letters to Members taking notice of speeches said to have been made in the House and threatening to contradict them from the gallery.

(c) Sending insulting letters to Members in reference to their conduct in Parliament or letters reflecting on their conduct as such Members.

(d) Threatening to inflict pecuniary loss upon a Member on account of his conduct in Parliament.

(e) Inciting the readers of a newspaper to telephone a Member and complain of the question of which he had given notice.

(f) Calling in a newspaper for the arrest of a Member and describing him as an arch-traitor.

(g) Sending a letter to a Member threatening him with the possibility of a trial at some future time, for asking a question in the House.”

It will be noted from the above that conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as breach of privilege.

This statement should make everybody aware that when any of the rights and immunities both of the Members individually and of the Assembly in its collective capacity which are known by the general name of privileges are disregarded or attacked by any individual or authority, the offence is called a breach of privilege or contempt and is punishable under the law of Parliament as may be applicable in Gibraltar.’

25 Such was Sir Robert Peliza’s Ruling.

It is my own considered view that when a Member of Parliament is challenged to repeat outside this House whatever he may have said in the course of proceedings in Parliament, there is no difference in principle, whether the challenge is made by a member of the public, by a barrister acting on behalf of a member of the public, or by a Member of Parliament.

30 Accordingly I am of the opinion that the Ruling that I have read out applies, in its entirety, in this case.

I am making available copies of the Ruling and to the press as well.

Now, that is the Ruling that I have made. Quite apart from that Ruling, under this item on the Agenda of Communications from the Chair, there are a few words that I wish to say coming from the heart.

35 What has occasioned the need for this Ruling has been a very acrimonious debate in particular, during the Budget session, when perhaps I as Speaker should have intervened very much earlier than in the event I did.

In one instance, I asked the Leader of the Opposition to withdraw the word ‘lie’ and on another occasion I fired a warning shot across the bows of the Chief Minister, because I thought he might be in danger of contravening the Standing Order which states that no improper motives must be impugned to a Member.

40 But all that is against the background of a situation when for months, both sides of the House have been engaged in very, very heated exchanges where personal considerations have come to the fore. Personal considerations sometimes are just short of insults. I warned hon. Members – I think it was back in December or at the beginning of this year – that having regard to the fact that this was an election year, I was not going to allow such blandishments across the floor of this House.

45 I think I failed at the last meeting and as such, I apologise to all hon. Members that perhaps I myself, as Speaker, was not up to scratch. But then hon. Members do not make my job much...very easy either. And these exchanges do not just take place here; they continue outside the House.

50 I recall that we all saw the Chief Minister and the Leader of the Opposition on television shaking hands, embracing and promising a New Dawn of more amicability. I realise that friendship at the top of politics is extremely difficult. I realise that politicians often have to be ruthless. But I have been a Member of this House for 20 years and have sat on both sides and there is someone here who has done even longer than I have, twice as much and we were on opposite sides and we have had Members of Parliament like Sir Joshua Hassan and Peter Isola who were not on speaking terms for over 10 years, but they did not use the language that I have heard here in this House in the last six months.

55 I want hon. Members to reflect upon my words. It is not easy to be in politics. It is not even easy to be in this Chair. I dedicated my book to my family because of what they put up with for 20 years. But now that I am not in the political affray, my family are still having to put up with allegations that I am biased and language that is an offence under section 77 of the Parliament Act and hon. Members who are much more involved in the political affray have to put up with much more than I do.

60 Therefore the question is are we going to carry on like this? I would appeal to hon. Members, in particular to the Chief Minister and the Leader of the Opposition, to draw a line under these heated exchanges – to draw a line today.

I am aware of the fact, because I have not had an opportunity to read it, that the Leader of the Opposition has written to the Chief Minister. I have not seen the letter yet, it is in my office.

65 I need to read very carefully over the *Hansard* of the last meeting of Parliament during the debate because as I say, I am convinced that I allowed matters to go too far and I should have intervened and called hon. Members to order. Very, very strong language was used and perhaps I should not have allowed it.

70 So as I say, I apologise for my failings, but unless a line is drawn I do not know what Members are going to be throwing at each other in five or six months' time against the background of an actual General election campaign. It does not make the job of the Speaker easy and I may have to reflect myself, like other hon. Members are doing, whether I am prepared to carry on. After all, what do I get out of it at this stage of my life? I do not need to be here, I can be at 8/7 Buena Vista Road with the hobbies that I have.

75 Nor do I think that it will be very easy for many other people in Gibraltar to be occupying this Chair in the manner that party politics is being undertaken in Gibraltar. We think of ourselves as a mature community, we are proud of our democratic credentials, we have had a legislature now for 65 years, we have an excellent constitution which gives a lot of powers to the Government of Gibraltar and if we really do think that we are mature, I think this is the place to start. Because what I hear outside Parliament and what is communicated to me from the social media, does not lead me to believe that people look upon Parliament and parliamentarians as what they ought to be.

80 I pledged myself to uphold the dignity of this House when I took over office. If that does not happen, I may not be prepared to do so again. So I am speaking from my heart. If I have gone too far, if I have said something that I should not, I beg your pardon. I have not planned it, it is not a prepared statement, it is something I have said after reflecting on what has been happening recently.

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, you have made a Ruling and a communication and no comment lies on it other than I wish to rise only to say I am sure that on behalf of the whole House, that without dealing with the substance of what you have said, I am sure that none of us here fear that you have failed any of us in any way, or that you fail in the effort that you put into the work that you do and to thank you for your reflections. Forget your ruling, but your reflections afterwards and to say that no doubt all of us will take it into due consideration and to heart. (*Banging on desks*)

PAPERS TO BE LAID

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

95 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Consolidated Fund Pay Settlement – Statement No. 1 of 2013/2014; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2013/2014; the Consolidated Fund Reallocations – Statement No. 3 of 2013/2014; the Improvement and Development Fund Reallocations – Statement No. 1 of 2013/2014; the Statement of Supplementary Estimates No. 1 of 2013/2014; the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2015.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Sports, Culture, Heritage and Youth.

105 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table the accounts for the Gibraltar Heritage Trust for the financial year ended 31st March 2014.

Mr Speaker: Ordered to lie.

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Clerk: The Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I have the honour to lay on the Table the accounts for the Gibraltar Port Authority for the financial year ended 31st March 2013 and the accounts for the Gibraltar Port Authority for the financial year ended 31st March 2014.

115

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q445/2015

Registered unemployed – Details for 2014-15

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Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 445/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide details of the registered unemployed for the final quarter of 2014 and the last two quarters of 2015?

125

Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the number of Gibraltarians registered as unemployed is as follows: the final quarter of 2014 – 228; the first quarter of 2015 – 237; the second quarter of 2015 – 225.

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Q446/2015

Construction Industry Group – Accident investigation, June 2015

Clerk: Question 446, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide details of the accident investigation shown on the Government website for the month of June 2015 in the Construction Industry Group?

135

Clerk: Answer, the Hon. the Minister for Business and Employment.

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Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the matter is confidential and whilst I am not prepared to disclose the information across the floor of the House, I will of course be prepared to do so in private.

The hon. Member will recall that I responded in writing to his last question relating to another health and safety accident investigation in the same way.

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Q453/2015
Gibraltar Maritime Conference –
Cost

Clerk: We now move to Question 453, the Hon. D J Bossino.

150 **Hon. D J Bossino:** Can the Minister for Maritime Services please advise what the cost of the recent Gibraltar Maritime Conference was?

Clerk: Answer, the Hon. the Minister for Business and Employment, on behalf of the Hon. the Minister for Financial Services and Gaming.

155 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the total cost of the recent and very successful Gibraltar Maritime Conference was £84,623.85, the bulk of which was paid by private sector sponsorship. The cost to the Government was £25,243.85.

160 Mr Speaker, this is a further example of the public/private sector partnership in promoting Gibraltar and her services. This is the first time ever that such an event has been organised in Gibraltar.

165 **Hon. D J Bossino:** Mr Speaker, thanks for the answer. Has the Hon. Minister had an opportunity of receiving a report of the speeches given there? I am not sure that he was able to attend the entirety of the conference, I know he gave the initial speech, in fact I think on behalf of the Minister who in fact has responsibility for that particular portfolio, Mr Isola, who is away out of the jurisdiction, but has he had an opportunity of getting a report?

170 I attended in a professional capacity, I was unable to attend most of them but I did attend the Friday afternoon session which I found very interesting. This is the reason why I wish to raise this point in the form of a question – because there was a particular speech given by a young Gibraltarian, Dion Danino, who had quite a lot to say about how we should best market Gibraltar in terms of the super yacht industry. I would encourage him, if he has not received a report of that particular speech, that he does and perhaps the Government may be able to formulate policy in that particular area.

175 **Hon. N F Costa:** Mr Speaker, to answer the hon. Gentleman's question, I have not received specifically a report from the Gibraltar Maritime Administration, other than to have read the report that I think appeared in the *Gibraltar Chronicle* written by Eyleen Sheil and which I did discuss briefly with, I think it was Richard Montado, but obviously there will be a full discussion to be had by the current Minister for Maritime Services, Mr Isola and the GMA.

180 But certainly the report in the *Chronicle* did seem to indicate there were some important points to consider in the way that we market Gibraltar for yachts and super yachts, so I would agree with the hon. Gentleman, that is one report to carefully digest.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q447/2015
Solar thermal systems installations –
Financial reward

Clerk: Question 447, the Hon. J J Netto.

185 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if any person has installed in his property any type of solar thermal systems or photovoltaic panels and has had a financial reward for doing so under the Solar Energy (Deductions) Rules 2015?

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

190 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, just before I give the formal answer, it may be that people have installed in their property, which I would not be aware of. But the substantive answer, in relation to the financial assistance, is no sir, no-one has applied for financial assistance yet. They may have installed, but they have not applied for financial assistance.

195

Hon. J J Netto: Yes, of course that is entirely true. People may have done it and installed it long before the actual Rules came into force. But ever since the Rules have been in force now, no-one has applied but presumably the administration setup is already geared towards considering the application and if it is successful, obviously they will get their reward.

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Hon. Dr J E Cortes: Yes, Mr Speaker. The Rules were passed relatively recently and it may not have given time for it to sink in. But the Department is going to be promoting this as part of its energy efficient campaign in coming months.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if the hon. Gentleman allows me to be of assistance, we would not expect to see claims until probably the next financial year – the next *tax* year, sorry – in the sense that people would be submitting their claim with their tax return. So it is likely that as this trickles through and people then decide they want to do the work, then they would be able to make their application when they submit tax returns and I think that is when we will likely be able to make a better assessment of the success of the measure and of the promotion of it, which will likely follow shortly.

210

Thank you.

Hon. J J Netto: I am grateful, Mr Speaker.

Q448/2015
Climate Change Task Force –
Key objectives for 2015

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Clerk: Question 448, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what are the key objectives set for 2015 by the Climate Change Task Force?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the key objectives which are long term and not specifically for 2015, set by the Climate Change Task Force, are included in the Renewable Energy Strategy and the Decarbonisation of the Energy Sector Action Plan, not yet completed.

225

These documents are currently in the final stages of review by Task Force members.

I will, however, give some of the main objectives here. The key Task Force draft conclusions of recommendations are: (1) to achieve carbon neutrality as soon as possible; (2) decarbonisation of electricity supply and lowering of the carbon footprint of transport; (3) introduction and development of energy transition in the direction of renewables; (4) energy efficiency; (5) sharing of responsibility between the private and public sectors; (6) cost effectiveness; and (7) the possibility of energy offsets.

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Q449/2015
Waste treatment facility –
Renewed tender process; commencement of works

Clerk: Question 449, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for the Environment state by when the ‘renewed tender process’, as stated by the Hon. Minister in his budget address, for the waste treatment facility will end, and by when does the Minister expect works to commence?

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

240

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, my understanding is that the technical review of the tender submissions is due to be completed in the next couple of weeks. The board will then convene and assess the submissions and reports. I expect this will happen in August and depending on the recommendations, awards should then follow.

245 On average, such plants usually take one and half to two years to complete from date of commission, but again we will not be able to confirm this until the successful tender is chosen.

Q450/2015
Ecopark –
Location and facilities

Clerk: Question 450, the Hon. J J Netto.

250 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say where will the new Ecopark be situated, and provide Parliament with an update in relation to the facilities provided therein?

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

255 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Ecopark will be launched imminently. I believe I have a press call sometime next week about this.

260 It will be the Devil's Tower Road area and it will provide a one-stop shop for all waste streams. These include, but are not limited to: scrap metal, bulky items, compressed gasses and ozone depleting substances, vehicle decontamination, glass, batteries, paper, cardboard, paint, tyres, mixed packing recycling, waste, electrical and electronic equipment, lighting and waste oil.

Q451/2015
Department of the Environment –
Prohibited drug on premises

Clerk: Question 451, the Hon. J J Netto.

265 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there has been an employee of the Department of the Environment who has been found to have had a prohibited drug within the premises of the Department?

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

270 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, there has been no such incident.

275 **Hon. J J Netto:** Mr Speaker, is it perhaps the case that instead of being a prohibited drug, a report was issued departmentally that an employee may have had a 'prescribed' drug and as a result of that, a report was issued within the Department?

280 **Hon. Dr J E Cortes:** Mr Speaker, I have no knowledge of a 'prescribed' drug. The question refers to a prohibited drug and I have answered that. But I suspect that the answer would be identical if it had been a prescribed drug. I have no knowledge of any such incident.

Mr Speaker, I must add that if it was a prescribed drug with a prescription then therefore there would have been no issue. If somebody has had a cold or some infection and they have antibiotics with them, there is no issue there. But I certainly, the implication is something a little bit more sinister than that and certainly I have no information on that whatsoever – or even heard a rumour.

285 **Hon. J J Netto:** Yes, indeed but there are on occasions particularly a 'prescribed' drug or perhaps a better word 'pharmaceutical' drug, which may have an impact on the work that the particular employee may do – whether it is a particular drug that may impede a person conducting a vehicle or works owed to that experience.

290 But is it perhaps not the case that a report was issued by the Department which in a number of ways related to this issue and also in other ways related to the fact that this individual may not have been in his actual place of work when he should have been? Perhaps that was the reason why a Departmental report was issued as a result of these issues jointly.

295 **Hon. Dr J E Cortes:** Mr Speaker, I have no knowledge of that, I think this is purely speculation. If the
hon. Member has any indication that something improper has occurred, then I suggest that he contacts me
and it will be looked into. But I have no such report and I do not believe that my Department has issued any
such report.

300 **Hon. J J Netto:** Mr Speaker, have we had a situation where recently in the last weeks or months, there
has been an abolition of post of one particular employee of the Department of the Environment which may
have had a relationship to the issues that I am raising now?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have answered my question, I do not think this is a legitimate
supplementary. I have answered my question factually and I have even gone beyond what I have been
asked. Therefore I would need notice of any other question which is so different to the one that I have
correctly and honestly answered.

Q452/2015
Dementia Centre at the old RNH –
Details of opening and staffing

Clerk: Question 452, the Hon. J J Netto.

310 **Hon. J J Netto:** Mr Speaker, given the imminent opening of the Dementia Centre at the old RNH, can
the Minister for Health state the opening date of the centre, and whether the employment of staff has been
completed, stating which grades may be deployed from existing resources within the GHA or the Care
Agency, which grades will be new employment opportunities and provide the new annual recurring cost as
a result of the opening of this facility?

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

320 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr
Speaker, the date for the opening of the Dementia Centre, although it is close, has not yet been set and is
subject to commissioning and snagging, as in all such projects.

The aspects which will be redeployed to the new centre may include the Memory Clinic and related
activity, subject to final confirmation. Various models of care are currently being considered so that full
details are not yet available.

325 **Hon. J J Netto:** Mr Speaker, one of the reasons why I have asked this particular question was because I
believe that either the Minister for Health or the Minister for Social Services – I cannot remember if it was
in the Budget speeches or perhaps in the months before – made a statement to the effect of saying we are
planning to have this facility open in the month of August. Now, the month of August is only a couple of
weeks from now, hence the reason for my particular questions.

330 Is it still the view that the facility will be ready by August?

Hon. Dr J E Cortes: Mr Speaker, this is why I started my question by saying that this is subject to
commissioning and snagging which in all building projects, particularly some with such a specialised
nature, can always delay the actual commissioning date.

335 Therefore although the end of August is still our aim, it may be that it will slip by a few weeks.

Hon. J J Netto: Yes, but even accepting that you know all construction projects have delays and this
would not be the first one, but whether it is the end of August or the first few weeks in September, we are
really talking about between four to six weeks from now basically.

340 I would have imagined that by now the Government would have had a very clear picture in relation to
not the snagging, but in terms of the facilities to be provided, the kind of staff and personnel that would be
there deployed to make sure that the facility works in accordance with the plan that the management has in
place. And by its very nature, they would have known well, we need so many people of this particular
grade, we need so many people these type of professionals and all these cost x amount of money. Where is
345 the Government in relation to knowing the grades, the professionals, the cost etc?

Hon. Dr J E Cortes: Mr Speaker, a lot of work has gone into this but some of the services provided we
are looking at outsourcing and we are at the moment considering expressions of interest, I think from six or

350 seven providers, each with their own model and each with their own proposals which need to be adjusted.
So therefore there is a variation of possibilities and funding was in fact voted in the Appropriation Bill for
the Centre so that is not an issue.

355 The issue is that we are looking at different possible models and also which services, for example the
Memory Clinic is the most likely will be transferred to the new site using existing staff. And it is this
tweaking which actually is obviously very laborious and we have got to get it right. I believe all that will be
properly done and completed by the time that the commissioning of the building has taken effect.

Hon. J J Netto: Let me see if I understand this clearly. The facilities within the main building itself,
would that be manned and managed both by GHA staff or the Care Agency or will that be contracted out?

360 Or is the Minister saying that there are some facilities like the Memory Clinic which will not be housed
in the main building and such facilities or others are the ones that the Government is considering
contracting out?

Hon. Dr J E Cortes: What I am saying, Mr Speaker, is that we are looking at models in which, for
example, care and so on is likely to be outsourced, specific more specialised, like the memory clinic which
365 is doctor led and specialist nurse led, will continue to be GHA but would be carried out in the RNH site
instead of where it is carried out now.

In the new site instead of where it is now which is in Coaling Island or sometimes in St Bernard's
Hospital so there will be some movement which will vacate areas for other development, will be some
movement to this site. Then there will be other specialised... for example, the doctor who will attend will
370 be a GHA doctor but the care packages and so on – sorry, not the care packages; the caring and so on, we
are considering as I said, six or seven proposals for outsourcing of the care and related activities.

There will obviously be overall management from the elderly residential services or the Health
Authority but this is the model that we are looking at.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q454/2015

Future Job Strategy – Government companies providing employment

375 **Clerk:** Question 454, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment please provide the names of the Government
companies which are currently providing employment during the training period as part of the FJS?

380 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I
assume, Mr Speaker, the hon. Member wants me to answer it; it is not that he is trying to take away my job
from me and give it to somebody else.

385 The hon. Member has had the names of the companies involved since 2012.

Hon. D J Bossino: Yes, what I wanted to establish is whether there had been any additions to that or
any removals of companies – that is the only thing. But if it is as set out in his reply back in 2012, then I am
happy with the answer.

Q455-459/2015

Government cash reserves – As at 30th June 2015

390 **Clerk:** Question 455, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the Government cash
reserves were as at 30th June 2015?

395

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 456 to 459.

400

Clerk: Question 456, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises bank debt, as at 30th June, 2015?

405

Clerk: Question 457, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide this House with a breakdown, by debenture issue, of that part of the aggregate public debt which comprises Government debentures as at 30th June 2015?

410

Clerk: Question 458, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures or other debt security as at 30th June 2015?

415

Clerk: Question 459, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of where and how all the monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments, as at 30th June 2015.

420

Clerk: Answer, the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, as at 1st June the Government cash reserves were £28,180,000.

425

The aggregate public debt, consisting of bank debt was Barclays Bank £150 million and NatWest Offshore £50 million.

Government Debentures were as follows: one month's notice, £247,700,000

430

The value of the Gibraltar Savings Bank debentures and other debt security by maturity date was:

One Month	£33,164,200
2015 Debentures	£6,072,400
2016 Debentures	£22,833,800
2017 Debentures	£101,414,500
2018 Debentures	£163,570,600
2019 Debentures	£205,566,000
Other Debentures	£159,044,093
Bonds	£70,594,812
Deposit Accounts	£186,000,000

435

440

The average yield in respect of the different categories of investment vehicles held by the Savings Banks for the month of May are as follows:

On-call accounts with the Bank of England, the Crown Agents and Gibraltar Banks had an average yield of 0.55%. The Gibraltar Banks were the Royal Bank of Scotland, Barclays Bank, National Westminster, Jyske Bank and Lloyds Bank.

445

Floating Rates Notes quoted on the London Stock Exchange now had a slightly higher yield of 1.02%. The Floating Rates Notes are issued by the following:

European Investment Bank, International Bank for Reconstruction and Development, Neder Waterschapsbank, KfW, Republic of Finland, Volkswagen Financial Services, Dexia, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, Centrica plc, ASB Finance, Royal Bank of Canada, BG Energy Capital plc, Suncorp Medway Ltd, BMW Finance and National Grid Gas plc.

450

Monthly Income Debentures had a 6% return and preference shares in Credit Finance an average dividend of 5.7%. As previously explained quoted stocks and on-call accounts fluctuate marginally on a daily basis. These fluctuations are not significant.

I now hand over to the hon. Member the schedule of the Savings Bank statement listing the investments for the month.

455

GIBRALTAR PARLIAMENT, WEDNESDAY, 22nd JULY 2015

Answer to Question 459 - Schedule to Question 459

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/05/2015
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.118 0.173	£5,005,895.29 £8,656.64	£5,014,551.93
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.997 0.114	£4,999,868.61 £5,722.19	£5,005,590.80
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.015 0.101	£4,000,591.78 £4,034.14	£4,004,625.92
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.137 0.060	£5,006,843.15 £2,962.88	£5,009,826.03
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.811 0.141	£1,996,217.56 £2,824.53	£1,999,042.09
WESTPAC SECURITIES NZ LT FRN 3/10/17	£5,000,000.00	100.000 0.166	£5,000,000.00 £8,316.58	£5,008,316.58
CANADIAN IMPERIAL BANK FRN 15/1/18	£5,000,000.00	100.000 0.096	£5,000,000.00 £4,802.46	£5,004,802.46
NATIONWIDE BUILDING SOCIETY FRN 27/4/18	£5,000,000.00	100.000 0.072	£5,000,000.00 £3,589.24	£5,003,589.24
ASB FINANCE LTD LONDON FRN 1/05/18	£5,000,000.00	100.000 0.088	£5,000,000.00 £4,386.99	£5,004,386.99
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.074 0.232	£5,003,718.34 £11,613.35	£5,015,331.69
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	101.808 0.921	£5,090,396.78 £46,027.40	£5,136,424.18
LVMH MOET HENNESSY VUITT 1.625% 20/12/17	£5,000,000.00	101.671 0.721	£5,083,538.25 £36,061.64	£5,119,599.89
PRUDENTIAL PLC 1.375% 19/01/18	£7,000,000.00	100.134 0.497	£7,009,413.73 £34,808.22	£7,044,221.95
ABN AMRO BANK NV 2.5% 18/12/18	£7,000,000.00	103.185 1.123	£7,222,932.54 £78,630.14	£7,301,562.68
JP MORGAN CHASE & CO 1.875% 10/02/20	£4,000,000.00	100.279 0.565	£4,011,162.94 £22,602.74	£4,033,765.68
THAMES WATER UTIL FIN 4.9% 30/6/15	£1,600,000.00	100.343 2.046	£1,605,484.36 £32,738.46	£1,638,222.82
VOLKSWAGEN FIN SERV NV 1.25% 15/12/16	£5,000,000.00	100.711 0.573	£5,035,548.38 £28,674.45	£5,064,222.83
SCOTLAND GAS NETWORK PLC 4.75% 21/02/17	£1,991,000.00	106.051 1.288	£2,111,480.90 £25,651.17	£2,137,132.07
NEDER WATERSCHAPSBANK 0.875% 07/03/18	£5,000,000.00	99.845 0.122	£4,992,231.56 £6,096.31	£4,998,327.87
KOMMUNEKREDIT 1.125 07/12/18	£5,000,000.00	99.802 0.080	£4,990,087.65 £4,006.85	£4,994,094.50
KFW 5.5% 7/12/15	£5,000,000.00	102.651 2.643	£5,132,558.25 £132,152.78	£5,264,711.03
LLOYDS 5.5% 25/09/16	£3,000,000.00	105.859 1.010	£3,175,762.93 £30,287.67	£3,206,050.60
SCOTTISH & SOUTHERN ENERGY 5% 01/10/18	£4,000,000.00	112.094 3.315	£4,483,771.70 £132,602.74	£4,616,374.44
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£2,000,000.00	100.001 0.070	£2,000,022.20 £1,390.07	£2,001,412.27
NEDER WATERSCHAPSBANK FRN 09/04/18	£2,200,000.00	100.000 0.107	£2,200,000.00 £2,351.47	£2,202,351.47
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.018 0.009	£5,000,884.72 £425.30	£5,001,310.02
NET AMOUNT DUE TO BROKER IN RESPECT OF TRANSACTIONS EFFECTED IN APRIL FOR SETTLEMENT IN MAY			(£2,112,052.80) (£25,651.17)	(£2,137,703.97)
GOVERNMENT DEBENTURES	£247,700,000.00	100.000 0.000	£247,700,000.00	£247,700,000.00
BANK OF ENGLAND	£22,432,296.42	100.000	£22,432,296.42	£22,432,296.42
CFC SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£11,000,000.00	100.000	£11,000,000.00	£11,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£2,449,540.25	100.000 0.001	£2,449,540.25 £13.43	£2,449,553.68
CROWN AGENTS	£5,000.00	100.000	£5,000.00	£5,000.00
LLOYDS BANK GBP CALL A/C	£4,409,937.76	100.000 0.033	£4,409,937.76 £1,454.33	£4,411,392.09
BARCLAYS BANK	£68,835,159.69	100.000	£68,835,159.69	£68,835,159.69
NATIONAL WESTMINSTER OFFSHORE	£33,058,514.61	100.000	£33,058,514.61	£33,058,514.61
JYSKE BANK	£21,389,149.85	100.000	£21,389,149.85	£21,389,149.85
CASH	£6,081,000.00	100.000	£6,081,000.00	£6,081,000.00

Hon. D A Feetham: Mr Speaker, I wonder whether the hon. Gentleman can help me with this. According to my calculations, gross public debt is at the figure it has always been for the last several months, £447 million. Cash reserves are £28.8 million and I hope I have heard the hon. Gentleman correctly, that means that the net debt is £418.2 million.

460 Can he confirm that is the level of net debt as at 30th June 2015?

Hon. J J Bossano: That is correct, yes.

465 **Hon. D A Feetham:** And of course, Mr Speaker, it is the highest level of public debt that we have ever had in the political history of this community.

Now, Mr Speaker, in the light of the fact that it is the highest net debt that we have ever had in the political history of this community and in light of the fact that the hon. Gentleman in his manifesto has a commitment certainly to reduce the gross debt by half from the levels that it was, so roughly he is going to have to reduce the gross debt from £447 million to £260 million, does he feel that in the light of these levels of net public debt, which are the highest they have ever been in the history, that he is still on course and on target to reduce that gross debt to £260 million?

Hon. J J Bossano: Well first of all, Mr Speaker, there is no reference in the manifesto to net debt, as he knows and I know. Secondly, it used to be the mantra of the Members Opposite that it was the height of economic illiteracy to talk about debt in absolute terms and not as a percentage of the GDP. Therefore if he wants to do it in the way he used to do it when he was in Government, he should look at the figures as a percentage of the GDP.

475 And certainly since I am an optimist, I expect to be on target.

Hon. D A Feetham: Well, Mr Speaker, in the light of that I have to say that I am gratified to see that he too, apart from the Chief Minister, has had this Damascene conversion and now he is urging upon me what we used to urge upon him and his side, which was do not look at debt in absolute terms; look at it as a percentage of the economy and look at net debt rather than gross debt.

485 So is he, in the light of what he has just told me, accepting that their entire political discourse during four years of being in Opposition and making all those arguments about high levels of public debt, that really that was misconceived and that really what we should be talking about and that we were correct indeed in talking about net debt as a percentage of the economy?

Hon. J J Bossano: Well not to the same degree that his discourse in 2003 was misconceived. When he argued that gross debt of £89 million was excessive, irrespective of the level that it represented. So in fact, I do not think he ever used the mantra of the percentage of GDP until he became the Leader of the Party and the Leader of the Opposition.

490 So if he thinks I have been converted to it, I can only be following in his footsteps because a conversion happened to him before it happened to me. *(Laughter)*

Hon. D A Feetham: So, Mr Speaker, we have all according to him been converted. *(Laughter)* I am doubly gratified, Mr Speaker, that we have both been converted. But let me in my own defence say that was not the point that I made in 2003, he knows that. The point I made in 2003 was that the public debt was not £89 million, that the level, the ceiling of public debt at the time was pre-constitution was £100 million and that the then Government had had a PFI arrangement which was an off balance sheet transaction. And if you took that into account that would probably have taken it over the £100 million limit.

500 That was the argument I raised in 2003. But well, Mr Speaker, I am happy that he has converted to our policy in this regard, but I wonder whether he can at least enlighten this House on how he is going to be reducing gross public debt from £447 million to £260 million which is their manifesto commitment, which no doubt bearing in mind that they sing from the rooftops that all their manifesto commitments are going to be met, that this is one that is going to be met and I just wonder whether he can explain that to the House.

Hon. J J Bossano: Well, first of all, I have not said I have been converted. I said if I had been converted I would only be following his conversion, so it is either a good thing to be converted when it happens to him and not a bad thing if it happens to me.

510 But I have not been converted. I am telling him that as far as we are concerned, the manifesto commitment that we are targeting is still one we expect to achieve and I certainly have no intention of explaining to him how we are going to do it because our function is to believe that what we say but not to teach the hon. Members how they can do it as well if they ever happen to be back on this part of the House.

520 **Hon. D A Feetham:** Well, Mr Speaker, doesn't the hon. Member – and I just wonder whether just for old time's sake at the very least, he might be prepared to accept that – doesn't he think that is a tad unfair, bearing in mind that he is bringing a motion that is going to be debated later, asking me how we were going to be doing something about community care? Well, I am asking well, how are you going to be reducing gross public debt from £447 million to £260 million? (*Laughter*) I can tell the hon. Member, look, pre-judging that that I have no intention of changing his policy in relation to community care, if I continue to be the Leader of the GSD, I can tell him that and I am being straight with him.

525 Now does he not, in the light of that and for old time's sake, let us say, at least want to volunteer how he is going to be reducing gross public debt from £447 million to £260 million, bearing in mind that the net debt – and there is a correlation between the two – is the highest that it has ever been in the political history of Gibraltar, by the election?

530 **Hon. J J Bossano:** Well, the relevance of whether it is high in the political history of Gibraltar or not is, as far as I am concerned, a matter of judgement and I am certainly not prepared to give him any information as to how it is going to be achieved for old time's sake because the old time is now so far back that I would not want to go back that far.

CHIEF MINISTER

Q460/2015

United Nations Committee of 24– Report to House on discussions with Chairman

535 **Clerk:** Question 460, the Hon. D J Bossino.

Hon. D J Bossino: Will the Chief Minister provide a report to the House of matters discussed with the Chairman of the United Nations Committee of 24?

540 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am not prepared to say more publicly at this stage. A note of the meeting is being prepared by the Office of the Chairman of the Committee of 24, which I understand the Secretariat of the Committee of 24 will circulate to all its members.

545 I am happy to sit down, however, with the hon. Gentleman and provide full details to him privately of the discussion that ensued. It may be that in the future I can say more publicly but at this stage I would be happy to share more privately.

550 Mr Speaker, I want to take this opportunity to thank Mr Bossano and Dr Garcia for their important input during that meeting. Gibraltar sometimes does not seem to realise the important resource that we have in both of them. Dr Garcia's historical understanding of the post-war politics of Gibraltar is unrivalled and I know the questioner has as high a regard for the Deputy Chief Minister's knowledge and ability as I do, although I have been politically clever enough to stick with him and he has not. And moreover, Mr Speaker, Mr Bossano's own expertise in self-determination matters is not only second to none, but seen by many members of the C24 as unparalleled.

555 I will share publicly with hon. Members that Chairman Mendoza was highly complimentary, during our meeting, of Mr Bossano's knowledge of the United Nations Decolonisation subject and indicated how much he himself had learnt from Mr Bossano's interventions in the seminars organised by the Committee of 24 since he became Chairman.

560 **Hon. D J Bossino:** Mr Speaker, can he at least enlighten the House as to what reply he received from the Chairman when he renewed the invitation for a visiting mission?

Hon. Chief Minister: Well, Mr Speaker, he did not say no.

Q461/2015
Tax affairs of the previous Speaker –
Investigation into leak

565 **Clerk:** Question 461, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what has been the outcome of the investigation as to the leak of the tax affairs of the previous Speaker of this House?

570 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the position remains the same as was set out in my answer to Question 619/2014. However, I am advised by the Chief Secretary, who has carriage of these matters, that he will shortly be requesting the Commissioner of Police to carry out an investigation into the leak of the tax affairs of the previous Speaker of the House.

Q462/2015
Naturalised British citizens in Gibraltar –
Number obtaining Government housing

Clerk: Question 462, the Hon. D A Feetham.

580 **Hon. D A Feetham:** Mr Speaker, is the Government now in a position to state how many people of those that have been naturalised British in Gibraltar since 9th December 2011 have obtained Government housing?

Clerk: Answer, the Hon. the Chief Minister.

585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, since 9th December 2011 one such applicant has obtained Government housing and the reference he will see is to such an applicant so that it is clearer and I think it gives him the answer he was seeking when we last debated this matter.

Q463/2015
Defamation claims brought/defended by Ministers –
Taxpayer funding

590 **Clerk:** Question 463, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what are the criteria for determining whether defamation claims either brought or defended by Government Ministers should be funded by the Taxpayer and whether those criteria apply to other Members of Parliament?

595 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, my answer remains as set out in answers to Questions 430 and 515/2013.

600 **Hon. D A Feetham:** Mr Speaker, is the Taxpayer funding legal representation? I have to declare an interest, the representation appears to have been provided by my firm but it is irrelevant. This is really the question of whether the Taxpayer is funding that representation against Gareth Gingell or is the hon. Gentleman paying it out of his own pocket?

605 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is asking a question about a matter which is on foot. I am quite happy to deal with it, but where we go with this debate is something that I think we have to be particularly cautious with.

The Chief Minister was seeking representation as to things that were said about him in respect of his office, of his discharge of the office of Chief Minister and in keeping with the principle set out in the

610 questions that I have referred the hon. Gentleman to, that is a matter that is funded for the Chief Minister by the public purse, as is absolutely right and proper it should be.

615 **Hon. D A Feetham:** Mr Speaker, I had occasion to go to the United Kingdom, to travel to the United Kingdom to take advice from specialist counsel in the United Kingdom about statements that the Hon. the Chief Minister made, not in this House, but in fact in a comment that he made outside the House, saying that he stood by everything that he said inside the House, as to whether that represented a republication of defamatory comments and that obviously applied to me in my capacity as Leader of the Opposition because the comments were made to me in my capacity as Leader of the Opposition.

620 Now, what are the criteria for a Leader of the Opposition to actually be able to receive the same treatment as a Chief Minister of Gibraltar and ask the Chief Secretary, 'Well, can the public now fund any advice that the Leader of the Opposition has received in relation to any potential claim against the Chief Minister of Gibraltar?'

625 **Hon. Chief Minister:** Mr Speaker, I dealt with similar issues in the answers to Questions 430 and 514/2013 which I invite the hon. Member to revisit and conscious of the words that you shared with us at the beginning of the session, I do not intend to say more.

Questions for Written Answer

630 **Clerk:** (viii) Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W82 to W85/2015 inclusive.

Clerk: (ix) Order of the Day.

ADJOURNMENT

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now have the honour to move that the House do now adjourn until Monday, 27th July at 3.30 in the afternoon.

640 **Hon. D A Feetham:** Mr Speaker, my wife is travelling on Monday morning, we are going to Spain for an operation on her leg. I am then going to be travelling back with her so it is not possible for me to cancel an operation for my wife which is for health reasons.

Therefore if it is going to be a determination of the motions, I need to be here and if there is any Parliamentary business that can be undertaken without me, that is fine and if he decides to plough ahead, that is fine.

645 But of course I cannot cancel an operation that my wife is having which is for health reasons and has been booked not on the relevant week when we have Parliament and I ask him to bear that in mind in any adjournment.

650 **Hon. Chief Minister:** Of course, Mr Speaker and there is no question of us standing in the way of any operation, most of which are for health reasons. Therefore, Mr Speaker, I would propose that we instead come back on Tuesday, 28th at the same time.

Mr Speaker: I now propose the question that this House do now adjourn until Tuesday, 28th July at 3.30 in the afternoon.

655 I now put the question that this House do now adjourn until Tuesday, 28th July at 3.30 in the afternoon. Those in favour? (**Members:** Aye.) Agreed.

The House will now adjourn until Tuesday, 28th July at 3.30 in the afternoon.

The House adjourned at 4.30 p.m.