



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 12.55 p.m.

Gibraltar, Tuesday, 4th June 2013

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

Order of the Day

Clerk: Sitting of Parliament, Tuesday, 4th June 2013.
Suspension of Standing Orders, the Hon. the Chief Minister.

SUSPENSION OF STANDING ORDERS

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement and to lay the Fishing Report on the table.

10 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

Independent Expert Report on the management of Marine Living Resources Statement by the Minister for Health and the Environment

15 **Clerk:** The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, HM Government of Gibraltar is today publishing the Independent Expert Report on the Management of Marine Living Resources in the waters around Gibraltar which has been produced by the working group set up last year to consider and report on these matters. The Report analyses the international context of marine protection, assesses in-depth the range of fisheries data and other information available and identifies the gaps that exist.

The Report reflects the views of the authors, who are experts in this field, and has not in any way been influenced by Government. Its main conclusions are that the basis for Gibraltar's environmental protection laws are sound; information currently available is insufficient to provide clear results on the state of fish stocks. HM Government of Gibraltar should, therefore, continue to act in keeping with established precautionary principles of conservation and pursue active management of the marine environment and future changes to environmental management must be dependent on these issues.

Since receipt of the Report, Mr Speaker, HM Government of Gibraltar has been considering its recommendations and preparing a Marine Strategy for Gibraltar. The full effect of this Strategy will be seen in months to come and will include: (1) regulations to control marine recreational activities that will allow these, while providing safeguards for the local environment and support for Gibraltar sea users. These regulations will, in particular, affect diving activities and rod fishing and will be published very shortly; (2) increased resources for environmental protection and enforcement; (3) measures to increase the populations of all marine species; (4) increased monitoring and collection of data to allow for the ability to respond quickly to changes; (5) a review of current management based on the success, and predicted success, of the above initiatives.

The planned Strategy will make allowance for changes to laws to allow sustainable fishing practices with sustainable fishing methods where all the relevant local stakeholders consider it would be appropriate. Details of each specific action and revised legislation, all of which are currently being worked on, will be published in the coming weeks and months, with the whole process being completed in the autumn.

The forthcoming legislation, which has been discussed with all the relevant major local stakeholders, including the Nature Conservancy Council, Nature Conservation NGOs, angling, spear fishing and diving groups and commercial operators, will be published and will introduce the essential principle of active management of our marine resources.

This will include the ability to respond quickly to changes in the status of said resources as detected by an improved monitoring system, whilst nurturing and enabling the sustainable use of the habitats naturally surrounding us.

The Report will be available very shortly, Mr Speaker, on the Government website – within the next half hour – and printed copies can be obtained from the Department of the Environment at Duke of Kent House.

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, certainly on this side of the House we welcome the publication of the Report. We think that it does not come a day too soon; indeed, we believe that it probably comes months too late. Despite that being the case, we welcome the publication of the Report and we will consider it very carefully. The Government knows, because we have made statements on numerous occasions from this side of the House, that whatever solution is proposed that is reasonable in order to deal not only with the question of management of the environment and management of fisheries, but also a solution to the current fishing crisis, we will certainly support.

I note that the Hon. the Minister has said in his point, I think it is 6, that the Government intends to allow sustainable fishing methods. We will obviously examine that very carefully, as to whether the Government means by that allowing Spanish fishermen to fish with nets of some kind during some part of the year but, as I say, certainly on this side of the House the Government will find that, despite our criticisms of the handling of the crisis and the handling of this particular issue by the Government, that it will find the Opposition supportive in any solution that it brings to this House by way of legislation.

Hon. P R Caruana: Mr Speaker, just on a Point of Order, did the Hon. the Chief Minister say that it was being 'tabled' in the House?

Chief Minister (Hon. F R Picardo): Yes.

Hon. P R Caruana: So the suggestion that we should have recourse to the Government website for copies was not intended for us, it is rather for the public who may be hearing? (*Interjections*). I see, thank you. I am obliged.

DOCUMENTS LAID

80 **Clerk:** Papers to be laid.
The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Dr. J E Cortes): Mr Speaker, I have the honour to lay,
85 on the table, the Fishing Report.

Mr Speaker: Ordered to lie.

Hon. Dr. J E Cortes: Copies will be distributed now.

90 **Hon. P R Caruana:** Oh, I see! Thank you very much.

GOVERNMENT MOTION

**Parliamentary and democratic reform
Report of the Independent Commission**

100 **Clerk:** Government Motion, the Hon. the Chief Minister.

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

105 *'THIS HOUSE WELCOMES the work done by the Independent Commission on Democratic and
Parliamentary reform; FURTHER WELCOMES that the Commission was able to report to the
House ahead of schedule; NOTES AND WELCOMES that the Commission has made clear
recommendations in proposing areas of reform for the workings of this Parliament and for
democratic reform; and WILL NOW CONSIDER in this meeting those recommendations in detail.'*

110 Mr Speaker, we on the Government benches have met and considered your Report in some detail and
we have agreed the position of the parties represented on this side of the House. I will, therefore, speak
on behalf of the Government on the recommendations which arise from your Report and I want to do so by
starting the debate on this motion with a thank you to you and all the Members of your Commission on
Democratic and Parliamentary Reform for the very timely submission of your Report, because you have
115 done the work of the Commission in much shorter order than we had anticipated was possible.

Indeed, during the course of the debate on this subject before the last General Election, when both
sides of the House put their respective positions on the subject of parliamentary reform, it was suggested
that our idea of creating a Commission on Democratic and Parliamentary Reform was an attempt to kick
this very important subject into the long grass. I think we have demonstrated that this is not the case in a
number of ways, not least, Mr Speaker, the speed with which your Commission has been able to report.

120 But the first, Mr Speaker, has been by implementing a number of deep and, dare I say it, revolutionary
reforms in the workings of our Parliament *immediately* after our election. Not least of these has been my
own convening of regular monthly meetings of this Parliament. That, we think, has delivered a dramatic
change that has been qualitative and not just quantitative in bringing us to this Parliament every month.

125 Indeed, Mr Speaker, you will know that there have been, in previous Parliaments, two or three
Question Times, for example, in any one year. Since our election, there has been a monthly Chief
Minister's Question Time that I think has now become a part of the natural democratic rhythm of this
democracy.

130 Mr Speaker, I think that this is more than just about numbers of meetings. This is about the quality of
our democracy and I think it is right to say that we can be justly proud on this side of the House and I can
be justly proud as Chief Minister to have ushered in this new era in our democratic development as a
people.

135 And it is not just me, Mr Speaker, that has to come here to answer questions on a monthly basis: all
Ministers do. The whole Government holds itself up to scrutiny on a monthly basis and that is the sort of
democracy that many countries actually do not enjoy and I am delighted that I will always be able to
boast and that we, on this side of the House, will always be able to boast that, as soon as we had the
power to deliver this change, we implemented it without hesitation.

The issue now, Mr Speaker, for us is how we entrench this change in legislation or in rules so that,
whilst we respect the primacy of Parliament and the right of any new Administration to use its majority in

140 this House to convene meetings as it may see fit, we go as far as possible to entrenching this monthly procedure so that it cannot be undone by a new Administration without explaining to the House what it is that they intend to do in place thereof. I think, Mr Speaker, that is one of the issues that we have to consider today.

145 There are many other things which we have read in your Commission's Report and in your recommendations which we have also already done or we are doing –

Mr Speaker: May I interrupt the Chief Minister for a moment?

150 I would be very grateful if the Chief Minister and all Members, when referring to the Report, were to refer to it as being the Commission's Report. It is not *my* Report, it is not my personal Report, there were four other people and it is not the Speaker's Report, it is the Report of the Commission which, for historical reasons, I happened to Chair and I think it would be much more accurate to refer to it as the Commission's Report.

Thank you.

155 **Hon. Chief Minister:** Thank you, Mr Speaker, I shall do so, mindful of the fact that, although you Chaired it, as you rightly say, it is not your Report, it is the Commission's Report. If I stray into referring to it once again as your Report, please do not hesitate to pick me up on it.

160 Well, there are other things that we have read in the Commission's Report, Mr Speaker, which we have already dealt with, or are dealing with, and we would like that to be seen as a vindication of the findings of the Commission and illustrative of our commitment to positive reform of the workings of our Parliament and of our democracy more widely. So as I go through the recommendations I think it will be evident that, in many instances, we have already implemented some of them or we are in the process of implementing them.

165 Mr Speaker, we approach the numbered recommendations of the Commission in the spirit of wanting to go even further in the modernisation of the workings of Parliament and mindful of the need for this place to operate as effectively and openly as possible and trying to combine those two criteria.

170 What I propose to do, Mr Speaker, is to take the Parliament through the recommendations one by one, indicating our support, our concern or our disagreement with each of them in turn and the reasons for that concern, support or disagreement because I cannot say that we accept *all* of the recommendations although, in most instances where we have felt the need to disagree with recommendations, I think you will find that we do so on technical grounds.

175 Mr Speaker, then having heard the contributions of all Parliamentary colleagues who might wish to speak on the subject, I will propose that the motion then be amended to include reference to those recommendations that it is proposed should be accepted by Parliament today after the debate. But I discussed in passing, Mr Speaker, how best to proceed with the hon. the backbencher, for we do have one already, Mr Speaker – Mr Caruana – during the last sitting of the House, and I agreed with his suggestion – he may want to say something about it later on – that we should not turn this particular debate into one about final acceptance and implementation of the recommendations made but, rather, that we should have a debate today on principles, with matters as to implementation and the detail of that left for that much more detailed consideration required, probably by a Select Committee.

180 I will, therefore, also be proposing, Mr Speaker, that the amendments to be moved to the motion as it stands today, after hon. Members who wish to do so have made their contributions, should refer to those recommendations that the whole House believes can be accepted and to the creation of a new and bespoke –

185 **Mr Speaker:** We may have a procedural problem and that is, in making the amendment, at what stage is the amendment going to be made? Is it at the stage when the Hon. the Chief Minister exercises his right to reply?

190 I am not sure that that is procedurally correct.

195 **Hon. Chief Minister:** There is a right to move an amendment at any time. We can either agree that I should be proposing an amendment when the last speaker on the other side is about to end and gives way... and, of course, once I propose an amendment, others will also have the right to speak again on the amendment. Or, I can propose the amendment during the course of my reply.

Mr Speaker: If the Hon. Chief Minister proposes the amendment during the course of his right to reply then, of course, that amendment is again open to... it is before the House and is open to everybody, is that clear?

200 **Hon. Chief Minister:** Yes.

Mr Speaker: We will do that then, yes.

205 **Hon. Chief Minister:** Mr Speaker, the way I intend to deal with it will be that I will deal with the matters that are raised by Members opposite in my reply initially and then I would move to say, right, having said all that, this is what I think can be distilled into an amendment and this is what I think the Select Committee procedure should look like.

210 Mr Speaker, I do not think that the recommendations of the Commission are an issue for any of the existing Standing Committees – although you could probably shoe-horn some of them into some of the existing committees – as I think some of the recommendations go well beyond the rules and the standing orders. In fact, in some instances, the recommendations may require legislative changes or even new Parliamentary Acts which will have to be brought to this House as Bills.

215 I will, therefore, be proposing that the new Select Committee should be known as the Select Committee on the Implementation of the Accepted Recommendations of the Independent Commission on Democratic and Parliamentary Reform, a mouthful though that is, and I also propose that, in shorthand, the Committee should be known as the Select Committee on Parliamentary Reform.

220 Again, Mr Speaker, we believe that this is a necessary step in order to advance matters quickly but also with full cognisance of the implications of any amendment and having the opportunity to look at the detail of how to implement each of the recommendations off-line, so to speak, in the context of a Select Committee environment. I will also be proposing, Mr Speaker, that the Select Committee, when established, should be made up of three Members of the Government and two from the Opposition, as is the traditional format and, having said all of that as to how I intend to deal with the debate today, let me turn without further ado to the numbered recommendations of your Report, taking each one in turn, although I do intend to take the first two together as the Commission presents them.

225 Recommendation No. 1 reads as follows:

‘We recommend that Standing Orders should be amended to require Parliament to hold a minimum of ten meetings a year, other than in the year when a General Election is held.’

230 Recommendation No. 2, Mr Speaker, reads as follows:

‘We recommend that Parliament should continue to have its Christmas and Easter recesses but the summer recess should last from the end of July to the 3rd week in September.’

235 Well, Mr Speaker, we have already introduced this monthly meeting procedure, as I was saying, and we therefore unhesitatingly agree that the first two recommendations which have given effect to our policies, in effect, in respect of the regularity of meetings, should be accepted by the Parliament.

240 The issues that are left in respect of those recommendations I think are ones for the Select Committee that looks at the detail of this rather than for the House today, which is, first of all, how do we entrench this requirement for monthly meetings, conscious of the fact, of course, that the Constitution provides for a different requirement of regularity so there will be a legislative or a rule-based regularity and there will be a Constitutional requirement of regularity and that those may be different.

245 The recommendation of the Commission refers to Standing Orders but it may be, Mr Speaker, that the Select Committee decides that, actually, it is an amendment to the Parliament Act that is required and, if not required, desirable, and that that may actually lend itself to the rhythm of meetings being more regular without the Chief Minister having to actually convene them in every month but that we have a clear criteria set out either in legislation or in rules, subject to the Leader of the House being able to certify some exceptional circumstances when a specific meeting should not be held, or going beyond particular dates that you have been proposing.

250 For example, Mr Speaker, the refurbishment of the Parliament required that we did not have a March meeting even though we were already in the rhythm of voluntarily calling meetings on a monthly basis and we may very well want, or need, to sit in August. I am reminded of the events of last year and also of the events of the tercentenary, where we wanted to meet on a specific date in August to commemorate the 300 years on the date when it was particularly relevant.

255 There may be, for example, weeks where August starts on a Thursday or a Friday and there may be no reason why the Parliament should not be able to use that final week of July as a full Parliamentary week. Just because 1st August might be on a Friday we should not put ourselves in strictures, that we are not able to use those dates for Parliamentary business, where relevant.

260 Even then, Mr Speaker, when we do that we will still be turning the current position on its head. At the moment we need to understand the current position is that, simply, the Constitution bites and requires us to have three meetings in the year. Therefore, we are voluntarily calling these meetings so, by putting in rules, even if we allow for this potential leeway, we are turning the current position on its head and entrenching the principle of the monthly meeting.

265 Mr Speaker, I think it is also important there should be a clearly understood power for meetings of the Parliament to be called at short notice. The Commission deals with the issue of notice period specifically in its recommendations but the reason for mentioning this now, Mr Speaker, is that, under our current setup, any convocation of a meeting of the House is a meeting for Questions, Motions, Bills and all the other business of the House. I think that the Leader of the House, whoever he should be, should be in a position to convene a meeting of the House on twenty-four hours' notice.

270 I note, Mr Speaker, that there is something in Standing Orders about 'emergency meetings' of the House but there is not much in it at the moment. I think it may be useful for the Select Committee to look at this and flesh out those rules a little bit more so that they are understood by all Members and that that power might be used in a more current and modern context so that, instead of just having 'emergency meetings', perhaps we should have something called 'extraordinary meetings', which are not uncommon in all democracies, where Parliaments can be convened or even recalled at times of national emergency / tragedy. All of those probably come within, or the first of those probably comes within, the definition of 'emergency'. Tragedy probably does not come within anybody's definition of emergency. I am conscious of the fact that we lost a Member of the House and we might all have wanted to come here to recognise that together at that moment or, in the context of great celebration, where the House and Parliament, if it is to play its natural role in the administration of the affairs of the people, may want to have an extraordinary meeting to simply mention a particularly successful event like, for example, the Gibraltar football team winning the European Cup of Nations, as I am sure they will do before this decade is out, if the desire of all Gibraltarians is anything to go by...

280 Anyway, having that power to come on twenty-four hours' notice, without engaging the full gamut of Bill, Question etc. procedure, I think is something that needs to be fleshed out a little bit beyond simply the emergency power which seems to be the one contained in Standing Orders as it is at the moment.

285 Mr Speaker, Recommendation No. 3, which I move on to now, deals with Question Time and you say this, or the Commission, sorry, says this:

290 'We recommend that Question Time should be guillotined and that the Chief Minister should answer Questions, including supplementary questions, for not more than 3 hours a month and each Minister for not more than 2 hours a month.'

Well, Mr Speaker, call me a glutton for punishment, but we do not agree that there should be a specific time limit, or a time guillotine, on Questions being asked by Opposition Members, even though that is actually the case in most parliaments.

295 Indeed, although you do not point it out in the Report, the UK Parliament involves the procedure for Prime Minister's Question Time allowing Members half an hour for Questions to the Prime Minister in parliamentary sessions weekly whilst the Parliament is in session. We believe, Mr Speaker, in essence, that the time spent on supplementaries should be entirely a matter in Mr Speaker's discretion and based on relevance to the subject matter of the original Question.

300 It has been clear to us for many years that the rules on Parliamentary Questions and on supplementaries have been honoured by their breach and not by their observance – and I am not casting aspersions on Members who are sitting opposite today, and it is for that reason that I have said 'many years' – and you have been highly critical, Mr Speaker, if I may say so, of both sides of the House in your interventions in recent months since your appointment because of our approach to Question Time and you have said repeatedly, you remain vigilant and that we should be more circumspect in the way that both sides of the House approach the Question and Answer equation.

305 I think that we have demonstrated our respect for your views on these matters but, with a clear approach that is based on the existing rules of relevance of supplementaries, short, sharp questions, and answers being equally short and sharp, whilst remaining informative, I am confident that, with those rules observed, there would be no need for a time guillotine. Essentially, our view, Mr Speaker, is that the guillotine should be led by subject and by relevance and not by time, with the caveat that each Question should not last very long but without a time limit. We have seen, and you have mentioned, that some Questions have gone on for half an hour and should certainly not be allowed to turn into these mini-debates that they have become, certainly since I have been in this Parliament from 2003.

310 We are all aware, Mr Speaker, that in the United Kingdom each Question would not last more than a few minutes because, after that, the supplementaries stray from the relevance of the original Question, which is from where relevance should be measured. I mean, relevance should not be measured from each supplementary as you move away from the original subject of the Question: as you know better than us, Mr Speaker, relevance should be measured from the *original* Question and not from the supplementaries. In that context, Mr Speaker, we think that relevance should be the blade on the guillotine and not the clock.

315 Recommendation No. 4 Mr Speaker of the Commission says this:

325 'We recommend that if a tabled Question for Oral Answer is not reached during the time allowed in Recommendation No. 3,

the Minister to whom it is addressed should provide the answer in writing unless the questioner withdraws the Question or tables it for answer at a subsequent meeting.'

330 For the reasons I have indicated already, Mr Speaker, when dealing with the Commission's third recommendation, we do not think that this recommendation is relevant but, of course, it is something that could be made use of at any time if Members opposite felt, for example, that the information that they have obtained in relation to one particular Question is such that they would rather not continue with a particular Question and say that they would be happy for it to be answered in writing.

335 I cannot see the circumstances where Members opposite would wish to have that mechanism engaged. If there is an oral answer ready in the Parliament they may as well have it, even if it is passed as a written answer at the end of the meeting but we do not think that, absent the time guillotine, there would be no need for this procedure to then be engaged where you have reached the end of the time limit and, therefore, a written answer is provided instead of an oral answer. But I think it is already in the power of Members opposite to say, 'Look, if the Minister is prepared to write to me with the answer to that
340 Question, we do not need to deal with it.'

Mr Speaker, I think it is useful to deal with Recommendations 5 and 6 together. Recommendation No. 5 reads as follows:

345 'We recommend that the period of notice that a Member of Parliament is required to give for tabling a Question at a meeting should be increased from not less than 5 working days to not less than 7 working days before the day on which the answer is required.'

Recommendation No. 6 has to be read hand in hand because it says this:

350 'If Recommendation No. 5 is implemented then we recommend that the period of notice summoning Members of Parliament to meetings should be increased from not less than 7 working days to not less than 9 working days before the date of the meeting.'

355 We think these recommendations are sensible and should be accepted for a number of reasons. First of all, the earlier tabling of questions will assist those in the Administration who are responsible for the preparation of answers. They do, as hon. Members who have been in Government opposite know, have to do a lot of work in a very short period of time at the moment. In any event, Mr Speaker, it is already possible to extend the time available to prepare an answer by simply adjourning the session in which a particular answer is due to be replied to.

360 If I can just explain that, although Members opposite will understand it but perhaps for people who may be listening in, if Members have to give us those 5 clear days' notice, we need to come to the Parliament on the date which we have provided for. We could adjourn the Parliament at any time, even before starting Questions once we have started, or take just those Questions which have their answers already prepared for, and then adjourn Question Time for at least another five days so that the Question
365 Time or the limit for putting Questions again is not engaged and buy ourselves another five or ten or fifteen days, in that order.

That has not been done before but, in the context of wanting to make the lives of those who are doing, if I may call it, not the political work but the grinding work, that goes behind the preparation of answers to Questions easier, we think that giving them the extra two days makes sense. Then, of course, you do
370 need to give an extra two days of notice because, as the rules presently stand, if we are required to give 7 days' notice then, at the moment, the Questions would have to be put in almost immediately, if we just took Recommendation 5 and not Recommendation 6. So we think that they go hand in hand together and, therefore, we think it is something that should certainly be considered favourably.

375 Again, Mr Speaker, this 9-day period of notice I think makes sense for the reasons we have indicated but also with the caveat that the Leader of the House might be able to call the House, in those circumstances that I have indicated, those extraordinary meetings, on twenty-four hours' notice. But if I may just pause there and take a wider view of these recommendations and your earlier recommendations in relation to the monthly meetings, I think it is not impossible for the Select Committee to come back with a mechanism that almost makes the giving of notice irrelevant and where Members know when they have to table their questions in the context of the monthly order.

380 So, for example, we now know, and it is entrenched, that the Chief Minister will deal with Questions on the third Thursday of every month at 3.00 pm. That more or less sets out how the Parliamentary schedule is going to play out in the context of the month. Taking perhaps the day before as the day when Parliament will be convened for the month, it may be possible, when the Select Committee meets, that
385 everybody should know that Questions need to be in by the second Tuesday of the month, for example. Therefore, Members can, on both sides of the House, understand the order of the month and when they need to be making their arrangements to table their Questions, etc, taking into consideration this idea of giving an extra two days and the issue of convening Parliament in nine days because it may be that the Select Committee can come back with a mechanism that does not require the Leader of the House to

390 *convene* the Parliament but that the Parliament *is convened* between September and April, for example, on particular months and between April and July on particular days of the month. That, I think, Mr Speaker would obviate all of these requirements as to notice.

If I can move on now, Mr Speaker, to Recommendation No. 7 and Recommendation No. 8, both of which should also be taken together and which read as follows:

395 'We recommend that motions for adjournment should, after giving due notice to the Speaker, also be permitted to be moved at the last sitting in any month if Parliament is not to be adjourned *sine die* at the end of that sitting.'

and Number 8:

400 'We recommend that both the Government and Opposition should bear in mind the significance of introducing motions in Parliament and thereby obtaining its approval to a specific course of action as proposed in a motion.'

405 Mr Speaker, we of course applaud, and I am sure Members on the other side of the House also applaud, your continued referral of Members to the motion procedure for the purposes of debating matters in this Parliament and the fact that the Commission has also alerted us all to it. It is absolutely right that, for this place to work as it should, and not as it *has* perhaps in the past years, we should be keeping Question Time as a time for Questions and answers and motion time as the time for debate.

410 For that reason, where it is necessary for there to be an element of perhaps more agility in dealing with motions on the adjournment, we would welcome clarity in the rules so that Members on both sides of the House can be clearer about the procedure and how to activate it as effectively as possible and, in that way, perhaps take away some of the problems that have plagued our Question Time sessions. We think that the issue of adjournment motions is already quite clear but if this is a matter that the Select Committee can make even clearer by proposing new rules or Standing Orders or, perhaps even just guidance notes to some of the existing Standing Orders, then that is something I am sure will be welcomed, no doubt, across the floor of the House so that we perhaps better understood this procedure that seems to have fallen into disuse in recent years.

Let me move now, Mr Speaker, to Recommendation No. 9, which says this:

420 'We recommend that Ministers should bear in mind the significance of making statements on matters of policy or public importance in Parliament, in preference to making them directly to the media.'

(*Phone rings*) – and the Chief Minister should remember to switch off his phone! With apologies to all Members, Mr Speaker.

425 Mr Speaker, with respect, we think this is only a recommendation that the Commission could make in the context of the way in which we have already changed the way that Parliament works, in that, under the previous mechanism for the workings of Parliament, it would have been wholly unrealistic, in fact it would be well-nigh impossible for important statements to be made in Parliament. There were only two or three sessions of the Parliament in the year, although it was adjourned to a different date during the course of each term. Even in the context of monthly meetings of the Parliament, where we do have many more options available in terms of days when we are in the Parliament, requiring the Government to – and I say 'requiring' advisedly – to make statements of importance in the House, we do not think is possible. It may be more possible if we introduce the right of the Leader of the House to convene Parliament at short notice – on twenty-four hours' notice – but the idea that we might be *required* to do that, I do not think is something that we can agree to.

435 Your recommendation does not say that. It says that we should bear in mind the significance of making statements in Parliament and I think that is something we can certainly agree with, although I do note, Mr Speaker, that when the Government decides to wait until a meeting in order to make an important announcement, or table a document that does not strictly have to be tabled, as we have today, one does have to read some who talk about us making statements of importance here, then goading us in the press to make them before the date of the adjournment – and I am reminded of the front page of yesterday's *Chronicle*. But, then again, Mr Speaker, in Government one gets used to the idea 'damned if you do, damned if you do not'. This is a welcome recommendation but it can only ever be just that, Mr Speaker.

445 I think I demonstrated that we *do* bear in mind the importance of making statements in the Parliament when I came here two weeks ago directly from the Convent when I asked His Excellency to convene the coming by-election and I made the announcement of that publicly here. But the workings of Government cannot be mortgaged to the need to make statements here and not to the press and then to the public in the traditional way. Then again, what is 'a statement of significance'? One man's significance might be another man's insignificance. So I see this recommendation that the Commission has made, Mr Speaker, as one to bear in mind that it is a guidance that the Commission is providing, that Government should, in the words of the Commission, 'bear this matter in mind', but I do not think it is a recommendation that

can manifest itself in a new rule.

Recommendation No. 10, Mr Speaker, the next one, is also one which we do not think can become a new rule. That recommendation says this:

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‘We recommend that the more lengthy or complex Bills, or those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by referring them to a Select Committee appointed for the purpose, i.e. a Public Bills Committee.’

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Well, as you know, Mr Speaker – and, in fact, you were one of those who negotiated it – the current Constitution has introduced a 6-week period of publication for Bills, which is much longer than was the case before and, in addition, since we were elected, we have also introduced the new concept, not constitutionally required, which is the principle of the Command Paper, which we have modelled on the Westminster mechanism of the same name, and which we deploy when we are dealing with new legislative Acts or changes to legislation which present a completely new area of legislation.

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Interestingly, Mr Speaker, both in Gibraltar and in the United Kingdom Command Papers are published literally, on the face of them, ‘by command of Her Majesty the Queen’. But the whole purpose of the Command Paper and of the longer period of publication of Bills, is to allow a longer period of public consultation and also, of course, of interaction with Members on the other side, who can make not just public statements on Bills, they can write to Ministers or they can engage with Ministers on the substance of Bills.

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If I may say so, Mr Speaker, although this Parliament does have a reputation for belligerent debate, I think it is fair also to say that, when it comes to legislation and Bills, people perhaps switch off but there is also a tradition of working closely on Bills and producing the best legislation that we can *together*, looking at detail. The person who has produced the Bill sometimes is not able to see some of the technical issues that somebody casting a more critical eye over Bills on the Opposition Benches might see, even some of the wording or the typographical errors etc. My experience has been that, unless there are serious policy differences on a particular piece of legislation among Members from different sides of the House, actually the Bills procedure is one that works very well.

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The Commission’s recommendations in respect of this issue deal principally with ‘lengthy Bills’. We have had two or three lengthy Bills in the past four years which I can remember – the end of the hon. Members opposite tenure in Government and our first two years – principally the Criminal Offences Bills and legislation; there may be soon also some Companies legislation etc. In each of those instances, I think where we have looked at lengthy Bills, we have done so in the spirit of legislative co-operation, which is when most people switch off their listening to the Parliament because that belligerence which people so dislike, when it disappears, makes people perhaps not so interested in the process of this place. But I think that that process, therefore, of working closely together on Bills is there. There is, I understand, already *some* power to refer Bills to a Committee, not just to the committee stage and perhaps it is something that we need to revive, rather than produce a new rule on because we think that the process is actually working quite well.

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Mr Speaker, the eleventh Recommendation reads as follows:

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‘We recommend that the Gibraltar Constitution Order 2006 should be amended to provide for the post of Deputy Speaker and that until there is constitutional provision for such an appointment, the Parliament should designate a suitably qualified person to discharge all or some of the powers and functions imposed on the Speaker when he or she is unable to attend meetings of Parliament. Such a person should be selected by Parliament in the same manner as the Speaker.’

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Well, Mr Speaker, we actually wholeheartedly agree with the sentiments in respect of the post of Deputy Speaker, but our initial conclusion is that it would appear to be very difficult to create this post, other than by a Constitutional amendment, as you have indicated in the recommendation. This is one of the most practical recommendations, in our view, that the Commission makes because it is actually about Parliament being able to work and we need a Speaker to be able to work. We therefore support this recommendation and we consider it should be referred to the Select Committee, in order to enable the Committee to better consider how the issue is raised and the potential appointment of a Deputy Speaker might be addressed in the most effective manner, if possible without a Constitutional amendment.

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Frankly, I think that this was an issue that has been overlooked at the time that we were negotiating the new Constitution. It was not something that was there before; we did not have monthly meetings of the Parliament at the time that the Constitution was being negotiated, so therefore I think it is something that, in the context of the new rhythm of Parliamentary meetings, does have to be considered. Of course, Mr Speaker, there is provision, in the absence of the Speaker, for a Member to be elevated to the Chair. In a particularly acrimonious debate, who could that Member be? Two spring to mind immediately: the Father of the House, who has been here for longer than all of the rest of us, absent yourself, or the other longest serving Member, the Hon. the previous Chief Minister, the backbencher, Mr Caruana.

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I do not discard, Mr Speaker, that the Parliament would, in appropriate circumstances, appoint each or

515 either of them to the role. I think it would be hard for each of them, for example, to preside over a budget
debate, in the event that it were necessary for you to absent yourself from such a debate *in extremis*, but
not impossible. I think both have had the longevity in this Parliament to understand what the rules of this
Parliament are and to adjudicate fairly, in the context of Parliamentary obligations, when one takes that
Chair.

520 Would it be, in the context of an acrimonious debate like the debate on the Appropriation Bill
sometimes becomes, something that could be done in a way that all parties would feel that they had been
'fairly' dealt with if that person had to make a ruling against their own side – 'Is he doing it just to
demonstrate that he is being fair?' – or against the opposite side – 'Of course, he would do that, wouldn't
525 he?' I think, therefore, that there are some circumstances, *in extremis*, where we might find ourselves in
difficulty, without wishing to impugn the integrity of those who might take the Chair, and I have
mentioned two, who if they took the Chair, in my view, would be able to discharge their obligations from
that Chair with integrity. But, it would perhaps raise, in the public, concerns if there did come a time, an
acrimonious moment, and they did have to make rulings one way or the other. Therefore, the mechanism
530 of a Deputy Speaker in a Parliament that meets monthly, I think is one that does need to be considered by
the Select Committee.

Mr Speaker, Recommendations No. 12 and 13 I think should also be taken together. They read as
follows – No. 12 says this:

535 'We recommend that there should be a review of the present structure of allowances and pensions payable to Members of
Parliament and that such a review should be conducted by a body made up of suitably qualified persons from Gibraltar and
persons from an appropriate independent authority from the United Kingdom.'

No. 13 says this:

540 'We recommend that any new pension scheme should come into effect for new Members of Parliament elected after the next
General Election, thereby safeguarding the acquired rights of current Members.'

Well, Mr Speaker, we think that, taken together, we agree with both those recommendations, given
that having... this Parliament, in effect, having made changes, for example, to the Civil Service final
545 salary pension scheme, it would be rather unfair not to also look at what new scheme might be introduced
for Members who might be elected after the next General Election. This is certainly something, in our
view, that should be referred to the Select Committee for it to determine who should best advise us on the
matter. Our own initial view is that new Members of the Parliament after the next General Election
550 should be on the same scheme – I think it is the Provident scheme – as new entrants to the Civil Service,
for example. That seems fair and equitable to us but we agree that this should be considered objectively
with independent persons, as was previously the case when the allowances were reviewed in the 1970s.

I am advised, actually, Mr Speaker that the present scheme for current Members does not allow
existing Members who have something similar to the Civil Service final salary scheme, to have a WOPS
555 element to their contributions and, in that sense, the existing scheme is less generous than the final salary
scheme. But, again, I think that this is not an issue for us. I think it is an issue that should be considered
by independent assessors appointed by the Select Committee.

I move, then, Mr Speaker to Recommendation Nos. 14 and 15. These say the following and I should
also take them together, in fact 14, 15 and 16 I think are usefully taken together. They read as follows, 14:

560 'We recommend that the Rules and the Declaration of Members' Interests should be reviewed by a body made up of at least
three suitably qualified persons from Gibraltar, one of whom should be the Chairperson, and persons from an appropriate
independent authority from the United Kingdom with experience in this type of exercise. We also recommend that the Register
of Member's Interests should be made available on the Parliament's website.

565 'We recommend that the Parliamentary Code'

– this is No. 15 –

570 'applicable to all Members of Parliament should be drafted by the same persons as are specified in Recommendation 14 and
that the Parliament should determine its introduction by resolution.'

Then No. 16:

575 'We recommend that a review of the Ministerial Code should be conducted by a body of at least three suitably qualified persons
from Gibraltar, that the Code should be drawn up along the lines of that applicable to Ministers in the United Kingdom and that
it should be kept under periodical review.'

Mr Speaker, we agree wholeheartedly with these recommendations. A draft is already being
considered by Ministers of both the Rules on Declaration of Interest, as well as a Code of Conduct for

580 both Parliamentarians generally and for Ministers specifically. I think this is absolutely an issue to be referred to the Select Committee, as well as the drafts that are already in existence of the new Rules and the Codes, for the Committee to reach conclusions and to make recommendations for the implementation of the new Code. I think we have said already and, if not, Members should know, that we have worked with the Hansard Society in the United Kingdom to look at the detail of these Codes and, in fact, one of the Members of the Commission has been involved in that.

585 I especially think, Mr Speaker, that there should be a mechanism to review such documents as are adopted and as are put in place so that they are living documents and do not just fall into disuse and become irrelevant by the passage of time, never consulted by Members, because when that happens there is, I think, a loss to the community as a whole and a loss to the Parliament. If we just create rules and then put them in a cupboard, I do not think that is an appropriate way of really bringing new strictures to the Parliament and to its Members. I think it is something that should be adopted but with a periodic review procedure so that they are continually looked at.

590 The next recommendation, Mr Speaker, is one which I think is no longer as controversial as it once was, although some Members have been against it completely before, as the Hon. Mr Caruana candidly reminded us at the penultimate meeting of the House, but I think that we are all now of the same view, and that is Recommendation No. 17, which says this:

600 'We recommend that consideration should be giving to televising the proceedings of Parliament and we further recommend that, in the event of a privatisation of the Gibraltar Broadcasting Corporation, the arrangements for the televising of Parliamentary proceedings should be guaranteed.'

I do not think there is any privatisation with the Gibraltar Broadcasting Corporation ever envisaged but I think it is important that the Committee's recommendation should certainly be adopted.

605 The House has already had an opportunity to consider this issue at the last meeting before the refurbishment and I think we have now clearly got a majority, if not unanimity, supporting video broadcasting online and on television and we just now need to look at the relevant rules in this respect. I understand, Mr Speaker, that the Deputy Chief Minister yesterday sent the Leader of the Opposition and the Hon. Mr Bossino some draft rules for consideration as to transmission, camera angles etc. They are not complicated rules and we have some guidance already from Westminster on how they have successfully done this. I know that the testing that is going on, behind your Chair, of the equipment is being quite successful, so I hope that we will be able to agree the rules shortly and that we will be ready to transmit, as I have said on a number of occasions, by the time we come to consideration of the Appropriation Bill later on this month.

610 Mr Speaker, Recommendation 18 also deals with media issues, if of a slightly different type. It says this:

615 'We recommend that the Media Director should henceforth be required to prepare and publish an annual report on the activities of his department, which should include a detailed statement listing recipients of the amount of public funds paid to the media. We further recommend that this report should be laid on the table in Parliament.'

620 Well, again, Mr Speaker, we wholeheartedly agree with the principle that a detailed statement of the amount of public funds paid to the media should be published.

625 Indeed, Mr Speaker, we believe that we have led on this issue, given it was one of the issues we were continually obligated to ask about in Parliament. You will recall that we had very clear issues relating to the presently defunct publication, *The Seven Days*, and the huge amounts expended on it by the previous Administration. For that reason, Mr Speaker, we take the view that the precise amounts paid in respect of Government advertising since the very date of our election should have been, and are, as I understand it, published online regularly and accessible to the public as a whole and not just to Members of Parliament. But we do not necessarily think that getting the Media Director to collate that information into an annual report, because it is already shown with annual totals etc. online, would add much to the equation. We think we have gone further by putting it out into the public domain with regularity. So we think that this is a recommendation that has already been complied with in substance, as the information is there and that we do not need to go further.

630 Recommendation No. 19 then moves to deal with a wholly different matter, which is the manner for convening Select Committees generally. It says this, Mr Speaker:

635 'We recommend that Parliament should make greater use of Standing Orders to nominate select committees, where appropriate.'

640 Again, Mr Speaker, I do not think that this is intended as a recommendation which requires action or a new rule, but it is one which the Commission, I think, wants the Parliament to note. Indeed, Mr Speaker, you know that, during the course of this debate, I have already proposed creating this bespoke Select

645 Committee to deal with the very reform proposals that we are considering. I do not know that we can go any further in that respect because a recommendation to note something that there is already a rule for, I think does not call for much more, other than for Members on both sides to bear in mind those issues when considering how best to regulate our procedures in respect of particular debates, Bills, or anything that may require our Parliamentary attention.

650 Recommendation No. 20, Mr Speaker, deals with the present system of dealing with petitions and whether it should be modernised. It says this:

‘We recommend that Standing Orders should be revised to improve the public petition system as a way of enhancing public participation in the Parliamentary process along the lines of the system in the United Kingdom.’

655 I think, Mr Speaker, this is one to carefully consider in Committee. Conscious of the fact that there are already rules allowing Petitions to be tabled here and debated, all that is required is that the petition be put to the Parliament. It is then tabled – and it only takes one Member to raise a motion in the terms of the petition for the matter to be debated.

660 So, again, this may be an issue not so much where we need to change our rules but where a rule has fallen into disuse and we need to refresh it. It may be that it needs to be modernised. There have been some changes in the United Kingdom. There are some online petition issues and I think it is something that the Select Committee should look at and that, perhaps, the public need to be made more aware of so that they can become more involved in the workings of this Parliament by making use of the existing or modernised petition rules. Certainly it is something that we think should be put to the Select Committee, for the Select Committee to consider side by side with the more modern rules that have now been adopted in other Parliaments.

665 Mr Speaker the report leaves behind matters dealing with what I might call the inner workings of the Parliament and moves on to issues relating, really, to the electoral system. So I am going to deal with the recommendations that you make in that respect, also on a detailed basis, taking each of them in turn.

670 The first issue that you address is the establishment of the franchise: who is entitled to vote and the collation of the Register of Electors. Recommendation No. 21 says this:

‘We recommend that a rolling register should be maintained for Gibraltar parliamentary elections on the lines of that maintained for European parliamentary elections.’

675 Mr Speaker, this is absolutely something with which we entirely agree and it is our policy on this side of the House that that should be the case. We think that the present system is not the fairest and we should have a permanently open register which closes a fixed time before an election, rather than a register that is sometimes open when an election is called.

680 Indeed, Mr Speaker, if that were already the case, this by-election which has been convened would have benefited from a slightly wider franchise. We are, therefore, convinced that this is the way to progress but with an important caveat, which is this: compiling a register of electors is not an easy task, it is complex and it requires an understanding of the issues that can arise. If I may say so, the present Clerk and Returning Officer has considerable experience and expertise in this field and I think he should be the leading resource for the Select Committee to consult when considering this issue in particular – as if he did not have enough work, Mr Speaker! Anyway, we are lucky enough that our Clerk maintains both the Register of Electors for national elections and the European elections register which, I understand, is open on a rolling basis, so he has got experience of both types of registers. I think it is important that we do not turn our back on that important resource when we are considering how to change our Register of Electors rules.

690 The next issue, Mr Speaker, deals with election expenses. This is Recommendation No. 22. It reads as follows:

695 ‘We recommend that section 14(2) of the Parliament Act should be revoked and that all election expenses incurred at any time before the date of the poll should be taken into account to arrive at the total amount of election expenses incurred.’

700 Mr Speaker, this is a difficult issue but it is important that election expenses rules are there, they are workable and they are observed, because they are what guarantees the level playing field beyond which parties cannot spend, however cash-rich one party may be compared to another. But to understand the recommendation I think we have got to look at section 14(2) of the Act, which reads as follows:

‘In determining the total expenditure incurred in relation to the candidature of any person at any election, regard shall not be had to any expenditure incurred one month or more before the election, in respect of services rendered or materials supplied.’

705 What that section is trying to do, Mr Speaker – the whole purpose of the clause – is to ensure that the

party that knows the date of the election cannot spend before the election without there being at least a hiatus in their pre-election spending.

710 Members will, no doubt, recall before the last election a glossy booklet delivered to all households in Gibraltar which was distributed, I do not know whether almost exactly or just beyond, the 30-day limit before the start of the last campaign by Members opposite. Look, that is the past... we have got to look forward and we agree that section 14(2) is outmoded and is not necessarily working as it was intended to work: but it needs to be addressed. Having said that, Mr Speaker, the recommendation we think goes a bit too far because simply *abolishing* the time limit may not have the desired effect, and that is what the recommendation says, abolish the time limit. If you did that, Mr Speaker, then you would be left in the situation where *all* expenditure in the four years and the four year term would be relevant. In fact, if you get rid of a time limit, why just limit to the four year term and how far back do you go? So 14(2) has not perhaps worked in exactly the right way and we need to address the concerns clearly expressed by the Commission in the Select Committee to see what change 14(2) may have to undergo, but I do not think getting rid of the time limit is necessarily the way that we deal with, or cure, the problem.

720 Equally agreeable as to purpose, Mr Speaker, and perhaps less problematic in implementation is the Recommendation at No. 23, which says this:

725 'We recommend that the Election Rules should provide, by means of a schedule, the format of the return of election expenses and the form of words of the statutory declaration.'

730 Mr Speaker, we certainly agree with the Commission that the practices built up, of each party, in the absence of any rules, presenting accounts in their own format, as they see fit, in keeping with general accounting principles, or whatever it is... but the Returning Officer, and even members of the public, who may want to inspect the election expenses are looking at things which are not compiled in the same way and they are, therefore, not necessarily comparing like with like. And a format – in fact, probably just a form not so much a format – a form which the Returning Officer produces to each Party for them to account for expenses in a particular format so that everybody who then has an interest in looking at these expenses can see the same form filed by each Party, or by each candidate, rather, I think is something which should not necessarily be resisted. I think it is something that the Select Committee will want to look at and can produce a form in which relevant election agents can report expenditure in an equal way.

735 The next Recommendation, Mr Speaker, deals with inspection of the returns of election expenses and it says this:

740 'We recommend that section 15 of the Parliament Act should specify that the returns of election expenses can be available for public inspection without limitation.'

Well, you need to put that Recommendation in context. Section 15(5), which is the relevant part of section 15 of the Parliament Act, deals with publication of election expenses like this. It says:

745 'The Returning Officer, within ten days after he receives any return under this section, shall publish in a daily newspaper a notice of the time and place at which the return and the document in support thereof can be inspected.'

750 Well, Mr Speaker, that creates a number of issues. Different parties, or different candidates, may put in returns on different dates and I think the practice of the Returning Officer has been to set a window when they have to be submitted, otherwise he might have to be advertising for Candidate X, 'You can come and see it on *this* date', for Candidate Y, 'You can come and see it on *that* date' because of the 10-day limit that operates on him. But, what we do not think this section does is limit how long election expense documentation is available for inspection, although it may have been traditionally interpreted in that way.

755 So this is a Recommendation that the Commission make that we agree should be referred to the Select Committee, even if only to clarify that the Returning Officer is free to designate – although we think he already is, but let us clarify that – that the time and place for inspection could be as wide, for example, as 'at Parliament House on any day until the date that the next election is convened', for example, which would, in effect, allow the documents to be inspected throughout the lifetime of the relevant Parliament, or perhaps even longer, if you wanted to use different language and wanted to have this as a public record that is just publicly available for anybody to inspect. Frankly, in our view, Mr Speaker, this is now information that should be published online and should be available for any citizen who wants to inspect it, like all other Parliamentary information, like the Register of Member's Interests, that the Commission has recommended should also be on line – and we agree.

760 But if there are ambiguities that have led Returning Officers to think that they make this information available only for a specific time, in a specific place, if the internet has overtaken us all and we need to provide new wording, then I think this is something that the Select Committee can look at and resolve quite quickly.

770 Mr Speaker, the next Recommendation deals with contributions to candidate's election expenses during the course of election campaigns. It is Recommendation No. 25 and it reads as follows:

775 'We recommend that every donation over £100 incidental to an election campaign, whether as one donation or as several lesser donations amounting in total to £100 from the same source, should be separately declared in the Return of Election Expenses, together with the identity of the donor.'

780 Mr Speaker, we agree that the candidates' Return of Election Expenses, or the return of a group of candidates, should certainly illustrate who has contributed to the campaign of that candidate. Multiples of £100 does not seem an unfair amount to be referring to, although the Select Committee may think that a slightly larger amount, like £250, may be relevant and we agree that this recommendation as to candidates' election expenses should be referred to the Select Committee for implementation at the next General Election.

The next Recommendation, Mr Speaker, then deals with 'what *is* an election expense?' It says this:

785 'We recommend that the Parliament Act should provide an extensive definition of election expenses.'

790 For the reasons that have been identified in the Report, Mr Speaker, we need to give some meaning to the rules on spending and we agree. The Select Committee, I think, will need to come up with a definition: it is probably not going to have to re-invent the wheel – there may be definitions used in other Parliaments that we can cannibalise for our purposes.

795 Checking the Parliament Act, it is clear that there is nothing there which assists in the definition of 'an election expense'. One would have expected that the Act would contain a definition of 'an election expense': it is not there, that definition, and perhaps it needs to be there or elsewhere in the rules. I think it is also fair to say that, in the context of the Recommendations that you make, I think there are three areas where the Parliament Act, it is recommended by the Commission, should be amended. It is a piece of legislation from 1950 and those who go online now can see how often it has been amended. It has only been amended five or six times in the past 63 years. I think that demonstrates it is a good piece of legislation which has worked well that now requires tweaking and we should not be shy, in the Select Committee, of making such recommendations for amendment of it as may be necessary in order to update it into the more modern practices that have now overtaken the way in which elections are run.

800 Mr Speaker, the Commission then moves on to Recommendations that deal with 'the vote' and voting. Recommendation Nos. 27, 28 and 29, which are dealt with together, say as follows:

805 'We recommend that early absentee voting should be introduced for electors who satisfy the Returning Officer that they are obliged to be absent from Gibraltar at short notice on polling day for unforeseeable and compelling reasons and cannot recourse to postal voting.'

810 I recall, Mr Speaker, I think in the last two elections there have been a number of pilgrimages organised around the date of the poll, involving supporters of all candidates, and that and other reasons for being out of Gibraltar have led to an *ad hoc* procedure being set up in some instances.

Recommendation No. 28 then says:

815 'We recommend that section 20(2) of the Parliament Act should be amended to increase the period between the issue of a writ calling for a General Election and the day of the Election from not less than thirty days to not less than forty-two days'

and Recommendation 29 says this:

820 'We recommend that the timetable in Rule 2 of the Election Rules should be amended to set the closing date for the delivery of nomination papers as noon on the 33rd day before the date of the election instead of the present 21st day and, additionally, consequential adjustments should be made in the period of time allowed for candidates to withdraw their candidature.'

825 Mr Speaker, we certainly agree with Recommendation No. 27 on early absentee voting but subject to a mechanism, and I am sure that this is what the Select Committee will want to ensure, being introduced and implemented in the Parliament, which is in this building itself, in other words in the control and under the auspices of the Returning Officer and with appropriate security mechanisms in place.

830 As we all know, who have been involved in elections, Mr Speaker, this place becomes a hive of activity at the time of a General Election. It is also the most secure place where ballot papers etc. are held and delivered. Bringing people into vote will have an effect on the workings of the Returning Officer at the time but, of course, in the context of other changes like, for example, the Register of Electors being open and closing just after an election is called, rather than opening sometimes at the time that a General Election is called for a supplementary register to be prepared, that would take away a huge work from the Returning Officer at the time. We could, instead, have this process of having absentee voting going on in the Parliament in a way that does not upset the working of the Returning Officer. I know it has been done

before, it is just a question of agreeing the mechanism, all parties being happy with it, the security of it, so that the integrity of the vote is not in any way questioned, also being dealt with and one that I am sure will enjoy support across the floor of the House.

We also agree, Mr Speaker, in relation to Recommendation Nos. 28 and 29, that the time limits for elections have been too short in the past, in particular because of the complication of supplementary registers of electors being compiled sometimes at the same time. So, again, in the context of an open register, although these issues should be less relevant in the future, and time may not be at such a premium, I think it is still going to be a busy time for the Returning Officer and his staff, as well as for candidates and party workers. So, therefore, we would agree the extension of these relevant time limits but, perhaps Mr Speaker, not to the extent proposed by the Commission.

So Recommendation No. 28, we propose that section 20(2) of the Parliament Act be amended to 'not less than thirty-five days', so five more days than the current thirty days, but seven less than the proposed forty-two.

In respect of Recommendation No. 29, instead of increasing the time in Rule 2 of the Election Rules from twenty-one days to thirty-three days, which we think would be slightly too long, we would propose also a time of twenty-eight days.

But that is detail, Mr Speaker, and we are happy to consider that detail with colleagues in the context of the work of the Select Committee and with the Returning Officer, who has the experience of what it is that goes on at the time that the election is called.

Mr Speaker, Recommendation No. 30 we think has actually now been overtaken by events. That Recommendation states as follows:

'We recommend that the Gibraltar Regulatory Authority should set a code of broadcasting standards for Gibraltar Parliamentary Elections in consultation with the Returning Officer and the Gibraltar Broadcasting Corporation in line with the requirements of the European Parliamentary Elections Act.'

Mr Speaker, as you are aware, the Broadcasting Act 2012 does just that. In fact, it is for that reason that we have recently argued in press releases that the composition of the board of GBC, for example, is no longer relevant in relation to balance and appeals from editorial decisions. Well, in any event, this is a Recommendation that is, happily, one that we take the view has already been specifically implemented in almost identical terms to the Recommendation of the Commission.

Still on the media at the time of the election, Recommendation No. 31 says this:

'We recommend that exit polls should be regulated as to the manner in which they are conducted and that a prohibition should be placed on the publication of their results prior to the end of voting on polling day.'

Mr Speaker, this is already the case by established convention, in our understanding. But it is interesting that there is not... well, there has not traditionally been a legal rule that provides for this. I do not know whether the Regulator may have, in the rules he has made, now dealt with this issue, but it is certainly, in our view, something for the Select Committee to consider because, if there is not already a rule, there certainly *should* be a rule that exit polls should not be published, or polls should not be published, during polling day.

I do not think it is a rule or a convention that has ever been breached in Gibraltar, but perhaps it is important that we now have this rule. The one thing, Mr Speaker, I would say in respect of Recommendation Nos. 30 and 31 that I have just dealt with, is that, of course, it is very easy to regulate those that cannot escape regulation like, for example, the GBC, and the rules that the GRA makes have to be observed by the GBC as the public broadcaster and conceivably any other broadcaster licensed in Gibraltar is caught by the regulation of the regulatory authority, subject to the Recommendation that you have made, of course.

But how do you regulate the internet, Mr Speaker? That is an issue that goes beyond this debate, of course, but it would be a relevant factor. Who has the power to regulate what is put up on social media, on internet sites, the domains of which are hosted outside of Gibraltar? That is an issue that I think perhaps the Select Committee will need to consider in the context of this business of exit polls etc. because, absent people voluntarily adhering to the conventions that have been followed in the past, it may not be that there is a regulator with reach, like the GRA, that reaches other broadcasters that are licensed. It may be that the Returning Officer, who has responsibility for elections, is the right person to regulate *some* aspects of this in the – if I may call them – sort of 'disestablished media' and that there should be general rules which can catch people in Gibraltar under the powers that the Returning Officer has. Again, something that the Select Committee will have to consider in greater detail.

Mr Speaker, the Report then moves on, really, to the night of the count and making this recommendation at Recommendation No. 32:

'We recommend that the Returning Officer should give serious consideration to establishing what technological advances are

available for the counting of votes and whether these could be adopted in Gibraltar.’

900 Anybody who went through the last count would have been very happy to see a computer tell us the result by 1 a.m. in the morning. But, anyway, we agree that new technologies should be considered but always subject to the integrity of the counting process and of the vote being guaranteed. It has always been guaranteed in Gibraltar, Mr Speaker. Even though we have taken a few hours – five or six hours – to count, we have known that we can count on the integrity of those involved in counting on the night and that we get a very precise and very clear result.

905 I think nobody in this House would want the nightmare of ‘hanging chads’ that we all had to become very interested in, in the early part of the last decade, hanging over an election result in Gibraltar, with our Supreme Court being involved in determining issues and there not being a result announced, when you implement a system that is designed to give you a sooner result. So I think something to look at, something for the Select Committee to work on again, I think, with the members of the House staff and the Returning Officer.

910 Mr Speaker, in Recommendation No. 33, the Commission deals with a proposal to create a Register of Political Parties and also, outside the Recommendation, deal with what political parties should do and how they should run their affairs and all the rest of it. The Recommendation alone says this:

915 ‘We recommend that subsidiary legislation for the registration of political parties, with their basic provisions detailed in the outline proposal at Appendix 1, should be introduced.’

920 and, in doing so, you introduce Appendix 1 into the Recommendation. If I can just take Members of the House to it – Appendix 1 sets out the proposal for registration of political parties, setting out that they must have a constitution, what the executive is made up of, subscriptions, annual general meetings, etc. etc.

925 I think we must part company with the Commission on this issue. We do not believe there should be a requirement of registration for political parties. The constitutional freedom of association in our Constitution, in our view, requires that people should be able to congregate without the requirement to register as political parties. The same is true, you might say, Mr Speaker, in respect of Trade Unions and yet Trade Unions are required to register themselves, but Trade Unions enjoy immunities under our laws for specific purposes and, therefore, the registration engages those immunities. Political parties actually do not enjoy advantages. It is actually Members of Parliament that enjoy advantages and they congregate in groups that they call political parties. But we do not think that it is constitutionally acceptable to require people to register themselves as political parties.

930 If I may just, Mr Speaker, without entering into the politics of it, I know that Members opposite in their political party run things, or have run things in the past, in a different way. It has worked for them and people have accepted that and returned them as a Parliamentary group to the Government benches on a number of occasions. When the Hon. the now Deputy Chief Minister, Mr Bossino, and I were much younger, we congregated around a coffee table and called ourselves a political party and, you know, what is wrong with that? Should we be required to register and to hold meetings in a particular way and should any strictures be put on the way that people organise themselves as a political party? I mean, one wonders what the anarchist party might think of that and they have a right also to regulate their own affairs in such a way as they may on each day decide.

935 So, jesting aside, I think that this could interfere with the right to congregate and associate freely under the Constitution and, therefore, that Recommendation will not enjoy the support of those of us on the Government benches.

940 Neither, Mr Speaker, do we see a need for the establishment of a statutory Election Commission, as recommended in Recommendation No. 34, which reads as follows:

945 ‘We recommend the introduction of a Bill for the establishment of a statutory body to be known as the Electoral Commission, with the basic provisions detailed in the outline proposal of Appendix 2.’

950 Appendix 2, Mr Speaker, to the Commission Report is almost, I must say, a very full proposal for a Bill, with quite a lot of detail and I am sorry to say, because a lot of what has obviously been done by the Commission on that... that we do not think that an Electoral Commission is relevant in Gibraltar. I do not think anybody has ever questioned the integrity of the way that we conduct elections. We are a thriving democracy. It may be rougher or tougher during different parts of the election campaign, but I think that this Parliament has demonstrated that it is elected fairly and freely, successively, there have been transfers of power now on a number of occasions in Gibraltar, to such an extent I think we can call ourselves a mature democracy.

955 The Electoral Commission might actually be an indicia of maturity in other Parliaments, in other democracies. We just do not think it is something which is necessary in Gibraltar because of the mechanisms that we have in place and the control that is in place already through the office of the

960 Returning Officer and the powers contained in the Parliament Act, in particular, if we make amendments to the Parliament Act and we give powers to the Returning Officer in the context of what the Select Committee is going to consider. We will hear what Members opposite have to say about that, but we are not convinced that this is something that requires engagement.

965 We are with you, though, Mr Speaker – sorry, with the Commission, Mr Speaker – on Recommendation No. 35, which states:

‘We recommend that legislation permitting the holding of and regulating the conduct of referenda should be enacted.’

970 Mr Speaker, that has been our policy since Mr Peter Hain’s said that our 2003 Referendum was not valid. Indeed, I think there is already a draft Bill that will shortly be published to deal with this issue. I think we all took the view here that there clearly *was* power to convene a referendum but, *ex abundanti cautela*, why not have a piece of legislation that now sets out what the requirement and what the mechanisms for future referenda might be?

975 Then, Mr Speaker, the Commission moves on, hand in hand with all of these issues, how should the franchise be conducted and who should be a part of it. Recommendation No. 36 says this:

‘We recommend that the Parliament Act should be amended to increase the qualifying residency period from a continuous period of six months to a continuous period of three years.’

980 Mr Speaker, we think that is a sensible Recommendation but we think it is something that needs to be considered, and the implications of it need to be considered, in detail by the Select Committee. I think there will be people who will have been here for more than six months before the rules change who might say that they have acquired rights, should an election be called after that period but before they are here for three years, so I think this is an issue that needs to be considered in detail by the Select Committee, although I think it is likely that most of us agree that a residence period of six months is probably now too short for people to know what it is that they are voting on or about and what the parties are. But I think it is one matter that the Select Committee may want to look at in more detail before determining *how* to accept that recommendation and what the exact time limits should be.

990 We do not agree, Mr Speaker, however with the 37th Recommendation of the Commission, which says this:

995 ‘We recommend that the Parliament Act should be amended to *extend* the franchise to persons residing outside Gibraltar who are eighteen years or over who are registered as Gibraltarians under the Gibraltarian Status Act and who are (a) in permanent employment; (b) actively involved in carrying on a business; (c) exercising their profession or (d) in full-time education in Gibraltar.’

1000 Mr Speaker, this is not an issue that has an easy solution. May I just say that I think people who are in full-time education *outside* of Gibraltar are already entitled to vote in Gibraltar elections, hence that we have – at Gibraltar House in London, usually – a polling station, so to speak, for ballots to be sent in as postal ballots that are then brought to Gibraltar. Some of them can be sent directly to Gibraltar so (d) in Number 37 we believe is already covered.

1005 Now, the other issue is if people have moved out of Gibraltar, they are literally living out of Gibraltar – not for educational purposes – they have traditionally and historically *foregone* their right to vote because it has always been a right based on residence. So to make the issue of the right to register based on the other three limbs of No. 37 *and* registration under the Gibraltarian Status Act is we think, a little bit too complicated and perhaps not quite as fair as it may seem at first blush. For example, somebody may be entitled to register under the Gibraltarian Status Act even though they have only been here three years but they may, for other reasons, be entitled to register. Then, if they maintain a company in Gibraltar through which they do their business, they could go and live anywhere else in the world and be entitled to vote.

1010 Yet you could have people who have been resident in Gibraltar all of their lives but are not able to register under the Gibraltarian Status Act for some *other* reason. There are instances that come to me, as I am sure they came to the previous Chief Minister, of people, for example, who have been resident in Gibraltar for fifteen years, have gone to the United Kingdom and they are back after eight years and they want to register under the Gibraltarian Status Act and they are not able to because they do not have the lineage, and then they have issues, or they would have had their residence for twenty-five years coming up... There are circumstances like that which create unfairness and, look, the traditional way of determining who is entitled to vote in our Parliamentary elections has been based on residence. We do not think that is an unfair way of determining who is entitled to vote in the future and we would, therefore, propose that it continues to be based – the franchise should continue to be based – on residence, as it historically has been, with the caveat that we do think that Gibraltarians who are *studying* abroad should be entitled to vote but we think that is the case already and that no amendment is required for that

purpose.

1025 Certainly, Mr Speaker, unless I am wrong, in every election in which I have been involved since 2003 those who have been studying in the United Kingdom, Gibraltar students in the United Kingdom, have been able to vote as postal voters and facilities have been put in place to try and ensure that the postal voting mechanism has not thwarted their ability to have their vote counted, by allowing for that to be sent, as I said a moment ago, to Gibraltar House.

Mr Speaker, then Recommendation No. 38 says this:

1030 ‘We recommend that the maximum period of time between the issue of a writ and the holding of a General Election should be reduced from three months to forty-two days.’

1035 Mr Speaker, we think that there are very few circumstances where this would be relevant but we think that limiting the period in this way is not hugely important. We are not persuaded that there are good reasons to amend the Constitution, and this would require a Constitutional amendment to make this change, although it may be something that if there are Constitutional revisions in the future, could then be considered in more detail.

1040 But look, if a Chief Minister wants to call an election in forty-two days’ time he can, if he wants to call it in thirty days’ time he can, subject to the new limits that we are thinking of putting in of perhaps thirty-five. If he wants to give three months’ notice, well I mean that is not a bad thing for others who are going to be involved in the election because they will know for longer. I wager people will get bored of us politicians running around campaigning for a whole three months, but it would not be bad for democracy.

1045 So when would this period be relevant? It would probably be relevant when time has run out for an election to be called and it is called automatically. It is then called for three months thence rather than forty-two days thence, which is what is being proposed. I do not think it is a hugely important issue meriting engagement on amendment of the Constitution: it may be something that, if there are Constitutional talks going on, can be looked at, but we do not think that it would hugely enhance the quality of our democracy to engage just for that purpose.

1050 Finally, Mr Speaker, the 39th Recommendation refers to offices for the Leader and Members of the Opposition and reads as follows:

1055 ‘We recommend that office and secretarial facilities for the Leader and Members of the Opposition should be made available near the Parliament.

1060 We do not believe, Mr Speaker, that services should be provided to Opposition Members alone. Government Members do work as Government Ministers but they also do work as Members of this House. The refurbishment of the Parliament is already underway, Mr Speaker, beyond the refurbishment of this Chamber and will shortly move to a refurbishment of the Ante Chamber and other parts around the building that should, in our view, make it possible to create new spaces for Members generally, not just Members of the Opposition but Members generally, to have available the meeting rooms that the Commission recommends, with some appropriate secretarial support.

I think I speak for

1065 **Mr Speaker:** I hope the Chief Minister will not forget the Speaker.

1070 **Hon. Chief Minister:** Perish the thought, Mr Speaker. In fact, as it happens, I think you are the only person that has an office at the moment, but the whole idea of the refurbishment is the refurbishment of the whole of the area at the back and perhaps some of the other areas in and around the building and certainly Mr Speaker would not be forgotten in this context. The ability to do the business of Parliament as parliamentarians must depend in having the facilities necessary for us to do that work as parliamentarians. That includes the Speaker, the Clerk and officers of the House, as well as Members on both sides of the House.

1075 But if I might just say, Mr Speaker, in the context of the assistance that members of the staff of the House give Members of the Parliament, certainly my experience when in Opposition was that they were hugely helpful whenever they could. Of course, in the context of an election campaign there is a lot going on and members of the House staff become the Returning Officer’s staff and we cannot expect, at that time, to ask for a copy of the relevant *Hansard* and get it as quickly as you might on a quiet day in deepest August when there is not an election campaign going on. But, absent that, I found, as I am sure Members across the floor have found, that members of staff of the House are hugely helpful, whether one is in Government or in Opposition. They are blind to where Members sit: we are all just Members, as far as they are concerned, with our different responsibilities and hugely helpful at that.

1080 Mr Speaker I have dealt specifically as I set out to do with the Commission’s Recommendations only

1085 because that, in my view, is what the Commission is putting to the Parliament. I have not dealt with matters on which you have not made recommendations. In particular, Mr Speaker, I note the dissenting opinion that the Commission has provided from Mr Vasquez QC. You have not made a recommendation in respect of the views advanced by him so I have not had to address it, but we take careful note of what he writes: there is no recommendation there though for us to consider.

1090 Mr Speaker, the Select Committee that I propose to establish to look at the detail will need the help and support, as I have said, also of the Clerk but I believe it should also meet at least once with the whole Commission to go through some of the areas that I think should be deferred to the Select Committee so that, perhaps in conversation, we could hear the voice of the Commission and what their concerns were in case we may have misinterpreted any of them. I am conscious of the fact that, although you were the Chairman of it, you cannot from your Chair form part of this debate and, therefore, I think the appropriate process would be for the Select Committee to engage with the whole Commission at the start of its work so that the Commission can inform the Committee of any aspect of its work that may be relevant.

1095 Mr Speaker, finally, I would say that I think I have structured my intervention today on a Recommendation by Recommendation basis so that the position is clear to hon. Members on both sides on each and I will very much look forward to hearing what it is that Members opposite have to say. I would alert the House, Mr Speaker, that my intention would be to hear what other Members have to say and then recess for a short while so that we can, if necessary, consider issues together as to the amendment and then come back and take the amendments during the course of my reply, as I said. I hope that we can have this debate in the spirit of co-operation and not of confrontations because I think that reforming this Parliament and reforming its procedures is improving our democracy for the better. That is what our citizens demand and deserve.

1100 Mr Speaker, at that moment, conscious of the fact that I have been on my feet for quite a while, can I propose that we recess now also for a few minutes in case Members need to have a comfort break or something. I would like to be in the Chamber for the whole of the debate and would not mind a recess of five minutes if you would agree.

1110

Mr Speaker: The House will now have a short recess for ten minutes.

The House recessed at 11.00 a.m. and resumed its sitting at 11.25 a.m.

1115

Mr Speaker: I now propose a Question in the terms of the motion moved by the Hon. Chief Minister. Does any hon. Member wish to speak?

1120

Hon. D A Feetham: Yes, Mr Speaker.

First of all, may I start by thanking the Commission and you in particular for the Report and the obvious time, effort and care that the entirety of the Commission has taken in producing this Report. Obviously, I speak on behalf of all hon. Members on this side of the House.

1125 Mr Speaker, in relation to the mechanics, I was going to say something about the mechanics that the Chief Minister outlined at the beginning of his intervention in relation to this debate. The Chief Minister and I have already spoken in the anteroom and what I will do is I will allow the Chief Minister to, basically, by way of response, deal with the question of mechanics: because as I understand it, we have agreed, in principle, to move away from what was originally proposed, which was for the motion to be amended in order to include all the recommendations that the Government thinks it ought to include in that motion, to a different suggestion and allow the Chief Minister to effectively outline to this House and, indeed, to listeners out there what we have tentatively agreed.

1130

1135 Mr Speaker, I am going to be effectively talking about general principles. I am going to be focusing on a number of areas. Before I outline those areas, all the hon. Members on this side of the House will have an opportunity and, indeed, will speak on the Report. Isobel Ellul-Hammond will be talking about Part II, although I will be dealing with certain issues in relation to Part II. Mr Bossino will be talking about Part III, Edwin Reyes will be talking about Part IV and Mr Netto will be talking about something that is dear to his own heart – he talks from his own perspective, it is his own view – and that is in relation to the Oath that we all have to swear at the beginning of Parliamentary proceedings.

1140

1145 But, Mr Speaker, in my own intervention what I want to talk about is, first of all, I would like to place this Report and, indeed, the debate on Parliamentary reform into its proper historical context. I think that is helpful and that is what I intend to do; secondly, it is the issue of enlargement, which is of fundamental importance to this side of the House; thirdly, Questions and Answers; fourth Parliamentary timetable; and then, finally, I will talk from a personal perspective, because it is not an issue that, in fact, my Party has a particular policy as an outline, but from a personal perspective I want to talk about something that does not contain a recommendation but it is dealt with by the Report and that is the serving... for nobody to

serve as Chief Minister for more than two terms.

1150 Mr Speaker, you can see from the outline of these five points that, in fact, I am not going to be restricting myself to the Recommendations made by the Commission and, indeed, I am going to be talking about areas where this is no Recommendation by the Commission but that are, as I say – such as enlargement – important to this Party on this side of the House.

1155 Mr Speaker, Parliamentary modernisation was always envisaged at some point in the future when we negotiated a new Constitution. In 2007 we moved to a Constitution which, not only, in our view, provides a maximum level of self-government but included, amongst other things, modernisation of the composition of this Parliament and, indeed, the balance of executive competencies. The Financial Development Secretary and the Attorney General were replaced by Elected Members and I had the privilege of being the first Minister for Justice to swear an Oath at the opening of Parliament after the 2007 Election, all as a consequence of the Constitution. Indeed, under that Constitution, this House went from being a House of Assembly to our Parliament. And therein lies part of the challenge for this House, that we have a modern Constitution underpinning a Parliament and yet the organisation of this House, the way it does its business, is based on the architecture, in our view, of a Legislative Assembly underpinned by Constitutional arrangements that this community has outgrown.

1160 Of course, there are other reasons why Parliamentary reform is necessary, not least because we have to make a genuine effort, in our view, to make the proceedings of this Parliament as accessible and as relevant to people as possible. The GSD's longstanding position is that – the GSD's Opposition's longstanding position – is that it is supportive of any attempt to reform and modernise the way that Parliament operates. That is not a position we take for the first time today on this motion, it is a well-established position of this Party going back a number of years. It will be recalled that, in 2009, we convened a Select Committee on Parliamentary reform. I do not want to get bogged down in the reasons why that Committee only met twice; those have been ventilated in the past both in this House and outside the House. But in 2001, the then Chief Minister, Mr Caruana, moved a motion resolving for the House to convert that Select Committee into a Committee of the whole House in order to allow Members to discuss and consider a number of principles that ought to underpin the reform and modernisation of Parliament and its work. Most, though not all, of those principles, with some exceptions, are reflected in the Report and the recommendations that we are considering today.

1175 Thus the motion presented by my learned and hon. Friend included the principle that each Minister should appear in Parliament at least once a month to answer Questions about his or her Ministerial responsibility and that the Chief Minister should answer Questions once every two weeks, with Standing Orders limiting the duration of each monthly session. Whilst recognising that the House was too small to permit the widespread use of multiple Parliamentary Committees as in other larger Parliaments, the motion recommended that there should be at least one standing General Purpose Select Committee, Chaired by a Member of the Opposition, able to summon Ministers, Officials and others in any policy area, as in the case of Select Committees in the UK.

1185 It included televising of Parliamentary proceedings, the modernisation of Standing Orders and the reform of the Rules to ensure that Opposition obtained a monthly opportunity to bring motions for debate in Parliament, which is possible under current rules but, given that only the Government controls the ability to suspend Standing Orders to allow such a motion to be taken before the end of Government business, it also has the ability to delay that motion to a time when it is least convenient for members of the press and therefore least effective.

1190 We can debate as much as we want, but whilst the Government controls the ability to have that debate heard on the political equivalent, in my view, of Siberia on an exceptionally cold day, namely very late on Friday evenings – and I have found myself questioning the Father of the House on exceptionally cold and late Friday evenings – the effectiveness of motions as a means to hold the Government to account will be severely restricted. That is why my hon. Friend Mr Caruana was proposing to reform the Parliamentary timetable, too, and have specific slots for debating Opposition Motions which I hope is an idea that can be taken forward in any future reforms under this process despite the fact that there does not appear to be any Recommendation to that effect.

1200 Mr Speaker, in our view as an Opposition, the single most important proposal by Mr Caruana during *his* motion was the proposal to enlarge Parliament from 17 to 25 Members in order to allow backbenchers on both sides of the House. During the debate on the 2011 motion in my contribution I said that, whilst I only spoke for myself, the issue of enlargement of Parliament to create backbenchers was so critical that I did not believe we could have profound reform of our Parliamentary system without it. Nothing that has transpired since then has changed my mind. It is, of course, a GSD Manifesto commitment. Unfortunately, Mr Speaker, it is a commitment which cannot be fulfilled, even if we were in Government because, constitutionally, it requires support of a two-thirds majority of this House.

1205 At the time of the 2011 motion this was the only issue that, indeed, separated both sides of the House and it was the only issue that prevented a consensus either on the motion presented by my Learned and Hon. Friend Mr Caruana or, indeed, the amended motion presented by, or moved by, Mr Licudi. It may

1210 be recalled that the then Leader of the Opposition went through the motion point by point, agreeing to all
of them except for the enlargement of Parliament for the purposes of creating backbenchers. I hope, Mr
Speaker, that I can prevail on hon. Members opposite to support the principle of enlargement of
Parliament. I recognise that the issue of enlargement could bring to bear considerations of the electoral
system in order to elect any additional Members, but it does not have to be so and my preferred option –
our preferred option – for reasons that I will develop in a moment, is to simply increase the number of
candidates fielded by political parties at election time.

1215 It was, of course, specifically envisaged that it might be desirable to enlarge Parliament when we were
negotiating the new Constitution with the United Kingdom. It was the Gibraltar delegation in the
proposals that we put to the United Kingdom that included the power to enlarge Parliament. Indeed, Mr
Speaker, if at the time of those negotiations, we on the Gibraltar side felt that for those reasons we should
have the power to enlarge Parliament, we must have believed that, at some point in the future, it might be
1220 desirable for us to do precisely that, to enlarge Parliament. Hon. Members who were present during those
negotiations, Mr Speaker, the Father of the House, the Deputy Chief Minister and the then Chief Minister,
Mr Caruana, will recall the United Kingdom's side of the negotiations at the negotiating forum was
concerned that this should not open the door simply to expanding Parliament so that the executive could
get even bigger and a Chief Minister could appoint as many Ministers as there were MPs on the
1225 Government side. This is why the Constitution contains a formula which caps the number of Ministers
that can be appointed, thus ensuring that the rest of any enlarged Parliament would be effectively
backbenchers.

Mr Speaker, I have to respectfully say that I find this part of the Report, at Paragraph 2.17, to lack
focus. I do not know whether that stems from the fact that the enlargement of Parliament appears to have
1230 been considered in the context of the creation of constituencies and was thus conflated with that issue or
because the Commission was mainly focusing on the issue in the context of Government backbenchers
and not Opposition backbenchers. At the very least these appear to be the principal considerations, as far
as we can see from the Report.

1235 Again, with respect to my friend Mr Robert Vasquez, who I respect considerably, we are not in favour
of the creation of constituencies or wards for the selection of backbenchers. Gibraltar is simply too small,
in our view, for such a system to work. The premise for Mr Vasquez's proposals appear to be based on
the premise that there is a deficiency in access between constituents and their MP which would be
improved by dividing Gibraltar into constituencies. I do not believe that deficiency exists. We are a
1240 community of 30,000 people and it is probably one of the few communities in the world where you can
gain access to Government Ministers or Shadow Ministers within a very short period of time. I hold
surgeries every other Wednesday and I meet people every Friday. My colleagues on this side of the
House have similar systems.

I do, however, agree with Mr Vasquez that when a frontbench spokesman of the Opposition takes up
an individual case, either in Parliament or by raising it with a Minister or a Department, it could be
1245 perceived as being tainted by political bias or political considerations. In other words, the governing party
may have a tendency to analyse them with suspicion and scepticism and possibly consider them in a
negative light. A backbencher dedicated purely to constituency work may not be hampered in that way.
The argument, of course, Mr Speaker, has its limits because the Government and Shadow Ministers in the
UK do see constituents at their local constituency surgeries. But, Mr Speaker, the thrust of Mr Vasquez's
1250 minority report is that he very much favours enlargement of Parliament to create backbenchers and we
certainly agree with that.

Mr Speaker, I have not conducted an analysis of every other Parliament in the western hemisphere but
there cannot be many where those selected to it for the first time are effectively plunged into ministerial
or shadow ministerial roles. In other words, that person may find himself or herself as a lawyer, a nurse or
1255 a school teacher one day, and running a Ministry the next simply through lack of choice in the way that
we have structured our Parliament. There are many examples where people coming into this Parliament,
or the House of Assembly, for the first time, have made very substantial contributions to politics, but it is
not a good system: it is not a good system.

1260 It is not only a question as to whether that person is good enough, or apt, for ministerial or shadow
ministerial office, our system may actually discourage people from standing for election, people with
expertise in certain fields or the experience of life, who can genuinely make a contribution from the
backbenches without wanting to hold ministerial office, or people who may, in time, be the ministers or
the shadow ministers of tomorrow, who having had the benefit of a political apprenticeship in the
backbenches would be much more prepared for the job they may face in the future.

1265 There are many reasons why people may want to become Members of Parliament but not a
Government Minister or a Shadow Minister. There may be professional or family reasons. The fact that
someone may want to participate in the political process or the legislative process does not mean that he
or she may want to do so full-time to the exclusion of his or her profession or the running of their
business. I can think of many leaders in their respective fields in this community that would enrich this

1270 Parliament with their contributions but may not be able to commit to leaving that profession or business for a role as a full-time Government Minister or, indeed, a Shadow Minister. You may also have young children and the time is not right for you to commit to being a Government Minister or Shadow Minister but you still want to, and can, contribute, to the Parliamentary process by becoming a Member of Parliament. The reasons are many and are also varied.

1275 On our side of the House, of course, Mr Caruana is the sole backbencher. No-one can seriously suggest that *his* contributions to this House are not welcome. We should be encouraging people like Mr Caruana to stay in Parliament, not leave after a term because, if he stands, he is effectively standing for election for ministerial office. In other words, he would be standing for Government, not to be a backbencher on the Government's side. I may, in a number of years, decide to step down as Leader of the GSD. Why should I, after having spent many years on the front bench on both sides of the House, have to decide, in an all or nothing decision, that if I wanted to stand for election, it is to offer myself for election as a Government Minister rather than help my party, and indeed the community as a whole, by effectively being prepared to stand for election as part of a backbench, part of my party's team?

1280 Mr Speaker, this must be one of the few Parliaments in the world in which, if you wish to stand as a Member of Parliament, you are, in effect, standing for the Cabinet or for Government Ministerial Office. I do not believe that that is a credible state of affairs. Not only does our present system exclude people who, quite frankly, we should not be excluding but I believe that having backbenchers would hugely increase the quality of our democracy. It is often said that the most effective Opposition to Governments very often comes from the backbenchers because of the propensity in any given situation, where people feel strongly enough about a particular issue, to vote against the Government. At the present moment, every Member of this Parliament, bar one, is subject to the principle of collective Cabinet or Shadow Cabinet responsibility.

1285 Unless there is a free vote on an issue, or a Member feels so strongly about an issue that he resigns from the front bench or from Parliament, which is after all pressing the nuclear option, he or she have to express their views privately in Cabinet or Shadow Cabinet and, after a decision is taken, support that decision and that line. The ability of backbenchers to break rank from the party line is one of the most enriching factors in any democracy. Further, Mr Speaker, the system we have at present, effectively entrenches people in their Ministerial or Shadow Ministerial position, irrespective and regardless of whether they are doing a good or a bad job.

1290 Neither the Hon. the Chief Minister nor I have the ability to promote or demote people, whether they are doing a good job or a bad job. You could have someone who is only interested in doing the minimum necessary to get through four years and is short-changing the taxpayer and his Party. I suppose a Chief Minister of the day could sack that person but it would seriously hamper the Government of the day if, of course, the Government as, clearly, its policy thinks that ten Ministers are necessary to conduct Government business. On the Leader of the Opposition's side, it would be nonsensical because, other than battered pride, Mr Speaker, the practical consequences, when one thinks about it, is for that person effectively to go from doing *some* work to doing *less* work if he were sacked from the front bench to go into the Opposition benches.

1300 It would of course Mr Speaker; allow the promotion of someone else to the front bench or it would allow demotion of someone if we felt that person was not pulling his or her weight. It is how it works everywhere else; by excluding backbenchers from our Parliamentary system we do democracy in this jurisdiction a huge disservice.

1305 Mr Speaker, the irony is that many of the recommendations that are made in the Report, which are very worthwhile indeed, relating to the creation of committees, are when one examines them very closely, dependent for their true effectiveness on the enlargement of Parliament and the creation of backbenchers.

In relation to Select Committees, for example, the Report says:

1310 'There has been broad support from the responders for a greater use of Select Committees as a significant and effective measure in raising the profile and significance of Parliament since, without them, Parliament is handicapped in the general running of Parliamentary business.'

We agree, Mr Speaker, with that entirely but the Commission is absolutely right when it says in the preceding paragraph:

1325 'We have considered whether Select Committees should be created and how they should be made up in order to fulfil their task. We question whether Select Committees would be a realistic possibility given that the matters have become so polarised and confrontational in local politics as to make them unworkable in practice. On the other hand, we feel that a greater use of Select Committees could serve to diminish negative perception of local politics.'

1330 It is precisely because members of the Select Committees are subject to Cabinet or Shadow Cabinet collective responsibility and would bring no independence to bear on the process that it is adversarial and, by and large, it does not work. If we enlarge Parliament and we have backbenchers leading on these

1335 Select Committees, I believe that a completely different attitude would ensue. The same applies to the Public Bills Committee in Section 2.7 of the Report. I doubt very much whether these committees will be as effective as they could be, without backbenchers. The crux of the problem can clearly be seen in the way the Report treats the issue of Standing Committees and the Public Accounts Committee in particular. It says, in the fourth paragraph, section 2.8 that:

1340 'We are of the view that the 1980-84 Public Accounts Committee proved ineffective, impractical and unworkable, particularly because Ministers were expected to scrutinise and question senior executives of their ministerial colleagues' department. If a Public Accounts Committee were to be set up, it would be essential for Government backbenchers to take the place of Ministers. We have concluded that there is no need to establish a General Purpose Standing Committee nor a Public Accounts Committee given that Opposition Members have every opportunity to examine Government expenditure in detail as well as debating the report from the Principal Auditor on the Government Accounts for every financial year.'

1345 In my view, that conflates desirability and necessity with workability under the current system. Of course, it is not workable under the current system of frontbenchers on both sides of the House but the question is whether it is desirable or necessary in a mature democracy and the answer, in our view, is yes, there ought to be some mechanism where Members of Parliament can hold Ministers and Departments to account in 'nitty gritty' terms, much more so than would be appropriate in a normally structured and normally operated Question Time. And it should not just be once a year in the Committee Stage of the Budget that the Opposition Members are given the opportunity to examine Government expenditure, as the Report says. We believe that there is room for at least one Standing Committee of Parliament to serve that role but backbenchers again, in our respectful view, would be essential.

1355 Mr Speaker, of course the devil is in the detail and the issue of enlargement of Parliament necessitates consideration of the means by which we are going to elect Members of that enlarged Parliament. I believe that the answer is very simple; all we need to do is to increase the number of people on a slate at election time from ten to fifteen per party. That would give you more possible variations than the current slate of ten will give you because of the larger numbers, but within predictable parameters. At the moment, you have a ten/seven difference across the floor of the House, or a nine/eight difference. With slates of fifteen, you would have a fifteen/ten a thirteen/twelve or a fourteen/eleven difference.

1360 It may even afford greater opportunity for independents or leaders of third parties to break the block vote because with those slightly increased variables, people may be more likely and inclined to break their block vote to vote for one person outside the block if, for example, they know that their preferred party would still be elected in Government with a majority of fourteen/eleven if sufficient people did likewise.

1365 Mr Speaker, I refer to the words of a member of the Commission, the Hon. Fabian Vinet during the debate on the 2011 motion, when he said:

1370 'As far as backbenchers are concerned, Mr Speaker, their presence can only improve the quality and diversity of opinion in debate. I do not see any reason why a change to fifteen candidates cannot quickly percolate into the minds of the electorate, in the same way as I do not recall any difficulty in the change from eight to ten candidates percolating into the minds of the same electorate as the result of the new Constitution.'

1375 I believe he was absolutely right to make that point during that debate and I adopt those words to make precisely the same point today.

1380 Indeed, I note that the Commission recommends that the consideration of technological advances in relation to the counting of votes should be explored. I cannot imagine that an increase from ten to fifteen votes per person would add any expense or time to the process in the light of modern technological advances. Mr Speaker, the Report says that a majority of twenty-two individuals and one organisation that participated in the process did not agree with enlargement. I note that the Report says that not all responders responded on all the issues. For that reason, and because I do not know how many supported or opposed the idea, I cannot quantify the term 'majority of responders' when, at paragraph 2.17, the Commission says that:

1385 'The majority of responders are also opposed to any increase in the size of the Parliament as the electorate is well served by seventeen elected Members.'

1390 We certainly do not agree that the electorate is well served by seventeen Members, for the reasons that I have articulated. But it is also noteworthy that the GSD and the PDP were, at the last election, both committed to an enlargement of Parliament in our respective Manifestos and over 50% of the electorate voted for those Manifestos. People in General Elections vote for very different reasons and on many issues and I am not suggesting that everyone who voted for both parties were in favour of enlargement but neither do I believe that a consultation exercise, where only twenty-two people commented on enlargement, is determinative of the views of the community on the issue, particularly when the arguments have not been fully articulated. Indeed, I note that in Section 15 of the consultation document

– not the Report – three out of four paragraphs of the section on constituencies and Members of Parliament are on constituencies and only one on the issue of backbenchers.

1400 We believe that, bearing in mind the importance of enlargement to this side of the House and to the parties representing over half of the electorate, that it should have been considered as a separate issue, separate from the question of constituencies or wards and that the main arguments should have been canvassed, if we are to rely on the views of responders as representing the views of the general public on this issue. Clearly, we believe we cannot.

1405 Mr Speaker, the Report, not the consultation paper, also says that:

‘...additional expenditure is unwarranted.’

1410 We do not believe that it is unwarranted or that the expenditure needs to be particularly onerous. My Hon. and Learned Friend Mr Caruana, during the 2011 motion, made it clear that we were proposing that a scale of pay in relation to backbenchers should be introduced that was less than for frontbench spokesmen on the Opposition side.

1415 Much may depend on the role they play within committees because, if somebody is clearly performing a role and giving of their time on Select Committees, they ought to, or it justifies, paying more than somebody who is just simply being a backbencher without being involved in a committee. But the benefits to democracy in having backbenchers, when balanced against the relatively modest additional expense, makes the decision, in our view, a relatively easy one when carefully considered and weighed.

1420 Mr Speaker, of course even if we had been elected into Government at the next election we could not force enlargement of Parliament with a parliamentary majority. Constitutionally, it requires a two thirds majority of this House. I note that Mr Licudi, who led for the GSLP / Liberals on the debate on parliamentary reform in 2011, proposed a possible referendum on the issue, on some of the issues that he was then postulating and we were debating in this House. We believe that rather than just simply use their parliamentary votes to block enlargement, the Government should agree to put this issue to the people in a referendum. This is an important enough issue to be put to people and it would be consonant with the views that they expressed on the 2011 motion.

1425 Mr Speaker, I now turn to Question and Answers. We agree partially with Recommendation No. 3 and entirely with Recommendations Nos. 5 and 6. We do not agree with Recommendation No. 4 and we do not agree that each Minister be limited to two hours when, for example, Mr Licudi has a number of portfolios and it would be impossible to do justice to all of them in that time. Our preference, if we *are* to have a time limit, would be to limit the amount of time per portfolio. But the limiting of time on Question Time is not something that, in fact, we are against: it has formed the subject of a motion that Mr Caruana brought in 2011 and it is certainly something that we can live with and agree with that recommendation.

1430 But the reason why I am dealing with this issue is because there are a number of macro points of importance that we would like to make. Mr Speaker, we agree that Questions should avoid long preambles and that they should be short and sharp, to coin a phrase used by Mr Speaker a number of weeks ago, rather than... but, of course, and I think this is recognised by the Leader of the House during his own intervention, it obviously also has to be reciprocated and answers should be short and sharp, rather than have political speeches. We have no problem with the idea that Chief Minister’s Questions should be limited to three hours provided, of course, the Speaker is alert to the fact that lengthy and perhaps irrelevant answers could very easily be used as a device to run the clock down.

1440 I am not suggesting that that is going to form a feature of Question and Answer sessions in the future because I recognise that the Hon. the Leader of the House has, today, during his own intervention said that he is effectively not supporting the idea of having a limited time for Chief Minister’s Question Time. But, Mr Speaker, I want to say something about the comments made in the Report about the relaxation of the rules in recent years and comments made by Mr Speaker during the last session of Questions and Answers, that many people have commented to him that past exchanges in this House have put people off listening to Parliament. If I have paraphrased it wrongly, I apologise but I think that is the gist of the words that were used or what was said.

1450 It is certainly true that there have been exchanges in the past that do no-one any credit at all. I think that where we have failed in the past is that exchanges across the floor of the House have become, in some instances, personalised. I have had references to members of my family, so have others within this House. There have been excesses on both sides of the House and I recognise that. I have to say, however, Mr Speaker, that, on balance, Members of this House are far better behaved than Members of other Parliaments. I often watch reports on Prime Minister’s Question Time, or Questions and Answers in the UK Parliament, and some of the things that I see, Mr Speaker, make us look like veritable Boy Scouts in the disorder stakes, if I can call it that.

1455 Certainly, we on this side of the House feel very strongly that we also have to guard against the other extreme and that is that Question and Answer sessions become a mechanical exercise devoid of any ability by the Opposition to hold the Government to account at a political level. Our role is to hold the

1460 Government to account by, at times, exposing the fact that the Government has mishandled a particular issue or is mistaken about a particular policy. We make no apologies for that, whether it raises tensions in the House or not, as long as it does not become personalised and we respect reasonable standards of good behaviour.

1465 Of course, Questions have to be factual and they cannot be a pretext for debate but you cannot take the politics out of Questions and Answers with constant interventions from the Chair every time supplementary questions are asked on the grounds that temperatures are rising. Otherwise, the rising of temperatures can be used as a simple device by the Government of the day to force us to move on to the next Question. The consequence will be that we will not be able to do the job that we have been elected to do. Nothing, in our respectful view, will do a greater disservice to the Parliamentary process. Indeed, I predict that people will turn away from tuning in to Parliamentary Questions and Answers which, at the end of the day, must be one of the objectives, given that we have agreed to televise the proceedings.

1470 We are all politicians. People may tune in to GBC or read reports in the *Chronicle* to find out, I do not know, about how many trees have been planted in their particular area... and that is fine, that is part of information that may be relevant to parts of this community, or the community. But they are also interested, equally interested, in finding out whether the Government has been able to provide cogent answers to the political issues of the day, the issues that are capable in some instances, yes, of embarrassing the Government or the Opposition if we get it wrong.

1475 Mr Speaker, I was watching BBC television on Sunday morning two weeks ago where there were snippets of questions put to Nick Clegg, the Deputy Prime Minister, by a Conservative backbencher. The question related to a leaflet that Mr Clegg had caused to be published with his photograph, advocating an EU Referendum in 2009. The questioner sarcastically asked whether that photograph was the photograph of the Right Hon. Gentleman, the Deputy Prime Minister, or the photograph of an imposter. He was making a political point. It was an effective political point. It provoked a level of noise in the Chamber and much laughter! No-one said 'The question is improper, or it is going to raise temperatures, or do not make clever remarks.' Mr Speaker, if we take out the ability of Members to make political points of that nature, you run the risk of making Question and Answer sessions into a complete damp squib.

1480 The same applies to the issue of supplementary questions; we cannot always get it collectively right. I include myself in that assessment but there has to be some flexibility in order to allow us to do our job. Our concern with Recommendation No. 3 is that it should not be an excuse to turn Question and Answer sessions into anything other than what it is, a *political* Question and Answer session. I hope that when a point is taken by the Chair about the appropriateness of a supplementary, for whatever reasons, or temperatures do rise, that we are allowed from the floor to explain why *we* believe it was an appropriate supplementary or why we should be allowed to continue with a particular line of questioning. When you are told... because, at the end of the day, Mr Speaker, every time that the Chair takes a particular point about the appropriateness of a supplementary question, what the Chair is effectively doing is taking a Point of Order. It is saying that question is not within Standing Orders.

1490 On a number of occasions Mr Speaker has said: 'That question does not arise from the original Question.' Well, perhaps if we had been allowed to explain why we are asking a particular question we would have said that Standing Orders provides not that the question arises from – the supplementary – arises from, the original Question, but a supplementary question must not include matter *not included* in the original Question. The Chief Minister is absolutely right: it is about relevance to the subject matter of the original Question. Indeed, if we go to *Erskine May* and we look at the admissibility of supplementary questions at Page 305 – 'Oral answers and Supplementary Questions', it says:

1500 'A supplementary question may refer only to the answer out of which it immediately arises.'

1505 Now the point about that is that if a Minister – and I am going to be referring to a particular example at the last session – if a Minister says 'I have not briefed – we have not briefed – the Mayor of La Línea about the Fishing Report', and I have a statement from the Government that, basically, calls into question whether that is correct or is not correct, that is a perfectly valid supplementary question, in our view.

1510 I see that the Hon. the Chief Minister does not agree and that is alright because the point that I am making is that, at the very least, we should be allowed to express *why* the question was admissible in the circumstances. That is the point that I make. And I accept that. Look, there may be different views, I may not get it right *sometimes* but at the very least, that I ought to be allowed to express the reason why I am asking that supplementary question and why *I* believe that the question is admissible, without being told you do not have the floor and without being able to express our views on it. When we are told, Mr Speaker, 'You do not have the floor', we will abide by it but we are entitled to be heard as to where we are going with a particular line of questioning that we may think is actually being quite effective. All that we ask, on this side of the House, is that we are allowed the ability to just simply explain why we think that the question was an appropriate question under the circumstances. That is all.

1520 I hope that the comments I have made are taken in the spirit that they are intended, to be as

constructive as possible in the way that these proceedings are conducted in the future, that allows *us* to do our job effectively, allows the Chair to do his job which, no doubt, he does always to the best of his ability and impartially, and also that the Government does their job in answering Questions.

1525 Mr Speaker, I turn to timetable. The Hon. Lady Mrs Ellul-Hammond will be speaking about
parliamentary timetable. Over the last six or seven months Question and Answer sessions have been
spread over a number of days and sometimes weeks. Sessions often start at 3.00 p.m. and this inevitably
drags Question Time into several days and sometimes several weeks. There should, in our view, and I
1530 think, in his own intervention, I think that the Chief Minister – he will correct me, if I am wrong, in his
response – but I detected an acceptance of some of the things that I am going to be saying and certainly
an acceptance of moving to a situation where we have more predictable timetables for parliamentary
proceedings. There should, in our view, be a system whereby we know in advance that particular
Ministers will be asked Questions on a particular day. It is all very well –

1535 **Hon. Chief Minister:** Will the hon. Gentleman give way?

Hon. D A Feetham: Yes, of course.

1540 **Hon. Chief Minister:** I am not going to interfere with the way that the hon. Gentleman puts issues in
this debate and I have kept a note of the things that he has said which I would like to reply to but can I
just refer him to the fact that there is already a timetable, which is published and I thought, actually, was
distributed to Members of the Opposition, where we set out which Ministers we believe, subject to the
vagrancies of how Question Time then develops, are going to be able to answer Questions on a particular
date and that is actually made publicly available and it is on the website of the Parliament.

1545 I do not know whether I have the impression that this has been published and it is not getting to them
at a particular time, but the impression I have is that not only is it made available to the general public, it
is specifically made available to Members opposite and this was an innovation that we introduced when
we were elected. I just wanted to ask whether he is making this point in the context of that or not.

1550 **Hon. D A Feetham:** Yes, I do not think... I am well aware of the fact that we receive a timetable
indicating the order in which Ministers will answer Questions. I do not think – that is not the point that I
make. I do not think it actually works. What we are saying from this side of the House is that there ought
to be a timetable where, for example, the Chief Minister answers Questions on a Thursday – bar, of
course, exigencies of his own business – on a Thursday, but then we have a situation where other
1555 Ministers are also allocated particular times or particular days in a week so that we know in advance
when Members opposite will have an opportunity to question Members opposite... because, you see, it is
all very well to criticise marathon sessions, as the Report does, but Questions and Answers should be
spread over two days at the most. At the moment, Chief Minister's Questions is on the Thursday: it may
not be possible to adhere to that timetable, as I have said, every month because of Ministerial demands,
but some system of advanced notice should be agreed. They can plan their personal and ministerial
1560 diaries around their timetable because they know when they have to answer Questions or when Bills will
be debated but we do not.

1565 My diary is entirely organised around my political commitments – my own diary – but I also have
professional commitments, that is the reality of our Parliamentary system. I know that the hon. Member
will say to me that *they* never had notice of when Bills were debated or Questions answered when they
were on our side of the House. It is a perfectly valid point but, of course, we have now moved on to
monthly meetings, where meetings are being adjourned after just two hours and dragged on for four
weeks sometimes, so it is not that we are dealing with Questions on one week – Question and Answers
one week – we are sometimes dealing with Questions and Answers over two and – it has happened in the
1570 past – three weeks.

1575 It is simply not possible for Members on this side of the House to plan their diaries around Parliament
at the present moment and I give the House this commitment that, if we were elected into Government, if
I became Chief Minister and he is not prepared to do it, we would move to introduce a system of fixed
dates for Question and Answers, with advanced warning of if those dates are likely to vary, and that will
be included in our Manifesto in 2015. In other words, simply because they may not agree to move to a
system that I am advocating does not mean that we are not going to be moving towards such a system if
we get elected into Government.

1580 Mr Speaker, finally, I want to say something about a Chief Minister not serving more than two terms.
I was the first politician to advocate this policy thirteen years ago. I made submissions to the Select
Committee on Constitutional Reform for the inclusion of that policy in the draft Constitution. Some of
those who today advocate it opposed it in their own submissions to that very same Select Committee. I
am glad that it is a policy that has proved popular and that it is being debated but it is a policy, in my
view, that should have been included in the Constitution and it is not apt to be included in an Act of

1585 Parliament. An Act of Parliament cannot bind a future Government. If we were all to agree to introduce an Act of Parliament tomorrow, it could be repealed in the future. Unless it were included in the Constitution – and that is remote – the issue arises as to how *anyone* could be bound to this policy in the future. It is, therefore, for Parties to decide what policy they may wish to adopt on this issue at any given time. Whilst it is not the policy of my Party, my own position as Party Leader is that if I were ever given the privilege of being elected as Chief Minister in 2015, I would only serve for two terms.

1590 Mr Speaker, finally, I would just like to say this about statements in the House because it is a point that the Hon. the Chief Minister made about... I think what he said was that we had not effectively given... we ‘taunted’ him about the Fishing Report, but of course, it was always his intention to bring it to Parliament at this session of the House. Of course, we did not know that it was his intention to bring it to Parliament at this session of the House! I think what that shows is that perhaps there is a greater need for the Chief Minister and myself, or myself and the Deputy Chief Minister, to discuss these issues outside
1595 this House. If we had been told that the Hon. the Chief Minister was going to be making it public today, we would not have come out on Monday, asking him to make it public. But of course we did not know that.

Mr Speaker, that is my own intervention on that.

1600 **Mr Speaker:** The hon. Lady. (*Interjection by the Hon. Dr. J J Garcia*) Are you making a formal contribution, or is it a – ?

Deputy Chief Minister: (Hon. Dr. J J Garcia): Yes.

1605 **Mr Speaker:** Sorry, I was not aware. Sorry.

Hon. Dr. J J Garcia: Mr Speaker, I welcome the opportunity to make a short contribution to the debate, not least because parliamentary reform is an issue that has interested me for many years. I take the opportunity to thank the Chairman, the members and the Secretary of the Commission for their valuable
1610 work. It would be relevant to start by looking backwards at how we reached where we are today before looking forward into the future. I say this because the procedures of this House over past decades have reflected the level of political emancipation that Gibraltar enjoyed at the time.

1615 Mr Speaker, this Parliament started its days as a debating chamber way back in 1950, when a curious mixture of representatives of the electorate intermingled with the colonial administration of Gibraltar. In those days this Chamber, then a Legislative Council, was presided over by the Governor in full military uniform. The elected representatives of the people of Gibraltar asked questions of the colonial administrators, who were the ones who actually governed. The procedures of this Chamber changed in the late 1950s when the number of elected Members was increased and they came to be associated with the work of Government Departments.

1620 This meant that, instead of questioning the Government – meaning the UK Colonial Government – the elected Members instead questioned each other on the work of the Departments that they were associated with. This experiment was a prelude to full Ministerial responsibility of the Government Departments which came about in the 1964 Constitution. The period from 1950 to 1969 was one of rapid constitutional and political development. It culminated in the creation of the House of Assembly in that year, when the
1625 City Council and the Legislative Council merged to form one single representative body.

1630 It is important to recall that, in 1975, a committee made up of Members of this House proposed the creation of a committee system of administration based on the Westminster Government and Opposition system, instead of being based on the Westminster system, it was based on the system used until recently in Jersey and in some of the Channel Islands. This was included in the proposals and was made to the then Minister of State at the Foreign and Commonwealth Office, Roy Hattersley, as part of the package of proposals for Political and Constitutional Reform.

1635 The so-called Hattersley Memorandum of 1976 rejected practically everything else that Gibraltar requested and suggested that our Constitution, in future, lay in a direction where we clearly did not want to go. However, the committee system of government was not rejected by the United Kingdom at that time. The next major step, in this narrow institutional context, did not come about until 2007, when the 2006 Constitution was promulgated and this Chamber became the Gibraltar Parliament.

1640 It is relevant to point out, in the context of the debate today, that Standing Orders remained largely unchanged throughout, since the days of the House of Assembly. In January 2009, Mr Speaker – the hon. Member has already alluded to this – the then Government moved a motion in this House to create a Select Committee of Parliament to consider desirable changes to the processes and procedures and the manner in which Parliament carried out its business. This was also supposed to look at the desirability of amendments to the Standing Orders of the House, whether the number of Members should be increased and, if so, in what manner and on what terms this would happen.

The Committee met once, on 23rd April 2009. It did not meet again. The hon. Members then in

1645 Government proposed that it should cease to exist and become a committee of the whole House as a General Election approached in 2011. At that time, it was clear that there were two different routes – the route proposed by the hon. Members and the route proposed by ourselves, the then Opposition and now the Government of Gibraltar.

1650 Mr Speaker, we have been consistent in Government with the road map that we spelt out in Opposition. This was to set up a Commission on Democratic and Parliamentary Reform with fixed timescales. That Commission, as the House knows, was appointed on 2nd March 2012. It was tasked with producing a consultation paper within three months: it met the deadline. It was asked to report to Parliament within twelve months of commencing the consultation process: again, it was well within the deadline. Indeed, the work of the Commission and the fact that we are discussing the Report and its
1655 recommendations today, is a tribute to the hard work of all those who have been involved in it, in a process which has been brought to its conclusion in just over a year.

Mr Speaker, my hon. Friend the Chief Minister has already outlined the position of the Government in relation to the 39 Recommendations contained in the Report, those that the Government will be supporting and the mechanism through which it is proposed that these could be taken forward. However,
1660 it is important, nonetheless, to stress that these proposals must be seen in the context of the other reforms to this Parliament that the Government has *already* implemented. These include monthly meetings of the House, except in the usual recess. This alone is a revolutionary change when compared to what existed before. Questions can now be asked in a timely manner when events are still current. The setting up of a parliamentary website, the faster production of *Hansard* and placing it online, making wi-fi available in the Chamber and increasing the resources of Parliament are also reforms which have *already* taken place.
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I have said before that it must be very difficult for new Members, on both sides of the House, to envisage today a Parliament where the production of *Hansard* sometimes took eight months or even a year. *Hansard* is now available and online in a few weeks. This was not always the case. The point, Mr Speaker, is that there has been substantial reform to the way in which our Parliament conducts its
1670 business already. This has made life easier for the general public, for the media, for the staff and the Members of this House. Indeed, the physical refurbishment of this Chamber, which started life as the Exchange and Commercial Library in 1817, is also an important landmark which has helped this House to move forward with the times through a blend of modern design and traditional features.

In short, Mr Speaker, our actions already and the debate we are having today is proof, in itself, that the Government is serious about parliamentary reform and that it remains serious about it. The concern that was expressed not that long ago in this place, was that the issue was being kicked into the long grass. This has now been shown to be without foundation and now it is up to us, the elected representatives of the people, to take the matter forward.
1675

1680 Thank you, Mr Speaker.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, it is an honour and privilege to address this House on a number of matters which my hon. Friend the Leader of the Opposition has asked me to deal with, mainly matters affecting the internal workings of this House and its Members.

1685 Firstly, of the Commission's Report in the context of the Chief Minister's attendance at Parliament, as dealt with at Paragraph 2.2: the Opposition has no issue with the Recommendation made by the Commission that the practice which has been observed in this House since time immemorial should continue to be the case and that the Chief Minister should remain at liberty to attend Parliament as he sees fit and, of course, in order to answer Questions made of him. This is not a matter of contention for the
1690 Opposition.

I now turn to Paragraph 2.3 of the Commission's Report and the frequency of meetings and recesses. The first observation we would make in this regard is that there is a certain inconsistency in the observations of the Commission and its second recommendation. I recall, as I am sure all Members will, that there was no Christmas recess last year, which observation is correctly made by the Commission's Report. However, at Recommendation No. 2, the Commission recommends that Parliament should
1695 continue to have its Christmas and Easter recesses but that the summer recess should last from the end of July to the third week in September.

The Opposition is of the view that, despite what appears to be a Recommendation based on mistaken facts and inconsistent with the Commission's observations, this Parliament should resolve to meet a minimum of nine times a year in order to allow for recesses at Christmas, Easter and summer, effectively accepting and endorsing Recommendation No. 2.
1700

Monthly meetings of this Parliament, something which the Opposition during its time on the Government benches supported in its own motion in relation to parliamentary reform, have proved beneficial to the discharge of our responsibilities to this community and in this House.

1705 The fact that the House is now meeting on a monthly basis means that the Opposition has ample opportunity to raise and deal with topical issues at a time when they are relevant, as mentioned by the Hon. the Deputy Chief Minister. The Opposition is equally aware of the potentially negative

1710 consequences of meeting regularly, mainly and most importantly the possibility of overloading the community on politics. The Opposition accepts that ours is a community which thrives on political debate about it, as with most everything else in life – and it is possible to have too much of a good thing. This is never more so than at the annual Budget debate sessions, lengthy sessions during which a full summary and analysis of the political year gone by and the prospect for the future are delivered in what can certainly be described, in the words of the Commission, as ‘marathon sittings’.

1715 Last year, in addition to the Budget debate sittings, the House then met for Questions later that month. The Opposition is collectively of the view that, in the light of the regularity with which Parliament meets and the high volume of political output being produced by both sides currently, the Opposition will limit itself to asking Questions of the Government in the sitting following the Budget debate to matters we assess require urgent attention in the House.

1720 Mr Speaker, I now move on to Recommendation 2.4 of the Commission’s Report. My hon. Friend the Leader of the Opposition has already spoken on this matter, and this is the matter of Questions and Answers. As part of the overhaul of oral Questions and Answers and following on from Recommendation No. 3 to limit Question Time for the Chief Minister to three hours and the Ministers to two hours, we agree on a system of fixed days for sittings of Parliament. However, we suggest for the timetabling of fixed, named days and times in a month, according to the business of Parliament. This certainly helps
1725 MPs plan their work and personal diaries around Parliament, especially for working mothers like myself who have young children and need to plan or arrange for the collection from school or nursery or for their after-school activities.

We feel that it is becoming a feature of Parliament, over the last six or seven months, that sessions are dragging out over two or three weeks. Members of the Opposition are part-time and are less well prepared to make them full-time, which is not our policy; we have to accept that the reality is that professional business and private and childcare arrangements continue. No tentative timetable should be used as an instrument to keep the Opposition MPs guessing as to when they next need to attend Parliament and thus preventing them from planning their diaries. Indeed, this kind of loose arrangement makes family life difficult to plan at short notice and could certainly discourage single parents from coming into Parliament. We very much welcome the monthly meetings of Parliament. However, because of their increased
1730 frequency in the year, we urge for consideration to set a known week a month for Parliament business, as it is now but, despite knowledge that our Parliaments sits the third week of the month, the order of Questions, day or times are arbitrarily set, we have found, on a day-to-day basis, making it difficult to plan other MP business or family business, as I have already mentioned.

1735 Presently the third week of the month, which is earmarked for Parliament business and has Thursday afternoon for Chief Minister’s Questions is very welcome. It would also be welcome if, and I suggest this example just to illustrate the point, Mr Speaker, for example, the Minister for Tourism sat every Wednesday between 9.00 and 11.00 in the morning, the Minister for Justice 11.00 – 1.00; the Minister for Housing from 3.00 – 5.00 or for an hour for each portfolio. This is something that can be discussed in the Select Committee. This would also help the Ministers in conducting their own Government business and be able to plan ahead, knowing that a fixed appearance time and timetable exists. We accept that there has to be flexibility for urgent business but, in those cases, it will be easier for all MP’s, including Ministers, to work around a fixed timetable.

1740 On Paragraph 2.5, Motions for Adjournment and 2.6, Statements by the Government, the Opposition accepts Recommendations 7, 8 and 9 and such Recommendations cause the Opposition no issue whatsoever.

1755 Paragraph 2.7 on the Committal of Bills to Select Committees and 2.8 on Standing Committees: the Opposition accepts Recommendation No. 10, sharing the view set out by the Commission that lengthy and more technical Bills, those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by a committee established for that purpose. Mr Speaker, as the Parliament considers all these issues and drives forward the modernisation agenda, it becomes ever clearer that the case for an enlarged Parliament of 25 Members simply cannot be dismissed, as outlined by my hon. Friend the Leader of the Opposition.

1760 I take this opportunity to reiterate the view on this side of the House, that the enlargement of Parliament, in the manner explained by my hon. Friend, Mr Caruana, when he had the privilege of leading this House as Chief Minister and obviously my hon. Friend the Leader of the Opposition today, in the freshly remodelled Parliament Chamber, is critical to the effect of delivery of the modernisation and enhancement of the Parliamentary process in this place.

1765 The increased use of committees, such as the Public Accounts Committee, will provide an opportunity to backbenchers to participate in the legislative process, actively contributing without being required to step into the breach of the front benches. All other arguments in favour of the expansion of this Parliament have been addressed by my hon. Friend the Leader of the Opposition.

Moving on to Paragraph 2.9 on the Deputy Speaker, we too accept this Recommendation No. 11 in the light of the fact that Parliament sits for at least nine times a year, as per the recommendations outlined

1770 in Section 2.2. We understand that, despite the ability of our present and capable Speaker, but because of
 1775 the increase of work Mr Speaker now undertakes, he should be assisted in his Parliamentary duties by an
 appropriately qualified person such as a Deputy Speaker. We understand there will be occasions when Mr
 Speaker will not be available to attend Parliamentary sittings, which will continue on a monthly basis, so
 the chosen Deputy Speaker is therefore able to sit and preside over Parliament in his place and perform
 his duties in relation to the role, as with other Parliaments around the world. We believe the Deputy
 Speaker should also be a non-elected Member, like the Speaker, and appointed by the Parliament by a
 resolution passed by a simple majority of its Members and presented by the Chief Minister, acting after
 consultation with the Leader of the Opposition.

1780 On Paragraph 2.10, on the remuneration of Members of Parliament, this side of the House does not
 quite understand what the issue is and, indeed, what the need for a review is. However, we are open-
 minded about it. If the need for a review is to examine whether new entrants to Parliament should have
 different terms in respect of pension rights, we will certainly listen to any arguments in favour of it. We
 believe that there are pros and cons in respect of changing the system with regard to pensions. We do not
 think the analogy with the Civil Service reforms is helpful as the MP's pension rights are different to
 those applicable to the Civil Service.

1785 Changing pension rights to contributory pensions may well be attractive to some people because, at
 the moment, unless you serve ninety months in this House you do not qualify for a pension. What is
 more, any reduction in incentives to stand for election by curbing the MPs existing pension rights will
 discourage individuals further from putting their name forward to serve their country. However, we
 believe the present system does not reward those who have contributed to public life for less than ninety
 1790 months, a penalty that Mr Keith Azopardi suffered by a few weeks, despite his service to Gibraltar, and
 this cannot be right. But as I mentioned at the beginning, we are open-minded about this and will consider
 any such proposals in this regard in the spirit of constructive dialogue.

1795 With regard to Paragraph 2.11 on the Members Interests and Parliamentary Code, Recommendation
 No.14 is one that also has our unanimous support, Mr Speaker. Seeing that there has been no review of
 the Register of Members Interests, first drawn up in 1979, it is certainly time to do so. This enables the
 updating of the rules plus the introduction of a Parliamentary Code, as recommended in Recommendation
 No. 15. As with the UK and in light of the expenses scandal of the UK MPs which started in 2009 and
 which rocked Westminster, the electorate rightly expects an appropriate Code of Conduct for MPs in
 discharging their parliamentary and public duties. The purpose of declaring interests is to provide
 1800 information on any financial or non-financial benefit received by an MP which might reasonably be
 thought by others to influence their actions, speeches or votes in Parliament, or influence their actions
 taken in their capacity as a Member of Parliament.

1805 With regard to Recommendation No. 15, we believe the drafting of a Parliamentary Code to reflect
 the Code of Conduct for the UK Members of Parliament, where its purpose is to assist Members in the
 discharge of their obligations to the House, their constituents and the public at large by (a) providing
 guidance on the standards of conduct expected of Members in discharging their parliamentary and public
 duties and, in so doing, (b) providing the openness and accountability necessary to reinforce public
 confidence in the way in which Members perform those duties. We therefore agree it is essential that
 1810 suitably qualified persons should be conducting such a review and outlining our Parliamentary Code and
 we accept that an appropriate independent authority from the UK be commissioned for such a task.
 However, any Code should be approved by a majority of Members of Parliament or any Select
 Committee convened for that purpose. In line with making our Parliament more open and relevant to the
 electorate, we concur that the Register of Members Interests should be made available on the Parliament's
 website.

1815 With regard to the Ministerial Code we also agree with Recommendation No. 16. A review of the
 Gibraltar Ministerial Code is long overdue since the enactment of the 1969 Constitution. As per the
 preamble to this Recommendation in the Report, we believe the Ministerial Code should be brought into
 line with that applicable to MPs in the UK which sets out the rules and standards for Government
 Ministers. Such a Code helps preserve the public trust in the institution of Cabinet Government and its
 1820 principles reassure the electorate that voted them into Government.

The UK's Committee on Standards in Public Life outlines seven principles which we feel should also
 be applicable to Gibraltar Ministers: (1) Selflessness – Ministers should act entirely in the public interest;
 (2) Integrity – no financial obligations should be accepted if they could undermine the Minister's
 1825 position; (3) Objectivity – when making appointments, decisions should be based on merit; (4)
 Accountability – all public office holders are accountable and should co-operate with all scrutiny
 procedures; (5) Openness – all decisions should be justified and information should be restricted only
 when necessary for the public interest; (6) Honesty – public office holders are required by duty to be
 honest in all their dealings and business, and (7) Leadership – the principles should be supported and
 upheld by leadership and example. Again, any Code should be approved by a majority of Members of
 1830 Parliament or any Select Committee convened for that purpose.

Paragraph 2.13 is on the televising of Parliamentary proceedings and as to the Commission's Recommendation 17, this is one of the proposals made in 2011 by my hon. Friend Mr Caruana during his motion to reform and modernise Parliament and its work which read:

1835 "Parliamentary Meetings which are already broadcast on GBC Radio should also be broadcast on GBC television."

Also a motion has already been approved by this House to this effect in February of this year. As a consequence, we are already well on our way to making this a reality. What remains is an agreement across the floor as to the rules governing the televising of proceedings, in terms of 'how and what', as stated by the Hon. the Chief Minister in presenting the motion at the February sitting of Parliament.

1840 The setup is in place and we, as per the many responders to the Commission on Democratic and Political Reform, support this recommendation and as the Hon. the Chief Minister already stated, the Opposition has received yesterday, from the Hon. the Deputy Chief Minister, draft rules based on the Westminster model that need looking into in detail and adjusting for the purpose of any Gibraltar rules and then those draft rules will be adopted by way of another motion, as stated by the Hon. the Chief Minister in February. For the public, the televising of Parliament proceedings again improves access to information, making Parliament more relevant and also improves the accountability of the executive.

1845 On Paragraph 2.14, the news media: Mr Speaker, we are neutral on this Recommendation No. 18. However, we do reject completely the third paragraph of the preamble, as we do not agree with the premise under which it is made.

1850 As to the recommendation, we are happy to receive in Parliament any annual report published by the Media Director on the activities of his or her department in the future but are not sure what this has got to do with parliamentary reform. When Reports are laid in Parliament it is because a statute provides for it to be laid. Presumably, the Government would have to amend the Broadcasting Act if we accept this Recommendation. As I said, we are neutral on this issue apart from the statement alleging corruption.

1855 Moving on to Paragraph 2.15 on Select Committees –

1860 **Hon. Chief Minister:** Can the hon. Lady... could she repeat which paragraph it is she said that she is against?

Hon. Mrs I M Ellul-Hammond: It is the third paragraph of the preamble, just before Recommendation 18.

1865 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, is her position that she is suggesting that this is itself suggesting corruption? Is that what she is saying?

1870 **Hon. D A Feetham:** The Opposition's position in relation to that is that it was a totally unnecessary statement: we do not agree with it. It is certainly a statement that has been made that can be interpreted as a statement of impropriety in the funding of newspapers, so we do not support it. That is the position of the Opposition, as I have stated it now.

1875 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman considers that statement was made of the Government as at before the 8th December 2011 because – although, politically, we might read it in that way, if we wished to – it does not identify any potential government. It says government of the day.

1880 **Hon. D A Feetham:** Well, indeed, but you have interpreted it in relation to the funding of a particular newspaper: that is how we interpreted it ourselves. To the extent that we do not know what is going through the minds of those who commissioned this particular Report, to the extent that that is an allegation in relation to improper funding of a particular newspaper, we certainly do not agree with it. Indeed, I could have gone further... I do not want this debate to be marred by this particular issue but I could –

1885 **Mr Speaker:** Would it help if I were to say that the Commission did not receive any representations from any political party other than the PDP. Other than the PDP, all the responders were individuals. They did not represent any organisation and my recollection is that this is a reference to some representation that was received from an individual in respect of this matter.

1890 **Hon. D A Feetham:** I am very grateful to Mr Speaker but, of course, it may be reflective of an opinion expressed by somebody who has contributed his views in relation to this, but the fact that it has worked its way into the Report, obviously has necessitated, certainly on this side of the House, for us to deal with it. Indeed, it has necessitated the Chief Minister dealing with it because the Chief Minister,

1895 when he was dealing with this particular part of it, he referred to the *Seven Days*. What the hon. Lady has limited herself in saying is, look, we cannot support this particular paragraph because of the imputation that is made. Equally, she could have said, in response to the Chief Minister and the comments made by the Chief Minister, well it may be a reference to the *Seven Days*, it may be a reference to the *Panorama* newspaper, which could be also susceptible to the same comment as the Chief Minister made in relation to the *Seven Days*. All we are saying and we do not want to mar this debate in any way, shape or form at all, is that we do not support, effectively, the imputation that is made in that paragraph in whatever direction, if I can put it that way, that imputation is directed.

Hon. G H Licudi: Mr Speaker, but this is really quite extraordinary because the hon. Member says he does not want to mar this debate. He goes on to say –

1905 **Mr Speaker:** May I make one thing clear, we are not in committee and the rules of debate apply. Now hon. Members all have an opportunity to make a contribution to this debate but we cannot have any particular Member, not even a Minister, standing up three or four times unless whoever holds the floor gives way.

1910 **Hon. G H Licudi:** Yes, Mr Speaker is absolutely right and therefore I would ask – I am not sure who holds the floor at this stage – the hon. Lady if she would give way and it is, in fact, conducive to good debate to have contributions whilst statements are being made, otherwise it just ends up being statements being read out without any debate. So will the hon. Member give way? (*Hon. Mrs I M Ellul-Hammond agreed to give way*) I am obliged.

1915 What I have said, Mr Speaker, is that the Leader of the Opposition has indicated he does not want to mar this debate and he does not know what was going through the minds of members of the Commission when they set out this particular part of the Report and, in particular, that Paragraph 3. But the hon. Lady has used, in this House, the word ‘corruption’ and that needs to be clarified. What is it that she is implying? Is it she is suggesting that the Commission took the view that there *was* corruption and therefore this Recommendation is necessary to avoid corruption and where does that come from? If that is their view, let them say it.

Hon. D A Feetham: Mr Speaker.

1925 **Hon. G H Licudi:** She needs to answer!

Hon. D A Feetham: No, I am the Leader of the Opposition.

1930 **Hon. G H Licudi:** No, Mr Speaker, the hon. Lady gave way.

Hon. D A Feetham: No, Mr Speaker, this is not... I am the Leader of the Opposition, this is – (*Interjections*)

1935 **Mr Speaker:** I think

Hon. Chief Minister: May I ask the hon. Member that he seek that the hon. Lady give way to him. That is all that I am going to suggest.

1940 **Hon. G H Licudi:** Well, I had the floor.

Hon. D A Feetham: The hon. Lady has indicated to me that she is giving way! (*Laughter*). Therefore, as Leader of the Opposition, I want to explain. Mr Speaker, what the hon. Lady has done is actually alight on a possible interpretation of this particular paragraph. What it says is that

1945 ‘significant public funds have been given to media outlets that have supported the political view of the Government of the day in a manner that may not have been justified’.

1950 Now that is open to interpretation a number of ways, we believe, including an allegation of possible impropriety by the Government of the day. We do not think that that allegation is justified either in, as the Chief Minister pointed out during his own intervention, either in relation to the *Seven Days* or, indeed, to the funding by us and now by the incumbent Government, of the *Panorama* newspaper, which is entirely supportive of Members opposite and not of this Party.

Now the hon. Lady – it is up to her – but the hon. Lady is certainly not going to give way again (*Laughter*) and she is going to continue with her speech. (*Laughter*).

1955 **Hon. Chief Minister:** Ask the hon. Lady if she will read again because I thought I had a note of it but I do not and if she will read again, for the purposes of my reply, the sentence that refers to corruption, just so that I have a note of it for my reply.

1960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I have already given way. I have been very generous to allow this and I would like to make some progress and just move on to Paragraph 2.15 on Select Committees. As to this section, Mr Speaker, the recommendation to nominate Select Committees, where appropriate, is welcomed by this side of the House, especially with the presence of backbenchers in the House. These arguments have already been covered by the discourse from my hon. Friend the Leader of the Opposition on the enlargement of Parliament and also by comments made by me in Sections 2.7 and 2.8 on Committal of Bills to a Select Committee and Standing Committees.

1965 Mr Speaker moving on to Paragraph 2.16 on Petitions to Parliament: again, in order to make our Parliament more relevant to the electorate and to allow them to engage in debate on issues and policies that are meaningful to the community, this recommendation is welcome. However, the devil is in the detail of how this could be implemented. This system was introduced in the United Kingdom in 2011, whereby a petition on an issue with a minimum of 100,000 signatories is required to be debated in the House of Commons. This does not mean approval of the views of the petitioners. However, it empowers the public, makes them feel included further in the democratic process, where they feel their voice is being heard. In the Scottish Parliament every Wednesday in the Debating Chamber, they have what is called 'time for reflection', where an invited person addresses the Parliament for a few minutes, sharing his or her thoughts on an issue. This type of setup could be considered as an appropriate way for the main mover of the petition to present the issue to the Chamber for further debate.

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We considered what an equivalent or, relative to the UK, minimum number of signatories required for a petition to be debated in Gibraltar was. One hundred thousand petitioners is about 1.4% of the UK's population. A relative figure for Gibraltar would be around 40 petitioners, certainly, we believe far too low a figure to endorse debate within our Parliament. So we believe careful consideration needs to be taken as to the minimum number required. We are very lucky to have a very politically aware and participatory electorate, enfranchised and willing to engage in our political and democratic systems. We are also, as a people, very keen to support each other in raising awareness and in signing petitions for causes. As a consequence, the accumulation of signatories to get an issue debated in Parliament could be a relatively easy task in Gibraltar, so a realistic, but manageable figure needs to be set to enhance public participation that does not abuse any new system that may be set up. We propose a minimum of 1,000 signatories to be collected to make this recommendation a reality. However, this would be a matter for the Select Committee to discuss and to agree on.

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1990 Mr Speaker, Section 2.17 is on constituencies and the number of Members of Parliament and we concur with the majority of the members of the Commission and do not agree with a division of Gibraltar into constituency areas, nor that MPs should be associated with separate precincts, as explained by my hon. Friend the Leader of the Opposition. Thanks to the close community we live in, members of the public have easy access to MPs at a community level and have recourse to Ministers directly through daily appointments. The personal contact with the public exists, the MPs are known to them already. MPs are active and interact via community and charity events and outreach programmes. We are in favour of maintaining the *status quo*, as any move to partitioning Gibraltar into precincts will complicate the simple system of the open door facility that certainly tends to exist with MPs in Gibraltar.

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2000 On the point regarding enlarging Parliament, my hon. Friend Mr Feetham has already given this House our views on the matter.

Mr Speaker: We are making –

Hon. Chief Minister: Can I invite you to recess the House until 2.00 pm or 2.15 pm?

2005 **Mr Speaker:** 2.15 p.m. Yes, we are making... the House is recessing now to an earlier start this afternoon than usual.

The House will now recess to 2.15 p.m.

The House adjourned at 12.55 p.m. and resumed its sitting at 2.15 p.m.