



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.10 p.m. – 4.26 p.m.**

**Gibraltar, Wednesday, 26th July 2017**

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# The Gibraltar Parliament

*The Parliament met at 3.10 p.m.*

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

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

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Social Security (Miscellaneous Amendments) Bill 2017 – First Reading approved**

**Clerk:** Meeting of Parliament, Wednesday, 26th July 2017.

Order of Proceedings: Bills.

5 A Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997; and for connected purposes. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

10 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for connected purposes, be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20 **Clerk:** The Social Security (Miscellaneous Amendments) Act 2017.

#### **Social Security (Miscellaneous Amendments) Bill 2017 – Second Reading approved**

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I beg to move that the Bill for the Social Security (Miscellaneous Amendments) Act 2017 be read a second time.

This Bill gives effect to two Budget measures relating to Social Security, announced in 2015, to encourage and assist small businesses and start-up companies.

The first measure was the abolition of the employer Social Insurance contributions on a second employment. Before this measure was announced, where an individual had a second employment both employers were required to pay Social Insurance contributions. With the introduction of this measure, once a maximum contribution is paid by an employer in respect of an employee no further contribution by an employer is required to be made.

The second Budget measure was the introduction of a credit of £100 per employee in respect of the employer's contribution for Social Insurance for companies with 10 or fewer employees. This Budget measure is given effect in this Bill by way of a regulation-making power enabling the Minister to provide for the granting of a credit to employers who employ a prescribed number of employees, subject to such terms and conditions as may be prescribed. The draft regulations will be published once this Bill is published as an Act and these will provide that the credit will be made against the final payment of the year and companies will only be eligible if they have made the required Social Insurance and tax payments on time throughout the year of assessment. For a new company the credit applies to companies with up to 20 employees in the first year of operation.

Mr Speaker, the Bill, given that it gives effect to Budget measures announced in 2015, will apply retrospectively, if approved, to 1st July 2015.

I commend the Bill to the House.

25 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for connected purposes, be read a second  
30 time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Social Security (Miscellaneous Amendments) Act 2017.

**Social Security (Miscellaneous Amendments) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):**  
35 Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

40 **Members:** Aye.

**Housing (Amendment) Bill 2017 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Housing Act 2007. The Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** I have the honour to move that a Bill for an Act to amend the Housing Act 2007 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Housing Act 2007 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Housing (Amendment) Act 2017.

**Housing (Amendment) Bill 2017 –  
Second Reading approved**

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I beg to move that the Bill be read a second time.

This Bill introduces an amendment to the Housing Act 2007. Its purpose is to inter alia provide for the variation of rent charged for Government rental housing stock. The Housing Act does not make specific provision for this.

Section 30A of the Act grants the Minister with responsibility for housing very wide powers to make regulations. Among various other matters, such regulations may prescribe the conditions of occupation of premises of tenants in public housing. The Bill introduces a statutory definition of ‘conditions of occupation of premises’. The House will note that this definition includes a wide spectrum of matters, including the terms of any tenancy agreement with the tenant, the levels of rent and other charges payable, the method of payment and recovery of arrears of rent, and the use of public housing, including, without limitation to, the number of occupiers. The Bill clarifies, therefore, the reach of the powers available to the Minister as currently contained in section 30 of the Act.

This House is very well aware of the Government’s commitment to public sector housing. We are justly proud of our unprecedented investment in public sector housing and of the significant improvement of facilities to tenants. We remain committed to protecting and enhancing our public housing stock. At last year’s Budget speech, the Chief Minister noted that Government would continue to invest in the upgrading of our public housing stock. Indeed, in my own Budget intervention this year I outlined the continued plan of refurbishment works in our housing estates this year and beyond.

You may also recall, Mr Speaker, that the Ombudsman called for a review of the housing rents in his annual report last year. Since the announcement was made, the step has been widely accepted and indeed welcomed, perhaps more on a matter of principle than because of the value of the income that rent increases will generate. Mr Speaker, the House will know that public sector rents have not been adjusted for a considerable period of time – in fact, since 1983 – not even to reflect inflation over the last 34 years. The increase itself is relatively minimal.

In his 2016 Budget address the Chief Minister announced that Government residential rents would be increased – in fact, for the first time in 34 years, rather than 32 years, as he then said – by 3%, which will amount to an average of 60p per week. The increase will amount to 39p for a two-bedroom property at Alameda Estate, or 46p a week for a two-bedroom property at the Mid-Harbour Estate, namely less than half the price of one edition of the *Gibraltar Chronicle*. I indicated then that this very modest adjustment should continue on an annual basis; and even if

this measure were applied annually over the next three decades, rents at that point will nevertheless remain considerably below what they would have been if 1983 rents had increased consistently in line with inflation over the 34-year period between 1983 and 2017. This Bill allows for this to be given effect.

Furthermore, I have also instructed for there to be further amendment to legislation to allow for similar increases to be made to other Government charges, to be increased annually in accordance with inflation. Notice of such inflation will be provided in the Gazette.

This measure is long overdue. The Members opposite have already indicated their support to this principle and I expect, therefore, that this Bill will be supported by all Members of the House as fiscally prudent and sensible. The adjustment is extremely fair to our tenants, but it also provides some rebalancing in favour of the general taxpayer, even though, because of the very modest adjustment, it does not even correct the effects of inflation over the period.

Mr Speaker, I commend the Bill to the House. *(Banging on desks)*

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? No.

45 I will now put the question, which is that a Bill for an Act to amend the Housing Act 2007 be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

**Clerk:** The Housing (Amendment) Act 2017.

**Housing (Amendment) Bill 2017 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** I beg to give notice that the Committee stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today?

**Members:** Aye.

**COMMITTEE STAGE AND THIRD READING**

*In Committee of the whole Parliament*

**Clerk:** Committee Stage and Third Reading.

**Mr Speaker:** The Hon. the Chief Minister, will you please move that the House resolve itself into Committee.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause, namely the Housing (Amendment) Bill 2017 and the Social Security (Miscellaneous Amendments) Bill 2017.

**Social Security (Miscellaneous Amendments) Bill 2017 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997; and for connected purposes.

Clauses 1 to 4.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Housing (Amendment) Bill 2017 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Housing Act 2007.  
Clause 1.

50 **Mr Chairman:** Stands part of the Bill.

There is notice being given of an amendment. It is really a typographical error. Clause 1 should properly be renumbered clause 2, and that is the amendment that is being moved by the Hon. Minister – notice has been given. Do all hon. Members agree that clause 1 be renumbered correctly as clause 2? (**Members:** Aye.) Carried.

55

**Clerk:** The long title.

**Mr Chairman:** So clause 2 as amended stands part of the Bill and the long title stands part of the Bill.

**Social Security (Miscellaneous Amendments) Bill 2017 –  
Housing (Amendment) Bill 2017 –  
Third Readings approved: Bills passed**

60 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have the honour to report that the House has considered in Committee the Housing (Amendment) Bill 2017 and the Social Security (Miscellaneous Amendments) Bill 2017 and has passed them with one amendment.

65 **Mr Chairman:** I now put the question, which is that the Social Security (Miscellaneous Amendments) Bill 2017 and the Housing (Amendment) Bill 2017 be read a third time and carried. Those in favour? (**Members:** Aye.) Those against? Carried.

**GOVERNMENT MOTION**

**Ombudsman for Public Services –  
Dilip Dayaram Tirathdas MBE appointed**

70 **Clerk:** We now move to Government motions. The Hon. the Chief Minister.

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

*This House approves by Resolution pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the appointment of Mr Dilip Dayaram Tirathdas MBE JP as the Ombudsman for Public Services for all the purposes of that Act with effect from Monday 26 June 2017 for the term of three years.*

75 Mr Speaker, Mr Dilip Dayaram Tirathdas is well known to all Members of this House, and indeed to all members of the community. He is a person who has been involved, at times, with the running of elections – both in terms of European elections and parliamentary elections – in the background and in assisting the preparation for that, and he has been involved in the Civil Service since 1974. Indeed, it is really a career that has spanned 40 years in Government services, and in that time Mr Tirathdas has sought qualification in areas beyond just the areas in  
80 which he practised in Government.

Dilip started as a clerical officer in the Treasury and his career has really been related to Government finances. He spent a lot of time in the Treasury, in the Secretariat and in the Income Tax Office. No doubt some of that time, Mr Speaker, he may have come into contact with you in your time in Government. He ended up being a very senior officer in Government  
85 finance. He was a senior executive officer in the Treasury department, a senior accountant. He then became Accountant General in 1995 and then Financial Secretary from 2007-14. Mr Speaker, a person who has been in Government service since 1974, has served five Chief Ministers at different times, and Dilip ended his career in Government service working very closely indeed with my predecessor, Peter Caruana, and then with me as Chief Minister. He has,  
90 of course, also the great distinction of being the first Gibraltarian Financial Secretary, the first Financial Secretary who was appointed after the 2006 Constitution, not as an *ex officio* member of this House but as one of the appointees directly appointed by the Chief Minister at the time in February 2007.

He is a person who everyone who knows him will say is of a friendly and mild demeanour.

95 The qualifications he sought, as I was saying, when he was dealing with these financial matters in the Treasury went beyond simply the sort of qualifications that one would associate with that. Dilip qualified with a Bachelor of Science from the University of Manchester in Financial Services in 2002, having previously become a Fellow of the Chartered Institute of Bankers in September 2001. He took a Bachelor of Arts degree from the Open University also in  
100 December 2002 and a Bachelor of Law degree in December 2008, and Dilip was called to the Gibraltar Bar on 20th September 2013, having previously been called to the Bar in the United Kingdom in October 2011.

Mr Speaker, that is the background of Dilip Dayaram Tirathdas, and therefore, when the Government was looking to see who would be a good successor to Mario Hook, who was  
105 Gibraltar's second Ombudsman, we were looking for somebody who had a deep understanding of the workings of Government, who had the ability to understand people's rights and who had the maturity and the manner with people that one would expect an ombudsman to have. Indeed, if I may say so, the sort of role that Henry Pinna, as our first Ombudsman, and Mario Hook have carved out for ombudsmen in Gibraltar requires that level of maturity, that level of  
110 approachability and that level of impartiality which few in our community can muster.



And so, with that in mind, the name of Dilip Dayaram Tirathdas was proposed to the Government and we thought it was absolutely the right sort of characteristics that he represented that would make for a good Ombudsman. Dilip has been holding the post of Ombudsman, as the legislation provides for, for a short period pending the decision of this House by way of approval of this motion, and I can think of no one better to fill this role now going forward, to fill the very big shoes that Henry Pinna created and Mario Hook filled and that are left now in that office of Ombudsman to continue to do the sterling work that that office does, than Dilip Dayaram Tirathdas, and I therefore commend the appointment to the House as set out in the motion. *(Banging on desks)*

115

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

120

**Hon. R M Clinton:** Thank you, Mr Speaker.

I must, first of all, declare that I have counted Dilip Tirathdas as a friend for many years and I have to admit that I truly admire his dedication and commitment to all things to which he turns his mind.

125

He entered the Civil Service at the age of 17 in 1974 and indeed reached the pinnacle of Financial Secretary upon his retirement in 2012 after 38 years of service. As the Chief Minister has already remarked, he has worked in the Government Secretariat, the Income Tax Office and the Treasury before being appointed as Accountant General and our first Financial Secretary. His dedication and contribution to the Civil Service was quite rightly recognised with the award of an MBE in 2015 for public service in Gibraltar.

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Dilip has thirsted for knowledge and self-improvement and in his own time he has obtained an honours degree in financial services and an honours degree in law, no mean achievement. He is also a qualified barrister and is a Fellow of the Chartered Institute of Bankers. To have achieved all this while also undertaking what was an onerous full-time job is merit indeed and evidence of the commitment Dilip applies to any task at hand. And not content to enjoy his well-earned retirement, Dilip continued his civil duty in having volunteered to be appointed as a Justice of the Peace. And so, Mr Speaker, in summation, Dilip is, by all counts, a jolly fine fellow and a model citizen for us all.

135

Today the Chief Minister is requesting this House to approve the appointment of Mr Dilip Tirathdas as the Ombudsman for Public Services, pursuant to section 3(2) of the Public Services Ombudsman Act 1998. The Public Services Ombudsman Act 1998 in its title describes itself as, and I quote:

140

An Act to make provision for the appointment of an Ombudsman for the investigation of administrative action taken by or on behalf of the Government of Gibraltar and providers of certain services to the general public, to regulate the functions thereof, and for purposes connected therewith.

A bit of a mouthful!

145

Mr Speaker, the Ombudsman is also an officer of this Parliament under section 25(3)(b) of the 2006 Gibraltar Constitution, and as such the expense of the office is quite rightly a charge on the Consolidated Fund.

The role of Ombudsman is a very important one, in that they report to Parliament and also have wide-ranging powers of investigation as to fair administration by Government. The key to undertaking this duty is the requirement for impartiality and independence, so that public confidence in the office of Ombudsman may never be undermined.

150

It is our understanding on this side of the House that the previous two holders of the post of Ombudsman did not have any significant record of employment as civil servants, having pursued their careers in the private sector. We have a concern that, given the Ombudsman covers such a wide range of entities, that as Financial Secretary, or indeed during his long career as a civil

160 servant, Mr Tirathdas may have had some direct or indirect involvement such that the potential  
for conflicts of interest, whether real or perceived by the public, is unfortunately greatly  
increased.

165 Mr Speaker, an extract from the schedule to the Public Services Ombudsman Act lists the  
following as areas which would be subject to investigation by the Ombudsman. It is broken  
down into three areas. Firstly, Government:

1. GOVERNMENT.

1.1. All Gibraltar Government departments and agencies, including, but without prejudice to the generality of the  
foregoing, the Royal Gibraltar Police.

2. STATUTORY BODIES.

2.1. Gibraltar Health Authority.

2.2. Gibraltar Broadcasting Corporation.

2.3. Gibraltar Development Corporation Limited (GDC), including the Employment and Training Board (ETB), the  
Tourism Board and any other Sections of the GDC.

2.4. The Development and Planning Commission.

2.5. The Transport Commission.

2.6. The Traffic Commission.

2.7. The Care Agency.

2.7A Gibraltar Electricity Authority.

2.8 The Gibraltar Sports Authority.

2.10 The Gibraltar Culture and Heritage Agency.

2.11 The Borders & Coastguard Agency.

2.12 The Housing Works Agency.

And then, thirdly:

PUBLIC UTILITIES AND CONTRACTORS.

Any person, company or other entity providing one or more of the following services to the Government of  
Gibraltar or to the general public under the terms of a contract with or a licence issued by the Crown or a  
statutory body.

In short, anything that has any Government involvement or control.

170 Mr Speaker, apart from the general financial responsibility for Government Departments, the  
Financial Secretary also has, by way of example, sat on the boards of both the GHA and Gib  
Telecom. It could perhaps be reasonably argued, as indeed the Chief Minister already has, that  
Mr Tirathdas, because of his intimate inside knowledge of the workings of the Civil Service and  
other Government entities, is perhaps best placed to consider complaints against them. On the  
other hand, we have received representations that the office of Ombudsman may perhaps be  
seen to be undermined as regards a perceived lack of independence by the general public. On  
this point the jury is really still out and only time will tell whether the office of Ombudsman  
should best be undertaken by a retired senior civil servant or not.

175 The other area of concern to us on this side of the House is in fact the manner of selection of  
the candidate for Ombudsman. At no point that I am aware of has the Chief Minister discussed  
the appointment of this parliamentary officer with anyone on this side of the House, even if only  
by way of courtesy, as to our opinion. If such an opinion had been sought, we would have urged  
that the post be advertised as widely as possible and an independent committee be created to  
180 shortlist candidates. Even if the law currently as drafted makes no provision, we think that  
would be only best practice.

185 According to the 2017 Estimates, the post of Ombudsman currently attracts an annual salary  
of £83,483, which in itself, if the numbers are correct from the 2016-17 Estimates, is a 16.4%  
increase on last year. Last year's salary was £71,716 at the maximum level – or it would appear  
to be an increase of £11,767 from last year. We would be interested to hear from the Chief  
Minister as to the reasons for such a generous increase, albeit admittedly not his usual 28%. It is  
a well-remunerated position which no doubt could have attracted interest from inside and

outside the Civil Service. We will be interested to hear from the Chief Minister as to what process was followed in selecting the candidate being proposed to this House today.

190 Mr Speaker, given our current reservations as expressed, whereas we have full confidence in Mr Tirathdas as a man of integrity and ability, we do have concerns as to whether a retired senior civil servant is perhaps the best person to be appointed Public Services Ombudsman, and we would have welcomed the advertising of the post within both the public and private sector. And so, unless the Chief Minister in his reply can provide some compelling reasons for the  
195 appointment of Mr Tirathdas as opposed to any other potential candidate, either inside or outside the Civil Service, we this side of the House are minded to exercise our right to abstain on his appointment.

Thank you, Mr Speaker. *(Banging on desks)*

200 **Mr Speaker:** Before I call on the mover to reply, does any other hon. Member wish to speak on this motion?

I will then call on the Chief Minister to reply.

**Hon. Chief Minister:** Well, Mr Speaker, I am very pleased indeed that the passing of the  
205 baton has not meant that there is a passing of the page to a more progressive and positive GSD that might therefore more engage with or be in tune with people's views as to how this community should be run, because nothing could be better for us on this side of the House.

I am sorry that the hon. Gentleman's first real substantive intervention as Leader of the  
210 Opposition will be to march his troops all the way to the top of the hill, get them to do nothing and march them back down again. But so be it, although I will counsel the hon. Gentleman that that approach and that even mild-mannered belligerence, if I may put it that way, is not really what this community is looking for at this time in particular. People are looking for us to work together and constructively in order to take this community forward. In doing so we each have a role, and the role that is ascribed to me under section 3 ... If the Hon. Mr Phillips cares to listen,  
215 given that he at least is here today, he might learn something of the law.

Mr Speaker, section 3 of the Public Services Ombudsman Act sets out what my role is in this, and my role, because the people of Gibraltar have decided it should be, is to appoint a person from time to time to discharge the responsibilities of Ombudsman, and then for this Parliament to make a decision as to who should discharge that function for the period of appointment of  
220 three years. So let us be clear about what it is that the law requires before suggesting that even in circumstances when appointments are made by the House we should be going out to advertise. Under section 3, I appoint from time to time but only for a short period and then I bring to the House and the House decides – and I brought a motion.

The hon. Gentleman has not proposed another name. He has not been in touch with me to  
225 propose another name, and the fact is that in all of the instances when an Ombudsman was appointed before, there was no phone call from the greatest Gibraltarian of all time to Mr Bossano. Well, I understand that there was not, Mr Speaker. I understand that there was not, and in fact I will tell the hon. Gentleman more: if there was ... And this is now obviously a difference of opinion between a man who is not here and a man who is as to what might have  
230 happened 15 years ago.

I shall tell him that when there is in the law an obligation to consult, like for example on the appointment of Speaker, the consultation amounted to, 'Joe, I am going to appoint x as the Speaker,' not 'Joe, what do you think? Have you a name? Should we advertise?' So, even when consultation is required, the GSD definition of consultation is, 'I'm telling you that,' and where  
235 consultation is not required there was not even that, and this is does not require consultation.

This is different. This is an appointment by the House, Mr Speaker. The appointment is going to be made by us here today. The notice of appointment done under the Gazette is only a short-term appointment. The job is given by the people in this House through their elected representatives.

240 It is all very well to say that somebody is highly qualified, to go through the qualifications that  
Mr Dayaram Tirathdas has and say that he is a jolly good fellow, and then to lay into the man –  
which is, in effect, what the hon. Gentleman has done by saying he is not able to discharge the  
functions of the office of Ombudsman, despite the qualifications that he has because they  
impugn his ability to be impartial. How can the hon. Gentleman opposite get up and say that  
245 simply because someone has been a civil servant they cannot be impartial? How can he say  
that?

Mr Speaker, as I understand it, the former Ombudsman did a short stint in the Civil Service as  
a Crown Counsel defending the Government in court. So, is it that it is only possible to be  
independent in the assessment of claims about whether the Government has acted  
250 administratively properly or improperly – their Government or our Government, because the  
Ombudsman considers cases sometimes going back seven years, 10 years – if one comes from  
outside the Government and not from within? Is it that they have forgotten that the person who  
was Gibraltar's first Ombudsman was the Chairman of Action for Housing? And is it that they do  
not look at the Ombudsman's report and see that the majority of the complaints relate to  
255 housing? So, they do not impugn the impartiality of somebody coming from outside who has  
taken a position in relation to housing – in fact, they propose them – and yet when somebody  
comes from the Treasury department they impugn the ability of the individual to be impartial.

Mr Speaker, I understand that they are gasping for political breath and they are looking for  
any point to take. They should take the good ones, not the bad ones. The crisis in the GSD  
260 should not become an issue that leads them, simply in an attempt to stay alive politically –  
(*Interjection*) not until I have finished the sentence – to impugn somebody's impartiality and  
integrity, Mr Speaker.

**Mr Speaker:** The Hon. the Leader of the ... It has to be on a point of order. He is not just  
265 asking the Chief Minister to give way. It is on a point of order.

**Hon. R M Clinton:** Absolutely, Mr Speaker.

**Mr Speaker:** What Standing Order are you referring to, please?  
270

**Hon. R M Clinton:** The question of relevance to the debate, Mr Speaker.

**Mr Speaker:** Relevance?

**Hon. R M Clinton:** Relevance to the debate. What is the debate –  
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**Mr Speaker:** You want me to rule on relevance?

**Hon. R M Clinton:** Relevance to this motion.  
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**Mr Speaker:** I want to hear you: what is irrelevant? What do you consider to be irrelevant in  
what the Chief Minister is saying?

**Hon. R M Clinton:** Any references to the GSD or its future, Mr Speaker.  
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**Mr Speaker:** Any reference?

**Hon. R M Clinton:** To the GSD or its future, Mr Speaker. What has that got to do with this  
debate? (*Interjections*)  
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**Mr Speaker:** We have two parties – three parties, sorry – represented in this House amongst the Members. We have two independent Members. Are you asking me to rule whether any references to the future of those parties is relevant? A passing reference? One thing is to enlarge on a point which can be introducing new material when the Chief Minister exercises his right to reply. Enlarging on a point, developing a point, can be new material. A passing reference – is that new material or is that irrelevant?

**Hon. Chief Minister:** Mr Speaker, may I deal with the point, because –

**Mr Speaker:** Having heard the Leader of the Opposition, I now want to hear what the Chief Minister's view is on this question of relevance.

**Hon. Chief Minister:** Mr Speaker, my position – my political position as Leader of the House – is that their party's fracture, the destruction of the fabric of the Opposition –

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**Hon. R M Clinton:** I really must object to him carrying on.

**Hon. Chief Minister:** – of the GSD –

**Mr Speaker:** I have invited the Chief Minister –

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**Hon. R M Clinton:** But, Mr Speaker, this is going well beyond explaining his point.

**Mr Speaker:** I think the new Leader of the Opposition is not going to make my life easy (*Laughter*) if apart from raising a point of order he is also going to instruct me as to how I should judge the issue. I hope that he will give me an opportunity to listen to both sides and then perhaps take a view.

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**Hon. Chief Minister:** Thank you, Mr Speaker.

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On the issue of relevance in debate of the complete fracture of the GSD, of the political crisis that there is in College Lane in respect of the party that was the Government and is now not able even to keep the seats in opposition under its whip, the issue is of course simply this, and it is immediately relevant: they need to be politically somehow relevant to this community, and my case is that they are taking a position against Dilip Dayaram and they are taking other political positions simply to try and remain politically relevant.

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In this House, when I am addressing how people should vote – and I am addressing 17 Members, two of whom used to take the whip of the GSD and do not any longer – I wish to develop the point that part of what is happening in this House, and perhaps happened in other debates, is that the political crisis in the GSD is infecting the political debate that is put by the leader of that party in this House, who is, for now at least, the Leader of the Opposition.

330

I have read today in one of the local newspapers that there is even an attempt to interpret the Constitution, which they published with great fanfare in 2013, in such a purposive way that it makes it difficult for people no doubt to have confidence in how they interpret everything else.

335

That is why, Mr Speaker, I think that the complete breakdown of a party – that held government for 16 years but now is unable even to hold the seats that it was elected to represent in this House – is relevant to this debate, as it has been relevant in debates in this House in the past to mention many things which might not be directly relevant to the issue of a motion or an Act but which are politically relevant. I will put it to hon. Gentlemen opposite that if they try to restrict what a person can consider to be politically relevant to an argument that they make, they, even from the Opposition seats, will seek to gag debate in Gibraltar – they are even attempting to stop the Chief Minister of Gibraltar from expressing his view.

340

God forbid that they should ever hold government again, because then we would lose once again freedom of speech in this community in the same way as they excluded *The New People* from press conferences of the Government whilst they held that office because it simply did not share their views and criticised them. So let us hope that those who represent that attempt to stop political debate do not in the future hold office in this nation. (**A Member:** Hear, hear.) (*Banging on desks*)

**Mr Speaker:** I take the view that a passing reference made about the future of a political party is not irrelevant. Had the Chief Minister attempted to develop the point in the manner in which he has done now, (**Several Members:** Ah!) (*Laughter*) I would have called him to order, but that has happened as a result of the point of order which the Leader of the Opposition has raised. (*Interjections and laughter*) (**Hon. Chief Minister:** I love it!) But as part of his substantive speech I would have called him to order, but as a passing reference it is not irrelevant. Development of it is outside the scope of the debate.

Please carry on.

**Hon. Chief Minister:** So, Mr Speaker, as I was saying in passing, the hon. Members appear, because of the political crisis affecting the GSD, to look for any – (*Interjection*) No, I am just picking up where I left off; I am not going to continue with it. I have explained why I think the political crisis in the GSD has become so relevant, but what I was saying was that they are taking any point they can in order to try and paper over not the crack but the cavern that is appearing in the GSD. That is now affecting Dilip Dayaram Tirathdas. Let's see who it affects next. Let's hope it is not something which goes to Gibraltar's national interest. Let us hope it does not, Mr Speaker. I hope that they take the summer to reflect on where they are and where Gibraltar would expect them to be.

It is true that Dilip Dayaram Tirathdas has not been appointed to a post that requires impartiality by the GSLP/Liberal administration. First, he was appointed by the GSD administration, by the former Chief Minister, to a post that certainly requires impartiality: the post of Financial Secretary, which carries with it statutory obligations, and he discharged that – and I made the point in my speech – in an exemplary fashion both from 2007 to 2011 under the GSD and from December 2011 to 2013 or 2014 under the GSLP/Liberal administration.

This is a man who has demonstrated his impartiality and his ability to be impartial to a GSD administration and to a GSLP/Liberal administration, and so therefore his qualification as a civil servant enables him to understand the very system that he will be involved in looking at and showing is operating in the right way. Can that be done by somebody from outside the Civil Service? Absolutely it can be done: Henry Pinna did it very well. Can it be done by somebody who has less experience of the Civil Service? Absolutely it can be done: Mario Hook did it very well. Can it be done by somebody who has experience of the inner workings of the Civil Service? Well, arguably, it can be done better because he may be able to understand better what it is that needs to be fixed when a complaint comes in. The jury is out, but what is certainly not true and what we think is very uncharitable is the suggestion that he cannot do it because he has been a civil servant.

Mr Speaker, it is a good thing that Mr Llamas no longer sits with the GSD whip; otherwise, he might have something to say about it. If Mr Llamas were in the future to retire as a civil servant, is it that he can no longer ever make a fair decision about the Civil Service and whether they have acted properly or not?

Mr Reyes has been a teacher and in part a civil servant. Is he saying that civil servants are not able to make fair determinations about other civil servants and how to behave themselves? I am sure he is not, Mr Speaker. It is not Mr Reyes's style to take that judgemental approach against people, and yet that is what is happening in this case.

The hon. Members opposite are saying that they do not believe, or they are not prepared to have the confidence that Mr Dilip Dayaram Tirathdas will be able to impartially determine and

395 resolve disputes that people might have with the Civil Service. I will give them all a little bit of a  
lesson on how speakers are appointed in parliaments. In most parliaments, the speaker is taken  
from the benches of the parliament and the speaker sits in judgement over the implementation  
of the rules of the parliament fairly, even though he comes from one side or the other. Hon.  
Members may know that John Bercow, the current Speaker of the Parliament in Westminster, is  
400 a member of the Conservative Party elected as a Conservative Member of Parliament; he  
becomes the Speaker and Labour Members have the confidence that he is going to discharge his  
obligations.

In Gibraltar we have had a tradition of appointing individuals sometimes from outside the  
House, and in the case of Mr Speaker, somebody who was the Chief Minister and a member of  
the AACR. But we have also had instances of somebody being appointed Speaker who was not  
405 overtly political and did not have that experience but who had indicated his preference for a  
particular point of view: Mr Haresh Budhrani, Mr Speaker, who explained when he took the  
Chair that he had had a GSD sticker on his bumper.

Mr Speaker, we have to take people at face value and we have to expect that people will  
discharge their obligations. What makes it impossible for Dilip Dayaram Tirathdas to discharge  
410 his functions as Ombudsman simply because he has been a civil servant, and yet all hon.  
Members opposite are able to discharge their functions simply by dint of their election? I know  
that when they stood for election there were some who were left out of the slate who felt that  
they could do a better job than the seven who were elected – I can think of one in particular, Mr  
Speaker.

415 People actually do discharge their obligations. The theory of Members opposite, Mr Speaker  
– and I am talking about what is left of the official Opposition, the GSD ... The theory of what is  
left of the official Opposition in respect of the GSD is that nobody has integrity, nobody  
discharges their functions properly, the media just completely allow themselves to be ridden  
roughshod by the Government, everybody is lacking in integrity except them; the only people  
420 who do a fair job for a day's wage is them, everybody else is taking Gibraltar for a ride, has not  
got integrity etc.

Well, look, Mr Speaker, the success of this nation demonstrates that people go to work, do  
their jobs and discharge their functions and they put distance between themselves and their  
425 friends because we are a small community and they make fair determinations. And when they  
do not, there are mechanisms to deal with that because sometimes people just make mistakes,  
but not through a structural lack of integrity that only appointments by the GSD can fix – which  
is what the Hon. the Leader of the Opposition has suggested. I must tell hon. Members that by  
the standard that they are seeking to judge others they would have failed tremendously if they  
430 looked at the appointments that they made when they were in office in the application of those  
sorts of standards to the appointments they made to boards etc.

Therefore, Mr Speaker, the Government is very confident indeed that Dilip Dayaram  
Tirathdas is not just a jolly good fellow, he is not just a person who has rightly been honoured by  
Her Majesty the Queen by the recognition of a state honour for the work that he has done, he is  
435 not just rightly also a person appointed by the Chief Justice as a Justice of the Peace to sit in  
judgement over people, with the power, when he is sitting on the bench, to imprison people; he  
is absolutely the right person in this community today to be able to discharge the obligations of  
Ombudsman and resolve issues which might relate to maladministration as somebody who  
knows how the system works and will be able to assist claimants to fix problems when they  
arise.

440 Therefore, Mr Speaker, I deprecate the things that the hon. Member opposite has said and I  
commend the appointment of Mr Tirathdas to the House. *(Banging on desks)*

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the  
Chief Minister. Those in favour? **(Members: Aye.)**

445

**Hon. R M Clinton:** Can we have a division?

**Mr Speaker:** There are eight Government Members present, two are absent, so there are eight votes in favour.

450 The Hon. Marlene Hassan?

**Hon. Ms M D Hassan Nahon:** Yes, in favour. Sorry, I haven't asked to speak, Mr Speaker. *(Interjection by Hon. Chief Minister)*

455 **Mr Speaker:** How are you voting?

**Hon. Ms M D Hassan Nahon:** In favour.

460 **Mr Speaker:** In favour nine votes in favour.  
The Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, I shall be abstaining.

465 **Mr Speaker:** You are abstaining and the official Opposition are also abstaining.

*Voting resulted as follows:*

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. R M Clinton	Hon. Dr J E Cortes
Hon. J J Bossano		Hon. L F Llamas	Hon. D A Feetham
Hon. N F Costa		Hon. T N Hammond	Hon. S E Linares
Hon. Dr J J Garcia		Hon. E J Phillips	
Hon. Ms M D Hassan Nahon		Hon. E J Reyes	
Hon. A J Isola			
Hon. G H Licudi			
Hon. F R Picardo			
Hon. Miss S J Sacramento			

**Mr Speaker:** The motion is carried by 9 votes and 6 abstentions – **(Two Members: Five.)** five, sorry, yes, five. And there are, I should have said, two Members of the Government absent and one Member of the Opposition also absent, which explains five and not six.

#### PRIVATE MEMBER'S MOTION

#### Bill to amend Financial Services (Moneylending) Act – Leave to introduce not granted

470 **Clerk:** Private Member's Motion. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

Leave is requested of the House to introduce a Bill for an Act to amend the Financial Services (Moneylending) Act in the form attached so as to make provision for the Minister with responsibility for finance to publish in the Gazette details of moneylender licences in issue annually and also to publish notice of revocation and issue of new moneylending licences in the Gazette.



475 My motion, in seeking leave to amend the Financial Services (Moneylending) Act, is not one that this House should have any particular difficulty with, since its objective, being to publish the details of holders of moneylending licences, in fact already enjoys the implicit support of the Chief Minister, who in December 2016 stated he was, and I quote, 'happy to consider making provision to publish the list generally in future'.

480 Mr Speaker, we all recognise that the Financial Services (Moneylending) Act has its origin in legislation and dates back a hundred years to 1917, and that, despite subsequent amendments, it is still, in areas, perhaps out of date or lacking in respect of concepts of modern transparency and disclosure.

485 This piece of legislation has, in recent years, become of increased public interest and importance since the date the Government revealed that Credit Finance Ltd had been issued with a moneylending licence, and yet to this day there is no official register where the public can verify this information. Indeed, other Government-owned entities, such as Gibraltar Home Loans Company Ltd, have also apparently been granted licences by the Chief Minister in his sole discretion, which again cannot be independently verified.

490 Mr Speaker, the question of confidentiality or otherwise of a list of the moneylending licence holders has indeed been discussed in this House for now well over a year. The Hon. Damon Bossino raised it in Question 389/2015 in May 2015 and again subsequently in Question 442/2015 in June 2015, and I myself raised it in December 2016 in Question 921/2016. In answer to all those questions the Chief Minister indicated that he was indeed open to the publication of a list of licence holders, but that in the absence of specific provision to disclose, despite the silence of the Act as to publication, he would not disclose the list openly to Parliament.

500 In my view, this is a nonsensical position for the Chief Minister to adopt, since under the Moneylending Rules made under section 9 of the said same Act there is, in fact, a very specific requirement for any applicant for a moneylending licence to advertise the fact in the Gazette. And so it is patently absurd that the application for a licence has to be made public, and yet the grant of a licence is not. If the application is of such public interest that it needs to be gazetted, then so more should its granting.

505 Mr Speaker, the Chief Minister did, in December 2016, offer to discuss this matter with me behind the Speaker's Chair as to how the list might be published. I politely declined this offer because I could see no point in discussing a subject that was manifestly so simple to resolve and I saw no advantage to the public interest to engage in discussions behind the Speaker's Chair.

Mr Speaker, it is subject matter so simple that the Chief Minister himself said in May 2015 that he would:

happily look into whether this should be something that can be provided for publicly in the future in this House or even perhaps on a register which is maintained on a website. For some reason this is still done by the Ministry for Finance, not by any other entity, but it is something that, at first blush, I agree with him – there is no reason why it should not be made public.

510 Mr Speaker – and I wrote this speech some time ago – in two months, whenever that was ... That was an exchange that happened in this House two years ago and yet nothing has been done to address the matter.

I appreciate the Chief Minister and the Government are busy with Brexit and other matters, and thus, in order to assist the business of this House, I have proposed this simple amendment to the Act, which, if this House agrees, will modernise the Act and will settle the question of disclosure once and for all.

515 Mr Speaker, it cannot be right that the public cannot see who has been granted and holds a moneylending licence, or indeed whose licence has been revoked. It is a matter of public interest.

I will be very surprised if the Government finds itself unable to support my motion as drafted, but if they have some technical difficulty with the wording I have used, in this instance I am open

520 to them amending my draft Bill and motion as they see fit, providing of course that the overriding public interest principle of transparency and disclosure is met.

And so, Mr Speaker, for all the reasons I have just set out, I commend my motion to the House. *(Banging on desks)*

525 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Leader of the Opposition.

The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am pleased that the hon. Gentleman has at least gone back and looked at what I said in 2015 and 2016, and that I gave him the opportunity to talk to me about how we might deal with this issue short of having to amend the legislation. I was of course going to remind him of that, given that he moved the motion without even the courtesy of a phone call or writing to me to say, 'Look, Fabian, I'm minded to do this in this way. Would this find support? Does this deal with the manner in the way that you might have felt, if I had taken you up in that discussion, that you could support?' He would have found, Mr Speaker, that my answer would have been that I do not support doing things in this way.

530 Mr Speaker, I am Minister for Finance and I have responsibility for signing these applications, they are vetted by the Financial Secretary, but of course it is also an area of relevance for the Minister for Financial Services. I have once again checked, just in case, but it has been confirmed to me that Mr Clinton has not raised the issue with the Minister for Financial Services, and you would have thought that if there was a genuine desire to act in a way that is in concert and in the interests of the community then a phone call would not have been amiss as an attempt to try and find a common way forward. Otherwise, one is left thinking that this is just an attempt to score a political point – a political point that may not have appeared relevant to Members when they were in Government. For 15 years they had the chance to change this Act. It would have been easy for them to do – they did not do so. Ah, but the Government has now taken moneylending licences – that is why it is relevant now. Is it, Mr Speaker? Is it relevant because the Government has taken moneylending licences? The Government has said when it is taking moneylending licences, has explained why it is taking moneylending licences and is probably the most generous when it comes to determining how to lend money and ensuring – of course, as long as that is secure – that loans should be granted in the parameters that have been explained to this House.

545 So the issue is really those others that have moneylending licences. It is true they have to advertise that they apply for moneylending licences. It is true. So there is no secret that people are holding moneylending licences, because they have to advertise for that, and so do those who apply for licences to the OFT – the old trading licences, as they used to be called – and yet there is not a list published of those who succeed to obtain licences, and that is exactly the same model that there is here.

555 I remain open to considering genuinely whether this is something that can be done in some way short of requiring a legislative change, but I am not going to be minded to agree to the Opposition driving the cart on this simply because they have decided that this is an issue that they want to pursue, whether it is Mr Bossino – who, from what one hears, might be one of the people who has decided to try and come back to the fray, although it is all about people coming out of the fray and coming back to the fray, as far as I can see – or he, now as Leader of the Opposition, decides that he wants to continue to promote this matter which he had dealt with before when he was not Leader of the Opposition.

565 What does it matter that the grant of licences is in the sole discretion of the Chief Minister? Or is he also imputing bad faith to the Chief Minister of Gibraltar when his identity changes on 9th December 2011? Because I will remind him that it was the people of Gibraltar who sacked the previous incumbent.

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Mr Speaker, it makes very little sense even to do something potentially sensible in the way that he has done it, which is to present a motion to amend a Financial Services Act without speaking to the Minister for Financial Services or accepting the olive branch of the Chief Minister to have a discussion behind the Speaker's Chair. It really is quite something, Mr Speaker. I say to  
575 him, 'Let us discuss it,' and he says, 'I'm not interested in discussing it – you either do it my way or the highway.' That is what he says before he is Leader of the Opposition. That is the attitude he continues to take as Leader of the Opposition. Woe betide us if he ever becomes the Chief Minister of Gibraltar. Woe betide us! But that is the GSD way.

We saw St Peter ruling from St Peter's chair and now we are seeing Roy of the Rovers trying  
580 the same. *(Laughter)* It is incredible that at a time when we should be trying to work together on a simple issue like the Financial Services Act, but which can have consequences ... We should do a consultation with those who hold licences. My inclination, like his, as I have said repeatedly, is that we should publish a list, but to impose that without discussing it with those who hold licences is not the modern way of doing things. It is the GSD way of doing things: imposition of a  
585 view, despite an invitation to a discussion.

I remain of the view that this is something that potentially could be a good thing to do and perhaps should be done. I am convinced that this is not the right way to do it, and so I am afraid that the hon. Gentleman is not going to have support from this side of the House when it comes to his proposal. I do not think that the issues that he has raised in the context of his presentation  
590 of this motion advance matters any further.

The fact that Credit Finance Company Ltd has a moneylending licence is a matter disclosed by the Government and defended by the Government as a matter of policy, and publishing the name of Credit Finance Company Ltd on a list is not going to change that. It is not going to add to transparency; quite the opposite. We have been more transparent than they ever were about  
595 the workings of Government companies.

And so, Mr Speaker, the hon. Gentleman is going to find that his motion is not going to enjoy a fair wind. But I will say this: it is a pity that although he moved this motion when he was not Leader of the Opposition, he has decided to continue in this vein as Leader of the Opposition. I hope that as the warmer months kick in – some have called it the Silly Season – that he enjoys  
600 more than one glass of warm prosecco and reconsiders his style.

**Mr Speaker:** Does any other Member wish to speak on this motion?

I will then call upon the mover to reply.

**Hon. R M Clinton:** Mr Speaker, as those of us who love wine in this House will know, prosecco is best drunk cold, but the Chief Minister will have his own tastes for wine and how he  
605 wants to drink it.

Mr Speaker, all I have heard from the Chief Minister this afternoon is that he wants to vet everything that this side of the House presents to Parliament. It is our right to present motions  
610 to this House in any way, shape or form that we this side of the House determine is appropriate, and not that we have to phone the Chief Minister every time we have a motion we wish to present to this House that is, of course, valid with the Speaker's permission.

He raised a couple of interesting points and I am, of course, disappointed that he cannot see it in himself to relinquish the driving of a cart, as he so graphically puts it himself, in that he  
615 cannot let go of driving the cart for a minute to perhaps consider the wider public interest, which he himself admits – look, there is merit in publishing this list – but he just does not want the idea to be coming from the Opposition benches. Well, that is fine, Mr Speaker, I will let him take full credit for it. I will let him take full credit for any initiative in respect of publication of a register of moneylenders and I will leave the ball in his court. I certainly expect within the  
620 lifetime of this Parliament, as he is so fond of saying, to undertake this consultation with holders of moneylenders' licences, and at the end of that period – hopefully, by the end of this Parliament – find a method other than by legislation, which frankly I find hard to find any other

way of doing it. But of course he is the Chief Minister, he is the oracle, he will know better than I, a mere non-lawyer, as to how these things can best be done.

625 Mr Speaker, in the course of his intervention he actually raised perhaps a more important point which is tangential to my motion, and that is the question of public registers. He raised the example of the Office of Fair Trading, where people will apply for licences but there is no way of determining whether licences have been granted. Surely he should make that a matter of urgency to address that, because how else are the public to determine whether someone they are dealing with is validly licensed?

**Hon. A J Isola:** Will the hon. Member give way?

**Hon. R M Clinton:** I will.

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**Hon. A J Isola:** Mr Speaker, the hon. Member should be aware that, by statute, any premises which is operated under a business licence is obliged by law to have that licence on show. So that is not really a comparable that he should be making.

640 **Hon. R M Clinton:** Mr Speaker, I am grateful to the hon. Member for his intervention, but of course the –

**Hon. Chief Minister:** Will the hon. Gentleman give way?

645 **Hon. R M Clinton:** No. *(Laughter)*

**A Member:** No, don't give way.

650 **Hon. Chief Minister:** In that case he will be deprived of a method of implementation of the system that he is thinking of.

**Hon. R M Clinton:** Well, fair enough. He is free to do that as he pleases, Mr Speaker.

The point I was going to make to the response of the Hon. Minister who has responsibility for small businesses is there are businesses that necessarily have business waivers and of course there is no way of looking up a name in a register to see are these individuals registered. Again, Mr Speaker, this is tangential to my original motion, but he does raise the point about public registers, which is what the Chief Minister was referring to, and I would urge the Government, if it is not doing so already, to consider this as part of a wider exercise to ensure full public transparency in any form of licence granting.

660 If you go and apply for an insurance licence or any other type of licence, you can quite easily go on to the website of the Financial Services Commission and look it up. You do not have to go to somebody's premises and say, 'Ah, look, there's a licence on the wall.' You can go and look it up quite easily. I am sure this will be something that perhaps the Government will consider in their e-Government programme, to ensure that everything that involves a licence is published. But then again, Mr Speaker, I would not want the Chief Minister to feel that he was losing control of his cart.

670 Mr Speaker, he talked about the GSD imposing things on people, when nothing could be further from the truth. They are the New Dawn Government. Remember, they are the ones who were going to have more transparency than anyone else. Well, Mr Speaker, if they do have it, why haven't they introduced this yet? Why do we have to keep on reminding them to do it? Why is it the Chief Minister says, 'Oh, no, this is too difficult for me to do – I can't publish a list, it's far too difficult'? *(Interjection by Hon. Chief Minister)*

And so, Mr Speaker, there really is not much more for me to say, other than trying to speak louder than the Chief Minister when he is making his snide comments, **(Mr Speaker: Order.)** is

675 that the ball is fairly and squarely in his court and he can keep on driving the cart, but somehow it may overturn one day, Mr Speaker.

Thank you very much. (Interjection by Hon. Chief Minister)

**Mr Speaker:** I now put the question –

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**Hon. R M Clinton:** Mr Speaker, I will call for a division as well.

**Mr Speaker:** You are calling for a division. Very well.

685 I now put the question in the terms of the motion proposed by the Hon. the Leader of the Opposition and we will now have a division.

*A division was called for and voting resulted as follows:*

**FOR**

Hon. R M Clinton  
Hon. T N Hammond  
Hon. Ms M D Hassan Nahon  
Hon. L F Llamas  
Hon. E J Phillips  
Hon. E J Reyes

**AGAINST**

Hon. P J Balban  
Hon. J J Bossano  
Hon. N F Costa  
Hon. Dr J J Garcia  
Hon. A J Isola  
Hon. G H Licudi  
Hon. F R Picardo  
Hon. Miss S J Sacramento

**ABSENT**

Hon. Dr J E Cortes  
Hon. D A Feetham  
Hon. S E Linares

**Mr Speaker:** There are 3 Members absent, 6 have voted in favour, 8 against. The motion is defeated.

690 **Hon. Chief Minister:** Well, Mr Speaker, it has been a long session, a session which has included the debate on the Appropriation.

If the hon. Gentleman had given way, I would even have shared with him an opportunity to have, during the course of the debate, asked me to look at section 9 of the Financial Services (Money lending) Act, which allows the Chief Minister to make rules, without the need for changes in primary legislation, to do the things that he wanted.

695 I say that, Mr Speaker, as I start the process of wishing hon. Members a pleasant summer. I know for them it will be a very political time, but I do hope that all of us will be able to enjoy with our families a longer break, and that the musical chairs that we have seen on the other side do not lead to anyone else losing their chair and that we come back ready to work together for Gibraltar, that we come back ready perhaps to leave this behind us – a style of politics that has not been in the interests of Gibraltar – where we are less bellicose and follow more often than not Mr Speaker's entreaties to work together in the best interests of our community.

700 I therefore now move, Mr Speaker, that the House do adjourn *sine die* and that, in keeping with the comment in the British newspapers, people do not enjoy more than one glass too many of warm prosecco, because that can lead to the leadership of a party changing even once again – but I do not know whether they are reading the papers.

705 I move the House now adjourn *sine die*.

**Procedural –  
Procedure re leave to introduce**

**Mr Speaker:** If I may, there is a point on which I would like Hon. Members to reflect on, particularly those who are hopefully someday to be involved in the resurrected Committee on Electoral, Political and Parliamentary Reform.

710 There is a fundamental difference between what happens here in this Parliament and what happens in the House of Commons when a Member seeks permission – or leave, shall I say – to introduce a Private Member’s Bill.

715 In the House of Commons, because of the exigencies of the time element, and also because there is a separation of the office of Leader of the House and the Prime Minister, there is a Leader of the House who spends a great deal of time in the House of Commons and who is basically responsible for the agenda, for what Parliament discusses, and therefore any Member wishing to introduce a Private Member’s Bill must ... It is not that they have to have the approval of the Government, no; what they do need is that the Leader of the House will make time available. If the Leader of the House does not make time available for a motion seeking leave to introduce a Private Member’s Bill, then that cannot be done. Time is of the essence in the House.

720 Here, hon. Members have a great advantage in that all they need to do is to give notice of the motion, which if I, as Speaker, find is perfectly acceptable, then goes on to the political agenda. But the difference also is that in the UK it does not go on the agenda until the Leader of the House of Commons knows about it and has seen it, and the Government takes a view whether it is going to be proceeded with or not. Here, the difference is any Member – it does not have to be a Member of the Opposition ... There have been Members of the Government who have introduced – the Hon. Danny Feetham I think did so, asked leave of the House. But if you do not have the approval of the Chief Minister of the day – I do not mean, by that, agreement with the essence of it, but that it should go on the agenda – then it would not proceed.

730 So reflect on that. Consider whether if ever the Rules of the House are amended, how they should be amended. I would like them to reflect because it occurred to me that there is that difference. Here, the Chief Minister is also the Leader of the House. That is not the case in the House of Commons and that can introduce a divergence of procedure.

735 The House will now adjourn *sine die*.

*The House adjourned at 4.26 p.m.*