



GOVERNMENT OF GIBRALTAR
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PRESS RELEASE

No. 42/2007

Date. 26 February 2007

Attached please find statement by the Chief Minister The Hon Peter Caruana QC on the occasion of the first meeting of Gibraltar Parliament.

STATEMENT BY THE CHIEF MINISTER

THE HON P R CARUANA QC

**On the occasion of the first meeting of the Gibraltar Parliament
on
Monday 26th February 2007**

Mr Speaker, I am delighted, on the occasion of this the first sitting of this House under the New Constitution which establishes its new status and nomenclature of "Gibraltar Parliament" to lay in this House the text of the Gibraltar Constitution Order 2006. Annex I comprises our new Constitution. Annex 2 makes provision relevant thereto.

Following the multi-party negotiation carried out with HMG in the UK, following the work of the Constitutional Select Committee of this House, I am similarly delighted that by a vote of 60% in favour, the people of Gibraltar accepted the clear advice of the Government and shared our view that this Constitution represents was good for Gibraltar and voted to accept it.

For the first time ever the United Kingdom has recognised in our Constitution that the people of Gibraltar enjoy the right of self-determination in terms of the UN Charter. Furthermore, the UK has recognised and acknowledged that our Referendum in November last year constituted an exercise of that right of self-determination.

In consequence, Gibraltar now enjoys a modern and mature Constitutional relationship with the UK which is not based on colonialism. We are thus effectively decolonised. These factors, coupled with the other reforms in the Constitution, and with the fact that the New Constitution continues to enshrine our veto over any change in our sovereignty, means that we now have a Constitution that provides a stable and sound political and constitutional basis for enduring links with Britain into the future.

This in turn provides Gibraltar with a stable basis for our continued economic and social development, and for the realisation of the whole range of our collective aspirations as a people.

Our new Constitutional relationship with Britain is thus both solid and sustainable. As Honourable Members on both sides know, Britain has made it clear that, this New Constitution represents as much self-government as she is willing to contemplate while Gibraltar remains of British Sovereignty. We

wish to retain our British Sovereignty, and this Constitution therefore now enables us to stop feeling and acting as a people on a never ending journey or crusade to establish an acceptable constitutional status. We are where and what we want us and our small country to be:- A self-governing British Gibraltar, with a modern, non-colonial Constitutional relationship with Britain, and its recognition of our right of self-determination as a people and territory enshrined in our Constitution.

Mr Speaker, since this House is now, formally, a Parliament and not an assembly, and is now called the Gibraltar Parliament, it is right that the precincts of the House should now be known as “Parliament House” and that its members should now be known as Members of Parliament, or MPs, and that, in keeping with the practice in Parliaments in countries throughout the democratic world, members should use the letters “MP” behind their names in formal use and references.

Mr Speaker, already the architecture of certain public affairs is in the process of change to reflect the provisions of the New Constitution.

Honourable Members will recall that one of the principal innovations of the New Constitution is the formal reversal of the principle of defined powers. Hence the Gibraltar Government and its ministers are now formally and Constitutionally responsible for all matters except external affairs, defence and certain aspects of policing and civil service matters. The principal areas where direct ministerial responsibility is thus constitutionally imposed on Ministers is public finance and justice. The Government has already announced the creation of two new Ministries, the Ministry of Finance and the Ministry of Justice and Home Affairs.

The Ministry of Finance will comprise the Treasury Department, the Income Tax Department, the Customs Department, the Finance Centre Department and the Gambling Department. The Ministry will be responsible for the economy, public finances, (including Government budgeting, Government expenditure and Government revenue), taxes and duties, gambling and

financial services. The Chief Minister who already has ministerial responsibility for all these issues formally becomes the Minister of Finance.

The Accountant General becomes head of the Ministry of Finance, with the new title "Financial Secretary". He will be based at No6 Convent Place with other Finance Ministry officials. The Head of the Treasury Department will be a senior official grade with the title Accountant General. Each department constituting the Finance Ministry will retain its departmental head.

The Ministry of Justice and Home Affairs will include responsibility for justice, civil protection (including civil contingency, police issues and crime and fire brigade), the prison, immigration residence & personal status and civic rights. For the time being the Chief Minister assumes ministerial responsibility for Justice and retains responsibility for police issues, immigration residence & personal status. Responsibility for Civil Contingency, Fire Brigade, the prison and civic rights remains with the minister currently responsible for those portfolios. In due course all of these portfolios will become the responsibility of a single Minister for Justice & Home Affairs.

The Financial & Development Secretary has now ceased to be a Constitutional Office. The office continues to exist as a statutory office until appropriate legislative amendments are made. Tim Bristow, the current Financial & Development Secretary, therefore continues to perform the statutory, though not the Constitutional duties and functions of that office.

In connection with the establishment of the Ministry of Justice and with the establishment in the Constitution of a Judicial Service Commission, (the latter to give advice to the Governor in all matters of judicial appointments and discipline) the Government will very shortly publish a Bill for a Judicial Service Act. The Bill went to consultation in draft form to the Judiciary late last week.

The Government will also publish this week a Bill for an Act which will replace with appropriate references, all those references in our existing legislation to the words "Ordinances", "House of Assembly", "Financial & Development

Secretary”, “Deputy Governor”, “Gibraltar Council” and some of the references to “Attorney General” and “Governor” which, by virtue of the New Constitution require such amendments.

A little later on, the Government will also publish a Bill for an Act to amend our electoral legislation to accommodate the fact that the next General Election must result in the election of 17, and not the current 15, elected members of Parliament.

Mr Speaker, the New Constitution also has one provision which affects the conduct of the legislative business of this House. Whereas under the old Constitution the Government had to publish Bills only 7 days before they could be debated and passed in this House, that period has now been increased to 6 weeks. This means that the Members will have very much longer time to consider Bills before they are debated in the House. It also means that the Government must internally recognise its own affairs so that draft Bills are available and published that much sooner. An obvious and significant example is the Appropriation Bill, which is usually published much later before the Budget debate. Now Government will have to publish it, and thus prepare it, and its underlying figures, much sooner and earlier.

Mr Speaker, since we are effectively within 12 months or so of a General Election, it may not be appropriate for wholesale change to the Standing Orders of this House to take place in what remains of this Parliament. But the workings of this House, its systems for organising its agenda of business in general, and its question times in particular, also require modernisation and to be made more relevant to the needs of Gibraltar and to the workings of a modern and sophisticated Parliament. The Government is content, if the Opposition also is, to begin exploratory work in this regard through the Standing Orders Select Committee of the House.

In the meantime, Mr Speaker I have moved those amendments to the Standing Orders that follow upon the introduction of the new Constitution, and principally upon the disappearance as Members of this House of the Attorney

General and the Financial & Development Secretary. There is a motion standing in my name to this effect which we will debate after Opposition Questions in this meeting.