



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.30 a.m. – 12.32 p.m.

Gibraltar, Wednesday, 9th December 2015

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The Gibraltar Parliament

The Parliament met at 9.30 a.m.

[THE PRESIDING MEMBER: Hon. J J Bossano *in the Chair*]

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

Ceremonial Opening

Clerk: Mr Presiding Member.

OATH OF ALLEGIANCE

Clerk: Oath of Allegiance of Honourable Members.

The Acting Chief Justice administered the Oath of Allegiance to:

5 The Hon. F R Picardo, the Hon. Dr J J Garcia, the Hon. Dr J E Cortes, the Hon. G J Licudi, the Hon. A J Isola, the Hon. N F Costa, the Hon. Miss S J Sacramento, the Hon. S E Linares, the Hon. P J Balban, the Hon. J J Bossano, the Hon. D A Feetham, the Hon. Ms M D E Hassan Nahon, the Hon. E J Phillips, the Hon. E J Reyes, the Hon. R M Clinton, the Hon. T N Hammond, the Hon. L F Llamas.

MOTION ON THE APPOINTMENT OF THE SPEAKER OF THE PARLIAMENT

**Hon. Adolfo John Canepa, GMH, OBE
reappointed Speaker of the Parliament**

Clerk: Motion on the Appointment of the Speaker of the Parliament.
The Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Presiding Member, I have the honour to move the motion standing in my name, which reads as follows:

'That Mr Adolfo Canepa, GMH, OBE be appointed as Speaker of the Parliament.'

15 Mr Presiding Member, you take the Chair today as Father of the House in a short debate on a motion to reappoint a man who was first elected in the same year as you to the House of Assembly, the predecessor of this Parliament and as sweet serendipity would have it, that was in 1972, the year in which I was born.

Now 43 years later you remain in this House and will in turn now deal with the question of whether Adolfo Canepa, affectionately known to most of us as Adolfo, should remain here also in the role of Speaker.

20 Certainly for us on this side of the House there is no question that the answer should be a resounding yes. That is of course why we have proposed this reappointment and that is despite the many occasions in the past four years in which Mr Canepa may have found against us in rulings he has made. He has in fact, been careful to repeatedly exhort us all to aspire to higher standards in debate than the simple and lazy insult or name calling.

25 Mr Canepa has lived up to his reputation and to his stature as one of our community's respected elder statesmen. I do not propose to repeat everything I said about him at the time of his original appointment in

October 2012 as this is a reappointment, but it is worth delving to an extent into the trajectory of Adolfo Canepa when considering this motion.

Hon. Members will recall that he was one of the teachers turned politicians of the early 1970s. He was the only one of the Ministers in the four successive AACR Government of Sir Joshua Hassan from 1972 to 1988 who was full time as a Minister and was, I believe, the first ever of the full-time Ministers in Gibraltar. That was something which your own Government from 1988 onwards would go on to establish as the norm.

He culminated his career in Government at the very top, as Chief Minister. That he is a gentleman in politics is well known to all, of course. Despite his long time in the arena, he was and is, friendly with all of his adversaries. And on this occasion of the consideration of this motion for his reappointment as Speaker of the Parliament, we have the benefit of having available to us also his autobiography which he has recently published. This sets out his personal, professional and political life in greater detail than I am able to do justice to in this short address.

Fittingly Adolfo consistently reminds us, as readers of his book, as he tells us of those lucky enough to work with him, that his better half – or his better three quarters as he sometimes refers to her – is his wife, Julie. I want to thank Julie also for the sacrifices they have already made in the past three years since his original appointment to the role of Speaker and Mayor.

I know that at a time in their lives when they should be enjoying their grandchildren, they have once again stepped up to serve Gibraltar. On occasions, that service has meant that Adolfo has not been able or available to assist Julie, even at times of important medical conditions. That concept of service above self is one we would all do well to emulate. And it is not just Adolfo's service but Julie's service also.

Mr Presiding Member, you yourself spent 20 years on opposite sides of this House to Adolfo Canepa. In fact, in 1987 to 1988 you were Leader of the Opposition and he was Chief Minister; and from 1988 to 1992 you were Chief Minister and he was Leader of the Opposition. And yet you are two men who clearly have always enjoyed a deep respect and affection for each other. That is as it should be between parliamentary adversaries, who should never have any reason to regard themselves as enemies, when we are all in effect on the same side – Gibraltar's.

So I was very pleased at the time that we first moved the appointment of Adolfo Canepa to be Speaker of the Parliament to hear the Hon. Sir Peter Caruana QC tell us why he felt he was an excellent candidate for the job. In fact, I want to quote Sir Peter's statement in *Hansard* in support of Mr Canepa, when he said this in October 2012:

'Adolfo, therefore intrinsically understands both the needs that the Government's side has for its work to be successfully done in this House, but he also I suspect has an intrinsic understanding of the needs that the Opposition side of the House has, it is no less important task of holding the Government to account. I have no doubt that Adolfo Canepa, when those political qualifications are added to his personal qualities, will be more than able to ensure that the way that he presides over this House will reflect that Parliament is not the Government, that Parliament is a different and separate institution from the Government, and that within this Parliament, the Government is not entitled to particular special treatment' –

and did he not take those words to heart, Mr Speaker!

'even though, of course, the Speaker has to ensure the Government can do its business effectively, in steering its legislative programme through the House, but that the Parliament is a different and separate institution, in which both sides are entitled to the same equality and even-handedness of treatment, because what this House is is a Chamber of Members of Parliament.'

And that is exactly, Mr Presiding Member, what Adolfo Canepa went on to do.

But perhaps the biggest accolade that the Opposition at the time could have done Adolfo was for us to hear Sir Peter say that he himself had tried to nominate Adolfo for the post of Speaker. He had been thwarted only by a family illness which did not enable Adolfo to accept the post then.

Sir Peter had been right to express such confidence in the man now once again in the antechamber hearing these words. Indeed in times when we had descended into acrimony in this place, he has been there to try and calm tempers. He has been there to advise how best to once again return the Chamber to its normal collegiate feel, and he has been there to indicate that changes to the Standing Orders and Rules may be necessary, something which we on this side of the House agree should be done by the Select Committee, which we shall have a chance to hear more about later.

And it is because we have a deep respect for Mr Canepa that we respect his rulings, the times when he has not ruled in our favour as much as the times when he has ruled for us. Because when we ask him to administer the rules of debate in this House, we all ask and expect him to do so in a way that is totally impartial and blind to the identity of the Member who is complaining or complained of, and he has done so.

75 So, Mr Presiding Member – I know that you so like to hear me say those words! – despite the many findings which Mr Canepa may have made against us in the past three years since his appointment, and despite the fact that we may have disagreed with many such rulings, we have no hesitation in proposing his reappointment as Speaker of this Parliament because he is a man of political and personal integrity whose motivations are always good and unimpeachable.

And I therefore commend the motion in terms to the House. (*Banging on desks*)

Clerk: The Hon. the Leader of the Opposition.

80 **Hon. D A Feetham:** Mr Presiding Member and Father of the House, may I start on this debate by congratulating the Father of the House on his many years of service to this House. It really is a remarkable achievement that you have served for so many years and certainly on this side of the House, there is no doubt that everybody in this House would wish you to serve in this House for many, many years to come, and for you to be a Father of this House for many years to come.

85 Mr Canepa has, without a shadow of a doubt, already as it is made a significant contribution to public life in his many and varied roles since 1972. He continues to make an equally significant contribution, no doubt at great personal cost to him and his wife, Julie, in terms of the time that he has spent here and in discharging his other civic duties as Mayor and in the Public Service Commission. All of that has to be and is recognised by this side of the House.

90 However, there is no getting round the fact that we have had our differences and that those differences have, in our view, been grave at times. I myself have had serious reservations about the way Mr Canepa handled part of the Budget debate and his subsequent ruling on Parliamentary Privilege without hearing representations from me beforehand.

95 There have also been clashes with Members of the previous Opposition which were at times, in our respectful view, overzealous in terms of the reprimand which our Members were subjected to and in this context, I would remind the House of the Hon. Jaime Netto's valedictory speech at the time of the Budget, when he repeated his comments in relation to the prayer.

100 We all recognise that the role of the Speaker is a very difficult one. We all recognise that the role of the Speaker is particularly difficult in the at times intense cauldron that is gladiatorial politics and exchanges across the floor of this House in debates and questions and answers. But so too, Presiding Member, is the role of the Opposition and so too is the role of Leader of the Opposition and in our view, on too many occasions, the news after ... the day after Parliament has been of clashes between the Speaker and Members of the Opposition.

105 Having said all this, and in deference to the high esteem in which his office as Speaker should be held, and the comments that I have made about him personally as the office holder, and the way that he has loyally served this community over many years in the different roles that he has served, the Opposition will today be voting in favour of his appointment.

110 Given his primary function is to preside over this austere House, we think that his position is best served by a unanimous vote of its Members. This is a fresh and renewed Opposition and we hope that we can leave the past behind us and that December 2015 will mark the turning of a page. We also hope that at the end of his tenure in office, we will be able to view his appointment and our support of it as one of the best collective decisions that this Opposition has taken. (*Banging on desks*)

115 **Mr Presiding Member (Hon. J J Bossano):** I now put the question, which is that Mr Adolfo John Canepa GMH, OBE be appointed as Speaker of the Parliament. Those in favour? (**Members:** Aye.) Those against? Passed unanimously.

Clerk: Mr Speaker. (*Banging on desks*)

ADMINISTRATION OF OATH OF ALLEGIANCE TO MR SPEAKER

120 **Clerk:** Oath of Allegiance of the Speaker, the Hon. Adolfo John Canepa.

The Acting Chief Justice administered the Oath of Allegiance to the Hon. A J Canepa as follows:

Mr Speaker: I, Adolfo John Canepa do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

125

ADDRESS BY MR SPEAKER

Mr Speaker: Hon. Members, I wish to thank you all most sincerely for the honour and privilege which you have just bestowed upon me in electing me as Speaker of the Gibraltar Parliament.

130 It is also appropriate I think at this stage that I should express my gratitude to the Chief Minister for his kind words and also indeed, the frankness with which the Leader of the Opposition has spoken. And whilst noting that my election as Speaker of this Parliament may perhaps be described by some as only having received the qualified support of the Opposition on this occasion, I want to make it clear that in accepting the honour and privilege, I propose to carry out the duties of this office to the best of my ability without fear or favour.

135 When I was first elected on 18th October 2012 I pointed out that the Speaker has an almost sacred duty to the august institution that is Parliament, and I pledge myself to uphold its dignity and not to allow it to be brought into disrepute. Today I wish to solemnly reiterate my commitment to upholding those ideals at all times, conscious that the Speaker is also the servant of the servants of the people.

140 It is my earnest hope that Parliament should be held in high esteem by the electorate, the people whom we are here to serve. Accordingly I want to appeal to all hon. Members and urge them to try to conduct our affairs in this House with the respect, responsibility and dignity that befits the material democracy that we are and that, lest we forget, took so many years of sacrifice and struggle to achieve.

145 I suggest that hon. Members owe it to this community to temper their language whenever debate becomes overheated and concentrate more on the substance, thereby raising the standard and quality of parliamentary exchanges. Perhaps hon. Members should reflect on the fact that the turnout at this last General Election was around 10% lower than in the previous three General Elections. I think that the electorate is conveying some message to you all.

150 Those hon. Members who were here last July during the Budget debate may recall that at one stage I said that it had become clear to me during the time that I have been Speaker, that the present Standing Rules and Orders of Parliament were inadequate. The Chief Minister has made some reference to this aspect of the Rules in his contribution. It is my view that this has affected the conduct of parliamentary business and at times, created controversy to a disproportionate level. It has simply raised the political temperature but contributed very little, if anything, to the reputation of this Parliament. I therefore believe that they need to be reviewed and to be reviewed soon.

155 Finally, may I take this opportunity to congratulate all hon. Members on their election to Parliament and assure the new Members in particular that they will always find me, the Clerk and the staff at their disposal in order to help them in the exercise of their important duties.

Thank you. (*Banging on desks*)

**ADMINISTRATION OF OATH OF OFFICE OF
THE MINISTER WITH RESPONSIBILITY FOR JUSTICE**

160 **Clerk:** Oath of Office of the Minister with responsibility for Justice.
The Hon. Gilbert Horace Licudi.

The Speaker administered the Oath of Office to the Hon. G H Licudi as follows:

165 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):**
I, Gilbert Horace Licudi do swear that in the office of Minister with responsibility for Justice, I will respect the rule of law, defending defendants of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support for the courts for which I am responsible, so help me God.

170 **Mr Speaker:** Hon. Members, ladies and gentlemen, the Clerk and I will now proceed downstairs to welcome Her Excellency, The Governor.

**ADDRESS BY HER EXCELLENCY THE GOVERNOR,
MRS ALISON MACMILLAN MVO**

175 **Clerk:** Mr Speaker.

Clerk: Her Excellency the Governor.

Her Excellency the Governor: Mr Speaker, hon. Members of Parliament, it is both a privilege and a pleasure to formally open this Parliament. I would like to offer my warmest congratulations to all the elected Members on their success in this election.

Not every Governor has the opportunity to experience a General Election during their time in Gibraltar, but I have been very fortunate to experience one in the short time that I have been discharging the functions of this office. I count myself fortunate to have witnessed the campaign, read the election material issued by the parties, heard the speeches, studied the commentaries and listened to the arguments about topics which have been the subject of debate. There is no more vivid way to understand what matters to the people of Gibraltar, what their worries are and what their aspirations are and to appreciate what options exist for the future. All of those who stood as candidates contributed to that debate. Gibraltar's democracy would be poorer without them and all candidates deserve our recognition for the courage to put themselves forward and take part.

If debate is the hallmark of a democracy, its health is measured by the proportion of the eligible population who vote without being compelled to do so. By such a measure Gibraltar must sit comfortably in the gold standard. Although the turnout may have fallen short of some of Gibraltar's historic peaks, it nevertheless gave yet another object lesson to some older and larger democracies.

Whilst candidates may contest and voters may select, the legitimacy of the election depends absolutely on its conduct. From the preparation of the electoral lists to ensure that those eligible to vote could do so, through the management of the polling stations, to the verification and the count, here too Gibraltar showed that when excelling becomes the habit, implementation to the highest standards risks being taken for granted. Yet we should not take for granted all those who worked so long and so conscientiously to ensure not only that the result reflected the will of the people, but also that it was seen to do so.

I witnessed for myself on polling day, the work of so many involved in the process and I would like to take this opportunity to extend grateful appreciation on behalf of Her Majesty's Government and the people of Gibraltar, to the Returning Officer and all of the civil servants involved, the Royal Gibraltar Police, the local press and the taxi drivers tasked with the important role of transporting the ballot boxes.

It is almost 10 years since the introduction of the new Constitution which, amongst other provisions, secured the modern relationship between Gibraltar and the United Kingdom whilst not in any way diminishing British sovereignty. In the preamble to the Constitution, Her Majesty's Government reaffirms its longstanding commitment to the people of Gibraltar that the United Kingdom will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their wishes. Her Majesty's Government has also confirmed that it would not enter into a process of sovereignty negotiations with which Gibraltar is not content.

These statements bear repetition, especially on occasions such as this, since they not only form the cornerstone of the relationship between Gibraltar and the United Kingdom, but also set the context for the work that you do, that I do and that future Governors will do on a daily basis.

Gibraltar has emerged from the electoral process having chosen the programme for Government presented to the electorate by the political alliance made up of the Gibraltar Socialist Labour Party and of the Liberal Party. That programme for Government sets out specific commitments that will require legislation to be brought to this House. It is envisaged that select committees of this Parliament will be established to deliver aspects of that agenda. In this respect, the newly elected administration is committed to further modernising and reforming the workings of this Parliament. It will do so by continuing the work of the Select Committee on Parliamentary Reform. That Committee will consider the draft Ministerial Code which was submitted previously, as well as the Parliamentary Code that, when approved, will apply to all Members.

A Select Committee will also be established for the purpose of reviewing the 2006 Constitution. The Chief Minister will publish a Bill for an Act to establish the Gibraltar Consultative Council.

There is in fact a very broad legislative agenda proposed by this Government. It will include, after appropriate consultation, legislation to introduce private sector pensions; legislation to ensure that criminal laws are maintained up to date and to protect the community from serious crime and new threats to our security; and legislation to update criteria for eligibility for legal assistance and the rates payable to practitioners.

A Bill for the Freedom of Information Act will soon also be published; and a Bill to amend the Judicial Services Act which will be republished for consideration by this House. A Command Paper will also shortly be published to act as a consultation exercise in respect of amendments which will allow equal marriage. Draft Bills of a new Town Planning Act and a new Heritage and Antiquities Act have already been the subject of consultation, after publication of Command Papers during the last Parliament. Both will now be subjects of Bills to be published shortly.

Legislation will also be introduced to ensure that Gibraltar is able to organise a referendum in keeping with the provisions of the Bill currently going through Parliament in Westminster, in respect of whether the United Kingdom should remain a member of the European Union. The people of Gibraltar will vote as part of the franchise of that referendum, as the Prime Minister, the Rt Hon. David Cameron has committed. Legislation will also continue to be brought to transpose into Gibraltar Law, EU Directives as per Gibraltar's obligations.

Her Majesty's Government of Gibraltar is committed to giving effect to the relevant protections enshrined in the International Convention on the Rights of the Child and the UN Convention on the Rights of the Disabled. Legislation to achieve implementation of both important international conventions will form part of the legislation to be introduced into this House in the coming year.

Her Majesty's Government of Gibraltar will continue to work with Her Majesty's Government of the United Kingdom to seek to engage in a constructive dialogue with the Government of the Kingdom of Spain on all matters which might benefit the people who live on both sides of the frontier.

Mr Speaker, as ever, ahead lie many challenges for the Government, for the Opposition, for the people of Gibraltar and for those of us committed to serving the wellbeing of Gibraltar. From my personal experience, I know that all those in this House will do their utmost to work for the people of Gibraltar. Mr Speaker, may I wish all Members of this House, in Government and in Opposition, well in tackling the important issues ahead of them, in fulfilling the exacting responsibility placed on them by the people of Gibraltar.

I have great pleasure in declaring open this session of Parliament. (*Banging on desks*)

ADDRESS BY THE CHIEF MINISTER

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Your Excellency, Mr Speaker, as destiny would have it, it is exactly four years ago to the day and almost, almost to the hour, that I was first sworn in as Chief Minister of Gibraltar at the Convent by Sir Adrian Johns, together with my ministerial colleagues in 2011.

Today we are sworn in again as Members of Parliament on 9th December. It is a huge honour and privilege to respond for the second successive occasion on behalf of Her Majesty's Government of Gibraltar, to a Governor's address on the occasion of this third ceremonial opening of our Parliament since it was so styled under the 2006 Constitution.

It has been very positive indeed to hear you restate the commitments of the United Kingdom on the sovereignty of Gibraltar of course. As we established at the last ceremonial opening, the speech which Your Excellency has delivered is in the nature of Her Majesty's speech at the State Opening of the Parliament at Westminster. It is now an address prepared in close consultation with the Chief Minister of the day in order to ensure that it is a reflection of the legislative agenda of the incoming administration in this Parliament. It is no longer the speech of an administering power telling Members of a Legislative Council or the House of Assembly what to do or how they are expected to do it. And that is a sign of our mature constitutional development and exactly as it should be in a democracy where the parliamentary session which you have officially opened will now be giving effect to the will of the people as determined in a free and fair general election.

We have also established in the last four years that the correct style of reference for the Government elected by the people of Gibraltar under the 2006 Constitution is that of Her Majesty's Government of Gibraltar. In fact, Her Majesty's permanent executive presence in Gibraltar through her Governor's representation is the physical manifestation of the fact that she is the constitutional head of our Government and in that way also Queen of Gibraltar.

Her Ministers here assembled, all of us British citizens, are her British Government of Gibraltar, a Gibraltar which will continue to strive to show the whole world that we are a nation of men and women of good will, a nation ready to be removed from the list of non-self-governing territories of the United Nations and ready to make any changes necessary to achieve that delisting, so long as they are compatible with continued and perpetual British sovereignty, in short above all else for ever a British nation of the British family of nations.

I said at the last ceremonial opening that the fact is that nothing we have achieved as a people has been easily won and therefore the fact that we may have to stand our ground, unmovable as our Rock, in the face of nations determined to usurp our rights and recolonise our future, will not dampen Gibraltarian spirits one bit.

Well, Your Excellency and all others have seen that the past four years since that date have been characterised by an aggressive campaign of just that type of attempted usurpation of our rights and

295 recolonisation of our home, but it has not dampened our spirits. In fact, it has spurred us on to greater things.

We embarked, as we had said we would, on a campaign to defend our international political rights and our territorial rights in all relevant international fora. We did so in partnership with colleagues from UK representative office around the world and we did so armed with the best legal advice and more often than not, I am proud to say, advice from Gibraltarians better qualified than anyone else to provide that legal advice, bringing Gibraltar talent together in support of the just cause of the people of Gibraltar.

300 And so it has been that the social, economic and political development of this small but resilient nation of ours has continued to progress despite the many challenges that have been laid in our way. Because the brutish actions of those who would deny our very existence, who refuse to hear our voice and who refuse to recognise our inalienable rights, are as nothing compared to the solid resolve of the people of this Rock. We are embarked on a collective journey toward decolonisation but not independence, which is only a one-way street. And, as a Gibraltar composer and lyricist once put it, nothing is going to stop us now.

305 Indeed, our international representation is now wider than ever before. We stretch beyond London in the United Kingdom to Brussels in Europe, to Washington and New York in the Americas and to Hong Kong in the Far East. We have much more to do in Morocco but we are proud of the work we have already done to open doors in trade, in renewable energy and human relations with that great neighbour of ours to the south. We have resolved the human issue of those who are of Moroccan origin in our community and have lived here for over 40 years and not yet had their nationality applications even dealt with. We now hope to be doing even more in Casablanca and Marrakesh in the coming months.

310 And we expect to be able to do considerable work in the near future with the partners we are already working with in China and Hong Kong. We expect soon to be able to be represented in some of the top cities in India and we hope to also shortly be able to get off the ground, the beginning of our work in Israel. Already a joint Israel-Gibraltar Chamber of Commerce is about to be launched something which the Government warmly welcomes and will support. It will follow close on the heels of the Gibraltar-American Chamber of Commerce or AmCham which is going from strength to strength.

315 And so where we have received people of a diaspora into this wisely multicultural society of ours, we are presented now with great opportunities in pursuing the almost local knowledge of those of our fellow Gibraltarians who have strong links still with the emerging nations of their ethnic origin. There are no doubt great challenges in working across cultures but there are also great rewards in doing so if we can calibrate the relationships we forge into mutually beneficial alliances. That will be the endeavour to which we pledge ourselves going forward.

320 In doing so of course, Her Majesty's Government of Gibraltar will continue to have an outstretched hand of friendship and co-operation to our northerly neighbours also. We will continue to seek to establish non-sovereignty dialogue with Spain on matters of mutual interest and which will improve the lives on people on both sides of the frontier. But such dialogue must be based on the principle of mutual respect; something which we believe was preserved under the Trilateral Forum for Dialogue which we strongly support.

325 And yet our willingness to dialogue, co-operate and seek mutual benefit should never be interpreted by anyone anywhere as any diminution of the position of all previous, current and I am sure, all future Governments of Gibraltar. That position is simply that as we have repeatedly shown, our people will never succumb to political harassment or economic pressures to abandon our rightful path of political development and our fundamental human right to determine the red and white future of this precious land and sea of ours.

330 Let me turn now to matters entirely parliamentary. We made history today in this place for today is the first time that the proceedings of a ceremonial opening are streamed live on Parliament's own website. We were very keen as a Government during the lifetime of the last Parliament, to move ahead with opening up this, the heart of our democracy and we have done so. And as a result, each month that we meet, people can watch the proceedings on their computers or tablets. The signal is also provided to our national broadcaster.

335 I know that there have been moments of political controversy in the past four years when many have tuned in, or browsed in as one should now say. That is exactly what we should want to see happening: that when issues of political controversy arise, the shareholders in Gibraltar Plc, the people to whom we owe our principal duty should be able to see what is happening in the boardroom where the issues are being considered – this place.

340 And that has happened in a consistent set of monthly meetings since we were elected, interrupted only for the purposes of essential works being done to improve this place. It is indeed a much improved and modernised Chamber – not to everybody's liking – that we now work in than the one in which we were first sworn in as a Government four years ago and into which I wandered almost exactly 12 years ago myself. And we remain committed to that monthly rhythm of meetings starting in January, which breaks only for Easter and the month of August. That rhythm provides many more opportunities for questions from Opposition Members than has ever been the case before in the history of our Parliament.

355 In addition, we will continue the process of publishing online the huge amounts of information that we
now put in the public domain. This is information which we previously had to ask for, which was either not
provided or which required a repetition of a question each of the very few times that Parliament met. Now
that information is automatically made available online for all citizens to be able to see and access.

360 Your Excellency has in fact already set out the important work which we will continue to do in
legislation and select committees in this Parliament. This is a place, Your Excellency, where people will
expect those of us appointed to serve to work together in a positive spirit of co-operation, as we will often
be doing in respect of legislation. One committee will be looking in detail at the workings of this House and
how we can further modernise and advance the integration of our community and the running of our affairs.
365 Technology will no doubt have a bigger part to play in promoting greater public participation in our
democracy in the future.

That Select Committee on Parliamentary Reform has important issues before it. Not least should be the
review, alluded to by Mr Speaker, of the Standing Orders and Rules of this House, which were last
reviewed after the 2006 Constitution. But the review was not one of substance; rather one of form. A
review of substance *is* necessary and should also take into consideration the need for Parliament to attract
370 people from *all* walks of life to the ranks of its membership.

That also means ensuring that we organise our work in a manner compatible with being parents, for
example. Already we have introduced for the first time in our history, the publication of a timetable to
enable Members and journalists to plan their parliamentary days. Such a move was unprecedented before
our election, when we were kept guessing about meeting days. We will continue to publish such a
375 timetable.

The Hon. Mr Bossino, who is no longer an elected Member and will no doubt be much missed as a
friend and parliamentary colleague, also sensibly requested that we should not start sessions at 9.00 a.m. so
that those who are parents of young children could deliver children to school safely before the
parliamentary day begins. This was something I was happy to agree to and which worked well and will
380 continue to be the case where possible.

Although not wishing to denigrate the importance of the work of the Committee that will reform the
workings of this House, perhaps, however, the most important Select Committee will be the one established
to review the workings of the 2006 Constitution, which is a decade old next year. It is important that
Constitutions are not left to atrophy. And so we must ensure that the current constitution is periodically
385 reviewed to determine what, if any changes can be agreed to be necessary to ensure its continued relevance.

This is work to be done in partnership with the United Kingdom and the legislation we will be bringing
will of course also be supplemented by a considerable number of laws which will no doubt originate in
Brussels. Of course, in this respect, the important work we will do in preparing to legislate for the Brexit
referendum will require this House to work quickly to ensure we are ready when the Prime Minister names
390 the date. I want to acknowledge again the fact that Gibraltarians will vote in that referendum on the United
Kingdom's continued membership of the European Union as a result of the Prime Minister being true to his
word to include us in the franchise. We will not be found wanting in terms of ensuring that the necessary
legislation will be in place in good time for the vote.

And at the appropriate time, we must work together across the floor of this House to ensure that we do
395 the best planning for the eventualities that Brexit may present. A number of pieces of legislation when they
deal with new areas of law have been and will continue to be put out to wider consultation by way of
Command Paper before they are published as Bills. We introduced the concept of Command Papers after
the last General Election in our first term and we believe that they have been an immensely successful way
of ensuring that all in our community have a better opportunity to comment on what are draft Bills.

400 All of this work now falls to be done in the Parliament, in what I hope will be a collegiate style. We are
all electors as Members of this Parliament to work together for the good of our nation. It would be wrong
for any Member to come here with an attitude of seeking only point scoring or to make partisan political
capital. And I am sure I can welcome all new Members to this House, safe in the knowledge that they will
intend to put Gibraltar's interests always above their own partisan interest, such as they may be. Indeed, it is
405 my pleasure to welcome all the new Members opposite.

It will not be lost on anyone that on this occasion, I believe for the first time since 1992, all new
Members are opposite on one side of the House. I see the faces of some old friends and the faces of some
who I do not yet have the pleasure of knowing personally. I shall look forward to our work here being the
catalyst for new friendships in the future, because I have no doubt that now that all the electioneering is
410 over, we shall be able to carve out strong inter-personal relationships both in the Chamber and out of it, as
we all strive to do our best for this magnificent country of ours.

Indeed, I can give them an assurance, Your Excellency, as I did at the Ceremonial Opening four years
ago, that on this side of the House we are not interested in personalising the debate. We are not interested in
insults or innuendos; we are interested only in a contest of ideas which helps the general public better

415 understand the differences between us. Let us leave Punch and Judy outside the door and remember that gladiators are best seen in blockbuster movies and not in this place.

For this should be a place of great oratory, but not a place to reach for the cheap personal insult. I said four years ago that we would always play the ball, and never the man or woman. I was true to that throughout the last four years. Indeed, I am proud to say that an Opposition Member specifically
420 acknowledged that in *Hansard* in January of this year.

That is how we were able to turn old foes into new friends. That is how we were able to turn old rivals into new colleagues and that is how we were able to see those who stood against us before, stump up for us now. And we will continue with that attitude but we will of course strongly defend ourselves from any personal attacks made against us. We are all human and I have no doubt I have perhaps reacted too harshly
425 in the past when I have felt personally insulted. I shall leave those who are without sin, or purport to be, to cast the first stone and the rest can be assured that I will be the first to always try harder to elevate the debate to the higher standard that Mr Speaker repeatedly encourages us to achieve. We should all strive to avoid those unnecessary confrontations, and with a little reflection and maturity, we will no doubt be able to do so.

430 Because the ‘big fright’ election is now over. The attempt to use fear of gas explosions, or the fear of financial Armageddon to determine how people might vote has failed. In fact, Your Excellency, the process of election was impeccably conducted for which all credit, as you foreshadowed, goes to the Clerk in his guise as Returning Officer and all those who so ably assisted him throughout. From the moment I advised you to dissolve the last Parliament on 19th October, to the moment of declaration of the result of the
435 election by the Returning Officer and the swearing-in of the newly elected Ministers, the election passed as usual without any incident.

It was entirely free and fair and in keeping with Gibraltar’s now established and deeply entrenched democratic traditions. I know that is a source of pride for all Gibraltarians. The turnout may have been low by Gibraltar’s standards, but it was still high by European and international standards. For our side of the
440 House, we have the satisfaction that we were able to excite almost 2,000 more people to vote for us. We certainly cannot be accused of not having excited people to come out and support us. We did our bit to get the electorate out and voting.

Indeed, we have enjoyed collectively on this side of the House almost 101,000 individual votes between us: a record number of votes cast. That compares very favourably indeed to the 33,000-odd votes which
445 Members opposite represent in this House because in that way, the great Gibraltarian electorate has chosen between competing arguments. They have determined, as they are the only ones empowered to do, whose arguments carried greater credibility, who they believed and who they did not believe, which way of doing things they preferred and opted for, and we will nurture and never take for granted the great compliment of that support because the size of our greater share of the vote will only be a spur to work harder even than in
450 the last four years.

We will not allow this massive vote of confidence to swell our political egos in any way. Instead, it will make us even more the unpretentious servants of our people and even more determined to serve with humility and compassion.

But now it is time for all of us in this House to turn our political swords into ploughshares for the next
455 four years, for we are ready now to deliver on the programme the people have chosen.

Finally, Your Excellency, it is the first time that I have delivered this address as the proud father of two Gibraltarian beautiful children. For them, and for the constant and unwavering support and love, I must thank my remarkable and wonderful wife, Justine, my better 7/8ths or 9/10ths etc. I don’t think I will ever get that right! (*Laughter*) I know I am not the only parent in this House and all of us, parents or not, will
460 want to ensure that the Gibraltar we leave behind is always better than that which we inherited.

That is why we will continue our work of ensuring that we maintain and further build robust financial reserves as we have already started to do. That is why we will continue not to tolerate any waste of Taxpayer’s money and we will continue the work we started of reigning in the unnecessary expenditure in Government companies, agencies and authorities which we inherited and which we have already been
465 addressing these past four years. That is why we are already actioning the collection of arrears of Government revenue which had not been actioned for years before our election and that is why we will also control the unnecessary spike in spending which occurs in the fourth quarter of the year in some parts of the public sector.

And we will do all of that without cutting jobs, without cutting services and without cutting benefits.
470 This is the position I have been setting out in this House in Budget after Budget and we will not waiver from it, because that is what will deliver a safer, more prosperous and stronger Gibraltar, and that is what our work in this place must be designed to deliver. Devoid of political rancour, devoid of partisan acrimony and devoid of personal ambition – only then will history judge us favourably.

I therefore commend Your Excellency’s opening of this Parliament and trust that our work in this House
475 will begin in earnest in a spirit of true partnership and not turbulent partisanship. (*Banging on desks*)

ADDRESS BY THE LEADER OF THE OPPOSITION

Clerk: The Hon. the Leader of the Opposition.

480 **Hon. D A Feetham:** Your Excellency, Mr Speaker, it is for all of us on this side of the House a great honour to participate in this Ceremonial Opening of the Gibraltar Parliament – the first time that I have personally done so as Leader of the Opposition and the third since it formally became a Parliament under the 2006 Constitution.

485 Your Excellency, just as in the United Kingdom Her Majesty the Queen presides over the opening of the mother of all Parliaments at Westminster, it is with great joy that we see you as Her Majesty's personal representative in Gibraltar, presiding over the opening of our new Parliament here in Gibraltar. It is in our view, not only a reflection of the close and, we hope, eternal bonds between Gibraltar and the British Monarchy, but also a reflection of the best constitutional traditions of this Parliament, based as they are on our British parliamentary traditions.

490 Mr Speaker, my congratulations to you on behalf of this side of the House on your reappointment as Speaker. We genuinely wish you well in what we recognise is a very difficult undertaking.

495 Your Excellency, Mr Speaker, whilst we will hold the Government to account, especially on their numerous and highly targeted electoral promises and the funding of those promises, the Opposition will support, not undermine the Government, where the interests of Gibraltar must come first. Since March 2013, when I had the honour of becoming the Leader of the Opposition, I have been advocating a closer co-operation between both sides of this House on these issues.

I renew that call today and I maintain that not since the Joint Sovereignty Agreement between the then Blair and Aznar governments has there been such a need for this House to work together on the challenges posed by the future.

500 It is of course, a matter of great regret for me that despite moving a motion in this House within weeks of becoming Leader of the Opposition, which was approved with amendments, calling on the Chief Minister and myself to work together on the various permutations of Brexit, there have been no meetings between us to discuss what are obviously critical issues for this community. If we cannot work together on this issue, it would be a very sad day for our democratic system of Government and Opposition and indeed, I feel, by the entire community.

505 Your Excellency, Mr Speaker, if that does not happen it will not be for want of trying on the part of the Opposition. The challenges posed by a potential Brexit will be profound for this community. I must make it clear that this is not about participation in the Brexit referendum itself, important as it is for our voice to be heard in a referendum. I believe that Prime Minister David Cameron will succeed in negotiating a deal with our European partners which will allow the United Kingdom access, at the very least, to the EU internal market. The issue for Gibraltar is what kind of a deal the United Kingdom obtains and what impact it will have on us here in Gibraltar.

515 Any attempt by the Kingdom of Spain to hold the United Kingdom to ransom over the applicability of that deal, or any part of that deal, has to be considered and opposed by Gibraltar at an early juncture and cross-party strategies devised to head off any such attempt. Whilst I have every faith in Prime Minister David Cameron's loyalty to the people of Gibraltar, nothing should be left to chance and no stone should be left unturned, in our own self-protection.

520 Close co-operation between the Government and the Opposition on this matter would be a legitimate expectation of those we represent on both sides of this House. Indeed this is exactly what happened in 1972, when a Gibraltar response was required to the terms in which Gibraltar would join the then European Economic Community.

525 On other issues too of fundamental importance to Gibraltar, I renew my long-standing call which is a matter of public record, for us to work together. Let us be an example to future generations of politicians of the way political differences can be set aside when it comes to such issues. It will reassure the community that our adversarial system of Government and Opposition is not so entrenched so as to be incapable of co-operation for the long-term common good of our community.

530 Indeed, I believe it would be desirable in the interests of that common good, if we could see our way to agreeing long-term strategies on taking our political message to Spain, the United Nations, Europe and the United Kingdom. Never has it been so desirable as it is today, because never have the combined potential consequences of those challenges been more fundamental to Gibraltar than they are today, and our response to them will endure long after the hon. Gentleman and I have retired from politics.

His Project 2025 will command wider support if it includes, and does not exclude, the Opposition. Sooner or later, Your Excellency, the political tide will turn; it always does. Any project which has at its core aim continuity in areas of fundamental importance to Gibraltar will stand a better chance of achieving the same with the inclusion and the backing of all the political parties represented in this House.

535 There have already been steps taken on the part of the GSD Opposition to create the groundwork necessary for there to be greater co-operation on some of these issues. All our front-bench Members of Parliament attended the National Day Rally at Casemates on the very first occasion that I became Leader of the Opposition. We had not attended the year before under the leadership of my predecessor.

540 Our policy on the effect of the 2006 Constitution, namely that it creates a modern, non-colonial relationship with the United Kingdom, with a maximum level of self-government short of independence continues, but it is important that those outside Gibraltar see us united on such an important day of national celebration.

545 In relation to attendance at the United Nations, I repeat the policy we also instituted within months of my election as Leader of the Opposition, namely that the Leader of the GSD Opposition is prepared to attend as part of the Gibraltar delegation, provided he or she is allowed sight of that speech, of the speech that is to be delivered on behalf of that delegation. It is exactly on the same terms that I attended the United Nations as part of a Gibraltar delegation as Leader of the Labour Party.

550 I must make clear that this is not about anyone on this side of the House vetoing anything that the Hon. the Chief Minister has to say at the United Nations, or anywhere else, but surely no-one on this side of the House can be expected to sit next to the hon. Gentleman at the United Nations, in support of what he has to say, which we would wish to do, without knowing beforehand what he is about to say in our name also.

555 Your Excellency, Mr Speaker, turning to domestic issues. It is of course disappointing to have lost the General Election. I take full responsibility for that loss but my determination to ensure that the GSD is a success continues unabated. So too, is my determination to remain vigilant on all issues concerning good and proper governance and which has caused us so much concern over the last two years. I derive great strength from the fact that whilst it is easy in *post mortem* situations to look for reasons for defeat, and we must learn from our mistakes, we also did everything that we possibly could over the last three years to hold the Government to account on issues that we felt were important not only to the present, but also to the future of this community.

560 There has been no scattergun approach by the Opposition over the last three years, no promises across the board in exchange for votes. Our message has been focused and consistent, and will remain focused and will remain consistent. I remind myself too that Sir Joshua Hassan, Sir Peter Caruana and the Father of the House, Joe Bossano, all lost elections and came back stronger for them. In 1992, the GSD obtained 20% of the vote at the General Election and won four years later with 54% of the vote. In 1984, the Hon. the Father of the House led his party into Opposition with 34% of the vote and won four years later with 58%. To do that, the GSD must reorganise, reconnect with the electorate and turn itself into a genuine grass roots movement. That will be our principal focus outside this House over the next year.

570 Your Excellency, Mr Speaker, divisions between Government and Opposition are as old as political democracy itself. They rest on the hallowed principle that governments derive their legitimacy on the consent of those governed, which means, amongst other things, that the minority accepts the right of the majority to make decisions, provided there is a reciprocal respect for the minority's right to dissent from those decisions and to promote alternative policies.

575 Over the last two years we have promoted many alternative policies in social housing, public finances, democratic reform, education and training amongst others. We will continue doing that over the next four years. It is also the duty of every Opposition to hold the Government to account fearlessly, and that is precisely what we will also continue doing over the next four years.

580 It is, however, a regret to me that there have been attempts over the last four years to equate the political fortunes of the parties in Government with loyalty or disloyalty to Gibraltar. Such a proposition, Your Excellency, Mr Speaker, is an anathema to democracy. It is the easiest thing in the world to agree with the Government of the day; it is much more difficult to strike the balance between opposing the Government when it is necessary and supporting it where it is justified. It is that balance that we will, above all, seek to strive to achieve over the next four years.

585 Your Excellency, Mr Speaker, there are three projects which in our view are vital to this community's continuing progress and prosperity, including our environmental wellbeing: a new power station and renewal of the distribution network; the tunnel under the runway; and the sewage plant.

Without the power station and the overhaul of the distribution network, the resilience and reliability of our electricity supply will be put in serious doubt.

590 Without the tunnel, traffic flow cannot be separated from aviation activity and border queues and we cannot put an end to the chaos they cause to traffic throughout Gibraltar. In the 21st century, it is simply not acceptable for a modern progressive and environmentally conscious community to be pumping raw sewage into the sea. All these major projects will cost well in excess of £150 million. As at the end of June of this year, reserves stood at £28 million. That is the cash the Government has in the bank. The Government has a manifesto commitment to increase community care reserves from £100 million to £240 million over four years. On current projections of Government surpluses that will mean applying most, if not all Government surpluses, to community care. The result is that these three major projects, so vital for Gibraltar, will require

additional borrowing. They cannot be paid for either out of reserves or through Government surpluses. That is not Armageddon; that is fact.

600 Mr Speaker, as at the end of June direct net debt stood at £418 million – just £39 million short of the legal borrowing limit of £457 million, and the premise is that the Government cannot fund these projects, nor indeed all the other promises in its manifesto by borrowing directly.

605 During the General Election, we told the people of Gibraltar this community was carrying a debt of approximately £900 million, half of which was off balance sheet borrowing by the Government, through Government-owned companies and the Gibraltar Savings Bank. That trend of borrowing off balance sheet will inevitably continue because of the figures that I have just quoted and will continue to be a source of division across the floor of this House.

610 We urge the Government once again to come to Parliament and seek parliamentary approval for additional borrowing, rather than increase off balance sheet borrowing. The United Kingdom includes the debts of Government-owned companies and the debts of the National Savings and Investments, the equivalent of our Gibraltar Savings Bank, as part of the national debt. That is the trend across modern Western democracies: to increase the transparency in relation to our public debt and to bring public debt onto the books of the Government, rather than have it hidden away off balance sheet. We commend exactly the same transparency and practice in Gibraltar, so that any debate on public spending occurs in the context of a true reflection of our national indebtedness.

615 Although we were far from satisfied with the process employed by the Government in arriving at its decision on the consultation for the power station and the use of LNG, we accept that the Government now has a mandate to proceed. But we will of course continue to scrutinise the construction of the power station and the use of LNG within our jurisdiction. We have a duty to those who voted for us, to those who showed interest and concern on this issue and to the wider community, to ensure that these projects continue to be the subject of very careful democratic and parliamentary scrutiny.

620 We are also glad too, Mr Speaker, Your Excellency, that both Your Excellency and Mr Speaker have raised the issue of parliamentary reform and indeed that has been raised by the Hon. the Chief Minister. We for our part remain committed to the process of parliamentary reform, but we remain in particular committed to the principle of the enlargement of Parliament and the creation of backbenchers. And we also remain committed in particular to the principle that the number of meetings of this House does not necessarily increase the quality of our democracy without the requisite sincerity in relation to the answers provided to questions in this House and the quality of the information provided across the floor of this House.

630 Finally, Mr Speaker, I would like to deal with three issues. First of all, I would like to thank Damon Bossino, my Deputy over the last two years, Selwyn Figueras and Jaime Netto for the work they did during the last four years. In the case of Jaime Netto, for the work he did over 19 years as a Member of this House, and 16 as a Government Minister.

Secondly, I would like to thank Sir Peter for his unflinching support and the invaluable advice over the last two years that I have led the party that he led so successfully over 22 years.

635 Thirdly I would like to welcome the new Members of this House, on this side of the House and in whom the future of the GSD and the Opposition rests. I know that you will all work tirelessly and fearlessly, not only for those who voted for you, but for the good of the community. Your public spirit in offering yourselves as candidates, and that those who came forward and were not elected, does credit to all within this community.

640 Let us prove to be the Opposition that the people of Gibraltar deserve. (*Banging on desks*)

The House adjourned at 12.32 p.m.