



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 4.00 p.m.

Gibraltar, Thursday, 23rd January 2014

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

GOVERNMENT MOTIONS

Suspension of Standing Orders to proceed with Government motion – Debate commenced

Acting Clerk: Suspension of Standing Orders – the Hon. the Chief Minister.

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

Mr Speaker: I would like to draw the attention of hon. Members to Standing Order 59, Suspension of Standing Orders:

‘Any Standing Order may, with the consent of the Speaker, be suspended on motion of which at least one day’s notice, in writing, exclusive of Saturday’s, Sundays and public holidays, has been given to the Clerk. Provided that, if he is satisfied that the matter is one of urgent necessity, the Speaker may dispense with the requirement that notice shall be given. If the motion be carried the Standing Order or Orders shall be suspended so far as is necessary to carry out the object for which the motion was made. No debate shall be allowed on such motion being made.’

10 I do not wish myself to dispense with the requirement that notice shall be given, and therefore I leave it to hon. Members to decide whether we should dispense with the necessary notice in order to proceed with the Chief Minister’s motion.

15 **Hon. Chief Minister:** Mr Speaker, the indication that you have given is, I believe, that you do not wish to be the arbiter of whether it should be that notice should not be given, because the motion, as Members will know, concerns you. So in that context, I am grateful that you are going to put it to a vote of Members.

Mr Speaker: That is the case. I naturally do not wish to myself exercise the discretion which the Standing Order gives me, and therefore it is a matter for Parliament to decide.

20 **Hon. D A Feetham:** Mr Speaker, with respect to the Hon. the Leader of the House, where is the motion? Can we read the motion? We have not got a motion in front of us here.

25 **Hon. Chief Minister:** Mr Speaker, I am sorry, I thought all hon. Members had been circulated with it. In that case – (*Interjection*) Ah, it is being photocopied, I see.

Hon. Chief Minister: Mr Speaker, can I invite you to put the motion to the vote, now that I understand hon. Members opposite have it? The introduction of the motion, to the vote – not the motion; the Suspension of Standing Orders?

30 **Hon. D A Feetham:** Mr Speaker, we have discussed it here across a few Chairs, I have to say, because we have not had notice of this. It is the first time now, when the Hon. the Leader of the House has stood up.

But I do not think that procedurally this is actually appropriate. What Standing Order 59 says in its second sentence is:

‘Provided that, if he is satisfied that the matter is one of urgent necessity, the Speaker may dispense with the requirement that notice shall be given.’

35 Now, I do not know what the urgency is, in actually considering a motion like this on the hoof, other than... I can understand politically why the Chief Minister wants to do it. But procedurally and as a matter of substance, I do not understand what the urgency is, in order to consider a motion of this nature at this stage, when we have got a number of questions, we have still got the Chief Minister's Question Time and we could all get on with the business of the House.

40 We are certainly not in agreement that there ought to be, effectively, abridgement of notice period for these particular reasons.

Hon. Chief Minister: Mr Speaker, I will explain to the hon. Gentleman why this is of urgent necessity and I will explain to him procedurally what is happening. What is happening is that he has called into question your fairness this morning during the course of the last question. Therefore, before we proceed with the rest of the questions, Mr Speaker, I want the Parliament to have an opportunity to express its confidence in you.

45 You have said, Mr Speaker, that because the subject matter is confidence in you, you do not want to be the one making the decision. Therefore, you have offered the Parliament the opportunity of indicating whether *it* believes that there is an urgent necessity to progress this matter now. That is why you are offering us the opportunity to express our view to you, so you then exercise your discretion in that way.

50 All I am offering the hon. Members is the opportunity to deal with this now, before we continue with questions. I would have thought that this could be dealt with very quickly and very shortly, with all Members of the Parliament then expressing confidence in you before we continue with Question Time.

55 If the hon. Member does not understand the substantive importance of that, the necessity of that for our community, then he was not listening to himself this morning, when he created the spectacle that he created.

Hon. D A Feetham: I am afraid that all I understand is the hon. Gentleman's desire to take political capital and mischaracterising effectively what I said this morning. I did not say that the Hon. the Speaker was unfair towards the Opposition *in a systemic way*. The day that we have to bring a motion of censure against this Speaker or any other Speaker because we felt that the Speaker was being systemically unfair to the Opposition, we will do so and we will not shy away from doing so.

60 What I said was that in relation to Mr Speaker's intervention this morning, as indeed in relation to an intervention last month as I pointed out, he was being unfair. Indeed, I believe that he was belittling the Opposition in relation to that particular intervention.

65 Now, that does not require a vote of confidence, and the only reason why the Hon. the Chief Minister is bringing this particular motion is in order to take political advantage and political capital, and it really ill befits a Chief Minister and the Leader of the House to take advantage of the situation for his own narrow political ends and doing away with all public interest and, in my view, all decorum and proper parliamentary conduct.

70 I have to say, we are certainly not going to be press-ganged by the Chief Minister and the Leader of the House, into considering this motion as a matter of urgency, because there is nothing urgent about the motion.

75 **Mr Speaker:** May I suggest to hon. Members that the House should recess for 10 or 15 minutes and give an opportunity to the Chief Minister and the Leader of the Opposition to thrash the matter out.

Hon. Chief Minister: Mr Speaker, of course we will accept that invitation, but I must tell you that the intention of the Government is to proceed with this motion.

80 **Mr Speaker:** The House will now recess for 10 or 15 minutes.

The House recessed at 3.15 p.m. and resumed its sitting at 3.34 p.m.

85 **Suspension of Standing Orders to proceed with Government motion –
Adjournment of House –
Debate continued and adjourned**

Mr Speaker: I understand that the Chief Minister and the Leader of the Opposition have not been able to come to an agreement to resolve this particular issue. Since the matter concerns me personally, I am not prepared to exercise the discretionary powers which are given to me under the Standing Rules, in order to make it possible for this particular motion to be debated this afternoon.

Therefore, in the absence of my dispensing with the requirement, what Standing Order 59 effectively requires is that a day's notice shall be given and therefore, if it is the decision of the Government, the matter can be taken tomorrow if they so wish.

95 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in those circumstances, the Government is not content to continue today with Question Time, until this issue has been resolved and the Parliament has had the opportunity of expressing its confidence in you and your ability to discharge your functions as Speaker, without fear of favour of either side.

100 In the circumstances, I therefore move that the House do now adjourn until tomorrow at 9.30 a.m. when the first thing that we will be able to do will be to consider this motion.

Mr Speaker: I now propose the question in the terms of the motion moved by the Chief Minister, namely that the House do now adjourn to 9.30 tomorrow morning.

105 **Hon. D A Feetham:** Mr Speaker, I rise to speak on the motion to adjourn as I think that I am entitled. The Rules provide for a one-day notice. Tomorrow morning at 9.30 does not constitute a one-day notice.

110 Now, Mr Speaker, can I say that an adjournment as far as the Opposition is concerned is preferable to the Government riding roughshod over the procedures and the dignity of this House, by effectively masquerading a motion on a vote of confidence in the Speaker, in order to make political capital out of the events of this morning.

115 I will also say this: that although Mr Speaker says that because it concerns him, he is not prepared to consider exercising his discretion, the reality of the situation is that Mr Speaker can only exercise his discretion to suspend Standing Orders if the matter is one of urgency. The matter is not one of urgency –

Hon. Chief Minister: It certainly is.

Hon. D A Feetham: And again, the matter is not one of urgency –

120 **Hon. Chief Minister:** It certainly is.

Hon. D A Feetham: And, in my respectful submission and view, no objective Speaker, objectively exercising his discretion, would come to the conclusion that the matter is urgent so that we have to take it now.

125 What is happening here is that the Government effectively is willing to just simply do away with the political session which is Chief Minister's Question Time, move that until tomorrow, so that he just simply gets his chance to present what is an empty, futile motion of confidence.

130 **Hon. Chief Minister:** Well, Mr Speaker, I rise to reply to that intervention as mover of the motion to adjourn the House.

The hon. Gentleman has said repeatedly, earlier and now, that he believes that this is not an urgent matter.

135 You see, it is interesting, Mr Speaker, you have rightly decided, perhaps in your own view, not to become involved in determinations of whether the Rules allow suspension or not, because this involves you. But of course, what the hon. Gentleman tries to make us all forget is that it was *he* that was also the participant of the events of this morning. It is therefore *he* who is suggesting now that it is not urgent, as if nothing had happened this morning, out of his own self-serving desire to avoid standing up to this community for what he did this morning, and the effect and import of what he did this morning by impugning your fairness as he did.

140 The Government's position, Mr Speaker, is that this *is* an urgent matter and that it is a necessary matter before we are able to continue dealing with issues relating to questions.

145 But I was very interested to hear the hon. Gentleman say that he called this Chief Minister's Question Time the political session of the Parliament. Interested, Mr Speaker, because it is something that I introduced when I have become Chief Minister. It appears to be something that he thinks is a valuable thing that should have been done before. So I will take at least that from the hon. Gentleman's speech, that he recognises that in having introduced sessions at a regularity, on a monthly basis on the third Thursday – although this first month, it is on the fourth – at 3.00 p.m., we are in fact, introducing something which is 'the political moment' in our Parliament.

150 But the fact is that this morning during the course of Question Time, fairness was impugned and therefore the Government considers it is appropriate not to progress matters until that issue has been dealt with.

I would have thought, Mr Speaker, that all that was going to happen here this afternoon, instead of the hon. Gentleman trying to hide his shameful behaviour of this morning behind allegations that the Government is somehow trying to create political capital out of something, all that would have happened – which is what I expected when I said this morning that I would be moving this motion – is that we would simply have been able, all of us, to rally round a simple motion of no confidence, which is literally one sentence, support you and agree that we sometimes all might feel hard done by your decisions.

Well, Mr Speaker, it has not been possible to do that, because the hon. Gentleman has decided that he wants to do everything possible to avoid having this motion. He has described this, Mr Speaker, as a motion that he will not be bounced into. I think it is important that people realise what it is that we are talking about. One would not want to be bounced into a 20-line motion dealing with complicated issues of international relations.

This motion, Mr Speaker, is one sentence and I think it is important that the community know that the motion is simply this:

‘This House has full confidence in Mr Speaker, the Hon. Adolfo Canepa, GMH OBE MP.’

That is the motion that the hon. Gentleman will not be bounced into. That is a motion, Mr Speaker, that I would have thought all of us would be able to support, when we are able to consider it, and if that is tomorrow at 9.30, then so be it, if it is not going to be this afternoon.

But the fact is, Mr Speaker, that the events of this morning require *urgently* and necessitate that this House take this motion. That is the Government’s view, and that is how the Government will proceed. And those, Mr Speaker, who want to continue to make – or attempt to make – politics even of the most basic Rules need to address for themselves whether they understand parliamentary democracy and whether they understand the role of each of us in this place.

Hon. P R Caruana: Mr Speaker, had the –

Hon. Chief Minister: Mr Speaker, a Point of Order, Mr Speaker.

Mr Speaker, you reminded us last time that points of order related to the Rules. I moved a motion, somebody spoke on that motion, nobody else appeared to want to speak, I rose to reply and I now move that you put the motion on the adjournment to a vote. (**Several Members:** Ah!) If the hon. Member wanted to speak earlier, he should have got up.

Mr Speaker: There was a comment this morning in the 1.30 news, that I conduct the affairs of this House as a school master, putting school children in their place. Sometimes one wonders whether precisely it is not a headmaster that is required here to try and knock some sense into hon. Members! Because quite honestly sometimes I despair about what I am up against, in trying to get things done in a manner which raises the esteem in which this House is held and should be held, and which people outside find that they can understand – because sometimes I think the public, notwithstanding the fact that the proceedings of the House are being televised, sometimes the public really do not understand what is going on and why things are going on.

Very often, when it suits hon. Members, there is no problem: even during the Second Reading of a Bill, they get up and they intervene more than once. But of course, if we want to go strictly by the Rules, we are also able to do that and I suppose on the basis of what is good for the goose is good for the gander. I regret personally that that should be the case.

I really am opening my heart to hon. Members. I enjoy this job enormously: I never thought I would have an opportunity to do it. I would like to do it for a while longer, for as long as God gives me good health to do it and for as long as hon. Members wish me to be here. But I think hon. Members, some hon. Members in particular, who may sometimes think that this is a court of law and not the Parliament, they ought to realise that they do not make the work of the Speaker easy at all.

It is not easy to be totally objective in applying the Rules, to appear to be fair and to try to ensure that the perception that people have outside is the correct one. That is not easy. I strive, I even pray about it, because I believe in the power of prayer, but I do not find it easy.

And I also have a strong personality, as hon. Members know, and I do make mistakes and I apologise when I make a mistake, and I hope that that is the end of the matter and that it should not be referred to again.

What I am trying to say is that hon. Members, particularly those who are going to be here for a number of years, must realise that it is not easy to sit in the Speaker’s Chair and that not everybody is going to want to do the job and the time may come when someone will say, ‘I’m throwing in the towel, I’m leaving and that is the end of the matter.’ I am not in that position myself: as I say I enjoy the work enormously, I want

210 to carry on, but I do have to make an appeal that if I make a mistake, I am only human and I am prepared to apologise.

I do make mistakes. Right. It is not easy for me because I have sat on both sides of the House and perhaps I am a more proactive person than other Speakers who have never been Members of the House. And if I do make a mistake in that respect, I apologise unreservedly.

215 But I would like to see hon. Members putting their heads together, trying to make life not too difficult for me and, in the process, *enhancing* the reputation of this Parliament and the regard in which Parliament should be held.

If I am speaking nonsense, I apologise again. (*Banging on desks*)

220 Now, does the Hon. the Chief Minister wish me to proceed and to formally put the motion on the adjournment? Yes.

I should remind him then that notice of the suspension of Standing Orders was given at three o'clock this afternoon and therefore, he cannot actually move the suspension of Standing Orders until three o'clock tomorrow afternoon.

225 **Hon. Chief Minister:** Mr Speaker, I understood the 9.30 was sufficient. If it is three o'clock, then three o'clock tomorrow –

Mr Speaker: A day... I do not want to be...

230 **Hon. Chief Minister:** It does not say 24 hours –

Mr Speaker: It does not say 24 hours, but if –

Hon. Chief Minister: I have no difficulties as proposing that the adjournment be until 3.00 p.m.

235 **Mr Speaker:** It does not say 24 hours, but if we wish to be pedantic, it *has* to be 24 hours. If that is challenged... If it is challenged, it has to be 24 hours. If it is not challenged, it can be the first thing in the morning, tomorrow morning at 9.30. It is up to hon. Members.

240 **Hon. Chief Minister:** Mr Speaker, I am quite happy, given the statement of the Leader of the Opposition, I am quite happy to move the adjournment to 3.00 p.m. instead of 9.30.

Mr Speaker: I therefore now put the question, which is that the House should now adjourn to tomorrow morning at 9.30. Those in favour?

245 **Hon. Chief Minister:** At 3.00 p.m. (*Interjections*)

Mr Speaker: At 3.00 p.m., sorry. I now put the question –

250 **Hon. P R Caruana:** Mr Speaker, I believe that that is a different motion, may I now be [*Inaudible*] (**Mr Speaker:** Yes.) (*Interjections*) Thank you.

Mr Speaker, for the avoidance of doubt and although I speak for myself, if the motion to adjourn had gone to the vote on the floor of the House today, I personally would have voted against it and it would have had nothing whatsoever to do with whether I have confidence in Mr Speaker, or whether I do not have confidence in Mr Speaker – on which question I do not hesitate to say, which I believe also to be the position of my friends on the Opposition bench, that I have complete confidence in you.

255 I would have voted against it, because I have not... There is one person who has been in this House longer than I have, and it would be interesting to see whether his memory is different to mine. In the years that I have been in this House, I have never known it for a Chief Minister to try and railroad the procedures of this House to the point that the Opposition discover the existence of a motion, have to ask for it to see it in print, are shown it in print, it is moved by the mover and we are expected to vote on it, all in the space of three and a half minutes! It is an issue, therefore, that I would have voted against, as a matter of principle to preserve the procedural integrity of this House.

260 And then, when the Chief Minister's motion had come to be heard tomorrow or whenever it comes to be heard – tomorrow at three o'clock now it appears – I will certainly intend to be voting in favour of the motion and it has nothing to do with the reasons why I... I just wanted to be clear Mr Speaker, to clearly record in *Hansard* today, that the need to delay the motion until tomorrow has got nothing to do with my willingness to express confidence in Mr Speaker today – nothing whatsoever.

265 I am obliged to have this opportunity. [*Inaudible*]

270 **Mr Speaker:** May I... There is one point I wish to mention. I need – well, I do not need to, but – I want tomorrow at 6.15 to attend a church service. It is a funeral mass at 6.15. I would feel very bad if I was not able to meet that commitment, because it means a lot to me. Therefore, if we are returning tomorrow at 3.00, it may not be easy. It may be difficult to conduct all the business of the House between 3.00 and say 6.00 p.m. It may be difficult.

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Hon. Chief Minister: Mr Speaker, first of all, let me reassure you that there is no question of us holding you back from a commitment. We can recess or adjourn if necessary at that time, if we have not dealt with all the business of the House tomorrow, having started at 3.00 to continue to deal with it.

Let me, Mr Speaker, reply to the hon. Gentleman in his intervention.

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Mr Speaker, he does not seem to remember anything that happened in the 16 years when he was in power. I am not surprised that he wants to blank it out, but those of us who sat opposite him for a period of that time, or part of that time, will have seen what a House railroaded really looks like. Never, Mr Speaker, has the House had to consider a motion as simple as the one that is going to be asked to consider tomorrow, and this idea that they have had three and a half minutes to consider it really does surprise me.

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Well, perhaps it should not surprise me from him, Mr Speaker, because given that when he became a backbencher he decided that he was not going to come to all of the meetings of this House and this morning he was not here, he might not have heard me say this morning that I was going to move the motion this afternoon. I have therefore been surprised to hear that hon. Members were surprised that the motion was there – because during the course of the debate this morning, they were told and it is not as if this is a difficult motion to understand and support.

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But I am very happy, Mr Speaker, to hear that the hon. Gentleman, if he deigns us with his presence – perhaps I should call him the hon. Knight rather than just the hon. Gentleman – if the hon. Knight is going to deign us with his presence tomorrow, I am very pleased to hear that he is going to be voting in favour of the motion, and that in fact, if those of us who are very keen to see Parliament progress with its work had been able to prevail, we might simply have been able to deal with that such positive support of you and of this motion that is important to the Government and to the community, simply being dealt with this afternoon.

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But, Mr Speaker, for reasons that have now become apparent, hon. Members opposite do not want to simply support confidence in you this afternoon.

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I shall have more to say, Mr Speaker, about the historic proceedings of this Parliament when issues like this have been raised in the past, tomorrow during the substantive debate on the motion.

Hon. D A Feetham: Mr Speaker –

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Hon. Chief Minister: Mr Speaker, no. Mr Speaker, I am sorry. On a Point of Order.

Hon. D A Feetham: But this is a –

Hon. Chief Minister: On a Point of Order.

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We are dealing with an issue which is going to require the Government to adjourn because the Opposition wants to stick to the letter of the Standing Orders. Well, the letter of the Standing Orders say that there has been a motion amended put, I have moved the amendment, somebody has spoken against it – or spoken on it, not necessarily against it. I have then been invited to reply and therefore I think that is the end of the debate, otherwise the Opposition are going to be allowed to make up the Rules as to when they reply or not.

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Mr Speaker: We have a difficulty. The original motion for the adjournment was for 9.30. That the Chief Minister ‘amended’ to 3.00 p.m. tomorrow. In proposing the motion, I did not myself say, ‘Does any other hon. Member wish to speak on the motion before I call the mover to reply?’ I did not do that. And because I did not do that, I am allowing the Leader of the Opposition to take the floor.

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Hon. D A Feetham: Mr Speaker, having heard the difficulties that Mr Speaker has, and my reading of the Rules – and at the end of the day, the Rules are the Rules; the Rules the Rules are there – my reading of the Rules, when it talks about one day’s notice, means 24 hours’ notice. That is what I believe in all fairness that the Rules indicate. Otherwise, we could end up in a situation where we could have an adjournment at 12 o’clock just simply for nine o’clock the next day. I do not think that is the intention.

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However, having heard Mr Speaker’s personal difficulties, I have no difficulty with the adjournment to be... for the motion to be taken at 9.00 or 9.30 tomorrow. I say that as an olive branch to the Hon. the Leader of the House.

330 And may I also say this on Mr Speaker's words a few moments ago: everybody makes mistakes – I
make mistakes, everybody in this Parliament makes mistakes, but the reality is that I have not at any stage
today questioned Mr Speaker's impartiality in a systemic or general way. But one must also be honest and
hold to one's views, if I felt that Mr Speaker, mistakenly or otherwise had not treated us fairly in relation to
335 that particular point, and I do not believe that that either questions the integrity of Mr Speaker, nor
necessitates a motion of confidence, which the Opposition, as I indicated this morning, would be
supporting, but what we cannot do is allow the Hon. the Leader of the House to effectively ignore proper
procedure of this House and railroad a motion for the reasons that I have already explained.

Mr Speaker: In the light of what the Leader of the Opposition has said, does the Chief Minister wish to
340 ask one of his colleagues to move an amendment to the motion for the adjournment so that the House
adjourns to tomorrow morning at 9.30? Does he wish to do that?

Hon. Chief Minister: No, Mr Speaker. Given the way that the debate has developed this afternoon, I
345 think it is better all round that we simply stick to the Rules, or at least to the stickler's interpretation of the
Rules.

I do not believe that a day has to be, in the context of these Rules, 24 hours. But if Members opposite
say that that is how they would interpret the Rules, then I am going to allow them to have those 24 hours to
ruminate over how they deal with the motion.

350 But nonetheless, Mr Speaker, you must rest assured that I will certainly move an adjournment or a
recess at six o'clock to allow Mr Speaker good time to attend his other commitments.

ADJOURNMENT

355 **Mr Speaker:** I commend to the Select Committee that they have a very close look at the Standing
Orders of the House and decide what amendments they want for the future!

Having said that, I now put the motion, which is that this House do now adjourn to tomorrow at 3.00
p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

360 The House will now adjourn to tomorrow at 3.00 p.m.

The House adjourned at 4.00 p.m.