



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.30 p.m.

Gibraltar, Thursday, 18th July 2013

The Gibraltar Parliament

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The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

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CHIEF MINISTER

Drafting of press releases Procedure

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Clerk: Answers to questions continue.
Question 539, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether any Government Minister wrote into, insisted on writing into, or howsoever suggested to employees of Gibelec that they should write into the press release issued by Gibelec on the day of the by-election criticisms of the previous GSD administration?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question together with Questions 540 and 541.

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Clerk: Question 540.

40 **Hon. D A Feetham:** Mr Speaker, were any Government Ministers present at any meetings or conference call held to discuss the issuing of a press release by Gibelec in relation to the power cut that occurred on the day of the by-election; and, if so, please identify the meeting or call and state who was present on the Government side and Gibelec side?

Clerk: Question 541.

45 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether any Government Minister asked the Financial Secretary to draft a press release on behalf of the Gibraltar Savings Bank on the day of the by-election, or suggested that he should do so?

Clerk: Answer, the Hon. the Chief Minister.

50 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the procedure for the drafting of press releases remains exactly the same as with the previous administration.

55 **Hon. D A Feetham:** Well, with respect to the Hon. the Chief Minister, he obviously has not answered my Question. I am not going to push him if he is going to insist on ducking it.

But again I repeat: has the Government, either directly or indirectly, had a hand in the criticisms that were inserted in the Gibelec press release about the previous GSD administration? Did they, either directly or indirectly, have a hand in instigating the press release that they have said was drafted by the Financial Secretary issued on behalf of the Gibraltar Savings Bank?

60 **Hon. Chief Minister:** Mr Speaker, nobody is ducking anything. The Government was directly involved in the drafting of those Government press releases.

65 **Hon. D A Feetham:** Well, Mr Speaker, I do not understand how they can be Government press releases. These are press releases issued by Gibelec and they are press releases issued by the Gibraltar Savings Bank. Can he clarify that inconsistency?

70 **Hon. Chief Minister:** Mr Speaker, I can give him, in relation to Gibelec – and, in fact, that is what I was referring to – the following indication, which I would have thought would have been transparent and obvious even to him: the Gibraltar Electricity Authority is exactly the same as the Gibraltar Health Authority when it comes to issuing press releases. The Gibraltar Health Authority is chaired by a Minister and the Gibraltar Electricity Authority is chaired by a Minister, and in the time when they were in administration, you would not get a Gibraltar Health Authority press release that did anything other than criticise the Opposition.

75 **Hon. D A Feetham:** Mr Speaker, so that I can get the position right, effectively what the Hon. the Chief Minister is saying is that this politically motivated press release was effectively drafted by the Government.

80 **Hon. Chief Minister:** Mr Speaker, what the Government is saying is that it is not going to debate in this Chamber with the Members opposite how we draft Government press releases, because if we start the process of doing that and we issue as many press releases as we do – something which the hon. Members do not seem to like – we are going to spend the next Question Time going through the list of press releases issued in the period between this Question Time and the next one going through how we drafted each of them.

85 But it should not surprise him that Government press releases are drafted with the involvement of the Government and that they are partisan, as they were in the 16 years when the Party that he now leads was in administration, although of course I realise that it was not always his party and that he spent a lot of that time opposing it.

90 **Hon. D A Feetham:** Mr Speaker, does he not accept that there are serious good governance issues in the concept of the blurring of the lines of Government and a public authority such as Gibelec and also the Government and the issue of a press release drafted by a public servant – the most senior Treasury official, civil servant in the Treasury – on behalf of the Gibraltar Savings Bank? Does he not accept that?

95 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman does not know what he is talking about when he talks about good government. Good government is about not spending £150,000 –

Hon. D A Feetham: Governance.

100 **Hon. Chief Minister:** Good government and good governance is about not spending £150,000 of taxpayers' money as the only advertiser in a newspaper that promotes a Party line. That, Mr Speaker, is what demonstrates the absence... that is just the tip of the iceberg that demonstrates the absence of good government in the time the hon. Members opposite were in government.

105 There is absolutely nothing wrong, Mr Speaker, with a statutory body like the GHA or the Gibraltar Electricity Authority issuing press releases that put the position of the Government of the day. If there were, Mr Speaker, if there were, the hon. Member has to explain to this House how he deals with 16 years of GHA press releases, GHA press releases... an independent statutory body called the Gibraltar Health Authority, which is as independent and as statutory as the Gibraltar Electricity Authority, that spent all of the time that I have been observing politics, since 1996, and perhaps even before 1996, issuing partisan press releases.

110 Look Mr Speaker, what he cannot do is reinvent the wheel just because he does not like the way that it turns when it turns against him.

115 **Hon. D A Feetham:** Well Mr Speaker, I do not accept for a moment that the previous GSD administration used the GHA in order to cause the GHA to issue party political or partisan press releases on behalf of the previous administration. That is not accepted. But Mr Speaker...

A Member: Oh, come on!

120 **Hon. D A Feetham:** Well, it isn't. (*Interjection*)
Mr Speaker, is the Hon. the Chief Minister's position and is the Government's position (*Interjection*) that it is right, that it is right, to cause a situation and instigate a situation where a public utility and a public authority that is effectively independent of Government should be drawn into the political arena, particularly, on the day of a by-election, criticising and making criticism of the previous administration? Does he believe that that is right?

125 **Hon. Chief Minister:** Mr Speaker, the common saying that the truth hurts has never demonstrated itself as much as it is demonstrating itself here today.

130 The fact is that Gibraltar is suffering power cuts since we brought in the turbines, not because there is an absence of generating capacity, but because of the huge underinvestment in the past 16 years in something as unglamorous as the electricity grid; something which, when you invest in it, is not something you can take a picture of yourself standing next to which looks good when you issue the press release. The hon. Members do not seem to like that.

135 They talk about this independent statutory body that deals with utilities. Well, what about the independent statutory body that deals with Health: can there be something less partisan than health? Should we not be making sure that, whoever you are, you get the best healthcare regardless of your partisan affiliation, and is that not therefore the sort of independent statutory body that should have been absent any partisan affiliation?

140 And yet, Mr Speaker, as I have told him repeatedly, and he says he now does not accept – and I ask him to reconsider that because he *might* be treading upon the toes of misleading the House – that the GHA (*laughter*) that the GHA has been issuing press releases, and I am saying for the past 16 years and conceding that perhaps even before then, because I cannot remember whether before 1996 the way that the press releases on health were dealt with required the GHA to issue press releases or the Department of Health. I think it was still the GHA, which I think started in 1988, Mr Speaker.

145 That is the way that these things are handled. These are Authorities chaired by Ministers. He seems to be surprised; of course, he is not, Mr Speaker. He is not surprised. He does not want information. He does not want an opinion, Mr Speaker. All he wants is a headline. Well, Mr Speaker, he can have it. He can have his headline: it is absolutely *right* that for the past 16 years there has been such underinvestment in electricity that our community is suffering today because of the GSD's failures in the past 16 years.

150 If they do not like it, then they should have invested in it. They did not and that is why the business community and everybody in Gibraltar today suffers from these power cuts. They did not like to read it on the day of the by-election, they do not like to hear it today, I am sure, but that is the context in which they have to realise that they left Gibraltar.

155 **Hon. D A Feetham:** Well Mr Speaker, I did actually consult the hon. the backbencher on the GHA press release that they issued a few weeks ago when it was issued, and his view was that during the time that he was Chief Minister the press releases of that nature were not issued by the GHA; hence, my comment.

But, Mr Speaker, does the Chief Minister not accept also – just perhaps changing the focus of this –

160 that there is a convention that has been long held, not only here in Gibraltar but also in the United Kingdom, that there ought to be no campaigning during the day of a General Election, or indeed of a By-election?

165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman, I am sorry to say... I am *genuinely* sorry to say, because I think it is bad for our community and it is bad for debate... One does not enjoy debating with the level of lack of information and lack of knowledge that the hon. Gentleman is displaying. He does not know what he is talking about.

170 He has just said that he consulted the hon. the backbencher – who I understand is sunning himself in better climes today, rather than being here discharging his obligations to be in Parliament – and that in the time that they were in office the GHA had not issued such press releases.

175 Well, look, the Hon. Mr Costa, who obviously remembers these things, and the Hon. the Deputy Chief Minister – Mr Costa in particular because he still bears the scars of the number of press releases issued by the GHA against him... I just point out, for example, press release 270/2010. I point out to the hon. Gentleman, Mr Speaker, that the reference 270/2010 is following the numbering of Government press releases. It is not as if the GHA issued 270 press releases in 2010. Government press release 270/2010 is a direct attack – one of the many direct attacks by the GHA on the Hon. Mr Costa. So the idea that he cannot, and the hon. the backbencher cannot recall this happening in their time, really, Mr Speaker, beggars belief. If there is a lever arch big enough, I am quite happy to let him have one or more files full of the attacks of the GHA on all of us, because I was also the subject of many of those attacks.

180 Is there a convention, Mr Speaker, that one does not campaign on election day? Absolutely, there is Mr Speaker, and absolutely, we recognise that on this side of the House.

Was there campaigning on election day, Mr Speaker? I do not believe there was. The hon. Gentleman cannot point to one press release of the Gibraltar Socialist Labour Party, which was the Party that supported Mr Isola, who happily is now with us in this House, on the day of the election.

185 Mr Speaker, what the hon. Gentleman has to realise is that there is a big difference between a by-election and a General Election. On the day of a by-election there is still a Government governing and there is still an Opposition opposing.

190 In the United Kingdom, what he would find – if he bothered to research and scratch below the surface, that seems to him so useful and yet if he were to research the points further he would realise it aids him not at all – is on the days of by-elections in the United Kingdom, the government is still governing, issuing press releases about what it needs to be issuing press releases about, and the Opposition is still opposing with press releases on the issues that it has to oppose.

195 If he thinks, Mr Speaker, that a four-hour power cut is not something that the Government should be commenting on, on the day of a by-election, when the Government is supposed to be governing, then it is a good thing, Mr Speaker, that he went house to house to at least 6,000 homes during the course of this by-election, because I think it worked: the more people that met him, the less people that voted for them. *(Laughter)*

200 **Hon. D A Feetham:** But Mr Speaker, the only person who does not do his research is the hon. Gentleman. If he did more research he would probably have got into far less problems and trouble than he has got into during the course of his political career. He and I know what I am talking about.

Hon. Chief Minister: No, I do not.

205 **Hon. D A Feetham:** Mr Speaker, if he accepts that there is a convention, as clearly he accepts that there is, does he not accept a huge distinction between issuing a press release – be it the Government itself or the Government causing a public utility to issue a press release – saying, ‘Well, there is this power cut and the reason for this power cut is that there is a fault in the grid’, for example, and going further than that and actually saying, on the day of a by-election, not only is that the position but the fault of that lies with the previous administration? Doesn’t he accept that that is campaigning and that that is improper, and that that should not have happened on the day of the by-election?

210 Quite frankly, if he does not, then *his* view of political ethics is completely different to *my* view of political ethics, and he is making a habit, Mr Speaker, of hiding behind not only public utilities but also senior civil servants, as we have seen in relation to the famous now – or infamous – Financial Secretary’s memo, and also the Principal Auditor’s Report, which quite shamefully the hon. Member used selective parts of it, which were then made public the day before the by-election.

Mr Speaker: I do not want the limits of these exchanges to be widened unnecessarily.

220 **Hon. Chief Minister:** I am grateful, Mr Speaker, but I will at least be allowed, I am sure, to reply to what the hon. Gentleman has said, because frankly, Mr Speaker, he just does not have a clue and there is nothing more dangerous than having to deal with somebody who does not understand.

Mr Speaker, he talks about ethics and he talks about the difference between the Government and the public utility issuing these press releases, and don't I understand the issue about them being able to campaign on the day and not being able to campaign on the day. He is talking, Mr Speaker – and I am sorry to say it, because this is not my style, but I am driven to it by him: he is talking *nonsense*, Mr Speaker. This is political drivel. This is the equivalent of Mr Figueras saying that we will be the first one-term Government in the history of Gibraltar. He does not know what he is talking about, and I am sure that there are people on the benches next to him – who are aping his expressions at the moment because they have to, because he is the leader – who realise the nonsense that he is talking.

230 There is a difference between Government and Opposition, and Governing party and Opposition party. The party and the state, the party and the Government are two different things, and the party and the Opposition are two different things. The parties are the ones that do not campaign on the day of an election, or a by-election; but in the context of a by-election the Government has to continue governing, and if in the context of governing the Government says something which is partisan, that is not breaking a convention.

235 Either, Mr Speaker, he is much cleverer than he lets on by everything that he says, but he realises that the truth and reality and the context in which we are really talking gets him nowhere and he wants to pretend that he does not understand; or he really does not understand it.

240 Mr Speaker, what the hon. Gentleman needs to understand when he attacks my political ethics is that I am not the Chief Minister who gave £150,000 to a partisan publication. What the hon. Gentleman needs to understand is that when he attacks other people's political ethics, *his* political ethics must also be put under the microscope. *This is Question Time*. He is here to get information. I have told him I am not going to share with him how we draft press releases. He just wants to attack and attack and attack, as usual, in order to grab a headline, Mr Speaker; but the reality is that he cannot grapple with the problem because there is not a problem.

On the day of this by-election there was a huge power cut and therefore the Government body that deals with that matter issued a press release. That is not campaigning, even if it is partisan. It was not the GSLP that issued the press release, it was not the Liberal Party, it was not even the GSLP and Liberal Party, and the GSD did not issue press releases on that day because there is a convention and the parties do not campaign on that day.

250 Mr Speaker, is he saying that the Government should *not* have issued a press release with any partisan character on that day?

255 And then, Mr Speaker, he takes it a step further by going into issues which relate to the Principal Auditor and his reports. Mr Speaker, in relation to those reports I am going to say nothing, because in the Government's view they speak for themselves and they say a lot about the political ethics of others.

Hon. D A Feetham: Mr Speaker, so effectively what the Hon. the Chief Minister is saying is this... Just so that I understand it, because of course he says that I am dim – maybe I need a little bit more time to understand exactly what he is saying.

260 What he is saying is this: that if the GSLP had issued a press release on the day of the by-election saying the failure at Orange Bastion was as a result of lack of investment during the past 16 years under the last administration, (*Interjection*) that would have been partisan and that would have been wrong because that would have been in breach of the convention; but then, indeed, if he had done it from GSLP headquarters in Watergardens that would have been wrong, on GSLP headed paper.

265 But of course he then drives in his G1 from Watergardens all the way to No. 6 Convent Place and he issues the press release, either on Government headed paper, or alternatively he calls in the poor chaps from Gibelec and he says to them, 'I want you to issue this press release on the day of the by-election,' and that is completely and entirely proper and that it breaches no convention.

270 Well, I am sorry, Mr Speaker – and I would ask him to confirm that that is effectively his interpretation – I am sorry Mr Speaker, but if that is the Jesuitical way in which he is effectively looking at questions of basic ethics and conventions, there is a *huge huge* divide and gap in the way we look at these matters and proper ethical behaviour by political parties, Governments and Oppositions, at the time of a General Election or a by-election and the way that the hon. Gentleman opposite looks at the matter.

275 **Mr Speaker:** I think I should warn the Hon. the Leader of the Opposition and the Chief Minister that they are both now entering debating territory in which the quality of political exchanges decreases in inverse proportion to the extent in which personalised issues come in.

Hon. Chief Minister: Mr Speaker, you are, of course, absolutely right.

280 I am going to simply limit myself to answering the point made by the hon. Gentleman in this way: there is a huge difference – he is absolutely right, Mr Speaker – between the ethics of the people who sit there and the ethics of the people who sit here as to the way in which we will handle elections.

285 *They they*, Mr Speaker, the seven who sit over there, some of them do not even bother to turn up. *They* fought the last General Election on a manifesto partly paid for by taxpayers' money. *They* did that. We will *never* do that, Mr Speaker. We know what the rules are.

290 Mr Speaker, the hon. Gentleman's problem is this: he knows – and I do not like to blow my own trumpet a lot – that I am the most successful Leader of the Opposition in history. I went from that seat to this seat sooner than anybody else. And he knows, Mr Speaker, that he is the *least* successful in history, because he broke records on 4th July: he was the Leader of the Opposition to have moved from taking the leadership of his party and leadership of the Opposition to losing an election in the shortest period in the history of Gibraltar. That is his record, that is what his ethics produce, and that is why we will never fight an election on a manifesto paid for by the taxpayer, as they *disgracefully* did last time round.

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**GSD administration ministerial papers
Access by Chief Minister and Deputy Chief Minister**

300 **Clerk:** Question 542, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of each and every occasion in which he or the Deputy Chief Minister has had access or been briefed about ministerial papers of the previous GSD administration, identifying the subject matter of those documents and the person who provided him with access or briefed him?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

310 **Hon. D A Feetham:** Mr Speaker, the answer no: is he declining to provide details? Is that the answer?

Hon. Chief Minister: Mr Speaker, I would have thought it was quite clear. I learnt what 'no' meant when I was about one. I think it was probably accompanied by a slap. I am not going to provide the details, Mr Speaker.

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Would he like to know why? Is that what he is asking?

**GSD administration ministerial papers
Dr Giraldi inquiry**

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Clerk: Question 543, the Hon. D A Feetham.

325 **Hon. D A Feetham:** Mr Speaker, has the Chief Secretary or any other civil servant been told or had it suggested to them by any Government Minister that they should examine the ministerial papers or documents of any former GSD Government Minister with a view to their relevance to the Dr Giraldi inquiry?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

335 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Chief Minister then confirm – because there have been Members on this side of the House who have received letters from the Chief Secretary that ministerial documents and papers have been sent to the inquiry – that that has been done pursuant to an order by the inquiry, or a request from the inquiry that they should do so, without any ministerial involvement at all?

340 **Hon. Chief Minister:** Mr Speaker, I cannot confirm that because I have not been involved in it, but I understand it is at the request of the inquiry. I cannot confirm whether it is a request, whether it is an order or whether there is some provision of the Evidence Act that is being relied upon in order for the

inquiry to obtain this information, but I can certainly confirm that it is not as the Hon. the Leader of the Opposition has asked.

345 I would refer him, Mr Speaker, to the fact that the syntax of his Question is entirely wrong. I think he should have asked whether the *Government* can confirm that the Chief Secretary or any other civil servant... He has actually asked whether the Chief Secretary or any other civil servant has by the Government. I think the syntax of that sentence is wrong, but it does not affect the answer that I have given.

350 **Hon. D A Feetham:** Mr Speaker, does he know at all what the process has been – how these documents have actually been collated by the Chief Secretary or the composition of any team for the collation of documents; whether there has been communication; whether it has just been ministerial documents or it has been further than that – for example, whether e-mails have also been looked at of former Government Ministers? Does he know that at all? If he does not, I will write to the Chief Secretary myself directly – but does he know?

360 **Hon. Chief Minister:** Mr Speaker, the only way that I can tell him that I know something is because I am sometimes told when I call the Chief Secretary, ‘He is not here. He is out with Frank dealing with something to do with the inquiry.’ That reference to Frank is, of course, Mr Carreras who works with the Chief Secretary on these matters.

I am not involved in this at all and therefore I do not have the information. It is an independent inquiry and we are allowing it to be an independent inquiry.

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**Question 532/2013
Correction to schedule**

370 **Mr Speaker:** I understand the Hon. the Minister for Traffic wishes to provide some information.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Thank you, Mr Speaker. With reference to Question 532, which was the Question posed by the hon. Gentleman opposite, if we look at the charts which I handed over by way of a schedule, if you look at the number of properties on the righthand column, the third row, which says, ‘Andy Holding’s, No. of Properties 1’, it should read ‘2’. So there was a mistake which was highlighted earlier on that one.

375 If we add the number of properties down that righthand column, we come to 18 in total. Each of these refers to a specific property. So, if we look at 501 Construction, the value of June 2013, that is one property. If we look at Andy Holding’s, there was one in May and one in June, making up two. So they refer to specific properties. So, in answer to the number of residential homes, which was part of the question, there are 18 in total.

380 **Hon E J Reyes:** Thank you for that clarification, Mr Speaker. I think I follow the logic, but can I just double check the penultimate one? SA Construction Ltd dealt with three properties and the payments are spread out over two months. That he can still confirm that that still refers to three properties, even though the payments cover a two-month period?

390 **Hon. P J Balban:** Mr Speaker, that is right. In fact, SA Construction Ltd was involved in the refurbishment of one property in May and two properties in June, making up a total of three properties.

ADJOURNMENT

395 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn until Thursday, 25th July at 9.30 a.m.

400 **Mr Speaker:** I will now put the question, which is that this House should now adjourn to Thursday, 25th July at 9.30 a.m. Those in favour? (**Members:** Aye.) Those against? Passed. The House will now adjourn to Thursday, 25th July at nine-thirty in the morning.

The House adjourned at 3.30 p.m.