



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.35 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Mr Speaker: The Hon. the Chief Minister has indicated his wish to make a statement before we resume with the questions.

The Hon. the Chief Minister.

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Gibraltar Power Station and distribution works Statement by the Hon. Chief Minister

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has yesterday served a Notice on ETDE SA and Volker Stevin Construction Europe BV, the Joint Venture parties in respect of the construction of the proposed new Gibraltar Power Station and distribution works. The Notice informs the Joint Venture parties that the Government has decided not to proceed with the proposal they have made for the development

15 of the new proposed Power Station at Lathbury Barracks.

The Government will make a full statement next week in order to fully inform the public of the Government's reasoning for this decision, the consequences of it and the alternatives by which we intend to ensure the secure continuity of electricity supply.

20 **Hon. P R Caruana:** Well, Mr Speaker, for the sake of – as a point of order – can we treat the Hon. the Chief Minister as having moved the suspension of Standing Orders?

The House is in Question Time. The making of statements comes much earlier on and I think the usual practice is, so that it looks right on *Hansard* and in the Minutes, for there to be a suspension of Standing Orders to allow the Minister to make a statement.

25 **Mr Speaker:** I am grateful to the Hon. Leader of the Opposition for pointing that out. Yes, I should have invited a suspension of Standing Orders, but it... Can we take it that the Hon. Chief Minister did move (**Hon. P R Caruana:** Yes.) and it has been approved by the House?

30 I am most grateful.

Clerk: Answers to Oral Questions continue.

35 Questions for Oral Answer

CHIEF MINISTER

40 Brussels Process Whether 'dead and buried'

Clerk: Question 314/2012, the Hon. P R Caruana.

45 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister confirm that he agrees that the Brussels Process is 'dead and buried'?

Clerk: Answer, the Hon. the Chief Minister

50 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir, but not just 'buried': it is also 'cremated', as far as the Members of this side of the House always have been, are, and will be, concerned.

In this respect, Mr Speaker, I refer the hon. Gentleman to Government Press Release 62/2012, of 26th January 2012, in respect of my meetings with Minister for Europe, the Rt Hon. David Lidington MP and Government Press Release 126/2012, of 22nd February 2012, in respect of the statements made by the Prime Minister, the Rt Hon. David Cameron MP.

55 **Hon. P R Caruana:** Mr Speaker, given that the Brussels Process was, when it was not 'dead and buried', a bilateral Process between the United Kingdom and the Kingdom of Spain, when we say that it is 'dead and buried', we do not mean as far as *we* are concerned because it always... it has been for quite some time, as far as we are concerned through none participation.

60 What we mean is, and the essence of the question and what I am asking the hon. Member to agree with, is that it is 'dead and buried' as far as the *UK* is concerned, which is the position that we used to adopt when we were across the floor of this House, in reliance on the very same statement. It is true that there is a novelty now, in that the words have been uttered by the Prime Minister but the words that the government of the United Kingdom will not take part in any sovereignty negotiation or *even discussion*, unless the people of Gibraltar are content, dates back to the days of the new Constitution in 2007, and that that means, it certainly is helpful that the words have been found on the lips of a Prime Minister, as opposed to the lips of a Foreign Secretary, as it then was. But does the hon. Member agree with me that, since the Spanish Government says

70 that the Brussels Process is intrinsically about sovereignty and the UK government has said that they will not
discuss or negotiate sovereignty unless Gibraltar is content, *ergo* the British Government must be saying that
it will not take part in talks under the Brussels Process unless we are content and, therefore, it is 'dead and
buried' not just as far as we are concerned – which has been the case for some time – but, indeed, as far as the
UK government is concerned, that is the only natural meaning of those words that have been uttered now by
75 the Prime Minister, but previously by Foreign Secretaries...?

Hon. Chief Minister: Mr Speaker, yes, sir, as the hon. Gentleman will know, as far as the Members of
this side of the House are concerned, the agreement was stillborn in 1984, but certainly since the new wording
came into the statements that are made by the Foreign and Commonwealth Office and any relevant Minister
and, recently by the Prime Minister, something which I know will be welcomed by *all* members of this
80 House. It is also, therefore, in *our* view the position of the United Kingdom that the agreement is *de facto*
dead and buried because of the double lock mechanism, which means that Gibraltar will never agree to those
talks going ahead.

Hon. P R Caruana: Precisely for that reason, Mr Speaker, and, of course, that this... Does he
85 acknowledge and agree with me that this has been said not now just by the Prime Minister and by Foreign
Secretaries and Secretaries of State but, indeed, has been contained as a key point in successive addresses by
the UK's representative at the United Nations in their annual addresses to the Fourth Committee, now for 4 or
5 years at least – I cannot remember when it started, I think it was 2007, it might have been 2006 – and that,
90 therefore, it is now the crystallised position and has been for some time of the UK government?

Hon. Chief Minister: Mr Speaker, I will agree with him that the record will show when it started, when
that position started, and it became the crystallised position of the United Kingdom, as he puts it. I am sure he
will agree with me that it is the position that was taken by the party on this side of the House from the very
moment that the agreement was announced in 1984.

95 Mr Speaker, I think it is also important to highlight that it is the position which HE the Governor put in
this House when he opened this House in his capacity as the representative of Her Majesty the Queen, *in this*
House, and that is the only position that will be acceptable to Members on both sides of the House, and that it
is the death knell, not just of the 'dead and buried' Brussels Process but of *any other* Process that might
propose any negotiations or discussions of sovereignty in *any* circumstances in which the people of Gibraltar
100 were not content with that.

105 **Tourism, port, business, e-commerce and e-government advisory councils.
Government policy**

Clerk: Question 315, the Hon. D J Bossino

110 **Hon. D J Bossino:** Can the Government advise whether it intends to continue with the policy of receiving
advice from the tourism, port, business, e-commerce and e-government advisory councils?

Clerk: Answer, the Hon. the Chief Minister

115 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D J Bossino: Can the Hon. the Chief Minister advise whether the membership of these various
councils have been set up?

120 **Hon. Chief Minister:** Mr Speaker, as I understand it, the tourism advisory council, the small business
board, the port advisory council, the tourism advisory council and the small business board have all been,
have either all been set up or are in the process of being set up, with dates fixed for the next meetings.

Hon. D J Bossino: The Hon. Chief Minister has mentioned the small business board and tourism advisory

125 councils twice, so that would leave out the business e-commerce and e-government advisory councils, which presumably have not been set up. If that is the implication of him leaving these out in the answer, does he have any indication as to when he thinks these will be set up?

130 **Hon. Chief Minister:** Mr Speaker, in respect of e-commerce and e-government he will know that those are areas of my responsibility, where I am working already with the internal apparatus of the Government to promote the Government's work in delivering the early stages of e-government.

E-commerce, of course, is not so much a Government initiative but enabling traders in Gibraltar to do business with the world and not just the Government doing business with its citizens.

135 I am delighted to tell him that I will be looking to the e-commerce and e-government advisory councils to provide advice on the issues that those who are representing there the relevant industries think it is appropriate for the Government to bear in mind when it is taking the necessary steps to advance where we are in respect of e-commerce and e-government but, at this stage, the work has to be done almost, if I may say so, infrastructurally, to put the Government in a position to be ready to do e-government and e-commerce. That is why that has not been a priority yet.

140 **Hon. D J Bossino:** I take it from that reply, just to make it fuller, is that at this stage he does not know. The Chief Minister would not be able to advise this House as to *when* he thinks he will be in a position to confirm that or to advise this House about the membership of these councils will be set up... it is too early to say.

145 **Hon. Chief Minister:** Well, only in this sense, Mr Speaker, that I do think that there is a call for advice at this stage, but I would anticipate that those boards, those councils, will be reconstituted before the budget session, for example.

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**Retired civil servants
Detailed figures for 2011 and to end of February 2012**

155 **Clerk:** Question 316, the Hon. J J Netto

Hon. J J Netto: Mr Speaker, can the Government provide the figure of retired civil servants during 2011 and up to the end of February, broken down by month, grade, department, authorities and agencies?

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

Hon. Chief Minister: Mr Speaker, I will now hand the hon. Member a statement giving the information requested. (*The Tables can be found on the following pages*)

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

ANSWER TO QUESTION 316

DATE	GRADE / NO.	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
APR 2011	CARPENTER (1) EXECUTIVE OFFICER (1) COOK (1)	HOUSING WORKS AGENCY GDC GHA	3
MAY 2011	ADMINISTRATIVE OFFICER (1) SCHOOL BUS DRIVER / SS ASSIST (1) GRAVEDIGGER (1) ENROLLED NURSE (2)	FAMILY, YOUTH AND COMMUNITY AFFAIRS EDUCATION ENVIRONMENT GHA	5
JUN 2011	NURSE AUXILIARY (1) ENROLLED NURSE (2) CLEANER (1)	GHA GHA TECHNICAL SERVICES	4
JULY 2011	TEAM LEADER (DISABILITY) (1) CLEANER (1)	CARE AGENCY GHA	2
AUG 2011	SENIOR OFFICER PUBLIC ANALYST (1) SCHOOL ATTENDANT (1) SENIOR ENROLLED NURSE (1) STORES SUPERVISOR GRADE D (1) STOREMAN (1) CONSUMER SERVICES OFFICER DS (1) CHIEF INSPECTOR (1)	GHA EDUCATION GHA GHA GHA GIB ELEC AUTHORITY POLICE	7
DATE	GRADE / NO.	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
SEP 2011	CHIEF STATISTICIAN SO LEVEL 5 (1) POLICE CONSTABLE (2) POLICE INSPECTOR (1) SENIOR EXECUTIVE OFFICER (1) LABORATORY CLERK (1) ENROLLED NURSE (1) SENIOR OFFICER (1) QUALIFIED TEACHER (4) PRINCIPAL (1) HEADTEACHER (1) DEPUTY HEADTEACHER (1) MANAGING DIRECTOR (1)	STATISTICS POLICE POLICE INCOME TAX GHA GHA FINANCE CENTRE EDUCATION EDUCATION EDUCATION EDUCATION AQUA GIB	16
OCT 2011	STAFF NURSE (1) PLUMBER (1) SENIOR ENVIRONMENT OFFICER (1)	GHA HOUSING WORKS AGENCY ENVIRONMENTAL AGENCY	3
NOV 2011	HIGHER EXECUTIVE OFFICER (1) POLICE CONSTABLE (1) FIRE FIGHTER (4)	POST OFFICE POLICE CITY FIRE BRIGADE	6

CONTD ANSWER TO QUESTION 316

DATE	GRADE	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
DEC 2011	HIGHER EXECUTIVE OFFICER (1) CHIEF DRIVING & VEHICLE EXAMINER (1) COXWAIN (1) ELECTMEM OF THE GIB PARLIAMENT (2) AO TIMEKEEPER (2) PRISON OFFICER (1) D7 TECHNICAL GRADE (1) ENROLLED NURSE (1) QUALIFIED TEACHER (1)	FAMILY, YOUTH AND COMMUNITY AFFAIRS TRANSPORT - TRAFFIC PORT PARLIAMENT HOUSING WORKS AGENCY HMS PRISON GIB ELEC AUTHORITY CARE AGENCY EDUCATION	11
JAN 2012	SUPPORT GRADE BAND 2 MESSENGER (1) PTO (1) SPTO / COO (1) PAINTER (1) POLICE CONSTABLE (1) SCHOOL ATTENDANT (1) QUALIFIED TEACHER (1) DIVISIONAL OFFICER (1) FIRE FIGHTER (1) PTO (1)	TREASURY TECHNICAL SERVICES TECHNICAL SERVICES HOUSING WORKS AGENCY POLICE EDUCATION EDUCATION CITY FIRE BRIGADE CITY FIRE BRIGADE AQUA GIB	10
FEB 2012	SENIOR EXECUTIVE OFFICER (1) DOMESTIC SUPERVISOR (PTO) (1) TSSU / CSSD TECH (1)	POLICE GHA GHA	3

165

**Moroccans in Gibraltar
Enhancement of rights**

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Clerk: Question 317, the Hon. J J Netto

Hon J J Netto: Mr Speaker, can the Chief Minister state what the Government plans to do in order to enhance the rights of Moroccans in Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister: Mr Speaker, as soon as we were elected, we have commenced dealing with the problems experienced by Moroccan workers. We are working already on issues relating to visas to visit Gibraltar for pensioners, who come to collect pensions as well as for family members of those who work here. The process of dealing with naturalisation applications for all of those who have been here for more than 20 years and in good standing have all now been dealt with.

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We are in contact with the relevant representatives of both their collective organisations, the MWA and the MCA and we have met with both since the election on a regular basis and we will continue to do so. We

have also met with the operator of the ferry service and seek to work together on enhancing the service provided.

Hon. J J Netto: Mr Speaker, I am grateful for the information, but my question actually goes much further than the answer that has been provided by the hon. Member.

Can the Chief Minister, the Hon. Chief Minister, provide an indication, where does the Government think in relation to the rights of Moroccan workers for entitlement, for instance the minimum income guarantee? Does the Hon. Chief Minister think that the Government, in terms of enhancing their rights in the future, will allow Moroccans to be entitled to minimum income guarantee?

Hon. Chief Minister: Mr Speaker, the Moroccan Workers Association and the Moroccan Community Association have not raised that issue with me. It is an issue I would have to look into to understand whether the entitlement to minimum income guarantee is based on any qualifying criteria which might cause a problem.

The hon. Member should know that, in the process that was commenced by his government, in the period in the run up to the General Election, and after the General Election, most of the applications, if not all the applications, for naturalisation in respect of people who have been here for more than 20 years have been dealt with, and unless people were not in good standing then they have been dealt with positively so, therefore, there should be no issue in respect of entitlements which a British Citizen has, when resident in Gibraltar, being available to all of those Moroccan workers who have now been naturalised.

Hon. J J Netto: Mr Speaker, I am grateful for the fact that the Hon. Chief Minister seems to be indicating that he has given quite a lot of effort and time in terms of making, of continuing, the progress of naturalisations, which we indeed advocated for. My supplementary question is more in terms of the thinking of the Government in relation to a number of benefits in different forms which, at the moment, the Moroccans are not entitled to.

In relation to the minimum income guarantee, he might know, or may not be aware of that, in the past, one requirement was that when the Moroccans were being issued with a resident permit of a year, that seems to have been like the basis of saying you are not entitled. But the fact is that one of the things that we changed in our term of office is that now they are given five years' resident permit so, in relation to that, as far as the minimum income guarantee, does the hon. Member think that, when considering the natural progress of giving entitlement to Moroccans, a minimum income guarantee would be *one* of the things that the Government will be considering in order to allow them to get that benefit, in the same way as all other taxpayers and people who pay social insurance who are and who are residing in Gibraltar will be able to get it?

Hon. Chief Minister: Mr Speaker, I would need notice of the question in respect of the minimum income guarantee for this reason: the minimum income guarantee was introduced by the hon. Members opposite when they were in government. I do not know the eligibility criteria off by heart of what the minimum income guarantee is, but the hon. Gentleman can rest assured that it has not changed since 8th December 2011. Therefore, if there was an issue with people being eligible for a minimum income guarantee, it must have arisen because they introduced it in a way that created the issue.

But what I want him to understand is that the process – which, as I said, commenced under the previous Administration, has continued and been completed under the current Administration – means that most, if not all, of the Moroccan workers who are resident in Gibraltar – and by that I mean those who have been resident for more than 20 years and are traditionally seen as those who came over during the closed frontier period – have had their applications for naturalisation dealt with and, unless they have not been in good standing – which means, namely, that they have been convicted of something or there have been issues with them perhaps being thought to be working illegally, etc – all of them have been dealt with positively. So we are dealing, principally now, with a group of people who are British citizens, or about to be British citizens, resident in Gibraltar. If there is a citizenship criterion in respect of any of those entitlements then, for most people, for that reason, they will have surmounted it already.

Hon. J J Netto: From recollection, my understanding is that one of the criterion for entitlement to the minimum income guarantee is that the people have to be in excess of one year resident... residency permit in

Gibraltar, and of course, this is the one thing I just alluded to: we did change in order to give the Moroccans a five-year resident permit, as opposed to one year.

Therefore, the way I see it, given that those were the criteria that we set out to create, a minimum income guarantee, I would think logical enough to extend those rights to the Moroccan community in Gibraltar on the basis of the criteria for entitlement which we actually set out for the minimum income guarantee. It is on the basis of that that I am asking my question.

Hon. Chief Minister: Mr Speaker, let me put it this way: if there is a problem with people being eligible – Moroccan workers being eligible – for the minimum income guarantee, it is a problem that would have been created before 8th December, not afterwards because, as far as I understand it, we have not changed any aspects of the permit of residence that is granted – so if it was granted for five years under them, it continues to be granted for five years under us.

Hon. J J Bossano: So why were they not getting the minimum income guarantee?

Hon. Chief Minister: Therefore, it may be that people were already... what he is saying to the House is that these Moroccan workers were eligible to get the minimum income guarantee before the Election, and that he is concerned that we should not have done anything after the Election, to stop them from getting it. That is not the case.

Whatever was the position before is the position now. If there was a discrimination – to use a word, I do not mean it negatively – there was a lack of entitlement under the previous Administration, the lack of entitlement continues today, but not because we have changed anything – only because it was there under the previous Administration. What I am saying to him is that many of those people who the hon. Gentleman refers to in respect of the one-year permit of residence going to five-year permits of residence, are very likely to now be – or be *about* to become – British passport holders.

If there is a group that is not covered by that, I am quite happy for the hon. Gentleman to indicate to me how that group is identified and why it is that they might have a lack of eligibility, which must be the same lack of eligibility that affected them, when he was in Government, and then we can have a discussion about that and I can see whether there is an issue there for the Government to deal with.

But, certainly, the qualifications for minimum income guarantee, I need notice of the question of, in order to be able to give him a specific answer.

Hon. J J Netto: Obviously, I can accept the fact that it is a particular type of question that the hon. Member might require notice of the question, in order to do a bit of homework in relation to giving me a more appropriate –

Hon. Chief Minister: Would the hon. Member give way? (**Hon. J J Netto:** Yes.)

If I could just say to him, I think I said it in the answer to my first supplementary, it is not an issue – this issue of the minimum income guarantee that either the MWA or the MCA have raised with me. That is why I am surprised to see *him* pursuing it, and I am happy to try and understand from him – not necessarily across the floor of the House – why he thinks that there was an issue there before 8th December, that might merit looking into now.

Hon. J J Netto: Mr Speaker, as I was just about to say, I can appreciate that, obviously, I need to give notice of a question, or a very specific question, so that the hon. Member can inform himself so much better, so with regard to this particular line of supplementary, I will just simply put it on hold until another occasion.

But in relation to other issues which may affect Moroccans in Gibraltar – for instance, Community Care – will the Hon. Chief Minister look on the fact that, at the moment, Moroccans are not entitled to the Community Officer's wage between the age of 60 and 65, nor are they entitled to the household cost allowance and my supplementary question to him is that, in enhancing and progressing the rights of Moroccans in Gibraltar, whether he will look into this matter, in order to try and see whether Moroccans who do fall in that particular age group, between 60 and 65 and who, obviously, at the age of 65 may even get the old age pension, should be entitled as well to the Community Officer's wage and the household cost allowance after 65.

295 **Hon. Chief Minister:** Mr Speaker, the position in respect of Community Care is as stated by Chief Ministers since that entity was created, that in this House, we are not really able to answer for the trustees and how they decide that household cost allowance should or should not be paid.

300 But if what he is telling me, Mr Speaker, given that I perceive there has been no change in the way that the trustees have decided to pay household cost allowances since we were elected – at least they have not made any public announcement which I have read to that effect – and what I have told him is that more members of the collective have been naturalised since 8th December, such that the exercise commenced before is now completed, I would have thought that if what he is telling me is that he has got a concern that there was a problem which he presided over when he was in Government, or he was concerned about, when he was in Government, I am happy for him to explain it to me because, as far as I am going to deal with this, household cost allowance and community care are not issues for which the Government is answerable in this House, but they are not either issues which are being raised with me by MWA or MCA.

305 **Mr Speaker:** The Hon. Daniel Feetham.

310 **Hon. D A Feetham:** Yes, is this an issue – the question of Moroccan rights that he discussed with the leadership of the Transport and General Workers' Union – I mean the UK leadership, when they were here earlier on this year?

Hon. Chief Minister: Yes, Mr Speaker.

315 **Hon. D A Feetham:** And did they, Mr Speaker, impress upon him the need to further Moroccan rights in a way that they were urging *us* to deal with it when we were in Government?

Hon. Chief Minister: No, Mr Speaker.

320 I tell you why I venture to say no, although of course I was not privy to the discussions that they had with the hon. Members when they were in Government, but the answer is no for this reason. They did not seek to impress anything upon *me*; they just told me how impressed they were with the way that we were dealing with things.

325 **Hon. D A Feetham:** So all the things that they were saying, that the leadership of Unite UK were saying that we had not done in relation to Moroccans that we ought to do, they never raised any of that with you at the beginning of January?

Hon. Chief Minister: Mr Speaker, I was not privy to the conversations that the hon. Gentleman might have had with the leadership of Unite.

330 **Hon. D A Feetham:** In fact, the question of what they were urging upon us is public knowledge because my recollection is that they were here in Gibraltar; they came over, they had a public meeting in the John Mackintosh Hall, I believe in January of last year – certainly I think the beginning of last year – and were, in fact, threatening legal action because they said that we were not complying with Moroccans' EU rights and several other rights and they were threatening legal action against the Government. Was none of that raised with you at your meeting earlier on this year?

340 **Hon. Chief Minister:** No, Mr Speaker, I was not threatened with legal action; I was simply told that they were delighted with the way that we were dealing with the issues that were being brought to our attention.

Civil Partnerships Government plans for Command Paper

345 **Clerk:** Question 318, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state when the Government will be in a position to publish a

Command Paper on Civil Partnerships?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government expects to be in a position to publish a Command Paper on Civil Partnerships after the summer.

355 **Hon. D A Feetham:** Does the Government intend to deal with the question of civil partnerships just by focusing on homosexual couples or is the question of civil partnerships going to be open to other relationships, for example siblings? Will siblings be able to enter into a type of civil partnership, allowing for the transfer of rights as, indeed, will be allowed when one deals with civil partnership?

360 **Hon. Chief Minister:** Mr Speaker, I am confident that all of those matters will be clear when the Command Paper is published.

365 **Hon. D A Feetham:** Does the Government intend to go further than civil partnerships in this area, certainly in relation to homosexuals, and does the Government intend to, for example, follow the route taken by the United Kingdom government at the present moment, allowing marriage of gay couples?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago, and he will see what the position is when the Command Paper is issued.
Is he urging us to do so?

370 **Hon. D A Feetham:** No, I am not inviting him to do so (*Laughter and interjections*), but certainly I am entitled to obviously ask – (*Interjection and laughter*) Certainly I am entitled to know what the Government's policy is, and it is not a very difficult question.

375 As a matter of policy, does the Government agree with the concept of allowing gay people to get married? Very simple.

Hon. Chief Minister: Mr Speaker, the previous Administration did not have a policy of issuing Command Papers. We have a policy of issuing Command Papers and the Command Paper that we issue in respect of this matter will set out very clearly what our position will be and what the extent and ambit of the civil partnerships will be. I really cannot put it any further than that at this stage. I am not going to be falling into the trap of making up policy on the hoof.

385 **Hon. D A Feetham:** Absolutely, but does he not agree with me that Command Papers are about advance publication of legislation and what I am asking him is clarification of what their policy is. It is not a difficult question. Is their policy, that they support gay marriages, or is it not?

The hon. Gentleman cannot continue on this particular issue to be all things to all men, which is what he is trying to do, by not pinning his colours clearly to the mast.

390 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman cannot do is to be so obviously transparent in the way that he pretends to be the champion of everyone who wants to advance a right whilst, at the same time, trying to avoid understanding the pressure that his party will put upon him.

395 Mr Speaker, it is *this* party that has said it will introduce civil partnerships. It is *this* party that has a Minister for Equality. It is *this* party that will be issuing a Command Paper before the summer, in order to deal with these issues. It is *this* party that is addressing the issue head on.

It is *that* party, Mr Speaker that did not even mention civil partnerships. It is *that* party, Mr Speaker, that has remained always of the view that there was no need to issue anything like a Command Paper because they went out to a different process of consultation. So be it, Mr Speaker. We have taken the view that we have stuck our colours to the mast clearly in our manifesto and our manifesto will be implemented in the timetable that is set out in it and where it is not set out in it, in the four-year term.

400 I have told him today, in answer to his question, there will be a Command Paper on this issue. In that Command Paper he will have the answers to his questions.

405 **Hon. D A Feetham:** Yes, Mr Speaker, I listened to what the hon. Gentleman has to say about this, but it was that party that clearly fluffed their lines when I presented a Private Members' Bill on the age of consent on the rights (*Interjection*) of homosexuals. (**Hon. Chief Minister:** Where is the question Mr Speaker?) But does he not accept – (**Mr Speaker:** There is a preamble there.)

410 Thank you very much, Mr Speaker. Does he not accept that the failure to answer questions on this particular issue, to give particulars of their policy on this particular issue is because the Government – and, in fact, when they were on the Opposition Benches – have a habit of sitting on the fence, of wanting to be Christians as well as Socialists, of wanting to hunt with the hounds and run with the hares. Is that not the case, Mr Speaker?

Hon. Chief Minister: Mr Speaker, I recognise – (*Interjection and laughter*)

415 **Mr Speaker:** Order. Order.

Hon. Chief Minister: I recognise – (*Interjection*)

420 **Mr Speaker:** Order. Order. Order.

Hon. Chief Minister: Mr Speaker, I do not believe that one has to choose between being a Christian and being a Socialist and I commend to the hon. Member membership of the Christian Socialist movement, which has a chapter headed by the Hon. Mr Bruzon in Gibraltar.

425 Mr Speaker, this is nothing of the sort. This is the only party represented in this House that has stuck its colours to the mast on this issue. We are *for* civil partnerships. We are going to publish a Command Paper setting out how civil partnerships will be established in Gibraltar.

If he is so keen on the idea, Mr Speaker, can he tell us why it is that he did not manage to get civil partnerships included in the manifesto for *his* party?

430 **Hon. P R Caruana:** Mr Speaker, does the hon. Member agree with me that the debating of this issue around whether you are a Socialist or not has become irrelevant, following the announcement by the United Kingdom Conservative Party that they (*Laughter*) are going to introduce legislation for gay marriages – not a course of action, by the way, that I am recommending to him. (*Laughter*) I would earnestly recommend to him the opposite course of action.

435 Mr Speaker, will the hon. Member agree that there is a distinction between a Command Paper, which is an act preliminary to legislation, which is relevant to *implementation* of policy, and that simply saying that there is going to be a Command Paper is not an answer to the question? Well, alright, when it comes to legislation you will precede it with a Command Paper, which is very helpful. But now, today, does the Government have a policy on whether to allow – a policy, not legislative intent – is it the policy of the Government to allow gay marriages or not?

440 I suspect that he let slip the answer to that a few moments ago, when he said, 'I am not going to fall into the temptation of making policy on the hoof', which suggests that the answer to my question is, no, the Government does not yet have policy on the matter.

445 **Hon. Chief Minister:** Mr Speaker, I can tell him that *I* have a view on the matter, but that is not a policy. The policy is in respect of civil partnerships and that is set out in our manifesto and fleshing that out in legislation is what the Command Paper will do.

I have a view, Mr Speaker, which I am very happy to share with him and it may or may not be the view that my colleagues have on this subject but, if it came to that, it may be that this would be an issue for a free vote. My view, Mr Speaker, is that – (*Interjection by Hon. P R Caruana*)

450 Well, Mr Speaker – (*Interjection by Hon. P R Caruana*)

Mr Speaker: Order, order.

455 **Hon. Chief Minister:** Well, Mr Speaker, remember that the hon. Gentleman, from a sedentary position, raises an issue of a free vote. In that instance, we took the view that the issue was – and that which the Supreme Court took, and which the Hon. the then Minister for Justice also took – that this was not an issue of

conscience. The equality of the age of consent was an issue of law and, therefore, free votes are not relevant there.

There is no law requiring governments to allow homosexual people to marry or not marry, and that is why the issue may be one of conscience and free vote and not of having to accept the case law of the European Court. My own view is that we should *not* have gay marriage in Gibraltar, that we should have civil partnerships.

Hon. P R Caruana: Well, Mr Speaker, I am delighted to say that, at least on that issue, but I hope on many others, too, the hon. Member and I can agree: that is to say, the first half of the sentence. I'm not sure I am willing to join him on the second part, but I accept it is a separate issue. But I believe that and, certainly, it is *my* view, and I am not – as he has always pointed out that this is an issue that divides, issues of this sort, divide this party – but my *personal* view is that gay marriages should not be countenanced.

Homosexuals in Gibraltar Policy re discrimination

Clerk: Question 319, the Hon. D A Feetham

Hon. D A Feetham: Does the Chief Minister believe that homosexuals in Gibraltar are discriminated against, and if so, what does his Government intend to do about it?

Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the first part of this question calls for an opinion, which in the Government's view, is contrary to Standing Order 17(1)(VII).

I will, nonetheless, remind the House of the fact that, contrary to the contentions advanced by the previous Administration in two cases, the Supreme Court made findings in respect of the case of the referral of the age of consent, and in the case of *Rodriguez v Muscat* which was in respect of Government tenancies, so that it is now established in law that there are certain discriminations affecting homosexuals in Gibraltar. We intend to end *any* such discrimination, where appropriate. I and the Minister for Equalities meet regularly with representatives of Gibraltar Gay Rights (GGR) in order to keep those issues under review.

Hon. D A Feetham: So, is the Government's position the position, in fact, that the Hon. the Leader of the Opposition, when he was Chief Minister, held for a number of years, which was 'we will do whatever is our legal obligation but, in relation to this area, we are not going to go any further'. Is that the position of the Government?

Hon. Chief Minister: That is, self evidently, not the position Mr Speaker, because we have got our manifesto commitments to create civil partnerships, so he should really have thought that supplementary through.

What I am telling him is that I will not answer a question from him in this House, asking me what I believe, and I pointed out to him two instances recently, where the Supreme Court has actually specifically pointed out discriminations, and told him that we will deal with *those*. But simply by looking at our manifesto he would have known better than to ask such a supplementary.

Hon. D A Feetham: Well, the supplementary arises from the answer that he has given me. If he doesn't want those kind of supplementaries then, perhaps, he should give more thought to the answers that he gives me in the first place.

You see, the hon. Gentleman appears to be equating, when I ask him 'does he believe that homosexuals in Gibraltar are discriminated against?', he seems to be equating that to 'discriminated against' in the legal sense. That is not the intention of the question. What I am asking is 'does he feel that there is discrimination against homosexuals?' There may well be no *legal obligation* in terms of ending a particular position but, nonetheless, it may well be, many people may see it, morally, as discrimination.

515 Now, surely the Government must have been able to, at the very least, formulate a view as to what areas of discrimination there are in relation to homosexuals in Gibraltar? Because, bear in mind, that not only in the last election, but also in the 2007 election and in the 2003 election, they were making promises to homosexuals in Gibraltar, in exchange for their votes. So has the Government given a thought to this particular issue?

520 **Hon. Chief Minister:** Mr Speaker, the hon. Gentlemen does not seem to be able to utter a phrase, in forming a supplementary, which I can agree with.

Look, Mr Speaker, the person who needs to give more thought to things is him. He has asked a question which, in our view, is clearly contrary to the Standing Orders. He has asked us whether we *believe* that there are discriminations: that is asking us for our opinion in respect of the discriminations and the rules talk about not being able to ask questions in respect of opinions.

525 So what I am saying is, I am not going to sit here, or stand here, and tell the hon. Gentleman what I believe and now, in his most recent supplementary, what I *feel*! Look, Mr Speaker, I am happy to discuss my feelings with many people, because I am quite an open hearted guy, but he and I are quite beyond the stage where we want to discuss our feelings, (*Laughter*) for each other or in any other way. (*Laughter*)

530 I am happy, Mr Speaker, to have questions asked about issues that seek information and where we can provide that information, but, Mr Speaker, the hon. Gentleman is asking me to give him an *opinion*. He has got an opinion about what discriminations there may be against homosexuals in Gibraltar. I have got an opinion about what those may be. They may, or may not, just be the ones that the Supreme Court have alluded to.

535 This is not the place to discuss issues of opinion, in Question Time. If he wants to raise those issues, there is a particular mechanism for him to do it, which is to bring a motion, and then we can discuss those issues in debate. A question should not be a pretext for debate either, Mr Speaker, so the issue for us is very simple. It is as set out in answer to the original question.

540 **Mr Speaker:** I think before the hon. Member poses a supplementary, may I clarify, in the light of the Hon. Chief Minister's response, my thought process when I read the question. I did have in mind the question that this is an expression of opinion, but I did, in my mind, distinguish between two possibilities. One is that using the word 'discrimination' as legal disabilities, which is what one aspect of the hon. questioner's question aimed at: the other element of 'discriminated' could be discrimination at a 'street level', if I put it that way. So because there were those two possibilities I allowed the question as it was. Anyway –

545 **Hon. D A Feetham:** Yes. Can the Government at least, or the Chief Minister at least, inform us about this. Have the Government sat down and considered in what areas they wish to enhance the rights of homosexuals in Gibraltar, apart from the question of civil partnerships?

550 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the last sentence of the answer I gave him a few moments ago, which says that I and the Minister for Equalities meet regularly with representatives of GGR, in order to keep these issues under review and, therefore, the answer is, yes, as already answered.

555

Statutory Boards Replacement of members since 9th December 2011

560 **Clerk:** Question 320, the Hon. D A Feetham

Hon. D A Feetham: In relation to each Statutory Board, can the Chief Minister provide a list of a) who has stood down, been asked to stand down or been sacked from that board since the 9th of December 2011, and b) who has replaced them?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I now hand the hon. Member a schedule with the

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list of individuals who have stood down, been asked to stand down, or been sacked from all Statutory Boards since the 9th December 2011. The list of anyone who replaced them is also provided. Only one person was asked to consider standing down in respect of the Prison board, that person refused to stand down, and therefore remains on the said board until such time as her appointment expires.

Mr Speaker, only 3 people have been sacked from any board, namely the persons who made up the board of the Gibraltar Development Corporation, Mr Caruana, Mr Holliday and Mr Netto, all of whom were sacked by the people on the 8th December 2011. *(Applause)*

ANSWER TO QUESTION 320

GIBRALTAR DEVELOPMENT CORPORATION BOARD

The Hon Mr P Caruana (sacked)
The Hon Mr J J Holliday(sacked)
The Hon Mr J Netto(sacked)
The Hon Mr E M Britto(retired)

Replaced by:
The Hon Joe Bossano, Chairman
The Hon Joseph Garcia
*The Hon Neil Costa
Ernest Gracia
Caine Sanchez

Date: 20/01/2012
*6/02/2012

NATURE CONSERVANCY COUNCIL (NATURE PROTECTION ACT)

The Hon John Cortes (resigned)

Replaced by:
Dr Darren Fa
Dr Alex Menez
Mr Charles Perez

Date: 26/01/2012

GIBRALTAR HEALTH AUTHORITY BOARD

Mrs Isobel Ellul-Hammond (resigned)

Replaced by:
Mr Ernest Lima

Date: 26/01/2012

HOUSING ALLOCATION COMMITTEE (HOUSING ACT)

Mr Damon Bossino (resigned)

Replaced by:
Mr Derek Ghio

Date: 09/02/2012

PRISON BOARD

Mr Albert Langston (resigned)
(conflict on becoming Chairman
of the Magistrates Association)

Replaced by:
Mr Michael Caetano

Date: 16/02/2012

Isabella Shepphard Capurro

Asked to stand down but
refused.

TRAFFIC COMMISSION (TRAFFIC ACT)

Mr A J P Lombard (revoked)
 Insp. Field (revoked)
 Mr M Azopardi (revoked)
 Sgt H Zammitt (revoked)
 Mr P Origo (revoked)
 Mr G Gaggero (revoked)
 Mr E Tellez (revoked)
 Mr F Baglietto (revoked)
 Mr C Sacarello (revoked)

Replaced by:
 Mr Peter Cleverly, Chairman
 Chf Insp. Richard Ullger
 Mr Albert Parody
 Mr Mario Victory
 Ms Catherine Walsh

Date: 16/02/2012

CONTD. ANSWER TO QUESTION 320

TRANSPORT COMMISSION (TRANSPORT ACT)

Mr Peter Maginnis (revoked)
 Mr Damon Bossino (resigned)
 Mrs Sally Felice (resigned)

Replaced by:
 The Hon Paul Balban
 Mr Peter Cleverly
 Mr John E Dalli
 Mr Dairon Trenado

Date: 28/02/2012

TRADE LICENSING AUTHORITY (TRADE LICENSING ACT)

Mr Joseph Tavares, Chairman (term expired)
 Mrs Daphne Alcantara (term expired)
 Mr Clive Moberly (term expired)
 Mr Martin Ullger (term expired)

Replaced by:
 Mrs Marie Lou Guerrero, Chairman
 Mr Vijay Daryanani
 Mr Isaac Massias
 Mr Charles Avellano

Date: 01/03/2012

**GIBRALTAR INVESTOR COMPENSATION BOARD
 (FINANCIAL SERVICES (INVESTOR COMPENSATION SCHEME) ACT)**

Mr Roy Clinton (term expired)
 Mr Christian Bjorlow (term expired)

Replaced by:
 Mr Christian Garcia
 Mr Derek Sene

Date: 19/01/2012

Contd...

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**GIBRALTAR DEPOSIT GUARANTEE BOARD
(GIBRALTAR GUARANTEE SCHEME ACT)**

Mr Jose-Julio Pisharello (term expired) Replaced by:
Mr Colin Vaughan
Date: 12/01/2012

DEVELOPMENT APPEALS TRIBUNAL (TOWN PLANNING ACT)

Min. for Health & Civil Protection (term expired) Replaced by:
Min. For Housing (term expired) The Hon Neil Costa
The Hon H Budhrani QC (term expired) Dr Norbert Borge
Mr Roy Clinton (term expired) Mr Troy Jeffries
Mr Stephen Bossino
Date: 03/03/2012

GIBRALTAR PORT AUTHORITY (GIBRALTAR PORT AUTHORITY ACT)

Mr J J Holliday (revoked) Replaced by:
Mr Flavio Madeira (revoked) The Hon Neil Costa
Chief Executive, Port Authority (revoked) Mr A H Davis
Mr Peter Canessa (revoked) Captain of the Port
Mr C Lavarello (revoked) Mr Paul Martinez
The Financial Secretary
Mr Richard Buttigieg
Dr Keith Bensusan
Date: 23/02/2012

CONTD. ANSWER TO QUESTION 320

PUBLIC SERVICE COMMISSION

Mr Richard Garcia (resigned) Replaced by:
Mr Ernest Gomez
Date: 10/02/2012

SPECIFIED APPOINTMENTS COMMISSION

Mr Richard Paul Armstrong (resigned) Replaced by:
Mr Lewis Baglietto
Date: 21/02/2012

Mr Speaker: Is it people with a small 'p'?

580 **Hon. Chief Minister:** I must tell you I tend to use it with a large 'P'.

Mr Speaker: My script here says capital 'P', I wonder if some newspaper is involved in this.

585 **Hon. D A Feetham:** Can he help us with this? What does 'revoked' mean in brackets next to a number of names? And in relation to those people that have resigned, did they resign or were they pushed?

Hon. Chief Minister: Mr Speaker, I am minded to ask Mr Bossino to tell us whether he felt –

Hon. J J Bossino: Pushed.

590 **Hon. Chief Minister:** Pushed or otherwise. Because as he will see from the list, he was one of the people who resigned. I don't know whether any of the others felt this compunction to have resigned also. They might

have thought that there was a conflict with their new parliamentary responsibilities and serving on those boards.

595 Mr Speaker, as far as I am concerned, nobody has been pushed. The revocations, as I understand it, take place because the boards have been changed completely and there is going to be a different type of board. So, Mr Speaker, he won't find any evidence here of what he is looking for, which is this *idea* that we have been cutting heads, which is what he seems to want his politics to be about, even though it is not the reality.

600 **Hon. D A Feetham:** Can he just repeat what he said about the question of revoked; we didn't quite catch it on this side.

605 **Hon. Chief Minister:** Mr Speaker, as I understand it, some boards, for example, expired at the end of the Parliament, some of them came to an end in another way and, therefore, the whole board was undone and a new board put in its place. That is the position as has been explained to me.

**Personal Assistants to Ministers Costa and Linares
Terms of Employment**

610

Clerk: Question 321, the Hon. P R Caruana

615 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether the Personal Assistants to Ministers Costa and Linares are civil servants or GDC employees?

Clerk: Answer, the Hon. the Chief Minister

620 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, both posts are presently filled by GDC employees, who have been seconded to the relevant posts,

Hon. P R Caruana: Mr Speaker, the reason why I am asking and, when I did, I caught the Hon. Minister Costa's eye last month, in an attempt to remind him, and his attempt to intercede with the Chief Minister to correct the answer that he then gave last month, did not prove successful, from what I could see from here.

625 I asked last month about the number of people from GDC, Civil Service and Government companies that had been transferred or moved and the GDC was 'none' – from the GDC 'none'. We had in mind, in fact, these two posts, which is why I asked, informally across the floor, through eye glances, 'are you sure it's none'? Does he accept that these two ought to have been in the schedule last... they were not in these posts before the election and, therefore, they have been moved to those posts.

630 **Hon. Chief Minister:** Mr Speaker, if I remember correctly, I believe that the question the hon. Gentleman posed specifically used the word 'transfer' and, because there has not been a transfer, they were not included in that schedule. These continue to be secondments, and these individuals continue to be on GDC terms and conditions.

635 **Hon. P R Caruana:** So these two officers... For example, the Personal Secretary of Minister Costa, when you say she was not, – it just happens to be a lady – *she* was not transferred, what do you mean by that? She wasn't there before, she came from somewhere else.

640 **Hon. Chief Minister:** Well, Mr Speaker, I think that this is really a technical argument about what the word 'transfer' means. And the hon. Gentleman knows that a 'transfer' means a particular thing in Civil Service terms, and here there is no transfer, this person has been *seconded* to this post, though she has not been transferred. In any event, Mr Speaker –

645 **Hon. J J Bossano:** The post is still a Civil Service post.

Hon. Chief Minister: – the post is still a Civil Service post.

If the hon. Gentleman wants to just bear with me for a moment, he should also note that this particular officer was already, if I may say so, in the Tourism sphere of Government as GDC and, therefore, there has been no transfer out of a Department. She has simply moved from the post she had in Tourism to another post in Tourism. She is a seconded GDC officer, she has not been transferred.

Hon. P R Caruana: Well, when you say that this person was in the field of Tourism, can the hon. Member be more specific, and say what exactly this lady used to do before she became the Minister's Personal Assistant.

Hon. Chief Minister: Well, Mr Speaker, I would need notice of that question.

Hon. Hon. N F Costa: Mr Speaker, to answer the question of the Hon. the Leader of the Opposition, whereas I am not sure of the *exact* title, I believe she was the Deputy Manager to the Manager at the Tourist Office in Casemates. She used to assist Ms Tiron and she used to offer VIP tours and assist in the managing of that office.

**Consultant to the Government, Mr E Montado, CBE
Terms of engagement**

Clerk: Question 322, the Hon. P R Caruana

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what are the terms of engagement of Mr E Montado, CBE, as a Consultant to the Government?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government approached Mr Ernest Montado, CBE, last month and asked him to provide advice and support, particularly in the transition period of the new Administration, in the establishment of internal processes, renewal of the Office of Chief Secretary and matters generally.

Mr Montado agreed, two weeks ago, to work for the Government; he will not be charging anything. Mr Montado informed me that he considered the opportunity of assisting my Government, as we have requested, a matter of duty in the public interest and not a chance for personal gain or remuneration. The appointment commences from 5th March 2012.

Given that Mr Montado has ongoing full-time work commitments in his private sector job, I wish to formally record in this Parliament my Government's appreciation for his willingness to dedicate extra time and effort to contribute to the business of the Government at *no cost* to the tax payer. I am sure that all Members will agree. (*Applause*)

Hon. P R Caruana: So, Mr Speaker, the position is that Mr Montado remains an employee of the law firm, Hassans, and that, from that position, he will, on a *pro bono* basis, be providing consultant work, be consulting for the Government, on the matters that he has listed, without fee.

Hon. Chief Minister: Yes, Mr Speaker.

Hon. P R Caruana: And what will his status be in terms of access to Government papers and will he have the status effectively of an unpaid civil servant, or will he have the status of an external consultant? What is his exact... how exactly does he fit into the public administration, in terms of the status of individual officers within it, their responsibilities and their... well, he knows what I mean by status and standing.

Hon. Chief Minister: Mr Speaker, he will be a consultant to the Government at no remuneration. He will have such access to official documents as the current Chief Secretary considers is appropriate, with the caveat that he has been reminded by the current Chief Secretary – not that, I think, he needed reminding, but just as a

matter of appropriate form – that he continues to be bound by the provisions of the Official Secrets Act during the period of consultancy, although it was, in any event, understood that that restriction applied to him, even beyond the period of his retirement – the date of his retirement in March 2007.

Hon. P R Caruana: And will his consultation role be limited to matters of Civil Service, public administration, in terms of the running of the organisation, or will it extend to matters of policy, and things of this sort? Or is he simply advising on Civil Service *internal* organisational/management issues or is he a consultant to the Government on policy, external, inward investment... you know, the substance of policy?

Hon. Chief Minister: Mr Speaker, as I said in my initial answer he will be consulting on the establishment on internal processes, and the development of the Office of the Chief Secretary, and how it interfaces with the Office of the Chief Minister, the renewal of the Office of the Chief Minister... of Chief Secretary and matters generally (*Interjection by Hon. P R Caruana*)

It has been renewed in my shape, Mr Speaker!

And matters generally, and I am very happy, Mr Speaker, that that means that ‘matters generally’ will, of course, therefore, be able to include consulting on all matters, including issues of policy and issues of inward investment that the hon. Gentleman has alluded to, in particular issues relating to relationships that Gibraltar has beyond its shores, whether it be the United Kingdom, or Spain, or elsewhere.

I know he will want to agree with me, Mr Speaker, that Mr Montado is, no doubt, imminently, and perhaps uniquely, qualified in this respect, having served Chief Ministers since Sir Joshua Hassan.

Hon. P R Caruana: Well, I am sure you meant ‘eminently’ rather than ‘imminently’, but I am not called upon to agree or disagree with him, simply to remind the hon. Member, and to ask the hon. Member, whether he considers that the appointment of Mr Montado on consultant terms is consistent with the explicit and implicit criticism made by them of *us* when we used to re-engage civil servants on consultancy terms?

Now it is true that this is on a *pro bono* basis, which means that there are not issues of pay and pensions and things of that sort. Will the hon... Mr Speaker, the point I am expressing concerns as delicately as possible is on this business of his continued status as an employee of a particular law firm whilst, at the same time, consultant for the Government as an insider, to the Government on matters general, I mean I was not so much worried about the answer when he was limiting it to *internal* Civil Service organisational structures. If it strays, and indeed even if it got to foreign affairs in terms of relations with Spain and things of that sort, but as you know Mr Speaker there is a considerable amount of interaction between Number 6 and Government Departments, by law firms in general and by the law firm of which he is an employee in particular, being the largest law firm in Gibraltar, with the Government, and I am just questioning the range of his remit to see the extent to which others may rightly or wrongly fear that there is some perceived advantage of Hassans, in effect, having an insider, in terms of an insider consultant, within the Government, which only arises in the question of ‘generally’, not in the question of Civil Service matters.

Hon. Chief Minister: Mr Speaker, I am not at all concerned about that. I will tell you why.

First of all, Mr Speaker, I am surprised at his reticence in wanting to share the Government’s enthusiasm that Mr Montado is eminently, or imminently, or otherwise, uniquely the best person qualified, given that he has served every Chief Minister since Sir Joshua Hassan. Now he has an opportunity, or I have an opportunity, that he should serve with me also, which is, in my view, an absolutely fantastic opportunity for the people of Gibraltar to harness his abilities.

Mr Speaker, he has somebody sitting to his right who is a partner of Hassans. I was a partner of Hassans when I was sitting there. We all understand, as does my hon. colleague, the Minister for Justice, what a conflict of interest is and how to deal with it, Mr Speaker: most of all, Ernest Montado, who has known the administration of Government from inside out, who will be able to spot a conflict of interest, perhaps quicker than most of us. But it will be the current Chief Secretary, Mr Gomez, who will be deploying his – Mr Montado’s – abilities as he thinks fit and I am sure that Mr Gomez also will be alive to the opportunities for conflict of interest and will ensure that they do not occur.

Mr Speaker, I am very confident that the issue that the hon. Gentleman has couched in terms which he knows are designed to be less than generous – in suggesting that a particular law firm might have an *insider* somewhere – are not issues that are going to be relevant at all in any way; especially given the standing of Ernest Montado who has, perhaps uniquely, also been Acting Deputy Governor and Acting Governor in

different times that he has been in the administration, and Financial Secretary, wearing many hats, knowing always how to resolve the conflict of interest that might have arisen, never letting anyone down and always enjoying the confidence of *everyone* – or perhaps, given the reticence, I should say almost everyone that he has served and worked with.

Culture and Heritage Agency
‘Anomalies and inconsistencies’ in the structure

Clerk: Question 323, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Hon. Chief Minister say what were the ‘anomalies and inconsistencies’ in the structure of the Culture and Heritage Agency, and the staffing and other deficiencies that needed to be addressed that the Government has said were pointed out by the Principal Auditor?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the review of the structure of the Culture and Heritage Agency which the Principal Auditor carried out at the request of the Government was provided to the hon. the Minister for Culture on 23rd January 2012.

The review reflects that the hon. Member opposite determined himself, personally, the salaries that people should earn; that the hon. Member made direct appointments of people who had previously not been civil servants, or GDC employees, or employees of Knightsfield Holdings Limited, to posts in the Agency – that is to say, Mr Speaker, the hon. Member opposite made direct appointments into the public service, not as contract officers but as permanent and pensionable employees of individuals; that the collective agreement that created the Agency has not been signed; that the collective agreement does not contain the schedules with the job descriptions of the individuals in the Culture and Heritage Agency; and that the Government had not dealt with the reimbursement of expenses due to Knightsfield Holdings in respect of payments made prior to the creation of the Agency.

Hon. P R Caruana: All those are the reasons that prompted me to ask the question. Why, even if all those were true, would they be ‘discrepancies’? First of all, why does the hon. Member think that engaging people as employees of the Culture and Heritage Agency, which is not a Civil Service, which is not a department of the Government... why he stands up in this House to say that it is a ‘discrepancy’ that the hon. Member opposite – referring to me – was, personally or otherwise, employing people directly into the Civil Service, when employees of the Culture and Heritage Agency are not civil servants. The Culture and Heritage Agency is a statutory corporation which employs people in its own right and are not civil servants. So I doubt very much whether the Principal Auditor pointed that out as a *discrepancy*. It is factually incorrect and, even if it were correct, it is not a ‘discrepancy’.

The Act says how employees of the Agency should be appointed. They are not civil servants, they are not subject to the Public Service Commission, they are appointed by the people that the Act says they should be appointed by and that is how people were appointed, *mostly*, as I recall, people, civil servants who agreed to transfer – some of them, as I recall, chose not to transfer to the Agency and, therefore, would have been left behind. Why does the hon. Member consider that any of that is a ‘discrepancy’?

The fact that they do not want to proceed with the Agency, or wanted to proceed with it in a different form, does not make the things that they disagreed with a ‘discrepancy’. I would need to see the alleged report of the Principal Auditor to see, before I could believe that he had described any of those things as ‘discrepancies’ and, if by any chance, he had done so, given that he is an independent statutory authority, then I could, if I so chose, challenge the results of his findings. But I am certainly not accepting the unilateral and bland statement, without publication of the document, that this is *either* what the Principal Auditor has found, *or* indeed, that it is a ‘discrepancy’.

Can I further ask the hon. Member why he describes as a ‘discrepancy’ in the structure of the Culture and Heritage Agency that the collective agreement establishing it has not been signed? The Agency is not *signed*. The Agency was not established by agreement, it was established by Act of this Parliament. I *assume* that he

is referring to the agreement between the Agency and the Unions relating to labour issues, which have nothing to do with the structure of the Culture and Heritage Agency and all anomalies and inconsistencies in it. Does the hon. Member, therefore, agree that, intentionally or otherwise – if he allows me the opportunity to, I will assume unintentionally – by the use of the juxtaposition of concepts, such as ‘Principal Auditor’, ‘review’, ‘anomalies and inconsistencies’, he gives an impression – which he has certainly not been able to sustain by what he has said in this House today on this question – which are neither factually correct, nor were they correct, nor had they been correct, would they amount to ‘discrepancies’. They may be things which he would have done differently, which he does not agree with, but they are not ‘discrepancies’. I do not accept that I *personally* employed people into the Culture and Heritage Agency.

Hon. Chief Minister: Mr Speaker, I am not going to accept that the juxtaposition of words in a Government press release do or do not do one thing or another unless, of course, the hon. Gentleman is offering to consult to my Government at no fee whatsoever, in which case I would be delighted to take him on, if he likes to draft press releases after he has foregone, or been done away with, on that side of the House.

Mr Speaker, the words ‘anomalies and inconsistencies’ are words chosen carefully. We have alluded today in this House to the things that we consider to be the anomalies and the inconsistencies, which the Principal Auditor has set out. It is very clear to us –

Hon. P R Caruana: Well, publish the report.

Hon. Chief Minister: – and he does not need to explain it to us that the collective agreement does not set up the Agency. The collective agreement is the agreement with the Union in respect of the transfer of individuals into the Agency and it is that which has not been signed.

Mr Speaker, the fact is that what the Principal Auditor has uncovered shows that the hon. Gentleman was employing people – and I said ‘public service’ – into the public service *a dedo*. In other words, he was choosing them for himself and bringing them in when he wanted.

Mr Speaker, in Spanish, that has another word that conveniently describes what happens when people are given jobs in that way. We have set out very clearly what the anomalies and the inconsistencies were. We consider them to have been important enough to have issued a statement. They are in a review carried out by the Principal Auditor and I think it is appropriate to have brought this to the public’s attention.

Hon. P R Caruana: Mr Speaker, will the hon. Member *publish* the report of the Principal Auditor? After all, it appears to be highly critical of my Government and of me in particular, and I am the one who is calling for its publication. Will he lay on the table in this House a copy of the Principal Auditor’s report?

Hon. Chief Minister: Mr Speaker, it is not that I am minded not to do so. I am happy to give *him* a copy of the report so that he can, if he wishes, present such defence to the public as he thinks is appropriate.

The concern I have about publication – and he will know that I was the one always pressing for publication of reports – is that this specific report actually identifies *by name* individuals, not by grade and their salaries, but I am happy to let him have it so he can construct *his* public position, in respect of that report with sight of it, as long as he agrees with me that the names of the individuals referred to in it should not be disclosed, either in his, or our, debate on the subject.

Hon. P R Caruana: Mr Speaker, I agree, but does the hon. Member acknowledge – and I would be happy to receive it on those terms – that when I have asked him...

The Government’s press release said:

‘anomalies and inconsistency in the *structure* of the Culture and Heritage Agency and the staffing and other deficiencies that needed to be addressed.’

That was... and I have asked him, will the Chief Minister say what these anomalies and inconsistencies in these – and I have used the same language thereafter – what they actually were and he has said:

‘...discrepancies, the hon. Member made direct appointments and salaries... of civil servants or GDC employees.’

Well, Mr Speaker, my recollection of the matter is that these things were decided at a board meeting, in

870 which I had as much influence... (*Interjection*) Well, Mr Speaker, this is why I want to see the report, this is
why I want to see... it is all very well for the hon. Members to bandy about the words 'The Principal Auditor'
and others in an attempt to gain traction. I will see the report and I will certainly agree to respect the names...
or not to name the names of the people and thereafter I reserve the right to deal with the contents of the report
in whatever way I consider is effective to dispel any false impression that the Government's statement may
875 have made and which the answers he has given... he has given three examples today. He has said, collective
agreement establishing the Agency not signed, well, now he accepts that the Agency was not *established* by
an agreement. He has said that I was employing people directly as civil servants and GDC.

Hon. Chief Minister: Public servants.

880 **Hon. P R Caruana:** You said civil servants.

Hon. Chief Minister: No, I said public servants.

Hon. P R Caruana: As employees of the Authority and that I was making... personally choosing the
885 salaries. Those are the three instances that he has given. (*Interjections*) Yes.

Hon. Chief Minister: Will the hon. Member give way?

Hon. P R Caruana: Yes.

890 **Hon. Chief Minister:** There is a substantive argument to be had here, but there is also this argument, that
in what I have read out about the collective agreement, I have not said anywhere that that established the
Agency. I do not know whether he misheard me, I said that the collective agreement has not yet been signed
and that the collective agreement does not contain the schedules with the job descriptions of the individuals in
the GCHA. I have not said the words 'collective agreement and establishment' anywhere.

895 **Hon. P R Caruana:** Mr Speaker, is he reading from his original answer?

Hon. Chief Minister: Yes, except it is all scribbled over.

900 **Hon. P R Caruana:** We will have to defer to *Hansard*. I am almost certain because I made a note of it:
'establishing an agency has not been...' (*Interjections*)

Hon. Chief Minister: I will send across a photocopy of it.

905 **Mr Speaker:** If it is of any help, I have been following the answer read by the Hon. Chief Minister. It is
exactly per the script I have in front of me and there was no reference to 'establishing' the Agency.

Hon. Chief Minister: Mr Speaker, and just in respect of the other issue that he was referring to, I have the
910 Government press release here.

The Government press release also does not say what the hon. Gentleman thinks it says, but it may be that
he has got a copy of a report of the press release. The press release itself, which, as he knows, is available on
the website is:

915 'This has confirmed that there were a number of anomalies and inconsistencies in the structure that was left behind by the previous
Administration and has pointed out that a number of staffing and other issues need to be addressed.'

Mr Speaker, we think it is actually quite important, in respect of the collective agreement, that the job
descriptions should be attached, because those are very important in respect of what it is that people are
expected to do. So that is why we attach importance to *that* particular issue.

920 If I could just take one of the issues up that he mentioned in his final supplementary, he said that he
reserved the right to deal with the report in any way that he felt appropriate. Of course, I accept that. He is
free to do that, as long as it is within the earlier representation, that the names etc would not be disclosed.

Hon. P R Caruana: I accept.

925

**Gibraltar Parliament website
Date when available**

930

Clerk: Question 324, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, I think I can almost withdraw this question. I think the Government, since I put this down, has put out a press release answering this question, has it not?

935

Hon. Chief Minister (Hon. F R Picardo): If he wants to ask if there is more information, then...
[Inaudible]

940

Hon. P R Caruana: Yes. The purpose of asking the question, which is one that I was hoping the hon. Member would agree with – and I am sure he does – is that it is quite important at the earliest opportunity for Parliament not to look like an extension of Government and that, therefore, the Parliament should have its own website and not *gov.gi* and that presumably is the fact. Since then, he has announced already that it is ready, that the website is ready and up and running and all that.

945

Hon. Chief Minister: Mr Speaker, I am grateful and I know that he must be a convert to that because, in the time that he was in Government, there was only one.

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I know, Mr Speaker, that the whole House will want to thank the Clerk and the officers of this Parliament, together with the Government's IT and logistics department, for having delivered this positive change that is a manifesto commitment, but there are still further developments to come in the future as the website evolves to provide video of the proceedings of the Parliament and other functionality, such as e-mail addresses for each Member, that I think will make it easy for us also to distinguish when people are approaching us as Ministers, while other people are approaching us as Members of Parliament.

955

He will know, and I am sure will agree with me that, although a sterling job has been done of putting all the *Hansards* of the business of this House, since the last election, on line for all of us to be able, and the general members of the public to be able, to access, that we are seeking and, hopefully, very soon will be also having available all the *Hansards* that were already digitally available to all of us on CD on that website also, which I think goes back to 2002 or 2003. Thereafter, there is a process of digitisation in some way of the even earlier *Hansards* until we get back to 1969.

960

Hon. P R Caruana: He may be interested in knowing that there is now a *local* company that will scan all *Hansards* from printed form into searchable electronic form, which would allow the hon. Members to put *all* *Hansards*, going all the way back into the past, on the same website.

965

Hon. Chief Minister: Mr Speaker, I am grateful for that. I think that we are aware of that. He may also be interested in knowing that there is a particular charity that may be interested in contracting such entities to provide that service for nothing, for no cost to the Parliament, so that those are available as searchable documents for anyone who may want to come to look into the more historical aspects of what the business of this House has been.

970

Hon. S M Figueras: Mr Speaker, just as an issue that I identified yesterday it appears that there may be an issue, which I have already brought to the attention of party headquarters and asked that they liaise with the Department, in relation to the searchability of the latest versions of *Hansards* for the meetings we have had since the new session was opened by Mr Speaker. I found it impossible to actually search those documents electronically and I am merely raising the issue simply so that it may be looked at, at some point.

975

Hon. Chief Minister: Mr Speaker, if I may say so to the hon. Gentleman, although I am not here to give him advice, what he needs to do, is he needs to download the document: it then becomes searchable and, depending on which web browser one is using when you open the PDF document in a browsing page, you

may or may not be able to search it.

980 If the hon. Gentlemen were to download that particular PDF – and it will take a few seconds to do so – then if he goes to ‘edit’ and ‘find’, he will then be able to put in any term that he might want to find, for example Figueras, and it will take him directly to it.

985 **Hon. S M Figueras:** I am grateful to the Hon. the Chief Minister for his advice, even though he realised he did not need to give it to me. I can assure him that I have done everything that he has advised and I was just wondering whether, perhaps, there was a glitch in the new system of recording the proceedings here in this House.

Hon Chief Minister: Is the hon. Gentleman talking about the audio recording or the –

990 **Hon. S M Figueras:** No, the PDF download.

995 **Hon Chief Minister:** Well, Mr Speaker, I am surprised at that because I have not had that problem, so it may be a glitch in some machine that he is using. But these are not necessarily issues that we need to tie the House up on. Let us take them offline, if I might suggest...

**Mediterranean Hotel demolition
Contractor carrying out work; cost**

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Clerk: Question 325, the Hon. P R Caruana.

1005 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say which contractor is carrying out the demolition of the ex Mediterranean Hotel and at what cost?

Clerk: Answer, the Hon. the Chief Minister.

1010 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the demolition of the ex Mediterranean Hotel building is being undertaken by GJBS as part of the works they are doing on site in respect of the maintenance of the site for the completion of the tunnel under the runway. The forecast outturn for this work is £706,721.

1015

**GSD Government Employees
‘Highly paid cushy jobs’**

Clerk: Question 326, the Hon. P R Caruana.

1020 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister provide the list of names of the ‘large number of people’, who according to the Government were GSD supporters and were employed and kept by the previous GSD Government in highly paid cushy jobs.

1025 **Clerk:** Answer, the Hon. the Chief Minister

1030 **Hon. Chief Minister:** Mr Speaker, no sir, for a simple reason: we will not engage with the hon. Gentleman’s attempt to have individual civil servants, employees of the GDC, or other public servants, named in this House, as his question requires. He knows, we know, and the public know, which of his supporters he ‘plugged in’ to these highly paid cushy jobs for his own partisan political reasons. But we will not allow him to turn this Parliament into a circus by pandering to his provocations.

Hon. P R Caruana: No, Mr Speaker, I think the hon. Members answer is disgraceful (*Laughter*) and it is

yet another example of his willingness to cast aspersions and then his unwillingness to make good on them. The hon. Member puts out a Government of Gibraltar press release in which he says that a large number of people who were GSD supporters were employed and kept by the previous GSD Government in 'highly paid cushy jobs' and when asked to identify such people which, contrary to what he has just said, *do not exist* he refuses to do so. And I tell him that he refuses to do so because they do not exist and *not* for the reason that he now gives as a pretext, after the event, in his usual typically cowardly self form.

Hon. Chief Minister: Mr Speaker, the only coward in this House is the man who has just sat down.

The fact is, Mr Speaker that we could spend the next four years fighting over the things he did wrong, and in many instances we shall have to continue to shine the cold light of day on some of the abuses that the hon. Gentleman perpetrated whilst he was in office. But to ask us to identify *by name* those people now, Mr Speaker, is to ask us in our view to break the rules of this House, to discuss individuals who are not here to defend themselves.

Mr Speaker, he knows that he *did* put people into highly paid cushy jobs, (*Interjection by Hon. P R Caruana*) simply because they are –

Hon. P R Caruana: Mr Speaker, point of order. On a point of order, this is not acceptable.

He cannot continue to assert that I know that I put people personally into 'high paid cushy jobs' when I am telling him it is not true. He is, in effect, saying that I am lying. I am asking him to make good on his statement by identifying the people: he refuses to do so – I tell him because they do not exist – and he insists on repeating the allegation but without naming the people.

I say that he is a coward and that he is misleading public opinion. Such people do not exist. He must either withdraw or make good on his statement.

Hon. Chief Minister: Mr Speaker, just on the point of order, not only am I not lying, and not only am I not a coward, it is transparently obvious that we have really put our finger in the wound on this issue. The hon. Gentleman knows just how vulnerable he is, on this particular abuse that he perpetrated whilst he was in Government.

Mr Speaker, it is absolutely incredible to hear Peter Caruana get up in Parliament and suggest that he was not the person who has given more jobs for more boys than any other Chief Minister in the history of Gibraltar. (*Applause*) Mr Speaker, his premiership will go down in history as one which, in particular towards the end, tilted completely towards partisan favour of those who were his supporters.

I am quite happy, when tempers are less frayed and we are having a cup of tea, to share the names with him, but I will not share them with him across the floor of this House, because I will not fall into the temptation of bringing the names of individuals who cannot defend themselves into this debate. But I will tell him one thing, when I give him the copy of the report from the Principal Auditor, he will see a couple of names there which might ring a bell!

Hon. P R Caruana: Well, Mr Speaker, he continues to do what the *Gibraltar Chronicle*, in a recent editorial, said was completely unacceptable in civilised democracy, which is trial by Government. He is a prime practitioner of trial by insinuation, trial by suggestions, trial by Government statement and trial by implications of all kinds.

When asked to make good on his very serious allegation, he continues to wriggle on the hook like a fish and refuses to say... look Mr Speaker, if I felt vulnerable as he alleges about the large number of people that he thinks I have employed into 'cushy jobs' because they were GSD supporters why on earth would I be raising the question and asking him to list them and raising the whole matter in Parliament, I tell him that there are no people who were put into highly paid cushy jobs because they were GSD supporters, The only thing I will admit is that because we were in office for so many years, we put 8,000 people in jobs (**A Member:** Hear, hear.) that did not have jobs before, Mr Speaker.

I will continue to hold him publicly to account for his refusal to make good on his statement, which is that he has made this allegation against the previous Chief Minister and the GSD Government, and he refuses to provide details of the alleged GSD supporters who were allegedly put in to, and kept, in highly paid 'cushy jobs' in the Government by the Chief Minister because they... That is a serious allegation of political nepotism, probably political corruption, which he will either make good or repeat outside of this House and answer for it.

1090 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman has taken leave of his senses. He started his question by saying that we have said it in a Government press release – so we have repeated it outside this House.

Mr Speaker, I almost pity the hon. Gentleman. He really is almost like the melting snowman, disappearing in stature politically before our very eyes in this House. Does he think that anybody is going to believe that he created 8,000 jobs? Everybody knows, Mr Speaker, that most of the jobs that he likes to boast about creating walk across the frontier every morning.

1095 Does he really expect that anybody is going to put any credence to the allegation that what is happening today, by the provision of complete and utter openness by this Government, amounts to ‘trial by Government’?

1100 Mr Speaker, trial by Government is what the hon. Gentleman did, or tried to do, against me in May last year, trying to impugn my fitness for the office that the people of Gibraltar determined I should hold on 8th December 2011. Trial by Government is what the hon. Gentleman has done to many people who he did not believe were his supporters, where he deployed the full force of the state against them, incurring such cost as may be required for him to triumph and sometimes even saying to people, ‘I will see you in the Privy Council’. Mr Speaker, I have only ever heard of one other person doing that before in history and that was Robert Maxwell, who was famous for saying to people, ‘I’ll sue you all the way up to the House of Lords and you will run out of money before I do’.

1105 Mr Speaker, I stand by everything my Government has said on this issue and the *enchufes* are over. (Applause)

1110 **Hon. P R Caruana:** Well, Mr Speaker, it may interest the hon. Member to know that, certainly, neither I nor anybody on this side of the House, or in this House, have changed their minds about the comments that were made about the very serious judgement issues that afflict and continue to afflict and affect the hon. Member in terms of the discharge of his professional duties, and time will tell whether those concerns were well founded or not, and I think as he said before that we would have to wait this morning for twenty years until, whatever, the context of Mr Bossino this morning twenty years until, time will tell whether those issues will come back to haunt anybody.

1115 Now Mr Speaker, I am not going to press further in this House except to say to the hon. Member, that presumably the GSD supporters in question, the large number of people who, according to the Government, were GSD supporters and employed and kept by the GSD Government in ‘highly paid cushy jobs’, and which I say do not exist. Can the hon. Member say whether these people that he claims do exist are *still* in highly paid cushy jobs, this large number of people in highly paid cushy jobs, are they still in those highly paid cushy jobs?

1125 **Hon. Chief Minister:** Mr Speaker, as to my ability to discharge my professional duties, we will see what time tells, not just about me but about others, because we remain of the same view about some of the Gentlemen sitting opposite, that they might remain in respect of us.

But, look, let us be very clear: they have got a conflicting mantra of opinion. One day they say that there is a GSD witch hunt and the next day they ask us whether we have maintained these highly paid GSD supporters in their jobs. Yes we have, Mr Speaker, because we haven’t cut off any heads!

1130 **Hon. P R Caruana:** Oh, I see. So there are ‘highly paid cushy jobs’ in his Government, then, and they are all occupied by these GSD supporters that he alleges we shoehorned into these positions. That situation is going to continue, is it?

1135 **Hon. Chief Minister:** Mr Speaker, there is no witch hunt. Therefore, people who have jobs will retain their jobs.

I will only tell him this: everyone I speak to within the machinery of Government is constantly reminding me of the freshness that there is now in the administration, how people are allowed to get on with their jobs, and how there is so much more work to do. So it may be that the ‘cushiness’ is over.

1140 **Hon. P R Caruana:** No, Mr Speaker. The cushiness appears not to be over!

I am now very concerned that there are people in the Government who, in his view, were not just put in there by us, but *kept* by us: if they were *kept* by us, they are being kept by him now, in ‘highly paid cushy job’.

1145 The phrase ‘cushy’ means a job that is not really required, or is over remunerated or overvalued and, in the name of not cutting off heads – another joke – he is going to continue this situation *indefinitely*. Well, Mr Speaker, who does he expect will believe that there are GSD supporters who are so *in* with the GSD that they were ‘employed into and kept in highly paid cushy jobs’ in the Government, and that they will continue to be kept in these ‘highly paid cushy jobs’ by the hon. Members opposite? This is much more than the call of duty requires in terms of not cutting heads!

1150 If there are people in ‘cushy jobs’ in the Government, they have an obligation to the taxpayer – for which I am sure the Principal Auditor will be very interested – in not keeping them in such posts.

1155 **Hon. Chief Minister:** Mr Speaker, I note what the hon. Gentleman says, and I will regard it as licence to deal with anybody who I think has got a job that is not required or is over remunerated in a way that ensures the best outcome for the taxpayer, regardless of their political affiliations, but what we will *not* do is because of the improper way in which someone may have alighted upon a job now deal with them also improperly.

1160 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Members threatening tone and facial contortions is their *real* colours and he has let his mask slip. So what he said was, now that you have persuaded me not to carry on being a nice chap on this question, *I will deal with this matter* in the way in which these questions give me licence! His mask has slipped: this is his real instinct. (**Members:** Oh!)

1165 **Hon. Chief Minister:** Mr Speaker, look, I mean the hon. Gentleman can make fun of my physical affliction today if he likes, but making fun of physical afflictions is not something I commend to him, because he might find that we have a joke at *his* expense. But I have got my Strepsils, and that is what is causing the tone of voice...

What I have said, Mr Speaker, remains, that we will not be in any way dealing with people who are now in the public service in a way that is the witch hunt that they would like to see us pursuing, in order to criticise us for it, and because it is not happening they are trying to pretend is occurring.

1170 **Mr Speaker:** There should be a question there.

1175 **Hon. P R Caruana:** Does the hon. Member understand or accept that there are few people in Gibraltar who do not believe they are engaged in a witch hunt? I mean, there are all number of people who have suddenly moved, gone, rolled the directors of the bus companies, you know, and this always gets trotted out as some consensual arrangement...

1180 *Nobody* in Gibraltar believes that the hon. Members have not engaged in a witch hunt. What everybody in Gibraltar believes is that they have conducted a witch hunt whilst, at the same time, saying all the right things, in other words, *doing* much of the opposite of what they have been saying. Does the hon. Member accept that there is scope for that view to be held in Gibraltar?

Hon Chief Minister: Mr Speaker, not only do I not accept it but the hon. Gentleman needs to know that, simply because he tries to use a particular turn of phrase, people will not be persuaded by what he is saying.

1185 He gets up and he says, ‘nobody in Gibraltar believes’, ‘everybody in Gibraltar believes’... Look. it may be, Mr Speaker, that he comes to this House and he thinks that he can get away with that. I can tell him all the people in Gibraltar who do not believe that, who approach me. And he can tell me the people in Gibraltar who approach him who, he might say, believe it or do not believe it, but he cannot speak, Mr Speaker, for ‘nobody in Gibraltar’ or ‘everyone in Gibraltar’, and, perhaps most importantly, Mr Speaker, thank goodness, he cannot speak for Gibraltar any more.

1190 **Clerk:** Question –

Mr Speaker: The Hon. Daniel Feetham.

1195 **Hon. D A Feetham:** Does the Hon. the Chief Minister accept that all these references to the Principal Auditor might create the perception that you are, in fact, politicising the office of the Principal Auditor, and politicising it in a way that he is being asked to conduct GSLP or Government’s witch hunts? Does he not accept that that is a possible perception?

1200 **Hon. Chief Minister:** Mr Speaker, there is absolutely no question of the office of the Principal Auditor being politicised because the Government refers issues to him, and I think the hon. Gentleman does a very serious disservice to the public administration of Gibraltar, and to the office of the Principal Auditor in particular, by raising that particular issue in that particular way.

He is wrong, Mr Speaker, and it will not happen, because the Principal Auditor will not allow it to happen.

1205 **Hon. P R Caruana:** Mr Speaker, the Principal Auditor is an independent constitutional postholder. If the Principal Auditor thought that anything that had happened under my Government, or the previous Government, or the Government before that, were somehow improper, he has not only the *power* but, indeed, the *constitutional duty* to investigate it and report on it. Yet, he has not done so.

1210 All of a sudden, the hon. Members arrive in office and then he issues a plethora of reports, all at the hon. Member's political request. Are the hon. Members suggesting that the Principal Auditors in the past have all been in dereliction of their duty?

Hon. Chief Minister: Mr Speaker, this is so far from the question that it is absolutely ridiculous that we should be pursuing this line but I am happy to take a supplementary.

1215 The fact is that the Principal Auditor, in his constitutional role, can only deal with the information that he has and he has never had access to this information. What we are doing is giving him the information so that he can look into it.

1220 Mr Speaker, the hon. Gentleman will know that we have in our manifesto, in particular, already on page 11, set out how we will change the legislation in order to give greater jurisdiction to the Principal Auditor, a jurisdiction which he has been asking for in Principal Auditor's reports for many years now.

I do not believe that Principal Auditors before have been in dereliction of their duty: I think they have not been provided the information with which they could make the reports that they are making now that the information is being provided to them.

1225 **Hon. P R Caruana:** Mr Speaker, it seems to me that the hon. Member has no clue of how the Principal Auditor is constituted and what his powers are. He has said the Principal Auditor had never had access to information... the Principal Auditor, as a matter of his office, has statutory right of access to *all* Government information and documents in howsoever to do with the spending of public money, the raising of public money, the accounting of public money. Therefore, Mr Speaker, if the Principal Auditor had thought that any of this was the case he has, as he has done on value for money things, completely spontaneously in the past, he would have asked questions, made statements in his report on the Government accounts.

1230 The idea that the Principal Auditor does none of this for 16 years, not even in respect of the previous 8 years, before the last 16 years, and now, all of a sudden, along comes this new Government and the Principal Auditor is suddenly *invited* to conduct reviews which the hon. Members then publish the results of in press releases... well, Mr Speaker, the Principal Auditor is not an instrument in the hands of the Government!

1235 **Hon. Chief Minister:** Mr Speaker, where is the question?

1240 **Hon. P R Caruana:** The question is, does not the hon. Member share my view that, if he asks the Principal Auditor to look into something, the Principal Auditor should be allowed, as a separate authority as he is, to announce the results of what he is looking into, not have the Principal Auditor, that is supposed to be *independent*, do an enquiry at the request of the Government and then the Government decides what treatment it gives it in a Government press release?

1245 Does he not understand that that exposes us all to the risk implicit in my hon. colleague, Minister Daniel Feetham's question, that there is a risk that the Principal Auditor will be seen as a political instrument in the hands of the Government for *their* political purposes, which would not be the case if they just referred matters to him, if they want to and let him conduct his investigations and announce the results in, presumably, his technical and non-political way? Does he not agree with that?

1250 **Hon. Chief Minister:** Mr Speaker, there is absolutely no credence in what the hon. Gentleman is saying—no credence whatsoever.

Mr Speaker, nobody here speaks for the Principal Auditor. The Principal Auditor speaks for himself when he wants to and the fact that we are having this debate, frankly, in my view, leads us only down the path of it

being possible to suggest that the hon. Members opposite are the ones impugning the independence of the Principal Auditor.

1255 Mr Speaker, is it that the hon. Gentleman has now chosen to ignore the practice in other democracies? Doesn't he know that the National Audit Office in the United Kingdom will issue reports, or not issue reports, as it wishes, but that Government and Opposition, and Members of Parliament in the United Kingdom, will have access to those reports and make press releases themselves, whether or not he has made press releases about it, whether the actual Audit Office has made press releases about it when they consider might be appropriate?

1260 We do not accept anything that the hon. Gentleman has said except this, Mr Speaker, that we understand that they find themselves in a very, very difficult bind because an independent constitutional authority like the Principal Auditor is making findings that *they don't like*, and they have to do everything possible to impugn the office and to impugn the independence of that office, because that is the only political corridor left open to them.

Hon. P R Caruana: Mr Speaker, the Principal Auditor has neither made any findings that we don't like, nor do we impugn him. We believe that the Government is the one impugning.

1270 Mr Speaker, the hon. Member condemns himself by his own words. Does he not agree with me that the example that he has cited in the United Kingdom is absolutely apposite. Members of the Opposition and members of the Government will, indeed, comment on reports and investigations and statements by the equivalent of the Principal Auditor that is probably called the National Audit Office, or the Auditor General, I think he is called in England, but only after *he* has made his investigation and *he* has published his report. The Director General of the National Audit Office does not – whether he conducts the investigation or the enquiry of his own motion, or at the Government's request or at the Opposition Member's request – does he not agree, he does not send his report to a Minister so that the Government then puts out a public release, commenting on the outcome before the man's report has been published by *him*? This is precisely the distinction that I am trying to draw.

1275 One thing is to comment or not comment on a report once it has been issued and another thing is that the only publication of the Principal Auditor's so-called reviews and investigations are not what *he* says but what the hon. Members choose to quote from what he says. Then the rest of mankind has got to take it at face value that this is not a selective, that this is not an inaccurate, that this is not... and therein lies the degree of politicisation. If the hon. Members want transparency, (*Interjections*) will he agree to allow the Principal Auditor to publish his own reports and to decide whether he conducts enquiries, or not, into whatever factual situation the hon. Member wants to put in front of him with their perfectly welcome... and, indeed, free to do, as we are.

1285 **Mr Speaker:** There was a question there from the very outset, albeit it took a long time to conclude.

1290 **Hon Chief Minister:** A very long time Mr Speaker.

It cannot be otherwise than the Principal Auditor only investigates things which he wants to investigate when they are brought to his attention by us, or by anybody else, or when they come to his attention by his own motion. Or is it that he thinks that we *make* the Principal Auditor investigate things? Is that what he is saying? That is plainly ridiculous, and that impugns the office of the Principal Auditor because it suggests that he is a tool in our hands, when he is not, Mr Speaker.

1295 We have given information to the Principal Auditor, which *he* has reviewed and *he* has prepared reports. Am I in the same Parliament I was in 20 minutes ago when I told the hon. Gentleman that I would give him a copy of the report and review carried out in respect of the Culture and Heritage Agency by the Principal Auditor? Am I in the same Parliament, Mr Speaker, because it appears that the hon. Gentlemen has wanted to forget that?

1300 Mr Speaker, if we give information to the Auditor and he decides it *is* appropriate to investigate and he *does* investigate and he *does* make a report, is he saying that the Government is not free to publicise the issues set out in the report? Well, that, Mr Speaker, if he is saying it, is plainly ridiculous – plainly ridiculous. (*Interjection by Hon. P R Caruana*) Because, Mr Speaker, if the Principal Auditor has felt it appropriate, in a review or a report he is asked to do by the Government, given his constitutional responsibilities, and he brings to the notice of the Government something which the Government believes should be brought to the attention of the public, the Government will do so, in particular because of our commitment to transparency and

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openness. If we can publish the reports, Mr Speaker, we will publish the reports, depending on how they are couched, and I have told the hon. Gentleman not *half an hour ago* that, in the instance of the Gibraltar Culture and Heritage Agency, we are unable to publish it because it contains such level of personal detail that it would be unfair to the people referred to in it to publish it.

That, Mr Speaker, will be the proper and open attitude of my Government as long as we are in office. He obviously thinks we have got it wrong, and he can spend the next four years trying to persuade people that *his* style of Government is right, and *ours* is wrong but, on this issue, Mr Speaker, we uphold the independence of the Principal Auditor. We think he is doing exactly the right thing in respect of the matters that we refer to him, we have a manifesto commitment to give him wider powers and, Mr Speaker, that is the right track to be on.

Hon P R Caruana: Mr Speaker, with the greatest of respect to the hon. Member, it is *he* who distorts the status of the Principal Auditor, it is *he* who challenges its independence, as always saying one thing and doing the very opposite.

Look, Mr Speaker, it is not he or I who decide the status of the Principal Auditor. The status of the Principal Auditor is established in the constitution and the Principal Auditor is not an officer of the Government or a tool of the Government, he is an Officer of *this House*.

Hon. Chief Minister: Absolutely right.

Hon. P R Caruana: No, well, that is not consistent with what he has been saying. He has been an Officer of this House. The Principal Auditor, who is an independent constitutional authority should not report to the Government, he should act like an independent or statutory authority and publish his reports *himself*, (*Interjections*) not hand them surreptitiously to a Government Minister, for them to distort and abuse for political purpose. That is how it happens everywhere else in the democratic world.

We made the improvement of making the Principal Auditor, in the last Constitution, an Officer of this House. The House will have noticed that the accounts of Gibraltar and the Principal Auditor's report are no longer tabled in this House by the Minister for Finance, as they used to be. They are now tabled in this House *directly* by the Principal Auditor.

The Principal Auditor is an Officer of this House. He should answer to this House, he should respond to this House and the hon. Members should allow him to publish his own report and then we can all comment about it. The hon. Members opposite, as a Government – I would invite them to agree with me – should *not* commission reports from the Principal Auditors, *receive* them, keep the reports to themselves and then make two and a half line allusions to them in a Government press release. That is a *direct assault* on the independence and political non-involvement of the office of the Principal Auditor.

Hon. Chief Minister: Mr Speaker –

Mr Speaker: Order, one moment.

I will allow the Hon. the Chief Minister to respond to that, but I think we have strayed from the question. The Hon. Chief Minister.

Hon. Chief Minister: Mr Speaker, distortion, distortion, distortion! He does not want to ask a supplementary about the issues as they are; he wants to ask a supplementary about the issues as he wants them to be.

Mr Speaker, I am not saying that the Principal Auditor reports to the Government. Of course, the Principal Auditor, as a constitutional officer, reports, not just to this Parliament, but to the public, because he has a public office. But when we ask him to do a review and he agrees to do a review for the Government, he sends the report to the Government. And, Mr Speaker, the hon. Gentleman opposite's problem is this, the Principal Auditor feels comfortable with that because he has agreed to do it.

The Principal Auditor, who is the constitutional officer, who is responsible for his independence, *feels comfortable with that*, and has done so. And Mr Speaker, given the openness and given the transparency that we are committed to, we will publish those reports which he provides to us which we are able to publish.

**Government adverts in Gibraltar newspapers
Whether 'political corruption'**

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Clerk: Question 327, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say why he thinks that the placing of Government adverts by the previous GSD Government in the *7 Days* newspaper was 'political corruption of the worst sort ever seen in the political history of Gibraltar' – he was probably away from Gibraltar that day – but advertisements placed by the GSLP Liberal Government in the newspaper owned by Mr Joe Garcia are not political corruption of the worst sort ever seen in the political history of Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the answer to this question is so obvious that we are surprised that the hon. Gentleman wants to embarrass himself by having us spell it out. But it has been an afternoon of that, anyway.

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Panorama has been a registered newspaper since 1977. It has received Government advertising since that date, but *Panorama* carries adverts from many other sources alongside Government adverts. *Panorama* has never been a free publication; it has always been available for sale. By continuing, for the past 100 days, to place Government notices in *Panorama*, the GSLP liberal Government is only continuing a process established by the AACR, the first GSLP Administration, and the hon. Gentleman's Government that, in particular, for the past 16 years... Mr Garcia, the editor of *Panorama*, is a recognised journalist in Gibraltar and internationally.

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The *7 Days*, which started publication in about early 2006, was before the Election a free publication funded exclusively, or almost exclusively, by Government advertising, in almost equal measure to that provided to established daily publications like *Panorama* and the *Gibraltar Chronicle*, although the *7 Days* was weekly. *7 Days* received £156,000 of such advertising, even though the publishing company was struck off in 2010 and never registered for PAYE or Social Insurance purposes. It was still receiving massive amounts from his Government, despite his protestations that, in the case of the *Vox* newspaper, the withdrawal of advertising from that paper was due to arrears of payment of PAYE and Social Security. (**A Member:** Oh!)

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Mr Speaker, the sole editorial purpose of the *7 Days* was to praise the previous Administration, and to denigrate the parties now in Government and, in particular, the Hon. Mr Bossano and/or myself – not that we cared, nor did it do the Members opposite much good. Indeed, I have it on good authority that the writers of the diatribe which that newspaper carried before the Election may very well have been some of the Members opposite, some of their now departed colleagues and some of their well-remunerated supporters. (*Laughter*)

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Indeed, Mr Speaker, the use of taxpayer's money to fund *7 Days*, as if it were a weekly manifesto for the party opposite, imperilled the good government of Gibraltar and the basic tenet of democracy, that the assets of the state should never be used to advance the cause of the party in office. That, Mr Speaker, broke down under the GSD Administration so dramatically in the case of the funding of the *7 Days*, with Government advertising, as one other daily newspaper put it at the time that the advertising costs of *Chronicle*, *Panorama* and *7 Days* were published, let me just say this, people can make up their minds for themselves. (*Applause*)

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Hon. P R Caruana: So, leaving to one side the sanctimonious diatribe with which the hon. Member has padded his speech, it all boils down to the fact that the *Panorama* has been going for longer, that is has one or two advertisers more, other than the Government, than the *7 Days* newspaper and that it is free, as if free newspapers are somehow illegitimate, when free newspapers, without a cover price, that rely for their revenue on advertising is now more or less the common form rather than the exception.

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And that is the basis – oh, and that he alleges that a company that was previously the publisher was struck off and, presumably, replaced by some other publisher, and that he alleges, quite improperly, since he should not be making public statements about tax payers' individual tax matters, (*Interjection*) he is alleging that they did not pay PAYE – these are the reasons why one is the 'greatest act of political corruption' ever seen in the political history of Gibraltar, but the placing of advertisements in the newspaper owned by Mr. Joe Garcia who, as we all know, is the father of the Deputy Chief Minister –

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Mr Speaker: Order, Order. Order! Order! When this question was first posed I did bring to the hon.

Member's attention that, while it is permissible to refer to the name of the individual concerned, no reference should be made to relationships to Members of Parliament.

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Hon. P R Caruana: In the question I put.

Mr Speaker: Well, with respect, if it applies to the question – (*Animated interjections*)

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Hon. Chief Minister: This must a question too. [*Inaudible*]

Hon. P R Caruana: Does he not, given that he has said that the sole editorial purpose of the *7 Days* was to praise the GSD, Mr Speaker... when has he ever read an anti- or a critical-of-the GSLP or Liberal party statement in the *Panorama*? It is even more sycophantic of the Government... is it not even more sycophantic of the Government than the *7 Days* ever was of the previous Government?

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Mr Speaker, to my knowledge, no editor of the *7 Days* newspaper ever stood for election as leader of the political party that is now one of the two political parties of the coalition that form the Government, but the editor, the owning editor, of this newspaper, has done precisely that. So we have a newspaper owned by a previous leader of one of the two parties in coalition, we have a newspaper in which the principal scribbler appears to be a gentleman who lives up the coast, by the name of Mr Eade, who appears to spend most of his days in the GSLP party headquarters, we have a newspaper that has never said anything critical of the GS...

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Well, I don't want to mislead the House, Mr Speaker, I do recall *one infamous* front page story, one (*Interjections*) one since 1977 (*Repeated interjections*)

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Hon. Chief Minister: Where is the question, Mr Speaker?

Mr Speaker: Order! Order!

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Hon. Chief Minister: Point of order, Mr Speaker.

Mr Speaker: Order! Order!

Hon. P R Caruana: Does the hon. Member recall? Does the hon. Member recall?

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Hon. Chief Minister: On a point of order, Mr Speaker, I do recall it and I am quite happy to refer to it later, anyway – but on a point of order, (*Repeated interjections*) the questions are taking so long that one might be persuaded to think that they are speeches, rather than questions.

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Mr Speaker: The point of order is well made.

Hon. P R Caruana: Look, Mr Speaker, as Chief Minister the hon. Member does not really have time to be the Deputy Speaker as well. He is constantly sending instructions up to the Chair to provide your... (*Interjections*)

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Mr Speaker is perfectly capable of making rulings spontaneously of his own motion without constantly being prompted to do so from the floor of this House which may give uninitiated listeners in this House the false impression that the Chief Minister is trying to manipulate the Chair in this House.

Mr Speaker is sitting in this House, (*Interjections*) he is listening –

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Hon. Chief Minister: Point of order, point of order, Mr Speaker.

That is, as the hon. Gentleman knows, one of the most pernicious accusations that anybody could make in any Parliament, not in respect of me but in respect of the perceived, in his view, ability for the Chair to be manipulated.

Mr Speaker, I do not consider you manipulable in any way.

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Hon. P R Caruana: He reminds me, if I could just say one more thing, Mr Speaker...

Mr Speaker: Just one more thing. (*Laughter and interjections*)

Just one more thing. Yes, do say one more thing and then I will –

1475 **Hon. P R Caruana:** I will, Mr Speaker. The perniciousness to which he refers is the same perniciousness as one sees on Saturday night, usually on Spanish television football channels, where you get footballers constantly trying to get the referee to show the yellow and the red card to some opposing player. It is as pernicious as that.

1480 That attempted manipulation can take many forms and the constant harassment to invite rulings is capable of being misinterpreted by uninitiated listeners as being an attempt by the floor, whether it is from him or from me, to prompt rulings from the Speaker. And all I am saying is that Mr Speaker is listening to the same debate as we all are, he is hearing the length of my questions, he is perfectly capable of calling me to order, without being invited to do so constantly by *him*. That is all I'm saying, and it seems to me a perfectly reasonable point.

1485 **Mr Speaker:** Okay, there are three points there.

First of all, the Hon. Leader of the Opposition did not suggest that the Hon. Chief Minister is manipulating me: so the uninitiated may falsely come to the conclusion of that, I think that was quite clear.

1490 Secondly, it is perfectly in order for any Member of this House (*Interjection by Hon. P R Caruana*) it is perfectly in order for any Member of this House to raise a point of order and draw to my attention the Standing Orders and it is then for me to rule on them.

Thirdly, I must confess I have been over indulgent in the length of the questions I have permitted. I would be very grateful if the Hon. Leader of the Opposition kept his questions short and sharp and to the point.

1495 **Hon. P R Caruana:** Yes, Mr Speaker and, I in turn, if the Hon. Speaker could indulge *me*, although he has got no need to, if he could call me to order for the excessive length of my questions of his own motion and *not* by invitation of the hon. Member.

1500 **Mr Speaker:** That might be frequently!

Hon. P R Caruana: Then I will keep... yes, but nevertheless, I would prefer it.

1505 Mr Speaker, does the hon. Member agree, therefore, with me, that this Government's pumping of Government advertising money into a newspaper such as I have described, edited and owned by the person that edits and owns it, being as it is *exclusively* sycophantic of the Government, never having made any critical statement of the GSLP as a party, or the Liberals, certainly since they have been in coalition, save this famous one with the headline: 'It would be a disastrous day for Gibraltar if any of these three got into office!' – and there were pictures of Mr Bossano, Mr Picardo and who was the other one, Mr Licudi.

1510 I thought it was very harsh on you, Mr Licudi, I have to say! (*Interjection by Hon. Chief Minister*) Will the hon. Member agree with me, that there is no more justification in the suggestion that the one is 'the greatest example of political corruption', than the other, that they are *exactly the same*? Both are newspapers, neither of which are owned or controlled by political parties, but they have their certain editorial line which, in the case of *Panorama*, does not disqualify them, apparently, from Government advertisements, so why should this *New People* fall into the category of 'corruption' when it is the same?

1515 **Hon. Chief Minister:** Mr Speaker, the headline was 'God Help us if these three ever get into Government!', so Mr Speaker, to say that that newspaper, that *Panorama* has never been critical of *us* is really quite something, which takes some believing.

1520 In fact much of what the hon. Gentleman is saying in respect of this question takes a *lot* of believing, and I say to the hon. Gentleman, he really is, Mr Speaker, in a canoe of diminishing credibility, in the Amazon, heading towards a waterfall without a paddle. He has no way back, and if he thinks that he can persuade *anyone* in Gibraltar that this Government is pumping money – pumping Government money – into *Panorama*, which is what he has said a moment ago, simply by continuing the practice of the past 35 years, of all Governments, of advertising in a newspaper that is recognised by everybody as one of the credible newspapers in Gibraltar, then he is not going to persuade anyone.

1525 I remind the hon. Gentleman, Mr Speaker, I remind the hon. Gentleman,

Mr Speaker: Order, Order, Order. I can't hear...

1530 **Hon. Chief Minister:** I remind the hon. Gentleman, Mr Speaker, of the answers he gave me in answer to supplementary questions arising from Question 798/2007, where he told us that the only newspapers he read were the *Panorama* and the *Chronicle*. So he *himself* recognises the credibility of *Panorama* but, Mr Speaker, to compare that to *7 Days* really is to compare apples with pears. Is it that he does not know, or that he did not bother to have anyone check, that *7 Days Limited* is the registered newspaper? It trades as *7 Days*, and that is what the register of newspapers, which is available for public inspection, reflects. Is it that he does not know, Mr Speaker, or that he did not bother to check, when public money was being spent, that *7 Days limited* was struck off by the Registrar of Companies in May 2010 and thereafter continued to receive the lion's share of payments?

1535 Mr Speaker, how is it that he can sit there and say that I should not be referring to the records of payments of anyone, when he went on television and said that he was going to stop the advertising in *Vox*, not because they happened to change their editorial line, which had, until then, been favouring his party and his Government, but because they were not up to date with their arrears in respect of PAYE and social security? Why is it that he could do that, but I cannot say that this company did not register for PAYE or Social Security? If the hon. Gentleman felt that *Panorama* was not a newspaper that should carry advertising of the Government, he had 16 years to stop it! We are continuing that practice which was established 35 years ago by the AACR.

1540 Mr Speaker, everybody in Gibraltar knows the reality of the story of the *7 Days*. Everybody in Gibraltar knows what they tried to use it for before the Election and no amount of dissembling will get the hon. Gentleman out of the mistake he made, perhaps in a moment of madness, when he set down this question for answer in this Parliament.

1545 **Hon P R Caruana:** Mr Speaker, the hon. Member, I have to say to him, has got completely the wrong end of the stick!

1550 I do not think that the *Panorama* is an inappropriate newspaper for the Government's advertising to be carried. I think the opposite: I think it is *eminently* appropriate. It is as *eminently* appropriate as the *7 Days* and both for the same reason, which is why we used to, whilst in Government, provide advertising in more or less similar measure to both.

1555 It is not that the Opposition believes that they are wrong to place advertisements in the *Panorama*. Does he not accept that what I have been saying is that it is as correct to place advertisements in the *Panorama*, as it was correct to place advertisements in the *7 Days* because there is insufficient reasons to distinguish between placing advertisements in the two, and whatever distinctions *he* thinks he can come up with, certainly are not large enough to justify one being the 'greatest act of political corruption in the political history of Gibraltar', and the other being perfectly okay. The difference between one being the worst sort of 'political corruption ever seen in the history of Gibraltar', the difference between that, in the case of *7 Days* and perfectly okay in the *Panorama*, according to him, is the fact that *they* have been going since 1977 etc etc and all the reasons that he has given.

1560 It is not that we think – will he accept what I have been saying, at least that I have been saying it, not that he will accept it – it is not the Opposition's position that they should not be placing advertisements in *Panorama*, they should be placing advertisements in *Panorama* and in the *7 Days*, because the grounds for deciding that they are, it is appropriate for the Government to advertise in both is, in the Opposition's view, the same now as it was during the years that we were in office. The only reason why we did not place an advertisement – will the hon. Member at least acknowledge the chronology of this? – the only reason why we did not place advertisements in the *New People* was that the *New People* was outwardly, and declared to be, an internal organ of a political party, to the extent that, when the GSLP itself was in Government, for that reason *they* did not place an advertisement in the *New People*. What *we* did, actually, is the same as what he claims he is doing now with *Panorama*. We continued the practice of the Government from which we inherited office, which was not to place advertisements in *Panorama*, and we did not – I beg your pardon, in the *New People*, *People* as it was then called – we did not stop doing that.

1575 **Hon. Chief Minister:** Mr Speaker, I do not accept any of that.

1580 I have been, actually, I must say, Mr Speaker, quite prudent, quite prudent I think, and I commend myself for my prudence in my first answer and my original supplementary because the hon. Gentleman likes to talk about relationships in the course of his questions but, of course, there is another relationship which is relevant, a familial relationship between the editor of *7 Days* and one of the individuals who was a Minister in his

Cabinet and who is presently a Member of the Opposition. I put it no further than that because I do not think it is appropriate to, but there is a family relationship there, too.

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And the hon. Gentleman knows that, when we are talking about *Panorama*, we are talking about it being edited by a man who is the doyenne of journalists in Gibraltar, who is recognised in Gibraltar and outside of Gibraltar as an exemplary journalist, whether one agrees with him or not, and I will quite happily tell him, Mr Speaker, that we do not always happen to see eye to eye and we do not always enjoy what we read in *Panorama*, whether we were on that side of the House or on this side of the House, because that is the sort of publication that *Panorama* is, independent of any political influence.

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Mr Speaker, frankly the hon. Gentleman has given himself away. He has said that they would not place adverts in the *New People* because it was outwardly, and declared, a political organ of the GSLP, which I do not believe, but is it that he is saying – because that is, in effect, the practice that he has pursued – that, as long as you are covertly and undeclared the supporter of a political party, he felt it was appropriate for you to have political or, rather, Government advertising? That is the fact of what developed under his Administration, Mr Speaker. And he can argue it as much as he likes, but it was clear to *everyone* that the *7 Days* before the Election, was a party political rag, bought and paid for and, very likely, *exclusively* written by the members opposite and/or their supporters. And that, Mr Speaker, as he likes to say, everybody in Gibraltar knows and nobody in Gibraltar would believe the opposite.

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Hon. P R Caruana: Mr Speaker, just as everybody in Gibraltar/nobody in Gibraltar, does he accept, would believe that the *Panorama* is not a political rag in support of sycophantic of the GSLP Liberal party (*Laughter*). I mean, this Mr Eade character, never mind the rest of the newspaper, this Mr Eade character or whoever it was, I understand was practically working out of the GSLP offices and, frankly, his twice weekly scribblings was embarrassing to read, if I had been the hon. Member opposite. Completely sycophantic! (*Interjection*)

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Mr Speaker, no one has suggested that Governments should not place advertisements in newspapers which have a tendency or a leaning towards a particular party. When the Government, when the GSD Government continued to place advertisements in the *Panorama* newspaper, we did it in the knowledge that this was a newspaper that was *hugely supportive* of the GSLP Liberal alliance, for obvious reasons, never had a congratulatory word or anything good to say about the Government, but that was not enough. Governments cannot withhold advertisements and it does not become wrong to advertise simply because the newspaper is not pro-, might even be anti-, the Government of the day. The distinction is not whether it is pro- or anti-, the distinction is whether it is an internal organ of a political party, owned and controlled by a political party as an organ of a political party, which is what the *New People* was –

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Mr Speaker: I do think a question is now due.

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Hon. Chief Minister: Thank you, Mr Speaker.

Hon. P R Caruana: – and does the hon. Member not agree that neither the *Panorama* nor the *7 Days* fall into that category of internal organs, however supportive they might be, one in the case of one and the other in the case of the other party?

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Hon. Chief Minister: No, Mr Speaker, because people are not stupid despite the fact that the hon. Gentleman tries to treat them as if they were.

The hon. Gentleman is dancing on a pinhead, this question of internal organ says, in his lexicon, you can't have the chairman of a political party as editor of a newspaper, but you can have a close relative of somebody who is a Minister in my Government – in *his* Government – (*Interjection by Hon. P R Caruana*) a close relative of somebody who is a Member of the Opposition with me – in *his* Opposition – and that doesn't matter, so all we do is we set up this nominee-ship (*Interjections*) of ownership. (*Interjections*)

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Mr Speaker: No, no. Order, order.

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Hon. P R Caruana: On a point of order, Mr Speaker. He cannot launch a tirade on the basis that I have said that you cannot put an advertisement in a newspaper which is edited by the chairman of a political party. I have said the *opposite* of that.

1640 I have said *nothing of the kind*. I have said, indeed, that the Government continued to place advertisements in such a newspaper. It is not the political status of the chairman, or of the editor, it is the *ownership* and *control* of the newspaper by a political party which is the only consideration I have said disqualifies a newspaper from... Let him focus... He cannot put words in my mouth for the purpose of answering a statement that I have not made!

1645 **Hon. Chief Minister:** Mr Speaker, I have interpreted his statements *exactly* like that, whether he likes it or not. (*Interjection*)

Mr Speaker, he is wrong when he says that is the only criteria that he set up when he was here because he went on television and he said that his Government would stop advertising in *Vox* because *Vox* owed PAYE and Social Security. Despite the fact, Mr Speaker, that they had been advertising grandiosely in that publication, continually, previously to have had, when it had earlier, PAYE and Social Security issues also, but the only thing that had changed was that the editorial line went against him. So, Mr Speaker, he knows *exactly* what happened and the people know exactly what happened.

1650 Mr Speaker, let us be *very clear*, he does not enjoy reading what Mr David Eade writes and he finds it embarrassing because Mr David Eade is the one that brought out that he had told Peter Hain that he was ready to do an Andorra-style solution. He does not like what David Eade writes because it embarrasses him by sticking its fingers into the truth that he likes to avoid. He has singled out Mr Eade on a number of occasions for criticism in this Parliament, although Mr Eade is not here to defend himself. And I am not going to go down the same road that he perniciously, continuously, goes down. All I am going to say is that the editor of the *7 Days* – which is an English language newspaper, as he knows – does not speak English! And that, Mr Speaker, identifies immediately the reality of what was happening with the *7 Days*, how it went to the very core of good government, how it affected the basic tenet of democracy, that they were using taxpayers' money to publish a weekly sycophantic manifesto, with a nominee in place to cover their pernicious writings.

1655 **Hon. P R Caruana:** Mr Speaker, we are not going to carry on debating this.

1665 The hon. Member's statements are absolutely disgraceful. What the fact that he says that, to do with the editor of the *New People*, of the *7 Days* doesn't speak English have to do with the good governance of Gibraltar is not immediately obvious to us. The fact of the matter is, Mr Speaker, that the hon. Member is wrong when he says what he says about the *Vox* and the stopping of the Government... Government did not stop advertising in *Vox* because they changed their alliance or because they were in arrears of PAYE – there were lots of newspapers in arrears of PAYE. Government stopped advertising in *Vox* because they *stopped* paying PAYE, not because they were in arrears, because they adopted the position of *not paying* PAYE. That is why the Government stopped... in the day stopped paying... not because they were in arrears of PAYE, as the hon. Member now wishes to mischaracterise.

1670 The fact of the matter is, Mr Speaker, that whatever the hon. Member... all I am asking him to agree with in my question, that he is seeking to erect... and continues with this pre-electoral *gambit*, that advertising by the GSD Government in the newspaper which he characterises as he has characterised – called the *7 Days* – is the 'greatest act of political corruption that Gibraltar has ever known', but that advertising by *this* Government in the *Panorama*, despite all the connections, as we have characterised the *Panorama* – I am not going to repeat either of the two characterisations – that that is fine? And I am saying to him, will he agree with me, that there is no factual, or intellectual, or objective, basis for categorising the difference between the two newspapers, such as they might be – obviously, they are not identical – but the difference between the two newspapers in terms of the propriety of Government advertising in them, will he not agree that difference, whatever it might be, is *not capable* of amounting to the 'greatest political corruption of the worst sort in the political history of Gibraltar'?

1685 **Hon Chief Minister:** No, Mr Speaker, and I particularly do not agree when he starts with the phrase that he loves so much, 'the fact of the matter is', as if everything that he were going to say thereafter were an empirical truth incapable of challenge.

1690 I challenge what he has said for the reasons I have already explained, but I will give him one piece of free advice which he will say he will not take, but so be it. On this issue, stop digging because everyone can see through to the truth.

Hon P R Caruana: The hon. Member is right. I have no intention of taking his dodgy advice.

Mr Speaker: The Hon. Daniel Feetham.

1695 **Hon. Chief Minister:** The only 'dodgy advice' that I have seen is some that was tendered by him in the time that he was in office, and perhaps we can have a word about that later.

Mr Speaker: The Hon. Daniel Feetham.

1700 **Hon. D A Feetham:** Yes, Mr Speaker.

He has made a serious allegation against *7 Days* of not paying Social Security payments, and so essentially an allegation of illegality. If that is the position, certainly we would condemn it from this side of the House. But is that statement based on the fact that he has made enquiries from, for example, the ETB as to whether the *7 Days* actually employed anybody, or is it a conclusion he has reached from seeing that there had been no Social Insurance or Social Security payments by the *7 Days*?

Hon. Chief Minister: No, Mr Speaker, it is information that has been provided to me voluntarily by people responsible for these registrations.

1710 **Hon. D A Feetham:** So what he is saying that there were employees of *7 Days Limited* in respect of which identifiable employees – and bear in mind this is an allegation of illegality that the hon. Gentleman is making in this House and publicly – there are identifiable employees of *7 Days Limited*, in respect of which there have been no payment to Social Security, no Social Security payments.

1715 **Hon. Chief Minister:** No, Mr Speaker. What I am saying is that *7 Days* was not registered for PAYE and Social Security. That is exactly what I have said, that is what I will continue to say. It is very serious indeed and the hon. Gentleman is right to highlight it, and I am glad that he chooses to join me in condemning it, that an entity that has received £156,000 of Government money, and which cannot write its own articles, which cannot put itself together in some way, which cannot just in some way do business in Gibraltar without registering for PAYE and Social Security – which, as he knows, are the requirements under the law – that has received £156,000 of Government money, should not be in good standing.

1720 It is particularly relevant, Mr Speaker, that the company that trades as *7 Days* and publishes, therefore, the newspaper, the company that trades as *7 Days* was struck off by the Registrar on 23rd May 2010 – this is publicly available information that I have obtained, not from Government sources, as he can imagine – and that there is a statement registered against the company, that the company does not have the authority to maintain a registered office at 6a Queensway, Gibraltar, and that this was filed on 21st August 2008 by the persons having control of the premises, with effect from 18th October 2007.

1725 So, Mr Speaker, there is also a reference as to the information in respect of the shareholder being untrue or incorrect. That is the level of seriousness of the issue affecting *7 Days*.

1730 **Hon. D A Feetham:** Well, if there is any illegality perhaps he may want to refer that one, as well, to the Principal Auditor (*Interjections*) or even, indeed, to the Attorney General, if he thinks there has been some criminality involved in those particular circumstances.

1735 But, you see, I am troubled by this because, is he saying that he knows, for a fact, that *7 Days Limited* actually had employees, because he must also know that the company could have, perhaps, structured its affairs in terms of having self employed contracts with people who, for instance, were editing or running the newspaper. I mean, I certainly don't know but he has made an allegation of illegality in respect of *7 Days* in Parliament, and what I am trying to ascertain is whether that allegation of illegality is well founded, based on reasonable evidence and reasonable enquiries that the Hon. the Chief Minister, as Chief Minister of Gibraltar, is bound to make when he makes allegations of this nature.

1740 **Hon. Chief Minister:** Mr Speaker, the Hon. the Chief Minister of Gibraltar has made the allegations with the information that has been provided to him, and has made a perfectly proper statement of fact in this House.

1745 The hon. Gentleman might like to know, and I am quite happy to give him a copy of the profile, that there isn't even a director registered in respect of *7 Days Limited*, in the information available at Companies House. And perhaps he can explain to me how it is that a company can do business in Gibraltar without registering

for Corporate Tax, for PAYE, or for Social Security. Of course, Mr Speaker, it is possible that there were people who were actually running this newspaper who were not employed by it. It might, for example, have been Ministers of the Crown at the time that it was doing what it was doing.

Mr Speaker, I am delighted to accept his invitation to put the information that we have available in respect of *7 Days* to the Attorney General and shall be doing so after the meeting of this House.

Hon. D A Feetham: Would the hon. Gentleman withdraw the allegation that he has made, and the inference that he has made, that at the time, during the course of the last Parliament, that there were Ministers of the Crown in the employ of the *7 Days*, because that is not true and, again, the hon. Gentleman is playing the man, not the ball, in the worst possible way and he has made a number of allegations during the course of the exchanges today, but certainly I would ask him to withdraw that particular one.

Hon. Chief Minister: Not only, Mr Speaker, do I not withdraw it, I did not make that allegation because Ministers of the Crown were not in the employ of *7 Days*. That is not what *Hansard* will say that I said, but I do not resile for one moment from saying that Ministers of the Crown were involved in the *running* of the *7 Days* and in its publication and in the writing of its articles. If he does not like it, Mr Speaker, well, there you go, but that is our position. We recognise more than one pen in the pernicious little articles that we read in that rag.

Clerk: Question –

Hon. D A Feetham: Mr Speaker, for a man that professes to want to play the ball and not the man, the hon. Gentleman has a habit of launching into very nasty two footed tackles. But, Mr Speaker, don't worry, I am not going to ask you to show the hon. Gentleman the red card, lest you become the latest victim of Madame Guillotine, unless you also lose your head in the process. (*Interjection and applause*)

But, Mr Speaker, will the hon. Gentleman not make good on that statement and either put up or shut up and say to this House, who he believes was writing or running the *7 Days*, and what is the evidence that he relies upon in support of that very serious allegation.

Hon. Chief Minister: Mr Speaker, it is not a question of playing the ball and not the man, or playing the man and not the ball, I'm playing against the whole team!

I am quite happy to tell them, as I have, that there was a number of *them* that were involved in writing the *7 Days*. And I am quite happy to tell them, Mr Speaker, I believe it was him: I believe it was the then Chief Minister, Mr Caruana; I believe it was Mr Joe Holliday; and I believe it was some of their very highly paid supporters who are not present in this House and who were not Ministers at the time, so I won't mention. But I am quite happy to tell him outside who it was. I will give him a hint, he was a very highly paid legal officer by the initials of RB, with whom he used to have many lunches and I'm sure still does enjoy the odd bite.

Look, Mr Speaker, they are entitled to write whatever it is that they want, in whatever newspaper it is that they want to write it. It can only be a serious allegation if he believes that the writings in that newspaper were, in fact, so dodgy and really quite so awful that he does not want to stand behind them. That is my view; he is not going to shake me from it. So there he goes.

Mr Speaker: Point of Order. I must say that it is totally out of order to refer – to use the same analogy – to refer to the Speaker now as the football. We have had mention of to the uninitiated, there may be an erroneous perception of the Speaker being manipulated, you have heard reference to a deputy speaker you have heard reference to the Speaker being guillotined, with respect, the Speaker should not be used as a political football and used as an argument, if it serves to enhance an argument – I believe it does not – but, with respect, I would prefer it if the Speaker was not referred to as *the football* in this game. (*Applause*)

Hon. D A Feetham: If you have taken offence I apologise for my comment. I have not referred to Mr Speaker as the football.

Mr Speaker: No, as the guillotine! (*Laughter and interjections*)

Hon. D A Feetham: I said that I was not going to ask you to show the hon. Gentleman the red card, lest

you also receive a kiss from Madame Guillotine. It was meant light-heartedly.

1805 **Mr Speaker:** No offence has been taken. I am anxious to assert the position of the Speaker as an independent and neutral party in these proceedings.

Clerk: Question three hundred and...

1810 **Mr Speaker:** the Hon. Daniel Feetham

Hon. D A Feetham: Well, Mr Speaker, is the Hon. the Chief Minister, then – and I can say, before I ask my supplementary, that I have not written at all in the *7 Days*, and whether the hon. Gentleman believes it or not is another matter – but is he going to deny that he was one of the principle scribes in the *New People*?

1815 **Hon. Chief Minister:** Mr Speaker, I am not here to answer questions –

Hon. D A Feetham: Yes, you are.

1820 **Hon. Chief Minister:** – other than in respect of the time that I have been in office since 8th December so, Mr Speaker, frankly, if the hon. Gentleman wants to ask me questions about what I used to do in Opposition so I can give him a few tutorials on how to get here – I know he needs the help – I am quite happy to do so over a coffee. In fact, Mr Speaker, if he has finished with his supplementaries, this may be a convenient moment to have one. (*Laughter*)

1825 **Hon. D A Feetham:** Well, does the hon. Gentleman deny that he was the writer of the column, ‘Python’, in the *New People* for many years?

1830 **Hon. Chief Minister:** Mr Speaker, the column Python in the *New People* I think, unfortunately, stopped being published by that august newspaper way back in 2004, 2005, long before I am answerable for issues in this House. But I, too, would like to see it come back. (*Interjection*)

I would love to see the Python come back, Mr Speaker, so perhaps if the hon. Gentleman could have a word with him and convince him to go back to his desk and write a few more of those *excellent* articles (*Laughter*) that appeared in the *New People* in that time that would be, perhaps, a good thing. But I am not answerable in this House, Mr Speaker, for what happened in 2004.

Hon. P R Caruana: He is not answerable in this House for what he used to do so many years ago, but he is answerable in this House for not misleading it today here.

1840 He has referred to the Python in the third person – ‘perhaps we could invite the person to come back’ – thereby clearly implying that it was not him. Does he want an opportunity to clarify that he is not saying, in this House, that the Python was not him, as he has insinuated by reference to him in the third person.

Mr Speaker: No, with respect, that question is out of order because, then, he is being obliged to, if he was, or is, the Python to confess he is the Python. (*Laughter*) Thus obliging him to do so. That question...

1845 **Hon. P R Caruana:** Mr Speaker, with the greatest of respect, he has made a statement.

Mr Speaker: In the third person to maintain the neutral stance.

1850 **Hon. P R Caruana:** How does Mr Speaker know what motivated the hon. Member to make a statement?

Mr Speaker: With respect, *with respect*, I am not an idiot. (*Laughter and applause*) I will be 60 on my next birthday, and I can make out the sense of the question and the sense of the answer.

1855 **Hon. P R Caruana:** Well, Mr Speaker, none of us in this House are idiots, (*Interjection by Mr Speaker*) and the Hon. Mr Speaker is not the only one who is entitled to respect for the positions that they adopt. The fact that I have to bow to his rulings does not necessarily make him right and us wrong. (*Interjection by Mr*

Speaker) It simply means that there is an arbitrator whose rulings have got to be accepted and that is his status in this House and none other.

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Mr Speaker, I invite the hon. Member, if he is willing to, to simply confirm whether or not he is saying in this House today, that he is not the Python. It is a very simple question.

Mr Speaker: I rule the question out of order.

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Hon. Chief Minister: I accept Mr Speaker's ruling on this issue.

Hon. P R Caruana: Sorry,

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Hon. Chief Minister: Mr Speaker, that may be a –

Hon. P R Caruana: I didn't hear what you said.

Hon. Chief Minister: I accept Mr Speakers ruling on this issue.

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Hon. P R Caruana: It's pretty dubious! *(Laughter)*

Hon. Chief Minister: Mr Speaker, this may be a convenient moment to –

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Mr Speaker: I think it will be a convenient moment for us all to enjoy a bit of refreshment. We will recess for, say, 15 minutes.

The House adjourned at 5.35 p.m. and resumed its sitting at 5.55 p.m.