



Press Release

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SPEECH BY THE HON. MICHAEL FRENDU, SPEAKER OF THE HOUSE OF REPRESENTATIVES, DURING THE SETTE GIUGNO CEREMONY – HASTINGS GARDENS – VALLETTA – TUESDAY 7TH JUNE 2011

Prime Minister, Leader of the Opposition, Presidents Emeriti, Speakers Emeriti, Honourable Members, Honourable Former Members, Your Excellences, Distinguished Guests.

Each year we gather in front of this monument which commemorates the supreme sacrifice made by our forefathers, in order to reflect together upon those events, and their significance in our constitutional history for our people's right to self-determination through freely-elected representatives. This year this is being done against the backdrop of the ninetieth (90) anniversary since the grant of a new Constitution and responsible government, together with the opening of the Maltese Parliament, in 1921. These were victories which followed this same uprising of *Sette Giugno* 1919 and the relentless and valiant efforts of our people's political leaders.

This year, particularly in the twelve months commencing on the 1st of November 2011, 90 years since the opening of Parliament in 1921, we will also all have the opportunity to reflect calmly and serenely on our parliamentary democracy and to ask ourselves where we have arrived, and where we want to go. Hence, the sacrifices made by so many people in the history of Malta, not least the supreme sacrifice made by Manwel Attard, Ġużè Bajada, Wenzu Dyer, Karmenu Abela, as well as Ċikku Darmanin and Toni Caruana, will be afforded the highest possible significance.

I mention the *Sette Giugno* martyrs by name so that their memory and names remain engraved not only in the Maltese hard stone, but also in the hearts, minds and spirit of all Maltese. Today, on this occasion, they represent the names of many other equally courageous persons who throughout the years and centuries until the present day refused to sit idly when their country called upon them to play their part and to make their voices heard, and who placed themselves in personal and physical jeopardy in the quest to achieve and defend our democracy and our people's rights and freedoms.

Democracy is our collective legacy and the significance of today's commemoration, this celebration of bravery in the Maltese political narrative, resides in the reflections we must make in order to plot our path in the coming years and therefore in the questions which must be raised and for which an answer must be found. In the same way that parliamentary questions in our ordinary parliamentary procedure also represent a moment of scrutiny, explanation, communication and confrontation, and strive to achieve a continuous improvement in political activity, this should also be a period where

we reflect upon how our parliamentary institution has particularly developed, is developing and should develop. We must especially reflect upon the mission facing us as a nation to make an institutional leap, based on facts and through the necessary changes including legislative ones, in order to put the Maltese Parliament on the same level as the National Parliaments of other European Union Member States, including those that follow the traditions of the Westminster model.

Although undoubtedly Malta and the Maltese have had, in their millenary history, other important experiences of representation, liberty and of having a main role in their country's governance, this occasion of the 90th year since the opening of the Maltese Parliament in 1921 should not be left to pass by unnoticed without serving as a springboard for reflection on our present and future Parliament.

A quick glance at the first session of the Legislative Assembly 90 years ago, which was held on Saturday the 29th of October 1921 prior to the official opening two days later, should bring a smile to our lips as we discover that, amongst the loftiest ideals, there always remains that familiar human element which should also be appreciated since Parliaments are, after all, composed of human beings made of flesh and blood!

While during that session, the unanimous election of the Honourable Edgar Arrigo as Speaker took place swiftly following a motion tabled by the Honourable Francesco Buhagiar seconded by the Honourable Antonio Dalli, this was not the case when the representatives came to elect the Deputy Speaker. During that session no one accepted that post which was offered in turn to the Honourable members Dr Pier Luigi Frendo, Antonio Dalli, Colonel Michael Dundon, Dr Luigi Camilleri, Dr Francesco Buhagiar, Marquis Dr Alfredo Mattei, Dr Paolo Borg Grech, Count Sir Gerald Strickland himself despite being the Leader of the Opposition, and Canon Carmelo Bugelli, all of whom brought forward various reasons to explain why they could not assume such a burden. However the most, if I may say, 'charming' reason was that given by Dr Luigi Camilleri who, after seeing his first refusal on grounds that this was his first experience contested by a number of members, made a second attempt to justify his 'no' by saying: *“Però devo osservare che io vivo e risiedo al Gozo. Potrà darsi il caso che lo Speaker sia assente da quest’Aula, e forse a causa del mare grosso io non sarò nel caso di poter recarmi a Malta a presiedere in vece sua.”* The Speaker Elect Arrigo promptly replied: *“Quando l’onorevole signore non ci sarà, ci sarò io, e quando non ci sarò io, ci sarà lui...”* However this was futile and during that session they gave up hope of reaching an agreement. Eventually the Honourable Notary Salvatore Borg Olivier was appointed to the post, and in subsequent years he also served as Speaker.

These were pioneers who, besides this charming episode, had to establish many new procedures in order for Parliament to be able to function. In the context of this 90th anniversary, in my position as Speaker I commissioned research on rulings given from 1921 until recent times – since the most recent ones have already been compiled and some of them are also stored in digital format. Dr Raymond Mangion, Lecturer on the History of Legislation at the University of Malta, is currently working on the first volume which compiles all rulings given in the first legislature after 1921. This project will give rise to a number of volumes and will take various years to complete, but should also lead to an electronic database with search facilities and therefore improve our sources for present decisions. Furthermore, when this exercise is completed, a detailed analysis will need to be carried out so that we can have our equivalent of “Erskine May”, so that without losing the option to refer – *in extremis* – to others' experiences, we would have strengthened the primary resources of our very own parliamentary guide, a process which has already been undertaken by other parliaments following the Commonwealth tradition such as those in Australia, Canada and New

Zealand. This is indeed a type of infrastructure that we must continue building upon for our Parliament in order to complement the physical construction of a new and necessary home for the Maltese Parliament which will provide a wider and stronger capacity for the Institution itself.

It should be a source of satisfaction for the Maltese people to see that the parliamentary institution, the highest expression of its will, is vibrant and full of life. This shows that our democracy is dynamic, as it should always be, and that Parliament is its focal point, as the highest institution in the country. It is high time that such status is truly reflected in daily action and state procedures in such way that even our statal symbolisms reflect the people's sovereignty in democracy and, accordingly, reflect the principle that in democracy every elected post is always superior to a nominated post.

When we examine our parliamentary process, we must recognise that the constitutional concept of checks and balances in the Westminster model is not only addressed towards the three pillars of our system - the Executive, the Legislature and the Judiciary - but is also addressed towards the internal operation of Parliament itself. It is in this light that we must all work together, concretely, in order to truly strengthen the profile of the Member of Parliament, the representative of the people. During the last year we made some steps which although relatively small when compared to the challenges facing us, can also be significant. These include, for instance, the consolidation of information sources available to Members of Parliament, with the introduction of a research facility for archives of newspapers, journals and academic databases in collaboration with various commercial operators and the University of Malta. Another example is the agreement reached in principle within the Standing Committee on House Business in order to broadcast parliamentary sessions by live video streaming on the internet. The first step in this regard will consist in the broadcasting of committee meetings, thus allowing greater direct communication to the citizen of the work carried out by the representatives.

During this same period I tabled in front of the Standing Committee on House Business a detailed proposal on the method which should be followed by the Maltese National Parliament in order to exercise its newly-acquired right under the Lisbon Treaty to submit its Opinion to European Union Institutions concerning measures which the Maltese National Parliament considers to be in breach of the principle of subsidiarity. In the absence of a conclusion of this procedure by the Committee which is still deliberating on this matter, and in agreement with all political powers in Parliament, in my capacity as Speaker, I commissioned an independent report which eventually led the Maltese Parliament to use for the first time in its history the powers bestowed upon it by the Lisbon Treaty whereby it expressed a substantive Opinion declaring that a European Union proposal on a particular tax issue was in breach of the principle of subsidiarity. We demonstrated as a Parliament that, although the standing procedure for this particular matter had not yet been concluded, when a case of national importance arose we were able to act jointly and unanimously, and did not remain passive and silent when confronted with this proposal for a European measure.

In my capacity as Speaker, I have also tabled another proposal in front of the Standing Committee on House Business so that the Maltese Parliament does not remain the only national parliament without its own representative in the European Parliament. This would also be a measure which strengthens the infrastructure of the individual representative particularly with regard to his or her work addressed to the European Union. It also consolidates the means of information and communication between the two Parliaments.

This is only the start, to build upon our predecessors' work. Much remains to be done, since it is clearer than ever that the strength of the parliamentary institution is also, though not exclusively, gauged by the extent of the individual Member of Parliament's capacity to carry out his or her activities and his or her supporting infrastructure. Therefore, we still need to introduce measures whereby, *inter alia*, members elected by the public will be given assistance in their parliamentary work and offices with adequate infrastructural facilities. Furthermore, they require assistance in their constituency work, preparatory work and communication activities within the National Parliament and at European level, as well as in the exercise of parliamentary diplomacy. It is lamentable that the list is still so long.

It is by strengthening the profile of the Member of Parliament that democracy is strengthened. This is the quality leap in our parliamentary democracy for which we must continue striving together: politicians, members of parliament, the press, broadcasting, civil society, social partners, and public opinion. The strengthening of the Member of Parliament's capacity to fulfil the duties related to that position is also in itself a show of respect for the vote through which the people give their mandate to the representative. This is an expression of respect towards the choice and will of voters who are ultimately the collective embodiment of sovereignty.

Naturally, the mandate given by the people calls for a strong sense of responsibility on the part of each representative who must fulfil the functions of such position which constitutes the foundation of our parliamentary democracy, with dedication, restraint, loyalty, maturity, full awareness of the consequences of his or her actions and omissions, and with respect for his or her electors and the political programme on the basis of which he or she was elected.

The respect towards the figure of the Member of Parliament constitutes respect towards democracy and the voter, and it must also be said that each Member of Parliament must also act in such a way as to show respect to this position and his or her constitutional role. In this context, I note with great satisfaction the introduction of a most dignified final salute to members who have served in our Parliament who have passed away. This took the form of the publication of a booklet containing a reproduction of the first oath taken by the member when he or she entered Parliament and the reproduction of the maiden speech or final speech of the member, as the case may be. It is honourable for the Institution to pay its respects to those who have served the people through their services therein, since it shows appreciation to those who dedicate themselves to such arduous public life, while at the same time it continues to consolidate the Institution itself. Naturally, the same respect should also be shown to those who are serving, or have served for some time, in our Parliament during their lives, lest we find ourselves in a situation where "*virtù viva sprezziam, lodiamo estinta*", as aptly expressed by Giacomo Leopardi.

We must continue strengthening the Standing Committees and the Select Committees of the House of Representatives through procedures which ensure that they can always achieve the aims for which there were established. Although it is satisfying to note the agreement of all the House on the establishment of a new Standing Committee on the Family, we should also evaluate the composition of the Committees of the House, and the range of their work in order that the parliamentary debate within these Committees also covers, for instance, subjects of an economic nature or related to public administration.

Moreover, and this is a fundamental issue, we must implement what successive Speakers have been consistently insisting upon, to no avail, for decades: namely that the Maltese Parliament gains its

autonomy as a Constitutional Institution. Why should we be in the last rung in the European Union's list concerning the autonomy of national Parliaments? It is a matter of urgency that this principle of Parliamentary autonomy be established with everyone's consent, even if implementation takes the necessary time for preparations to be put in place, including the creation of a framework for a new parliamentary service and structures and the introduction of new procedures on each level. I hope that all political powers together, without trying to score political points against each other, commit themselves and have the courage to take such a step and take a long-term view in the common interest of strengthening our democracy.

Such a decision would signify a qualitative leap in our parliamentary democracy, would strengthen the democratic credentials of its authors, and would provide evidence of a change in mindset regarding what the Parliamentary Institution truly represents within the framework of the checks and balances of our Constitution. Furthermore, the latter also grants the House of Representatives the power to regulate its own procedures in order that, when exercising such power to regulate itself, it is not subject to any law except the Constitution itself. Such decision would put an end to the present embarrassing situation where the Ombudsman and the Auditor General, two officials of Parliament, run two offices which are autonomous when Parliament itself is not!

Parliament's autonomy strengthens this Institution which represents the entire choice of the people in a general election, since this Institution is fundamental for democracy not only during voting time but also for all that happens during the five years between each election. On my part, in expressing my enthusiasm for an autonomous Parliament, I am merely reflecting what was desired and expressed with such zeal and enthusiasm by my predecessors.

We must wisely find the right path in order to achieve all this together. It is therefore truly lamentable that the Select Committee on the Strengthening of Democracy is inoperative, having been abandoned due to the fact that it could not operate without everyone's political will. The Standing Committee on House Business is another forum where such changes can be effected, but it is certainly not the best forum when compared to the hope and expectation which the said Select Committee of the House had created throughout the country. There is an urgent need for such a situation to be changed because it is depriving us of the use of a tool which was appropriate for such purposes of reform in favour of parliamentary democracy.

Your Excellences, I still feel that I can declare with conviction that our parliamentary democracy is alive and healthy, however, as is always our duty, we must continue working to make it more robust. It also has a particular vitality, as demonstrated by the experience of the recent referendum and the preceding and subsequent discussions. We must however be careful that our parliamentary democracy does not remain stuck in its present state, and does not lag behind when compared to other parliamentary democracies in our main region, namely Europe. By having a strong National Parliament, Malta will also be stronger within the European Union, now that the Maltese National Parliament is an integral part of the decision-making architecture of the European Union. This was also the message derived from the visit paid to our Parliament by the President of the European Parliament, Jerzy Buzek, who was our guest in the beginning of this year.

Within this context, our country's parliamentary democracy requires more and more strategic thinking and less and less short-term political tactics.

The words of the Prince of Wales, delivered on the 1st of November 1921 remain just as relevant to this very day:

“Responsible Government gives power to the representatives of the people, but it also imposes upon them an important trust for the good of their fellow men and for the well being of their posterity. No one who knows the patriotism, the thrift, and the industry of the people of Malta can doubt that they will worthily acquit themselves of this trust.”

In honour of all those Maltese who, throughout history, gave their lives for the achievement of the liberties we enjoy today, I have no doubt that we are all ready to assume this responsibility and to remain always worthy of this trust bestowed upon us by the people.