



PRESS RELEASE

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Laughable Hypocrisy of GSD Confirmed!

The GSD statement in respect of the Government's appeal in respect of the Housing Act is comically nonsensical.

The Government has already clarified that Minister Paul Balban has acted entirely properly and gone beyond what is required of him and beyond what most people would have done in the same circumstances. In fact, his actions go beyond the requirement of the ministerial code. He did not just declare his interest, not vote in Cabinet or in the Parliamentary debate, he has not claimed the benefit. The ministerial code would only have required him to declare the interest. Given the draft code is available to the GSD's Members of Parliament, it is remarkable they are speculating about the effect of it and have not done their homework and reviewed it.

Secondly, the GSD's idea that the Chief Minister should resign if the Government's lawyers lose an appeal is a foolishly misguided one, especially given the circumstances of Gibraltar when the firm representing the Government is the firm of the current leader of the GSD and one of its executive committee members!

Ironically, the GSD has often described their former leader, Sir Peter Caruana QC, as the greatest Gibraltarian of all time. Yet, Sir Peter lost two cases in the Privy Council, both of them relating to fundamental human rights issues, namely the case on women jurors and the cases on same sex rights in respect of Government tenancies. At that time, the GSD did not think that Sir Peter should resign for having pursued the cases, although they are cases where what was being defended by the Government was the continuation of prejudice on the grounds of sex and sexual orientation. Indeed, neither the GSLP or the Liberal Party called for the then Chief Minister's resignation as a result of the Government having lost those cases.

Indeed, the UK government wins and loses cases in the Supreme Court without their being any question of the Prime Minister resigning. Prime Minister may have lost the seminal important Miller case in the UK Supreme Court (the equivalent of the Privy Council for Gibraltar) and she neither resigned nor were there calls for her to resign. Indeed, linking the fortunes of the head of an executive to the decisions of the judiciary will, more seriously, potentially compromise the independence of the judiciary.



The Chief Minister, the Hon Fabian Picardo QC, said: "Whoever in the GSD drafted or approved this press release seems to have lost touch with reality. This is, nonetheless, an excellent and helpful opportunity to see the GSD's political hypocrisy in amusing technicolor glory. When their leader as Chief Minister lost sex discrimination cases in the Privy Council, they would say that they were right to defend those cases. Now, as we indicate we are going to appeal this important case to protect tenants against landlords, they say the direct opposite should apply to me. The tenants who have petitioned the Government to proceed with the appeal need not fear that we might not support them with an appeal. Yet, this sort of hypocrisy makes the GSD the laughing stock of serious politics. It serves to demonstrate once again their "do as I say and not as I do approach" and continuing intellectual decline that the party is suffering since Sir Peter's retirement. Additionally, the GSD's failure to realise the cavernous crack their proposal can open in the principle of the independence of the judiciary is much more worrying. Moreover, linking the fortunes of the head of an executive to the decisions of the judiciary as a matter of principle is worse than foolish, it is entirely constitutionally suspect. Frankly, I think that people will consider that whoever drafted this laughable GSD press release should resign now, and not wait for the result of the decision of the Privy Council or the General Election!"

Notes to Editors:

The two cases lost by the former administration in the Privy Council are as follows:

1. Nadine Rodriguez v (1) Minister of Housing of the Government (2) The Housing Allocation Committee. Privy Council Appeal No 0028 of 2009, [2009] UKPC 52
2. Pilar Aida Rojas v. Brian Berllaque, with Her Majesty's Attorney General for Gibraltar intervening. *Privy Council Appeal No. 100 of 2002.*