

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 87/2007

6 September 2007

The Opposition cannot understand why the Government should be so astonished that the policy of the Opposition is that the Chief Justice of Gibraltar, whoever holds the office, should be the Head of the Judiciary in Gibraltar.

It is absurd to argue that the fact that the Opposition participated in the meetings in London and Gibraltar means that we agreed on everything with the Government position and that consequently we are bound forever more. A new Government elected on a policy spelt out in a manifesto would be perfectly entitled to proceed with its own policy whether the previous Government likes it or not.

The fact is that the President of the Court of Appeal was made President of the Courts of Gibraltar, or head of the judiciary, by the Judicial Services Act earlier this year. The Opposition did not support this in Parliament and therefore our position is perfectly consistent. Indeed, when these issues have been debated in the Parliament the Government has attacked the views expressed by the Opposition on the grounds that they paralleled the analysis and arguments used by the Chief Justice, so it should come as no surprise to them that in Government we would act in consonance with the views we have expressed.

The agreed position of the Gibraltar House of Assembly in 2002, in the document that was submitted to the United Kingdom, did not downgrade the office of Chief Justice by making the President of the Court of Appeal the head of the local judiciary. In fact, the proposals were that there should be one Judicial and Senior Appointments Commission. This was subsequently split into two. This original Commission would have been made up of four persons, two appointed by the Governor, one of whom would chair and have a casting vote, and two persons appointed by the Chief Minister. There was therefore no issue as to who would Chair the Commission or who would be the head of the Courts of Gibraltar in the document that the Opposition signed up to.

Following discussions with the United Kingdom, and consideration in Gibraltar of the views put forward by the Chief Justice, the Government argued in the Committee that 95% of what the Chief Justice was asking for was already reflected in the revised draft proposals under discussion with London. The remaining part, mainly the position of being Chairman of the Judicial Appointments Commission was more of a symbolic nature than one of substance. This argument was accepted in good faith by the Opposition at the time when it was not known that the Government's intention was that the President of the Court of Appeal, who would be the Chairman of the Commission would automatically hold the office of President of the Courts of Gibraltar. This would make him Chairman of the Appointments Commission

and head of the local judiciary notwithstanding the fact that he is resident in the United Kingdom.

The view that this is not acceptable will be reflected in the manifesto for the forthcoming general elections and given effect to in Government.

Moreover, it is a bit rich for the GSD Government to point the finger and accuse others of changing their policy when they have been accomplished masters in this art over the years. It will be recalled that as recently as March they announced that they would be reducing in April means tested benefits for pensioners receiving them, thus clawing back the pensions increase. In April the pensions increase came in and triggered the reduction in these benefits. In May, the Government was criticized for adopting this policy. In June they announced a reversal of the policy and that the amounts deducted in April would be reimbursed. In July the amounts deducted were paid back retrospectively to the affected parties.

It is difficult to think for a more obvious example for classical, political pre-electoral opportunism. A policy u-turn which is nonetheless welcome for the sake of the pensioner's concerned, but which is certainly not the only one in recent months.

ENDS